HOUSE OF ASSEMBLY

Tuesday 13 November 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

PETITIONS: BLOOD ALCOHOL LIMIT

Petitions signed by 45 residents of South Australia requesting that the House urge the Government not to reduce the blood alcohol concentration limit for fully licensed drivers were presented by Messrs D.S. Baker and Gunn.

Petitions received.

A petition signed by 155 residents of South Australia requesting that the House urge the Government to set the blood alcohol concentration limit for fully licensed drivers at .05 per cent was presented by Mr Becker.

Petition received.

PETITION: MOUNT OSMOND SEWER SYSTEM

A petition signed by 34 residents of South Australia requesting that the House urge the Government to upgrade the water supply and sewer system in the Mount Osmond area was presented by Mr S.G. Evans.

Petition received.

PETITION: GLENALTA TRAFFIC LIGHTS

A petition signed by 516 residents of South Australia requesting that the House urge the Government to install traffic lights at the intersection of Laffers and Main Roads at Glenalta was presented by Mr S.G. Evans.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 211, 212, 232, 233, 262, 277, 280 and 309.

OMBUDSMAN'S REPORT

The SPEAKER laid on the table the report of the Ombudsman 1989-90.

Ordered that report be printed.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health (Hon. D.J. Hopgood)—
Occupational Therapists Registration Board of South Australia—Report, 1989-90.

By the Minister of Agriculture (Hon. Lynn Arnold)—
South Autralian Meat Hygiene Authority—Report, 1989-90.

By the Minister of Recreation and Sport (Hon. M.K. Mayes)—
Department of Recreation and Sport—Report, 1989-90.

By the Minister of Environment and Planning (Hon. S.M. Lenehan)—
Planning Appeal Tribunal—Report, 1989-90.
South Australian Film Corporation—Report, 1989-90.

By the Minister of Lands (Hon. S.M. Lenehan)—
Geographical Names Board—Report, 1989-90.

By the Minister of Emergency Services (Hon. J.H.C. Klunder)—
Country Fire Service—Report, 1989-90.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—
Libraries Board of South Australia—Report, 1989-90.
South Australian Institute of Technology—Report, 1989.

QUESTION TIME

EDUCATION DEPARTMENT

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Minister of Education. Does the Education Department's submission to the Government Agencies Review Group propose a significant reduction in departmental administrative staff, in view of the fact that the education bureaucracy has remained relatively stable at about 860 employees over the past four years while teacher numbers have been cut already by 700 in that time; if not, why not? Figures from the budget papers clearly demonstrate that teachers, rather than administrative staff, have borne the full burden of cost cutting in the department, despite the Government's 1985 and 1989 election promises on teacher numbers. In addition, teachers are complaining that the department has failed to act on repeated recommendations by the Auditor-General to contain school transport, cleaning and other costs of the department which could cover a significant part of the estimated $23 million shortfall the Government claims it faces as a result of the recent arbitration pay award.

The Hon. G.J. CRAFTER: One finds it a little hard to fathom the logic of the Leader of the Opposition in these matters. His spokesperson on education accuses the department in one area and the Leader contradicts that spokesperson in another. This is a classic example. The reality is that, if the job of every public servant in the Education Department were abolished, that would still not raise sufficient revenue to pay for the teacher salary increase, and the enormity of the financial dilemma in which the department was placed needs to be understood in that context. It is correct that the department has not increased its expenditure over many years in the area of non-teaching service and of the general administration of the department, that is, the persons who work outside schools.

Indeed, many people look at the education building and say, 'There are 17 floors of education bureaucrats in that building: why not reduce that number?' The reality is that only four floors of education administrators remain in that building, and a good deal of efficiency has been achieved in the education system. That will continue. The Education Department is preparing a very detailed submission to the Government Agencies Review Group, and intends to address the issues the honourable member has raised. That submission has been delayed while the department has been attending to the more immediate problems we face with respect to paying for the increase in teacher salaries.

That matter has now been addressed, and in due course we will proceed to make our submission to GARG. As yet, I have not seen that submission, but officers of the department have been working on it and, indeed, the Opposition

has commented on it in recent weeks. So no section of the department will be favoured over any other: every section will be thoroughly assessed and reviewed and will have to bear its share of the pain in order that we are left with an efficient and effective education system, one that we believe will be better equipped to carry out its mission in relation to the very important role that our schools play in the community. Every person who does not work in a school serves the students in the schools.

So I can assure the honourable member that this is not a question of favouritism and that to draw that conclusion, as the honourable member has done, is quite wrong and can only lead to divisiveness, which would be most unfortunate indeed. In due course, decisions will be taken by Government, similar to the ones taken yesterday, which are responsible and which are in line with our budget planning processes, and they will then be announced to the public.

The public service sector of the Education Department is a very important sector and it is easy for people to draw conclusions that those people could simply be dispensed with and that the system could proceed. There are important roles to be played by people in those various service sectors that provide support structures for any efficient and modern education system but nevertheless, they must be reviewed from time to time and, where appropriate decisions need to be taken to provide for greater efficiency, I assure the honourable member that they will be taken.

WATERING OF PARKLANDS

Mr De LAINE (Price): Will the Minister of Water Resources advise the House of arrangements for the provision of water free of charge to the Adelaide City Council for the purpose of watering the city's parklands? What is the authority for these arrangements, and is there any proposal to amend them?

The Hon. S.M. LENEHAN: I am delighted to inform the House of the background to this question and also to answer the second part of the question. An historic precedent has been set that allows the City of Adelaide and the City of Port Adelaide to receive water for parklands and other uses free of charge. I refer the honourable member to section 27 of the Waterworks Act which provides that the council is entitled to water free of charge 'for watering the streets of the City of Adelaide' and 'also for the use of all lands and buildings situated within the said city . . . and occupied and used . . . exclusively for public purposes'.

Because over the years the amount of water used by the City of Adelaide has increased quite dramatically—from 680 785 kilolitres in 1986-87 to a peak figure of 970 523 kilolitres in 1988-89, with a reduction last year to 822 269 kilolitres—it seemed appropriate that, as Minister responsible for water resources, this very precious resource, I should undertake discussions with the Adelaide City Council. I have had discussions on two separate occasions with the Lord Mayor followed by correspondence and meetings between Mr Shepherd of the Engineering and Water Supply Department and officers of the council, culminating in a letter of 20 September sent out under the authority of Mr Cooper, the then Acting Chief Executive Officer, to the Adelaide City Council.

In view of the honourable member's interest, I think it is important to read a couple of paragraphs from that letter so that the record can be set straight with respect to some media reports that have circulated this morning. The letter states:

> Following upon the meeting between the Lord Mayor and the Minister of Water Resources, a subsequent meeting between Messrs Llewellyn-Smith and Taylor of the council and Shepherd and Haberfeld of the E&WS Department, and further discussions between Mr Taylor and Mr Shepherd . . .
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> The discussions recognised that a charge for water used above an allowance would have a number of advantages:
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> - it would limit the level of subsidy by E&WS Department customers throughout the State, part of whose rates fund the use of water by the council;
> - if properly established, it would provide the council with an incentive to use water efficiently, and to seek alternative sources of water that would be much more economic for the community as a whole, than the water provided through the E&WS Department's reticulation system;
> - it would reduce public criticism—

Mr S.J. BAKER: On a point of order, Mr Speaker, brevity is the spice of life; time and time again, ministerial statements are being made in Question Time.

The SPEAKER: There is no point of order. However, there has been an increasing tendency to draw out the time required for answering questions, and I ask all respondents to questions to keep their answer as short as possible.

The Hon. S.M. LENEHAN: I believe this is a vitally important matter. I am trying to set the record straight. The letter goes on to offer the Adelaide City Council the expertise of the department in terms of looking at reducing the amount of water that the Adelaide City Council uses and also finding better ways of using the water in terms of other sources of water. The letter continues:

> The department would be prepared to assist the council in seeking alternative sources of water and planning its use, particularly in regard to proposals for the treatment of sewage.

I think that is a very responsible position. The department then asked for the council to respond in terms of the proposal. Council has now apparently decided unanimously that it will not be prepared to embark on any kind of payment of water over and above the allowance.

I point out to the House that the suggested allowance, which would be set by regulation after consultation with the council, is 850 000 kilolitres. Remembering that last year it used 822 000 kilolitres, I believe that the department was being extremely generous. In other words, it recognised that the Adelaide City Council has fulfilled an important role in the greening of Adelaide. It also recognised that every other council—

An honourable member interjecting:

The Hon. S.M. LENEHAN: Well, I will. It recognised that every other council must pay for the water it uses. I will finish up by saying that the department also wrote to the Port Adelaide council, and the Port Adelaide council reduced its use of water dramatically. I await, with interest, the response from the Port Adelaide council; I am sure that you, Mr Speaker, would have an interest in that. I thank the honourable member for raising this important issue.

The SPEAKER: Before calling on the next question, I ask members to please keep in mind the need for shortening the answers.

CURRICULUM GUARANTEE

Mr S.J. BAKER (Mitcham): Will the Minister of Education guarantee that there will be no cuts in subject offerings to high school students as a result of the loss of 795 teachers and, if not, how does he justify this claim that the quality of education in our schools will not be affected?

The Hon. G.J. CRAFTER: No person can give an absolute guarantee that changes in the curriculum offering will not occur, but I can assure the honourable member and all members that the changes will be minimal. It is our belief that these changes will not affect the quality of education in South Australia. We approached this difficult decision

from a position of considerable strength. There are very advantageous conditions of service for teachers in this State, far in advance of the national average in terms of class sizes, generous non-teaching time provisions, professional development opportunities and so on. That has been achieved over a long period and has stood our education system in good stead. I believe that South Australia has a good and committed teaching service.

We have some problems to deal with, and we are addressing those by the many initiatives that have been accepted in our system in recent years. One of the most important has been the acceptance of the principle of merit in making appointments in the Education Department. I suggest to the honourable member that the quality of education, the quality of outcomes in our schools and the quality of learning that is received by our students is dependent on the quality of our teachers.

If a choice is to be made to spend additional resources—and that is what this is about—on continuing to decrease class sizes or to increase teachers' salaries, then the right decision has been made. If we adequately reward our teachers and attract people into the teaching service because of those and the other benefits which exist for teachers in this State, we have the foundation for an excellent teaching service. I believe that is the fundamental criterion for a very good outcome for students in our schools. The Opposition will obviously seek to use to its advantage any alteration to curriculum offerings, as I guess other groups which oppose these decisions in the community will do, but I believe and my best advice is that there will be minimal impact upon the curriculum offering to our students in our schools. That matter, of course, changes from year to year, depending on a number of circumstances, but overall the very good quality of education in this State will remain.

AGENCY REVIEW

Mr HOLLOWAY (Mitchell): In view of the Leader of the Opposition's recent criticisms of the Government's agency review, will the Minister of Finance explain the steps being taken to ensure that adequate consultation occurs in those areas likely to be affected by proposals for change?

The Hon. FRANK BLEVINS: I was astonished when I picked up the paper this morning and saw the headline, 'Public Service cuts plan draconian, says Baker'. Whatever happened to small government? To date not one person has lost his job. There has been a lot of news coverage, but everybody is still on the payroll, so I do not know how that is draconian. I find a great deal of difficulty in following the Leader and Opposition members. They are calling all the time for smaller government, less taxation, and privatisation but, as soon as there is any suggestion at all of any cuts in the public sector, this is the kind of stuff that we get. This report says:

> The Opposition Leader, Mr Dale Baker, said yesterday, many departments faced. 'massive dislocation'

What a load of rubbish!

Mr D.S. Baker: What about Marine and Harbors?

The Hon. FRANK BLEVINS: I will come to Marine and Harbors. For example, we have just had a question about the teachers. The Leader of the Opposition mentioned the Auditor-General's Report on cleaning and one other area. One area that he happened to overlook, being charitable, was non-contact time, because there have been a few words said by the Auditor-General about that over the years. When we try to straighten it up, where is the Leader of the Opposition? He says that he is on the side of the teachers, not the Auditor-General.

Again, in the Department of Correctional Services, the Leader of the Opposition stands shoulder to shoulder with some sections of prison officers and says, 'Absolutely no cuts here', and in the next breath he says, 'We're going to privatise the lot of you.' It is a bit ironic. If he were leading the Government, the people with whom he is standing shoulder to shoulder would not exist in the public sector.

The Leader of the Opposition mentioned Marine and Harbors. Again, he is standing shoulder to shoulder with those in Marine and Harbors, saying, 'We are with you.' However in the next breath he says, 'We're going to sell the ports.' He cannot have it both ways. The question of blue collar and white collar is important. I will give one example of the difficulty before I wind up. I take the Department of Road Transport as an example. The Federal Government now insists on all federally funded roads going out to tender. I am sure the Leader would agree with that. The Department of Road Transport's tenders win some and lose some.

The inevitable consequence of that is that the private sector does a lot more of the manual work in building the road. However, the road still has to be designed, and all the other functions that go on—supervision, estimation, etc.—have to continue. That is why there has not been the same reduction in white-collar staff as there has been in blue-collar staff. It is no mystery at all.

Mr D.S. Baker interjecting:

The Hon. FRANK BLEVINS: Well, if you ask a question of the Minister of Marine—

The SPEAKER: Order! The Minister will direct his remarks to the Chair and ignore interjections, which are out of order.

The Hon. FRANK BLEVINS: Sorry, Mr Speaker. If the Leader wished to direct a question to the Minister of Marine to explain the relative percentages suggested for redeployment and for not retrenchment but voluntary early retirement—

Mr D.S. Baker interjecting:

The Hon. FRANK BLEVINS: —there are no retrenchments—I am sure that the Minister of Marine would be happy to answer the question. I have found a couple of things in politics which, if you get tagged with them and they stick, mean you are in trouble: opportunism and hypocrisy. I do not think—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: In the years I have been in the Parliament I do not think that I have seen a more obvious example of that than in the present case. With the constant call for small government, whenever people suggest that they are to be dislocated, the opportunist jumps up and says, 'I'm with you,' at the same time saying privately 'I am going to privatise,' and that, in anybody's language, is hypocrisy.

NON-PERFORMING TEACHERS

Mr BRINDAL (Hayward): How does the Minister of Education reconcile the Premier's statement that teachers who are not performing will be among the first targets of cutbacks with the fact—

Members interjecting:

The SPEAKER: Order! The honourable member for Hayward.

Mr BRINDAL: There are other members who might be looking for a job.

The SPEAKER: Order! The honourable member will resume his question.

Mr BRINDAL: How will the Minister reconcile that statement with the fact that, after five years of trying, the Minister has not yet established any agreed criteria for identifying non-performing teachers, and with his own statement reported in the *Advertiser* in July last year that it would be 'years before any formal strategies were in place'? Will the Minister explain precisely how non-performing teachers will now be identified before the beginning of the next school year?

The Hon. G.J. CRAFTER: I certainly hope that the honourable member will be able to find a job back in a school in due course.

Mr Brindal: I won't be needing one; you will.

Members interjecting:

The Hon. G.J. CRAFTER: I often suggest that I might do a Dip. Ed. and take on what is a very noble profession, which I can thoroughly commend to all members.

The SPEAKER: Order! The Minister will come back to the question.

The Hon. G.J. CRAFTER: The reality is that there is a small number of people in the teaching service, and indeed in other positions in the education system, as I guess there are in other areas in public and private sector employment, who are inefficient and under-achieving and who need to be given assistance to find alternative career paths. I have discussed this matter on a number of occasions, particularly in recent times, with the teachers union. Indeed, there is a good deal of agreement that this is a matter that perhaps can be successfully addressed only by cooperation between union and employer.

We have taken a number of cases to the Industrial Commission, and I must say, disappointingly, that on most occasions the department is not successful in bringing about a separation of those persons who we believe are under-achieving and are unsuitable for continued employment in the education system. I think we have had periods of employment in the past where we have had to lower the standards required in order to fulfil our requirements to staff our schools. That period has, of course, passed, but we still have many people who have been locked into positions, who are not happy in their work and who I believe would accept and indeed welcome an opportunity to move out of the teaching service.

However, a very substantial cost factor is associated with such a program. Early retirement schemes and other forms of separation packages already exist in the public sector generally, but in the main they are not appropriate for the group of people to whom I, and I believe the honourable member, refer. Last week I spoke to the Federal Minister for Employment, Education and Training about this very issue and asked him whether he would be prepared to consider the Commonwealth Government's giving us some financial support using the auspices of the National Teaching Project—a project that has been established between the teacher unions in this country (the ATU and the ACTU) and all the State and Commonwealth Ministers of Education—in order to improve the quality of teaching in this country. It is an important issue that must be addressed not only here in South Australia but also in other States.

A good deal of interest has been shown in this matter. I have spoken on a number of occasions about it at ministerial council meetings and privately to other education Ministers. I hope that together with the union we can advance a proposal to the Federal Government to address the issue on a pilot basis here in South Australia. The Federal Minister has indicated to me that he is most certainly prepared to consider this matter and meet with the President of the teachers union (Mr Tonkin) and me to discuss the matter further. The issue needs to be addressed in this broader context. It is a complex matter and needs to be dealt with sensitively. Now is the appropriate time to address the issue, and I advise the House that my Cabinet colleagues are also concerned and have asked me to address the issue and come back to Cabinet with a detailed proposal of how we might do that.

VOLUNTARY SEPARATION

Mr ATKINSON (Spence): Will the Minister of Labour advise the House whether the Government has finalised offers of voluntary separation to Government employees whose jobs are now redunant?

The Hon. R.J. GREGORY: I thank the honourable member for his question and advise him that the details of the voluntary separation packages for State Government employees have been finalised. Three packages will be offered in varying circumstances to Government employees. After a nine week consultation period, we have been informed by the United Trades and Labor Council that public sector unions have rejected the separation packages.

The Government believes the packages are fair and are appropriate especially in the context of the Government's current review of its operations. All of the packages are voluntary and they provide workers whose positions are declared surplus with an alternative to redeployment and retraining. Personal and financial counselling services are now in place to help those employees make in informed choice.

The following schemes will be offered: the voluntary early retirement scheme for workers aged 55 and over, based on a formula using two weeks pay for each year of service up to a maximum of 52 weeks pay, dependent on age and length of service; the voluntary resignation incentive package for employees aged under 55, providing a minimum of eight weeks pay plus two weeks for every year of service up to a maximum of 52 weeks; and the voluntary separation package providing a minimum of eight weeks pay plus three weeks for every year of service up to a maximum of 104 weeks of pay. This last package can be offered only in agencies undergoing major structural change to such an extent that large-scale work force reductions are necessary and redeployment and retraining will not meet the needs of all employees.

Cabinet has determined that the voluntary separation package will be made available in the Department of Marine and Harbors (DMH). DMH management has advised me that information regarding the package will be distributed to workers in the next few days.

DEPARTMENT OF ENVIRONMENT AND PLANNING

The Hon. D.C. WOTTON (Heysen): Will the Premier advise whether the Government is considering the separation of the Environment and Planning portfolio with one option being to amalgamate environment with lands, and planning becoming the responsibility of the Premier; if so, what advantages would there be in such a move and what opportunity will there be for thorough consultation prior to it being implemented?

The Hon. J.C. BANNON: There are a large number of variations on and around this theme that apply not simply to environment, planning and lands but to the whole gamut of public sector activity. We are trying to find new and

more efficient ways of operating and that will involve, as in the recently announced abolition of the Department of Local Government, restructuring or change. In relation to the specific areas of environment, planning and lands, it has been very successful in bringing the portfolios together under the one Minister, in addition to the E&WS.

We have managed to get, I believe, some very useful collaboration and coordination of activity by that grouping. Whether you can then appropriately move to a stage of amalgamating departments is yet to be decided. One influence on this, of course, will be the planning review which is underway at the moment. It is an extensive consultation process, and the review group will advise us on areas such as how planning powers can best be exercised and where they can be exercised most appropriately. I look forward to receiving some advice from the review group in due course as part of its overall exercise. So, at this stage there are no formal intentions in this area. There are certainly a number of very interesting ideas around and we will give them due examination.

BOOKMAKERS' LICENSING BOARD

Mr HAMILTON (Albert Park): Will the Minister of Recreation and Sport advise the House of the progress of plans to achieve administrative efficiencies within the Bookmakers' Licensing Board?

The Hon. M.K. MAYES: I thank the honourable member for his interst in this area, and it is certainly of great interest to the racing community. I have raised with the Chairman of the Bookmakers' Licensing Board the issue of, in particular, the administration of the board. I make it quite clear at the outset that this is not in relation to the independent statutory role of the board. That will remain absolutely independent and should continue to do so. With respect to the administration of the board in particular, we have identified that an opportunity for savings can be realised.

I have asked the Chairman and the Director of the department to commence negotiations for the transfer to the Department of Recreation and Sport of the administrative resources which currently support the board's activities. I think that, from this point of view, there have been considerable negotiations and discussions with the staff and, of course, discussions with the Chairman of the BLB; and no doubt the Chairman has reported to BLB members. The officers of the department and the Government Management Board have concluded a complete review of the administrative functions of the board which, as I mentioned, includes a complete interview process with all BLB staff. I hope that within the next few weeks we can have that report which will, in fact, allow me to make some recommendations to the Chairman and, hopefully, we will see the amalgamation. This touches on an important issue in terms of the function of the board because a suggestion was raised here by the member for Alexandra in regard to the allocation of bookmakers' licences in the processes.

I think it is important for me to report, in view of the matter which the honourable member raised on 23 October, that the allegations which were made have been totally refuted by the board. Again, I think it is important to remind the House that at that time I clearly indicated that some of the references and imputations by the member for Alexandra—particularly in respect of members of the BLB and certain individuals—were inappropriate. In fact, I think they were a reflection on the integrity of the board and very much a reflection on the integrity of the individuals named. Obviously the BLB has denied any knowledge; and, knowing one of the individuals concerned, I believe it would be totally out of character for that person.

Knowing the member for Alexandra and also his support of the industry, I would think that he has passed this individual's stand on many occasions and probably has even had the odd beer with him. I find it quite surprising that he should imply that the individual concerned would act in such an improper manner, given his relationship with that individual. I imagine that the next time he visits the greyhounds he may have some explanation to present to this person.

Mr Ferguson interjecting:

The Hon. M.K. MAYES: Yes. As the member for Henley Beach says, the honourable member may not enjoy any more generous tips from that individual. I believe that the integrity of the board is protected by the activities of the board, and the members of the board have refuted any of the suggestions made in this place by the member for Alexandra.

WORKCOVER

Mr INGERSON (Bragg): Will the Minister of Labour order WorkCover immediately to investigate and review its procedures for giving advice to companies on workers compensation claims incurred by businesses that those complaints have taken over? I seek this action in view of the current experience of Bouvet Pty Ltd, the SGIC subsidiary which owns and manages the Terrace Hotel on North Terrace. The Terrace was officially opened in October 1989 after a year of refurbishing what was formerly the Ansett Gateway Hotel.

In May this year, WorkCover advised Bouvet that no workers compensation claims had been incurred on its North Terrace premises for the period between 30 September 1987 and 30 June 1989. Based on this record, Bouvet applied for a bonus under the new WorkCover bonus and penalties system. WorkCover has rejected this application on the grounds that the company had not established 24 months continuous claims history in its own right and it has given the company this advice with a real sting in the tail.

WorkCover has now advised Bouvet that rather than as stated in May, there having been no claims for injuries on its North Terrace premises since WorkCover was established, more than $127 000 has in fact been paid to meet such claims, most of them having been incurred when the business was still operating as the Ansett Gateway. Of particular concern to Bouvet is the fact that two claims are very substantial; one totals more than $44 000 so far and the other more than $43 700.

Last week, Bouvet wrote to WorkCover asking why it had not been informed until now that weekly payments continued to be made on these claims and that these payments were being charged against its levy rate for the purpose of the bonus and penalty scheme. This case raises serious questions about the penalties that companies may be incurring without their knowledge, and the internal administration of claims by WorkCover.

The SPEAKER: Order! Before calling on the Minister, I draw the attention of the House also to the length of questions.

Honourable members: Hear, hear!

The SPEAKER: Order! There is no point in members' protesting about the length of answers when the questions are as long. The honourable Minister of Labour.

The Hon. R.G. GREGORY: As the matter raised by the honourable member is very technical, I will ask WorkCover

to provide me with a report on the matter, provided that the honourable member gives me the information he has so that I can forward it to WorkCover. I will report back to the House as soon as possible.

RECYCLING

Mr FERGUSON (Henley Beach): I direct my question to the Minister for Environment and Planning. What preference will Government departments and agencies give to purchasing recycled products from State Supply? Unfortunately, waterways in my area are choking because of pollution in the form of empty cans, bottles, plastic bottles, plastic bags, lawn cuttings and so forth, and this pollution eventually reaches Gulf St Vincent. Many constituents have emphasised the view that recycling should be expanded to help reduce this litter stream.

The Hon. S.M. LENEHAN: I thank the honourable member for his continuing interest not only in the environment but specifically in the whole question of recycling and waste minimisation. I am delighted to inform the House that Cabinet has approved a Government procurement policy which will give preference to the purchase of recyclable products for all Government departments and agencies.

I can also inform the House that the South Australian Government will be the first Australian Government actually to have a recycling procurement policy that has a practical implementation strategy. Some months ago, the New South Wales Government announced that it intended to adopt a Government procurement policy that favoured recycling and the use of recyclable products. However, when one actually read the fine print of the press release, one discovered that there was no strategy and that the Cabinet had not made a decision in terms of ensuring that Government departments would move to do this. I am pleased to say that the South Australian Cabinet has decided that all Government departments must give preference, where possible and where the product will do a similar job to the product made from virgin material, to the purchase of recyclable products.

As an added incentive to industry and business and the establishment of markets, Cabinet has agreed also—and I must say that the proposal has the enthusiastic support of, in particular, my colleagues the Minister of Industry, Trade and Technology and the Minister of State Services, who jointly presented this view to Cabinet—that we would have a tolerance of 5 per cent for a period of six months to ensure that the products of industries that intend to take up this incentive that has been thrown down by the Government can become competitive with products made from virgin material.

As a Government, we are looking specifically at products such as paper, plastics and construction materials. When one considers the amount of stationery used in offices of Government departments, the amount of motor oil used in Government vehicles and the tonnes of material used in the construction of foundations for buildings and roads, one sees that this is a very significant move forward by the South Australian Government. Already, a number of Government departments, including the Department of Marine and Harbors, are moving to use such things as reconstituted construction materials. That department is using concrete that has been crushed and broken down into various sizes for the building of marine walls, and I understand that some of these products are being used also for road works. As members might be aware, I am currently trialling recycled oil in my ministerial car. I believe that this is a very important area in which to move, because Australia imports all lubricating oils because the fraction of crude oil available in Australia is not appropriate for use as lubricating oil.

I hope that the private sector will take up this challenge and will follow the lead given by the South Australian Government to encourage new industry and new ideas and to move towards protecting and preserving the environment by adopting what I believe is a very progressive recycling stragegy for the procurement of Government materials.

STATE BANK

Mr BECKER (Hanson): In line with recent recommendations of the Public Accounts Committee concerning the disclosure of remuneration of executives, directors and the Managing Director of the State Bank, will the Premier say what remuneration package these people receive; by what percentage these amounts have increased since the 1987-88 financial year; and whether he, as Treasurer, was informed of the increases and packages?

The Hon. J.C. BANNON: I am not involved in the fixing of salaries or packages for State Bank employees. Under its charter, the State Bank is to operate commercially, and such matters are in the hands of the board. Indeed, I think it would be most unfortunate if the salaries structure, packages for chief executives and so on were lined up in some sort of Public Service context. It would certainly have a double effect of probably placing commercial inhibitions on the bank whilst at the same time creating problems within our own Public Service structure. Therefore, I do not think that it is appropriate to treat the State Bank in the same way as one would treat the disclosure of salaries and so on for public servants.

Whilst State Bank employees are public employees by virtue of the fact that the bank is publicly owned, in all other respects I suggest that they line up in the commercial sector; therefore, it is not appropriate that the Treasurer, or indeed the Parliament, be involved in the setting or fixing of such packages. So I am not prepared to do other than refer the honourable member's question, and it will be up to the board of the State Bank to decide what it believes is appropriate in the circumstances.

ST PETERS WOMEN'S CENTRE

Mrs HUTCHISON (Stuart): Can the Minister of Health inform the House of the current position with regard to funding for the women's centre at St Peters? I was recently made aware by staff at the centre that they were facing severe difficulties in providing services if funding to the centre was cut.

The Hon. D.J. HOPGOOD: I am aware that a number of members have supported this worthwhile program, and I can only commend them for their zeal in that matter. Last week the people who are centrally involved in the program came to see me here, and it was agreed that full funding would be provided this financial year.

I should perhaps explain the reasons for some degree of hesitation in this matter: it has nothing to do with complete defunding, but with whether, in fact, the funds should flow in quite the same way as they have in the past. It had been agreed that some initiatives should be undertaken from the St Peters Women's Centre in the Enfield area. The observation of my officers was that last year the St Peters Women's Centre had had some problems in getting that aspect of the program off the ground and we wanted some assur-

ance that it would be possible for that to proceed. Having been given that assurance, I was only too happy also to give an assurance to the people concerned that they would get the full funding of $38 145.

In passing, I noticed in the press today that welfare groups are 'in cuts uproar', and a number of centres are mentioned in that article. I will take the opportunity to explain where we are, because the reporter got a better story out of it a fortnight ago than now when most of these matters have already been resolved. Briefly, the matter of the St Peters Women's Centre, which is one of the groups mentioned, has been resolved along the lines that I have indicated, the matter of the Eastwood Community Centre has been resolved, and it has full funding until June 1991. The Clarence Park Community Centre was mentioned; but it has yet to be discussed by the advisory committee, but no change is expected. The Grange Community Centre is mentioned, but full funding is assured to 30 June of next year. Assessment of the Self-Help Adult Unemployment Group of Norwood (SHAUN) is proceeding. There remains only the Box Factory, where there has been some change to funding, and in one instance there has been a change of patronage of the actual program, although the program will not cease.

In conclusion, I wonder whether the member for Adelaide and other members might join me in just correcting an unfortunate piece of semantics which seems to have emerged in the welfare area in relation to these matters. In relation to the last decision, we are being told that the 'auspice' has been changed. I regard that as a revolting use of the English language. Indeed, I have heard certain people actually using it as a verb: 'Who will be auspicing this new program?' What they mean is, 'Under whose auspices is it going to take place?' We lost the battle over 'funding': that has become a verb forever and a day: let us put up the shackles and not lose the battle over 'auspicing'.

WATER QUALITY

The Hon. P.B. ARNOLD (Chaffey): Will the Minister of Water Resources instruct the Engineering and Water Supply Department to make an immediate evaluation of the cost and quality of water supplied to up-river towns in Victoria to determine why Riverland towns are paying up to three times more for water of much poorer quality?

In response to previous representations the Minister has received on this matter, she has claimed that it is not possible to reduce the cost of supplying water to Riverland towns, nor is it economic to install small-scale filtration plants to provide filtered water to local communities. However, experience up river shows that this can be done. The current cost per kilolitre of domestic water at Berri is 80c, and this compares with 24c at Echuca, 38.2c at Swan Hill and 24c in the Sunraysia Water Board area. As a result of these comparisons, the Minister has recieved a letter from the District Council of Berri which states, in part:

It is clear in this State we are grossly overcharged for our water. That water also, as far as this area and the Riverland area as a whole is concerned, is an insult when compared with Mildura water which is treated, filtered and whatever else so that when you turn the tap on the water is crystal clear. Our water comes out an obnoxious colour.

The Hon. S.M. LENEHAN: I thank the honourable member for his question, which gives me an opportunity to inform the House of the true position with respect to the provision of water to the towns and communities throughout South Australia. I am sure that the honourable member's colleague the member for Eyre will also be interested in this answer. It might be enlightening for members, particularly members opposite, to know that city people in South Australia are subsidising the provision of water into country areas. As Minister of Water Resources I have no problem with that: I believe that it is important to provide adequate services and supplies to people in rural areas. It is important, but let us be very clear about it.

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: I am very happy to investigate that, and I will provide the honourable member with the exact amount of cross subsidy that occurs by charging 80c right across the South Australian community. It will be most enlightening for the honourable member to see what the cross subsidy is from city dwellers to country people. I want to put it on the public record that I am very happy for that to proceed. I am also very happy to pick up the points that the honourable member has made, because I have from time to time indicated in this House that I have the department continuously considering whether it is possible to buy off-the-shelf filtration plants that could be installed and operated cost effectively in the Riverland towns. The honourable member is aware of that.

An honourable member interjecting:

The Hon. S.M. LENEHAN: If the honourable member wishes to make comparisons with Victoria, I should like to make a few comparisons as well. First, Victoria is a much smaller State in geographic size; and, secondly, it has a much larger population. If we are to supply a reticulated water system and, indeed, an adequate sewerage system to the two States, we have to look at those comparisons. Merely to say that people on one side of the border are paying X amount for their water and they are paying a different amount on the other side of the border does not take into account that we have a much smaller population and a much larger geographic area. It must also be remembered that to get water to Adelaide we have a pipeline to go up into the Iron Triangle and we are at the moment—

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: It is interesting that the honourable member has continuously interjected while I have tried to answer the question, which I believe is a serious and genuine question, from the member for Chaffey. The member for Murray-Mallee does not want to hear what I have to say or to allow his colleague the courtesy of hearing what I have to say, but I intend to continue my answer with your protection, Mr Speaker. If we consider the cost of providing water in South Australia historically, it has meant not only that we have had to lay very long lengths of pipeline, but we have had to put in a most extensive filtration plant, because we start with the poorest quality water of any State in this country.

Mr Lewis interjecting:

The SPEAKER: Order! The member for Murray-Mallee is out of order.

The Hon. S.M. LENEHAN: We then have to recognise that that has to be structured in terms of the cost of interest and the cost of asset replacement and repair and maintenance. Looking at the true cost of water in South Australia, I believe that, rather than be critical of what people are paying in South Australia, we should be justifiably proud that we can provide water to such far flung areas and be able to service the costs of providing that water and of filtration. I have made it clear that I want to see filtration extended into places like the Barossa Valley and the Murray River towns, but, at the end of the day, I would remind the honourable member that the community must make the payment for that.

If it is possible to provide filtered water to the towns along the Murray River in South Australia, I am sure that this Government will proceed to do that, but it must be cost-effective and we must ensure that we have the latest technology in terms of filtration packages. Indeed I have previously given a commitment in this House that I will continue to pursue that objective. However, it is quite unrealistic to draw comparisons with Victoria if you are not going to draw accurate comparisons with respect to its economic ability, the size of its population and the size of the State.

LIFE GUARDS

Mr FERGUSON (Henley Beach): Will the Minister of Recreation and Sport inform the House whether his department is aware of the correspondence sent to beachside councils about the possibility of those councils employing a lifeguard on a Monday to Friday basis? The matter was reported in the Messenger Press Weekly Times of Wednesday 7 November on page 3, as follows:

A contract lifeguard scheme, aimed at improving summer beach safety, has been rejected by Henley and Grange council. The South Australian Surf Life Saving Association asked the council to employ two life guards, seven days a week, for six weeks during summer at a cost of about $16 000.

Eleven seaside councils had been approached by the association for the system which is used by all mainland states except South Australia. At Monday night's meeting the council decided the scheme should be the responsibility of the State Government because the beach was not used only by Henley and Grange ratepayers.

The Hon. M.K. MAYES: I thank the honourable member for his question, which is an important one, particularly with the summer season coming on, in his electorate which has one of the best beaches in the city. He obviously wants to ensure safety for his constituents and for those South Australians who visit the beach in his electorate. We have negotiated with the South Australian Surf Life Saving Association for funding for programs, and $91 000 has been set aside for 1990-91 to support the activities of the Surf Life Saving Association. If we look back on a number of rescues since surf life saving commenced in this State, we find that something like 4 500 people have been saved through the activities of the association.

Last year there were 231 rescues in this State—an outstanding record offering a great deal of security to the community when one considers the risks, particularly with children, at the seaside. Most of us are confident in taking our children to the beach, knowing that they will be protected by the surf life savers in this State. The proposal for Monday to Friday (not including public holidays) is such that the Surf Life Saving Association has to draw on volunteers. Because the association has only a limited number of volunteers, it cannot provide a comprehensive service Monday to Friday. The association has approached a number of seaside councils to determine whether they wish to have their beaches protected Monday to Friday.

I understand that Glenelg council has been successfully involved in the program for a number of years and I am sure that it will be picked up by other councils. The State Government regards this as a local council matter that must be negotiated with the Surf Life Saving Association, which provides a magnificent service to the State. If the association is to provide this service Monday to Friday, it must have the additional support of the local councils. The scheme works throughout Australia and gives guaranteed protection for the whole week. I would encourage local government to pick up the proposal so that we can be assured of coverage on weekdays.

As the member for Henley Beach said, the Henley and Grange City Council (and particularly the councillor who raised the issue) is concerned about the question of liability. I am sure that that matter can be very adequately addressed as it has been addressed by the Glenelg City Council and other councils throughout Australia. I encourage local government to pick it up to ensure the safety of the South Australian community on the beaches.

KANGAROO ISLAND FERRY SERVICES

The Hon. TED CHAPMAN (Alexandra): Is the Premier aware that a South Australian company which operates the *Philanderer III* and the recently introduced *Island Navigator* ferry services between mainland South Australia and Kangaroo Island and which has followed all requirements of State law in establishing its company name now faces significant costs and the threat of heavy fines through the enforcement of a Commonwealth Act? If the Premier is aware, or as a result of making him aware today, will the South Australian Government make representations to Canberra to have the matter reviewed?

Until last week this company had operated as Kangaroo Island Searoad but it has how been threatened with heavy fines for the use of the word 'Searoad' which is apparently a protected business name under a Commonwealth Act passed in 1956. The use of the word in the company name was given the stamp of approval by the South Australian Corporate Affairs Commission, but the Federal Government's solicitor has now advised that this amounts to an infringement of an Australian National Line trademark. As well as the threat of fines, the company faces costs in excess of $60 000 to provide for a new company name.

The Hon. J.C. BANNON: No, I was not aware of that situation. The honourable member's having brought it to the Government's attention, I will have it followed up to see what the situation is.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the time allotted for—

(a) completion of the following Bills:
Correctional Services Act Amendment (No. 2),
Acts Interpretation Act Amendment,
Stock,
Constitution (Electoral Redistribution) Amendment,
Worker's Liens Act (Repeal),
Unclaimed Goods Act Amendment,
Valuation of Land Act Amendment and

(b) consideration of the report of the select committee on the operation of the Worker's Liens Act 1893—

be until 6 p.m. on Thursday.

Motion carried.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

The Hon. D.J. HOPGOOD (Deputy Premier) brought up the report of the select committee, together with the minutes of proceedings and evidence.

Report received.

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

That the report be noted.

It is my intention to speak to this motion today and then, if the House wills, it can be adjourned for further debate tomorrow. In this way we will spread the time allotted for the various Bills this week a little more evenly. I will not make very much of this, because I draw no great conclusions from it, but there appears on the basis of the written and oral submissions not to have been enormous public interest in the deliberations of the select committee. That will be a source of some concern to members, but as I say I do not draw any particular conclusions from it except to point out that the witnesses who came before us and who gave written evidence fall into four categories.

First, there were the political Parties. Of course, one would expect on a matter as sensitive as this that the political Parties—certainly the four that have representation in the two Houses of Parliament—would make representations, and they did. Secondly, there were the academics in the relevant disciplines of political science, geography and demography, although in every instance where an individual from these categories appeared before us it was at the request or invitation of the committee rather than as a result of the initiative of the individual.

Thirdly, there were people in positions of statutory responsibility—which you would expect—from the Australian and State Electoral Commissions. Finally, there were members of the general public. If members examine the list of witnesses in Appendix B under the heading 'Oral submissions', they will see that only two members of the general public sought to make oral submissions. One of those people was from Adelaide University, and he attempted to convince the committee, though not successfully, that the State should adopt the electoral system used in that hallowed institution.

The select committee endorses the major thrust of the Bill. All members know the circumstances in which the Government introduced the Bill. First, it related to the fact that enrolments in the various electorates are now so far out of kilter as to be somewhat embarrassing and, secondly, that, if there is no amendment to the Act, that position cannot be rectified. Indeed, as a result of demographic change, the position will intensify right up until the 1997-98 election, whenever that election might actually be held.

A table has been reproduced on page 1 of the report, and I direct members' attention to it. I simply highlight the extremes: as of June 1990 the electorate of Elizabeth had an enrolment of 16 850; at the other extreme, the electorate of Fisher had an enrolment of 27 914. This matter is further discussed on the first two or three pages of the report. The committee recommends that the 10 per cent tolerance should be retained and, although we do not make a specific recommendation for amendment to the Act with respect to this particular matter, we believe that the commission really needs to look very closely at how the 10 per cent tolerance is used in order to try to ensure that there is not a repetition of this problem.

We feel that it is unlikely that there will be a repetition of the problem if, indeed, Parliament is inclined to accept another important recommendation which I now canvass and which is our first departure from the Bill that was placed before Parliament. I refer to the recommendation that there should be a redistribution of State electoral boundaries in each Parliament immediately after a State election. In the first instance, of course, the redistribution—which we assume will proceed before the next election if this Bill is carried by Parliament and approved at a referendum—will provide for some considerable changes in the electoral boundaries. However, following that, the prospect of a change of electoral boundaries after each State election should not be particularly daunting to members because, perhaps with the exception of one or two growth areas, one would expect that, with a frequency of change as high as that, the individual changes will be relatively minor.

In summary, I refer to the first part of our report, which deals with that which is canvassed in the Bill. We would endorse an immediate change to the boundaries with a view to restoring what my side of politics has always called 'one vote one value'. I notice in passing that there are those people not on my side of politics who are a little shy of this term and I am not sure why because it is extensively used by academics in order to describe the very simple process of trying to ensure that the enrolments in the electorates are equal, subject only to some sort of reasonable tolerance. That is all it has ever meant.

Members interjecting:

The Hon. D.J. HOPGOOD: Interjections are coming already, and I know why: the Labor Party and, in particular, former Premier Dunstan used 'one vote one value' as a polemical tool as well as a political science label as it were. Notwithstanding that, it seems to me that it is a very useful label and one which is not subject to misunderstanding and certainly not within the academic community. So, we would certainly endorse that part of the Bill which suggests that 'one vote one value' should be restored by an appropriate redistribution of boundaries. However, we would go further and say that, in changing the trigger mechanism, we should change it in such a way that there is an automatic redistribution of boundaries after each State election.

The report goes further than that, however, because the second major thrust of that report attempts to take up this concept of electoral fairness, the fairness of the outcome. It is not unknown for a political Party to complain that it has obtained a majority of votes (either in its own right or through the preferential system) but been denied a majority of seats and, therefore, government. Again, that was precisely the point former Premier Dunstan was making in 1968 when he used the political label 'one vote one value' as a polemical slogan.

On that occasion, the concern was not that which has been expressed here: the concern there was malapportionment. The concern was that, in a situation where there is a deliberate weighting of the country vote, that must or should give an advantage to a political Party whose support is concentrated largely in country areas and is likely to disadvantage a political Party which has support in urban areas. That is not unknown in, for example, the State of Louisiana in the United States, although in that case we are talking about different factions of the Democratic Party rather than a Republican-Democrat contest. However, this time around it is suggested that it is not the accidental malapportionment that has led to a result of which the Liberal Party has complained but, rather, what is sometimes called differential concentration of majorities, namely, that the boundaries and the movement of population has occurred in such a way as to bottle up, as people sometimes say, very large majorities in certain seats—in short, that one Party has wasted more votes than another.

I draw members' attention to the bottom of page four and to page five of the report, where the committee attempts to come to grips with this whole question, because it is not at all an easy question to address. We had various opinions from academics, and in some cases we had fairly equivocal evidence from them. I do not know whom I am quoting, but I recall a piece of doggerel: 'Every little boy and every little girl is born a Liberal or a Conservative.'

Mr Meier interjecting:

The Hon. D.J. HOPGOOD: I will leave it to the honourable member to determine whether or not it was Gilbert and Sullivan who originated that. The point is, irrespective of the truth of that saying, people do change their guernseys, and they change their guernseys between elections. It happens rather more frequently, it would seem, than once was the case. In other words, voting is rather more volatile these days than once was the case. On top of that, we also have rather more sophisticated electioneering techniques than once was the case, so a third factor comes into it. In the second paragraph of page 5 of the report, the committee states:

> In single member electoral systems, within the confines of electoral contests dominated by two Parties 'under representation' suffered by one or the other of these Parties can have its source in one or more of these factors:
> (1) malapportionment, that is, unequal enrolments across the electorates;
> (2) notwithstanding (1), the way the boundaries are actually drawn;
> (3) the way in which the Parties actually campaign.

Of course, point (3) relates to this whole concept of the targeting of the marginals, and there is further discussion on that matter in this report. I do not want to take that matter any further, except to say that, if the formulation of the specific recommendation which the committee is putting before the Parliament is rather broader than some members might have anticipated, that is because of the difficulty of coming to grips with this matter and the feeling that the best we could do would be to add a criterion to the criteria the commissioners currently have to consider, and that was probably as far as we could go.

At the top of page 9 of the report, under 'Electoral fairness and other criteria', the specific formulation of the amendment I will be placing before the Committee is as follows:

> (1) In making an electoral redistribution the commission must ensure, as far as practicable that the electoral redistribution is fair to prospective candidates and groups of candidates so that if candidates of a particular group attract more than 50 per cent of the popular vote (determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a government to be formed.

That is the formulation we will be inviting this House to consider. Allied to that is the disappearance of one of the other criteria. Along with such things as community of interest, population, topography and feasibility of communication, there was a criterion which simply referred to existing electoral boundaries.

My feeling has always been that that was there merely for administrative neatness, that one did not interfere with existing electoral boundaries except where one had good reason to do so. Of course, there has always been good reason as far as the other criteria were concerned. However, there were those who felt it unfortunate that that be there—that, if one could demonstrate that in a particular set of electoral boundaries there was some bias to a particular political Party, that criterion, in effect, entrenched it—and I do not use that in the technical constitutional sense—and, therefore, out of a spirit of seeming to play fair to all concerned, that ought to go. So, it goes.

I can summarise the second part of our recommendations in relation to electoral fairness as follows: first, we put a formulation before the House which we think is as far as it is possible to go; and, secondly, we recommend that all the existing criteria stay, with the exception of the existing electoral boundaries. There is also a definition of what we mean when we are talking about a group of candidates.

Finally, it was brought to the committee's attention that there had been some problems with the rolls; there were circumstances in which it was alleged that people living in one electorate were enrolled in the electorate alongside. It was conceded that the historic compact with the Commonwealth in relation to enrolment, which has served us very well over a period of approximately 60 years, could also be the source of some of these problems.

Accordingly, there are a couple of further recommendations: that the Attorney be requested to review the measures required to improve the accuracy of rolls supplied for State elections; and that the Premier be requested to consult the Prime Minister to ensure that the quality and accuracy of the elector registration procedures and roll preparation be accorded such additional funds as are necessary to ensure correct documentation. We were conscious of the fact that, in fact, two pieces of legislation were referred to us: the second was a piece of machinery legislation to allow a referendum to proceed so that these constitutional changes could be endorsed by the people. The only defect there seemed to be in that was the lack of provision for scrutineers. I have no idea whether the political Parties will actually want to go to the trouble of appointing scrutineers in all polling booths, but it was felt that that is something they should be allowed to do.

Of course, there is no provision for it, because under the Electoral Act it is individual candidates who appoint scrutineers. In a referendum there are no individual candidates: what is at stake is a principle rather than the political future of particular individuals. There will be a recommendation that a new subclause be inserted as follows:

> (1a) A political Party registered under the Electoral Act 1985 may by notice in a form approved by the Electoral Commissioner appoint one or more scrutineers for the purposes of the referendum.

I conclude with two allied comments. First, I want to commend the work of my colleagues on the select committee from both sides of the House. Despite the delicacy and sensitiveness—

An honourable member interjecting:

The Hon. D.J. HOPGOOD: Both sides of the House. In this House, one sits either on one side of the House or the other; I was referring to the architecture rather than to the politics of the matter.

Despite the delicacy and sensitiveness of the matters placed before us, we worked together very constructively. There were two reasons for this: first, because of the nature of the members of that committee and, secondly, because I think everyone understood that it was unlikely that the referendum, which is one of the inevitable outcomes of this process, would be approved if any significant political force in the community determined to campaign against it. So what had to be placed before the referendum was something that would move through this Parliament with, one could say, a minimum of political controversy. I hope, on behalf of my colleagues on the select committee, that that is and will be the case, and I commend the report to the House.

Mr S.J. BAKER secured the adjournment of the debate.

CORRECTIONAL SERVICES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 24 October. Page 1360.)

Mr MEIER (Goyder): The Opposition supports the intent of this legislation, although it has difficulties with some of the clauses, and I will highlight some of those factors. It is always an interesting situation when the Minister is in the Lower House and the shadow Minister is in the other place

as this does not allow for across the Chamber debate, which would be preferable. Nevertheless we are getting used to that type of debate, and I know that the Minister understands because he has been a member of that other place.

It is important to remember that it was the former Liberal Government which introduced the Correctional Services Bill in 1982, and it is interesting to note some of the comments of the then Minister (Hon. W.A. Rodda). He said:

> It is the foundation on which my Government will build a restructured correctional system.

This was a landmark piece of legislation at that stage. We would remember that, for many years previously, considerable criticism had been directed at the correctional services institution. During that time, successive Labor Governments had decided not to do anything about the penal system in this State. As Mr Rodda identified in his speech, there are no votes in prisons. In retrospect, the Labor Government could argue, 'We proved what we were on about and we stayed in power through most of that time when, on occasion, we could have been defeated, in theory, because we did not spend money in an area where no-one would vote for us.' In terms of political one-upmanship, I acknowledge that: however, from the point of view of this State's responsibility, and the need to look after people who transgress the law and to rehabilitate them in the best possible way, it was a serious blot on that Government's record, one which the Liberal Government in office for three years had to seek to correct. Of course, a lot of time and energy and, as it turned out, expense resulted. As Mr Rodda said at that stage:

> This legislative reform . . . will rejuvenate the department and pave the way for modern correctional practices and effective planning in the next decade and beyond.

Again, he was correct. Many things were identified in that early Bill, and I note that a full-time Dog Squad was established to increase activity in the detection of drugs. That same Dog Squad is now under threat and could well be dispensed with.

At that stage, it was highlighted also that for the first time the Government developed a staffing and capital plan within which the department could operate. The Government had recently chosen to implement the recommendations of the Touche Ross report in relation to the head office structure of the department. It was also to implement the majority of the recommendations contained in a Public Service Board report which dealt with custodial staff and was to appoint a legal officer as recommended by the Royal Commissioner. Mr Rodda was right in saying that the package that he introduced was the most substantial package of staffing restructure and approvals ever announced by any Government in the correctional services portfolio.

That Bill dealt with all aspects of the correctional system and reflected modern correctional thinking. It provided for certain new initiatives in which the Government of the day strongly believed and which it felt were vital to the better functioning of the correctional system. So, it provided for the establishment of the Correctional Services Advisory Council. The Bill also sought to clarify, strengthen and generally improve the system for dealing with offences committed by prisoners whilst in prison.

Another new initiative was the provision for the introduction of an independent investigatory process upon the receipt of complaints from prisoners. Provision was also made in the Bill for the permanent head of the department to arrange for prisoners to attend courses of education and instruction, and it specified clearly and in detail the degree to which prisoners' mail could be examined. Furthermore, the Bill sought to clarify the circumstances in which a prisoner could be held in separate confinement.

All in all, the Bill significantly improved the prison system in South Australia. That is shown to be correct when we consider that there have not been too many amending Bills, and that this Bill by and large simply seeks to clarify certain details and perhaps to add the potential for more people to benefit from certain provisions that apply in the correctional services field.

The key matters in this Bill relate, first, to the community service committees. Currently a community service committee should be established for each community service centre to approve and review projects for the community service scheme. In the words of the Minister, the amendment contained in this Bill seeks to justify more efficiency by a smaller number of community service committees. The Opposition acknowledges that general concept, as we believe that efficiency is very important, but we are concerned about the rumour that the Government would eventually like to see one community service committee. I hope that that will not occur because the whole idea of having these committees decentralised adds to the overall efficiency of the scheme and answers that the prisoners—the people who are under correctional service—are looked after in the best possible way. If we centralise too much, that will not happen. Therefore, for this reason the Opposition sees danger in centralising community service committees through this legislation without any specific brake being put on as to what streamlining can occur. I will refer to this matter in more detail when we reach the Committee stage.

Secondly, one will notice that currently about 20 justices of the peace are approved inspectors of correctional institutions throughout the State. The department intends to add to the perceived objectivity, weight and credibility of the role of the inspectors by seeking to recruit retired members of the judiciary and other legally qualified persons. The basic concept sounds logical but, looking at the actual amendment, one sees that it simply seeks to add the words 'or other persons'. To my way of thinking, that is open and could be interpreted to mean looking beyond retired members of the judiciary and other legally qualified persons. I think there are further questions there. I would be interested to know whether the justices of the peace are paid and, if so, what sort of remuneration structure is provided. If we now decide to bring in retired members of the judiciary, obviously they will be paid and they will—

Members interjecting:

Mr MEIER: Obviously they will not be, judging from the reaction opposite, so perhaps I am mistaken here. I will further seek clarification of this at a later stage. I would have thought that such people would seek remuneration, and that, being ex-judiciary and comparing themselves with JPs, they would say, 'Hang on, you have top qualified people here. We don't just work for peanuts.' I will be interested to hear the Minister's answer in due course on that matter.

We then move on to designated parts of institutions. A number of sections in the Act currently provide for a scheme whereby prisoners can be formally assessed into specified designated parts of correctional institutions. The second reading explanation of the Bill states:

> Notwithstanding this legislative scheme which anticipates formally classified prisoners being placed into designated parts of institutions, the department, except in relation to prisoners segregated under section 36 of the Act, has never sought to divide its correctional institutions into different parts which could then be gazetted as 'designated parts' for the detention of formally specified classes of prisoners. Indeed to have effected such a scheme would have reduced the ability of the department to place different groups of (informally classified) prisoners sometimes

within the same division of an institution, and would have been far more costly in terms of resources and time to administer. The current overcrowding crisis has made it essential that the department be enabled to lawfully continue to apply a flexible approach to the placement of prisoners committed to it.

It is obvious that the proposed amendments are designed to remove the reference to designated parts appearing in the Act. The Opposition believes that, first, there is a need for designated areas in prisons for particular prisoners. New South Wales and Victoria now have separated fine defaulters sections, following the recent bashing of one Jamie Partlic. Also, there is a need to provide separate areas for first offenders so that they are not influenced by hardened criminals. I know that the group OARS has campaigned for this. It always worries me that, possibly being in an area where crime happens from time to time, people who are relatively innocent, other than that they may have been misled, are often put into prison.

A case that comes to mind relates to a certain store that sold burglar alarms, and that store was burgled successfully. It is rather embarrassing for the owner of a store selling burglar alarms to be burgled. When I asked the proprietor what happened, he said, 'Well, basically the alarms we sell, and the one that we had installed in our shop, are designed to deter amateur thieves. Most of the time it is young lads who break in.' He added, 'We know who did the job on our store, and the police know it, they only have to get proof to apprehend them.' I said, 'That's fine, but why didn't your alarm detect amateur thieves?' He said, 'They are no longer amateur: because they were let out of prison recently after having been there for several weeks or months, and they had been in contact with some of the hardened criminals and learned how to defuse these burglar alarms.' So, I think it would be a good idea to keep first offenders away from hardened criminals and stop them learning undesirable habits.

I must say that the one positive thing that has happened for the business concerned is that it is now selling more sophisticated alarms and itself has a much more sophisticated alarm system. A further attempt has been made to burgle the premises, but the alarm went off and that prevented the break-in. This was very heartening.

Secondly, the amendments are obviously designed to give management the authority to move the inmates into the new F division at Yatala which I believe is due to be opened at Christmas. It is claimed by management that F division is to be used to segregate prisoners who are causing problems at Yatala and other institutions. While correctional officers are keen to see F division operating, one of the concerns is that the current ideological approach will, like so many in the past, succumb to political expediency and outside pressure which will work against the effectiveness of F division.

Again, therefore, the Opposition has concerns about this amendment and I will be interested to hear the Minister's explanation. I now refer to the custody of prisoners and their regimes. The Minister pointed out that, in order to properly counteract, in particular, life threatening acts and sabotage at Yatala, this amendment is proposed to empower the Chief Executive Officer of the department to place any particular prisoners in a section of the prison and establish for them such a regime concerning work, recreation and contact with other prisoners as from time to time appears expedient. It is pointed out that the provision does not empower the Chief Executive Officer to keep the prisoner separate and apart from all other prisoners in a particular institution. We need to know whether this will be limited to one prisoner for any given period. We must bear in mind that the prisoner should not be separate and apart from others in a particular institution for any length of time that would be unduly harsh on him.

By and large, the Opposition sees no objection to this provision. In fact, one might ask why the CEO has not had this power in the past. Maybe that is one positive thing to come out of the original Act after eight years of operation and I am sure that we will have sufficient faith in the CEO in this regard.

Leave of absence from prisons is the next item, and as the amendment in question simply clarifies the situation further I do not intend to delay the House any more in that respect. Likewise, with respect to the removal of prisoners for criminal investigation, it seems fairly obvious and self-evident that this amendment is designed to allow the removal of prisoners for a short period to such places as police headquarters or the scene of an alleged crime to assist with criminal investigations. How has this problem been overcome in the past?

The Hon. Frank Blevins: Illegally.

Mr MEIER: Obviously, there were ways around it in the past and it is pleasing to see that a sensible change is being made. Likewise, with provisions relating to work allowances and visitors to prisoners, the amendments seem to be very sensible and straight forward. That brings me now to the provision giving power to keep a prisoner apart from all other prisoners. Here it is proposed to repeal section 36 of the Act concerning segregation and replace it with a less cumbersome provision enabling the CEO to order the separation of a prisoner from all other prisoners in an institution. An order cannot be made for a period exceeding 30 days.

It is also proposed that orders for separation will not be subject to judicial review. The Minister will review an order and may confirm or revoke that order. We are concerned that the Chief Executive Officer should have absolute discretion regarding what may amount to be penal sanctions and that the amendment should preclude judicial review. The proposal merely seeks to close the stable door. What would be more appropriate would be a provision encouraging the parties to negotiate or conciliate problems before they get to levels of violence. It has been put to the Opposition that there is opportunity for the Ombudsman to deal with prisoner grievances.

An honourable member interjecting:

Mr MEIER: I know that prisoners are entitled to speak or have direct access to the Ombudsman, who is the Ombudsman for all of us, but the Opposition is suggesting that there be a separate Ombudsman for those in correctional services institutions. By and large we acknowledge that the change will probably help in the day-to-day administration basis.

Amendments are proposed concerning the home detention scheme for the purpose of broadening the categories of prisoners eligible to be considered for home detention. Prisoners with long head sentences but shorter non-parole periods are currently excluded altogether from home detention or cannot be released until right at the end of their non-parole period because of the qualifying period, which must be spent in an institution and which relates only to the head sentence. The amendment proposes that the qualifying period for prisoners with non-parole periods is now to be one-third of the non-parole period.

For prisoners without non-parole periods (except for those with life sentences without a non-parole period set and therefore denied access to the scheme), there will be no qualifying period. The Opposition has great difficulty with this provision, because members may recall that, when first proposed 10 years or so ago, the whole idea of home deten-

tion was that it would be for those who had not committed the more serious offences. We did not proposes the home detention scheme for habitual criminals or for those who should be kept behind bars. However, the amendment proposed by the Government would allow some of those hardened criminals the right to be involved in home detention. I am pleased to hear murmurs from members opposite who say, 'No way.' It will be interesting to see how they vote on this amendment. It is of real concern, particularly as crime has been continually increasing in our society. We have just seen a referendum at Port Augusta on juvenile crime with proposed curfews to be implemented. It shows the depth of despair that people have got to in our society.

The Hon. T.H. HEMMINGS: On a point of order, Mr Acting Speaker, I seek your guidance on whether the comments that the member for Goyder is making in regard to the referendum in the city of Port Augusta as it relates to a curfew—

An honourable member interjecting:

The Hon. T.H. HEMMINGS: —are relevant to the Bill before the House.

The ACTING SPEAKER (Mr Gunn): Order! The member for Murray-Mallee will not interject. I do not uphold the point of order. It passed through my mind when the member for Goyder was mentioning the referendum at Port Augusta that, if he continued in that vein, the Chair would have to remind him to restrict his remarks to the Bill before the House.

Mr MEIER: I take that point and rise to the defence of the member for Murray-Mallee who I do not believe spoke. I will tie my remarks in with the Bill by saying that if young offenders are not stopped early they can become hardened habitual criminals. That is what the Bill is talking about. It is something that I want to do everything I can to see stopped to ensure that at least young people have a fair chance from the word 'go'. If society has to bring in what we might regard as draconian principles which in the long run may be very sensible and help young people, so be it. However, enough said there.

The Opposition cannot support this issue because of the type of criminal that we are talking about. I shall be interested to hear the Minister's response, because he can probably identify accurately the sort of criminals about whom we are talking in this proposal for home detention orders. I believe that part of the reason for this amendment could be that our prisons are overcrowded and somehow or other we have to get more people out. The present situation is such that there are insufficient numbers of minor offenders and too many major offenders, and some of those major offenders have to be allowed out on home detention. I am sure that the Minister will be able to give a detailed reply in that respect.

As for the second part of the home detention provision, members will be aware that to date Aboriginal prisoners have been significantly under-represented for home detention, mainly because few have applied. It is hoped that by restricting their day-to-day movements to an area wider than the specific residence, more will be encouraged to apply for release on home detention. It is anticipated that the release of a greater number of prisoners on home detention will significantly assist in relieving the current overcrowding of our prisons, and it is interesting that the Minister acknowledged that in his second reading explanation.

I wonder why Aboriginal prisoners have not applied for home detention. Far be it from me to suggest it, but it passes through my mind that maybe some of those offenders are looked after better in prison than they are out in the wider community. It might be that they do not object to being held in custody. If they are let out, they have a harder job, first, of keeping out of trouble, secondly, of finding a decent home and, thirdly, of having sufficient to eat, and unfortunately probably often having too much to drink, which does not help them in their day to day living.

I say this because we, the rulers of this country, the governing officials of this country, the people who make the laws, have not helped the Aboriginal community by providing easy money in a multitude of ways, including the virtual automatic provision of unemployment benefit with less stringent controls than apply to the ordinary person. The easy provision of money for Aboriginal children who attend school is another worrying factor. It has been reported to me on many occasions that those children often have much more pocket money than the average school child. I just wonder whether that is a good thing.

Another worrying aspect is the view that has grown in some communities, particularly Aboriginal communities—and I know that many of the people in those communities are also worried about it—that if one needs anything, one simply asks the Government. I cite the following example to illustrate this point. A young lad of 12 years of age was in a certain hospital in a country town. It was nothing serious, but he was in hospital for a few days. He said to the one nurse who was attending to him, 'Why do you work?' She said, 'I work to earn money.' He said, 'But the Government gives you money.' She said, 'Well, I work to be able to get a house.' He said, 'But the Government gives you your house.' She said, 'Well, I certainly need to work to get food and everyday provisions.' He said, 'But the Government gives you the money to get the everyday provisions and food.' That attitude is very worrying to me and to many others.

Young people are being brought up to believe that they do not have to do anything because the Government will automatically hand out money. Anyway, that was perhaps sidetracking from the Aboriginal offenders, but I believe that it adds to the general problems that we have and it is those areas that we have to tackle. Basically, the Opposition has no problems about allowing Aboriginal people out on home detention. I think that in many cases it would assist, as long as they received appropriate instruction, were checked on and offered help wherever possible and, I suppose, most importantly, emphasis was placed on their need—

The Hon. T.H. Hemmings interjecting:

Mr MEIER: Didn't you hear my comments at the very beginning? I have just said that we support this provision for a start.

The Hon. T.H. Hemmings interjecting:

The ACTING SPEAKER: Order! I will have the member for Napier's name added to the list and give him the call at the appropriate time. The honourable member for Goyder.

Mr MEIER: Thank you, Mr Acting Speaker. I indicated earlier that I look forward to the contribution by the member for Napier. Finally, we have the recommendation regarding prisoner appeals against orders by visiting tribunals. Currently, under section 47, prisoners have a limited right of appeal against orders made by the visiting tribunal, limited in that the appeal lies not in relation to the finding of guilt or the level of punishment ordered, but is restricted to alleging that the tribunal failed to conduct the hearing in accordance with procedures in the Act and regulations. It is suggested that significant savings can be achieved by proposed amendments which will effect a tightening of the procedures concerning the filing of the appeals and by having them heard by the Magistrates Court rather than the District Court.

It has been put to me that some semblance of justice in the original hearing may well help to reduce the number of aggrieved parties. I guess that could be argued, and the Minister might wish to comment further on that. As such, I suppose that we would seek an amendment to the effect that the Magistrates Court should hear appeals on decisions made by one or more justices of the peace and that the District Court should hear appeals on decisions made by a magistrate, but I will speak further on that in Committee. As I said at the outset, the broad intent of the legislation is supported by the Opposition. We have some concerns, but we will see how things go in the Committee stage.

Mr LEWIS (Murray-Mallee): In addressing myself to the Correctional Services Act Amendmt Bill, I wish to draw the attention of the House to the impending problems that I see with this legislation and the changed administrative procedures which I understand are to be introduced at Mobilong Prison. Before I explicitly detail my concern about those matters at Mobilong, I acknowledge that in the second reading explanation the Minister says that no small part of the reason for this Bill is that our prisons are overcrowded and that something must be done to relieve that overcrowding. That is a fine admission from a Minister who has been part of a Government in office in this State for the best part of the past eight years. The Government has had that long within which to address the emerging problems, knowing what the trends have been, and knowing what its own policies have been, and knowing the way in which those policies would affect those trends in miscreant and deviant behaviour which we have defined in law as 'criminal'.

Notwithstanding the work that has been done by successive Labor Governments since the early 1970s which has given people at large the notion that they have more libertine values before them these days and that the law is less proscriptive of libertine behaviour, we have nonetheless seen not a decrease in the number of people offending against that weaker law but an increase; and our increase in South Australia is amongst the highest in the nation. We need to remember that over the past 21 years the Labor Party has been in office for 18 years. The Labor Party has to accept responsibility for the mess in which this State now finds itself, and the Labor Party has to accept responsibility in particular for the mess we have in our prisons.

Unquestionably this Minister, with some justifiable pride, was Minister at the time Mobilong prison was opened, when he pointed out that it would be able to make a substantial contribution towards relieving the then overcrowded facilities at Yatala. But at that time the Minister did not bother to take account of the fact the rate of recidivism was increasing and that there was also an increase in the percentage of people involved in offences of the kind requiring imprisonment as part of the sentence. It has increased not arithmetically but exponentially, in spite of the fact that the law in general has provided for a greater number of offences to be dealt with by fines and that the sentences for so-called minor criminal offences have been reduced.

That means that more and more people are committing more and more offences resulting in an increase in the total number of years of a person's life being spent in prison. That is not because the Government is now tougher on crime, it is because the Government is now weaker on criminal and unacceptable behaviour. That has sent out a signal to the community, especially to those who have not developed a strong commitment to acceptable behaviour, that it will not be too unpleasant when they are arrested, arraigned and prosecuted successfully by the Crown for that behaviour.

It means that we are in fact, as legislators—indeed the Government has been the legislator for most of our recent past—abyssmal failures. We have not, through our law and the penalties which we impose in that law for offences against it, been successful in sending the signal to the community at large that crime does not pay. We have failed in that job. Crime can pay, or at least it is not too unpleasant when you get caught if it does not pay. That is why more and more people are spending more and more total years of their lives, or months of their lives, in prison (and I do not know whether it would work out in terms of years per person per life).

What I am really saying is that the mean number of days per person in South Australia being spent in prison is increasing. More 'theory Y' in respect of why that is so needs to be applied more sharply at the outset to people who have not otherwise learned through their upbringing that their behaviour is unacceptable, whatever that behaviour is, and that it will be less pleasant to engage in it and be caught engaging in it than if one chose the alternative. If you do not have the capacity to be moral, at least there should be a sufficient deterrent in the penalties to which you will be subject in consequence of your amoral or immoral behaviour.

I want the record to show that I meant by the word 'moral', not any narrow preoccupation with sexual mores as some people are inclined to interpret the meaning of that word but, rather, in the broad context of that part of ethics (and I guess if I used the term 'ethical behaviour' I would not be too wide of the mark in respect of what most people would understand I meant). However, Aristotle's definitions go some distance towards the kind of behaviour that I believe is be appropriate.

It is for that reason that I express the same reservations about this legislation as the member for Goyder. It is not an appropriate solution in all the circumstances to further reduce the application of the theory. Indeed, we need to be very careful about the kinds of offences to which we apply the provisions that are proposed in this legislation and the kinds of crimes that individual criminals who have been given a sentence of a prison term are allowed to come under in relation to the provisions envisaged by the Bill. At the same time let us look at the other matters—apart from sentencing, the severity of sentencing and the severity of the impact of the removal of freedom on the minds of the criminals that have been so sentenced—that are being considered.

In an attempt to save money in the Department of Correctional Services, the Government is planning to do away with surveillance of the perimeter fence at Mobilong; to take away the vehicle that, on a regular basis, checks the perimeter fence; to reduce the number of prison officers who are constantly in surveillance of the space between the inner and the outer fences; and, therefore and thereby, to make it possible for people in Mobilong to contemplate escape—

Members interjecting:

The ACTING SPEAKER: I suggest to the honourable member that he ought to link his remarks to the Bill because, even though it is a fairly wide ranging debate, I would suggest that he is straying very wide of the mark.

Mr LEWIS: Indeed, Mr Acting Speaker, I am attempting to flesh out the remarks made by the Minister in his second reading explanation where he acknowledged and admitted that it was financial pressure to which the Government was responding by introducing this measure. I am further illustrating the way in which the Government is walking away from its responsibilities to the community and the com-

mitments it has made at successive elections in connection with the administration of this department. It is in dereliction of its commitment and its duties.

I cannot accept it is legitimate for the Government to explain away its mealy-mouthed indifference to the problems it has created through its philosophical mish-mash of misunderstanding of the law by introducing yet another measure of this kind, and the sort of practices to which I have just referred, in the process of administering its prisons and the sentencing of those prisoners who are found to have been guilty of offences that most of us find totally unacceptable, indeed, repugnant. It is not good enough.

I am disturbed by these provisions—or by the lack of any realistic degree of sanction against that misbehaviour because of the effect that it will have on more than half the people who live in my electorate so very close to a Correctional Services institution.

I sincerely hope that the Minister can assure me, other members in this House and all South Australians that I am mistaken and that, in fact, the Government is not walking away from its responsibilities but has some valid scientific evidence upon which to base these general changes, changes indeed that weaken the way in which the law will be applied to the people who have been found guilty by our courts.

Mr BRINDAL (Hayward): I will not take up much of the time of the House on this matter. However, in addressing the Minister's second reading explanation, I would like to comment briefly on aspects of the Bill which I think should be of concern to all members and, in particular, on the expanded provisions for home detention.

I am greatly concerned about this aspect of the Bill. Whilst I acknowledge that our prisons are crowded and that the costs of keeping prisoners in those prisons are escalating, I do not accept that home detention is an acceptable alternative to our prison system. If people violate the law, the law imposes a penalty and society has a right to expect that penalty to be imposed. I, for one, do not believe in a system in which the law imposes a penalty and then, in many ways, has a back door method of letting people who have committed very serious crimes get out of the imposition of the penalty, which is rightfully imposed on them by view of the fact that they have disregarded the law of this land as interpreted by the courts in this State. I believe that, when a judge sentences a prisoner, he bears in mind and balances the defendant's interests against the public interest, and it is in that balance that society has a right to express and, indeed, is increasingly expressing its interest.

I once heard a learned judge say that in making a decision the judge also weighs up retribution, that is, retribution on behalf of those victims or victims' families who feel that they have been wronged; rehabilitation, that is, where the prisoner has offended against society's laws but may be redeemed through rehabilitation; deterence both of the prisoner from recidivism and other members of society from commiting a similar crime; and, of course, the public interest. Society would not function if all citizens flagrantly disregarded the law without penalty.

If the judges take those aspects into consideration and believes that a term isolated from society and in a prison is a suitable sentence that is the sentence that should be imposed. Under our current parole laws, prisoners spend little enough time in prison as it is. Under the system as proposed by the Minister, they would spend even less time in prison. I have every sympathy with the problems that the Minister faces; I am not insensible to the cost. I believe that the Minister said last week that the cost was $80 000 to $90 000—and I hope he will correct me if I am wrong to keep a prisoner in our gaols. That cost is escalating: it is not decreasing, and I realise that not just the Government but we as a society have a great problem with this. I really do not believe that the solution to the problem is, basically, to allow prisoners out after serving less and less of their sentence. I am quite sure that the Minister would give me some sort of bonus if I could come up with an answer that would rid our society of the problem and would prevent his Government from paying out a great deal of money which we probably all feel could be much better spent in our society on more worthwhile causes.

I do not pretend to have all the answers, but I make the remark that I believe that in this legislature all the leaders of our society should be working actively towards a system in which people do not offend so that the number of offences is cut down rather than one in which people are imprisoned. Consequently that need becomes less. I also believe that perhaps a certain body of our law needs to be looked at and reformed. It concerns me and I wonder whether it does not concern the Minister that many of the places in our gaols are taken up with people who perhaps should not have been gaoled for the offences that they committed. There seems to be an inordinate number of people who, according to the strict letter of the law, should be in gaol serving time for non-payment of parking fines and for a number of quite petty offences for which a gaol term has been imposed, indeed, for a number of offences against property for which gaol terms have been imposed.

This strikes me as an area in which, perhaps, the law could be reformed, for I believe that, when a crime is committed or a relatively minor offence such as non-payment of parking fines against property—to lock up a person and deprive them of their liberty at enormous cost to the Government is not justified. I believe that at one stage I heard the Minister speaking about community service orders regarding this type of offender. I would support the Minister in any measure that he would like to bring into this House—

The Hon. Frank Blevins interjecting:

Mr BRINDAL: Good! I am sorry; the Minister tells me that it is already here. I would support the Minister in that effort that he has made and I hope that it would so reduce the pressure on our prisons as to not make it necessary in terms of this home detention scheme. I cannot support a scheme that allows prisoners who are in prison for quite serious crimes against other people to be released early. I believe that those elements which I outlined earlier as part of the sentence are what is rightly demanded of a society that believes that law and order is in a parlous state.

I believe that people have a right to demand justice from the system, and I do not believe that a home detention system gives them justice. It may be a cheap and an easy way out, but there must be better ways. I commend the Minister on his efforts with this Bill, but I am afraid that I cannot support the aspects about which I have spoken.

Mr BECKER (Hanson): This piece of legislation could be described as a Committee Bill, and it would be better if we debated most of the issues in Committee rather than having a general debate. The legislation does many things: it deals with community service committees and inspection of institutions by visiting justices, and it defines designated parts of institutions. It also deals with the custody of prisoners and the regimes, leave of absence from prison, removal of prisoners for criminal investigation, work allowances, visitors to prisons, the power to keep a prisoner apart from other prisoners, home detention and prisoner appeals against orders by visiting tribunals.

So, this Bill is a conglomeration of various issues in relation to correctional services, issues that are emotive within the community. I suppose it would be fair to say that the vast majority of people would see prison as a place where people are locked away and we leave it at that, but we must be reminded that we have certain obligations through the United Nations and civil liberties, and that these people are entitled to fair and reasonable treatment while they are incarcerated for the crimes they have committed.

It is interesting to note that the vast majority of people who are sent to prison are sent there for minor crimes, in particular for traffic offences. To me, it always seems a shame that we have to mix some of the worst criminals and the violent element with those who have been convicted of traffic offences, minor speeding offences, and people who are unable to pay their fines through to drink driving offenders. It is a tragedy that we do not have some other type of institution in which to isolate these people, but we must look at the economics of prisons.

The Auditor-General's Report for the year ended 30 June 1990 states that some $68 million was spent on administering and providing services in the Department of Correctional Services; that is without the huge capital cost that has been incurred over the past five years, which now would be approaching $100 million. It was necessary that the whole of our prisons system was reviewed and revamped, and certain refurbishing was undertaken. The last prison to receive some attention is the Port Augusta Gaol, where the Government is committed to spending some $8.5 million in providing far more humane accommodation—and that is only stage 1.

The Hon. Frank Blevins interjecting:

Mr BECKER: Stage 1 will cost only $8.5 million, and the cost is $30 million all up. It is well overdue, and if we looked at the cost of building Port Augusta Gaol and at refurbishing it now, we would see that it probably evens out to a reasonable amount of money over that period. It is, however, a tragedy that prisons were let go to such a stage that huge capital costs must be incurred to provide humane facilities.

Mention was made by my colleague the member for Hayward of the cost of keeping a prisoner. The average cost is $59 000 a year. I do not get too fussed with these statistics, because included in this figure is the capital cost of any alteration, addition or building of prisons. We note from page 47 of the Auditor-General's Report for the year ended 30 June 1990 that keeping a prisoner at Port Augusta Gaol cost $39 000 a year. The average daily number of prisoners was 84, and there was a staff of 61. Port Augusta Gaol has not been without its industrial disputes over the past three years.

Port Lincoln Prison had an average daily number of 37 prisoners, 33 staff and a cost of $55 000 per year for each prisoner. Mount Gambier Gaol had 20 staff, the average daily number of prisoners was 26, and the cost for each prisoner was $43 000 per annum. The Northfield Prison complex had 64 staff, an average daily number of prisoners of 70 and a cost of $42 000 a year for each prisoner.

Yatala Labour Prison had an average daily number of 228 prisoners, a staff of 302 and the average cost per prisoner of $84 000 per year. We might ask, 'Why does it cost $84 000 a year to look after someone at Yatala?' but a considerable amount of capital work has been undertaken in the redevelopment of Yatala, and that is reflected in those figures. At the same time, there are isolation wards and far greater security needs at Yatala than at some of the other prisons.

At Cadell we had 57 staff, 115 prisoners and an average cost of $31 000. There is, therefore, a vast difference in keeping a prisoner at Cadell, which, of course, is a far more moderate type of prison. If they wanted to, prisoners could come and go, and there is no great security system necessary there as prisoners are in the last stages of incarceration. Adelaide Remand Centre had 177 staff, an average daily number of prisoners of 155 and an average cost of $67 000 per year. We must bear in mind that that is a reasonably new complex and a very difficult one in which to work. It is a very stressful prison from that point of view although, for the inmates, it is not quite so bad. Mobilong medium security prison had 120 staff, an average daily number of prisoners of 153 and an average cost of $56 000 per year. In all, 868 prisoners were incarcerated at an average daily cost of about $59 000 and an all up staff, including the training centre, head office, administration and various district offices of community corrections, of 1 172.

Is it any wonder that prisons are very expensive? It is disappointing that as at 30 June the staff was 1 172, an increase of 30 over the previous year; we now read in the media that the Government is looking at reducing those numbers by about 57. It will be difficult for the Government to reduce the number of staff. There are a number of reasons why the number of staff has increased. I think it is far too many, and the Public Accounts Committee, of which I have been a member over some years, has looked at staffing numbers and at some of the reasons in that regard, in particular at the reasons for call-backs. These were costing the department about $2 million a year. Call-back fees are extremely high. Then, of course, there is the incidence of workers compensation. No doubt, the Minister is as aware of those problems as we are.

I mentioned the considerable amount of refurbishment at Yatala and, in particular, the F division accommodation block. Construction of the new 95 cell accommodation block commenced in May 1988. The revised estimated completion date for the project is October 1990 at a capital cost of $9.7 million. This will wrap up all the refurbishment of the accommodation at Yatala, but there is a problem. If the Minister is not aware of this problem, I hope that he will take heed of my warning that there may be some industrial trouble with the policing of this division, and it is sad to acknowledge this. No offices have been provided for the correctional services officers and there are no toilets for the staff. A sunken area has been incorporated in the complex, and I am told that if the prisoners decide to act up, which they are prone to do, and if they decide to protest and make their point, they could flush the toilets in their cells; this would then flow into the sunken area and fill it up, and they could have a swimming pool. So, a considerable amount of damage could be caused.

Offenders are already working out ways and means of sabotaging the operation. The television cameras that are proposed to be installed for surveillance might reveal what is going on, but they will not solve the problem. We have to try to nip these things in the bud and to stop these characters from acting up, causing undue concern and sabotaging the operation of our prisons. I would like to see a greater emphasis on assessing prisoners and trying to come up with methods and systems to enable them to peacefully serve their sentence and, at the same time, to be rehabilitated. A large percentage of prisoners will return. The recidivism rate is far too high; it is at an unacceptable level. With all the changes and the good work that has been done in the correctional services area over the past five years, nothing is being done to really tackle this problem.

I had hoped that the home detention program would help solve this problem, and I would like to see it expanded. We will need a lot of patience when dealing with the next phase that has been outlined by the Minister. We could use part of this program in the rehabilitation of these offenders so that they will not reoffend. That is the challenge that the Parliament and the Government must accept. We have to meet the needs of the community which is demanding of all of us, and of its political representatives in particular, that law and order be recognised as a major issue.

We saw this on the weekend with the results of the poll in Port Augusta. One section of that community is expressing concern in a particular way. Generally, the community expresses its concern with law and order. It demands that the courts set tougher penalties and impose longer terms of imprisonment. If this happens, we will need accommodation at rates we can afford to hold these people. Whether or not the prisons are privatised, no matter what happens, there will still be a cost to the taxpayer. I hope that this legislation will be given far more consideration in the Committee stage, because I think that is where these issues should be properly debated.

The Hon. FRANK BLEVINS (Minister of Correctional Services): I wish to thank all members who have contributed to the debate; it was a measured contribution and I appreciate it. In particular, I want to congratulate the member for Goyder, as this is not his area of expertise. As he said when he commenced his contribution, he is the shadow Minister of Agriculture, which is a long way from being the shadow Minister of Correctional Services.

An honourable member interjecting:

The Hon. FRANK BLEVINS: I was both, but there again, I was very special. I appreciate that having the Minister in the other House is difficult. It has happened to me on previous occasions and it is one of those things that we must cope with. I am sure that the Hon. Mr Irwin and the Hon. C.J. Sumner will spend many a happy hour debating this legislation in the other place.

I will attempt to respond in general terms to most of the points raised by members opposite, but I point out—as was pointed out by the member for Hanson—that essentially this is a Committee Bill that does so many different things, and to try to encompass them all in the second reading response would be quite difficult and would lead to repetition because we will go through the same debate in Committee.

The member for Goyder made a very valid point when he mentioned the Hon. Allan Rodda, who was the Minister of Correctional Services in the Tonkin Government between 1979 and 1982. He tried to make some fundamental reforms in this area, but he did not get many thanks for his efforts. Following a Royal Commission he decided that the Government would be best served by his leaving. Allan Rodda was a pioneer in this area—there is no question about that—he had a real feel for it and a lot of the work that he laid down lives on.

The Correctional Services Act is many years old and long overdue for an update. Some of the matters stated in the second reading debate when the Act was first put before the Parliament are no longer relevant after a period of seven or eight years. Times and ideas change, circumstances alter and we must adjust accordingly. That is why this amending Bill is before us. It does not replace the Correctional Services Act; the Act has not been rewritten, only certain sections of it.

The member for Goyder referred to a couple of matters, one of which was the Dog Squad. I have pointed out quite clearly that in some people's eyes the Dog Squad is yesterday's technology. As I have said in the Chamber on a number of occasions, probably during Question Time, the Dog Squad is under very critical review because we believe that there are better methods of detecting drugs in gaols, although Dog Squad officers have said lately that it has lifted its game and is finding more drugs. I am pleased about that, but I point out that the department has introduced a different way to count the number of drugs found; so it may well be that the increase is not as spectacular as members of the Dog Squad make out. However, that is by the by.

In relation to community service committees, I believe that in some areas these committees have limited value and do not work very well. As the member for Goyder stated, it would be quite sensible to bring about some rationalisation in this area. It appears to me that a central committee that would lay down the guidelines for the community services officers to follow would be adequate. It is likely that those committees that work well will continue to operate and those that are, in effect, defunct will not be persisted with. The member for Goyder also mentioned inspectors and the question of employing people other than JPs in this capacity.

In the second reading explanation, I mentioned retired members of the judiciary, but it is not restricted to them. The Hon. Allan Rodda would make an excellent inspector of prisons and there is no reason why he or the Hon. Gavin Keneally would not be eligible. Whether they would be keen to do it is another thing, as there is no payment for it. Even if former members of the judiciary were to accept our invitation, there would be no payment. Travelling expenses, although minor, are provided for. As the member for Walsh said when the member for Goyder was discussing the issue, virtue is its own reward. I know that the JPs who do the job in the institutions enjoy it and do not look for pay. The legislation at present does not restrict us unnecessarily.

The question of designated parts of the prison, along with the question of custody and prisoners' regimes, was picked up by the member for Goyder, who said he was surprised that the Chief Executive Officer did not have the right at the moment to move prisoners around within reason. I have also been surprised and frustrated for the 6½ years since I have been Minister that that is not the case. It takes a while to get around to doing things on occasions. It is clearly absurd for the management of the institutions not to have the right to move prisoners around in a sensible way. It means that at times some prisoners are at risk from other prisoners. We cannot prove it, but we believe it to be the case and there is not a great deal we can do about it, which is clearly unsatisfactory. There have been numerous cases in this area, and it has been strongly recommended to the Government that this measure be introduced into Parliament and passed as quickly as possible for the good order and running of the prisons.

A number of members mentioned the question of mixing first offenders with hardened criminals. Not all first offenders are fine defaulters: some are murderers, armed robbers, rapists, and so on. Members opposite were referring to petty criminals being in with hardened criminals. We do not want this if at all possible. By and large it is possible—it is not a huge problem. Yatala is not one monolithic institution but, rather, an institution with a number of divisions. Normally, fine defaulters would be in E division for however many days it takes them to work off their fine, and they would not come into contact with any other prisoners except those of a similar kind. In reality, it is not a big problem

for us, although the question of minor offenders being in gaol, anyway, can be a difficult one.

The courts imprison, and if they have that discretion it is not incumbent upon the Parliament to criticise them when they exercise that discretion. If we do not want them to have that discretion, let us take it away from them. The member for Hayward made an interesting suggestion that for property crimes imprisonment ought not to be allowed. The Executive Director of the department in a submission to me a couple of weeks ago raised the same point. The following day the Leader of the Opposition was up here criticising even the suggestion, never mind legislation to do this. There would be an outcry in this community, particularly from the Opposition, if the Government brought such legislation before Parliament, although I believe it would have at least one supporter, namely, the member for Hayward, and the Leader will have to have a few words with him.

On the question of fine defaulters being in gaol, every fine defaulter is there voluntarily. The provision is there for them to do community service work to work off the fine rather than go to gaol. If they cannot afford to pay the fine they only have to approach the court and satisfy the clerk of court that they cannot pay the fine and they will be allocated to a community service office to work off that fine. Very many people choose not to do that—in fact, a distressingly large number of people do not do that and they clutter up the system for one, two or three days.

The overwhelming majority of offenders taken to prison are guilty of crimes of a minor nature and two-thirds of our intake are there for less than 30 days. A large number of people who come into the system are turned over very quickly and do not take up a huge amount of cell space in the system every night. We do not have a large number in at any one time, but they are a nuisance. I am considering legislation to tighten up that provision, but that is something for the future.

The question of the removal of prisoners for criminal investigation was referred to by the member for Goyder. He asked, 'What happens now?' The position at the moment is that that prisoner must be given temporary leave from the institution. That is all done simultaneously. The police ask whether the prisoner will accompany them for a criminal investigation. If the prisoner says 'Yes', the investigation goes on, but if the prisoner says 'No', it does not. This will tidy up that point as the present situation is totally unsatisfactory.

The question of an Ombudsman for prisoners was referred to. We have an Ombudsman for people in this State and prisoners have no reluctance whatsoever in contacting the Ombudsman. I have not seen this year's report from the Ombudsman but they would all be listed there—all the tales and contacts from prisoners to the Ombudsman. The Department of Correctional Services also contacts the Ombudsman when anything relevant is occurring, and we would like the Ombudsman present to ensure that we are doing nothing untoward. The Ombudsman has a key role in correctional services. I cannot understand the point of having another individual nominated as an Ombudsman, as it would not achieve anything further than the Ombudsman now achieves. I am not sure of the intention behind that suggestion.

The question of home detention was raised by a number of members. It was not supported by the member for Hayward, which surprised me, as it is Liberal Party policy and has been strongly supported by the Liberal Party over many years (for at least a decade, according to the member for Goyder). It is to the Liberal Party's credit that it supports this policy, the extension of which will make it available to many more people who at present do not qualify for a variety of reasons. I do not believe that it will in any way diminish the integrity of the scheme. Home detention is applied at the discretion of the Department of Correctional Services and not at the discretion of the prisoner. We will still be very careful about those who are let out on home detention. Nevertheless, it will be an expansion.

Several members criticised the fact that minor offenders are in gaol. As I said, that is up to the discretion of the courts. However, I point out that, whilst a large number of minor offenders come into gaol, they certainly do not take up the bulk of the space: that is taken up by medium and long-term offenders. The shortage of accommodation is in the high-security area. The annual reports of the department and the Office of Crime Statistics indicate that prison sentences for more serious crimes have been getting longer and longer. We are now starting to pay for the policy of the Government in having those longer sentences. Indeed, a significant increase has taken place in sentences for more serious crimes.

The problem is two-fold: more people are coming into the prison system, and less people are leaving as quickly as used to be the case. The home detention program will relieve the problem to some extent, but not to any great degree. The member for Goyder also mentioned the question of Aborigines in the prison system. Of course, there are far too many. The member for Goyder expressed the opinion that perhaps these people receive better treatment in prison than is the case outside. If that is so, it is something of an indictment on society rather than something for the Department of Correctional Services to boast about. It is a very big and broad issue and one that I do not think is appropriate to canvass in any detail here.

In relation to the appeals against orders by visiting tribunals, I believe the provision in the Bill is appropriate. I point out that the present provision has to some extent become unworkable. Prisoners take a whole range of cases against this provision. I think it has been spelt out in the Bill that, of the 93 appeals completed, only three have been successful. It ties up an enormous amount of taxpayers' money—to no useful purpose—in the prisoners being represented by the Legal Services Commission and, certainly, in the courts' time and the Crown Law Department's time.

The member for Murray-Mallee said something about Mobilong and the perimeter fence there. I thought he drew a long bow, but he did make some comments about it. I think I dealt with Mobilong and the perimeter fence in Question Time last week or the week before. There are 12 prison officers engaged in driving around the perimeter fence at Mobilong. Members opposite drew that fact to my attention during the Estimates Committee. They implied that that was a waste of money and, of course, they are absolutely correct. I believe that those officers have no purpose that cannot be served equally well by some further electronic monitoring of the outside fence. It is really only to stop people outside attempting to tamper with the fence and attempting to break into the gaol. However, as I said in Question Time, we do not have a great problem with people attempting to break into our gaols.

The member for Murray-Mallee also mentioned the failure of this Government to provide sufficient accommodation. I point out to the member for Murray-Mallee that, during my period as Minister alone, about $130 million has been spent on upgrading, improving and adding to our prison accommodation. As well, F division is close to completion, and it will provide another 100 cells. The project at Port Augusta, which was mentioned by a member oppo-

site in his contribution, will add a considerable number of cells—75 from memory. The project in the member for Mount Gambier's electorate will add about 50 cells. We are still in the middle of a significant building and expansion program. I think I have covered all the points, and I apologise if I missed any. If I have missed something, I will be happy to go through it during the Committee stage. I commend the second reading to the House.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr MEIER: In relation to the Correctional Services Act 1982, which is the principal Act, can the Minister say what plans he has to expand the existing prison system, given that we have this amending Bill before us which supposedly tidies up some housekeeping matters? Is he able to comment on future plans to expand the prison system?

The Hon. FRANK BLEVINS: I thought I covered that matter, but I will go through it again. F division is almost open. The Port Augusta facility is being completely rebuilt with more than 100 additional cells being provided. An additional 50 new cells will be constructed at Mount Gambier.

Clause passed.

Clauses 2 and 3 passed.

Clause 4—'Community service committees.'

Mr MEIER: Can the Minister say what his thinking is, or what the department's thinking is, as to how many community service committees will disappear in future? I did not pick up from his comments whether there was any truth in the rumour that eventually only one community service committee will operate.

The Hon. FRANK BLEVINS: If they worked effectively, they would remain, but I would not be unhappy if there was only one. The committee has representation from a number of interest groups such as the UTLC, the Chamber of Commerce and Industry, etc., and it sets the guidelines. The officer in charge of the offenders who do community service work and the regional officers are quite capable of applying the guidelines. So, where they are working well, we are happy to keep them, but I would have no difficulty if they all folded. I believe that, if they folded, it would not make any difference as to what community work was done in a particular area.

Mr MEIER: Could the Minister identify how many community service committees have been operating over the past year or two? I assume there would be an average number. Also, does he envisage any problems in extending the community service scheme to include the Pitjantjatjara lands; not so much the extension of the scheme into the lands, but how it will work? I guess that the concern relates mainly to the fact that the community service committee normally has two representatives of the local community appointed, apart from one magistrate, one UTLC member and one member nominated by the Chief Executive Officer. Would the committee be located in Port Augusta or at Marla and, if so, to what extent would it have first-hand experience of the projects which are most important and would best serve the needs of the community as they relate to the Pitjantjatjara lands?

The Hon. FRANK BLEVINS: The answer to the first question is 14. The answer to the second question is that both could occur. There could be a committee at Port Augusta and there could be a committee at Marla or there could be a committee at one or the other. It depends on what is appropriate. To run community service orders on the Pitjantjatjara homelands will not be easy. I cannot give a blueprint at this stage. All I know is that to bring people who live on the homelands to Port Augusta Gaol for two or three days, very often by plane, is utterly pointless; there is absolutely no point in it. The sooner we have the community service orders operating in the area, the better. We have established an office in Marla to do just that, so that people who offend on the homelands will be able to put something back into the community by the magistrate having an option to have them do some community work in lieu of a prison sentence.

I think it is unfair that people on the Pitjantjatjara lands have not had this provision open to them. As all members know, it is a very large, diverse area. If I could give a blueprint, I would; but, unfortunately, I cannot. I am quite sure that it would be much better than giving people quite a thrill in some cases by flying them to Port Augusta and keeping them in gaol for a few days and then flying them back or putting them on a bus to go back. All that does in some cases is to give them a bit of excitement in what is perhaps an otherwise boring existence and costs the taxpayer a fortune. There is not much in the way of rehabilitation in it and certainly there is nothing in the way of paying back the community for the damage that they have done.

Mr MEIER: Can the Minister indicate whether the scheme would operate more effectively if it incorporated other persons, such as police aides and TAFE teachers, who may be closely associated with some of the people in that area and perhaps have a greater understanding than some of the people who are presently involved in the scheme?

The Hon. FRANK BLEVINS: Those who understand the nature of the Pitjantjatjara lands will know that all those people are involved in everything: it is the very nature of the communities there. Certainly the Department of Correctional Services has no objection to police aides, TAFE teachers or anybody else taking an interest in this area. Some of the minor problems that we have in some areas are caused by there being insufficient people to take an interest. It does not stop us doing the work, but it is regrettable. On the Pitjantjatjara lands everybody will be involved in the scheme. We welcome all volunteers and interested people.

Mr OSWALD: There are two types of committees: the Community Service Advisory Committee and the community service committees. One sets guidelines for the other. The Minister, in reply to the member for Goyder, said that he wanted to reduce the number of community service committees and would be happy with just one to coordinate the work. How does the Minister see the role of the Community Service Advisory Committee in these new directions? Will it continue, or will there be only one—a community service committee?

The Hon. FRANK BLEVINS: As I stated in answer to the member for Goyder, I hope that the present committees continue. Those which work effectively are very useful. They keep people from outside the department in contact with the department and they allow people who have an interest in this area in the community to contribute to the entire community, particularly this difficult area of it. It would be foolish to say that all the committees work effectively. Unfortunately, some do not. Where we cannot get a committee to work effectively, I cannot see any point in persevering with it.

The Community Service Advisory Committee sets the broad guidelines and the local committees accept requests for particular projects to be undertaken by offenders and assess them to see whether they are in line with the guidelines which have been established. I believe that, if there is not a local committee or, for whatever reason, one is not working effectively, or working at all, and is defunct, it

should not matter, because the person in charge of offenders and the regional office, or whatever, is quite capable of accepting and allocating work in line with the guidelines which have been established centrally. In practice, I do not think that it will make any difference.

Mr OSWALD: The spirit of the legislation in 1981, as I recall, was that the community service committees would accept requests from local councils and other organisations and, in line with the guidelines, would allocate and supervise that work. Indeed, I understand that that system worked quite well. I wonder whether the hidden agenda could be that, by allowing these committees to allocate the work, it stops the department in its central location from redirecting work to other areas. In other words, if the department thinks that too much work is being performed in one particular area or, for other reasons, it wants to see the work force being shifted around, it cannot do that because the present system has constraints on it in wanting to have work done. I could quote an example from the area that I represent.

If a decision was taken to shift the work force into another part of Adelaide and it was contrary to the views of the local community service committee, the Minister, unless he has this legislation put through today, is bound by the decision of that local committee. I would not like to think that was the case, because in 1981, when we set up the spirit of the legislation, it was clear that the community service committees would accept requests from local councils and other organisations and would supervise work in that council area.

I have a feeling that this piece of legislation is taking us on another track that will allow central control so that the Government of the day, through the department, can control where this work force goes. If that is the case, I think it is a bad piece of legislation.

The Hon. FRANK BLEVINS: It is the case that the Department of Correctional Services controls these offenders; that is the court's decision. These offenders are not, never have been and never will be under the control of the local committees. The local committees only assess whether projects fit within the guidelines that have been established centrally—nothing more and nothing less. They do not supervise offenders; we pay people to supervise offenders. But, the offenders are committed to the care and control of the Department of Correctional Services. Clearly, if the member for Morphett thinks about it, he will recognise that that is the way it has to be.

I can assure the member for Morphett that there is no hidden agenda. I do not know what possible hidden agenda there could be. My guess is that this would not make any difference at all in the long run. We cannot compel people to go on committees, we cannot compel people to attend and we cannot compel them to function. If in a region they will not go, then that is the end of it—they just will not go.

Mr OSWALD: The Minister might like to explain to the House why they will not 'go'. I imagine that there would be an overview of the committees by the department. The Act provides that the committee shall consist of a magistrate—and they are fairly competent people—a person appointed by the Minister after consultation with Trades Hall and another person nominated by the director. If that last nominee is incompetent, the director only has to replace him.

Why is this system not working? I would have thought that in 1981 we set up a very good system, and if it is not working, it could be because of a lack of willpower on the part of the department to make it work. The system was a good system. It allowed local committees, working with local councils, to determine the work that should be done in their areas. I do not disagree with the Minister's statement about the overall responsibility of the department: he is quite correct. But, the spirit in 1981, to which I keep returning, was that local councils would have an input. What this provision does is take it completely away from local councils. It means that the Minister, through the department, will control where that work force goes, and I am not too sure that that is a good idea. The magistrates, the person appointed by Trades Hall and the nominee of the director should be competent people. If they are not competent, it is up to the department and the Minister to make sure that we get competent people running these community service committees. Then, the scheme can be made to work.

The Hon. FRANK BLEVINS: We do have some difficulty at times getting a magistrate on circuit. We do have some difficulty in some rural areas getting a Trades and Labor Council representative.

Mr Oswald: What about your nominee?

The Hon. FRANK BLEVINS: The honourable member asked the question, and I am answering it: that is the kind of difficulty that we have in some areas. I do not know where the member for Morphett got the idea that these offenders were at the disposal of local councils. I can assure him that that is not the case, never was the case and never will be the case. We work very well with local councils. I think that the Glenelg council, more than any other council, has had more benefit out of the work of offenders under this program than any other council in South Australia. From memory, I think the Glenelg council has had over 6 000 hours of work, and so it ought to.

I understand that the member for Morphett disagrees with a decision that has been taken at the local level not to supply offenders for a particular project. That is entirely within the spirit of the Act. The Glenelg council does not own these people; it cannot commandeer them. It has nothing to do with the Glenelg council. We are only too pleased to work with the councils, and we work with them very well. But, at some stage, somebody else must have a go besides the Glenelg council. I can assure the member for Morphett that that was the intention of the scheme, it is the practice of the scheme and it will continue to be the practice of the scheme.

Mr S.G. EVANS: Earlier the Minister said that he could see nothing wrong with having only one community service committee, and I believe that at the moment there are 14 committees. Where are these 14 committees situated? How many are in the metropolitan area, how many are in the Pitjantjatjara lands and how many are in country areas? If the Minister is moving towards having only one committee for the whole State—and he said he had no objection to that—would that go against the original purpose of the committees, that is, to benefit the community as well as the offender? That would be more likely if they operated in individual areas rather than if there were one committee for the whole State. How would that operate?

The Hon. FRANK BLEVINS: I am not moving towards only one committee, but the situation is moving towards it itself. We cannot get people to sit on these committees. On some committees there is no problem; on others there is a problem. I cannot demand of a magistrate, 'I insist on your going, and you be there in that remote location when I want you.' I just cannot do that. At present there are six metropolitan committees and eight committees in country centres. Committees operate in all except three centres where, at the moment, we have not been able to establish a committee. It will make no difference whether there are 14 committees or whether there is the one central committee, which is presently in place. The central committee sets the guidelines

and these local committees apply those guidelines only to projects in the local area in conjunction with the correctional services officer who runs that particular region.

Mr S.G. Evans interjecting:

The Hon. FRANK BLEVINS: We are having problems at the moment with Ceduna, Murray Bridge and Port Pirie.

Mr S.G. Evans: What about the Pitjantjatjara lands?

The Hon. FRANK BLEVINS: I was going to mention the Pitjantjatjara lands. At the moment the opportunity is not there to have community service orders apply on the Pitjantjatjara lands, because we have not had the infrastructure to do so. Now that we have established and staffed an office at Marla we have the ability to have community service orders operating in the area.

Clause passed.

Clause 5—'Correctional institutions to be under the control of the Minister.'

Mr MEIER: I think it is appropriate under this clause to refer to the designated parts of institutions, although I know that matter is referred to under other clauses. The Minister made general comments about the designated parts of institutions. Does the Minister have any specific plans to have people such as fine defaulters put into a separate section?

The Hon. FRANK BLEVINS: That already happens. We take people mainly into E division at Yatala which is the old Northfield Security Hospital and which is, as prisons go, quite salubrious accommodation, because it was built as a security hospital rather than a prison. By and large, that is where fine defaulters go. If they have very substantial fines to work off they may—just may—get a trip to Cadell to work off their fine there, and Cadell is a minimum security institution—a prison farm, as some members would know. But, we do not put fine defaulters in B division along with the characters who are there. We try to get fine defaulters in and out as soon as possible for the very good reason that not only does the taxpayer not get the fine that has been levied but also the poor old taxpayer has to pay quite large amounts of money to keep that person in gaol for not paying the fine. So, the taxpayer is hit both ways.

It seems to me that it is not a practical proposition either and, as I said, in the new year I will be looking at some legislation to see whether we cannot make it a little less attractive to go to prison rather than to do community service orders where a person cannot pay the fine.

Mr MEIER: Are the designated areas for first offenders, and, in relation to the last answer, why is section 19 (2) of the principal Act to be deleted?

The Hon. FRANK BLEVINS: As I mentioned, first offenders are not necessarily fine defaulters: first offenders can be rapists, armed robbers, murderers or whatever and, of course, they go into maximum security, consistent with the sentence. The fact is that that particular provision in the principal Act restricts our ability to move people without an incredibly complex procedure; a procedure that has given rise to umpteen court cases over the past few years as to whether we have the right to move a prisoner from one particular part of the prison to another.

It has always struck me as utterly absurd that the Department of Correctional Services does not have the right to locate people within the prison where it feels it is appropriate to locate them. Vast amounts of money are spent through the Legal Services Commission taking cases on behalf of prisoners or assisting prisoners to take cases to the Supreme Court; the Crown Law Department spends vast amounts of money and has people working full time on some of these matters, arguing the case as to why the prisoner ought to be moved. The problem really is with this provision of the Act, so I think it is commonsense. I have no idea why this provision was included in the first place, but it is absolute commonsense that, for the safety and the good order of the prison, the staff of the Department of Correctional Services be able to move people where they feel it is appropriate within that institution. I cannot see why there ought to be any restriction on that. Unfortunately, this provision erects that barrier.

Mr S.G. EVANS: The Minister said that he felt there was some merit in making it less attractive for some people to pay fines in the way they have been doing. We were talking about the different styles of accommodation for prisoners. I ask the Minister whether consideration has been given to creating accommodation that is less attractive for the worst offenders, those whom we hope the courts will, in the future if they have not in the past, gaol for the term of their natural life, never to be released, and those who we think cannot be rehabilitated under any circumstances and who, even if they are rehabilitated, are unlikely to be released because of the sentences imposed on them.

Such a gaol could be established in the Simpson Desert or somewhere similar, with no roads in or out; personnel could be flown in once every three weeks to maintain the prison which would need less security. We would not need to have any fancy swimming pools, gymnasiums or modern facilities. Prisoners would have the bare basic facilities and some good food; they could virtually make their own rules. The other States may join us in putting their worst criminals into that sort of accommodation. During the war years we had prisoners of war at Cook for the same reason—because it was impossible to get anywhere from there. Has the Minister considered this? If not, will he do so, and will he talk to his interstate colleagues?

The Hon. FRANK BLEVINS: There is a fair bit of philosophy in that question, and I do not really feel that I ought to debate it here. As the God-fearing, Christian person which I am sure the member for Davenport is—and I say that with the greatest respect—he surely would not give up on every human being. I should have thought that all Christians would think each human being capable of rehabilitation.

An honourable member interjecting:

The Hon. FRANK BLEVINS: I am not saying that I am a Christian, God-fearing or any of those things, but I am quite sure that the member for Davenport is. I do not write off any human being, nor, I hope, would any member of this place do so. As to the question of an institution such as that described by the member for Davenport, the answer is 'No'. The building cost alone would be prohibitive in the Simpson Desert, and the security aspect would be a nightmare. To say that people cannot go anywhere is absolutely incorrect.

The honourable member clearly knows nothing about prisoners. They are very ingenious in the way in which they can organise themselves. It is a pity that all their organising abilities are misdirected. However, the security aspects of that proposal would be absolutely horrendous. Going back after three weeks to have a look at the prisoners, you would find the place empty. They would all be gone. Seriously, however, if members think that Yatala is some kind of holiday camp, I invite them to visit. I have never understood why more members of Parliament do not do so; they are perfectly free to go there at any time.

Mr Meier: At Her Majesty's pleasure or by invitation?

The Hon. FRANK BLEVINS: Just at my pleasure, not at Her Majesty's. Members would be welcome at Yatala. They could talk to whomever they wished and go wherever they wished. I am sure that they would feel much more comfortable if some of our prison officers went with them,

but they would find the experience interesting. After coming back, members would not suggest for one moment that Yatala was in any sense a pleasant place or some kind of holiday camp. There is no swimming pool for prisoners. It is a very secure institution, as it ought to be. The community is entitled to that, in my view.

Clause passed.

Clause 6—'Correctional institutions must be inspected on a regular basis.'

Mr MEIER: I move:

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Lines 8 and 9—Leave out all words in these lines after 'is amended' and insert '*(a)* by striking out "justices of the peace as" '.

After line 9—Insert word and paragraph as follows:

and

(b) by inserting after subsection (2) the following subsection:

(2a) A person is not eligible for appointment as an inspector unless he or she—

(a) is a justice of the peace;

(b) is a person who has retired from judicial or magisterial office;

or

(c) is a legal practitioner of at least seven years' standing.

It concerns the Opposition that the Minister's amendment is simply to add 'or other persons'. We feel that it needs to be specifically stated. I was interested to hear the Minister in his reply a little earlier say that it could include people such as the Hon. Allan Rodda and the Hon. Gavin Keneally. I would not have thought of those two persons offhand, but they may be lining up for such a position. Surely the obvious way around the situation would be to make either or both of those gentlemen justices of the peace.

If the intent of the second reading explanation is to be carried into legislation, the amendments I have moved make this very clear. They specify quite clearly not only the position of a justice of the peace but also a person who is retired from judicial or magisterial office or a legal practitioner of at least seven years standing. I hope that the Minister will accept this amendment.

The Hon. FRANK BLEVINS: I oppose the amendment, as it involves a fair bit of overkill. There is some disparity between the qualifications of a justice of the peace and a legal practitioner of at least seven years standing. Trying to get around this amendment, if it were carried, by making someone a JP is not always practical. This amendment would exclude people who, for whatever reasons, may not be justices of the peace, may not wish to be, or even in some cases may not qualify to be. There are some groups in our community to which that description would apply, and I should not want to exclude them from being appointed as inspector.

I may add that I do not have people clamouring to be inspectors: they are not queuing up, but it seems to me that we should not restrict it to justices of the peace. I apologise for the fact that my second reading explanation was not as full as it could have been, and should have made it clear that it was not just retired legal practitioners. That was only an example, but I apologise for the fact that that was not made clear.

I am not a justice of the peace and have absolutely no intention of being one. All members are invited to become justices of the peace when they become members of Parliament. I think many others in Cabinet and on this side are not justices of the peace, although I do not know about members opposite. Certainly, it is not something that I will ever do. I doubt whether I would volunteer as an inspector of establishments but, like the Hon. Allan Rodda and the Hon. Gavin Keneally, I would probably make a very good one. However, under the present legislation I would be excluded. I think that that would be a pity, so I oppose the amendments.

The Committee divided on the amendments:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Matthew, Meier (teller), Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins (teller), Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Majority of 1 for the Noes.

Amendments thus negatived.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Chief Executive Officer has custody of prisoners.'

The Hon. JENNIFER CASHMORE: Clause 9 amends section 24 of the original Act, which provides:

The permanent head has the custody of every prisoner whether the prisoner is within, or outside, the precincts of the place in which he is being detained, or is to be detained.

It strikes me as extraordinary that the Chief Executive Officer of any prison should not under section 24—and, indeed, under any principle of sound management—have absolute discretion as to where prisoners are placed and as to the regimes to which they might be subjected. It strikes me as an interesting matter of management—I have no quarrel with it because it seems to exemplify sound management—why such a clause should be considered to be necessary when I think it would be inherent in the management of any prison and given statutory power under existing section 24. This question relates solely to management. I ask the Minister: have any questions been asked; have there been any challenges to CEOs' rights to exercise those powers; and, if not, why is such a clause considered necessary?

The Hon. FRANK BLEVINS: I agree with the member for Coles. I also am mystified as to why the Executive Director, or anyone delegated by the Executive Director—for example, the manager of the institution—does not have the right, within reason, to remove people when he sees fit for the good management of the prison. Numerous Supreme Court cases have told us that that is not the case. I could send some of the judgments to the member for Coles, I would not presume to argue against them or even to try to outline the reasons for the court's ruling that we could not, but that is what is stated. The most famous case is *Bromley v. Dawes* (Dawes representing the Department of Correctional Services) which we lost.

As I said, a huge amount of taxpayers' money is involved in trying to sort out these cases. As the member for Coles said, it seems to me to be inherent in any legislation that permits incarceration that the person in charge must be able to manage the prison and to direct the prisoners as to where they should go and how they should operate. However, the legislation is deficient in that it does not permit that. I am assured by those who helped me to draft this legislation that this clause will correct that position.

However, because I have been in this job for so long, I am absolutely convinced that some prisoner will challenge it. The Legal Services Commission will assist them with a large amount of taxpayers' money; Crown Law will be tied up, again with a large amount of taxpayers' money; and, of course, time will be tied up with a large amount of taxpayers' money. Obviously, what the court decides will be up

to the court, but I am assured by those who have assisted me to draft this legislation that this clause will do the trick—time will tell.

The Hon. JENNIFER CASHMORE: I am pleased to know that, to use the Minister's phrase, this will do the trick, but his answer raises in my mind a further question. Is the Minister telling the Committee that prisoners have challenged successfully through the courts the rights of a Chief Executive Officer to exercise managerial judgment as to how prisoners should be dealt with, that the Legal Services Commission has paid the prisoners' legal expenses and that the judiciary, having in the first instance sentenced someone to prison, presumably with the knowledge that the Chief Executive Officer would exercise the necessary management, has upheld the prisoner's right to challenge the way the prison is run; and, if so, can the Minister give the Committee an indication of how many times this has occurred and what it has cost the taxpayer?

The Hon. FRANK BLEVINS: The answer is 'Yes'. I cannot provide the figures at the moment, but when I do the honourable member will be appalled. The answer is 'Yes', challenges have been taken; 'Yes', the challenges have been successful; and 'Yes', it has cost us a small fortune. I do not know exactly how much is involved, but I will get those figures; it will be interesting to find out how much is involved.

Clause passed.

Clauses 10 to 23 passed.

Mr MEIER: I would like to briefly address some remarks to clause 18.

The CHAIRMAN: Order! The member for Goyder was here when the Chair put the question twice, and quite clearly, that we go through to clause 23.

Mr MEIER: On a point of order, Mr Chairman, we have been going through the Bill clause by clause, and suddenly you decided that you would put umpteen clauses at once, and you caught me out.

The CHAIRMAN: Order! The Chair put the question twice, looking directly at the honourable member in doing so. The honourable member waved, indicating that it was perfectly in order for the Chair to proceed. The Chair is at the direction of the Committee in these matters. The question before the Chair is that clause 24 stand as printed, unless the honourable member for Goyder wishes to put something further.

Mr MEIER: I would like to have clause 18 reconsidered.

The CHAIRMAN: The best procedure would be to deal with clause 24, after which the honourable member may move to have clause 18 reconsidered.

Clause 24—'Appeals against orders of visiting tribunals.'

Mr MEIER: I move:

Page 5—

Lines 28 and 29—Leave out all words in these lines after 'subsection (1)' and insert 'to a District Court'.

After line 29—Insert new paragraph as follows:

(ab) by inserting after subsection (1) the following subsection:

(1a) An appeal under this section lies—

(a) to a District Court if the order appealed against was made by a visiting tribunal constituted of a magistrate;

and

(b) to a court of summary jurisdiction if the order was made by a visiting tribunal constituted of a justice, or justices, of the peace.

Line 40—Leave out 'of summary jurisdiction'.

I believe that my amendments are self-explanatory and that the Government should accept them.

The Hon. FRANK BLEVINS: I support the amendments.

Amendments carried; clause as amended passed.

Remaining clause (25 and 26) passed.

Clause 18—'Chief Executive Officer may release certain prisoners on home detention'—reconsidered.

Mr MEIER: I thank the Committee and I apologise to you, Mr Chairman, for not having my wits about me. Will the Minister identify the types of prisoners he is proposing to allow to come out on home detention? I know they are long-serving prisoners, but surely he has more than them in mind. In my second reading speech I said that I thought they were, to put it bluntly, hard criminals, tough cases, and that people would not want to see them coming out on home detention.

The Hon. FRANK BLEVINS: The original legislation was very conservative, and quite properly so because we were the first State in Australia with legislation of this kind. We actually prevented people who have very short sentences from going out on home detention. They were the very people who we subsequently found out would be better off on home detention. They are the people that many members have mentioned probably should not be gaoled for any protracted period. It constantly annoyed me that one prisoner, who was South Australia's longest serving prisoner, could not get out on home detention during the last three months of his sentence. It was a bit of a farce, when taxpayers have to pay for prisoners to be gaoled, that after that particular prisoner had served a long time—about 20 years—in prison, he could not be put on home detention for the last three months because the legislation prevented that. We will have that flexibility when and if this legislation passes through both Houses of Parliament. I see no reason at all why a prisoner at the end of a 20-year sentence should not be able to do the last three months at their own expense, having cost the taxpayer a fortune over the preceding 20 years or so.

Mr MEIER: I do not know whether I have been given sufficient information to identify what precautions apply in respect of a prisoner who has served a long time, but who is still very dangerous and should not be let out on home detention. This is what worries the Opposition, and why we oppose the Bill at this stage.

The Hon. FRANK BLEVINS: If a prisoner who had once been described as very dangerous is to be let out in three months, I hope that after serving a long sentence, that prisoner is no longer dangerous, because the home detention program is limited. Prisoners cannot cope with home detention for more than three months, except in very isolated cases, because it is a very difficult program. However, if the State of South Australia thought a prisoner was still dangerous, the State has the right to go back to the court to revoke any non-parole period and have the sentence extended. This has been done by the Attorney-General on behalf of the State on a number of occasions—I certainly know of one, and there are possibly more.

Clause passed.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 6.58 to 7.30 p.m.]

WORKER'S LIENS ACT 1893

Mr GROOM (Hartley): I move:

That the report be noted.

I wish to outline certain historical matters before dealing with the select committee's decision. The terms of reference of the select committee were to consider and report to the

House on the operation of the Worker's Liens Act 1893 and whether it should be amended or repealed. There were common law liens for work done on goods, or certainly on animals, such as shoeing horses, provided those goods or animals remained in the possession of the person who performed the work. A worker, a workman contractor or an agricultural labourer working on land historically, under the common law, was not entitled to a lien for work done or materials supplied. Legislative intervention came about in the nineteenth century. It followed North American legislation in 1791, and a statutory power to give a right of lien over land was passed in this Parliament in 1893, so it went much further than the pre-existing common law.

During the debate on the passage of the Worker's Liens Act, which was breaking new ground at that time, Mr Hawker displayed considerable foresight in relation to the operation of the Act. During the 1893 debate, Mr Hawker, pointing out the disadvantages of the legislation and predicting what might go wrong, said:

> The owner or occupier should be properly protected, but this the Bill [does] not do, as the man who really [is] not liable to pay the wages might be put to great inconvenience through a lien being registered.

It seemed to Mr Hawker at that time that the reality of the Bill was that it would not even benefit those for whose advantage it was meant to be.

The Act was passed in 1893 to meet what was then perceived to be a problem. South Australia was joined by Queensland, which also passed legislation, and New Zealand followed this example. The Queensland legislation was repealed in 1964, again, because of the failure of the Act to operate properly. Recently, Western Australia, New South Wales and Victoria—because they do not have worker's liens legislation—examined whether they should have such legislation, and promptly rejected the idea because of the disadvantages and shortcomings associated with it. In fact, South Australia remains the only Australian State to have a Worker's Liens Act.

Our select committee was not the first group to look at the operation of the Worker's Liens Act. Judge Russell in the Industrial Commission in 1986, as part of an industrial inquiry, looked at the operation of the Act and also recommended that it be repealed. In so far as the operation of the Act is concerned, essentially we were occupied with two situations. The first situation in relation to a lien is, say, between the owner of land and a contractor; that is, just two parties to the contract. If the owner does not pay the contractor for work done on the owner's land, the contractor can put a lien over the land. It has never been much of an issue in relation to this situation, because, apart from the Worker's Liens Act, if someone does not pay, a person can take out a summons and alternatives are available, other than a lien, by way of injunctive relief or attachment of the land in enforcement proceedings. That situation has not been a problem, and there are plenty of alternatives in the law when only two parties are involved—the owner and the contractor.

The real difficulty has been when there are three parties; that is, a contract between the owner and, say, the builder, where the builder has undertaken work or has supplied materials to a particular piece of land and employs a subcontractor. Under the Worker's Liens Act, if the builder does not pay the subcontractor, even though the subcontractor has no direct relationship with the owner of the land upon which the work has been done (it might be for wages up to four weeks, to use that by way of illustration) the subcontractor can place a lien on the land, but only to the extent of any unpaid moneys as between the owner and the builder.

The select committee, when taking evidence on this second aspect where three parties are involved, concluded, at page 5 of the report, that if this is the objective of the Act—to protect the subcontractor—it has failed to do so because in 95 per cent of situations the Worker's Liens Act is completely ineffective. In other words, the committee took evidence which showed that only in about 5 per cent of situations was the Act effective. This is overall situations, not just 5 per cent of situations involving three parties. Presumably much of that was in the category of two parties to a contract—the owner of the land and the contractor. But in the three-party situation, the one that is the most contentious in the community, the evidence clearly showed that the Act was ineffective and did not meet its objectives. In fact, evidence before the committee clearly showed that it worsened the situation for the creditors involved. If one is financially buoyant, there is no difficulty with this or any other piece of legislation. It is only when someone gets into financial difficulties that the way in which the Act operates is highlighted.

In relation to a builder getting into financial difficulties, because this is the normal way in which the Worker's Liens Act is invoked in a three-party situation, that is, where the builder is not paying the subcontractor, the Insolvency Practitioners Association gave evidence before the select committee, and part of the material submitted by the association was endorsed by the Law Society's submission, from which I will read, because it sums up the situation. In dealing with the insolvency of the builder, the Law Society said:

> When a building contractor becomes insolvent the following process should occur:
>
> An insolvency administrator will take charge of the affairs of the contractor and assess its position.
>
> The receiver/liquidator will usually identify the main assets of the builder as:
>
> Contractual payments due for the completion of past work-in-progress; and
>
> Future payments due upon completion upon the balance of its building contract.
>
> The receiver/liquidator will negotiate an arrangement for the completion of the contract works to the satisfaction of the owner so that past and future work-in-progress can be realised. Usually subcontractors or employees will be engaged by the liquidator/receiver on the basis that they are guaranteed payment for work undertaken from the date of appointment of the receiver/liquidator.
>
> This process serves the owner or occupier well. The building will be completed by the same personnel previously working on the site. The creditors of the builder (including employees and subcontractors) will benefit because the realisation of the assets of the builder will be maximised. The receiver/liquidator should be able to realise the assets and finalise the administration within a reasonable time.

That is the way in which an insolvency should properly unfold. But in relation to the operation of the Worker's Liens Act and how it impacts on this process, the submission, which again was substantiated by the Insolvency Practitioners Association, stated:

> The operation of the Worker's Liens Act sabotages this process. The value of past and future work-in-progress of the insolvent builder is effectively reduced to nil. Owners will hold back contract moneys. Firstly, because they will recognise that they may have to pay out or litigate potential lien claims. Secondly, because they recognise that they will have to engage new contractors to complete the building works.

The evidence presented to the committee clearly was that the Worker's Liens Act sabotages a builder who is getting into financial difficulties because the major assets of such a person are the work in progress and the debtors.

We also took evidence from financial institutions and the bankers association to the effect that, as soon as a lien is put on, because a priority is involved, all finance is 'frozen' and no more money is advanced. Instead of enabling the builder to trade out of financial difficulties and keep the

work in progress and the debtors, which are the major assets, everything collapses, everybody loses and nobody gets any money. Evidence to the committee was overwhelmingly that the legislation is 95 per cent ineffective. Groups gave evidence to the select committee seeking to retain the Worker's Liens Act. The reason that they gave consistently (and I think that I am repeating it accurately) was that it is perceived as a weapon or threat. It is a case of, 'If you don't pay us, if you don't do this, we will put on a lien and the whole thing will collapse.' The committee's view is that that is not an appropriate use of legislation.

If legislation has to be on the statute books to enable a threat to be carried out or some perceived advantage given so that effectively someone can get the upper hand to the detriment of every other creditor, the committee's view is that it is not an appropriate use of legislation and, as a consequence, the committee recommended the repeal of the Worker's Liens Act save for section 41 dealing with repairer's liens, which involves someone repairing a motor vehicle or some other object. In that instance they have a possessory lien, so we have exempted section 41 and suggested that it be transferred to other legislation.

Because there is a perceived advantage, albeit wrongly, amongst certain groups, one of the committee's tasks was to also consider alternatives that may be available upon repeal of the Act. Evidence was given that there should be trust funds. The building trades unions had two proposals in this regard, namely, a central trust fund into which builders pay money or, alternatively, that each builder have a trust fund per contract. This would be a Government-administered scheme. The committee looked at this proposal and rejected a Government-administered scheme because it would become such a bureaucratic nightmare that the levy passed onto the building industry would be so out of proportion that it would be quite horrific in terms of cost. The cost of a Government-administered trust fund, similar to the various schemes that the Law Society or land brokers have operating, would be quite mind-boggling interms of cost. Direct payments were also looked at in that context.

In fact the industry, even apart from the other recommendations of the select committee, can self-regulate. If it has standardised contracts, it can have contractual provisions that set up trust accounts within the contracts and provide for direct payments to subcontractors where the need arises. The industry itself can self-regulate upon repeal of the Act, so it will not be disadvantaged. Often it is generally desirable for the Government to keep out of the way of industry and allow industry to self-regulate in the first instance. If this does not succeed, legislative intervention is required. Certainly, the building industry itself can self-regulate and install trust accounts as part of the contractual provision of direct payments to subcontractors equally as part of contractual provisions. As they would be trust moneys, the remedy would be misappropriation of trust funds, which would be a criminal offence.

The best option in the view of the committee was an insurance scheme, and we looked at two such variants, namely, a compulsory scheme and a voluntary scheme. Evidence was taken from the insurance industry. There is no question that an insurance scheme would be more viable if it were a compulsory scheme, because the premiums would be down to an extremely low level. The insurance scheme would protect suppliers, workers and subcontractors from loss in relation to builders going into insolvency or bankruptcy. The committee came down on the side of a compulsory scheme as a preferred view, but one should recognise that the industry may well need time to take on a voluntary scheme first before adjusting to a compulsory scheme.

There were variants on an insurance scheme. Those persons who are members of an employer association could join a scheme run by an employers group. Those persons, employees or subcontractors who are members of a trade union, could join a union-based scheme. Indeed, the industry could do something like the superannuation schemes which has joint employer and employee-administered schemes to run a compulsory insurance scheme. Quite clearly the evidence showed that very low premiums would be attached to a compulsory scheme as opposed to a voluntary scheme. Such a scheme would clearly provide necessary protection for suppliers, contractors, labour-only subcontractors as well as workers for wages.

An argument has been advanced—and I guess it will be advanced in this debate tomorrow—that the Worker's Liens Act should not be repealed but left in place until all other alternatives or options are explored. That would be an absurd suggestion, because the overwhelming evidence before the select committee was that the Worker's Liens Act is 95 per cent ineffective and gives no protection. What is the point of perpetuating a piece of legislation that gives no protection to the people it is meant to protect, as Mr Hawker predicted would be the case back in 1893? What is the point of perpetuating a piece of legislation that gives no protection in any event?

The other point I make is that the repeal of this legislation will be an incentive for the industry to either self-regulate or to put forward suggestions about ways in which an insurance scheme could be set up. I understand that the Minister of Housing and Construction has set up a working group following the release of the select committee report. That group consists of industry representatives who are seeking to arrive at a satisfactory result.

The argument to couple up the two does not hold water, namely, to hold on to the Worker's Liens Act and let it be used as a threat until such time as other alternatives are in place. It is not a proper use of the legislation and that coupling up of the two is not desirable, so there is no point in perpetuating a piece of legislation that is completely ineffective. Further, when there is a building insolvency, its use can cause the collapse of the whole building project. There is no question, given evidence tendered to the select committee, that, if a builder can trade out of difficulties if liens are not slapped on, it will not lead to the collapse of a building project. It is highly likely that more builders would be saved from insolvency.

The select committee was concerned that, when a builder goes into liquidation, receivership or bankruptcy, there is supposed to be a level of capital in that building company. Invariably in most of these situations the builder's licensing requirements with regard to a certain level of assets are quite hollow. The committee believed that that aspect should be looked at. There should be a minimum amount available to creditors, but in fact there is not.

I commend the select committee's report to the House. I commend my colleagues the members for Elizabeth, Henley Beach, Bragg and Fisher for their skill and input in relation to the report. It is one select committee report into which all members contributed and made positive suggestions. We sought to bring down a report that is in the best interests of the industry. I commend the report to the House.

Mr INGERSON secured the adjournment of the debate.

STATUTES AMENDMENT (SHOP TRADING HOURS AND LANDLORD AND TENANT) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 4)—After line 28 insert paragraph as follows:

'*(ab)* by inserting after the definition of "motor vehicle" in subsection (1) the following definition:

"motor spirit" means—

(a) a distillate of crude oil commonly used as fuel for motor vehicles;

(b) liquid petroleum gas or compressed natural gas that is sold, or is intended to be sold, as fuel for motor vehicles:;'

No. 2. Page 2, line 42 (clause 6)—After the word 'Saturday' insert 'or such later time (not being later than 5.00 p.m.) as is fixed by proclamation'.

No. 3. Page 3, lines 1 to 8 (clause 6)—Leave out paragraph *(d)*.

No. 4. Page 3 (clause 6)—After line 11 insert new paragraph as follows:

'*(f)* by inserting in subsection (6) after "the closing times specified in subsection (1)" "or such other closing times as are specified in the proclamation".'

No. 5. Page 3, lines 40 to 42 (clause 10)—Leave out these lines and insert:

' "enclosed shopping complex" means three or more shop premises that comprise the whole or part of a shopping complex and that share a common area that is locked when they are closed for business so as to prevent public access to any of them through that area:'

No. 6. Page 5 (clause 11)—After line 17 insert new subclause as follows:

'(3) A commercial tenancy agreement to which section 65 (4) (as inserted by the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990) applied will, on the commencement of this section, be reinstated to the form in which it applied immediately before the commencement of section 10 of the Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act 1990.'

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

Mr INGERSON: I support the motion. It is good to see that in another place there has been some acceptance of the arguments that we put forward. First, the other place has accepted the argument that country towns, through their local council, should be given the opportunity to put an argument to the Government and, if the Government sees fit, it can be proclaimed. If the Government does not see fit, it makes its own decision in terms of the general direction it requires the public to take.

Secondly, the other place has accepted an amendment that will reduce voting limits to complexes that have three or more shops. This will enable a much larger range of shopping centres to be involved in this voting procedure; they can decide whether or not they open and what hours they open. That is a very important amendment, one that many small business people in this State will support. We support the amendments.

Mr FERGUSON: I accept with some reluctance the amendments that are before the Committee. I do so because of the restriction 'or such later time not being later than 5 p.m. as fixed by proclamation' that has been inserted after the word 'Saturday'. I am surprised that the other place was prepared to put further restrictions on shopping hours. We heard the shadow Minister, the member for Bragg, say that he thought we should have absolutely free trading—that it was his principle and the principle of the Liberal Party to have free and fair trading.

From time to time he, too, expressed his opposition to regulations. Yet, here we go once more: when the matter goes to another place, where the Liberal Party has the majority position with the support of the Democrats, we finish up with more regulations. I hope that in due course the regulation of shopping hours will be a matter for the Industrial Court, the unions and the employers within the shopping arena.

I hope that Parliament will get its nose out of small business. How many times have we heard from the Opposition that, according to its principles, the Government should get out of the way of business? In the eight years I have been in this House I have heard that time and again from members opposite. Yet, when they get the opportunity to do something about it, they come back with a proposition that produces more regulations. As I understand it from the ensuing debate, the Opposition wants more regulation still, which is quite ridiculous. I support this proposition. I hope we see an improvement in the future.

Motion carried.

ACTS INTERPRETATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1127.)

Mr INGERSON (Bragg): The Acts Interpretation Act is a general piece of legislation applying to the interpretation of Acts of Parliament passed by the State Parliament. It contains definitions which apply to all legislation. This Bill does the following. First, it provides that a 'statutory instrument' includes any instrument of a legislative nature made or in force under an Act of Parliament, including instruments such as proclamations and ministerial notices.

Secondly, proposed section 14ba ensures that where a provision in an Act requires something to be done in accordance with another part of that Act, it also requires compliance with such statutory instruments as regulations made under or in relation to that part. Thirdly, section 40 of the principal Act is amended to provide that, unless the contrary intention appears, regulations made under an Act or any rules or by-laws may apply, adopt or incorporate the provisions of any Act or statutory instrument or any material contained in any other writing in existence when the regulations, rules or by-laws are made or at the specified prior time. This means that codes of conduct or standards can be adopted by regulation without the Act under which the regulations are made necessarily containing power to enable that to be done.

It is the latter section about which the Opposition has some concern. We believe that codes of practice under this provision can automatically be put into the regulations without the discussion that may be required. We believe that if we are to introduce codes of practice, which we support significantly, we should be able to have them debated. I understand that the Minister in another place has said that this Act through the regulation can come before the Parliament via the Joint Committee on Subordinate Legislation. We recognise that, but the problem is that sometimes those codes of practice need to be looked at by the industries concerned.

So, we want an assurance from the Minister that that consultation with everybody who is involved with these codes of practice will occur. I think that that is the major concern we have about this Bill. We do not have any problems with the other provisions and consequently we will support the Bill if our concern is explained.

The Hon. D.J. HOPGOOD (Deputy Premier): On behalf of the Attorney, I am happy to give the assurance that the honourable member seeks. This point, which is a serious

point, was a matter of some debate in another place between the Hon. Mr Sumner and the Hon. Mr Griffin. The Hon. Mr Sumner, of course, pointed to section 14b (3) *(a)* of the Acts Interpretation Act 1915, which has a similar sort of reference and which, in his judgment, has not down the years caused a great deal of problem. As the honourable member has correctly indicated, he also pointed to the fact that, given that there is a regulatory mechanism, the Legislature retains some control over that.

However, the Government accepts the point seriously made by the Opposition, and in particular by the member for Bragg, that if Parliament is to mean anything it obviously means an open and consultative process. So, on behalf of the Attorney and the Government I am quite happy to give that assurance to the honourable member, that is, where this power is used, it will be used following extensive consultation over and above the formal consultative process that is written into the Joint Committee on Subordinate Legislation's normal activities. With that assurance I look forward to the support of the honourable member and his colleagues, and I commend the Bill to the House.

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

STOCK BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1126.)

Mr MEIER (Goyder): This is certainly a very important piece of legislation before us tonight, which seeks a complete rewrite of the old Stock Diseases Act in the form of a proposed new Stock Act. By and large the Opposition supports this Bill, but we will certainly seek to add to it as I will detail a little later. There is no doubt that over the years the Stock Diseases Act has been a great asset to South Australia as a whole, particularly to the livestock industry. It is interesting to note that the Act first came in way back in 1888; there was a major rewrite in 1934, and it has taken some 56 years before the need has arisen to again rewrite the legislation.

Those members who have looked at the current Act and the proposed Act will see that there is a lot of similarity between them. Certainly, many of the provisions in the old Act are again contained in this measure and it has simply been upgraded to account for new technological advances and to incorporate provisions in one Act rather than have many amendments. Certainly, whereas the old Act involved so many regulations and gazettal notices, it is hoped that the new Act will contain many of the provisions that would otherwise have been found only through an examination of regulations and gazettal notices.

We should remember that many diseases which were once endemic in the livestock population of South Australia have, through the control measures made possible under the Stock Diseases Act, been either eradicated or so well controlled as to no longer be of economic significance to the State. I believe that that reflects very highly on the earlier legislators and, indeed, on the rural population—the farmers of this State—for having enough foresight to ensure that such legislation was enacted to protect their industry.

I suppose that all of us here would acknowledge the importance of the agricultural industry as a whole and, with agriculture contributing over $2.6 billion to this State's economy, almost half of that contribution comprises the stock section of that industry, representing a large proportion of it indeed. Members will acknowledge that at present a crisis exists in the sheep area because of over production and poor prices for sheep, and this seriously affects the rural economy. Unless we can alleviate those problems, the whole of South Australia's economy will be affected. Of course, this Bill has little or nothing to do with reducing numbers; it aims to prevent diseases that could get out of hand and cause unnecessary harm to an industry that we want to remain strong.

There are quite a few specifics in this Bill that need to be addressed but, as I think that in many respects the Bill is a Committee measure, I will seek to question the Minister further on some of those specifics when we reach the Committee stage. Whilst I speak here as shadow Minister of Agriculture, I acknowledge those of my colleagues on this side of the House who actually run stock; who are farmers with an understanding of the problems, having lived with those problems; and who have been able to see the industry reach the current situation, and those members know the intricacies much better than I. They are able to identify the various problems that exist; they know the mechanics of day to day stock management; they know what sells best on the market; they know what the industry is looking for.

I cannot pretend to know a great deal in that respect, although I appreciate the general thrust of the legislation before us, legislation that will help rather than hinder the industry. It needs to be recognised that the Opposition has people who are expert in their particular fields. We can compare that to the situation of Government members and, other than having some sheep in the backyard as lawnmowers, I question whether they have much of an understanding of the livestock industry at the grassroots level.

The Hon. Lynn Arnold: Are you suggesting that the composition of a government can only ever comment on things where its members are directly involved?

Mr MEIER: I was not suggesting that. I was suggesting that the Government does not have people who have been involved in the livestock industry all or most of their lives as has the Opposition. However, if I am wrong, I am sure that those members will get up and address that remark.

The Hon. Lynn Arnold interjecting:

The MEIER: The Minister interjects and says that therefore we cannot comment on trade union matters. I am not suggesting that Government members cannot give an educated opinion and suggest what should or should not be the case. I simply wanted to point out to the Parliament that the people who have been involved with the raising of livestock are, to the best of my knowledge, all on this side of the House.

A key issue in the old Stock Diseases Act was that of compulsory or non-compulsory dipping. There is no mention of compulsory dipping in the new Act, but it was contained, particularly through regulations and gazettal notices, in the old Act. It needs to be pointed out that there were strong arguments both for the retention of compulsory dipping and for its abolition. I will dwell on those arguments for a little while. Without a doubt, there is considerable evidence to demonstrate that sheep are still affected by lice in many parts of this State, particularly, but not solely, in the high rainfall areas.

It is acknowledged that there are many clean and well-managed sheep flocks that are free from lice in this State, and I guess that many of those are in the pastoral regions rather than the intensely settled and hobby farm regions. In fact, probably the key cases of bad flock management can be found in the hobby farm areas. It is a pity to see that that has occurred and that people who go into sheep husbandry are not always prepared to accept the responsibilities associated with that industry. Many examples have been

cited to me of wool losses and livestock condition losses as a result of irresponsible stockowners neglecting to dip their stock regularly.

It has been pointed out that often the quality of wool is not up to the same standard and, therefore, not only the producer but South Australia and this country as a whole are losing out. This is due to poor management, the refusal to dip stock or, in some cases, maybe an ignorance of the law. Therefore, in this respect, the current law on compulsory dipping is the only really effective lever that we have to ensure that sheep flocks are not lousy but are kept clean.

The alternative side of the argument is that of wishing to see compulsory dipping. The Department of Agriculture now freely admits that it has not policed compulsory dipping. It is a reflection on the department that this has not been managed as well as it should have been. I am not suggesting that lousy, or lice-infected, sheep have not been dealt with. According to the information given to me, where reported or observed, the department has gone in and introduced appropriate quarantine measures, if necessary, and has sought to ensure that the owner of those sheep has dipped them or treated them in an appropriate manner and then in due course lifted the quarantine.

Why has the department not sought to enforce compulsory dipping for about 20 years? It seems obvious to me that the number of staff has been insufficient to allow such policing to occur. It has reached a stage where departmental officers have had to rely on information being passed to them. The Department of Agriculture has policed the stockyards most efficiently and, on many occasions, sheep have been found to have lice. An owner has one of two options: either he takes the stock back home or has them taken forthwith to the abattoirs where they are slaughtered. They cannot be sold to another property owner or moved out of the area unless it is to their home property.

Part of the reason why compulsory dipping has not been working is that there have been insufficient officers to police it. There is little doubt that effective dipping is the key mechanism for ensuring a very clean and healthy flock in this State. Surely that is a key criterion that we need to uphold. In the case against compulsory dipping, I acknowledge that South Australia is now the only State to retain compulsory dipping. There is evidence that there has been no real increase in lice infestations in those States which have sought to do away with dipping or which, in some cases, have never have had compulsory dipping.

I have been informed also that a 1967 compaign in South Australia to reduce sheep lice saw little or no change result. Apparently, dipping in Western Australia is now banned unless lice are found. That seems a strange way to go about things when one wants to ensure that one's flock is kept in top condition. Presently, farmers know that they are required within a matter of weeks of shearing to dip their flock. That not only ensures that the sheep are lice-free for some period but it also helps to combat blowfly infestations. It is generally considered to be good sheep husbandry to dip the sheep. We do not have to worry too much about chemical excesses these days because the dips we are talking about are vastly different from the dips of years ago.

Members might recall the arsenate dips, which have been prohibited now for some time. Today's dips are of a very low toxicity with no detrimental effect on the wool or meat and, therefore, we do not have to worry in that respect. We are not really concerned here about the adverse effects of chemicals, but what will be the situation if we do away with compulsory dipping? Obviously, many farmers will choose not to dip. Those who have a closed flock and good fences, who can virtually guarantee that other sheep will not be entering their property, will, to all intents and purposes, continue to run a clean flock.

However, if a sheep from an outside property should get in with the closed flock, that farmer could well have problems. If his sheep happen to rub against a fence adjoining the neighbour's property, and the neighbour's sheep have lice and have perhaps deposited some wool on the fence, lice infestation could be introduced into the closed flock. It is very difficult to know just how to keep lice out of a flock.

I was speaking with one farmer who said that his flock had been lice free for countless numbers of years but, not so long ago, he took some sheep to the market. He had dipped them at the appropriate time, not long before they went to market and, lo and behold, the stock inspector from the Department of Agriculture identified one of his sheep as having lice. The farmer was told either to have them processed immediately or to take them home, in which case his property would be under quarantine.

I cannot recall whether he took them home, but his property was put under quarantine. He was most indignant about having to be quarantined, saying that his flock had always been lice free. He maintained that it still was lice free and called the departmental inspectors forthwith. They agreed that they could find no lice anywhere on his property, but the quarantine continued for some weeks until the inspectors came back and made at least one further investigation, if not a second.

They agreed that his property was free of lice, and he continued normal operations. This man is a strong advocate of compulsory dipping, and he said that whether or not his flock was found to have lice was beside the point; it was clear to him that, no matter how careful one is, the lice can still come in. He said that compulsory dipping is one of the greatest safeguards available.

We acknowledge that, if lice are detected on long wool sheep today, the sheep do not have to be shorn again: they can be dipped effectively and, with modern chemicals, can be lice free. I suppose that we do not have the argument that dipping would cause unnecessary hardship from the point of view of having to shear the sheep again. It is not necessary today, and that provision could be contained within the new Act. There is an argument that a lot of money is being spent on dipping today where it may not be necessary. The Department of Agriculture told me that some $5 million was spent by the industry on dipping. One might argue that, if we did away with compulsory dipping, we could save money. However, we would not, as I am sure the Minister will agree, since it would be hoped that responsible owners would continue to dip, particularly those who have had lice in their flock from time to time.

Much of that $5 million will still be spent annually, and the people who would benefit most from the abolition of compulsory dipping would be those who at present have poor sheep husbandry, those who have lousy sheep and those who do not look after their flocks as they should. They would tend to say, 'You can't touch me, because we don't have to dip compulsorily anyway. You come and find the lice on my property, then I might have to do something about it.'

It is recognised that the powers of policing in this Bill are very similar to those in the old Act. In fact, I would say that they were stronger than those in the old Act, and that is to be applauded. With one or two exceptions I will take up during the Committee stage, the policing powers are there. I hope that the Department of Agriculture will have a sufficient number of officers to be able to implement the provisions of the new Act as they would like.

In fact, it is my strong suspicion that they will not have sufficient officers to police it as effectively as this Bill proposes. At this stage, with cut-backs in various departments, we will not see an improvement in the immediate future, but this Government needs to weigh up how important the stock industry is to the State. There is no doubt that, if we want it to continue to be a key ingredient in our income, the Department of Agriculture will need the appropriate resources effectively to police for clean flocks and, if our amendment is successful, to ensure that compulsory dipping occurs. The Opposition will be seeking the reintroduction into this Bill of compulsory dipping. That will add strength to a Bill that has been improved in many ways.

Mr Hamilton interjecting:

Mr MEIER: I heard an interjection from opposite: how come the UF&S supports the abolition of compulsory dipping? That is a very good question. I have consulted widely on this issue, and there is no doubt that the UF&S advocates the abolition of compulsory dipping, and I recognise its point of view. It is also acknowledged that the Advisory Board of Agriculture seeks to discontinue compulsory dipping, and I acknowledge it as a very responsible and representative group of farmers that gives advice to the Minister.

Although I can see its point of view, I have consulted with many farmers, as have my colleagues, and I do not think that I am in a position to make up my mind just on consultation with one or two groups. It needs much wider consideration, and the arguments put to me indicate clearly that, whilst we could get by without compulsory dipping—and I can see that very clearly—a stronger argument says, 'Why take it away? Why not have it there so that the farmers will continue to ensure that their sheep are dipped?'

Whilst, earlier, $5 million was mentioned, members would probably be aware that the actual cost per farmer is relatively small. Having spoken to farmers, I know one farmer who had several hundred sheep and said that it cost him about $200 to dip. 'That is one of the best insurances I have,' he said.

Farmers have not put forward the economic argument to me. As I said earlier, most of that $5 million would continue to be spent because farmers would want to ensure that they have a clean flock. One must weigh up very carefully the overall views of the industry, and the Opposition has identified the fact that our flocks need to be kept to the highest possible standard.

So many negative things have happened, particularly the severe reduction in the live sheep trade. It was very distressing to hear one of the key people in that industry say that the industry can get sheep from New Zealand as good as those from Australia. Every Australian sheep farmer would dispute that. We have a superior quality product in Australia, particularly in South Australia. However, we will only find out in time because one of the major exporters is increasing its operations out of New Zealand and deprives South Australia of approximately $30 million annually in income from the export of live sheep. If we really believe that we have a product better than that in the other States, this is one further way that we can show exactly how our product is better. On weighing up the arguments for and against the provision in this Bill to remove compulsory dipping, the Opposition has decided that it should be retained.

The Bill provides for residue problems, particularly growth promotants, feed additives and sprays, to be combated at their source, rather than waiting until animals or animal products become contaminated. We should applaud this measure because residue problems of any sort can have a disastrous effect on the industry as a whole. Members will recall that residues in beef were detected when it reached the American market. It virtually ruined our market for a while and Australia had to take extraordinary measures to try to get back that market. Seeking to combat residue problems at their source is a very positive measure and can only help the beef industry and the livestock industry as a whole.

Another amendment allows the Chief Inspector to control the movement of people as well as stock in infected areas and to be able to destroy a limited amount of animals, with compensation, to confirm freedom from disease as well as infection. As members would appreciate, most of those powers are available to the Chief Inspector under the old Act, particularly the power to destroy animals and to confirm freedom from disease. I will seek to question the Minister further on the particular phraseology of 'to control the movement of people' because, from my reading of the Bill, I feel that it may be overstating the situation. Many references are made to people, but I will deal with that at the Committee stage. I am a little worried that, if a tourist happens to get on to an infected property, he will be stopped from moving too far. Perhaps the Minister will comment on that in due course.

With respect to chemical residues, the Bill provides that control measures can be implemented to prevent contaminated products from getting into the local and export food chain and to assist producers in managing the problems on their own property to cleanse contaminated stock or ground. The Opposition is pleased to support this measure in the Bill which seeks to assist stock owners to help them better manage their property and to be able to identify potential problems that arise. There is a divergence of views on this matter. One person in one of the organisations that was mentioned before (I prefer not to identify him in case of embarrassment) pointed out that it was felt that chemical residues were given too high a priority over exotic diseases, that exotic diseases are much more important and could devastate the industry more easily than chemical residues.

An honourable member: You're dead right, John.

Mr MEIER: I do not agree, and that is why the Opposition does not agree that residues should be given more priority than exotic diseases. Both should be given equal weight because, as was pointed out to me by the dairy industry, residues are probably one of the biggest problems that that industry has to tackle on a day-to-day basis.

Members interjecting:

The DEPUTY SPEAKER: Order! If the member for Napier wants to contribute to the debate, he will have to do so in accordance with Standing Orders. The member for Goyder.

Mr MEIER: Thank you, Mr Deputy Speaker. I am looking forward to the member for Napier's contribution because he said before the debate began that he would be speaking to this Bill and he may make some comments about the exotic diseases/chemical residue aspects of the legislation. The South Australian Dairymen's Association pointed out that strong provisions are needed to combat residues. For example, if traces of penicillin are found in milk, a dairy farmer's licence is automatically cancelled, so the dairy industry has no sympathy for anyone who does not look after his herd to the best of his ability. One of my colleagues pointed out an example of a dairy farmer who lost his licence because a prohibited substance was thrown into one of his paddocks, the cows licked the substance and there were contaminated signs in the milk. The dairy industry has been very strong on this point for a long time.

Another matter, which the Minister can take on board, concerns the pig industry. Many pig farmers come from

overseas, in particular from Vietnam, and they do not understand our language as well as they could. A veterinary surgeon pointed out to me that, quite often, he has to prescribe various drugs that are needed to overcome some deficiency or ailment in pigs. Many of these drugs have a withholding period of between seven and 30 days. This vet suspects very strongly that some Vietnamese farmers have sold their pigs on the open market within that withholding period, and he believes that stronger provisions must be applied to combat that type of problem.

This legislation goes some of the way towards that, and the Minister might be able to comment further. Again, it is not as though these people will be identified clearly; it will be necessary for inspectors to go to the properties and carry out tests. Alternatively, inspectors should be in regular contact with veterinary surgeons in the area to determine to whom they have been prescribing drugs. However, I do not want to see too much of an infringement of civil liberties of veterinary surgeons, either. The Opposition believes that the provision regarding the control of chemical residues needs support. We believe that the problem of chemical residues should have greater emphasis than exotic diseases.

Finally, one of the key issues is to put in place the minimum controls necessary in the artificial breeding area to maintain the required standards for the health and welfare of animals. Whilst some attempts have been made through amendments in past years in relation to artificial breeding and the new technology that has been opened up in this area, it is pleasing to see in this Bill specific codes of practice being put forward so that we do not have willy-nilly development. Some guidelines will be put forward, although I will question the extent of some of them as I think the Minister might have gone a little too far. However, broadly speaking these guidelines are codes of practice which we can endorse and which I am sure will assist the industry in the long term.

There is no doubt that this Bill is a significant step forward from the old Stock Act. I have emphasised that the Opposition feels that compulsory dipping should be retained. The legislation can remain as it is with the addition of one or two points, including compulsory dipping. This will add an extra element that can only help rather than hinder the industry. It will ensure that South Australia remains to the forefront of sheep husbandry and maintains the high standards that we have had for so many years. It will not allow us to go down to a level which could create problems in the future.

Certainly, the legislation will help to ensure that hobby farmers dip their sheep, as they are particularly affected at present and need stricter controls. With compulsory dipping provisions appropriate policing will be needed, with much more attention given to it than in the past. This Bill is a major step forward. It is a vital piece of legislation for the livestock industry of South Australia and I believe that it will not only protect individual producers and the industry generally but it should help South Australia as a whole. As I indicated, the Opposition gives its broad support to the Bill.

Mr FERGUSON (Henley Beach): At the outset, I must say that I found it very hurtful that the member for Goyder should suggest that members on this side of the House, because they do not live in a rural constituency, should not enter into this debate. I think that was in very poor taste.

Mr MEIER: On a point of order, Mr Deputy Speaker. I was interested to hear the honourable member's comments. At no time did I suggest that members opposite should not enter into the debate.

The DEPUTY SPEAKER: Order! What is the point of order?

Mr MEIER: The point of order is that I have been misrepresented in the debate.

The DEPUTY SPEAKER: That is not a point of order; it is a matter of misrepresentation with which the honourable member can deal later.

Mr FERGUSON: The member for Goyder suggested that members on this side of the House should not enter into the debate because they know nothing about the rural industry. I resent that. When I entered this Parliament eight years ago my electorate contained a mixture of both horticultural and agricultural elements. There were many empty paddocks in Fulham Gardens, the bottom end of Grange and Grange North. My electorate has a multicultural society with people from Bulgaria, Calabria, Greece and other places, who took the opportunity of buying up large tracts of land in the early post-war years. They used to run a few sheep and goats and there were plenty of market gardens in which tomatoes and other produce were grown. As I went around my electorate from time to time, I noticed that some of the goats and sheep had disappeared from the paddocks. It was against the law for these animals to be slaughtered in home garages, but from time to time I noticed that these animals in my electorate had disappeared. I thought that they probably used to take them to the abattoirs to sell them on a one only basis.

I think it is appropriate that at least some members on this side of the House speak in this debate. We are very keen to deregulate the industry as far as the removal of compulsory sheep dipping is concerned. It is nice to know that in the rural crisis with which we are now faced Parliament is prepared to go along to the extent that it is removing compulsion and reducing the price of farm produce, particularly sheep. The member for Goyder mentioned that he was in favour of compulsory dipping. I am a bit surprised about his insistence on this point because on many occasions we have heard him and members on his side of the House oppose regulation and compulsion of almost any sort. I was very surprised to hear that the honourable member is prepared to continue to insist on compulsory sheep dipping when this House is prepared to remove that requirement from the statute book.

The honourable member has explained—and I accept this figure—that the cost of dipping in South Australia is $5 million. When would be a more appropriate time than now to put back into the rural industry a sum of that magnitude—$5 million? I am keen—as is the legislature, I am sure—to rely on the farmers. Farmers, naturally, are concerned with conservation and, under those circumstances, I do not think that the State legislature should insist on compulsion in the stock industry, and I think it is hurtful that members opposite should insist on compulsion in this area.

I was surprised also to hear the member for Goyder mention that he is not prepared to trust the advice of the UF&S in relation to this legislation. If one wants advice on trade unionism, one goes to the United Trades and Labor Council and one accepts its advice. If one wants advice on the rural industry, one goes to the UF&S to seek advice and, when that advice comes through as strongly as it has in this instance, it behoves this Parliament to take notice of it. The UF&S is an expert organisation in this field, so I do not see any reason not to accept its advice.

The honourable member mentioned the live sheep industry. Although it is akin to the legislation before us, it is probably a little bit in the outfield. I want to express my concern and commiserations to the rural industry because

of the way that the live sheep industry has been affected by the affairs in the Middle East. It is a shame and it will reflect on city people as the rural crisis deepens. I hope that we can prove that what is happening in Iraq has affected the live sheep industry; and that we will be able to make a case for compensation from Canberra for those people who have missed out in relation to this industry.

The SPEAKER: Order! I hope that the member for Henley Beach will link his remarks to the Bill. I have no idea what Iraq has to do with this Bill.

Mr FERGUSON: I mention this matter with respect to the live sheep export problem, which is related to sheep dipping. All sheep must be dipped before they are shipped out, because we would not want to send diseased sheep to other countries. In relation to chemical residues, I believe the lifting of the compulsion to dip sheep is, in fact, a soil conservation measure. I was absolutely impressed by the arguement put to this House by the member for Custance, because I feel he touched everybody on this side of the House in the way that he defended the situation in relation to soil conservation. I believe that when he gets the opportunity to speak—and I do hope that the Opposition allows him to enter the debate—he will be able to tell us about the importance of soil conservation and the importance of allowing sheep farmers to choose when they should dip their sheep, because chemical residues would then be kept out of our environment and we would not have the problems with which we are now faced.

The member for Goyder mentioned the ban on our beef cattle in respect of chemical residues. Chemical residues got into the food chain and affected our export meat. Indeed, we did have a lot of trouble convincing the Americans—

Mr Hamilton: And the Japanese.

Mr FERGUSON: And the Japanese, and other countries that they ought to accept our beef. This is an area on which both sides of the House agree. We agree totally with the member for Goyder's sentiments, so we cannot quite understand why he is still in favour of compelling farmers to dip their sheep. Conservationists will cheer when this measure goes through. We already know from the work that has been done at Cook University that the Barrier Reef is being affected by the chemical residues that Queensland farmers use on their soil. The run-off from the rain goes into the creeks and rivers and eventually ends up in the sea, and in that way chemical residues are affecting the Great Barrier Reef.

Mr D.S. Baker interjecting:

Mr FERGUSON: And I do hope that the member for Victoria contributes to this debate as I would be happy to hear what he has to say on this matter. There is no doubt that our seaways are being contaminated by chemical residue and, in turn, so are our natural areas, such as reefs. I hope that this measure is passed by the House so that something can be done to protect both our gulf and the coastline in general from chemical residues. I do hope the Opposition does not insist on its amendment (and I know I am not allowed to talk about the amendment) and follows it through in another place because we feel that, after all the advice that has been tendered to us, we should support the UF&S, and I feel proud to be able to support the UF&S on this occasion, as should everybody in this House. I agree with the member for Goyder that this legislation—

The Hon. Ted Chapman interjecting:

Mr FERGUSON: That is a very hurtful interjection from the member for Alexandra, and it is very difficult to answer an interjection like that because we on this side—

The CHAIRMAN: Order! Interjections are out of order.

Mr FERGUSON: I am sorry, I will ignore the interjection, as hurtful as it is. I agree with the member for Goyder that this legislation is vitally important. It is probably one of the most important and far-reaching pieces of legislation to come before Parliament this session, and it is deserves support from both sides of the House, it should be supported in a bipartisan way. I intend, as does everyone on this side of the House, to support the Bill.

The Hon. TED CHAPMAN (Alexandra): I am honoured to follow the member for Henley Beach, and I note what he says about the Government's support for the UF&S: hence my earlier interjections. It never ceases to amaze me how inconsistent the Labor Party can be when in government in this State. When it suits the Labour Party, it supports the UF&S; and, when it does not the suit it, the Government is as critical and vitriolic of that organisation as anyone has ever been in this place. When it suits the Government to support primary producers, it does; and, when it does not suit it politically, the Government dumps them, as it does in many other areas.

An honourable member interjecting:

The Hon. TED CHAPMAN: Exactly the same way. However, that is not terribly relevant to the important subject before the House at the moment. Incidentally, the Opposition, as represented by our shadow spokesman on agriculture, has already said that it supports the thrust of the proposed legislation. We do not have any violent objections to the level of penalties to be applied, the role of inspectors and, by and large, the ministerial discretion elements of the Bill. However, we do object to the abandonment of compulsory dipping of livestock, particularly sheep. More especially, we are concerned about the action that requires the stockowners—whether they be broad-acre farmers, hobby farmers or anyone else, whether they have large flocks or small flocks—to dip their sheep within 42 days of shearing with an effective chemical so as to control parasites.

We have used the term 'dip' traditionally in relation to this practice in the rural community, and I am the first to recognise that the application of chemicals by other than showering, plunge dipping and other longstanding methods of chemically wetting the sheep now apply, and the legislation obviously must have regard for that. I believe we should support the legislation except for that element that relaxes the practice of compulsory dipping. That requirement under the old Act should be reinserted in this new legislation.

Steps have been taken—or are in the process of being taken, with the assistance of Parliamentary Counsel—for that to occur, and that action will be dealt with by our spokesman on agriculture during the Committee stage of this debate. Earlier this evening someone—I think it was the member for Henley Beach—expressed some pleasure at the fact that the rural community in South Australia would save megamillions each year in respect of the cost of dipping. It is that sort of comment, or what was implied by it, that concerns me most.

If the current legislation were to relax that expenditure and indeed dispense with the practice of dipping or applying an appropriate chemical to sheep off shears in this State, the legislation is much more dangerous than I had earlier believed. If ever we needed to tighten up stock management practices, it is now. For too long members of the inspectorate have been too slack in their application to their job; for too long a growing number of hobby farmers have failed to apply chemicals to their sheep off shears or to properly manage those sheep over a very large area of the State and,

more particularly, in those rural living arrangements near the environs of our towns and major cities in this State.

It does concern me, as it concerns other members of my Party, to see legislation that proposes to relax further that slack management practice. So, from that viewpoint I, and others on this side, am adamant about the need to maintain the requirement to dip sheep on a regular basis each year other than in those special circumstances cited in the notices gazetted each year under the current Act. The notices provide an inspector with the discretionary powers to dispense with the requirement to dip sheep where those sheep are too weak to muster, such as in drought or flood, when covered with mud, starving or out of water. Obviously in those situations an inspector must have the powers and must be in a position to use his or her discretion.

By tradition in this State, inspectors have been able to dispense with the requirement of dipping where lambs or sheep are going to slaughter within the 42-day period off shears and therefore will not be in a position to contaminate other flocks. In any circumstances, whether it is within the 42 days off shears or thereafter, inspectors have had the power to quarantine properties so that no more stock comes in to be further contaminated and no stock leaves the property in the situation that might lead to the contamination of other clean flocks. It is in that sort of situation that the discretionary powers should remain. We have no argument about that side of it, but to throw the baby out with the bath water and to do away with compulsory dipping in this State is a backward step in the rural community.

We hear talk about the UF&S having made a recommendation. I guarantee that, if any member of this Parliament were to go out in the field to people who practice dipping as a matter of good stock management each year and say, 'We are proposing to do away with the compulsory element of the stock Act in this State,' some would say, 'Don't do that. It is a great lever for us; it is very important to maintain that requirement in the statuses.' Others would say, 'Don't worry about it; we practice it anyway, and anything in terms of doing away with regulations or controls, we are happy with.' Anyone who has thought through the subject, as one should in these circumstances, would recognise the importance of what we on this side of the House are saying in relation to that aspect of the Bill.

Historically the argument whether we should dispense with compulsory dipping of sheep in this State has been around for a very long time. In fact, when I became Minister in 1979 in this State I inherited a recommendation to do away with compulsory dipping. I did not agree with it, as indeed my predecessor as Minister of Agriculture did not agree with it. So, it has been around for at least 11 years. It would appear, in the absence of any suggestion in this Parliament, that my successor, who in the circumstance was also my predecessor (Hon. Brian Chatterton in another place) in his short reign after 1982 in that position, did not introduce a Bill. Indeed, there was not any chatter by Chatterton about it. Likewise, in the case of the Hon. Mr Blevins, then from another place, when he became Minister of Agriculture, left the matter in the cupboard and did nothing about it. The same officers in the department and the same chief inspector of stock in this State prevailed through the whole period. Sir Humphrey is still there to this day. He is a great old fellow, but he has been carrying around the Dairy Act and one or two other Acts in his hip pocket from day one. He finally got a Minister to pick it up and run with this one. Even the Hon. Mr Mayes, the member for Unley, who was Minister for a short period (I do not know whether in his short stay he picked up that there was a Stock Diseases Act under his umbrella) did nothing about it. The current Minister has picked it up.

I commend the current Minister on many of the steps he has taken in relation to this Bill, but I do not commend him on the proposal to dispense with the compulsion to dip sheep. I have been in the industry for too long to treat this subject lightly. I have been the victim of lousy sheep coming into my flock. I have been the victim of buying a ram which was lousy either prior to or during transit and which transferred lice to my sheep. I know about the millions of dollars that this country loses every year as a result of parasite strike in sheep, whether it be strike by fly, lice, or any other parasite. I am not prepared to support legislation that will harm the rural sector.

Mr Ferguson interjecting:

The Hon. TED CHAPMAN: Again the member for Henley Beach interjects and says that the UF&S wants it. It is not a matter of what it wants but what it needs. There is sometimes a difference. The difference is that I believe it is wrong and that I am right. When I say that I am right I believe that I have wide support in this State—perhaps even wider support than has the UF&S membership—for my stand on this issue. I am not here, however, to argue about whether it is right or wrong. I put before the House a viewpoint in which I believe. It is no skin off my nose what this, that or any other Minister does from a personal viewpoint, because I will make it anyway. However, from the viewpoint because I will make it anyway. However, from the viewpoint of the rural community—which, as the member for Henley Beach did say, I admit, has its back to the wall—caution needs to be exercised with the law in relation to management practices and in particular in relation to stock management practices. I will not be thwarted in my view by someone who knows nothing about the subject.

It is bad enough one being directed by someone when they know what they are talking about but, when they do not know what they are talking about, by hell, that gets up one's nose. I am too old; I have been there and done that for too long to be mucked around by that sort of behaviour. I know what these people are saying and I hear what members of the Government are saying with tongue in cheek or reading from a paper in tacit support of their Minister, but the guts of it is that they do not know what they are saying on this subject: it is all lip service. I do not know much about many things, but what I do know I do not forget. This issue is very close to the bone, and in my view it is a pleasing day for us on this side to have total support from, I believe—without seeking to commit anyone—the member for Flinders, our colleague with the National Party collar who also understands the subject and supports the Liberal Party in this view.

Interestingly, our metropolitan-based members understand the importance of this issue. It is not a block Party vote. The input, the interest and the genuine personal concern expressed by these members is quite remarkable. I am proud of the Liberal Party for the broad area of representation that it covers on this subject, principally related to the big paddock out there. Members have picked it up, studied it and run with it. Labor members might chuckle, but I shall not be at all surprised in this debate if we have people who are very much rooted to the metropolitan scene jumping up in their respective positions in this place and debating the Stock Bill. Members opposite laugh, but I think that our members will make a very real contribution to this debate. I am debating on the basis of having some physical, practical and personal association with the matter; they are debating more specifically from a legislative point of view. They are sensitively concerned about the future of the stock industry in this State and they want to make their contri-

bution. Mark my words, Mr Speaker, I think it will be surprisingly good.

I appeal to the Minister to take on board the support that has been demonstrated by the Liberal Party at large, to take note of the support that has been enunciated initially by our spokesperson on this matter and to recognise our concern for this element of the Bill that the Minister proposes to repeal with the rest and not to return, that is, the element of compulsion in so far as it applies to the dipping or, in more modern terms, the appropriate treatment of sheep for the purposes of controlling parasites.

I know that we cannot talk about amendments at this time; that is for a later stage of the legislation. We have had a little difficulty in getting the words prepared for some changes that we shall propose later down the track, so there might be some delay in that respect. However, I can assure you, Mr Speaker, that the general thrust of our objective in this debate is to ensure that all sheep after shearing and within six weeks—42 days—shall, subject to notice in the *Gazette* and/or by whatever other appropriate method is adopted, be dipped or have applied the appropriate treatment for the purposes of controlling parasites in sheep.

I hasten to support those who have expressed concern about toxic chemical residue in the meat. I think it is terribly important that we acknowledge the relevant medicines Act that dictates which chemicals are safe for use in this regard. We know that no DDT, arsenic-based dips, malathion or other nasties are applied nowadays in a way that enables those chemicals to make contact with live stock and reside in the meat. We know the consequences of being involved in that sort of behaviour. But there are plenty of low toxin chemicals available for this purpose. They are widely advertised and accepted under the relevant medicines Act and they are available for application to the stock in much simpler ways than the old plunge dipping, shower dipping, tunnel dipping, or whatever other dipping might have been applied in the past. There are brush-ons, spray-ons, stick-ons—you name it. It is a very simple but effective and, as I see it, important practice to maintain within the sheep industry in our general interests as a rural State, in our domestic interests as consumers of the meat and in our financial interests in order to maximise our wool return from those sheep, so that sheep affected by these parasites can be cleaned up quickly and therefore not leave their wool on the post, on the fence, on the stump or whatever. Thousands of bales are rubbed off in the paddock each year as a result of lousy sheep.

The Minister will wind up and tell us what has happened interstate, which State had this law, which State got rid of it, and what-have-you. My interest in the sheep industry in Australia is very general, but it is of paramount importance within the State of South Australia. In my view, with 17 million sheep, we need to apply every modern technique that is available to us and to require it to be applied in order to maximise our return from our State sheep flock. I support the legislation with the proviso that at the appropriate time we will insist on the amendments to which I have referred.

The SPEAKER: Order! The honourable member's time has expired. The member for Napier.

The Hon. T.H. HEMMINGS (Napier): It is indeed an honour and a privilege to follow the member for Alexandra on a piece of legislation such as we have before us tonight. The depth of his knowledge leaves me very humble indeed. Since its introduction in 1888, the stock diseases legislation has had a chequered history, but I think it is fair to say that it has served this State well. However, I think it is time to update it and to move into the twenty-first century. This piece of legislation, which will bring everything together and make sure that farmers in our community can use it, is something that we should applaud.

I should like to congratulate the member for Goyder. He never fails to amaze me with his complete grasp of all matters agricultural. Tonight, apart from speaking about the amendment that he intends to move on behalf of the Liberal Party, he summed up the situation as he saw it and as I am sure most farmers in the community see it. In all things before the House, the member for Goyder can encapsulate exactly what they are about. We had an example this afternoon. He is not the spokesman on correctional services, but he was able to speak with authority on that piece of legislation, and tonight he has dealt with sheep dipping and whether it should or should not be compulsory.

I do not intend to go into the pros and cons of whether we dip sheep or not. I think that matter has been sufficiently canvassed around the place to give some indication of the views on both sides of the Chamber. I have a few farmers in my electorate and, whenever there is any legislation coming before the House, I go out and consult. One elderly farmer, a constituent for whom I have a lot of time, spoke in much the same vein as the member for Alexandra. He is an old timer, getting on in years, and he is adamant that the compulsory dipping of sheep is necessary. Despite the fact that he has been in my electorate office and we have talked about whether dipping should be compulsory or not, whether we are penalising the owners of clean sheep, whether there will be residue from the chemicals used going into the food chain and into the soil and, as the member for Henley Beach said, ultimately flowing into the Great Barrier Reef, like the member of Alexandra, that farmer, perhaps set in his ways, is adamant that he needs to dip his sheep and that he will continue to do so.

Whether or not the amendment is carried in Committee, this particular farmer believes quite sincerely and strongly that the compulsory dipping of sheep is necessary. I put to my constituent why should good farmers—farmers keen to keep their stock clean—have to go through the process of dipping their sheep. This farmer is not as eloquent as the member for Alexandra, but he says exactly what the member for Alexandra says: that if this Government goes down the line of non-compulsory sheep dipping that is the wrong way to go.

If the members for Alexandra and Goyder think that I will vote with them on this amendment, they have got it all wrong. I have been convinced, from talking not only to the Minister but also to the Minister's advisers, that that particular part of the old stock diseases legislation is no longer necessary. I would like to think that the member for Goyder, who is younger than the member for Alexandra and perhaps more pliable, inasmuch as he can listen to reasoned argument from this side of the House, will not move his amendment after he hears what members on this side of the Chamber have to say on this matter. That is enough about the compulsory dipping of sheep; I think that that has been canvassed sufficiently already.

I wish to dwell next on the area of artificial breeding. I think that uniformity is the key word in this area. I often wonder at the marvels of agricultural science where we can by artificial breeding produce a better strain, better returns for farmers in good years, better meat to be placed on our tables, better wool, better hide and all those kinds of things—we owe this all to the science of artificial breeding.

It is fair to say that it is in this area that Australia excels. In fact, I have it on very good authority that we are the envy of most other agricultural nations. I give credit to the Australian farmer for grabbing hold of that particular piece

of science, running with it and producing the improved stock that we see in the paddocks. However, the frightening part is that unless we have some form of uniformity something can go awfully wrong somewhere down the track. One can conjure up some George Orwell type of fantasy where sheep and cattle have the same genes, walk in the same way and in effect come from one single artificial test tube—we have all read those kinds of science fiction things. However, this legislation seeks to achieve greater uniformity across the nation, ensuring that the protocols are compatible with interstate and overseas trading countries.

It is in respect of overseas trading countries that it is so necessary that we have this degree of uniformity. I congratulate the Minister on getting this legislation together, following discussions with his interstate colleagues and others from overseas countries who are vitally interested in what this country produces by way of artificial breeding. It will enable us to offer something to other countries that is not only good but about which we can say there are strict controls.

I think I have said sufficient on this Bill. I understand that at least four other members on this side wish to make a contribution. Once again I impress on members opposite that in this instance they should disregard the members for Goyder and Alexandra, able men that they are, and listen to their parent organisation, the United Farmers and Stockowners, which has examined this matter, discussed it with the Department of Agriculture and determined that compulsory sheep dipping is no longer necessary.

Mr GUNN (Eyre): I did not intend to participate in this debate because the member for Alexandra clearly expressed the sentiments I share on this matter. However, I find it difficult to understand why the member for Napier would put forward suggestions which really do not stand up to proper scrutiny or have any commonsense. Many subjects come before this Chamber about which I do not have a great deal of knowledge. However, I think I have had some little experience in the field of managing merino sheep. I wish that I never had to toss one sheep into a plunge dip, because when you toss about 4 000 sheep in on a hot October day I can assure members that you are not looking for one more sheep to toss in at the end of the day; your fingers are so sore that you can hardly grab hold of another sheep.

The only reason people like the member for Alexandra and I want to see a provision for compulsory dipping remain on the statute books is that it makes commonsense and it is right for the industry. If it is not on the books those people that should dip will not and those who do not need to will continue to dip. That is the simple answer. A few hobby farmers, who are a jolly nuisance, have obviously put pressure on the Government and on Government officers because they do not like to be involved in this process, and we have had this proposition put forward—that this is good insurance to maintain the standards that we have become used to in this State in relation to good sheep husbandry and management. It is very easy today to dip sheep compared with what occurred 10 years ago. Today you have pour-on dips: you put a back-pack on your back and as the sheep come out you just put it on each one of them.

I have done dozens of sheep; I have had some experience. It is not like having to plunge dip sheep. We have moved on to various sorts of shower dips and other things. We do not use the sort of dip that we used previously such as the old yellow Coopers dip, which you could use for many things, including killing white ants and getting rid of bees. Those arsenical dips were great stuff and had many uses. Now we use far more selective chemicals.

The reason for wanting to dip sheep, as anyone who has had any experience with a well-managed farm knows, is that there is nothing more annoying than to suddenly find that you have stray sheep in your mob that have lice, itch mite or keds. Your effort has been rendered useless and you have to start again and in some cases re-dip every sheep on your farm, and you will probably end up quarantined even though it is not your fault. We want to avoid that. It is my view that every sheep across the board should be dipped. That is important because we have a lot of properties where it is very hard to muster sheep, and they always have a few strays or stragglers.

If there is not a requirement to dip sheep, people will not bother to dip. There is a possibility that they will not bother to dip those few stragglers and it will therefore defeat the exercise. I do not want to take up any more time, but I entirely support what the members for Alexandra and Goyder have said in this matter.

My comments are based on my lifetime's involvement in the industry, and one of the things that I was taught very early in my involvement was that you do not have lousy sheep—that it is bad farm practice to have lousy sheep, and you do everything possible to ensure that you dip sheep correctly—and I mean correctly. I have had instilled in me the need to ensure that you have the right strength in your sheep dip; you keep topping up the dip, and when you go to shower dips you make sure that all the jets are operating effectively so that you do not have patches on the sheep which are not covered.

I do not know who put this provision forward; I do not know the reason for it but it is nonsense, to put it mildly. It is not necessary, I just wonder who were the people at UF&S who were involved. Was it the executive officers? I will guarantee that 90 per cent of the farmers out there would not know what is now going through Parliament. If they were asked, they would not want the existing provision repealed, because they know that those people that should dip will not; the ones that do not have to will continue to dip, and it is that small element who are not good farmers who would abuse the situation and cause considerable problems. I know nothing that makes a grazier more angry than to go out and find stray lousy sheep in his back paddock after he has gone to the trouble of dipping his own sheep, and there will be more of that happening if this provision of the Bill is not changed.

Therefore, I support the comments of my colleagues, and I hope that the Minister will see the wisdom of what we have been saying. I support the second reading of the Bill because I believe that the other provisions are necessary in case of outbreak of any form of exotic disease and there needs to be in place proper provisions to control and deal with that. However, this other provision in my view, is not essential, and the existing provision ought to stand.

Mrs HUTCHISON (Stuart): I rise to offer my support for the Bill as a non-metropolitan member, and I do so because I think it is a very important move which is bringing the legislation into the twenty-first century, if I can put it in those terms. It is looking at the changing environment and the technological advances which have occurred in the livestock industry. As has been previously stated, the stock diseases legislation has been a very valuable tool for the control and eradication of contagious and infectious diseases, which in the past have posed a very real threat to individual producers in the livestock industry generally and also to human health. Human health is one of the areas in

which I am very interested, as members may know. Two of those diseases which come readily to my mind are brucellosis and tuberculosis which affect cattle, and there has been a lot of talk here tonight about sheep but very little about cattle.

In the past a large number of diseases have been major killers of stock in South Australia, and I am very pleased that the Stock Diseases Act, which has been in place since 1888 and upgraded, has been responsible for eradicating or controlling those diseases to such a degree that they no longer cause any significant economic loss to the State. I think that is what we should be making sure of with our legislation. Constant amendments to the Act have enabled the controls to keep up, to a large degree, with the disease control technology, the management of the different livestock and the particular needs of the industry itself. However, recently there have been new problems with regard to chemical residues and the need for more defined controls of exotic diseases, which were recently identified, and, in order to ensure that the legislation continues to protect the stock industry, the Government has introduced this Bill, and I congratulate the Minister on the wide-ranging consultation which he has had with regard to this Bill in order to make sure that it meets the needs of the industry. It is also in line with the Government's continued concern for the State's livestock industry and its recognition of that industry's importance to the State's economy.

I would ask all members to support what I believe will continue to be very important legislation, which aims to ensure that South Australia's livestock industry continues to be a well managed and, as much as possible, a disease-free industry with effective breeding programs and procedures. I am aware that the member for Napier touched upon those breeding programs.

I am not going to get into the debate on sheep dipping, but I will say that the legislation should enable us to act quickly and effectively in the event of any exotic disease outbreaks in the State. I think that is very important to note. It will also ensure that South Australia's reputation as a first-class livestock producer, in both domestic and international markets, will be maintained and even enhanced with the implementation of this Bill. So, I urge all members to support to what I believe is a very important piece of legislation.

Mr OSWALD (Morphett): I would like to speak in this debate, as I believe that it does no harm for metropolitan members to put on record some of the information they have been able to glean on this subject over the past 48 hours. One may very well ask why. What do I know about the dipping of sheep? I openly admit that I do not know a lot about sheep dipping. In my earlier days, during school holidays I spent some months on a station out of Roxby Downs in the Lake Torrens area, trying to decide whether to do pharmacy or to go on the land, but since then I have lived in the country for 25 years and have had a long association with many farmers as personal friends. So, this morning at about 10 to six when I got up I decided that, if the question of dipping was going to be brought up today, I would ring around and talk to some of my farmer and grazier friends and get some information from them; from people who have, in fact, hands-on experience.

It is all very well to read reports but I thought that life was all about experience: the more you practise a particular profession or occupation, the more experienced you become. So I got on the telephone and started ringing around. I started off down at Coonalpyn and had a discussion with a sheep producer there. The message I received was quite unequivocal, and that was that the dipping of sheep should continue. I then telephoned a station at Woomera and received exactly the same reply from a friend there—

Members interjecting:

Mr OSWALD: The message was absolutely clear, as I said in the first case, that the dipping of sheep should continue and that it should be compulsory. I then telephoned a friend at Burra who has a very large station there. I caught him before he went out on the property for the day and asked him what were his views on the compulsory dipping of sheep. He said it is absolutely essential that it be retained. I then canvassed the farmers at Broughton River, Pirie South and Wandera, and I received identical responses from those farmers; they believed it was essential that the compulsory dipping of sheep should be retained. All in all, I thought that was not a bad cross-section.

I hope that metropolitan members have careful regard for that type of cross-section. Three stations and three mixed farms were involved, all with extremely experienced station owners and farmers on them who had years and years of experience and who knew what they were talking about. I think that we in this House have an obligation to listen to experience. My colleague the member for Goyder has put the case for and against and I completely accept that what he told us was correct. However, experience is important, and it does not matter what occupation is involved, whether it be my own profession of pharmacy or medicine, farming or fishing, etc.: people who have been involved for many years and have the knowledge must be listened to.

The farmers also made this point: if you have compulsory dipping of sheep, while the inspectors are checking properties they can take action and make an example of sheep producers who commit an offence and prosecute them. Under this new legislation, farmers can report their neighbours, but we do not want to see that situation come about. The old arrangement was perfectly fair and workable. I took the trouble to contact producers of tens of thousands of sheep collectively, and there was no variation in their recommendation that we retain compulsory dipping of sheep. I ask members in the metropolitan area to bear that in mind. If they rang around, they would obtain the same response as the member for Napier received when he spoke to a farmer in his area.

I am acutely aware that the member for Alexandra has had a lifetime of experience in the sheep industry, as has the member for Eyre, and they tell us the same thing. If these men and their families have been in the industry for this length of time yet we in this House do not have regard to what they have to say, we are not doing our job. No members opposite vote *en bloc*, and I am sure that some members share my view that we should listen to experience and support this. I hope that, when it is time to vote, members opposite will support the honourable member's amendment. This is not a matter for voting along Party lines—socialism versus conservatism. This is about commonsense and about introducing a piece of legislation recommended to us by the sheep producers of this country. With those words, I ask members to consider what these people have been saying to us and to support the amendment at the appropriate time.

Mr VENNING (Custance): I appreciated the exchange earlier between the member for Goyder and the Minister, and I appreciate that members of the Government do not speak from personal experience. As the Minister says, that does not preclude members from learning the subject and learning about the issue legislatively. I commend the Minister on the effort he has made during his term to get to

know the subject at first hand. I hope that members of the Government will give me credit for having first-hand experience, as have the members for Alexandra and Eyre.

There is nothing better than to stand in this place and know what you are talking about—the feel, the smell and the actual activity. Yesterday I was chasing sheep. My son told me, 'A few of them have flies: as the non-resident farmer now, you had better go and check.' So, I took the ute and the dog to go out and find these few sheep with flies. Instead of three, I found 23 and just touched up a few to make them look pretty. We have come a long way, and we now use chemicals in the industry to counter flies.

Flies have not always been with us; they appeared in the 1930s. Without chemicals such as Diazinon and others we would not be able to control them. The chemicals we use now, such as Vetrazine, are harmless and very effective. They are also harmless to people. I welcome this Bill, because things are tough and the Bill will ensure that industry standards in these very difficult times are maintained.

It is all very well to look after sheep, ensuring that they receive food, water and such things, and let everything else such as disease go by the board. When it comes to the subject of compulsory dipping, in these times these are the sorts of things that are overlooked. As the Minister would know, I am fresh from the Advisory Board of Agriculture, and I worked for two or three years on this subject. I supported the move towards the abolition of compulsory dipping. I was also involved in the work of the UF&S in the stock areas and land management on the same aspect. Too many chemicals have been used in stock management for years, and the biggest problem has been the resistance—

Mr Ferguson interjecting:

Mr VENNING: No, it does not; not in the sheep. It is mainly chemical. In the drier areas particularly, it is almost non-existent. Chemical resistance comes about from the overuse of drenches. If too many drenches are used, sheep become resistant and no drench will affect these parasites. As members are well aware, chemicals, especially those used for sheep dips, are now not nearly as potent as those we once used.

In the old days we used DDT based and arsenical dips which were extremely effective, and they lasted for 12 months, and they were reasonably cheap. Today, dips are not as potent. In fact, they have a six week guaranteed period during which they will work. I have said in recent times that it is a waste to dip a freshly shorn sheep, because most of the lice are shorn off. Nowadays, as the member for Alexandra stated, with modern preparations we have various pour-on, tip-on and spray-on dips which are very effective—particularly when you get them on your hands and then want to go and relieve yourself! Then you will know how effective they are!

I make that comment because it has happened; it is a particularly reactive chemical for humans on bare skin. With these modern preparations, I have always believed we should dip a sheep with at least some wool on it, and then you get a fair number of the parasites. It has been estimated that 50 per cent of dipping today is ineffective. This is because farmers being farmers—and I have done this myself with the Buzzacott spray dip we once used—tend to look in the well for last year's calibration marks. If they are not there, we estimate the 500 gallon mark, throw in the chemical and away we go.

That is not to say that the dip still works. All the jets have a rubber seal on the bottom, but many farmers do not look inside to check the rubber seals because there is water everywhere. If that occurs, much of the chemical is stripped out and goes straight back to the sump. Many of the sheep were not effectively dipped. They were washed and looked as though they had been dipped, but that did not happen. The big problem is that between 85 and 90 per cent of the people I represent do not want to see the abolition of compulsory dipping, mainly because they do not want to take the risk.

What they have now has been working. If we remove compulsory dipping, as the member for Eyre said, those who are dipping will keep on dipping, and those who are not dipping now will not dip. You then have no protection for lousy sheep. We need protection from those who are less diligent, from hobby farmers and the like, and from bad husbanders who traditionally do not worry about lousy sheep. To the untrained eye, a lousy sheep does not look any poorer, but the trained eye can tell that the sheep gets brushed, becomes stressed, loses weight and the wool is worth about half of what it should be—if it reaches the shearing shed. But farmers do not dob in their neighbours: it is just tradition. If you do that, all of a sudden you will get your own back. That is always the case.

Under the old Act, it was always a case of, 'Hey, Ralph, have you dipped your sheep this year? I'm not saying you have got lousy sheep, but have you dipped your sheep?' You use the legislation to say, 'It's time to dip your sheep.' You do not say, 'You've got lousy sheep,' because there is a stigma about having lousy sheep. We have been able to use the legislation to say, 'It's compulsory to dip sheep once a year. Have you done yours yet? My dip has been in operation: I have checked the rubber seals, so you can use my dip.' That was often the case. I cannot support any change from the old Bill, which disappoints me personally. As the member for Custance I represent the people of my electorate and the lion's share of them say—

Mr Ferguson: What about the UF&S?

Mr VENNING: Yes, and the UF&S. I did not have to ring around to find out the general opinion. People out there do not want to change. This is not a new regulation—it has been with us since the mid 1930s and it has worked well. It is protection from those who do not wish to do the right thing. It guarantees an essential industry standard. I am very much in touch with the grass roots. As a new member I could see this coming, so I did some checking up.

I refer to the residue problems in meat as highlighted earlier. So many of our overseas competitors and buyers of our product expect the meat to be clean. They do not want it to contain additives, growth promotants and the like. Very low or zero levels are the preferred requirement, and the overseas markets dictate what we must produce. In this country we are lucky as we can deliver top quality clean meat. It is unfortunate that some greedy people want to push their stock along with growth promotants and antibiotics. I am glad that the Bill addresses these areas. I accept and appreciate the controlling of stock movements, which is to protect the diligent and the honest. Producers need to be restricted when things go wrong. Many diseases crop up from time to time under various seasonal conditions including TB, botulism, leptospirosis and irrisyphillis in pigs. The quarantine area is very important and I will address it later in relation to these diseases and international quarantine. Swift action can lead to the control of these diseases. A side issue not contained in the Bill is the spread of noxious weeds by sheep. Sheep are the best spreaders of noxious weeds.

Mr Blacker: Except for ETSA vehicles.

Mr VENNING: Yes, except for ETSA vehicles. A sheep goes along and eats weed seeds, digests them and spreads them all over the farm in a perfect round ball—

The SPEAKER: Order! The honourable member will come back to the Bill. Noxious weeds are not mentioned in the Bill at all.

Mr VENNING: Live sheep for export cannot be dipped because of the with-holding period. So that issue was not exactly to the point. It is a pity the AMLC did not get its act together. I also appreciate the minimum controls in the artificial breeding area, which is high technology. Not many of us fully understand this part of the industry. It is good to see the Government move in and regulate it to some degree.

I am a little concerned about inspectorial powers. I will be interested to see what the Minister has to say in Committee about this area. Farmers are responsible—much more responsible than most of the population at large give them credit for. This Bill will help clean up the stragglers in our industry by giving individuals flexibility and responsibility. It brings the old legislation into the 1990s. With those few reservations, I support the Bill.

The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr BLACKER (Flinders): This Bill has a number of very important aspects to it. However, one in particular in relation to dipping causes me grave concern as it is a retrograde step. The Minister in his second reading explanation gives an historic resume of what has happened in the value of the Stock Diseases Act and the manner in which it has been able to eradicate or control serious diseases that have beleaguered this State since 1888. We all applaud the effect of the legislation since that time. It has been suggested that the removal of the compulsory dipping of sheep is one way that we could go. Having been involved in sheep breeding all my life and having dipped many thousands of them the hard way and nowadays the easy way with Clout and other commercial preparations that achieve the same objective, I am a strong advocate of the retention of dipping and for the conscientious attempt by all sheep growers to control lice.

It has been suggested that lice is not a problem at the moment, but nothing could be further from the truth. It is a very serious problem and if everyone is honest there are a lot more lice around than people believe. I recently spoke to a neighbour 10 kilometres away and he claimed that 12 people within five kilometres of him had lice in their sheep. That is a serious situation and needs to be addressed. I asked the gentleman concerned whether he had spoken to the stock inspector and he said he had. The stock inspector initially had not believed him, but undertook to have the matter investigated urgently.

Eight or 10 years ago I purchased a line of sheep, went through the normal marketing arrangement where all inspections were to have taken place, got the sheep home and found they had lice. I immediately contacted the stock inspector. He called on the place, inspected the sheep and asked whether they had had contact with any other mobs of sheep on the property. I said that they had not but, because they were adjacent to another mob in the next paddock he asked whether they could be quarantined. I agreed because we were to begin shearing within five weeks. It was not a problem to have the property quarantined, to have them shorn, 'clouted' and inspected by the stock inspector. There were no problems in the normal managerial aspect of sheep husbandry in complying with the requirements.

Having been through it and having had lousy sheep at that time, I swiftly got on to the problem and rectified it. Had it not been necessary for me to compulsorily dip, maybe I could have allowed shearing to come and go, allowed the stock to go over the property and infect my other stock and possibly neighbours' sheep if they went through the fence. It would have spread through the district. Regrettably, that has been happening with farmers.

I am firmly of the view that we must hang on to the compulsory dipping of sheep for that very reason, namely, that it must be an obligation on behalf of the landholder to compulsorily dip and ensure that their property is free of lice. There can be no absolute guarantee that that will work. We know that for a fact now but, because there has been a relaxation of the efforts of farmers and regrettably of other organisations in respect of the need to dip, we have seen this increase in the build-up of the lice population and the problems that go with it.

That situation will be aggravated further by the downturn in the sheep industry that is being experienced at this point in time. With the lowering of wool prices and the reduction in the value of sheep less importance will be placed on sheep husbandry by farm managers. That is a sad reflection of what should be the case, because it should always be the responsibility of the farmer to carry out good husbandry practices. Regrettably, when the economic situation becomes very marginal, quite often those husbandry aspects are allowed to fall by the wayside.

In relation to compulsory dipping, in my view there is no room for compromise. We must stick to compulsory dipping. I believe that it is reasonable that every landholder should be obliged to undertake dipping. I do not see this as an impost in terms of what has happened in the past, but as a fair managerial practice that should be carried on in the future.

Other aspects of the Bill are commendable, particularly in relation to exotic diseases. I have spoken in this House on many occasions of my very great fear that one day South Australia might have an outbreak of an exotic disease. It has been pointed out to me that should there be an outbreak of foot-and-mouth disease or should one of those other exotic diseases occur at, for example, Lock on the Eyre Peninsula, virtually all cloven-hoofed animals in that area would have to be destroyed. This means that cattle, sheep, goats and deer, in fact, the whole animal economy of the peninsula, would be at risk.

The same situation would apply if an outbreak occurred near Adelaide. This is probably more likely to be the case because of the number of people who go overseas. On one day a person could be on a farming property in a European country and on the very next day walking around in the same pair of shoes on farmland in South Australia, unwittingly spreading an exotic disease. It is my greatest fear that exotic diseases will one day enter South Australia. I do not believe that it is a matter of if, but more a matter of when this will occur.

I know that the Department of Agriculture has a contingency plan in the event of an outbreak of an exotic disease. I applaud that plan and trust that it is updated from time to time so that it could be put into operation at a moment's notice, because this State could not afford the cost of an eradication program if an exotic disease should hit South Australia. Members should contemplate for a moment what would happen if an outbreak occurred in the Adelaide Hills, what it would do to the milk, sheep, goat, deer, pig and horse industries. It would mean effectively the total destruc-

tion of every cloven-hoofed animal within a radius of 100 kilometres of the point at which the disease was identified. It is indeed a serious problem and I trust that this Bill will cover many of the requirements under the old Act and ensure that they continue.

Much has been said about chemical residues, and we would all agree that there is great concern about that. We need to watch carefully what we spray on animals and what we feed them by way of food additives and growth stimulants. It is all too easy for a chemical company to offer a growth stimulant, an insecticide or some other preparation for spraying on or applying to stock; we may find that that ingredient has contaminated the meat or the fibre. I do not think that we can be too careful about this. Any new preparation should be subjected to rigid testing to make sure that there is an absolutely minimal impact.

A while ago there was a little bit of laughing and ridicule about some of the suggestions on dipping, but if we applied the situation to ourselves as human beings and asked how many times we wash our hair and why, and how many times children get nits at school and so forth, we would see that human beings quite readily use a form of insecticide for a very specific purpose. The same situation applies in relation to animal welfare, and is a necessary part of farm managerial practice. Again, responsibility must be the key word; we must make sure that what we use is as safe as is humanly possible so that these chemicals are used for the right purpose, in the right way and with minimal side effects.

It is not my intention to say much more, because I agree with many of the other aspects of the Bill, but I again stress my total opposition to the removal of the requirement for compulsory dipping of clean sheep. It was said that the United Farmers and Stockowners support the abolition of compulsory dipping. I have spoken to only one person about this, and he intimated that the UF&S did respond in this way, but I have not been contacted by the UF&S, so I question the strength its of feelings. There is a very strong feeling amongst the farming community that compulsory dipping by responsible managers of sheep should be retained. To my way of thinking, that is the linchpin that dictates that the provision should remain. I support the Bill, but I also support the compulsory dipping of sheep.

The Hon. B.C. EASTICK (Light): I declare an interest in this measure. I am registered as an inspector under the Act and will, I suspect, be registered under the new Act. For almost 40 years I have been directly associated as an inspector with the Stock Diseases Act.

The Hon. S.M. Lenehan: A very good one, too.

The Hon. B.C. EASTICK: I thank the Minister. I hope that my registration will be transferred—

The Hon. T.H. Hemmings: If it is not, I will make sure that it is rectified.

The SPEAKER: Order! The member for Napier is out of order.

The Hon. B.C. EASTICK: I think that the member for Napier has lost his feathers. I do not think that he can achieve much at all these days.

The Hon. S.M. Lenehan: He is a power broker.

The Hon. B.C. EASTICK: All right. I believe that the measures being contemplated are realistic having regard to the demands of the world around us. I draw attention to but one factor, that is, exotic diseases. Unless we were prepared and in a position to respond very quickly to an outbreak of an exotic disease, the likelihood of Australia's being able to continue to send most of its agricultural products overseas would disappear overnight. The possibility exists that, if an exotic disease were located not only in South Australia but in Australia, our chances of continuing our agricultural exports would disappear overnight. Certainly any unnecessary delays in the treatment of an outbreak would ensure that that would be the case. Therefore, I speak strongly in favour of those aspects of the measure which give the Department of Agriculture and those who work under the auspices of that department in such a situation the opportunity to respond quickly and effectively. I support the Bill.

Mr LEWIS (Murray-Mallee): I support the measure. Yet again, the Minister has demonstrated the capacity to identify and act upon those aspects of his portfolio that need attention. The legislative update that is being contemplated is overdue. Notwithstanding that, I wonder whether it was a sincere oversight or a deliberate omission to leave out the compulsory treatment clauses in the principal Act involving the treatment of lice in sheep. I am concerned about the term 'dipping'. I am not sure that it is an appropriate term anymore. We do not dip our sheep any longer. When I was a youngster, the sheep certainly had to be dipped. At that stage, we did not understand enough about the chlorinated hydrocarbons, particularly the hexachlorines, to know of their insecticidal properties. During the late 1940s and 1950s, following on the heels of DDT, a large number of that family of chemicals was discovered which made the process of the treatment of insects in the fleece much easier to control and much less risky.

Some of the chemicals were fairly dangerous. Used in the wrong concentrations, they had devastating effects, not so much on the sheep, as they seemed to be capable of coping with many of those things, but I have seen dogs die not long after coming out of the dip, for whatever reason I am not sure. I do not think the dogs swallowed anything while they were in the dip—they might have. More is known about the effects of those chemicals and, very sensibly, we have set aside those that we know to be toxic to higher animals. Members need to remember, though, that not all chemicals used by farmers are toxic. Indeed, these days the vast majority are non-toxic to human beings or the animals which they treat, and in this case we are talking about sheep.

Therefore, it is not appropriate for members to run away with the notion that any sheep upon which such chemicals are being used are unhealthy: they are not. Clearly, they are likely to be more healthy because their general condition, their constitutional well-being, will be much stronger. Healthy meat is always more nutritious. Sick animals do not make good fare; they never have, not since biblical times when, as I understand it, there is the oldest written record of the necessity to use whole animals rather than diseased animals. In fact, when the animal husbandry course at Roseworthy—indeed, many subjects at Roseworthy—was commenced over 100 years ago, the first authority referred to by the lecturer would often be the Bible. We have come a fair way since then, but that does not mean that what is in the Bible is irrelevant—or that it is wrong—it simply means that it is no longer necessary to refer to it. We have advanced further down the track, and we are able to demonstrate cause-effect relationships through such phenomena in the scientific context as Koch's Postulate to approve the relationship between cause and effect in pathogenesis. I put to the Minister that, in this instance, where we have a provision in law which does work, and has worked, it should be retained.

As Murphy's law says: If it works, don't fix it. I believe that the present practice of compulsory treatment of sheep to ensure that they are clean of lice, at least for some part of the year, has reduced the impact of lice quite substan-

tially. It does not mean that it has been eliminated: it is still there. We have had a campaign to eradicate lice from this State, and that has not worked. I believe that for us to remove the compulsory provision is to invite a plague, a disaster. There are two ideological circumstances that come to mind immediately that might produce that. The first is the kind of prospect confronting us at present where people in rural production are so depressed in their levels of income. For goodness sake, 60 per cent of the folk I represent who are engaged in rural enterprises this year will have negative incomes after they meet all the costs associated with their business—costs of production, costs of interest on the money they have borrowed and so on. They will end up with less money than they had at the start of the year. That is before they buy the very first crumb for their table. Whatever they spend on living will be in addition to the loss they will have already incurred. They are what I call disastrous circumstances. They could lead quite seriously to a lice plague.

Lousy sheep all over this State will not help anybody. Some people might argue that it might be a solution to the problem in the wool industry. I do not wish that kind of thing on the animals or their owners. The compulsory treatment of sheep, as it has stood in legislation until this time, has not required an associated deliberate, determined and saturation-type inspection program, because it has not been necessary for the neighbour of someone with lousy sheep to have their identity disclosed. However, if a neighbour under the provisions of this measure reports a flock, however small, as being lousy, the owner of the flock knows that it will have been a neighbour, one or the other—at the most it could be four or five. The end result is that there will be a spiteful and vindictive response in some instances.

It is more likely in circumstances where the neighbour says, 'You knew I was in trouble, and what you did was to stick the knife in. You forced me, by reporting my sheep as being lousy before I could do much about it, to spend that money 60, 90 or 120 days before I would have spent it otherwise. You put me in dire straits. That took food off the table for the wife and the kids.' That kind of response is understandably likely to occur in circumstances such as we face now. Bitterness will then develop where bitterness need never have developed. We ought to leave the provision right where it is, and thereby include it in the new Bill, such as has been suggested by my colleague the member for Goyder in his amendment.

If we do that and leave it to work in the way it has worked in the past, if lousy sheep are noticed, they are reported, and the inspector asks, 'How are you going Jack? Have you dipped the sheep yet?' And if the farmer has not dipped, he knows what the law provides. The offending farmer does not need to know whether or not the sheep were reported as being lousy. The inspector does not even have to say that they are lousy, but the farmer knows that he has to do something about it, because he cannot swear an oath and say that he has dipped his sheep. He knows that he will be caught out if he does, because the lice are there. The law as it now stands is safe.

One of the other side effects of the vindictiveness that can arise, especially in the areas near the metropolitan area, is that neighbours can become spiteful. They may have a few sheep they refer to as 'lawnmowers' and may be reported for things such as cruelty to animals for having their sheep flyblown; they may not know that the sheep are flyblown and may refuse to accept that fact when advised. I have actually witnessed what can happen between two near neighbours when I lived at Athelstone, before I went to live at Tailem Bend. The spiteful neighbour No. 1 had the RSPCA inspector call on neighbour No. 2 and tell him that he needed to get rid of the flyblown stock problem by trimming the dags and treating the strike in the breech, or wherever it was. Not three months later a fire broke out on neighbour No. 1's property.

Not long after that one was put out, on another really hot day another fire broke out. I have not named the neighbours involved, but I indicated the general locality in the foothills where the incident occurred. I have not said that one of the neighbours lit the fires out of spite to the other, but all members know to what I am referring. I have seen that same spite in the South-East where the person who is believed to have been the perpetrator actually admitted it when he was drunk on one occasion. Nothing has ever been done regarding that person because he felt genuine contrition for what he had done, but in consequence of his actions more than $80 000 worth of stud beef were burnt and destroyed and about 400 tonnes of hay and a hay shed went up in flames. To my mind, that is the kind of action and reaction that we are inviting if we remove this provision from the statute book.

It is unnecessary to remove it. It might sound convenient and it might even be insisted upon by people who believe that they have a right to raise animals for human consumption as organic meat. I do not know whether there is such a thing in the market place as organic wool, but I do not see it as having any great merit; nor do I see much merit in so-called organic meat.

We all know that chemical residue levels are carefully checked. They are not allowed in any of the products that we buy. There are stiff penalties against it. There are no risks to human health from the use of the compounds which are presently registered for lice control or, indeed, for the control of any of the insect pests and other parasites of livestock. There should be no hang-ups about treating sheep against lice. Indeed, it is cruel, absolutely wicked, to leave sheep to die or to suffer the debilitating effects of lice. They destroy red blood cell levels and blood volume levels and the animal, after becoming anaemic, loses its capacity to resist disease. It is a terrible death; it is worse than the animal's breaking its jaw so that it cannot eat. I have seen sheep in that condition.

The wise heads and old experienced people of the industry are not taken by the notion that it is possible, sensible or even necessary to remove this provision. If I did nothing else in my contribution to this measure, I would try to reason with my colleagues, as members of this House who may not be my political fellow travellers, none the less to reconsider the absence of that provision from the legislation. In order to be sure and safe and to remove the risk of the vindictive backlash which will otherwise arise in those circumstances where neighbours report neighbours to try to get rid of the problem and address the question of cruelty to the animals involved, I beg members, if they do nothing else this year in the course of their duties as legislators, to accept and support the proposal to include this provision. There is nothing clandestine about it. Neither my colleague the member for Goyder, nor any other member in this place, is setting out to score points; we are simply pleading with the Government to accept the inclusion of the provision in the legislation to avoid the unfortunate consequences that will—not could—otherwise flow from opposing and effectively removing it from the statute book for all time.

The Hon. LYNN ARNOLD (Minister of Agriculture): I thank members for their contributions. The second reading debate has gone a mite longer than I guessed would have been the case. I have noted the comments that have been made and the indications of support of many members for the provisions of the legislation. However, the compulsory

dipping of sheep will clearly be further debated during the Committee stage. I wish to make some comments about the compulsory dipping of sheep and the proposals to remove it. Indeed, I want to focus mainly on that in my closing remarks in the second reading debate.

I remind members, as I know the member for Custance is well aware, that this matter first came to the attention of the Government in recent times as a result of a meeting of the Advisory Board of Agriculture, held on 28 April 1989. That body, which is an advisory body to the Minister of Agriculture, made several recommendations to me at that time regarding the department's program for the control of body lice on sheep. The recommendations were:

1. That the Minister ask the Director-General of Agriculture to raise the level of extension for sheep lice control measures, through the introduction of a specific extension program.
2. That the Department of Agriculture work closely with the Agricultural Bureau movement in the implementation of an extension program to eradicate lice.
3. That the Minister have the requirement for all sheep owners to treat all sheep for lice within 42 days of shearing removed from the Stock Diseases Act 1934.
4, That the Minister ensures continued adequate resources for the policing of lice-infested sheep presented at markets, and for severe on-farm infestations.

As a result of that, in July last year I wrote to the President of the UF&S, Mr Don Pfitzner, asking for his comments on that matter. As a result of that I received advice on 16 August 1989 from Warwick Sutton, Director of Commodities and Industrial Relations of the UF&S, who acknowledged receipt of the letter and the recommendations of the advisory board. In his letter he advised:

The executive at its July meeting endorsed the proposals as outlined and would accordingly support moves by your department to introduce these measures within the Stock Diseases Act.

It would be expected department staff will continue to work closely with the UF&S (as well as the board) on this and similar matters concerning rural industry.

As a result of that advice from the UF&S, in December last year I again wrote to the President of that organisation advising that the department would like to proceed on this issue as soon as possible, and I invited the UF&S to nominate two representatives to a meeting to examine proposals and make recommendations to implement them. The Advisory Board of Agriculture, the chemical industry and departmental representatives were also invited to the meeting. Indeed, similar letters were sent to such organisations.

The resolutions of the Advisory Board of Agriculture were again repeated by me in my letter to the UF&S, as they were to the advisory board. The UF&S responded on 10 January and nominated Mr R.W. Jacobs and Mr J.W. Kaesler to be on the committee concerned. The Advisory Board of Agriculture also nominated two persons to take part in that process as well. They were Mr Mark Greenfield and Mr Don Mitchell. That resulted in a further letter from me to the various parties concerned, predominantly the UF&S and the Advisory Board of Agriculture, on 2 March 1990, in which I asked them to advise the respective nominations of their acceptability to me as nominees.

I then advised that the first meeting would take place on 5 March 1990 and advised that the terms of reference to be considered by the committee would be: to examine the resolutions of the Advisory Board of Agriculture; to determine the acceptable level of lice control; to determine the regulation needed to achieve that control; to determine the extension needed to achieve that control with the above regulations; to determine research required to support the program's extension and regulatory components; to advise on sources of funds; to confirm industry support for the proposals; and to make recommendations to me as Minister, asking that they make recommendations before the end of 1990 with an interim report by July this year. The committee was to be chaired by Mr Peter Brownrigg. As I say, that letter went to both the Advisory Board of Agriculture and the UF&S.

I then received the advice of that committee that we should proceed along the line in which we are now proceeding, namely, to make the various changes, revamp the legislation and, in the process, cease the provision for the compulsory dipping of sheep. It was at that time that the member for Eyre raised with me his very serious and I fully accept genuinely felt concerns about this matter and asked that I seriously reconsider the situation. My office made contact with him and he elaborated upon his concerns and indicated that a number of members of the Opposition shared his concerns; and indeed it would seem that all members opposite speaking tonight have shared his concerns. I then asked my office to go back to the UF&S and the Advisory Board of Agriculture to confirm their views or otherwise, because, as I said, we had had this indication of opinion: a member of this place had done me the courtesy of telling me of his strong concerns about a Bill which was not even before the House at that stage and which he had merely heard was in the pipeline.

I thought that we had better make sure that we double-check the situation. As a result, I received a further letter from the UF&S on 5 October this year which I will read in its entirety because I believe it is most pertinent. This letter, signed by Warwick Sutton, Director of Commodities and Industrial Relations of the UF&S, states:

The wool and meat section have responded to you in support of Advisory Board of Agriculture recommendations regarding the department's program for the control of body lice in sheep . . . Further advice was received from you in December 1989 that we would be invited to a meeting to further examine those proposals to which we had agreed and accordingly UF&S nominated two stockowners—one from the Mallee and one from Eyre Peninsula.

In February/March we commented on a green paper identifying the changes seen by the department as necessary to update the Stock Diseases Act. We noted at that time the Government's decision for a new Act to incorporate not only sheep lice but also 'the residue problem'. My executive met with the department in June to discuss the Bill.

In July we wrote to the Director Animal Industries in support of SAGRIC submissions to Wool Research and Development Council specifically addressing sheep lice. I might add at that time we requested reassurance that stock inspectors would be able to police and follow-up reports of sheep lice as we were given to believe from our members that SAGRIC staff may not have resources to 'monitor saleyards' and follow up on property inspections and reporting to neighbours of the incidence of lice in a particular district.

UF&S support the proposed Stock Act in respect to lice matters 'where an infestation will still be a notifiable disease so that action can be taken for eradication from individual properties to prevent spread' to neighbours sheep.

Our reason for supporting the change stems from the waste/cost of continuing annual dipping of sheep when lice is not present in a flock.

That is a very important point, Mr Speaker. The letter continues—

The sensible approach is to dip sheep only when necessary or under an order of a stock inspector. The wool and meat section executive do not see the removal of compulsory annual dipping of sheep for body lice 'would lead to a massive increase in the number of lousy sheep within the State'.

This comment is based also upon the maintenance of stock inspector responsibilities and back-up resources being provided by Government. The use of chemicals on-farm must be rationalised not just because of the residues debate but the expense of the chemical and labour costs associated with the practice. Careful management and neighbour/SAGRIC notification of sheep lice in a district will be rewarded.

Similarly, I asked the Advisory Board of Agriculture to comment further on the situation. On 11 October 1990, I received correspondence saying that the advisory board had made its recommendations after deliberating for some 12

months. In other words, the board itself had not rushed to a decision, and I am certain the member for Custance would acknowledge that: that it was a matter of some considerable deliberation. The letter states:

> The concerns raised by Mr Gunn, MP, are not new and were given due consideration before we reached a decision on the matter. The facts as were considered by the Advisory Board of Agriculture are as follows:
>
> 1. The present system of compulsory dipping has not led to eradication of this problem. A number of on-farm and point of sale surveys support the fact that the incidences of lice infestations (however light)—

and this is a very important set of points—

> is considerably more than sheep owners would expect.

I know members on the other side have actually indicated that point. The member for Flinders made a similar point earlier this evening. The letter continues:

> Farm surveys revealed many instances of light infestations that were not recognised by the landowners.
>
> 2. It is fair to conclude from the above that many sheep owners simply 'go through the notion' of dipping sheep in order to comply with a regulation. There is reason for concern that correct dose rates and satisfactory dip hygiene may not be adhered to and the obvious end result of this would be the possibility of a breakdown in effectiveness of chemicals due to resistance (as is the case with some worm treatments).

Again, I note that that particular point was made by a couple of members opposite in terms of the effectiveness of the procedures and the way in which farmers understand how the equipment should be properly used. The letter continues:

> 3. The available and successful techniques for treating infested animals is now considerably better. Chemicals are available to treat 'long wool' sheep as opposed to the previous need to treat 'off shears' or within six weeks of shearing.
>
> 4. Not the least of our considerations was the obvious need to reduce unnecessary use of chemicals. There are many situations where this would be achieved, immediately, and with no risk. The natural consequences of reduced chemical use is the resultant saving in production costs and the obvious lessening of risk of residue in sheep products.
>
> With these facts before us, the Advisory Board of Agriculture believes that there are good sound reasons to change the existing approach. In so doing, and as a critical adjunct to our proposal, we saw the need for a deliberate and planned extension program, based on the very successful 'Worm Check' operation. The principle applied to this program is one of deliberate monitoring and for treatment applied as and when the signals appear. The fact with our existing legislative control is that compulsory dipping only gives limited protection (perhaps 12 weeks) and it is quite feasible to have sheep infested at any time after this protection period. The department's inspection capacity would also be expanded on a positive line of attack which would hopefully highlight the inefficient use of costly chemicals and result in a better eradication program.
>
> The final and perhaps most comforting aspect of this seemingly radical change of direction is that in the case of Mr Gunn's most feared result eventuating, that as stated earlier, we are confident that the chemical treatment now available, and where used correctly, would control the situation.

This letter is signed by Mr Jeff Pearson, Chairman of the Advisory Board of Agriculture. I think that they are very sound comments made by both the UF&S and the advisory board, and they indicate a number of things. First, they quite rightly identify the need for a proper extension program, and that is something we will have to ensure we have properly designed and worked on when this Act, as passed by both Houses, is proclaimed.

Secondly, they identify the fact that the regulatory approach in this instance has not shown any particular sign of being overly effective. Thirdly, they make the point that we are not about to blow the wall of the dam and unleash the floodgates of lice on the sheep which would then result in a situation beyond control. The point is made that it will not be beyond control, whatever happens.

I want to make a further point. I have also asked officers of the department to provide me with advice on this matter, because clearly they have points of view which may or may not differ from those of the UF&S and the ABA. The advice I have received from the department is that the current requirement that all sheep whether infested with lice or not must be dipped annually within 42 days of shearing or prior to sale if sold within 42 days has been removed from the new legislation.

This requirement which is in the current legislation was introduced in the belief that, by dipping all sheep, lice would be if not eradicated at least kept under control, and that by dipping clean sheep, that is, those not infested with lices, these flocks would be protected against the introduction of lice from the neighbour's sheep.

This next point is very important, Mr Speaker. After nearly 100 years of enforcement of this legislation the number of lice infested flocks is virtually unchanged at between 20 per cent and 30 per cent of the total number of flocks in the State. This means that between 70 per cent and 80 per cent of the State's sheep flocks which are free of lice are treated with chemicals annually on the unfounded belief that this will prevent them from becoming infested from neighbours sheep. Dipping will only afford protection for approximately four to six weeks, which virtually means that all sheep in an area would have to be shorn and dipped at the same time for this procedure to prevent spread.

At a time when consumers are becoming more and more conscious of chemical residues in stock and stock products, annual compulsory dipping is forcing sheep owners to place an enormous amount of chemical on clean sheep with an associated risk of creating residue contamination. Apart from the residue problem, this procedure is adding approximately $5 million to the cost of sheep management. In that regard I think it was the member for Eyre who indicated his concern and suggested that we could save $5 million from this situation. He said that that was an indication of his concern because, obviously, many farmers would stop any form of chemical control of lousy sheep and, as a result, clean flocks would be at risk.

That would be a correct assumption if the total cost of chemicals used on sheep to control lice at the moment was $5 million. In fact, it is much greater than that. We understand that the figure is in excess of $10 million; the $5 million figure being spoken about is the estimated savings that would accrue from the unnecessary chemical treatment of sheep while still preserving the necessary chemical treatment that will be fostered by an accurate extension program.

I then argue that the $5 million return to the sheep farming industry is not an insignificant amount in terms of, first, the unnecessary use of chemicals that it represents and, secondly, the extra dollars that will go into the pocket of the sheep industry. We have all acknowledged the seriousness of the problem facing many industries in the rural sector but particularly the sheep industry and the possibility that it could claw back some $5 million of expenditure while maintaining the same outcome. Surely, that is something that all members in this place would want to support.

I am conscious of the lateness of the hour and that members will want to discuss many things during the Committee stage. I am also conscious of the comments made by the member for Custance, who acknowledged his role in the Advisory Board of Agriculture and the part he played in developing this debate. I also acknowledge the fact that now, as a local member, he receives comments from some of his constituents and he does not feel he is able to support the advisory board's recommendation. I appreciate the dif-

ficulties such as this that many members encounter from time to time.

Members opposite say that compulsory dipping of sheep is a critical activity that must be maintained. The reality is that compulsory dipping of sheep has not been enforced for a very long time. We have really relied upon the goodwill of farmers to maintain the practice of delousing. We have relied upon the fact that our extension services will get information out, and I have indicated that over the past 100 years or so the rate of infestation has not changed. I am advised that since 1967—and there have been a few Ministers of Agriculture since 1967, including the member for Alexandra—compulsory annual dipping has not been enforced (including the period when the member for Alexandra was the Minister of Agriculture). However, the actual rate of infestation of flocks has not varied within a 20 to 30 per cent spectrum over that time and, indeed, the time before that.

I ask members to reconsider their attitude to this matter and I advise that I take on board their comments about the responsible behaviour of farmers. I believe that the vast majority of farmers are responsible operators of their enterprises and users of the resources that they have and that we will be able to deal with those who are not, in terms of the inspection methods that are referred to in the legislation. Those who want to learn more about how to do it effectively will be adequately dealt with in our extension programs. I thank members for their comments this evening and I hope that the Bill proceeds expeditiously through this place.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr MEIER: Only four definitions remain the same from the old Act to the new legislation: many have disappeared and there are many new ones. I wonder why some definitions have disappeared, including such things as 'quarantine' and 'quarantine ground'. I can understand why 'dip' has disappeared, but even things such as 'diseased stock', 'sheep' and 'cattle' are no longer defined. Why did they have to be defined back in 1934 but not now? Why have some of the definitions disappeared?.

The Hon. LYNN ARNOLD: I am seeking further advice on this matter, but it is my guess that a sheep is recognisable as such. There is obviously a more profound reason, but I believe that it would have been just as recognisable in 1934. It is possible that other areas of legislation that cover agriculture provide the necessary definitions and that those definitions carry through to this legislation. The definition of 'quarantine ground', I understand, is replaced by the term 'general treatment that can be imposed'. In other words, it increases the flexibility of the legislation in terms of the application of measures to control lice in sheep. The definition of 'stock' takes into account the general definition of 'livestock' rather than any one particular species of livestock; and that would also be protected, I suppose, in other areas of legislation where definitions exist.

Clause passed.

Clause 5—'Disease and exotic disease.'

Mr BLACKER: Under the general theme of exotic disease, I ask the Minister whether, in fact, there is still a contingency plan in respect of the outbreak of an exotic disease within the State. I asked a similar question some years ago. There was a plan at that time and the department was kind enough to forward me a copy of it. I am interested to know whether such a plan is still available, if necessary.

The Hon. LYNN ARNOLD: There is an administrative plan that this measure has for its legislative backing, but it is not done by means of a defined regulation. It is simply under the administrative powers of the department and the Minister. That situation existed under the previous legislation and remains in place under this Bill.

Mr BLACKER: Do I understand from the Minister's reply that such a scheme could be implemented immediately without recalling Parliament should such an outbreak occur?

The Hon. LYNN ARNOLD: Yes.

Clause passed.

Clauses 6 to 10 passed.

Clause 11—'General powers of inspectors.'

Mr MEIER: I move:

Page 6, after line 14—Insert new subclause after subclause (8) as follows:

(9) An inspector, or a person assisting an inspector, who—

(a) addresses offensive language to any other person; or

(b) without lawful authority or a reasonable belief as to lawful authority, hinders or obstructs or uses or threatens to use force in relation to any other person.

is guilty of an offence.

Penalty: Division 6 fine.

The reason for moving this amendment is that we have seen such provisions in other Bills recently, including the Soil Conservation and Land Care Bill. We need this sort of rider over inspectors to ensure that they do not think they have absolute power but must watch how they approach people. They are to use civil language and not use any unnecessary force. I hope that the Minister will agree to the amendment.

The Hon. LYNN ARNOLD: The amendment is acceptable to the Government.

Amendment carried.

Mr MEIER: It is interesting to compare the general powers of inspectors under this Bill with those under the old Act. One thing that causes the Opposition concern is the reference in clause 11 *(b)* which provides that an inspector may:

Where reasonably necessary, break into or open any part of . . .

It is particularly the words 'break into' that cause the Opposition concern. The old Act allowed an inspector to use all necessary force, but that was about as far as he could go. I wonder whether the Bill goes a little too far in giving an inspector permission to 'break into', and I should like to know the reasoning behind the provision of such strong powers.

The Hon. LYNN ARNOLD: I do not actually see any difference between the strength of the powers in this Bill and those under the current Act. I think the honourable member mentioned the words 'use any reasonable force' with respect to the old Act, while this Bill uses the term 'to break into or open any part of'. The advice of Parliamentary Counsel is that that is the appropriate wording, but the intent is exactly the same. In rare cases it may be necessary for a lock to be broken and, under the current legislation, it would have been necessary to use whatever force was appropriate to deal with the lock. The outcome would be the same: the lock would be broken. This would be done in a situation in which it was deemed to be the appropriate course of action. This is simply a set of words providing for no more and no less than previously was the situation, but in the wording Parliamentary Counsel views as appropriate.

Mr MEIER: If an inspector does have to break into someone's property, it is quite possible that there will be no-one around at the time, so it will not be as though the person has stopped the inspector. It will just be that the person was not around and the inspector had to use his legislative powers. What compensation exists for property and stock owners if, for example, a door is broken down

or a lock broken, which would be at some cost to the landowner?

The Hon. LYNN ARNOLD: I draw the honourable member's attention to clause 11 (3) which provides:

> An inspector must not exercise the power conferred by subsection (1) *(b)* in relation to any residential premises except on the authority of a warrant issued by a justice.

That clearly indicates that the normal search warrant situation would apply. With respect to compensation, my guess is that these would be residual matters for a court to determine, depending on the action that took place. If the reasonable grounds suspected by the inspector turn out to have been correct, and perhaps there is some breach of regulation or legislation, we are not talking about a compensation situation. Where the presumption of the inspector is found to be unreasonable, the normal civil process would deal with the issue of compensation.

Mr MEIER: The Minister will recall that in his second reading explanation one of the new provisions allows the chief inspector, in any exotic disease control, to control the movement of people as well as stock, and I also dealt with that during the second reading debate. Clause 11 *(d)*, *(e)* and *(f)* and others require people to do certain things, but what exactly does the Minister mean?

The Hon. LYNN ARNOLD: As I understand it, certain exotic diseases are transmittable by human beings and not just by stock. We may find a situation in which there are reasonable grounds to assume that people are carrying an exotic disease and, therefore, that situation also needs to be controlled. This clause allows for that to happen. It is not at all unreasonable when one considers that, coming from other countries, we all have to fill in quarantine forms. I recently had to fill in a quarantine form and I was asked whether I had been on a farm in the past two weeks. In such a situation one can be required by the customs officer to go through a shoe bath. In a sense, that is controlling the movements of people at the customs area. We should all be pleased that those powers exist so that we can preserve what we are seeking to preserve in this country.

Clause as amended passed.

Clause 12 passed.

Clause 13—'Prohibition on introduction or removal of disease or infected or residue affected stock or stock products.'

Mr MEIER: This clause limits the movement of people. As I said in relation to clause 11, several clauses relate to the movement of people. I acknowledge the Minister's previous answer and the Opposition endorses that position 100 per cent. In the second reading stage, the Minister said that one of the major changes in the legislation, in relation to exotic disease control, was the power to control the movement of people as well as stock. I would have thought that that was covered in the principal Act. Certainly, the Minister referred to quarantine stations, a situation which has applied for many years, and quite rightly so. I cannot work out what is new in this Bill in relation to controlling the movement of people. Did this provision exist previously or is it a new provision that the Chief Inspector can now control the movement of people?

The Hon. LYNN ARNOLD: I acknowledge that the second reading explanation indicated that this is a change in the legislation. It may be that what is referred to is the inclusion of that matter in this legislation. While it is acknowledged that this provision does not amend the principal Act, a series of Acts is referred to in the long title of the legislation and it may be that this picks up something in one of those Acts rather than in the principal Act which it succeeds.

Mr MEIER: This clause refers to various division fines. Who determined the fines that apply to offences? The principal Act is fairly devoid of mention of specific fines. Some of these fines are fairly tough and others are within reasonable limits.

The Hon. LYNN ARNOLD: My understanding is that the levels of division fine are determined by Parliamentary Counsel in conjunction with the Attorney-General and Crown law. An attempt has been made to have a schema of fines or penalties across the body of statutes to provide a degree of comparability of seriousness of an offence with penalty. This system was developed in the 1980s under the legislative reforms of my colleague in another place (Hon. Chris Sumner) because previously each act was determined separately. As a result, there were quite serious anomalies between what was considered to be a serious offence under one piece of legislation while under another piece of legislation a similar offence in the public perception was treated less seriously. So there was an attempt to achieve some comparability. The principal Act limited the movement of people within quarantine premises. This provision is more general and allows increased flexibility, which is the key element.

Clause passed.

Clause 14 passed.

Clause 15—'Documentation to accompany stock, etc., entering State.'

Mr MEIER: Will the documentation be in the same format as are the current regulations, and how far advanced is the preparation of the regulations?

The Hon. LYNN ARNOLD: I understand that the documentation will be the same as in the existing legislation. However, from time to time, there may be changes in the format of documentation especially as discussions are held between the States to try to standardise procedures. So, while *pro tem* we would look to the documentation being the same, this does not mean it will always be the same. The Act will not stop documentation changing as national agreements may suggest a better degree of standardisation can be reached.

Clause passed.

Clause 16—'Reporting.'

Mr MEIER: The member for Murray-Mallee highlighted the problem that, if the Opposition should lose its amendment in relation to compulsory dipping, reporting will be an important ingredient to ensure that dipping occurs where necessary. The honourable member said, if neighbours are to be relied on to report those who offend, this will create ill will. I asked one person whether there was a need to retain compulsory dipping given that neighbours would be allowed to report as they have in the past; that person said that that system would not work satisfactorily in areas that are relatively sparsely populated, because it would be obvious that the neighbour reported. Even though the person who reports can remain anonymous, the ill feeling is still there. This person said that compulsory dipping must be retained, because it should not be the neighbour's job to report on a neighbour who is a poor manager. Does the Minister see that as an inevitable result of doing away with compulsory dipping?

The Hon. LYNN ARNOLD: As I understand it, this is not a case of a dobbing-in clause if one wants to refer to it as such: it is rather an obligation upon a producer to report disease that exists within his or her own flocks.

Clause passed.

Clauses 17 and 18 passed.

Clause 19—'Order relating to infected or residue affected stock or stock products.'

Mr MEIER: Why has the word 'may' been used in subclause (2)? I believe the word 'shall' would have been much more prescriptive.

The Hon. LYNN ARNOLD: A discretionary element is permitted in this situation, and I believe that, therefore, would allow for opportunities for extension officers to work with farmers pre the issuing of an order, and hoping that an order is not seen as the first piece of the officer's armoury that is used rather that advice, cajoling, or suggestion is much more useful. However, if that fails, a series of things can be done, and the officer can choose between those as to what might be necessary to pursue the matter. So, it is to allow some degree of discretion, and I think that, if an officer has a reasonable belief that it is not necessary to go to an order in the first instance, surely it is better for all concerned if it is not gone to.

Clause passed.

Clause 20 passed.

Clause 21—'Other orders and action in relation to disease or residue.'

Mr MEIER: I am concerned about the powers of an inspector. He can certainly issue many orders. How does this compare with the Act? Did the inspector have similar powers in making out orders? How were these problems attended to and addressed under the Act?

The Hon. LYNN ARNOLD: It is my understanding that the range of orders that can be given is similar to that which applied before. Obviously, some changes will be made in the wording to take account of modern usage and to bring into account certain concepts that are used more these days than previously. However, the broad scope of the orders is of the same extent as previously.

Clause passed.

Clauses 22 to 26 passed.

New clause 26a—'Compulsory treatment of sheep.'

Mr MEIER: I move:

Page 14, after line 15—Insert new clause in Division V before clause 27 as follows:

26a. (1) Subject to this section, sheep must, after being shorn and before—

(a) being sold, consigned for sale or given away;

or

(b) the expiry of 42 days,

whichever first occurs, be treated with a dipping preparation in accordance with the instructions contained on the label affixed to the container or package containing the preparation.

(2) Subsection (1) does not apply to sheep that are sold for immediate slaughter at an abattoir within 42 days of being shorn.

(3) If sheep are not subjected to treatment in accordance with this section, the owner of the sheep is guilty of an offence. Penalty: Division 7 fine.

(4) An owner of sheep must keep up-to-date records of prescribed particulars relating to sheep that have been subjected to treatment in accordance with this section.

Penalty: Division 9 fine.

(5) The Chief Inspector may, if satisfied that by reason of drought, shortage of water, weakness of the sheep or any other factor it is unreasonable to require the owner of the sheep to comply with this section, exempt (conditionally or unconditionally) an owner of sheep from compliance with this section in respect of specified sheep for a specified period.

(6) An exemption under subsection (5) must be in writing.

(7) In this section—

'dipping prepartion' means a preparation registered under the Stock Medicines Act 1939 as a treatment for the destruction or control of parasites on sheep.

I will be brief, because I went into considerable detail in the second reading debate. I think most, if not all, speakers on this side alluded to the necessity for compulsory dipping. Whilst it was acknowledged that so much else is positive and good in this Bill, it is felt that compulsory dipping would ensure that South Australian flocks remain clean. We heard of many examples of sheep breeders who, from experience, understand the pitfalls of doing away with compulsory dipping. Those who alluded to any possible chemical hazard should note:

. . . 'dipping preparation' means a preparation registered under the Stock Medicines Act 1939 as a treatment for the destruction or control of parasites on sheep.

The provisions in the Stock Medicines Act is such that people need have no fear of the concentrations of chemicals being used. I believe they are way below the standards that could cause detriment to one's health in whatever might normally occur. I urge the Minister to accept this amendment to make the Bill a perfect package.

Mr FERGUSON: I oppose the amendment. I am absolutely amazed that, after the Minister's second reading speech—

The Hon. T.H. Hemmings: And ours.

Mr FERGUSON: —and that of other members on this side of the House, the Opposition was game enough to put up this amendment, because I am sure that it could not have listened to the Minister's summing up of the second reading debate when he told the House that the enforcement of dipping has not been in operation since 1967. During the course of 23 years this enforcement has not taken place. All we are doing is legislating for the *status quo.* All the arguments put forward by the members for Alexandra and for Eyre and by others have no bearing on what is happening in the industry.

I am surprised that the member for Goyder is persisting with his amendment. We have been told that compulsion has not been insisted upon since 1967. After 100 years of dipping, it has virtually made no difference at all so far as the industry is concerned. It is said that we will save the farmers of this State $5 million. Considering the problems of the rural industry now, that is a considerable sum. Worst of all, Opposition members are not prepared to accept the advice of the UF&S, their own organisation. They have come in and spoken against the advice of their own organisation. I hope that the Committee will reject this amendment.

Mr BLACKER: After a speech like that, one cannot help but buy into the argument. I commend the Minister on his summing up, but one could go through that speech and pick out bits and pieces. As has been said tonight, references have been made initially about dipping and about the inefficiency of the old spray methods of dipping, the leaking glands on the pumps, and so forth. I do not think that we could find anyone who dips like that now. That sort of person would be too lazy to start up the dip; he would use the clout system, which is probably far more effective. Those who use the spray dip now generally make a thorough job of their dipping.

The member for Henley Beach referred to a saving of $5 million. That $5 million is insignificant when compared with the damage that is caused to the wool and to the sheep with an infestation of lice. I know that the Minister and members are saying that compulsory dipping creates only a three-month break in the lice cycle. What about the situation in which a farmer does not sell sheep, but runs only a wether and a small breeding nucleus so that effectively he has only a few sheep? He could be breeding lice for three or four years. Unless a neighbour dobs him in or something like that, he could have a wild or very heavy infestation. That is a reality that has not been addressed by the Minister.

Mention has been made that there has not been compulsion on dipping. That may be why we have so many lice around at present. There has been a lack of desire by respective Governments, Ministers and departments compulsorily to enforce that issue. If the provision had been applied according to the Act, as it was set down, the lice

may have been more under control than they are now. In many ways, this is the lazy man's way out.

I am concerned and I have the firm conviction that we are heading down the wrong track on this issue. I note what the Minister said in his summing up. Two of the persons that he mentioned are my constituents. One is a neighbour of my brother. I know him very well. The other was on the committee that I believe recommended it. I was talking to the gentleman only two nights ago about the fire in the area, but unfortunately this subject did not come up. However, if it is so strongly supported by the United Farmers and Stockowners, why did it not send a letter to me and other members? Is it such a insignificant issue that it was not even worth a communication? I wonder just how serious it is and what is behind it. I understand that successive Ministers have had this proposal put to them over the past 15 years, but I believe that this is the first time it has been brought before the House for serious debate at this level.

I must oppose what the Minister is doing and support the amendment moved by the member for Goyder. As I said, I have a firm conviction that compulsory dipping plays a very useful and important role in proper flock management. More particularly, it puts an obligation on hobby farmers and other such persons who probably could not care less whether their sheep are lousy or not. A good sheep manager will make sure that his stock are healthy (free of parasites both internally and externally) to ensure that his production is the best possible. However, in many cases hobby farmers would not know a good healthy sheep from a lice infected animal. Therefore, we have this cross-infestation with neighbours' sheep on roadsides and so forth. I support the amendment.

The Hon. T.H. HEMMINGS: I oppose this amendment with all the breath in my body. If by some chance this amendment were to be carried, it would be known as the irresponsible and lazy farmer's clause, because that is exactly what it is. What the member for Goyder, the member for Flinders and others are saying is, 'Who cares a damn about those good farmers who keep clean sheep and do all the correct things?' There is a recognition that some farmers are irresponsible and lazy and, therefore, we must have this compulsory dipping of sheep. That surprises me, because it is totally out of keeping with the way in which the member for Goyder usually carries on and runs his own life and electorate. He has given us a weak excuse. Part of this amendment provides:

> 'dipping preparation' means a preparation registered under the Stock Medicines Act 1939 as a treatment for the destruction or control of parasites on sheep.

That is a cop-out, a sop, to the concerns that have been expressed by many people about the residue that can get into the food chain and so on. One of the problems of the member for Goyder—and this is a real disappointment to me—is that once he is in forward gear, once he has committed himself to moving an amendment, despite all the logic that has been put forward by members on this side of the Committee and, even more importantly, by the Minister, he just cannot reverse gear and have the decency to say, 'Logic prevails so I will withdraw my amendment.' I urge all responsible members of this Committee to reject the amendment.

The Hon. E.R. GOLDSWORTHY: It is very instructive for the Committee to draw on the depth of experience of the members for Napier and for Henley Beach in this matter. They can speak with real authority! The farmers from Henley Beach and Napier can speak with great conviction from their first-hand knowledge of farming!

The member for Napier suggested that the member for Goyder has disappointed him. The member for Napier has not disappointed me. He has run true to form and got the wrong end of the stick yet again. Speaking from the depth of his farming experience, he has got the wrong end of the stick. This amendment will not penalise the good manager; it will support and protect him. It is good management practice to dip sheep. I live in the Adelaide Hills and I keep sheep. There are many hobby farmers in the Adelaide Hills and if they have lousy sheep they are a damn nuisance. I have experienced this at first hand.

This proposal has been hanging around since the Liberal Party was in Government. This Government proposal to get rid of sheep dipping is not new. It has been hanging around since the 1960s, or at least since the 1970s. It has been tried on Labor Ministers before, but they have had the good sense to reject it. Labor members should not say that the UF&S is the font of all wisdom. I suggest that they should talk to some of the farmers in the field. The UF&S supported WorkCover, although we told it that it would be a flop.

Now what is being said about WorkCover—that it is a complete flop. It took the UF&S about two years to get up to the barrier to support a compensation scheme for vegetation clearance. The UF&S is often tail-end Charlie. I do not put a lot of store by what it comes up with. It has a cosy little powwow with the Government and supports the Government in some of its wild schemes. I do not hold any brief for the UF&S: it is not the fount of all wisdom. It is certainly backing a loser with this one in terms of what the farming community had to say about the matter.

The member for Napier did not disappoint me; he had it completely back to front. This amendment is to protect the good managers as against those who are lazy, who do not do the job and who, quite frankly, are a damn nuisance. In the area where I live in the Adelaide Hills a lot of stock is neglected by hobby farmers. Stock gets fly-struck and all sorts of things. After we have had a bit of rain and then hot weather there are fly-struck sheep all over the hills because hobby farmers do not have a clue what is going on. The same thing applies with lousy sheep. Our amendment to restore the *status quo*—the requirement that sheep be dipped—is sensible. I think that the provision in the Bill is a sop to those who are anti-chemical, quite frankly: that is all I can think of. As I say, this matter has been hanging around since the 1970s. Why on earth would it bob up now—because we suddenly have this idea that all chemicals are bad. Some of them have been bad and they have been banned—DDT and others—but to suggest that all chemicals be banned is nonsense.

The member for Napier's point that it be approved is nonsense. Recently legislation passed through this House in which the terms and conditions under which chemicals can be used in primary production were spelt out quite clearly. So, the farmers from Henley Beach and Napier really have made contributions to this debate speaking from the wealth of their knowledge, which I think we can safely ignore.

The Hon. LYNN ARNOLD: I very much appreciate the contributions of the member for Napier and the member for Henley Beach. I think that they added some understanding to this matter. Indeed, if one were to read their speeches one would find that they made a number of very pertinent comments, to which I think members opposite should have been paying much more attention, and if members had done so they would realise that they should not support the amendment moved by the member for Goyder.

There had not been an enforcement of the situation since 1967. The member for Flinders highlights that that may be the reason why there is an extra incidence of lousy sheep this year compared to previously, but I do not believe that

that stands up because the information I have available is that the incidence of lousy sheep in flocks, as I said before, is between 20 and 30 per cent and has ever been so.

What does one then do if one has compulsory dipping? What actually happened from 1957 to 1967, which is actually the operative period for compulsory dipping—we talked about the 20 to 30 per cent figure over the previous 100 years but much of that was not a compulsory dipping regime—was that a dipping return had to be sent in. That not only required extra paperwork on the part of the producer but also required the bureaucracy to go to new lengths to have to process all these returns that came in to see that everything was being handled effectively. That then resulted, in 1967, in the decision effectively being made, albeit with that statute remaining on the books, that this situation would not be enforced.

I think that, with respect to the kind of bad egg examples that members opposite raised about the poor livestock manager or hobby farmer who does not really know what he or she is doing, that situation will not be addressed by the compulsory situation, because all members of the Committee seem to have agreed that, if equipment is not properly maintained and if the chemicals are not properly administered in the equipment, it does not matter what the compulsion is: you may still not get effective chemical treatment at the end of it, anyway. All you may have done, in the words of one honourable member opposite, is that you may have given the sheep a bath. Surely, what that comes back to is that effective extension is the name of the game, not a situation which merely salves somebody's conscience so they think that while we force them to do it, the problem must have gone away, when clearly it has not.

I could understand the concerns of the member for Goyder and others if this legislation was throwing out the window any degree to control what is happening with lousy sheep, but it is not: it is still providing for opportunities whereby inspectors can enforce orders, and we have just had a discussion about what those orders involved and whether or not they were the same as before. I have indicated that the capacity of inspectors to enforce orders is the same as before; the wording may have changed but essentially it is the same as before.

So, those teeth still exist in the legislation and they are the teeth that really count. The teeth of the compulsory dipping are not teeth that really count, and I would merely point, in closing on this matter, to the very comments of the member for Goyder who, in his second reading contribution, said that he 'concedes very clearly that we can get by without compulsory dipping'. He went on to say, 'Why take it away because it is not really a harm?' 'Why take it away' was the implication. But, the member for Goyder himself acknowledged that a real issue is at stake here: that we could, in his phrase, 'concede very clearly that we could get by without compulsory dipping'. The point I really draw members' attention to is effective legislation, not legislation that merely salves the conscience without achieving the outcome. I oppose the amendment.

Mr BLACKER: I have listened to the Minister with a great deal of interest, and again I cannot accept what he says because he used the explanation of faulty equipment. This occurred 15 to 20 years ago when plunge dipping, which was very effective provided that the right proportion of chemical was used, was undertaken and when there was a shift to shower dipping. That is when mistakes were made: people did not put their sheep in for long enough or they had faulty equipment or insufficient pressure. A whole series of operational factors could affect the effectiveness of the dip.

At present, the vast bulk of sheep that are dipped, and I use that word in a general sense, are clouted or sprayed down the back, using another commercial preparation, before they leave the shed from shearing. They do not get outside to get mixed up with another mob. Before they leave the count-out pen, they are clouted, so there can be absolutely no doubt that the sheep that are shorn are clouted or dipped with a chemical preparation. If there were compulsion to do so, that would be the most thorough method of dipping.

Mistakes were always made when sheep were brought in within 42 days and dipped. It was unlikely that farmers would get a clean muster so there were many more opportunities for sheep to get away without being dipped at that time or at another time, so there was continuity of cross infection. With the present method of clouting, sheep cannot get out. If he is shorn, he is clouted, and that is it. By arrangement or by neglect, the department, the Government, farmers and their organisations have to share responsibility for allowing the compulsion ethic to slip by.

The present day process allows the perfect application to make sure that there is 100 per cent effectiveness, but this Bill will let that slip out of our hands or go out the window. The Minister indicated that there will be little difference, but I think it will be a sad reflection on this Committee and I have every confidence that lice will become more of a problem because it will no longer be a responsibility of farmers to clout their sheep as they are shorn.

The Hon. LYNN ARNOLD: I noted the comments of the member for Flinders about the incidence of traditional dipping as opposed to various other methods. I am advised that concern is growing among farmers and technical officers of agriculture departments as to the effectiveness of pour-on and that there is evidence of resistance to pour-on chemicals. In New South Wales there has been a widespread move back to traditional dipping and there is some evidence of that in South Australia. That will be subject to further monitoring by the Department of Agriculture. As a result of an awareness that there is a move back to traditional dipping in South Australia, this Thursday officers of the department will hold technical demonstrations for extension officers of the department in traditional methods so they can be aware of the important features that need to be addressed in terms of effective dipping according to traditional methods.

The Committee divided on the new clause:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier (teller), Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold (teller), Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

The CHAIRMAN: There being 23 Ayes and 23 Noes, I give my casting vote for the 'Noes'.

New clause thus negatived.

Clauses 27 to 38 passed.

Clause 39—'Regulations.'

Mr MEIER: The Minister will be aware that we have a whole pile of regulations. If Standing Orders allowed me, I would hold up the book that contains them. It is quite a substantial document and leaves the Bill for dead. Are a similar number of regulations to be promulgated from this Bill or are more of the provisions now contained within the Bill? From my reading, I should have thought that to be the case. Obviously, there will be some regulations. How

far down the track is the preparation of those regulations and when is it envisaged that they could be ready to go to the Joint Committee on Subordinate Legislation for final approval?

The Hon. LYNN ARNOLD: With this Government wishing to be a deregulatory Government, there will be fewer regulations but they will be those required to administer this legislation. My advice is that officers in the department are working on what will be the proposed regulations if this legislation is passed by the two Houses. When that happens, after consultation with Parliamentary Counsel officers will be able to advise me of the regulations we need. We cannot do anything further about that matter until the Parliament gives us a direction as to the fate of this legislation.

Mr MEIER: I do have some concerns with regulation 39 *(j)*, which provides:

> in relation to the artificial breeding of stock—
>
> (i) prohibit the carrying out of artificial breeding procedures or the operation of a business or institution established or conducted for the performance on behalf of others of artificial breeding procedures except as authorised by a licence granted by the Chief Inspector;

As it was pointed out to me, why do people need to be licensed, when apparently people today are able to perform AI without having a specific licence? They might need a certificate, but they should not have to be licensed. I would like to know why this licence provision has come in.

The Hon. LYNN ARNOLD: In terms of the management of stock diseases, if you are going to have any, let alone large scale, AI breeding programs, you have an area whereby stock diseases can be transmitted very easily indeed. The only way you can control that is to know who is administering the AI breeding programs. How else do you do that except by some form of licensing arrangement? If ever there was an area which needs an element of compulsion, it would be here. If you relied on an entirely voluntary system of reporting that one was involved in AI, the system would have a very major flaw in it. I would have thought that that is not something that honourable members in this place would want to see.

Mr MEIER: I take it from the Minister's answer that AI operators are licensed already, that it is not just a certificate that they have to have presently but they are actually licensed as well.

The Hon. LYNN ARNOLD: The situation is that they currently require written approval to undertake such activities. So that is being formalised in a licence, but it is still effectively the same requirement to be notified and approved for undertaking such programs.

Clause passed.

Schedules and title passed.

Bill read a third time and passed.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 11.50 p.m. the House adjourned until Wednesday 14 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 13 November 1990

QUESTIONS ON NOTICE

ROADWORKS

211. **Mr BRINDAL (Hayward)** asked the Minister of Transport:

1. What were the starting and finishing dates of the construction of the Park Terrace bridge at Ovingham?

2. Why did the construction take so long?

3. If the matter of earth settlement was important, what were the essential engineering differences between this work and that involved in the grade separation at South Road, Emerson, and Marion Road, Parkholme?

4. What were the starting and finishing dates for construction for the grade separation works at South Road, Emerson, and Marion Road, Parkholme?

5. What future road improvement programs does the Government have in mind that will necessitate significant delays because of problems associated with engineering aspects of the construction?

The Hon. FRANK BLEVINS: The replies are as follows:

1. The embankments for the Park Terrace bridge were commenced in January 1985 and were completed by December 1986. The contract for the construction of the bridge structure was called in July 1988: work commenced February 1989 and the bridge was opened to traffic in September 1990.

2. The construction of the bridge structure was completed within the normal time span and without undue delay. As regards to the total project, a significant time frame was required for a number of reasons, viz: unique design with complex foundations and superstructure, possible subsidence of approach embankments and the need to allow settlement to occur.

3. Emerson Overpass embankments were of the reinforced earth type incorporating design and construction practices which tend to negate the effects of settlement. This type of embankment was chosen for Emerson due to its location in the middle of one of the State's busiest roads making the concise staging of the project a high priority. In regard to the Parkholme complex, it is not considered applicable to compare engineering aspects of road overpass projects (Park Terrace and Emerson) to rail overpass projects (Parkholme) as they have different constraints that affect their design and progress.

The embankments at Park Terrace are of normal type construction which benefit from being allowed to settle, if at all possible. In general terms, use of reinforced earth embankments are more expensive and as a consequence are used at particular locations where special requirements are evident. In the case of Park Terrace, there were no special requirements involved and it was decided to proceed with normal type embankment construction techniques.

4. Emerson Overpass: Commenced August 1983
Completed May 1985.
Parkholme Rail Overpass: Commenced August 1973
Completed November 1976.

5. There are no road improvement programs where it is known that they will be significantly delayed due to engineering aspects.

GOVERNMENT VEHICLES

212. **Mr BECKER (Hanson)** asked the Minister of Transport:

1. What Government business was the driver of the vehicle registered UQY 502 carrying out at 3.15 p.m. on Wednesday 26 September 1990 in the carpark of Cheap Foods, Marion Road, Plympton South?

2. Was the driver authorised to use the car for private purposes?

3. Has the driver been made aware of the regulations concerning the use of Government vehicles and, if not, why not?

The Hon. FRANK BLEVINS: The replies are as follows:

1. The driver of the vehicle, a paramedical aide with the Southern Domiciliary Care and Rehabilitation Service, was taking a rostered break en route from one client's home to another.

2. The rostered break was authorised.

3. The driver is aware of the regulations.

SECURING THE FUTURE

232. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Industry, Trade and Technology: What specific action has been taken to implement the commitment made in the October 1989 document *Securing the Future* that the Government would 'develop two new industry specific courses on quality assurance at the South Australian Centre for Manufacturing to add to the automatic and defence specific quality programs'?

The Hon. LYNN ARNOLD: I am advised that the South Australian Centre for Manufacturing has developed a new quality improvement training package to be used by the metals industry throughout Australia. This package, which was adapted by the centre from the very successful Automobile Quality Improvement Process, was developed through a contract with the Western Australian Ministry of Economic Development. The package is known as the Metals Industry Quality Improvement Process (MTQIP), and is a 'road-map' type guide to improving quality in all aspects of the metals industry. It was handed over to metals industry representatives in Perth in May this year for use nationally. In addition, the centre is working to develop a similar package with the South Australian plastics industry.

233. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Industry, Trade and Technology: What specific action has been taken to implement the commitment made in the October 1989 document *Securing the Future* that the Government would 'establish, through the Centre for Manufacturing, a franchise with one of the world's leading quality training organisations', has the franchise been established and, if so, with whom and, if not, when does the Government expect that it will be?

The Hon. LYNN ARNOLD: I am advised that the Centre for Manufacturing has concluded an arrangement with a leading United States organisation, the American Supplier Institute Inc., (AST). This enables the centre's senior quality management consultant, Mr Bob Burke, to become the first overseas person to be accredited by the AST to run training courses outside of the USA on Quality Function Deployment (QFD). This is a great coup for the centre and for South Australia, as QFD is one of the most recent quality techniques to come out of Japan and is held in very high regard by the automotive industry.

This has enabled the centre to win the national contract for QFD training for the newly established Australian Sup-

plier Institute (AUSI), which is the Australian automotive industry's official training body. (The centre has already won the AUSI contract to conduct training in another quality technique, failure mode and effects analysis). Further, in late 1989, the centre finalised an agreement establishing it as the Australian agent for Perry Johnson Inc., the largest supplier of self-taught quality management training materials in the USA. This has, however, not been a very successful arrangement, partly because of the American flavour of the material, and partly because of the preference for instructor-led training in Australia.

CENTENNIAL PARK CEMETERY TRUST

262. **The Hon. B.C. EASTICK (Light)** asked the Minister of Employment and Further Education, representing the Minister of Local Government:

1. Has the Government determined a policy for the construction and management of mausoleums and, if so, what is the policy?

2. What advice, if any, has Centennial Park Cemetery Trust given to the Government relative to the establishment of a mausoleum at that cemetery?

3. Does the creation of a mausoleum at Centennial Park or anywhere else require the approval of Government and, if so, what are the criteria for approval?

4. Will the public living in close proximity to a cemetery have any right to disapprove/approve the creation of a mausoleum and, if not, why not?

The Hon. M.D. RANN: The replies are as follows:

1. At present, the methods of disposal of human remains are determined by the general cemetery regulations under the Local Government Act. Legal opinion suggests that mausolea are not provided for within the existing regulations. Further legal advice on this aspect is being obtained by the Centennial Park Cemetery Trust. The fact that the regulations, which date from 1944, probably prohibit mausolea does not mean that the Government has, as a matter of policy, decided that mausolea are totally unacceptable. On the contrary, the Select Committee of the Legislative Council on Disposal of Human Remains in South Australia (1986) considered that mausolea should be permitted, subject to the requirements of the South Australian Health Commission. A Bill which is being prepared to implement the recommendations of the select committee will reflect that position.

The South Australian Health Commission does not object in principle to the concept of disposing of human remains in mausolea but will want to impose certain requirements regarding body containment, treatment and disposal of body fluids, odour control mechanisms, and operational procedures designed to ensure that public health is protected. The construction of mausolea constitutes development under the Planning Act and would therefore be subject to all relevant provisions of that legislation.

2. The Government is aware of the Centennial Park Cemetery Trust's feasibility study for the mausoleum at Centennial Park and is also aware that the trust has lodged a development application with the Planning Commission.

3. As mentioned in answer to question 1 above, the construction of a mausoleum constitutes development under the Planning Act and would require the approvals necessary under that legislation. In the case of the Centennial Park Cemetery Trust, I understand that the Mitcham council, in whose area Centennial Park is located, has asked the South Australian Planning Commission to be the approving authority for the purposes of that application. Where a council does not have an interest in the cemetery or land concerned, applications for planning approval for mausolea would fall within the approval powers delegated to local government and could therefore be dealt with by the relevant council. If it becomes necessary to deal finally with a planning application for a mausolea before new legislation is in place, the requirements of the South Australian Health Commission can be dealt with as part of the planning approval process.

4. Persons living in close proximity to the cemetery will have the rights available to them under planning legislation.

DEPARTMENT FOR THE ARTS

277. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Housing and Construction, representing the Minister for the Arts: What is the estimated cost of relocating the directorate of the Department for the Arts 'to improved offices closer to the department's North Terrace cultural institutions' (Department for the Arts annual report, p. 71), where are the new offices and, how many departmental officers will be accommodated there?

The Hon. M.K. MAYES: The estimated cost of relocating the directorate of the Department for the Arts to the 11th Floor, 10 Pulteney Street (formerly Capita Building), is $450,000. This is a once-off expense and comprises the following:

	$
Building work—construction etc	222 000
Engineering services—electrical, mechanical telephones, computering, fire protection	131 000
Contingencies and professional fees	72 000
Decommissioning costs for CU Building	25 000
	$450 000

The reasons for moving are:

(1) SGIC, the new owners of CU Building (44 Pirie Street), have embarked upon a program of progressively upgrading each floor, with the expectation that rental would be increased. Preliminary indications were that the annual rental would have increased significantly to a rate probably exceeding that negotiated for the Capita Building.

(2) From a management point of view, it was considered highly desirable that the directorate be located close to its North Terrace Divisions. As the lease in CU Building was expiring on 30 June 1990, action was taken, with the assistance of SACON, to identify and negotiate for improved alternative accommodation in the vicinity of North Terrace.

The annual rental and outgoings for CU Building was $160 000. However, as indicated, this would have increased substantially if the directorate remained in the refurbished building. The annual rental and outgoings in Capita Building will be $210 000. The additional cost in rental is considered justified because of the upgraded accommodation provided, provision for some expansion and the provision of a modest display/exhibition foyer for the promotion of arts programs and activities. Initially 35 officers will be relocated to Capita Building in mid-November 1990.

GOVERNMENT COMMISSION FILMS

280. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Housing and Construction, representing the Minister for the Arts: How many Government commissioned films were completed in 1989-90 and, how many are currently in production and, for each production—

(a) for which Government agency was it commissioned;
(b) what was the budget;
(c) where applicable, what was the actual cost;
(d) who was the writer and what was the fee;
(e) who was the director and what was the fee; and
(f) who was the producer and what was the fee?

The Hon. M.K. MAYES: The following list gives details of Government Film Fund films which were completed in the 1989-90 financial year:

Documentary Films Completed in Financial Year Ended 30 June 1990

Project	Producer	Director	Writer	Sponsor	Budget $
Parent	Milton Ingerson Productions	Donald Crombie	Donald Crombie	SAFHS/Department of Family and Community Services	162 612
Opening the Visual Heart	Electronic Vision Productions	Andrew Ellis	Andrew Ellis	Department for the Arts	
The Credit	Newfilms Pty Ltd	Jim Roberts	Jim Roberts	Department of Public and Consumer Affairs	110 619
Your Place or Mine?	Film Positive Pty Ltd	Andrew Ellis	Andrew Ellis	Department of Public and Consumer Affairs	84 965
Adelaide: The South Australian Experience	Guy Ballantyne Productions	Guy Ballantyne	Guy Ballantyne	Department of Premier and Cabinet Promotion, Visits and Hospitality Unit	34 543
Adelaide Festival of Arts 1990 (Archival)	Electronic Vision Productions	Andrew Ellis		Tourism SA	
Adelaide: Enjoy the Experience (update)	Pepper Studios	Max Pepper	Max Pepper	Tourism SA	144 762

NB The cost of Adelaide Festival of Arts 1990 (Archival Footage) and Opening the Visual Heart combined was $84 490

Documentary Films Completed to Date in Financial Year 1990-91

Project	Producer	Director	Writer	Sponsor	Budget
Business in South Australia	Message Management	Russell Stiggants	Russell Stiggants	Department of Industry, Trade and Technology	75 000

In the current financial year two projects are currently in the last stages of production. Funds have been allocated for these projects to be completed in this financial year. The following list gives details of these films:

Project	Producer	Director	Writer	Sponsor	Budget
Victim of Crime	Filmhouse Pty Ltd	Jeffrey Bruer	Jeffrey Bruer/ Timothy Sullivan	Attorney-General's Department	143 000
Water Safety	Newfilms Pty Ltd	Justin Milne	Rob George/James Roberts	Department of Marine and Harbors	70 000

An additional project 'South Australian Postcard' was suspended after the first stage of production due to the SAFC being dissatisfied with the work to date. The future of the project is being re-evaluated. The project is now on hold until funds are raised through alternative sources. The project sponsor is Tourism SA. The total budget is $67 000; $25 000 has been allocated to date.

The following projects have received script development funds only up to September 1990. No contracts have been issued for these projects to be produced. Any further development will be suspended until future funds are available to the Government Film Committee.

Project	Producer	Writer	Sponsor	Budget $
Domestic Violence	NA	Sheryn Dee	Domestic Violence Prevention Unit	4 000
Every Home is a Museum	NA	Kylie Winkworth	History Trust of SA	1 516
CAFHS/Sexuality	NA	Martin Weitz/ Sheryn Dee	Child Adolescent and Family Health Service	2 272
Calligraphy	Pepper Studios	Jim Billingsley	Education Department	593
Drug and Alcohol Abuse/Woolshed	Co-Productions	Peter Welch	Drug and Alcohol Services Council	1 540
Frogs	Pepper Studios	Martin Weitz/ Mardi Wareham/ Mike Tyler	SA Museum/SAFC	6 250

Due to the nature of the tendering process all fees are negotiated between the contract production company and key personnel, cast and crew. It is considered that these negotiated fees are confidential. All fees are tied to current union awards and conditions.

COMPUTERS

309. **Mr MATTHEW (Bright)** asked the Minister of Water Resources:

1. How many microcomputers (by type and capacity) are owned by the Engineering and Water Supply Department, when was each purchased, what is each used for and which staff is each used by?

2. How many minicomputers (by type and capacity) are owned by the department, when was each purchased, what is each used for and which staff is each used by?

3. How many mainframes (by type and capacity) are owned by the department, when was each purchased, and what is each used for?

4. How many stand alone word processing facilities (by type) are owned by the department and when was each purchased?

The Hon. S.M. LENEHAN: The replies are as follows:

1. Microcomputers:

Type	Disk Capacity (Megabytes)	Year Purchased 1985	1986	1987	1988	1989	1990	Total
XT	—	—	—	—	1	—	—	1
286	20	—	1	—	—	1	1	3
286	40	4	14	32	89	70	67	276
286	110	—	—	—	—	—	2	2
386SX	40	—	—	—	—	2	191	193
386	90	—	—	—	—	—	1	1
386	100-140	—	—	—	—	—	6	6
386	300-330	—	—	—	—	1	5	6
Laptop XT	20	—	—	—	5	3	—	8
Laptop 286	20	—	—	—	—	16	1	17
Laptop 286	40	—	—	—	2	21	19	42
Laptop 286	100	—	—	—	—	1	5	6
Laptop 386SX	40	—	—	—	—	—	44	44
Apple	80	—	—	—	—	—	1	1
Laptop CPM	—	—	—	—	3	—	—	3
								609

The microcomputers are used for a variety of purposes including data entry, spreadsheets, databases, word processing and access to other departmental computers.

The microcomputers are used by staff in the following branches:

Branch	No. of Micro-computers
Administration Services	17
Barossa Filtration Works	1
Business Services	37
Central Plant Store	1
Christies Beach Treatment Works	1
Community Relations	2
Construction Metro Happy Valley	2
Construction Metro Ottoway	3
Customer Services	77
Engineering Services	51
Eyre Region	9
Facilities Information Services	32
Human Resources	8
Industrial Training	5
Information Systems Services	92
Major Plant Group Ottoway	2
Material Corrosion Ottoway	10
Metro Central Serv. Thebarton	49
Metro Central	5
Metro North	15
Metro Sewage Treatment Bolivar	9
Metro South	15
Metro Water Treatment Hope Valley	5
Murray Mallee Region	13
Northern Region	16
Operations Support Services	4
Riverland Region	22
South East Drainage	1
South East Region	11
State Water Laboratory	23
Strategic Services	2
Supply	8
Water Resources	32
Workshops Ottoway	29
Total	609

2. Minicomputers

Qty Type	MIP	Capacity RAM	Disk	Year Purchased	Use
1 Data General MV10000	2.5	8M	3000M	1986	CAD spatial data (E&WS)
1 Prime 9755	2.5	14M	2400M	1983	General Ledger, Asset Management (E&WS)
1 Prime 750	1.0	8M	500M	1987	File marking/document tracking, correspondence tracking (E&WS)
1 Concurrent 3210	0.5	4M	492M	1982	SAQUADAT water analysis results for labs. (Bolivar)
1 Concurrent 3205	0.5	4M	300M	1990	Metro telemetry for water and sewage. (Thebarton)
12 Data General DS7500	1.0	10M	150M	1986	CAD (FIS, Scientific Services and Eng. Services)
6 Hewlett Packard 345	12.0	8M	1200M shared	1989-1990	Survey and CAD (FIS)
1 Hewlett Packard 320	3.0	4M	—	1987	Survey and CAD (FIS)
1 Hewlett Packard 400	12.0	24M	600M	1990	Property Register (FIS)
11 Sun 386i	3.0	8M	90M	1987-1988	CAD and Drafting (FIS, Scientific Services and Eng. Services)
1 Sun Sparc	12.5	24M	650M	1990	Fixed assets (Business Services)
1 Sun Sparc	12.0	8M	300M	1990	Pumping program (Operations Support Services)

Qty Type	MIP	Capacity RAM	Disk	Year Purchased	Use
5 Sun Sparc	12.0	12M	2 of 720M	1989	CAD drafting
			2 of 104M	1989	CAD drafting
			1 of 200M	1990	Asset Management (Eng. Services)
43 Total					

Note:
MIP Millions of Instructions Per second
RAM Random Access Memory
M Megabytes

3. The Engineering and Water Supply Department does not own any mainframes but makes use of State Computing's mainframes.

4. The department utilises the Wang word processing system with 16 work stations. This system was purchased between 1982 and 1988.