HOUSE OF ASSEMBLY

Thursday 11 February 1993

The SPEAKER (Hon. N.T. Peterson) took the Chair at 10.30 a.m. and read prayers.

SUPPLY BILL (No. 1) (1993)

The Hon. FRANK BLEVINS (Treasurer) obtained leave and introduced a Bill for an Act for the appropriation of money from the Consolidated Account for the financial year ended 30 June 1994. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It provides for the appropriation of $900 million to enable the Government to continue to provide public services during the early months of 1993-94.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

It is customary for the Government to present two Supply Bills each year. The first Bill is designed to cover estimated expenditure from 1 July until the second Bill is passed. The second Bill covers the remainder of the period prior to the Appropriation Bill becoming law. This practice will be followed again this year.

Members will note that the expenditure authority sought this year is $40 million more than the $860 million sought for the first Supply Bill last year.

Traditionally, the first Supply Bill has provided appropriation authority for July and August only. In recent years, however, the second Supply Bill has not received assent until early September. Since several agencies draw funds from Consolidated Accounts to their deposit accounts at the beginning of the month, the first Supply Bill this year will also need to cover early September.

There will be a corresponding reduction in the amount of the second Supply Bill.

Clause 1 is formal.

Clause 2 provides for the appropriation of up to $900 million and imposes limitations on the issue and application of this amount.

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

WORKERS REHABILITATION AND COMPENSATION (DECLARATION OF VALIDITY) BILL

The Hon. R.J. GREGORY (Minister of Labour Relations and Occupational Health and Safety) obtained leave and introduced a Bill for an Act to put beyond question the validity and textual authenticity of the Workers Rehabilitation and Compensation (Miscellaneous) Amendment Act 1992. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

In November 1992 Parliament passed the Workers Rehabilitation and Compensation (Miscellaneous) Amendment Bill 1992. Clause 22 contained some minor clerical errors which were corrected by the Clerk of the House of Assembly, on the advice of the Parliamentary Counsel, for the purposes of the version of the Bill that was certified correct by the Speaker of the House of Assembly. The text and the corrections were as shown below:

> 22. (1) Subject to this section, the amendments affecting entitlement to, or quantum of, compensation for disabilities apply in relation to—
>
> (a) a disability occurring on or after the commencement of this Act; or
>
> (b) a disability occurring before the commencement of this Act in relation to which—
>
> (i) no claim for compensation had been made under the principal Act as at the commencement of this Act; or
>
> (ii) a claim for compensation had been made under the principal Act but the claim had not been determined by the Corporation or the exempt employer.

On either reading, the intendment is quite clear: the amending Act is to apply in relation to disabilities occurring after the date of its commencement and also to those that occurred before its commencement but in relation to which a primary determination of liability was yet to be made by the Corporation or the exempt employer as at the commencement of the amending Act. The textual emendation made by the Clerk of the House of Assembly merely corrected the misdescription of an Act in order to bring the text into conformity with the obvious intention. The emendation is of the kind frequently made by the presiding officer at the Committee stage of a Bill—such an emendation not being regarded, for the purposes of parliamentary procedure, as an actual amendment of the Bill.

Proceedings have now been brought in the Supreme Court challenging the validity of the Act. The Government believes it inappropriate that the propriety of parliamentary procedures should be exposed to question in the courts. Hence the present Bill seeks to place beyond question the validity and the textual authenticity of the amending Act.

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Declaration of validity and textual authenticity

This clause declares the amending Act to be, and since the date of its assent to have been, a valid Act of the Parliament. The text of the Act, as certified by the Clerk and the Deputy Speaker of the House of Assembly, is declared to be the authentic text of the Act.

Mr INGERSON secured the adjournment of the debate.

STATUTES AMENDMENT (MOTOR VEHICLES AND WRONGS) BILL

Second reading.

The Hon. M.D. RANN (Minister of Business and Regional Development): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to amend the *Motor Vehicles Act 1959* ("the Act") to extend indemnification for third party death or injury to a passenger in or on a motor vehicle.

In *Clinton v Scheirich and Gotthold* (Action No. 2575 of 1985) a passenger in a motor vehicle opened his car door into the pathway of an oncoming motor cycle. The motor cycle rider suffered injury and sued both the passenger and the driver. The court held that none of the allegations had been made out against the driver but that the passenger was guilty of the negligence which caused the collision. As the relevant policy of insurance only provided cover to the owner of the motor vehicle or any person who drove the vehicle, the passenger was required to meet the sum of $65 000 (including interest and legal costs) from his personal resources. This sum was ultimately met by SGIC, on instructions from the Treasurer, as an ex gratia payment.

As it is regarded as unreasonable to expect people to take out extra insurance cover to provide for this possibility, an amendment has been made to the Act which extends third party insurance cover to passengers who may cause death or bodily injury by some act or omission in relation to a motor vehicle.

There are also a number of amendments to the Act which are consequential to the amendments extending third party insurance cover to passengers.

As a part of these, amendments are made to allow recovery against the nominal defendant in respect of an unidentified vehicle where the person liable is the driver, the owner or a passenger.

SGIC have, in addition, requested certain miscellaneous amendments to the Act and the *Wrongs Act* 1936.

Section 124a of the Act allows the insurer under a third party insurance policy to recover the full amount where the insured person was under the influence of alcohol, such that he or she was incapable of exercising effective control over the vehicle.

SGIC has in the past indemnified drivers who have deliberately used motor vehicles to injure other persons. Such persons may be prosecuted but avoid the civil consequences of their actions.

SGIC has recommended that an amendment be made to the Act to address this anomaly. An amendment has been made to the Act which adds, as a ground for full recovery, any case where the insured person intentionally or recklessly drove the vehicle, or did or omitted to do anything in relation to the vehicle, so as to cause death or bodily injury to another person or to his or her property.

Section 124ab is also amended to increase the excess recoverable by the insurer, where the insured person is liable to the extent of more than 25 percent for an accident, from $200 to $300. This amendment was approved by Treasury.

SGIC has also requested certain amendments to the *Wrongs Act 1936.* Section 35a(1)*(i)* provides that where damages are to be assessed for or in respect of an injury arising from a motor accident, the damages will be reduced at least 15 percent if the injured person was not a minor and was in breach of the seatbelt requirements under the *Road Traffic Act 1961*. The Act has been amended so that the exception in relation to minors is narrowed to persons under 16 years.

Section 35a(1)*(j)* provides that minors are excepted from a fording of contributory negligence where a seatbelt is not worn or where that person is a passenger in a vehicle in which the driver's ability to drive is impaired as a result of drug or alcohol consumption, even if the minor was aware or should have been aware of the impairment. There is a general community awareness, supported by expert opinion, of the desirability to wear seatbelts to reduce the risk of injury. Accordingly, an amendment has been made to *the Wrongs Act* to narrow the exception in relation to minors to persons under the age of 16 years.

Lastly, section 35a(1)*(a)* provides that no damages for non-economic loss due to injuries sustained in a motor accident will be awarded unless the injured person's ability to lead a normal life was significantly impaired for seven days or the person has incurred medical expenses of at least the prescribed minimum. The prescribed minimum, previously set at $1 000 has been increased to $1 400. This amendment has also been approved by Treasury.

PART 1
PRELIMINARY

Clause I.: Short title is formal.

Clause II.: Commencement

This clause provides for the measure to be brought into operation by proclamation.

Clause III.: Interpretation

This clause is a formal interpretation provision only.

PART 2

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause IV.: Amendment of s. 99 — Interpretation

Section 99 defines terms used in Part IV of the *Motor Vehicles Act* 1959 relating to compulsory third party insurance.

The clause makes an amendment designed to make it clear that the definitions set out in the section for the purposes of Part IV also operate for the purposes of the fourth schedule (which sets out the terms of the insurance policy provided for by Part IV).

A definition of "passenger" is inserted for the purposes of subsequent amendments which extend the third party insurance coverage to passengers who may cause death or bodily injury by some act or omission in relation to a motor vehicle, for example, opening a door, or leaving a door open, in the path of an oncoming cyclist. "Passenger" is defined widely for this purpose so as to include any person in or on a vehicle whether or not the person is travelling, has travelled or is proposing to travel in or on the vehicle.

Section 99 (3) limits the compulsory insurance coverage to liability for death or bodily injury that is a consequence of—

(a) the driving of a vehicle;
(b) a collision, or action taken to avoid a collision, with a vehicle when stationary;

(c) a vehicle running out of control.

The clause amends this provision so that the reference in paragraph *(b)* to a collision, or action taken to avoid a collision, with a vehicle extends to a vehicle in motion as well as a stationary vehicle. One effect of this would be to make it clear that coverage would extend to a situation where a passenger opens a door or does some other dangerous act while a vehicle is in motion and death or bodily injury results from a collision or action taken to avoid a collision with the vehicle. In these circumstances, it would not be clear that such an accident would fall within subsection (3)*(a)* (a consequence of the driving of the vehicle), while subsection (3)*(b)* in its current form and subsection (3)*(c)* would not be applicable.

Clause V.: Amendment of s. 100 — Application of this Part to the Crown

The amendments made by this clause are all consequential to *clause 6* which extends third party insurance coverage to passengers.

Clause VI.: Amendment of s. 104 Requirements if policy is to comply with this Part

Section 104 defines the coverage required for third party insurance as coverage for the owner and any driver (whether with or without the owner's consent) of a motor vehicle in respect of all liability for death or bodily injury caused by or arising out of the use of the motor vehicle. The clause extends this coverage to a passenger in or on the vehicle (whether with or without the owner's consent).

Clause VII.: Amendment of s. 110 Liability of insurer to pay for emergency treatment

These amendments are consequential to the amendments extending third party insurance coverage to passengers.

Clause VIII.: Amendment of s. 113 — Liability of insurer where the insured is dead or cannot be found

This clause makes an amendment of a drafting nature designed to clarify the intent of section 113. Section 113 currently provides for recovery against the insurer in respect of death or bodily injury caused by or arising out of the use of an insured vehicle where "the insured person is dead or cannot be served with process". The clause amends this provision so that it operates where "any person insured under a policy of insurance in respect of the vehicle who is wholly or partly liable for the death or bodily injury is dead or cannot be served with process".

Clause IX.: Amendment of s. 115 — Claims against nominal defendant where vehicle not identified

Section 115 currently provides for recovery against the nominal defendant where a vehicle involved in an accident is unidentified and judgement could have been obtained against the driver. The clause amends this provision so that it operates where judgement could have been obtained against "a person insured under a policy of insurance in respect of the vehicle (assuming that the vehicle had been an insured vehicle at the relevant time)". The section will, as a result of the amendment, allow recovery against the nominal defendant in respect of an unidentified vehicle where the person liable is the driver, the owner or a passenger.

Clause X.: Amendment of s. 116 — Claim against nominal defendant where vehicle uninsured

The clause amends section 116(2) to replace a reference to damages in respect of death or bodily injury caused by negligence in the use of an uninsured vehicle with a reference to such damages caused by or arising out of the use of such vehicle, the latter being the expression defined for the purposes of Part IV by section 99(3).

Section 116 (3) fixes the amount recoverable against the nominal defendant in respect of death or bodily injury caused by or arising out of the use of an uninsured vehicle by reference to the amount that could have been recovered against the driver. The clause recasts this provision so that it will operate by reference to the amount that could have been recovered against a person who would have been an insured person had the vehicle been insured at the relevant time, that is, the driver, the owner or a passenger.

Section 116(7) allows recovery back by the nominal defendant from the driver or a person liable for the negligence of the driver of the uninsured vehicle. The clause recasts this provision in several respects—

(a) so that it provides for recovery of part of the sum paid by the nominal defendant to cater for the case where the driver was only partly liable for the accident;

(b) so that it does not refer to the negligence of the driver since conceivably some other tort might form the basis of the driver's liability;

(c) to relax the terms in which the defence is framed (compare the new paragraph *(d)* with the current paragraph *(b)*).

Clause XI.: Repeal of s. 118

Section 118 provides for actions for vehicle injuries to be maintained between spouses. This section is redundant in view of the later enacted general provisions in the *Wrongs Act 1936* (s. 32) and the *Family Law Act 1975* of the Commonwealth (s. 119).

Clause XII.: Amendment of s. 124a Recovery by the insurer

Section 124a(1) allows the insurer under a third party insurance policy to recover the full amount incurred by the insurer in respect of a vehicle accident where the insured person

was driving the vehicle while so much under the influence of liquor or a drug as to be incapable of exercising effective control of the vehicle or while having .15 grams or more of alcohol in 100 millilitres of his or her blood. The clause adds to this provision, as a ground for full recovery by the insurer, any case where the insured person drove a motor vehicle, or did or omitted to do anything in relation to a motor vehicle, with the intention of causing the death of, or bodily injury to, a person or damage to another's property, or with reckless indifference as to whether such death, bodily injury or damage results;.

Clause XIII.: Amendment of s. 124ab — Recovery of an excess in certain cases

Section 124ab provides for recovery by the insurer under third party insurance of an excess of $200 where the insured person is liable to the extent of more than 25 per cent for an accident. The clause increases the amount of the excess to $300.

Clause XIV.: Repeal of s. 130

Section 130 provides that actions in respect of vehicle injuries are to be tried without a jury. This provision is redundant in view of section 5 of the *Juries Act 1927* which precludes trial by jury in civil actions generally.

Clause XV.: Amendment of s. 131 — Insurance by visiting motorists

This clause is consequential to the earlier amendments extending third party insurance coverage to passengers in or on vehicles.

Clause XVI.: Amendment of s. 133 Contracting out of liability

Section 133 is amended to replace the reference to contracting in advance out of any right to claim damages or any other remedy for "the negligence of any other person in driving a motor vehicle" with the expression defined by section 99(3): "death or bodily injury caused by or arising out of the use of a motor vehicle".

Clause XVII.: Amendment of fourth schedule — Policy of Insurance

The fourth schedule sets out the terms of a third party insurance policy. The clause amends the terms of the policy so that it extends to cover the liabilities of passengers. The clause also adds to the matters that an insured person will be taken to have warranted a term to the effect that he or she will not drive the vehicle, or do or omit to do anything in relation to the vehicle, with the intention of causing the death of, or bodily injury to, a person or damage to another's property or with reckless indifference as to whether such death, bodily injury or damage results;.

PART 3

AMENDMENT OF WRONGS ACT 1936

Clause XVIII.: Amendment of s. 35a Motor accidents

Section 35a(1)*(i)* provides that where damages are to be assessed for or in respect of an injury arising from a motor accident, the damages will be reduced by at least 15 per cent if the injured person was not a minor and was in breach of the seat belt requirements under the *Road Traffic Act 1961*. The clause amends this provision so that the exception in relation to minors is narrowed in scope to persons under the age of 16 years.

Section 35a(1)*(j)* provides in the same way that if the injured person was not a minor and was a voluntary passenger in a vehicle being driven by a person whose ability to drive the vehicle was impaired in consequence of the consumption of alcohol or a drug, then, if the injured person was aware or ought to have been aware of the driver's condition, the damages will be reduced on the basis of the injured person's negligence in failing to take sufficient care of his or her own safety. The clause makes a corresponding amendment to this provision so that the exception in relation to minors is narrowed in scope to persons under the age of 16 years.

Section 35a(5) limits the operation of the section to motor accidents defined in the same way as those to which Part IV of the *Motor Vehicles Act 1959* applies. The clause amends this definition consistently with the amendment to Part IV of the *Motor Vehicles Act* (made by clause 4*(c)* of this measure) including motor accidents the consequence of a collision, or action taken to avoid a collision, with a vehicle whether in motion or stationary.

Section 35a(1)*(a)* provides that no damages will be awarded for non-economic loss due to vehicle injuries unless the injured person's ability to lead a normal life was significantly impaired by the injuries for a period of at least seven days or the person has reasonably incurred medical expenses of at least the prescribed minimum in connection with the injuries. The prescribed minimum is currently fixed by section 35a(6) at $1 000. The clause increases this amount to $1 400.

PART 4

TRANSITIONAL PROVISION

Clause 19: Transitional provision

This clause provides that the amendments made by this measure will not affect a cause of action, right or liability arising before the commencement of the measure.

MINING (PRECIOUS STONES FIELD BALLOTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 1597.)

Mr GUNN (Eyre): The Opposition supports this Bill, as it will provide a benefit for those people fortunate enough to be successful in the ballot that will be conducted in relation to land currently in the airport reserve at Mintabie. This matter calls into question the future of opal mining in that part of the State. I well recall the debates that took place when the Mintabie area was excised for some 21 years from the Pitjantjatjara land rights legislation. The opal industry is important to the future of northern South Australia and to the economy of South Australia in general, and everything possible should be done to assist the industry to participate in the mining of opal in this State.

It is most unfortunate that negotiations have not been successful with the Pitjantjatjara people. I do not believe that that is the fault of the Aborigines or of the miners, but I do believe that it is the influence of outside groups who have no real understanding or appreciation of the

needs of those communities, because it is absolutely clear to anyone who knows anything about the Pitjantjatjara lands that the only way that the aspirations of those people will be achieved is by their achieving economic independence. One of the ways they can achieve some economic independence is by participating either by way of joint ventures or other arrangements with responsible groups to allow for the mining of opal, chrysophrase and other minerals that are on the Pitjantjatjara lands.

This Bill, which is more specific, of course, to Mintabie, relates to the second allocation of land close to the airport, and I am of the view that it will not be too long before the airport will be shifted. It is not a particularly good airport, anyway. It is pretty rough and you have to be careful. Having landed there a number of times myself, I know that when you come in over the top of that cliff you need to make sure that you do not miscue or you will come to a very abrupt end. It is pretty windswept so, obviously, in the not too distant future I believe arrangements will be made to shift the airport so that the whole area can be mined. Obviously, those people involved in the opal industry are of the view that there is a substantial quantity of opal in that area, and I hope there is.

I am all for people in the mining industry to be successful and to make money, because it is good for the economy of South Australia. And if the mines are successful, I have no doubt that members of the local Aboriginal community will know, because they will be there noodling on top. Quick as a flash they will be there, and I hope they get a fair bit of opal from it.

The Hon. Frank Blevins: They might be mining it themselves.

Mr GUNN: I hope they are, because many of them want to be involved, and they have been assisted by a number of people in the opal industry at Mintabie. I am all for seeing them involved, as I am for seeing their cattle enterprise being successful. It is not necessary for us to say any more. This measure is obviously a commonsense approach. The Opposition supports it and will support the amendment that has been tabled, as that is patently sensible. The more quickly and efficiently the thing can be administered, the better. My only concern is that it be done in an orderly and responsible manner, because unfortunately there are certain people who would use the system if they had a chance. I hope that that does not take place, and I sincerely hope that those who are successful have successful claims. The Opposition is pleased to see this measure in the Parliament. We do not wish to delay it but wish to see it proceed as soon as possible, as we wish to see responsible mining in cooperation with the Aboriginal community across the whole of the Pitjantjatjara lands. It is in their interests and in the interests of the people of this State.

Mr D.S. BAKER (Victoria): Adding to the words of the Member for Eyre, the Opposition does agree with this amendment; it is a commonsense approach. It applies not only to the Mintabie opal field but to all mining in South Australia, and it allows a commonsense approach to be taken to any extra land that is opened up for mining. Adequate consultation has occurred with the people concerned, and there is agreement on all sides. Therefore, we support the Bill.

Mr HAMILTON (Albert Park): I have an interest in this matter, because a friend of mine has an allotment in that area. I am very keen to make a contribution. Some time ago, I had a look at Mintabie, and I was suitably impressed by the amount of hard work these people must put in. It is certainly not an easy life. It is not a life I would choose, that is for sure.

Mr D.S. Baker interjecting:

Mr HAMILTON: I will ignore the remark from the member opposite. The reality is that they do work hard, and they never know when they are going to get a quid. It is hard yacka. I would not like to have to get in there in those extreme conditions, because the rock is hard in that area. If expanding this field means giving them an opportunity to be involved in the ballot, I would welcome that. It is very onerous for people who must travel backwards and forwards from Adelaide every year to renew their claims. Nevertheless, that is what the Act prescribes.

We hear about the big rewards some people get from the opal fields, but I wonder whether the average Joe Bloggs in the community understands the hard work that goes into it. From what I have seen of the operation, it is a bit of a hit-and-miss affair. With regard to drilling, many miners work on percentages. Those who live in that area certainly contribute to the economy of South Australia and Australia. I welcome and support this legislation. I hope that those who are successful in the ballot find more opal, because they certainly do work hard, as I indicated.

The Hon. FRANK BLEVINS (Minister of Mineral Resources): I want to thank members for speaking in the second reading debate and for their support. Everything they have said is absolutely correct. I want to endorse what they have said. I want to use the opportunity on this relatively small but not unimportant Bill to salute the mining industry in this State, which I understand contributes about 12.5 per cent of the gross State product in South Australia. I do not think people appreciate that that is equal to about half of that which agriculture contributes. So, it is a very significant industry. It is an industry that overwhelmingly is conducted in a way that not only does not damage the land but in some areas enhances the area being worked.

I do not want to take a great deal of time on this Bill. I know that an appropriate speech in a different forum is probably what is required, rather than making a meal of this. I do want to say that this Government does support the mining industry with all the safeguards that the mining industry itself wants. In the past some people have had the view that the mining industry just seems to dig up, rip out, damage and pollute the land. That is absolute nonsense. The modern mining industry is as concerned about the care of the land as any other individual or organisation in South Australia. I thank the Opposition and the member for Albert Park for their contributions and I commend the second reading to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—'Delegation.

The Hon. FRANK BLEVINS: I move:

Page 1, after line 4—Insert new clause as follows:

1a. Section 12 of the principal Act is repealed and the following section is substituted:

12.(1) The Minister may delegate power or function vested in or conferred on the Minister under this Act.

(2) The Director of Mines may, with the Minister's consent, delegate any power or function (including a delegated power or function) vested in or conferred on the Director under this Act.

(3) A delegation under this section-

(a) may be absolute or conditional;

(b) may be made-

(i) to a particular person or body; or

(ii) to the person for the time being occupying a particular office or position;

(c) does not derogate from the power of the delegator to act in any matter;

and

(d) is revocable at will by the delegator.

(4) In any legal proceedings an apparently genuine certificate, purportedly signed by the Minister or the Director, containing particulars of a delegation under this section, will, in the absence of proof to the contrary, be accepted as proof that the delegation was made in accordance with the particulars.

The new clause creates a power of delegation. On becoming the Minister I found that I was having to sign routine matters that were much better handled in the department. It will expedite the issuing of mining leases and routine renewals. The delegation does not in any way take away ministerial responsibility. If anyone exercising a power of delegation does not do it correctly, the normal ministerial responsibility applies.

It seems to me quite absurd when only yesterday or possibly Monday it took six signatures, including a signature on an identification card, for me to appoint an inspector under the Petroleum Act. That was quite unnecessary. I concede that it does not take a great deal of thought by the Minister, but it is bureaucratic and unnecessary and all the safeguards are there without the Minister having to go to the extreme of signing every routine matter that comes before the department. I commend the new clause to the Committee.

Mr LEWIS: It was of concern to me that originally this provision did not apply in the legislation and, as I have said before in this place, justice must not only be done but be seen to be done. If the Minister did not pursue the matter in a fashion that is normal and regular in such instances, that is, to delegate the power and to stand back at least at arm's length from it, there was the risk at least of people saying that the Minister had determined who would participate in the ballot and the fashion and place in which the ballot was conducted, so that they were indeed receiving some kind of political patronage from the Minister of the day. That is the kind of odium to which neither the Minister at the table nor any other Minister of Government at present, or at any other time in the future, would want directed at them.

It is for that reason that I think the Minister has been wise to include these explicit provisions in the legislation so that people can see that it is not the Minister directly making the decisions and determining who can participate or, indeed, attempting to insist that one or other person participate in the ballot and receive whatever favour there may be in the whole process. That is very wise indeed. Had this not happened, I would have been speaking strongly against the legislation.

New clause inserted.

Clause 2—'Special provisions relating to ballots in certain cases.'

Mr D.S. BAKER: Clause 2(3)(a)(ii) provides:

invite interested persons (being the holders of precious stones prospecting permits) to register for inclusion in the ballot before a specified day in a manner and form determined by the Minister.

From that, I would understand that any person who has a precious stones prospecting permit may apply to be included in the ballot whether they are in the Mintabie area or in any other precious stones area, so it opens it up to everyone who holds a permit to apply to be included in the ballot.

The Hon. FRANK BLEVINS: I am advised that the answer is 'Yes.'

Mr HAMILTON: How will those people be notified? I understand that it will be printed in the *Gazette,* but will specific notices be sent out to those people, because I suspect that some current holders of licences, particularly in that field, would be very much interested but might not receive the *Gazette.* I would think that, in fairness to those people who are interested, they should be notified. I do not know how many licences or permit holders there are.

The Hon. FRANK BLEVINS: I think it is a fair bet to say that the *Gazette* will not be widely read in and around the opal fields. I think that is a fair assumption. Given that, we will advertise in local newspapers, where they are circulated, and also on notice boards. My information from the Department of Mines and Energy is that it is highly unlikely that anybody with the slightest interest in the region will not be aware, and will not have been long aware, of this provision. It is not expected that there will be a problem of somebody saying afterwards that they were not aware.

Mr LEWIS: I have an interest. I ask the Minister—

The CHAIRMAN: Is the honourable member saying that he has a pecuniary interest in this?

Mr LEWIS: That is what I said, Mr Chairman.

The CHAIRMAN: I did not understand the honourable member to say that, but now that he has clarified—

Mr LEWIS: I said when I stood, Sir, 'I have an interest.'

The CHAIRMAN: I see. I wondered whether it is a pecuniary interest, but the honourable member has now clarified it.

Mr LEWIS: Any member, as I understand it, Mr Chairman, who stands in this place before making any remarks and says quite simply 'I have an interest' is proclaiming, for the sake of the record and any interested member of the general public, that that interest is not just academic or political but is, indeed, pecuniary. I have heard other members over the years that I have been here who have done just that, and I did not understand that it was necessary for me to otherwise elaborate on the detail of that interest. However, I am happy to do so if that is your wish, Sir.

The CHAIRMAN: No, it is quite sufficient. I thank the member for Murray-Mallee for clarifying the situation.

Mr LEWIS: My interest in gem stones, and opal in particular, goes back over a very long time-long before I became a member of Parliament—and my association with people in the industry, therefore, extends over many years. I am still associated in a pecuniary way with a number of people, all of whom I trust, not just with my money but they are the kind of people whom you know you can trust with your life. You have to. In that place, as is known already, some people have disappeared, never to be seen again; the circumstances of their disappearance are unknown and rumours are rife as to how and why.

If you cannot trust the people in this industry with your life, you ought not to trust them with your money and you ought not to be involved with them. It is not that I think opal miners or anyone else in the industry are any more or less criminally inclined: it is just that, because of its nature, from time to time the industry attracts the odd type of person who has difficulty otherwise making a living and relating to people in circumstances where they have to have more social contact. They can get pretty anti-social fairly quickly, and the end result of that can be tragic for either or both of the parties involved.

Having made that explanation, I go on to say that, frankly, I have not set out to involve my name in any one or more of the enterprises that may result from this ballot. If it turns up as part and parcel of any such proposition, I will not be surprised; however, I will not actively seek it. I guess that my involvement arises out of the trust which those people have in me and whatever help they think I can give them. I do not think the House needs to know any further detail than that and, if it does, under Standing Orders I do not have the time to supply it, nor do I have the inclination.

Regarding the clause before the Committee, why did not the Minister simply stipulate the day, the manner and the form in the legislation? It seems a bit quaint. This is a one-off exercise. We will never again open up another patch of country in Mintabie that is already on the precious stones field that cannot presently be pegged. This is the only land that remains which can be pegged and which is worth pegging, and all other land within the precious stones field that is peggable has been pegged. The piece of land with which we are dealing is alongside the current airstrip. That does not mean that anyone who flies in and out of Mintabie in the future will be at any risk: it simply means that the airstrip does not need to be exactly where it is or, more particularly, as big as it is. So, we can mine that area.

Another reason is that, currently, because that land has not been peggable, claims have been pegged right up to the edge of it. As the Minister and anyone who visits the area would know, some of those claims have not been worked by open cut, which is the common method of gouging opal in Mintabie: they have been worked in the more traditional fashion of sinking shafts and drives to follow the seams wherever they are encountered. Some of those drives might go under the airstrip in the area that is presently not peggable. Through this legislation, that area will become peggable. When we get underground, we cannot see the sun or the stars and we can become a bit disoriented. One never quite knows where one is going and, if the rock gets a bit hard to the left, the shaft can tend to turn a bit. If you have the right sort of ventilation equipment, you do not even notice that the air is getting more foul because there is a bend in the shaft.

The quaint thing is that, in some measure at least, the precious stones—the opals—that were under the airstrip have already been won either by accident or by deliberate but concealed excavation below the surface, not that that is anything unique in Mintabie: it went on in Ballarat 130 years ago. It goes on wherever people are issued with mining prospects to win minerals that are worth a lot of money from the surface or near the surface by simple mining techniques that do not require a great capital outlay. So, I wonder why in this clause 2(3)(a)(ii) the Minister did not simply state the day, define the manner and state the form, rather than put Executive Council to the trouble of drafting and gazetting regulations. If it were here in the legislation we could simply send the Bill out and that would be it: any of us who wanted to do that and any of the public who were interested could simply get a copy of the Bill. It would have saved a bit of extra process and bureaucratic expense if that had been done. It will have to be done anyway, so I wonder why it was not put in here.

The Hon. FRANK BLEVINS: As I understand it, the difficulty we have is that the procedure that was outlined by the member for Murray-Mallee as the one he saw as desirable was not available to us under the Mining Act. Having listened to those who advised me in the drafting of this amending Bill, I determined that the structure that is before us is the appropriate one. Everybody takes the point that the member for Murray-Mallee makes and I am sure that, had it been available to us under the Mining Act, it certainly would have been considered as perhaps an easier and less complex way of going about that.

Mr LEWIS: I have a couple of other questions about the clause, which is really the guts of the Bill. Clause 2(3)(b) provides:

> cause the land to be divided into blocks, of such dimensions as the Minister thinks fit, and ensure that each block is allocated an identifying number for the purposes of the ballot;

To date, as you, Sir, the Minister and other members know, claims have been 50 metres by 50 metres, However, this is an explicit provision that will enable areas of differing dimensions to be allocated. That is important. I believe it is important to put on the record that if one tried to work a standard sized claim in Mintabie, one could not, especially on the airfield there. If one is to get into the ground deep enough, one needs more than a standard sized claim.

That has been the way in which areas have been pegged previously so that we find two or three people with an interest in common by agreement who peg cheek by jowl so they can get in and work the ground cooperatively. There are three or four claims together—mother, father, son and uncle—and the bulldozers can move in, make a cut and, with such Hopto scoops and jackhammers as are necessary, get through the hard stuff that cannot be broken with rippers. If one does not have access to that length of movement, one cannot use the heavy equipment or mine efficiently.

My worry is whether, if the land is divided into blocks that may be too small to allow that technology to be used, the opportunity will be there for people with cooperative interests to peg cheek by jowl and then to work the ground collectively so that they can win the opal efficiently.

If they cannot do that, there are some real problems because the efficiency with which they can work that ground will be severely hampered and they will not have room into which to push the overburden if they have been pegged out on the land which is currently pegged right next to the airstrip. If someone wins in the ballot and gets a block allocated under this clause, imagine if they do not have cooperatively inclined people either side of them, on any of their boundaries. But next to the peggable land they could then go and peg to enable themselves to get cutting access. They could peg under the old provision to get cutting access, but some clever sod who wanted to stop them, the moment they knew where their ballot was (and I would not put it past some of those folk) would, out of spite, slip out there straight away and peg right next to the fourth site and prevent them from being able to work the land in any way efficiently.

What they would do then is demand some blood money, as it were. They would say, 'You want me to shift my claim pegs next to your claim or you want me to allow you to work your claim and put the overburden on mine; then I want some cash up front and a share of the precious stone that might be procured from that claim.'

I can tell members now that most of the people around Mintabie have a fair idea where they reckon the best colour is going to come from. I do not know whether they are capable of making that judgment with any accuracy: I suspect not. The fact is that if some people do not get access to the kind of land where they think the best prospect is they will jolly well make it extremely difficult for those others who happen to win in the ballot.

I hope the Minister has taken my point so that we can in some way or other at least prevent the adjacent land from being pegged if someone looks like being locked in and allow them access to their land with cheap and reasonable mining technology in terms of cost. I guess it is in that context that I do not know whether my name will come up on any one of those but, if it does, it will be because somebody wanted a better chance of getting two blocks adjacent to each other, and I will not be too upset either way. As I said, it is not that I will be there doing it for any sort of profit; they know that they will be able to trust me.

The Hon. FRANK BLEVINS: It is the intention to issue claims 50 metres by 100 metres precisely for the reasons outlined by the member for Murray-Mallee. As regards his own interests in the ballot, all I can do is wish him *bonne chance.*

Clause passed.

Title passed.

Bill read a third time and passed.

DOG CONTROL, (DANGEROUS BREEDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 1719.)

Mr OSWALD (Morphett): The Opposition will be supporting this Bill, with one minor amendment that I will explain during the course of the debate. I understand that the Federal Government has moved to prohibit certain breeds of dogs which are known to be potentially savage. Those breeds have been prescribed in this Bill, and I will refer to them very shortly. We have to bear in mind that dog attacks are not limited to people; they also occur amongst stock and birds; and there are many reasons that motivate and cause dogs to get involved in attacks on humans or animals.

For the interest of members I should like to put on the record a few statistics, because I know that several members will be taking part in this debate. Some of the statistics and the facts on dog attacks will be of interest to members in making their contributions. I understand that 163 separate breeds are available to people in South Australia. It is of importance that approximately one-third of these breeds provide the nucleus of cross-bred dogs. Given the specific circumstances, the vast majority of dogs of whatever breed will bite, and that has to be borne in mind. However, in this Bill we are identifying only four breeds as being particularly vicious.

Whilst only four breeds are identified in this Bill, if one goes to the Adelaide Children's Hospital and talks to the surgeons and those in the casualty department, they will tell one that some of the main offenders are the Alsatians or the Alsatian cross-breeds, and it is interesting that those types of dogs are not included in the four prescribed breeds. If we accept that many other breeds are responsible for the horrific attacks, particularly on children, that we read about in the press, at the end of the day some of these other breeds may have to be considered for controls while they are in public.

As I said initially, this Bill is to link in with the Federal Government's legislation to remove the four prescribed breeds from circulation in this country. At federal level the import of these animals into the country will be banned and at State level we will put in place certain controls that will lead to the eventual removal of these dogs, but still allow the owners to keep the animals in certain conditions until their demise.

The four prescribed breeds in the Bill are the American pit bull terrier, the fila braziliero, the Japanese tosa and the dogo Argentina. As the debate proceeds I shall refer to them as the four prescribed breeds.

There are some interesting facts that members might like to use in the debate. I am referring now to chapter 7 of the Dog Control Review, which I commend to members as an excellent publication on the subject of the keeping and controlling of dogs in both metropolitan and rural areas.

There were approximately 4 100 dog attacks reported to councils in 1991. One of the biggest problems is that there is no accurate statistical information available from councils on both breeds and the types of dog attacks. The

problem is that few people report dog attacks to councils, unless they can be related to the dog owner. Some people do not report dog attacks to councils, fearing some form of retribution from dog owners. Whilst we talk about 4 100 dog attacks in 1991, we can assume that it is the tip of the iceberg on the basis that few people report a dog attack; they put up with it.

There were approximately 600 dog attacks recorded that year on stock in the urban fringe and country areas. A wide variety of dog attacks were involved and a wide variety of dog breeds were involved in an indeterminate number of harassments of people. Again, it is not just the four breeds concerned in the Bill, but a wide variety of breeds.

Approximately 30 per cent of the total registered dogs in South Australia is represented by German shepherds, bull terriers, rottweilers, blue heelers and Staffordshire bull terriers, including cross-breeds of these dogs. There is a tendency for dog owners and dog control personnel to identify large dogs of unknown breeding as 'German shepherds'. The highest incidence of dog attacks on people takes place within the lower to middle income and high density housing areas of metropolitan Adelaide. Approximately 15 per cent of dogs are destroyed by owners after attacks on people, and few councils prosecute owners under such circumstances.

Approximately 60 per cent of dogs involved in dog attacks on people can be identified with an owner, and 40 per cent cannot be identified with an owner. Approximately 40 per cent of dogs involved in dog attacks on stock can be identified with an owner, and 60 per cent cannot be identified with an owner. Approximately 60 per cent of all registered dogs in the metropolitan area of Adelaide and urban fringe areas can be identified by means of collars and discs as required under the provisions of the Act, and approximately 40 per cent of all registered dogs in country areas can be identified by means of collars and discs as required under the provisions of the Act.

What does all this information tell us? It tells us that it is not just the four prescribed breeds in this Bill which are causing the problems. There is a wide range of breeds in the community that are responsible for attacks on humans, animals and birds. A wide variety of those attacks are never reported. In fact, the number of reports are just the tip of the iceberg. There is a strong demand from the public to introduce curbs on dogs which have been identified as a vicious breed of dog, a dog which has been known to attack and maim human beings. There is also a strong demand by the public that we have controls on the owners of those animals. The Federal Government, in consultation and with the agreement of the Commonwealth Ministers' meeting of all Ministers responsible for animal welfare, has responded to this overwhelming demand by the public for more stringent controls on dogs.

As I read it, the objectives of the Bill, with which I have very little problem, are as follows: to introduce controls in order to curb the attacks of these potentially savage dogs and to ensure that the owners in charge of the dogs accept responsibility for the dogs. Therein lies one of the main objectives of the Bill, to ensure that the owners of the dogs accept responsibility for the control of those dogs. It is a shame that we must have it enshrined in legislation, but for the safety of the public I do not believe that the Parliament has any choice.

In linking with the Federal legislation which bans their import, the Bill specifically refers to four breeds, and also refers to any other breed specified in its regulations, and that forms part of my amendments. The Government desires to be able to add breeds at a later date by regulation. The Bill provides that the dogs already in the State, or those brought into the State by visitors or new residents to the State, will in fact now have to be muzzled when they are out in the public with their owners. At all times in public they will have to be held on a leash under the control of a person at least 18 years of age. The Opposition has no problem with that requirement.

The Bill also requires that the animals must be desexed. This links in with the Federal Government legislation and means that the animals can no longer be brought into the country, and those that are in the country will now be required to be desexed. Once again, we have no problems whatsoever with that.

The legislation also provides that it is an offence for any person to offer a dog for sale or to sell a dog, once again restricting sales and discouraging people from breeding the dogs. A breach which results in a conviction with respect to any of these matters carries a penalty of up to $2 000. That $2 000 penalty also applies to people who fail to register or attach the registration disc, or allow those dogs to wander at large or enter into a shop or school. This allows the local government authorities to have some control over the dogs, to know where they are and, if they find them unattended, to be able to source the dog back to its owner to enable a prosecution to take place.

With those constraints and regulations placed on the owners of dogs in this State, it means that if a person owns a prescribed breed, is attracted to that dog and wants to retain the dog because they consider they have a right to that breed of dog, as any other dog lover has, that person will be able to keep the dog. Those constraints will indeed ensure that at the end of that dog's life no other dogs of the same breed will remain in the country.

A technical clause refers to the greyhound industry and particularly to the muzzling of greyhounds. As I understand from the South Australian Greyhound Racing Board and the industry, that is not a controversial matter and I have no problems with that clause whatsoever. It has been interesting that I, as the Opposition spokesman for animal welfare, have received no representation at all from owners of the four prescribed breeds of dog, and on that basis I can only assume that it is not a major issue among those owners and that they accept the fact that they can retain their dogs, albeit with restrictions in the future. Although somewhat surprising, the Opposition has received no representation whatsoever.

I would now like to refer to the amendment in broad terms and then come back to it in detail when we reach Committee. We will be proposing an amendment which deletes the reference to 'adding breeds of dogs at a later date by regulation'. We are now including on the statute books four specific breeds, and those breeds will become the breeds that are banned, linking this in with Federal legislation.

Because dogs involve such an emotive issue, and because everyone has their own view on which breed is more dangerous than another, which cross-breed is more dangerous than another, the Opposition believes that it is wise in this case that, if we wish to add a specific breed at a later date, the matter should come back to Parliament. As I said initially, if we talk to the medical profession they will tell us straight away that the Alsatian should be on the prescribed list already because there are more incidents at the Children's Hospital of children's faces being disfigured by Alsatians than perhaps by any other breed. So, the question is whether or not we should include Alsatians on the list.

It is my view that it is almost a debate in itself as to which breed should go on the list, and I think the Government, if it thinks strongly about a particular breed and wants to include it, should do so by specifying the breed and introducing a Bill accordingly. The Government would no doubt argue that the regulations still have to come before the House, but everyone in this place knows that processing a regulation is quite different from processing a Bill.

There is no difficulty about introducing a Bill: it is an easy process. It can be argued that it takes a long time to get a Bill introduced—and this dog legislation has been around the place now since early 1992 and it has taken that long to get it up—but if the Cabinet wishes it can introduce a Bill very quickly. A short Bill to add a breed will not take long to prepare and put through both Houses of Parliament. The mechanism involving regulations and changing the breed provisions by that method is totally different. However, I will not delay the House by going into detail as to why it is easier for a Government to introduce a regulation and ban another breed of dog without major public debate.

We all know that if regulations are used properly that can be done, but I do not think that is the way to go. If we want to ban any further dogs by breed and put them on the prescribed list, I think it should be done by introducing a new Bill in the House and debating whether that particular breed should be added.

The Opposition supports the legislation, which I think will be very useful. It has been around for public debate now for many years. The medical profession and those involved in local government I am sure will be pleased to see these controls in place, particularly the specific regulations and constraints that are placed on owners. In fact, if it is proven that an owner is not capable of looking after these dangerous breeds of dog and has infringed the terms of the Act, local government will be in a position to prosecute heavily and, if they continue to offend, to take the dog and have it destroyed. I support the Bill and urge members to support our amendment in Committee.

The Hon. B.C. EASTICK (Light): I, like my colleague, support the Bill. However, it would be foolish not to indicate that it is a Bill of nonsense in many respects because it singles out four breeds of dog surrounding which there is reputedly a worldwide question mark. That matter acknowledges the emotion of the circumstances, and for that the Government must be commended, but in fact many breeds of dog, many of them nondescript—the typical Heinz breed of 57 varieties plus any others that happen to be about—could equally be included in this legislation.

What we really should be doing is strengthening dog owners' responsibility. Whilst this legislation is a move in that direction, it really does put these four breeds in a category of their own and does not recognise that there are a number of other breeds—and I would suggest individuals in every breed—that could justifiably command attention in legislation such as this.

I caused some merriment to my colleagues the other day when I indicated that I have more scars on my hands from the bites of chihuahuas than ever I have had from Alsatians, Rottweilers, mastiffs or whatever. It is a fact of life that they can be very obnoxious little animals with razor sharp teeth and can do a great deal of damage. They can do the same damage to the face of a child and, in fact, have done so. When I was only a toddler my parents were put in the position of having to get rid of a Scotch collie, which is normally looked upon as a docile dog, purely and simply because it had snapped at me when I sought to interfere with its feeding habits, the dog believing that it was under threat. However, any dog under certain circumstances can be a problem.

Most members would believe that the golden retriever or the Labrador (they are very similar in shape) are among the two most docile dogs one would ever wish to come across. They are docile in the main, but I could show members photographs of the effect, on the heads of quite large lambs, of the vice—like action of the jaws of a Labrador. A renegade in any breed, in this case the golden Labrador, can do tremendous damage, yet that same dog may well be passive and well respected around children. We have a position which has constantly been spelt out—that dog ownership brings about dog ownership responsibility. Too little attention is given by some councils and some others in authority to the importance of stressing to the community the requirements of responsible dog ownership.

Certainly the dog control authority in this State has consistently drawn attention to the needs of proper dog ownership. I refer only in relation to the harassment of other people, without going into the other age-old problem that I believe every member in this House would have had drawn to their attention *ad nauseam,* namely, the problem of the barking dog, which is again an indication of poor owner responsibility in allowing some dogs to bark persistently or run at fences, albeit that the fences are secure, and cause a stir or feeling of insecurity to the person who happens to be on the other side of the fence or leisurely walking down the road doing none other than minding their own business. There are many problems.

I take up one point, which members who have been here for a time would be disappointed if I did not raise: the most important aspect of dog control and/or dog ownership and all that follows from it is proper dog identification. To say that it is a black collie, black Alsatian, black this or black that is not to describe adequately the animal. The only way to do so is by permanent marking and the only permanent marking likely to be effective through and through is a tattoo. During the regime of Geoff Virgo as Minister of Local Government and following a select committee report, we had written into the legislation the requirement to tattoo.

It was ridiculed somewhat and indeed those within the department who had carriage of these measures at the time arrived, in the presence of members of Parliament, with tattooing machines big enough to tattoo elephants. I tell no lie: they got the biggest tattooing implement that they could get and presented it as being what barbaric people like the member for Light would have imposed upon dogs.

The greyhound breeders for years have tattooed dogs. On other occasions dogs have been tattooed in this and other States with implements made for the purpose. Whilst some would suggest that it would be horrific to use the tattoo on the ear of some poor little dog, I point out that the ear is not the only place that can be used conveniently for a tattoo but also inside the lip, in the flank or inside the back leg—all places where there is ample skin to undertake that activity. That is not the purpose of the Bill before us at the moment which, in one sense, is a nonsense Bill but will placate the human mind and the emotion generated in the community. In that sense it has some value. The breadth which the Minister would have introduced to his management is far too great—to just by regulation be able to include the name of any breed on the list—and denies Parliament the opportunity to consider and reconsider the issues important in this area. I hope that he will come away from it.

The other problem not addressed by this Bill but which might equally be addressed by it is how one defines a cross of the four breeds listed. No mention is made of a cross or a percentage of blood from one of the breeds that ought to be outlawed. These are areas that I am sure people directly associated with the management of this breed in the longer term will have to come to grips with. The move will seek to placate the mind of many people in the community that have been adversely affected either personally or by reading of the personal experience of others.

Stories coming out of America tell of quite graphic problems directly associated with some of the breeds that are listed here. But it will not get away from the all important issue of making sure that people do not buy what is known as the big brown eye philosophy: 'It is a lovely little dog whose big brown eyes sold it to me. I didn't realise it would grow so big or was likely to be so dangerous.' Responsibility starts from the time you purchase, and a proper appreciation of responsibility, and I stress that again and again as being extremely important in this whole issue.

Dr ARMITAGE (Adelaide): I rise to speak in complete support of this Bill and, indeed, in complete support of the last sentiment noted by the member for Light of owner responsibility being extremely important. I know that this Bill addresses particularly vicious breeds of dog, and the savageness of the attacks perpetrated by those dogs is well recognised. Most sane people in the community would regard those attacks as good cause for such legislation. However, I have a fear that you can legislate until the cows come home but owners will still be stupid. It is my view that a maximum fine of $2,000 for allowing particularly vicious and savage dogs to wander at large or to enter a place such as a shop or a school is inadequate. I accept that at least it is an increase, and I am very much in favour of that. But I am sure that most members of the House would understand or would have personal experience, as I certainly do, of the dilemmas that can be brought particularly on young children by owners who take no care of their dogs.

I speak of an occasion several years ago when my family was at Victor Harbor and two German shepherds jumped a protecting wall behind which we were sheltering from the wind. Whilst I am happy and very relieved to report to the House that they did not bite my children, they certainly came very close to it and gave my children a fear of dogs for a number of years. I will address the matter of fear of dogs after dog attacks shortly- The owner of these two dogs was totally and utterly oblivious of any effect the dogs had had on my children and, more importantly and annoyingly for me, completely and utterly unrepentant about the fact that these two dogs with huge teeth were slobbering and slavering all over my children's faces. I regard myself and my family as very lucky that those dogs did not go on to bite my children, in a totally unprovoked situation.

As well as that personal experience I rise to speak on this Bill with what I consider to be the extremely sad personal experience of working in the casualty department of the Adelaide Children's Hospital, now the Adelaide Medical Centre for Women and Children, for a number of years. It was rare on weekends, when children and dogs were more likely to mix than during the week, to do a nighttime casualty session without being asked to stitch up some quite disastrous injuries to children's faces perpetrated by dogs. A $2 000 fine for dog owners to expiate so-called offences when children are potentially left with quite horrific scars for life is to my mind not a big enough penalty for these stupid and irresponsible owners.

I would like to quote to the House some figures from a survey done at the casualty department of the Adelaide Children's Hospital between January 1986 and June 1987. During that 18 month period 159 children presented with dog bites. Given that there are children who would go to a lot of other peripheral hospitals, that works out to about seven or eight dog bites per month and given, as I said before, that children and dogs do not mix during the week, I would suggest it is one every Saturday and one every Sunday. That would be my personal experience. This survey indicates quite categorically that, whilst German shepherds are the most popular registered breed of dog in South Australia, they are also the most hazardous, and they bite more often and more severely. Before someone indicates that that is because there are more German shepherds in South Australia, I would point out that, on further statistical analysis of the results of this survey, German shepherds are the only dogs in South Australia to bite children more often, statistically, than their number per capita in the population.

It is a fact which all owners and potential owners of dogs ought to realise. In fact, of the 159 bites over that 18 month period, 39 per cent were perpetrated by German shepherds; the next highest number was 10 by kelpies and, despite hearing the eminently sensible and, indeed painful, experiences described by the member for Light previously, I would report to him that in that 18 month period not one child was bitten by a chihuahua. I

cannot equally say no vet was bitten during that period, but there certainly was no child. However, as I indicated, German shepherds accounted for 39 per cent of cases and, whilst they are the most common registered breed of dog, they account for only 12 per cent of registered dogs and, as I said before, the incidence of dog bites far exceeds their population prevalence.

If we look at dog ownership, and I think this is partly what the Bill is about—ownership responsibility—in 69 per cent of the cases of dog bite presenting at the Adelaide Children's Hospital in that 18 months, ownership of the dogs was established. In other words, only 30 per cent were sporadic bites. In fact, 27 per cent, or nearly one-third, of children presenting with dog bites at the Children's Hospital were bitten by the family dog. That is a very high percentage. A further 71 per cent knew the owner of the dog; in other words, it belonged to a relative, the person who lived next door or whatever. Forty-three per cent, or nearly half, occurred in the child's home, with another 29 per cent in the home of a friend, a neighbour, a relative or whatever. That means that a total of 71 per cent of dog bites occurred in the family home of someone with whom the child either lived or knew well, which indicates that there are certain dogs that will bite no matter what.

As far as the importance in my view of the legislation and the reason I rise to speak with quiet passion about this subject is that 57 per cent of the bites involved some part of the face. Indeed, 50 per cent of those injuries required admission to hospital which, of course, is an added cost to the community, let alone the long-term effects to the children. About half the parents reported that the child had been left with some degree of scarring, which may well have long-term effects—indeed lifetime effects—on their psyche.

We as parliamentarians propose to increase the maximum fine for allowing these ghastly, savage and brutish dogs to wander unleashed to only $2 000. I think our priorities are wrong. Parents have reported that about 40 per cent of children are now scared of dogs as a result of being bitten, and I am not surprised about that. The member for Light indicated that he had previous experience as a child with a border collie that had been put down because of annoying occurrences during feeding time. I indicate to the member for Light that border collies account for 5 per cent of the bites to children.

An honourable member: What about Scotch collies?

Dr ARMITAGE: I cannot see that, but I will check it for the honourable member. Further, 61 per cent of dog bites were reported to be unprovoked. These are occurring at the rate of one a day at the Children's Hospital by dogs that in 60 per cent of cases are family pets, and in 60 per cent of them the attack was unprovoked. I reiterate that the only dog that causes bites at a greater rate than their population prevalence is the German shepherd. Where does that leave us? It leaves us with the fact that, whilst all dogs can be potentially dangerous, particularly if they are provoked at meal time even if they are a family pet, we have one breed of dog that is not mentioned in the legislation and, based on all the statistical evidence, perhaps it ought to be. As well as being more statistically prevalent, it is found that German shepherds inflict more severe injuries than other dogs when they bite.

It is my view that the legislation is overdue. I support the amendment to be moved by my colleague that other breeds might be added via legislation rather than regulation, but I point out to the House that, if we as legislators wish to take some action to protect children who may suffer unprovoked attacks by vicious dogs, perhaps shortly we will have to look at adding to the list via legislation dogs which are statistically proven to cause more severe injury more often than their prevalence in the community might suggest. If such legislation stops one child from being bitten and having horrific injuries to the face, eyes, nose, cheek, scalp or whatever, I believe we would have fulfilled an important function and a function that people in the community may well expect us to fulfil. There is no way that the legislation should cause anxiety to the responsible owners of German shepherds; it is aimed at those people who choose to allow those dogs that statistically cause more severe injury to wander at large. In fact, they should perhaps expect to receive penalties similar to those people who own these other dogs mentioned in the legislation. For all those reasons I support the legislation with fervour.

Mr LEWIS (Murray-Mallee): At the risk of being misunderstood, let me say that other Opposition speakers so far on the Bill have shot all my foxes, or almost all of them, in the course of their remarks.

The Hon. P.B. Arnold interjecting:

Mr LEWIS: The member for Chaffey inquires what I will leave him, and I hope it is not a dog's breakfast. There are some points which I believe ought to be made, perhaps points to which I would not have given so much prominence in the course of my remarks had I also the need to elaborate on the kinds of points that have been made in the debate by the member for Light and the member for Adelaide, as well as by the lead speaker for the Opposition, the member for Morphett.

First of all, I want to talk about dog behaviour before I talk about dog ownership and dog ownership responsibility, because I think most of us as legislators misunderstand why dogs behave as they do. However, I know that the members for Light and Adelaide do. There may be other members who do not understand that dogs do not see themselves as dogs when they are in the almost exclusive company of human beings. Certainly, where they have the company of human beings, other dogs and other animals, they identify themselves, primarily in the family situation, as belonging to a pack.

If the predominant number of animals with which they identify are humans, they see themselves as humans. Nevertheless, they are still motivated by their instinctive responses as dogs and are part of a pack of which they believe their human companions are also members. They defend the rights and the pecking order of that pack and, if those human beings, also members of the pack, breach what the dog perceives as being the appropriate behaviour in any given set of circumstances, offending the individual dog, it will not only be perplexed but may also protest about that. The most common form of protest is to snap the other pack member that is

misbehaving, that is out of order, that is right out of line.

If we study the behaviour of wild dogs such as hyenas, jackals or wolves, we see that that is exactly what happens. If we imagine some of the other animals in the pack to be human beings, the same thing will occur. Therefore, if we transpose that setting to a family home where there are children who are experimenting in their relationships with living beings around them, not only other members of the family but also the dog, the dog will take offence at any new curiosity or change in behaviour displayed by the child if that appears to rearrange the dog's relationship with that child in the pack and the pecking order which that child has had in the pack. If the dog feels threatened by that child's behaviour, it will challenge the child attempt to bring the child back into line.

Accordingly, most of us believe that, when there is just simply one snap without any apparent aberration of the dog's behaviour before or after the snap, and when in the course of that snap a child is bitten, it is understandable that the adults who might not have been present but who are reporting the incident—or other children as well as the adults—and who love the dog just as much as the child (or almost as much) will be forgiving of it and say that it seemed to be, indeed it was, unprovoked, wanting to say that the child had not done anything to offend the dog. They would say that they did not understand what was going on, but they would not want the dog to be thought of badly as it has never behaved like this before and has not behaved like it since. It has shown no aggression.

The adults are confused because they have not understood the psychology of the dog's behaviour, and the child, in particular, or other children who may be present are confused too, because they have not seen that behaviour before. They do not see the dog as having done anything more or less than behaving anti-socially momentarily. That is a pity. It might make for better and more responsible ownership if people knew that dogs see themselves in the context of belonging to a wider group of individuals. They are not loners in the wild or in domestic terms: they belong to a pack, and they see other human beings as being part of that pack. So, it is understandable that they might snap in the way they do when they are provoked by a variation in what they perceive to be normal behaviour for the members of the pack in the pecking order as they perceive it.

I now want to underline the remarks of the member for Adelaide and the member for Light. The Bill is a nonsense and, notwithstanding the fact that we support it, it is legitimate for us as members of this place to point out that we know it to be a nonsense. It is a nonsense, because it names specific breeds that appear to be more vicious and stronger in exercising that viciousness than other breeds. They are less common breeds, breeds that are trained for their strength and ability to attack. The only weapon they have is their mouth. They are not like big cats and other carnivores; they have no means of attack or defence other than their mouth, so they bite.

We have specified those breeds even though, as has been pointed out by the member for Adelaide, there is only one breed that bites people out of proportion to its numbers in the population to a greater extent than its proportion of the total dog population, and that is the Alsatian or German shepherd. There is a reason for this: those dogs have been bred specifically to have a more highly developed sense of territory and pack identity. That is why they have been used as guard dogs: they have been bred and selected for that ability. It does not mean that they are any more anti-social than others: it just means that they have explicit rules regarding what they know to be as their exclusive territory. The instinct is more highly developed through breeding selection.

In addition to their exclusive territory, there is shared territory, and the amount of sharing that will be allowed to go on can be disputed. In the dog's world there is also no go' territory. You can train a dog not to go to certain places, and it will not go there. In the wild, those breeds, wherever they may be, will not go in another pack's territory that is exclusive to that pack. They will fight over food in shared territory, but they will not fight if a dog is just wandering through.

We cannot, therefore, literally set out to persecute particular breeds of dog and say that, as legislators, by doing so we are solving a problem. We are not. The problem is statistically identified as being caused more explicitly by German shepherds or Alsatians.

The damage done by the stronger breed may be greater when an attack occurs. An attack is different from a snap: a straight out war is declared—'You don't belong; get out' or 'You are behaving in a totally unacceptable way and you are threatening me' or 'You are taking away my food.' Those are the three scenarios where a dog will respond according to its psychology and attack. One victor will arise from the fight that results.

This legislation is tokenism and nonsense. The Government and the Minister at the bench—the member for Unley—will proclaim to the world what a great reformer he is: he has dealt with the problem and done away with vicious dogs. He is a dill if he thinks that is the case, and no member of the general public who knows anything about dogs will agree with him. The statistics do not back this up. The Government will proclaim the same thing: how wise it is to address the problem, and so on. That is a nonsense; it has not. Therefore, I want to make it plain that, whilst it might appear to us as legislators that we are doing something, and we can argue publicly in a public relations campaign to people who are not involved in owning dogs, particularly these proscribed breeds, that we have done the right thing and solved the problem with this new legislation, we have not. There is no point in kidding ourselves that we have.

In addition to that, I would have to say that I do not trust Governments to be judicious in the way they exercise legislative powers ascribed to them to make regulations, where they can do that for the purposes of affecting public perception rather than doing what is really necessary. In this instance the regulatory power is being included in the measure so that the Government can set public perception by apparently responding quickly to a media outcry over a future misadventure. The Government wants the power to add to the list that is included here in legislation by doing it through regulation, and that is wrong. That is crazy, because hard cases do not make good laws.

The Hon. Murray Hill, a former member of this place, said that to me once. He was also, coincidentally, the one who gave us all a hard time about how to identify dogs properly, as I recall. Notwithstanding that, I share his love for well-behaved and well-trained dogs, because it does not alter the fact that long ago it was desirable to make it possible to identify dogs accurately and validly in the way the member for Light was previously suggesting. I will say something about that new technology in a moment.

The Hon. B.C. Eastick: All with a microchip.

Mr LEWIS: Indeed, and that is the new technology I was talking about: passive or activated (reactive, not proactive) microchip technology, where a transponder is involved. However, I want to draw particular attention to the fact that, as the member for Morphett has pointed out, it is not appropriate to have the power to ban a breed (making it impossible to sell the dog and forcing the owner to take it on a leash wherever they go) put into regulations. If we want to change the list let us do it judiciously and let us do it out in the open and debate it. Let us do it by legislation: that is fair; let us not destroy the value of a breed overnight just by bringing in a regulation about it because there is some public outcry about it.

If this Government were fair dinkum about these things, it would have included foxes and dingoes in this measure. Before I talk about the technology for identifying dogs that are owned, I want to talk about wild dogs. With regard to what happened at Ayers Rock a few years ago, some people say that the dingo was framed, and other people said that Lindy was framed. I did not know a dog could do that but all the same, one way or the other, evidence collected over time suggests that dingoes are capable of attacking with zero, or only very minor, provocation.

An incident was reported recently on one of the islands just off-shore in Queensland—it was either Fraser Island or Morton Island—in which dingoes attacked people who were visiting the island. The dingo is like any other dog when it attacks: it bites at the height at which its snout is most comfortable and strongest and where it has greatest control. That is why young children get bitten on the face more often than not. The dog does not attack the face and the eyes necessarily. Dogs that are trained to kill do not go for the face or the eyes: they go for the throat. It does not matter how big their opponent is, they assail them by attacking the throat. All these bites that occur to the face, and so on, are coincidental in that that happens to be the height at which the dogs snap or bite in a more serious provocation, such as when someone is trying to take away its food. I believe, therefore, that dingoes should have been mentioned here along with foxes.

The other thing that should have been mentioned is that breeds which, on crossing, produce a particularly undesirable consequence for temperament—and breeds do have temperaments and it is inherited—ought not to be allowed to be crossed. Such pups should be destroyed. The Minister has not even put that in his legislation, but it is a scientific fact. To cross breed or allow cross-bred dogs of those two breeds, so proscribed, to be registered in my judgment is worse than allowing these proscribed breeds to run free. Any dog which can be identified as mixed breeds of any group of breeds that can be proscribed should be destroyed. No-one should be allowed to register such animals. That is where a great deal of the problem comes from.

I suspect that some of the problems in the breed called Alsatian or German shepherd involves either of two factors. The first is cross breeding, where the Alsatian's characteristics are dominant and the progeny look like Alsatians more so than the breed with which they were crossed. The other problem has been in-breeding. Before we were able to import new genetic stock, about 25 or so years ago, in-breeding occurred, sometimes deliberately. If it was not in-breeding it was line breeding, but I do not have the time to explain the mathematics of that.

I therefore support the remarks that have been made by the member for Light and the member for Adelaide. Dog ownership should entail dog ownership responsibility, and people seeking to register a dog, like people seeking to register a motor car, ought to be required to pass a test. I am frankly opposed to the notion that people should be required to join an association. That is a nonsense because they could simply pay their subscription, and we would have associations having membership fees of a couple of dollars just for the purpose. They could get several thousand members, who would be subject to no discipline or development of an understanding of their responsibilities as owners. That would not work.

The better and more sensible thing to do is require anyone seeking to become an owner to pass a test. Give them some literature when they first seek ownership so that they can then take home to their family to study. That would ensure that the dog was more responsibly owned instead of owned on impulse and in a fashion which the member for Light suggested: because the dog had big brown eyes, looked so beautiful as a little puppy and was playful; what nonsense. If people are that ignorant, they are not yet responsible enough to own a dog, in the same way as with people who do not know enough about a motor car other than it looked nice and had a beautiful colour deciding that they should own it and drive it. We require more responsible behaviour in other parts of our lives as a civilised community, and there is no reason why we should not require it here.

The Hon. P.B. ARNOLD (Chaffey): The Bill concentrates basically on the four breeds of dog that have been identified in the legislation. The member for Light rightly pointed out: when is a bull terrier not a bull terrier? There can be a hundred or a thousand variations of it, so the legislation from that point of view is absolute nonsense. Opposition members have spoken at length on the need for owner control and responsibility. Ultimately that is where the answer lies inasmuch as there has to be a level of control and responsibility far greater than has existed in this State until this time. I will always strongly defend the right of people to own a dog, for two or three reasons. First, people living alone may need a dog as a companion, but, above all else, with the lack of law and order that exists at the moment, with break-ins and attacks on people in their own homes by intruders, there is no doubt in my mind that keeping a

dog is a strong deterrent because most of the people involved in such practices are by nature cowards.

The member for Adelaide referred to the penalty of $2 000 as being totally inadequate. In certain circumstances I agree with him. A penalty of $2 000 for a person with an income of $100 000 per year is totally inadequate, but for a pensioner who owns a dog a penalty of $2 000 is quite excessive. I do not know how the Minister intends to cope with the matter that has been raised by the member for Adelaide, but the issue is not as simple as applying a penalty of $2 000 because that is no penalty to someone with a large income.

I have long held the view, having always maintained a dog on my property, that much of the behaviour of an animal is dependent on the environment in which it grows up. There is no doubt that a dog can be trained, but the manner in which it is treated during its formative months has a big bearing on its attitude during the rest of its life. Of the different dogs that I have had on my property, which vary from Dobermans to crosses between labradors and German shepherds, I still have not had a vicious dog. I believe that is partly because from very small pups they have grown up with children and been treated as part of the family. As such, there has never been the jealousy that often builds up between children and a dog. However, there is no doubt that the owner is ultimately responsible.

We are now starting to come to terms with the public's attitude towards drink driving. Twenty-five years ago no-one gave a great deal of consideration to jumping in their car and driving off after they had had a considerable amount to drink. Today the situation is quite different. The law has forced people to be more responsible. I think that we must find a method via legislation to get through to dog owners that they have to accept that responsibility.

As I said, I will always strongly defend the right of people to own a dog, particularly in times like we have in this country today. My wife spends most of her time by herself in the house on our property because I am here four days a week, and the house is surrounded by a large fence which contains a doberman. She certainly feels much more at ease in circumstances like that with the dog there rather than living out on the property by herself. She gains a great deal of comfort from knowing that the dog is there, and feels a sense of security.

I will always defend the right of people to own them, but I believe we have to go a lot further. We have to work out how we can bring the ownership of dogs to the point where the owner really fully accepts that responsibility and does not pass it off as something over which they have little control. I support the Bill and the amendment to be moved by the member for Morphett.

Mr S.G. EVANS (Davenport): I support the Bill and the proposed amendment. I want to pick up one point referred to by the member for Chaffey with respect to our society today. I would say there has been a bigger percentage growth of people keeping dogs that have a bit of aggression, or an indication of aggression, in recent years because there is so much crime and fear in people's hearts. I referred to one area in a recent debate, and I will not raise it again, except to say that people are talking about selling their homes because they are fearful of human activities in the community. Many of these people have installed security doors, security windows, high fences or burglar alarms at huge expense. Others have installed those items as well as acquiring a dog.

The pet industry, dogs included, is a massive business in this country now. Some people spend more on pets than others spend on children. I am not decrying the families who raise their children responsibly or those who raise their pets responsibly, but that is the truth. The point raised by the member for Murray-Mallee about breed has much to do with it. I do not think we will solve any problems with this legislation. I think it is a knee-jerk reaction, especially where children are being bitten, quite savagely, by particular breeds of dogs.

As the member for Murray-Mallee said, dogs can be trained. They can also be bred for a purpose. Many people do not realise that the kelpie is part dingo, part collie. I have a kelpie, and he would not even kill a rabbit, even if he caught one. He would play with it. They have been trained and bred for that purpose. The blue heeler, which has a tendency to be a bit aggressive towards humans if their territory is transgressed, is part dingo, part collie and part dalmatian. It was bred by two brothers in the 1930s for a special purpose to do with cattle.

Mrs Hutchison: They are not fighting dogs.

Mr S.G. EVANS: The interjection was 'they are not fighting dogs'. Can I say that the blue heeler can be quite a nasty dog, and do not underestimate it. The member for Light raised the point about the labrador as a silent killer. If a labrador becomes a killer of sheep or lambs, it never barks. You would never know it was there. The blighter kills quietly, and unless it has some terrier mates that are barking there is no indication that the killing is happening, even if you are on the property.

We need to remember that some dogs have been bred over the years from even our native wild dog, the dingo. When talking with some people, I am amazed when they look at me in horror and say, 'That is not fact', but it is. Those dogs have a bit more stamina. They were used to the climatic conditions and could cope with the hot weather, whereas many other dogs from the northern hemisphere could not stand the heat and the continual chasing of sheep and cattle. That is the reason why people looked for a breed that was able to stand up better to the climatic conditions. The dingo is a highly intelligent dog as anyone with experience will know.

As we set out to ban certain breeds, it is our society that has created the circumstances of so much crime and assault, particularly on elderly people. As a result, many people have taken to acquiring, training and developing aggressive breeds, and that does not please me at all. As legislators, we should understand that we face this problem as a result of our slackness and lack of real interest and determination in ensuring that penalties are severe enough, or that the people concerned who have to do a bit of community work do so possibly wearing something conspicuous to indicate this situation, which might just humble them a bit.

Of course, I accept that some people have bred dogs to hunt pigs and that sort of thing. Some members may have read about three years ago where a man at Happy Valley shot two of these dogs bred for that purpose because they were killing his sheep, and the owner was

foolish enough to sue the farmer for the loss of the dogs. The farmer counter-sued for the loss of the sheep, and we all know who won—even though the owner of the dogs claimed they were worth $1 000 each.

Although I am not enthusiastic about the Bill, I support it, together with the amendment to be moved by my colleague. However, as legislators, we should stop and think about why so many people have preferred these breeds of dog, and we then might understand the problem.

The Hon. M.K. MAYES (Minister of Environment and Land Management): I thank Opposition members for their indication of support for the Bill. They have explored the Bill fairly thoroughly and referred to its object of offering protection, particularly to children in our community, from the potential of very savage and vicious attacks by the prescribed breeds named in the provisions. This is important, as most of us have witnessed at some stage, either at first hand or through hearing reports, the results of savage attacks. The member for Stuart earlier made a comment about the scarring for life, and I think that is a very real aspect and outcome for anyone, but particularly children, of vicious attacks by these dogs.

I was particularly interested to hear from members opposite the analysis of the reason why people keep dogs. I guess to some extent that is true, but I would differ on the analysis, being somewhat discursive in responding to that point from the honourable member concerned. However, it is important to recognise that not just the question of penalties addresses this issue: it involves the whole question of how society sees, through television and other means, the acquiring of material goods and the success measured by such means. I think that emphasises the large degree of the disparity between those who do have wealth and others who do not. Of course, with crime and other issues the causal factors have to be addressed. Again, I thank the Opposition for its indicated support for this measure. Obviously, the member for Morphett's indicated amendment will be dealt with in the appropriate way.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr OSWALD: I move:

Page 1, line 23—Leave out paragraph (e).

Most members who spoke from this side of the House suggested that the Bill did not go far enough. My reading of this Bill is that it sets out to remove from society four specific breeds of dog. The Federal Government has played its role in preventing the import of these dogs into the country, and now at the State level we are linking in with that legislation and saying that if you have a specified dog you can keep it but certain rules have to come into play so that those dogs cannot continue to be bred and continue to exist in the community.

As I understand it, that is the purpose of this Bill. The Government has asked, through paragraph (e), to be allowed to add additional breeds to that list of names. Whilst the debate ranged around the various dangerous breeds of dog in the community, and one member suggested that those dangerous breeds should be added to the list now, I suggest that if German shepherd, bull terrier, Staffordshire bull terrier or Doberman breeds were to be added this would be merely invoking all the subsequent provisions in the Bill.

If a Government by regulation decided to add Rottweilers because of some terrible attack that had taken place on a child, and the community was demanding it, the breed would be added to the Act and then would come into play immediately the rest of this legislation, and that includes desexing and the controls on owners. I have no problem with controls on owners, but as soon as one talks about adding a breed to the four already prescribed breeds one is talking about a mechanism to remove that breed from the community. That is why it is a little more complex than a lot of members have grasped: adding a breed to the prescribed list will set in train a mechanism to remove that dog from the community.

By using a regulation the Government can put it through the *Government Gazette* and it would immediately be the law, involving a very emotional issue. I am putting to the House that the Government of the day, of any persuasion, should not be given that power. If it gets that power then the regulation comes in, it is in place for six months and for six months the law of the land applies and the department is obliged to start setting in train measures to remove that dog from society, and that includes the desexing measure.

If that is a Government or Cabinet decision that is fine. If Cabinet feels so strongly about it and has read the community reaction correctly, it should be prepared to come forward by means of a Bill and add the breed to the legislation. I agree with every speaker behind me this morning on this side of the House who talked in terms of the Bill being a nonsense.

I do not believe that the Bill is a nonsense because it specifically sets in train the removal of four breeds of dog considered dangerous. However, what it is deficient in is further controls on some of the more dangerous breeds in the way of muzzling, having dogs on a lead in public, and the like. But I think that is an issue for another day. The issue today is the removal of four breeds from the community by a mechanism whereby, in years to come, they will not exist. The inclusion of paragraph (e) gives the Government the mechanism to add to the list—in other words, set in train the demise of other breeds without coming first to Parliament. I think the matter of adding a breed to the list should be one for public debate beforehand. On that basis I would ask members to consider carefully what I am saying and support my amendment.

The Hon. M.K. MAYES: I think the intention clearly is to retain the option the member for Morphett spelt out; that is, if there is a vicious attack and an outcry from the community about a particular breed, it would give the Minister the opportunity to recommend to Cabinet that a particular breed should be prescribed.

Obviously, it will go through the processes of this Parliament and go before the subordinate legislative processes whereby it would be tested. The member is right in that it would then be enforced by the department under instruction of Cabinet, Executive Council and the Minister. Circumstances could occur where there would be a need for such a reaction. However, I do not think

that at this stage it would warrant my going to the barrier to defend the prescribed subclause (e). However, if such a situation develops I am sure that we can bring in an amendment, in a sense reversing the process that the member for Morphett wants to reverse today, that is, the Minister responsible could bring in a further amendment to the Dog Control Act of 1979 to reinstate the provision if it was felt that we needed an immediate response. I am prepared to accept the amendment on the basis that at this point we are dealing with the four breeds that will become prescribed and, if need be, we will have to bring it back to Parliament to amend the Act to allow for Cabinet or the Minister to act immediately.

If there is a public outcry after we have a vicious attack from a breed, let it be said that the Government did bring forward this amendment to the Act so that we could react immediately. If we have to wait between sessions of Parliament, it must be understood that we are somewhat limited in our capacity to respond immediately to the demands of the public. The member for Morphett says that he cannot envisage that situation occurring. On probability I would have to agree with him, but there is always an outside chance that it may occur. However, on balance I am prepared to accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (4 to 11) and title passed.

Bill read a third time and passed.

[Sitting suspended from 12.34 to 2 p.m.]

SUPPLY BILL (No. 1) (1993)

Her Excellency the Governor, by message, recommended to the House the appropriation of such amounts of money as may be required for the purposes mentioned in the Bill.

PETITIONS

LINCOLN NATIONAL PARK

A petition signed by 35 residents of South Australia requesting that the House support the retention of the management plan for Lincoln National Park was presented by Mr Blacker.

Petition received.

STATE BANK

A petition signed by 42 residents of South Australia requesting that the House urge the Government to allow the electors to pass judgment on the losses of the State Bank by calling a general election was presented by Mr Lewis.

Petition received.

QUESTION TIME

PAYROLL TAX

The Hon. DEAN BROWN (Leader of the Opposition): Will the Premier give an undertaking that, at a special Premiers' conference to be convened within the first month of the election of a Federal coalition Government, he will sign an agreement to abolish payroll tax in return for full compensation for the revenue forgone—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN:—and thus to create at least 15 000 jobs here in South Australia—one job for every five currently unemployed?

The Hon. LYNN ARNOLD: I know that the Leader was off interstate yesterday signing away South Australia with John Hewson. We know he was away because we heard about it, but he did not exactly make a lot of coverage on television with his signing: he was one of the faces that just was not there, one of the sort of faceless men. Well might he have hidden, Mr Speaker, because indeed yesterday the Leader was seeking to sign away South Australia by the deal that he has done with John Hewson.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: The situation that he has indicated is that if he were Premier of the State and if John Hewson were to be the Prime Minister of this country—what is truly a worst case scenario—then there he is, his name on the dotted line, agreeing to a deal put to him by John Hewson that is part of the Fightback package. What is that deal? On the face of it, it has the aspect of payroll tax and it does impact on 8 per cent of South Australian companies. However, payroll tax would go and apparently there would be compensation from a Federal Liberal Government—

The Hon. Frank Blevins interjecting:

The Hon. LYNN ARNOLD: That is the point—some compensation. For some time we have been told by John Hewson that it is not fair just to pick up one bit of his program and that we should take the whole package—that is what he said. It is a living package, so obviously it is a bit of a moving feast, but nevertheless we have to take the whole package. Let us go to that package and see what sort of compensation is promised to South Australia in return for the abolition of payroll tax and in return for this deal that the Leader signed away yesterday. From John Hewson's own Fightback package we see that there is a shortfall of about $12.5 million on the reimbursement to South Australia on payroll tax receipts.

Yesterday the Leader was a willing party to the signing away of $12.5 million of expenditure if he becomes Premier of South Australia and John Hewson becomes Prime Minister of Australia. I do not know from where that would come under a State Liberal Government. I do not know which schools, hospitals or other services would feel the impact of that, but it is more than that—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: In terms of the package he signed off on yesterday, the Leader also signed off on other aspects because one must buy the lot. He went into this political shop and bought the lot. Let us see some of the other things implicit in this kind of deal that sells out South Australia. Dr Hewson also proposes a cut back in general purpose grants to South Australia that would result in a loss of $81.8 million, and that is in the document. He cannot claim that he does not know about this.

The SPEAKER: Order! The Premier will resume his seat and the House will come to order to hear the point of order by the member for Murray-Mallee.

Mr LEWIS: Mr Speaker, I invite you to examine Standing Order 97 to see whether the matter being presented by the Premier is not debate, and examine also whether it is relevant to the question asked by the Leader.

The SPEAKER: I do not uphold the point of order. Question Time over the past couple of days has been fairly interesting. Both the questions and answers have been quite involved. However, I ask the Premier to keep his response as concise as possible.

The Hon. LYNN ARNOLD: Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: In signing on the dotted line, the Leader creates a shortfall in payroll tax compensation—

Members interjecting:

The Hon. LYNN ARNOLD: I am not going to sign away South Australia. So there is a shortfall in payroll tax compensation, a shortfall in special purpose grants, a shortfall in Building Better Cities money of $28.4 million and a shortfall in Commonwealth-State housing money of $11.8 million. In other words, yesterday the Leader signed away $134.5 million. Why did he do it? He did it for a payroll tax rebate—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD:—so that under a Hewson Government companies would not have to pay payroll tax. However, they will have to pay company tax of 42 cents in the dollar—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The House will come to order. I assume that the member for Hayward has a point of order.

Mr BRINDAL: Mr Speaker, I thought it was tradition and courtesy to the Chair that, when addressing the Chamber, members should address the Chair. The Premier has consistently turned his back to you, Sir—

The SPEAKER: Order! I understand the point of order. I ask the Premier to address his remarks to the Chair. Also, I would remind the House that interjections are out of order. Again, I ask the Premier to bring his answer to a close as soon as possible—

The Hon. Frank Blevins: Why don't you like discussing Fightback?

The SPEAKER: Order! The Deputy Premier is out of order.

The Hon. LYNN ARNOLD: My final point is this: the Leader's sign away deal would subject South Australian companies to the Hewson rate of company tax which is 42 per cent and not the Paul Keating rate of 33 per cent. He would subject them to 15 per cent GST on their input and 15 per cent on what they produce, as well as all the additional bookkeeping costs that will involve. At the same time, he will have cost South Australian taxpayers dearly to the tune of $135 million. That is some deal to sign South Australia away on and he should be ashamed of himself.

EMPLOYMENT

Mr ATKINSON (Spence): Can the Minister of Education, Employment and Training advise the House of employment statistics released today showing a fall in seasonally adjusted unemployment in South Australia?

The Hon. S.M. LENEHAN: I thank the honourable member for his question. As all members of this Parliament would be aware, we are very concerned about the levels of unemployment both nationally and in South Australia. However, the figures that were released today certainly would indicate a positive downward trend.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: It is interesting that Opposition members find this humorous. Indeed, with the level of employment analysis that has taken place with respect to these figures, I can inform the House that some of the more outrageous claims that have been made by the Federal Leader of the Opposition are quite wrong. In fact, contrary to his claim, there is no evidence in these figures (that is, the trended employment growth) that the economy is double dipping, and that is a fact nationally and in South Australia. Consistently in this House I have acknowledged that, as we come out of the recession, there will continue to be a slow and patchy recovery. However, it is interesting that both nationally and in South Australia the people who analyse these figures are now acknowledging that we are on a national recovery. That is not in any way to underplay the task that is ahead of us in South Australia, but it does indicate that we have had a further reduction by .2 per cent down to 11.8 per cent.

It would also indicate that, in the seasonally adjusted quarter to date, full-time employment in South Australia has now risen since the July quarter of last year. It is also important to know that full-time employment in Australia has been trending upwards for the past five months. In seasonally adjusted terms, Australia's total employment rose over the month and the unemployment rate fell by .4 percentage points.

One of the things that I believe every member of this Parliament is concerned about is the level of youth unemployment, and I believe it is important to get the facts onto the public record. We have heard various people (mostly from the Opposition) talking about the percentage of young unemployed, that is, the group aged from 15 to 19, in terms of 40 per cent, or whatever it was. In fact, the full-time unemployment rate has fallen by 1.8 percentage points to 37.2 per cent for the month of January. The full-time youth unemployment rate is .3 percentage points lower than for the same time last year.

Mr Meier interjecting:

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

The Hon. S.M. LENEHAN: What does it mean, exactly? I believe it is important that members of the House understand that we are not talking about a percentage of the total number of young people from 15 to 19; we are talking about 37 per cent of those young people who are not in full-time education and who are not in any form of training program so, given that South Australia—

Members interjecting:

The Hon. S.M. LENEHAN: It is important to acknowledge the facts. We have a retention rate of 92.2 per cent in South Australia. So, we are not talking about 37 per cent of the total number of young people in the 15 to 19 age group, as some more dishonest members of the Opposition would want the community to believe. It is certainly not good enough, and we on this side of Parliament have worked consistently to change that confidence level in the business community. In fact, we have made it better.

An honourable member interjecting:

The Hon. S.M. LENEHAN: The honourable member interjects; I do not believe any member of this Parliament would take anything he said seriously but, notwithstanding that, it is important to note that, while we still have a long way to go as a community, it does reinforce some of the points I made in my answer to the Deputy Leader of the Opposition yesterday with respect to the question of unemployment. We are working as a community and a Government to look at making sure young people in the 15 to 19 age group have access to training so that they can get a work record and so they can increase their own levels of self-confidence. We now have the job of not just looking at the Opposition's approach—

The SPEAKER: Order! I would ask the Minister to draw her response to a close.

The Hon. S.M. LENEHAN: Yes, I will, Mr Speaker. The challenge for us is not to go down the path of the Opposition, which is more interested in electoral prospects than in employment in South Australia, but to start to work constructively and positively.

UNEMPLOYMENT

Mr OLSEN (Kavel): My question is directed to the Premier. As the number of South Australians without a job has increased by almost 40 000 since January 1990, as the number of full-time jobs in South Australia has shrunk by almost 30 000 over the past three years, as the youth unemployment rate has doubled and as 92 500 South Australians are among the more than one million Australians now unemployed, will he agree that Labor's economic policies have failed our State and our nation since the last Federal and State elections?

The Hon. LYNN ARNOLD: First, what is interesting to note is the time frame that the honourable member chose. Now I understand why the member for Kavel asked this question. One of the reasons why the Leader of the Opposition signed away South Australia yesterday is the time frame that John Hewson proposes to take into the calculation of the payroll tax receipts, which is almost identically the period that the member for Kavel looks at—in other words, the downturn cycle of the Australian economy, when we went into recession and when unemployment figures were less year by year—and to take that as a snapshot saying, 'That is what we will compensate you for.' He does not take the good times of the late 1980s through to 1990. They will not be built into the figure. They are lost forever to the payroll tax base—to the income base of this State.

Members interjecting:

The SPEAKER: Order! Yesterday was a shambles; today will not be the same. Interjections will be dealt with. A couple of questions have taken 13 minutes of Question Time. Members have had plenty of time to interject. From now on, interjections will be dealt with. The honourable the Premier.

The Hon. LYNN ARNOLD: Let us look at the situation. By the way, I did promise the member for Kavel that later on today in a debate on another matter before the House we will have the figures for the 1979 to 1992 period, and a comparison of the 1982 to 1992 period. They are very edifying figures. However, the member for Kavel chooses not to acknowledge the real growth that has taken place in jobs in South Australia over the time of this Government at both a State and a Federal level.

Members interjecting:

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

The Hon. LYNN ARNOLD: Notwithstanding the very severe recession we have had, there are still more Australians and more South Australians in work today—many more tens of thousands, in the case of South Australia—than was the case in 1982 after a period of three years stagnation under the Liberal Government between 1979 and 1982.

Let us look at what has happened in the last 12 month period. While we are tracking very slowly out of the recession, and while there is still an increase in unemployment nationally, we see that, for example, at the national level, on a year on year basis—January 1993 compared with January 1992—Australia at large had an increase in unemployment of approximately 71000 people, and we too in South Australia had an increase in unemployment of 7 300. In terms of those in employment, Australia at large had a decrease of people in work of 5 000, and that is of deep concern to all of us. The situation in South Australia is that there was an increase in the number of people actually taking home pay packets. Over the year January 1992 to January 1993, there was not a big increase, I have to acknowledge, but at least it is the right direction in which to be going.

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. LYNN ARNOLD: Total employment went up to 643 000 from a figure of 640 800. It is not a big increase, but at least it needs to be noted, and we have seen that now for a number of months. Whilst the level of unemployment has very sadly continued to increase, the actual number of people taking home pay packets has also gone up. We have seen participation rates affecting the final unemployment rate. But the reality is that, if the Leader—

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. LYNN ARNOLD: —or the would-be Leader, the member for Kavel, were to be absolutely honest when he asked this question, he would want to look at the track record of a decade of the Federal Liberal Government and the State Labor Government, and he would have to acknowledge, because the figures are there to prove it, that there are many more Australians, and South Australians in particular, in work in 1993 than in 1982.

WINE EXPO

Mr McKEE (Gilles): Will the Minister of Business and Regional Development indicate whether or not he supports the concept of an international wine trade expo to be held in South Australia? I have raised the idea of an international wine trade fair and expo with a number of industry people, who agree that South Australia, as the leading Australian producer of world quality wines, is an ideal place to stage such an event. They have suggested to me that it would focus the international spotlight on Australian wine in South Australia and reinforce the wine industry's export drive.

The Hon. M.D. RANN: I commend the member for Gilles for running a very vigorous campaign over the past couple of months through the wine industry in order to try to get it to embrace the idea of a *vin* expo in South Australia. The simple fact is that there is no international wine trade fair of a world trade fair type anywhere in the southern hemisphere. Everyone here would be aware—and I am sure that members opposite have even attended it—of the vin expo in Bordeaux, which is held every two years, and there is also the *vin* Italy. Both are world trade fairs. What the member for Gilles has been supporting, with the support, I might say, of my departments, is the concept of a world wine trade expo to be held here in South Australia.

I have joined him in talks with members of the wine industry, and there is considerable support from wine makers but, unfortunately, the Australian Wine and Brandy Corporation has backed a major event at Darling Harbor in 1994. This seems rather strange to me. The French *vin* expo is held not in Paris but in Bordeaux where the wine growing areas are. It seems logical, if we are to have a world wine trade fair, that it should be held in South Australia.

I was disappointed that, following the provision of $1.5 million to the Australian Wine and Brandy Corporation through the Australian Wine Export Council to assist in its five year plan to expand Australian wine exports—from $234 this financial year to $1 billion by the turn of the century—only one State Government has come out in support of the Australian Wine and Brandy Corporation in this effort, and that is the South Australian Government. So we are now calling on them—and I join the member for Gilles—in asking the Australian Wine and Brandy Corporation to get behind the concept of a world trade fair to be held in South Australia. A consumer fair will be held in Sydney; that is fair enough, as that is where a large number of wine drinkers and buyers are. If we are talking about a world trade fair, here is the location—let's get behind it.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Treasurer confirm that the State Bank is currently negotiating the termination of employment of at least three senior executives before their contracts expire on the basis that they will receive full pay until the end of their contract period and redundancy payments of some hundreds of thousands of dollars, more than $500 000 in at least one case? Should the Treasurer be unaware of this, will he use his rights under the indemnity to investigate the matter?

It has been put to me that a deal is being done now so that these senior executives will not be with the bank when the reports of the Royal Commissioner and the Auditor-General relating to bank management are completed and that the very generous redundancy packages are being offered to hasten their departure.

The Hon. FRANK BLEVINS: I cannot confirm that. I will certainly, without having to use any rights under the indemnity, have one of my staff ring the bank and ask it in the next few minutes. I do not have to do anything more dramatic than that. My suspicion is that the information that has been supplied to the House by the Deputy Leader is of the usual quality we have come to expect, and I assume that, if it is not accurate, the Deputy Leader will make a personal explanation and apologise. However, we will see.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: The bank is downsizing, as the current jargon is. I hope it is downsizing at a very rapid rate. It may well be that from time to time the bank is shrinking at a faster rate than it can dispose of executives who are now no longer required. There is nothing the slightest unusual in paying out people whose jobs are no longer required. I point out—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: —that, in the South Australian public sector alone, about 3 000 employees have been paid out over the past couple of years.

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: I cannot see what the relevance of anybody being on contract is. If they have a contract, obviously they have some legal rights to salary. I just do not see what the point is. I hope and I expect that the Deputy Leader is partially right, because it is no news that the bank is downsizing: it is no news that the senior executive of the bank, as regards numbers, is shrinking. That is desirable; that is the aim; that is the objective.

I am not sure of the relevance of the comment about the royal commission or the Auditor-General's report. I can assure the Deputy Leader and the House that this Government is waiting, and has been waiting—and not very patiently—for the Auditor-General's report and the final report of the Royal Commissioner. It is only, as we all know, actions taken elsewhere that have prevented

those reports being made public—certainly the Auditor-General's report being made public. There is no intention by this Government or the bank—if the bank thinks about it at all—of attempting to delay the Auditor-General's report and the final report of the Royal Commissioner. We want it—we wanted it a year ago.

SEXUAL HARASSMENT

The Hon. J.P. TRAINER (Walsh): Will the Minister of Labour Relations and Occupational Health and Safety inform the House about a phone-in to be held this weekend concerning sexual harassment in the hospitality industry, and will that survey include harassment resulting from the exploitative employment of semi-clad waitresses and waiters?

The Hon. R.J. GREGORY: I thank the member for Walsh for his question. He has had a long interest in the employment conditions of people working in the hospitality industry and, indeed, some of the comments he has made in this place have indicated his long support for the cessation of harassment of females working partly clothed in the liquor and hospitality industries.

Over the weekend the Liquor Trades Union, in conjunction with the Working Women's Centre, is conducting a phone-in to obtain information about the extent and nature of sexual harassment in hotels, clubs, restaurants and other public entertainment venues. One of the unseen problems in this area of worker harassment is that many people are subject to all forms of harassment. I find that one of the most objectionable forms (and I find all harassment objectionable) is the harassment of females. It offends me and I believe that it offends all members of this Parliament. I am confident that all members support the phone-in being held over the weekend. All people, whether or not members of unions, are encouraged to call the hotline with information about any form of harassment that they may encounter.

I support the phone-in and look forward to receiving copies of the report, because as a Government we have enacted legislation from time to time to protect people in this area. I have a long history of involvement in working conditions of people and harassment has always offended me. We have a long way to go to root out some of this harassment. I am of the view that the phone-in over the weekend will be one of the many steps we will take along the long road to ensuring that when people go to work they are not sexually or in any way harassed.

ENFIELD HIGH SCHOOL

Mr BRINDAL (Hayward): Will the Minister of Public Infrastructure, as a matter of urgency, have school structures built in the 1950s and 1960s examined for structural faults following yesterday's collapse of a wall at Enfield High School and the serious injury of a student? Extensive studies I have made show that the structural integrity of buildings constructed 30 to 40 years ago is very questionable. Scores of schools were built around that time, following the post-war baby boom, and their buildings would be equally vulnerable to deterioration.

My concerns are supported by a report this Government received in 1987 from the Public Accounts Committee which warned that schools built in the period 1953 to 1973 were less strongly constructed and subject to ground movement. Further, I questioned the Minister in Estimates last year on the same subject. Amdel Laboratories has techniques to analyse and to establish the strength of walls so that remedial action can be taken and similar accidents to yesterday's avoided.

The Hon. S.M. LENEHAN: I am taking the answer to this question, because—and the honourable member is perhaps unaware of this—it is the Minister of Education, Employment and Training who refers these matters on to my colleague the Minister of Public Infrastructure. First, it is important to get some of these matters into perspective. There have been very few accidents such as the one that happened yesterday, and I am grateful that that is the case. Quite obviously, when you have such a large number of schools and students, everybody is grateful that we have so few accidents within our school communities.

However, having said that, I made very clear yesterday in my ministerial statement that I had asked the Director-General to investigate that particular incident immediately and to have a look at the implications for the Education Department right across the spectrum. I must highlight the fact that the period to which the honourable member referred was a period of Liberal Government. So, what is he suggesting? Is he trying to say that there were particular faults in this era, or is he—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: It is very interesting—

Mr Meier interjecting:

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

The Hon. S.M. LENEHAN: I would like to make it clear that I am not the one who has politicised anything. The honourable member who made that accusation should look within his own ranks. Let me assure the House that we will be looking at a number of issues across the area. I also highlight the fact that large sums of public money have been spent, both through the SACON Department and through school councils and communities, to ensure the ongoing safety of buildings within the Education Department. I do not believe that, even if buckets of gold could be applied to school maintenance, a problem such as the one that happened yesterday would necessarily have been uncovered. That was a very genuine accident that could not have been prevented. However, having said that, I am not resiling from the fact that we do need to ensure that we monitor the occupational health and safety of those schools. To that extent I have had discussions with my ministerial colleague, who is responsible for this area, and as a Government we are addressing these issues. I do not intend to politicise this matter. I would only hope that the asker of the question would adopt the same principle.

HOCKING COURT HOUSING DEVELOPMENT

Mr HERON (Peake): My question is directed to the Minister of Housing, Urban Development and Local

Government Relations. Will the Minister advise the House of the contribution the State Government has made to the Hocking Court housing development within the C*ity* of Adelaide which he officially opened yesterday? I understand that this development involved the cooperative efforts of the State and Commonwealth Governments, the Adelaide City Council, the Service to Youth Council and the Inner-City Housing Cooperative.

The Hon. G.J. CRAFTER: I was pleased yesterday, in the company of the Lord Mayor and Dr Catley, the Federal member for Adelaide, to open the Hocking Court youth accommodation project in the city. That project was initiated by the Adelaide City Council, and it comes as a direct response to the very valuable work that has been done in recent years by the Human Rights Commissioner, Mr Brian Burdekin, and particularly his report, entitled *Our Homeless Children,* which brought to the attention of all Australians the plight of other homeless youth. The State Government has already assisted in initiatives by the Adelaide City Council, most notably by matching on a two for one basis the money raised through the Lord Mayor's 'I Say "No" to Drugs' campaign. Those funds were used for the Frew Street boarding home project, which is another successful youth accommodation project.

For its part the Commonwealth Government through the Local Government Community Housing Program has contributed some $11 million since 1984-85 to projects such as the Hocking Court development. In 1991-92 South Australia was allocated some $2 million from that source. In the August 1992 budget the Commonwealth Government announced the creation of a new community housing program that incorporated the former LGCHP program, as it is known. The community housing program will be a tied program within the Commonwealth-State Housing Agreement with funding levels increasing from $48 million nationally in 1992-93 to $64 million in 1995-96. This includes the current LGCHP funding allocation.

The program aims to double the size of the community housing sector to around 25 000 dwellings by the year 2000. As to Hocking Court, the State Government has been able to provide about $400 000 through Homestart for the construction of seven units, and I acknowledge the support of the Adelaide City Council and the Service to Youth Council and other groups, including the Cooperative Building Society.

TEACHERS

Mr GUNN (Eyre): Does the Minister of Education, Employment and Training still claim that no teachers have been ordered to teach subjects this year in which they do not have training, despite the clear evidence now available that hundreds of teachers, many of whom have received only temporary placements this year, are being required to teach subjects for which they are not qualified?

The Hon. S.M. LENEHAN: No, I have not said that no teacher will be asked to teach a subject for which they are not trained. I have made it clear in the House that I have not said that. However, I do acknowledge that there are a number of teachers who are trained in particular areas and who are having to teach in areas in which they are not trained. In fact, I made that clear in the statements that I have made to the Parliament. It is important that we move forward to ensure that all teachers within particular subject areas are fully trained and conversant with their subject. In fact, to this end I have already had a meeting with the heads of the schools of education at the three universities in South Australia.

I have asked them to devise and develop packages that could be used for the retraining of surplus permanent teachers. I will give the honourable member an example. We have too many teachers in the area of technical studies and in some other areas. It is not just a simple matter of saying, 'We have too many teachers in tech studies and we do not have enough teachers, for example, in specific foreign languages and we can retrain those people overnight.'

Given the situation that exists, it is also unrealistic to say that it will be a simple matter from now into the future. What we can say is that we will try to ensure that wherever possible those teachers with specific training in particular subject areas will teach in those areas. We will offer retraining packages, and up until the announcement of the Federal election there had been ongoing discussions between my Federal counterpart and me and our respective departments about the money that the Federal Government had announced nationally for the retraining of teachers.

I welcomed that on behalf of South Australia and I think it is important that we access that money quickly and offer teachers that retraining so that we can respond to the changing needs of education. For many of these teachers there were not such subjects as legal studies and computer training and the breadth of subject choices in languages. We have to match teachers with the appropriate subjects. I believe the department is doing everything possible. Certainly, there are some mismatches at the moment, but we are working to reduce them.

OFFICER BASIN

Mrs HUTCHISON (Stuart): Is the Deputy Premier and Minister of Mineral Resources able to indicate how much money is being expended in exploring the Officer Basin in the north of this State? Does he also consider that that money is well spent and will he advise the House what sort of return the Government expects from the expenditure of those funds?

The Hon. FRANK BLEVINS: I thank the member for Stuart for the question and acknowledge the interest she has shown in this area. It has been extensive, and the way she has journeyed through those areas and got to know them very well indeed is a credit to her. The short answer to the question is that to date about $6.9 million has been spent in that area. About half of that has been supplied by the State Government. I want to refresh the House's memory. The exploration initiative is on the lands belonging to the Pitjantjatjara and Maralinga people and, late last year, representatives of the people and I signed an agreement permitting this exploration to take place. I think it is a credit to all concerned—to the mining companies, the Government and those

communities—that this exploration is taking place. I look forward to more cooperation with the mining companies and the communities, and a great deal more exploration taking place, not just in the Officer Basin but elsewhere throughout the Aboriginal lands, because they are areas of high prospectivity.

The remoteness of the areas means they have been only very slightly surveyed to date. Prospecting has been difficult and expensive, but I understand from all concerned that the rewards in this area are likely to be very high indeed, and we look forward to all people in South Australia sharing the benefits of that, including the communities themselves. Tenders for seismic testing in the Officer Basin will be called this month and the work should be completed by the end of September this year. I am advised that the material that is produced by that seismic testing will be of the highest quality, and the mining companies—in this case the petroleum companies—are looking forward to receiving that high quality base level data from this program.

From moving through the mining communities and talking to miners, the mining companies and the chamber, I know that the miners of this State and the people involved in mining greatly appreciate the $11 million seismic program that the Government has undertaken, and it is very generously acknowledged by the mining companies. I know that the material that is produced will be of a very high quality, and I hope it leads eventually to production in these areas. I know that everybody in South Australia, not just the future constituents of the member for Stuart, will gain a great deal from the Government's initiatives.

TEACHERS

The Hon. H. ALLISON (Mount Gambier): Will the Minister of Education, Employment and Training justify the transfer of a highly qualified senior physics teacher from a northern metropolitan school to an appointment at an outer metropolitan high school as a computer coordinator, an area in which he has no experience? I listened with interest to the Minister's response to the question from the member for Eyre, but the Minister has now made me wonder whether the Education Department has a surplus of qualified, competent physics and mathematics teachers, because the case which I cite is that of a teacher who was required to transfer at the start of the 1993 school year.

His area of expertise is in senior physics and mathematics and, in 1991, he got a 100 per cent pass rate from 33 year 12 physics students and, of those, 17 achieved A grades and five got perfect scores of 20. On his transfer to the other school, he was told that his appointment would be as computing coordinator, an area in which, as I said, he has no experience, and at the same time he was told he would not be teaching physics or mathematics at year 12 level.

The Hon. S.M. LENEHAN: I find the honourable member's question interesting. I wonder whether the honourable member actually thinks that, with the portfolio I have, I personally oversee the transfer of every one of the 3 500 teachers, because I can assure the honourable member that I do not. I am sure that, as a former Minister of Education, having but one aspect of my portfolio, he would be very well aware that the Minister of Education, from whatever side of the political spectrum that Minister comes, does not personally oversee the transfer and placement of every teacher, whether in a child-care centre, a preschool kindergarten, a primary or secondary school, or a TAFE college. So, if the honourable member is genuine about his concern, and I suspect that he is not, he would have approached the Director-General under whom the direct responsibility for the placement of individual teachers is to be found. I would have thought that a former Minister of Education might well know that. Quite obviously—

The Hon. H. Allison interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. S.M. LENEHAN: My colleague reminds me that, during the honourable member's time as Minister, we saw the biggest demonstrations from the education sector against any Government that have ever happened in this State, so I find it just a little hypocritical that the honourable member, knowing full well that any Minister with a portfolio of 30 000 direct employees and approximately one-third of the State's budget will not know the individual circumstances of every teacher who might be placed, asks this question. If the honourable member is genuine, let him provide me with the particulars. I will refer them to the Director-General, who I am sure will be able to find the honourable member some explanation in terms of the circumstances he has raised. However, I find it quite interesting that this is the only kind of question that the Opposition can raise in this vitally important portfolio of education, employment and training.

ALCOHOL ABUSE

Mr De LAINE (Price): Can the Minister of Health, Family and Community Services inform the House of the measures that are in place to seek to address the problems of alcohol abuse in terms of treatment and rehabilitation services, and is there any need to place a levy on alcohol sales to assist with the funding of these measures and perhaps with other programs?

The Hon. M.J. EVANS: The South Australian Government provides a wide range of services for the treatment of alcohol and other drug related problems, and these are increasingly based on the idea that early intervention in alcohol or drug consumption will result in major gains in the health status of South Australians. It is this early and brief intervention aspect of the program to which I draw the attention of the House. That can be provided, in many cases, by generalist health and welfare workers, including general practitioners, who play a very important part in that area.

Apart from government services, there are also many non-government agencies, including the Salvation Army, Archway and the Mission, which are able to provide services along with such self-help groups as Alcoholics Anonymous and Women for Sobriety. I will not detain the House with a list of the many services and facilities that are available, but it is important to note that a

number of these are not only institutionally based as part of our normal health care services but also based in the community, with community outreach services being available at a wide range of suburban and country locations. The volunteer and self-help groups are also available across a broad range of suburban and country locations.

With respect to any question of a further levy on alcohol sales, I think it is probably instructive to look at the positive way in which the Government has been able to use the differential between the existing levy on light beer and that on full strength beer in order to enhance consumer preference for the low alcohol product. That, of course, is a substantial gain to those who would consume the product and to their health, and it has resulted in ever increasing purchases of the light alcohol component. I would not particularly support any increase for health reasons in this context. I think the present policy is the appropriate one, and I would commend that and the range of services we provide to the public of South Australia.

WINE INDUSTRY

The Hon. P.B. ARNOLD (Chaffey): What action is the Minister of Primary Industries taking in an effort to gain the acceptance of wine makers for the indicative prices published recently in line with the objectives of the Wine Grapes Industry (Indicative Prices) Act? Last Sunday night I attended a meeting of wine grape growers in Berri which carried a responsible motion calling on the wine makers to accept the indicative prices plus freight in the long-term interests of achieving a stable national and exporting industry to benefit both the growers and the wine makers. The vintage has now commenced, and growers are seeking assurances that the Minister is having ongoing discussions with wine makers in an effort to gain acceptance of this proposition.

The Hon. T.R. GROOM: As the honourable member well knows, this Parliament, on the last sitting day of last year, passed legislation which extended the indicative wine system to the cool regions of South Australia in addition to the Riverland, apart from the Coonawarra area. The indicative pricing system is there to benefit the industry—and it will benefit the industry.

It is certainly true that we have to go through some teething problems. It worked well in the Riverland last year but, because of unseasonal conditions and other problems that affected the quality of grapes, there have been some fluctuations. When the difficulties in the Riverland were drawn to my attention, I arranged for a meeting of participants—wine makers, the Farmers Federation and growers—which I convened in January in my office.

It is true to a considerable extent that I came down on the side of the growers in the Riverland for this season. In the Riverland during the last season, the indicative pricing system was a single price. There is no question that the legislation envisages either a single price or a range of prices. The wine makers, when they wrote to me and indicated their support for the indicative pricing system and an extension of the system, I think envisaged in their letter that at least for the coming vintage perhaps there would be a single indicative price in the Riverland. I think the growers wanted to act on that, but that would not necessarily be the case with the other regions in South Australia. I indicated at the outset at that conference when the parties were together in my ministerial offices that I felt that, for at least this season, implicit in the wine makers' letter in support of the system late last year was that the Riverland would at least continue for one more vintage with a single indicative price but that they could not expect that for the cool regions, where a range of prices could be expected.

I do not agree with the growers. The growers want that indicative price to be a minimum price, and I will not go down that path, because market forces are largely to prevail. The indicative pricing system is a measure of support for growers but it is not a minimum price, and that is where the disputation will arise. Once the vintage is finished, I intend in April to have a survey done on how the indicative pricing system has worked in South Australia to see what returns growers actually got as opposed to what they are being offered presently. It is in the interests of the industry that the legislation work. The industry will have to sort out its problems.

The Hon. P.B. Arnold interjecting:

The Hon. T.R. GROOM: It is not working because we have had unseasonal conditions in the Riverland, as the honourable member well knows. It has affected price and quality. The industry will work out those problems. It has been worked out interstate, in New South Wales and Victoria, and will work out in South Australia because it is in the interests of the industry. The honourable member would do well to communicate to growers that it is not price fixing or minimum pricing—it is a measure of protection, but market forces are to operate.

ENFIELD HIGH SCHOOL

The Hon. J.C. BANNON (Ross Smith): Will the Minister of Education, Employment and Training advise the House of her current intentions in relation to proposals to amalgamate Enfield and Nailsworth High Schools? The Minister yesterday made a statement about an unfortunate accident at Enfield High School. It has been put to me by the school community that, while welcoming the Minister's prompt response and the remarks she made, the school has been told that when applying for maintenance and upgrading funds such will only be provided where urgently needed or where safety is involved as the school has been targeted for closure in the near future. They refer to discussions and studies made some time ago relating to the amalgamation of Enfield and Nailsworth High Schools which, it was understood at that time, had been put on hold and perhaps the expenditure reflected the thinking of the department.

The Hon. S.M. LENEHAN: To give some background to the matter, I am concerned if schools are being told that they can only proceed with safety matters and not normal maintenance matters. I have had an opportunity to do some homework on this matter and it is important to put it on the public record. In May 1991 the Laslett report—a committee established to look at the

whole nature and face of schools in this part of Adelaide—recommended a number of things, one being the amalgamation of Enfield and Nailsworth High Schools, and the committee supported such amalgamation, which it talked of proceeding in 1994. A number of things have changed since then, not the least being that enrolments at Enfield have increased to about 750 whilst enrolments at Nailsworth have increased to 500. This means that both campuses are not only able to function as independent schools but also to offer quite different but complementary programs.

Therefore, I am very pleased to be able to inform the honourable member that, after consulting with the Director-General, I can indicate that it is not the intention of the department to amalgamate those two schools—they will continue as they are currently. This will give some confidence to the schools in terms of the closure of one of the campuses, which was the situation proposed. Both schools will operate as they are and will have the confidence to plan for future facilities and curriculum development. I would be pleased if the honourable member would inform those two school communities of the Government's decision—

LAKE EYRE

Mr OSWALD (Morphett): Will the Minister of Environment and Land Management—

The Hon. Frank Blevins interjecting:

The SPEAKER: Order! The member for Morphett will direct his question to the Chair.

Mr OSWALD: What discussions are taking place between the Minister and the Federal Minister for the Environment concerning the World Heritage listing of the Lake Eyre region (which is the South Australian section of the Lake Eyre Basin), and what is the timetable for placing the South Australian region on the indicative list? Minister Ros Kelly has agreed in writing to all States not to consider the whole of the Lake Eyre Basin for indicative listing until the Northern Territory, Queensland, New South Wales and South Australia agree. However, I am advised that South Australia is working on its own agreement with the Commonwealth for the South Australian section without consulting the other States and negotiations are well advanced between the two Ministers to achieve their secret objective.

The Hon. M.K. MAYES: I will disappoint the member for Morphett as there are no secret discussions on Lake Eyre and the World Heritage listing.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: A decision has been made by Cabinet to look at the issue of the protection and scientific study of the Lake Eyre region for the purposes of continuing the economic and ecological sustainable development and environmental protection and preservation of that region. So, what the honourable member has tried to predict is not so: it is an area that is of great interest to many sectors of our community. Of course, those sectors most interested are those that are actively there earning value added, that is, the mining and pastoral sectors. There is also the potential for us to consider tourism development. I assure the House that the discussions proceeding between this Government, the Federal Government and the community are along the lines of how we can best protect those significant areas, those areas that are sensitive, and also preserve the economic opportunities for those people who earn a living and generate value added for those regions.

RURAL ADJUSTMENT SCHEME

Mrs HUTCHISON (Stuart): Will the Minister of Primary Industries provide the House with details of the benefits of the State/Federal Government rural assistance package to farmers? On Monday, the Federal Minister announced approval of assistance to farmers under the exceptional circumstances provisions of RAS.

The Hon. T.R. GROOM: I am most pleased to receive this question. South Australian farmers have been through the most serious rural crisis in memory. People who have been on the land for over 60 or 70 years have told me that they have never experienced seasonal weather such as this. I have waited all week to get a question from members of the Opposition, because they stood up before Christmas and demanded that we invoke natural disaster funding, knowing that natural disaster funding would not benefit farmers at all—

Members interjecting:

The Hon. T.R. GROOM: It is not wrong. The fact of the matter is that the agreement between the States in relation to natural disaster funding—an agreement between the Federal and State Governments of all political persuasions—required cataclysmic events, such as earthquake, bushfire and cyclone. Flooding and intermittent rain over a long period would not qualify. It would qualify obviously under exceptional circumstances.

For nothing more than a political gimmick, the Leader of the Opposition came to see me and said, 'Declare a natural disaster, and everything will be rosy for the farmers.' If we had invoked natural disaster, Eyre Peninsula, Yorke Peninsula, the Riverland and large parts of the Adelaide Hills would have missed out on funding entirely, and farmers would not have gained any benefit at all. By invoking a natural disaster at that point, we would have built up surpluses for local government, and there would have been nothing for farmers. That was the advice that the Opposition gave me, and that was the advice of the Farmers Federation. They, too, know that it is comforting to have a declaration of natural disaster, because in plain ordinary terms it is a natural disaster and everyone recognises that, including this Government.

However, at a responsible level, we were the first Government to put an assistance package on the table, very early on in the piece, and we were the first Government to recognise the benefits of the exceptional circumstances category of the new rural adjustment scheme which was to come into force on 1 January. As a result of being apprised of that situation, we were able to put a package of assistance to the Federal Government, one that enabled me as Minister to invoke exceptional circumstances, because the Commonwealth on its initiative put this in the scheme. It was its initiative that has enabled me as Minister to wield an even hand throughout South Australia and protect all areas—Eyre

Peninsula, Yorke Peninsula, the Riverland, Adelaide Hills and wherever else farmers have suffered rural loss.

However, the Opposition would have had us declaring natural disaster for nothing more than a gimmick and a tactic, having surpluses built up to benefit local government and nothing for farmers. They know that I have been through an enormous degree of pressure as a result of this issue, because it is difficult to explain this publicly, when you are trying to act responsibly. Opposition members said this because they reckoned that the State Government was broke and that we could not put $11 million on the table for natural disaster funding, and that is what they were after. But we did much better than that. My department has been particularly prudent in the way in which it has managed its funds over a long period, and it has been very responsible.

As a result of good housekeeping between July and November last year we were able to advance about $5.2 million, which supports $110 million of rural debt through interest subsidies. In December, two days before the most severe period of unseasonal weather, I was able to announce $6.4 million, which will support $130 million of rural debt. That stands alone and applications are being received. That allowed for interest rate subsidies. On 21 December, following Cabinet approval invoking the exceptional circumstances category of RAS, we were able to put on the table $5 million and seek a further $22.375 million from the Commonwealth Government to provide interest rate subsidies up to 100 per cent for carry-on finance. The banks have told me that that is one of the most critical aspects of the package. They know that once they advance carry-on finance the interest rate bills will be paid. That will support something like $250 million of rural debt, and that is what was approved on Monday by the Federal Minister, Simon Crean. We were able to go further as a State. It was a good package—

Mr Meier interjecting:

The Hon. T.R. GROOM: —and I know the member for Goyder knows that it was a good package, because it will provide support for about 1 800 farmers. In addition to that—

Members interjecting:

The SPEAKER: Order! The Minister will resume—

The Hon. T.R. GROOM: They do not want to hear this—

The SPEAKER: Order! The Minister will resume his seat. The House will come to order. I presume the member for Hayward has a point of order.

Mr BRINDAL: Mr Speaker, I ask you to rule on the length of the reply—

Members interjecting:

The SPEAKER: Order! Yes, it is a lengthy reply. Once again I point out to the Minister his access to a ministerial statement if he feels it is required and I ask him to bring his answer to a close as soon as possible.

The Hon. T.R. GROOM: I will go down the path of closure, but I want to say this—

Members interjecting:

The SPEAKER: Order! I suggest that the Minister makes it shorter than that.

The Hon. T.R. GROOM: I want to say this: the State Government is able to go one step further because, through good management of our State Act and our State funds, I was able to announce early in January an additional $5 million through a mixture of grants and loans for post-farmgate value added, which will keep rural skills on the land. All in all, through combined sources, the State Government was able to put up $21.835 million and we have another $22.375 million from the Federal Government. Overall, State and Federal Governments will be providing assistance in a variety of ways for up to $650 million of rural debt, and that is not a bad effort on the part of the State Government.

MEMBER'S LEAVE

Mr S.G. EVANS (Davenport): I move:

That two weeks' leave of absence be granted to the member for Fisher (Mr R.B. Such) on account of ill health.

Motion carried.

STATE BANK

The Hon. FRANK BLEVINS (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. FRANK BLEVINS: Earlier the Deputy Leader asked me a question about redundancies at the bank. The bank has advised that it is going through a disciplined process of downsizing, which will continue through to the end of the 1993-94 financial year. The bank has a formal policy for redundancy payments and payments are made either in accordance with that policy or in accordance with the conditions of individual contracts. The board oversees the termination arrangements of senior executives. My office has been assured by the bank that no special arrangements have been offered and no individual will be paid the balance of their contract and a redundancy payment.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

Mr HOLLOWAY (Mitchell): The matter that I wish to raise in today's grievance debate is the question of bus services on Sundays. The Government made a number of changes to bus routes last year and all members of the House would be aware why there were changes to services. Certainly, there were a number of bus services in the evenings that were poorly patronised and it was necessary for the Government to curtail some of those services so that those resources could be better utilised in providing services to other areas that were not previously served by bus.

However, I believe that in implementing those changes the STA has created anomalies. In particular, I refer to the provision of bus services on Sundays and public holidays. Within my electorate are a number of

retirement villages, where there are residents who are not particularly well off. Many of these people rely on the pension as their sole means of income, many of them have health problems and many of them have few or no family members left. One of the few pleasures in their life is to take a bus trip, particularly on Sundays, to attend the Botanic Gardens or the pictures or perhaps visit family and friends or whatever. Unfortunately, for many of these people, that is now no longer available where bus services have been curtailed on Sundays.

These people to whom I refer have no objection to the curtailing of buses in the evenings: as most of them are elderly, they do not use services in the evening; they do not go out at night. However, for these people the provision of bus services on Sunday is a very important issue, and I believe that we really need to do something to provide for these people's needs. The State Transport Authority has a fundamental obligation to provide services for people; certainly, it has to provide its services economically, at an acceptable cost to the community—I do not argue with that—but its fundamental obligation is to provide services to people. I wish to make a plea to the Minister of Transport Development to consider the provision of Sunday and public holiday bus services to those areas where there is a large concentration of elderly people who have no other means of transport.

In many of these cases it is not realistic to expect elderly people in their 70s or 80s to walk 500 metres or thereabouts to alternative means of transport. It is just not practicable. In effect, many of these people are becoming housebound. In many cases in my electorate, the Housing Trust has deliberately located people along bus routes so they can be close to services, yet now, with the decision to take away Sunday services, these people are left with no alternative but to stay at home. They are not affluent people; on the pension they cannot afford money for taxis or other means of transport.

In particular, I refer to bus route 241 which passes down Towers Terrace, where there is a very large concentration of Housing Trust retirement units. The Housing Trust has located people in that area because of the provision of services, which have now gone. I am suggesting that the policies of the STA are in effect acting counter to the social justice objectives and policies of the Government and the Housing Trust. I have been disappointed by the STA's response to approaches I have made on these changes. I am not convinced that the changes the STA has made in some of these instances have been properly researched, and I believe that the cost of providing a Sunday service—even if it were only a skeleton service with a bus every two hours—would be relatively small, given the savings that were made by cutting out the evening services.

I believe that the Minister and the STA should consider the reinstatement of Sunday bus services in areas where there is a high concentration of elderly pensioners who are totally dependent on the provision of bus services and whose quality of life has suffered to quite a considerable extent, because they are in effect housebound on every Sunday and every public holiday. I hope the Minister will take up this suggestion.

The Hon. DEAN BROWN (Leader of the Opposition): Yesterday I was in Sydney and I had the opportunity to talk to Mr Peter Reith, the Federal shadow Treasurer, about the compensation that would be paid to South Australia in the event that the State Bank was sold under the sort of guidelines outlined by the Liberal Party. He gave an undertaking that South Australia could be assured of compensation for a 10 year period for the State tax forgone because of the privatisation of the State Bank. That is for a 10 year period, and I highlight the fact that that is twice as long as the Victorian Government received compensation when it sold the Victorian State Bank. I point out that in July last year the then Chairman, Mr Clark, told me that the bank would have a sale value of about $1 000 million. He indicated that the profit would be about $100 million a year and, based on that, one would expect that the equivalent tax over a 10 year period would be about $40 million a year.

Therefore, over a 10 year period, one would expect the compensation from the Federal Government to be between $400 million and $500 million. So, I highlight that, if the State Bank were sold—and the Liberal Party has put down very rigid conditions under which it would be sold to protect the commercial interests here in South Australia, as well as the jobs in the bank and the branch structure—we could expect approximately $1 000 million. They are not my figures; I am relying on the figures from the bank for the sale of the good bank. We could expect approximately $1 000 million for the bank itself and approximately $400 million to $500 million from a Hewson Federal Government as compensation to South Australia.

Again I stress that that would be approximately $200 million to $250 million more than the Victorian Government would have received under the compensation as handed out by Prime Minister Paul Keating. Although we do not have exact details on the value of the bank, the important thing is that the Liberal Party has put down quite clearly the basis of compensation for South Australia, and I now challenge the Premier in this place and Prime Minister Keating to come up with a figure that they would offer South Australia for the sale of the bank in terms of compensation for income tax forgone by the State Government.

Last week we saw the Prime Minister fly into the State and make the boldest promises—to step all over our Premier, to declare that South Australia was bankrupt without Federal Government assistance, and to promise to compensate South Australia. However, then he said, 'But you are going to have to wait until after the Federal election to know what the figure will be. Trust me.' Who would trust Keating? Who would trust Keating after a Federal election, if he should win? But he will not win. I was astounded today to hear that the Premier would refuse to sign an agreement for the abolition of payroll tax under a Hewson Federal Government at a Premiers Conference to be held within one month of a Hewson Federal Government being elected. That would drive every larger and medium size employer out of South Australia. A total of 60 per cent of all private sector jobs in South Australia have payroll tax paid on them. We would end up with South Australia being one of perhaps two or, depending on what Queensland did, being the

only State in Australia that was charging payroll tax for its employers. Could members imagine what would happen?

The cost of employing people in South Australia would be over 6 per cent higher than the cost in any other State in Australia. One could imagine the flood of industry out of South Australia as companies left in droves to take advantage of the situation in New South Wales, in Victoria, in the Northern Territory, now in Western Australia or in Tasmania. I guarantee that, under a Hewson Federal Government, the Premier will eat his words today within a two month period and sign that agreement.

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

The Hon. J.P. TRAINER (Walsh): I would like to endorse the remarks made earlier by the member for Mitchell regarding the impact on elderly constituents in the western and south-western suburbs of the reduction in public transport services on weekends and at night—although more so the impact on Sundays during the day rather than at night, because not so many of our elderly constituents are concerned by night time travel. I understand that these measures were introduced in order to improve the cost effectiveness of the STA, but just the raw figures of the number of persons carried at particular times of the day do not tell the entire story.

We also have to consider what genuine alternatives, what real, practical alternatives, are available to those who can no longer patronise particular buses because those routes have been shut down. I say 'real alternatives' because it is one thing for the STA to suggest that they could walk to a particular bus half a kilometre or a kilometre away but it is another thing when we are talking about elderly persons whose physical mobility is somewhat limited. Those alternatives that may appear all right on a computer terminal are not necessarily so good when we look at what actually happens in the case of the elderly person concerned.

As the member for Mitchell has pointed out, many of those elderly persons become housebound as a result of this reduction in services in their immediate environment. Many live in Housing Trust developments which were actually positioned along public transport routes in order that the elderly occupants could have access to public transport. I have in mind not only in my current electorate of Walsh the Towers Terrace Housing Trust development, which was intended to be adjacent to an STA bus route, but also those along Anzac Highway, between Marion Road and Morphett Road.

I suspect that the western and south-western suburbs may well have suffered a disproportionate effect of the reduction in services. I know that the members for Henley Beach, Peake and Mitchell agree with me that there does seem to have been a disproportionate effect on the western suburbs. Like the member for Mitchell, I ask the STA to consider the possibility of introducing a basic daytime Sunday service to cater for these elderly people who are not being catered for by the current reduced services.

We are not interested so much in what happens with those night services on weekends. They are of minimal interest to my elderly constituents, who do not usually go out much at night, but their lifestyle on a Sunday has been seriously and drastically affected by the reduction of Sunday services. It is not good enough for the STA to suggest that there is an alternative nearby, although that may well be applicable in the case of able-bodied younger people. In those cases, what the STA says is reasonable: there are viable alternatives. But, those alternatives are not viable with many of my elderly constituents.

Like the member for Mitchell, I suggest that the STA consider running services on a Sunday, perhaps every 90 minutes or two hours, rather than the previous approximately hourly services. These elderly residents would accept less frequent services as long as there was some means to stop them from being housebound altogether. It may be practical for minibuses to operate on those routes. I call on the STA to reconsider its position, particularly in view of the fact that it set up a customer forum in order to give customers more say in bus and train services. It said that it wished to encourage more people to use public transport by asking them to help the STA better match services to their needs. It was particularly concerned with issues affecting the elderly and the disabled. The member for Mitchell and I are drawing attention to exactly one of those issues which affect the elderly and the disabled—those who are greatly inconvenienced as non-car paying residents and who are housebound on weekends, unable to shop, play bowls or attend church because of the lack of even the most basic of bus services.

I ask the STA to consider, for example, the residents at Camden Park Rest Home who are inhibited in receiving visitors on Sundays without the bus being available to bring them along Anzac Highway. I point out to the STA that this lack of a weekend service, whatever the STA may think, has had a much more marked effect on the quality of life of Camden residents than has the elimination of buses after 7 p.m. I call on it to reconsider this issue.

Mr GUNN (Eyre): I refer to a situation that was created by the National Rail Corporation and the Governments that participated in the attempt by the National Rail Corporation and others to exclude the Australian Workers Union from covering any of the workers who are involved in National Rail Corporation operations. Members of this House would be aware that for just on 90 years the Australian Workers Union has traditionally covered all employees who have been in camps and gangs right through to Kalgoorlie and Alice Springs. It has covered these people effectively and reasonably and has given them a good service without being involved in disputation. It has always looked after their interests, in many cases under pretty harsh and difficult conditions.

For some unknown reason, the ACTU and its colleagues have decided that there is no longer a place for the Australian Workers Union in the rail industry in this State. I understand that some 1 400 members of the AWU are expected to leave that union and join another union if they want to participate or be offered jobs, and they are not prepared to do that. I put to the House that there is a role for both the Minister of Labour Relations and Occupational Health and Safety and the Minister of

Transport Development to intervene to ensure that a dispute is not created because of the intransigence of the National Rail Corporation.

From my experience, they are a group of people who have read too many industrial relations theory books and books on transport without having an understanding of the realities of the real world. A dispute will occur. An article in the *Australian* of 4 February entitled 'Port Augusta workers refuse to join new union: AWU rage threatens national railway deal' states:

Alex Alexander maintains it is all to do with tradition. For the past 90 years, the Australian Workers Union has been the main railway union in the South Australian town of Port Augusta. But the new industrial deal for the National Rail Corporation will force AWU workers who want to be part of the system to commit an act of heresy: join another union. The AWU members are now employed by Australian National Railways. 'We're not doing it,' Mr Alexander, local organiser for the union, said emphatically. 'Let me just say that tradition beats everything, doesn't it?'

The question that must be asked is, 'Why have there not been adequate discussions?' As I understand it, the State Secretary of the AWU, Mr Dunnery, wrote to the Prime Minister recently on this matter. This is what he had to say—

The Hon. J.P. Trainer: Isn't he a friend of yours?

Mr GUNN: I understand that Mr Dunnery wrote to the Prime Minister, because I have some information which has been brought to my attention. He said:

I write to you to express the deep reservations and concerns of our members, and the members of a number of other industrial organisations, over the lack of information and the complete confusion which exists on the ground over the proposed takeover. The concerns of our members fall broadly into two categories. First, the ACTU's determination that the NRC was to be considered as a greenfield site, despite the fact that many of the operations which will be occurring within the greenfield site have in fact been in existence for a number of years has led to a large number of employees feeling that they will be grossly disadvantaged by losing accumulated entitlements from their current positions if they are to move across to the NRC.

That is just one of the concerns. The other concern is that the traditional role of the Australian Workers Union will be done away with and that the experience that these people have had will not be considered. Yesterday's *Transcontinental* under the heading 'AWU attacks NRC move' states:

The Australian Workers Union in Port Augusta is up in arms about being shunned by the National Rail Corporation for union coverage of NRC workers ...The proposal has angered AWU Port Augusta branch. ..who said the AWU had traditionally been the major rail union for Australian National workers, with 1 400 members in SA. The new industrial deal meant AN workers in the AWU would have to swap unions...'It stinks. The AWU has always been the principal union for railway workers in Port Augusta.'

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

Mr HAMILTON (Albert Park): Today we heard a great dissertation from the Leader of the Opposition in trying to attack the Keating Government. He asked, 'Would you trust a Keating Government?' I ask the House, 'Could any worker trust a Hewson Government and its ilk—the Kennett ilk—the likes of which we have not seen in a long time?' The Liberal Party in South Australia supports the Kennett policy. It has made absolutely clear what it will do to workers here in this State. The *Advertiser* of 25 August states:

The State Opposition has pledged a Victorian style overhaul of South Australia's industrial relations system.

Mr Ingerson, the member for Bragg, supported that proposition. Not one member opposite said that they would not support a Kennett style industrial relations policy. Let us look at what they have done in Victoria.

Mr Lewis interjecting:

Mr HAMILTON: Get back in your rabbit warren. The fact of the matter is that this is what they will do to workers. Let us look at what they have done in Victoria—leave loading abolished and from 1 March 1993 all State awards are to be abolished. That means no protection for penalty rates, allowances or overtime, and workers will be working for whatever they want. There will be no protection for redundancy payments, meal breaks or the 38-hour week. Employers face a tough time in Kennett's Victoria, as they will do in South Australia under Hewson and Brown Governments. There is no doubt: kick the workers in the guts has been their policy for as long as I have been in the work force. Let us look at what an employee cannot do. An employee cannot strike or picket.

Mr Lewis interjecting:

Mr HAMILTON: Laugh, you fool! When I was in the work force, if a mate of mine was chopped up in an industrial accident we walked off the job, regardless of whether a Liberal or Labor Government was in power. Protect the workers—that was our role. The member for Murray-Mallee may well laugh about this: one would have thought that he would have more sense and not be so damn stupid about it. An employer can fine an employee for being late or disobedient. For being disobedient on a safety matter employees can be fined or sacked. What sort of tripe is that? If a person puts himself or herself in jeopardy in terms of industrial safety they can be dismissed, because an employer can say, ' You will go there and do that job or be sacked'. Employees can be made to work any time of the day or night for any length of time at normal hourly rates. They can be unfairly sacked, as I have illustrated. They must lodge a $50 fee to appeal if sacked.

The WorkCare system in terms of protecting the workers is to be emasculated. The definition of 'injury' will make it difficult if not impossible to make claims for degenerative conditions such as stress. If that is not enough, let us look at some of the taxes imposed on the people of Victoria. They face a $100 per property poll tax and a 10 per cent price hike on gas, electricity and water. That is fact and members opposite do not like it. Public transport fares have risen and 19 000 public servants have been sacked. If that is not enough, we have seen the spectacle of people in the Education Department carrying on industrial disputes—

An honourable member interjecting:

Mr HAMILTON: And they will carry on more, because they now realise, as they did in Western Australia despite the defeat of the Labor Government

there, the impact of the Hewson/Kennett style of industrial relations. More and more the workers are coming back to the field because they understand that the worst Labor Government is 10 times better than any conservative Government in this country is likely to be or has been in the past. Workers will understand, as they have done in Victoria and Western Australia, the problems with which they will be confronted. Make the workers pay—do not care about their safety and conditions—and we will see a greater realisation as industrial disputes carried out in Victoria will flow on to South Australia if a conservative Government is elected.

Mr MATTHEW (Bright): I rise today to speak about the increasing crisis in our prisons, and in so doing I remind the Parliament of a statement I issued in October last year when the present Minister took up his position. In that statement, entitled 'Can Gregory tackle the State's prison crisis?', I challenged the newly appointed Correctional Services Minister to move quickly to address the crisis in our prisons. I drew to his attention a number of things and repeat them now. I reminded him that there had been a total of 139 prison escapes as at that time since the last decade. I reminded the new Minister that the average cost of keeping a person in prison in South Australia had gone up by a staggering 242 per cent in just 10 years—from $19 000, when my colleague the member for Kavel was Chief Secretary, to $65 000 in 1991-92.

1 reminded the new Minister that the drug and alcohol incidence in that same 10-year period had increased by a staggering 1 314 per cent. Yesterday I revealed in this Parliament a scam occurring in our prison system involving a credit card fraud ring allegedly operating from Yatala Prison. I asked the Minister to speak to the police to determine whether a need existed to restrict access to public telephones by Yatala prisoners. I did that after receiving numerous complaints from police over the increasing problem within the prison system caused by prisoner access to public telephones. Yesterday in this place the Minister refused to discuss this matter with the police. So, today I renew that call to the Minister to discuss with the police the issue of prisoner access to public telephones and, in so doing, I release the details of yet another scam operating within our prisons.

I am advised that police investigations have been under way for some time into a drug distribution system operating in Yatala Labour Prison and possibly in other prisons. I am informed that this drug distribution system operates in the following way. To highlight the way in which the drug distribution system operates, I will follow the path of a drug dealer operating within Yatala Prison selling, at the lowest level, joints of marijuana. I am advised that the going price for a joint in the prison system is about $20. The dealer approaching prisoners will allocate to the prisoner a number. Let us say, for example, that 11 prisoners wish to buy a joint. Each of those 11 prisoners will be charged a slightly differing amount. For example, prisoner No. 1 will be charged $20.01, prisoner No. 2 $20.02, and prisoner No. 3 $20.03, through to prisoner No. 11, $20.11.

Each of those prisoners is then given the operating account number of a TAB account. The prisoner uses the public telephone in the prison to contact someone from outside. The prisoner asks that outside person to deposit an amount incorporating their number—perhaps $20.03—into the TAB account. The next day the prisoner selling the drugs in the system uses the prison telephone system to contact the TAB and determine what amounts have been credited. If the caller is told, for example, that amounts of $20.01, $20.03 and $20.09 have been credited, that dealer knows that prisoners 1, 3 and 9 have had their drugs paid for and accordingly completes the deal by providing those prisoners with their drugs.

I am increasingly concerned that prisoners have such access to telephones, and that concern is being expressed to me loud and clear by frustrated police officers who are being impeded in their duties during the investigative process in trying to prevent this problem. Prisoners have easy access to telephones. The Minister tried to tell the Parliament yesterday that prisoners have to book their telephone calls and therefore all is known. That is not strictly correct. Yes, they have to book their telephone calls, but they merely book a 10-minute time slot. They use their Telecom telephone cards, purchased from the prison canteen, to make that call. No-one knows to whom they make the call and it is done in private. They can telephone whom they want, when they want, as long as they book their 10-minute time slot.

Police advise me that, unless we control access to prison telephones, crime within prisons and organised within prison on the outside will continue to run rampant. They go further and state that they believe that

70 per cent of crime within our prison system could be eliminated by controlling that telephone access. That indeed is a problem of concern, but the new Minister of Correctional Services has refused to discuss this issue with the police. I again call on the Minister to discuss the issue with the police, the Commissioner of Police and the Minister of Emergency Services and to act promptly to solve the problem.

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

STATUTES AMENDMENT (CHIEF INSPECTOR) BILL

Returned from the Legislative Council without amendment.

EDUCATION (NON-GOVERNMENT SCHOOLS) ACT AMENDMENT BILL

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training) obtained leave and introduced a Bill for an Act to amend the Education Act 1972. Read a first time.

The Hon. S.M. LENEHAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Government proposes to amend the *Education Act 1972* by this Bill in relation to the registration of non-Government schools.

The amendments arise from the experience of the Non-Government Schools Registration Board. Since the Bill was introduced last session, further consultation has taken place and, as a result of that consultation, all amendments to the principal Act are confined to Part V.

Several of the amendments will provide new powers to the Board and have been found necessary in the light of recent legal experience. All amendments are intended to assist the Board in better discharging its statutory responsibilities.

The Bill is the result of lengthy preparation and wide consultation with groups likely to be affected by it. Prominent among these are the South Australian Commission for Catholic Schools, the Independent Schools Board of South Australia, the Children's Services Office, the Association of Non-Government Education Employees and the South Australian Institute of Teachers.

More realistic penalties will now be prescribed for both first and subsequent offences for operating an unregistered non-Government school. These penalties were last revised in 1986. The amendments are realistic in contemporary financial terms and complement penalties prescribed elsewhere in Part V of the principal Act.

Increased penalties will also be prescribed for failure to keep adequate records of student attendance or failure to furnish attendance returns as required and for hindering or preventing authorised Board panel members from carrying out an inspection on a non-Government school. These penalties have not been revised since 1980 and 1983 respectively.

From the date of operation of this Act, schools will be issued with a new certificate of registration by the Board. Schools will be required to display a copy of this certificate on every campus. There is a penalty for failing to comply with this provision. The certificate will carry a description of the school which will include all locations at which it is registered to operate, the name of its governing authority and any conditions applying to its registration. The information (which must be correct) is thus publicly accessible which will be of benefit to both the school community and the public.

The heading of Part V Division III of the principal Act is to be altered to describe more appropriately the purpose of the Division and will become, simply, 'Review of Registration'. This Division will also be amended so that, in future, there can be no difficulty over the service of notices in relation to a review of registration by the Board and no likelihood of this provision not being fully and accurately complied with.

The amendments I have outlined above will not result in any cost increases save those associated with the printing and issuing of new certificates of registration. This small cost will be absorbed in the current budget.

There is likewise no requirement for additional staffing.

I commend the Bill to the House.

The provisions of the Bill are as follows:

Clauses 1 and 2 are formal.

Clause 3 amends section 72 of the principal Act by striking out from subsection (2)*(b)* 'one of whom shall be an officer of the Department' and substituting 'of whom one must be an officer of the Department or an officer of the teaching service'.

Clause 4 amends section 72f of the principal Act by striking out and substituting higher penalties. The proposed penalty for a first offence of operating an unregistered non-Government school is $10 000 (instead of $1 000) and for a subsequent offence, $10 000 (instead of $1 000), or $500 per day (up from $100 per day).

Clause 5 amends section 72g of the principal Act by striking out subsections (3) and (4) and substituting new subsections.

Proposed subsection (3) provides that where the Board is satisfied on an application under section 72g that—

(a) the nature and content of the instruction offered, or to be offered, at the school is satisfactory;

(b) the school provides adequate protection for the safety, health and welfare of its students; and

(c) the school has sufficient financial resources to enable it to comply with paragraphs *(a)* and *(b)* in the future,

the Board must register that non-Government school for such period as it thinks fit.

Proposed subsection (4) provides that the Board may impose such conditions on the registration of a non-Government school as it thinks necessary—

(a) with respect to the safety, health and welfare of students at the school; and

(b) to ensure that those students receive a suitable education.

Clause 6 inserts a new section 72ga after section 72g of the principal Act that provides that where the Board registers a non-Government school, the Registrar must issue to the school a certificate of registration in a form approved by the Minister that includes the following information:

(a) the name of the school;

(b) the address of each of the school's campuses;

(c) the identity of the governing authority of the school; and

(d) the conditions (if any) that apply to the registration of the school.

Proposed subsection (2) provides that where a registered non-Government school has more than one campus, the Registrar must issue a sufficient number of duplicate certificates of registration to enable the school to comply with subsection (3).

Proposed subsection (3) provides that a registered non-Government school must at all times display its certificate of registration, or a duplicate certificate of registration, in a conspicuous place at each of the school's campuses. There is a penalty of $100 for a breach of this subsection.

Proposed subsection (4) provides that the governing authority of a non-Government school must, within 14 days after—

(a) a condition of the school's registration has been varied or revoked;

(b) any other change in the information recorded in the certificate of registration has occurred; or

(c) the registration has been cancelled,

return the certificate of registration and the duplicate certificates (if any) to the Registrar. There is a penalty of $100 for a breach of this subsection.

Proposed subsection (5) provides that on receipt of a certificate of registration, or duplicate certificate of registration, pursuant to subsection (4), the Registrar—

(a) must, if the school's registration has been cancelled, destroy the certificate or duplicate certificate;

(b) may, in any other case, alter the certificate or duplicate certificate or issue a new certificate or duplicate certificate in respect of that school.

Clause 7 strikes out the heading of Division III of Part V of the principal Act and the heading 'DIVISION III— REVIEW OF REGISTRATION' is substituted.

Clause 8 amends section 72j of the principal Act by inserting a proposed subsection (2b) after subsection (2a) that provides

that notice in writing addressed to the governing authority identified in the certificate of registration of a non-Government school and—

(a) left at the school with someone apparently over the age of 18 years; or

(b) sent by post to the school in a pre-paid envelope addressed to the governing authority identified in the certificate of registration,

will be taken to be service of the notice on the governing authority of the school for the purposes of subsection (2).

Clause 9 amends section 72n of the principal Act by striking out subsection (3) and substituting a new subsection (3) which provides that the head teacher of a registered non-Government school who fails to comply with the provisions of this section is guilty of an offence and liable to a penalty of $500. (The previous penalty for this offence was $200.)

Clause 10 amends section 72p of the principal Act by striking out subsection (2) and substituting a new subsection (2) which provides that a person who prevents the members of a panel from carrying out an inspection under subsection (1), or hinders such an inspection, is guilty of an offence and liable to a penalty of $500. (The previous penalty for this offence was $200.)

Mr OLSEN secured the adjournment of the debate.

ECONOMIC DEVELOPMENT BILL

In Committee.

(Continued from 10 February. Page 1924.)

Clause 2 passed.

Clause 3—'Objects.'

The Hon. LYNN ARNOLD: I move:

Page 1, line 18—Leave out 'in' and insert 'throughout'.

Amendment carried: clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—'Establishment of the board.'

Mr OLSEN: What is the anticipated cost of the establishment of the board, and what is the remuneration for board members?

The Hon. LYNN ARNOLD: The remuneration approved for members is $10 893 and for the Chair $20 000, in addition to his remuneration as the Chief Executive. As an executive chairperson, he receives $20 000, plus $10 893. As to the cost of establishing the board, do you mean the authority as well?

Mr OLSEN: Yes.

The Hon. LYNN ARNOLD: I do not have exact figures on that. I will get information on that, and that will be available in another place before the matter is debated there. On the matter of relocations of staff which might be referred to by the member, because we have had some staff go from the old Department of Industry, Trade and Technology to Mineral Resources, and some other members go to the Centre for Manufacturing and so on, all those costs would simply involve physical relocation costs where necessary, that is, for desks and things such as that, but nothing of any major magnitude. No separation packages are involved in respect of those staff members. However, as part of the ongoing process of Government efficiencies, voluntary separation packages may be involved with members of the former Department of Industry, Trade and Technology, but I will get some more information on that in due course.

Mr OLSEN: How will the board validly execute some documents? The Bill contains a certain range of provisions and powers, and there can be delegation of powers to the board. Ordinarily, in the corporate world the common seal would be involved, so that certain documents could be validated on behalf of that board. What provision is there relating to the valid execution of documents by the board in the absence of the common seal?

The Hon. LYNN ARNOLD: I am advised that it is implicit that the body corporate would have a common seal, and it is then up to the board to determine procedures that are followed in terms of the usage of the common seal. Being a body corporate, the board would determine those internal procedures where the common seal would be necessary, but there would be a common seal.

Mr OLSEN: There is no provision indicating that, so the purpose of the question is to clarify the powers of the board in that regard. Does the board have the capacity to sue and be sued?

The Hon. LYNN ARNOLD: Yes. Clause passed.

Clause 7—'Ministerial control.'

Mr OLSEN: In our view, subclause (1) should be expressly subject to subclause (2) whereby no ministerial direction can be given to suppress information or recommendations from a report by the board under the Act. Why is subclause (1) not expressly subject to subclause (2)?

The Hon. LYNN ARNOLD: I think I see the point the honourable member is making. But clause 7 should be taken as a whole; therefore, various aspects do qualify other aspects. While subclause (1) does give this power of control and direction to the Minister, that is then qualified by subclause (2), rather than adding it into subclause (1) by saying, 'However, no direction can be given to suppress information or recommendations from a report by the board.' It is further qualified, in my opinion, by subclause (4), which then indicates that any such direction must in any event be published. I guess it is just a matter of how the Bill might have been worded. But subclause (2), being a separate subclause, is no less a qualifier on subclause (1) than had it been in that subclause.

Mr OLSEN: Would the Premier see ministerial control and direction inhibiting the board from advocating in its public education understanding program, which is a provision of the charter of the board, such a policy direction as a broad-base consumption tax?

The Hon. LYNN ARNOLD: We are not about to see either the Government or the board use one or the other as any kind of political jockeying stick. There would be nothing in it for a Government to deliberately stop a line of inquiry by the board. I am also quite confident that a board would know that there were times and places for things to be examined. Were the board meeting within the next four weeks, I am confident that it would have the commonsense to know that it would be an unwise thing to enter into issues that might be the province of any particular Party in an election campaign.

What does happen, and what I think is significant (significant in the positive sense of the word), is included in clause 7 (3), which talks about a performance agreement with the kinds of targets to be met during the year. It might be that, in looking at the kinds of economic objectives that the board does focus on, it does that in consultation with the Minister in respect of certain ways in which it may want to raise the level of public debate about certain issues. So those issues would be canvassed in that performance agreement and it would be quite proper that the board should go ahead and do those things.

It would be important, for the ongoing esteem of the board, for it to stay out of things that were overtly political. The honourable member mentions the GST, but I can think of other things that might come up on my side of politics where it would not be wise for the board to have its role confused in a kind of political debate. It is fair game for us in the body politic to debate those sorts of issues.

Mr OLSEN: Whilst I use the GST as a hypothetical case at the moment, my concern is that this board should be able to establish policy directions for the future of South Australia that cut across political considerations and ought not to be inhibited by the performance agreements with the Minister. In other words, in establishing the performance agreements the Minister gives some riding instructions to the board whereby it shall not in the development of its plan, whether it be a five or 10 year plan or whatever, give consideration to the political implications.

The board is receiving bipartisan support. So that it can succeed objectively, free from political considerations, it should be able to look at a blueprint for South Australia. It concerns me that in the establishment of performance agreements the Minister, for example, could set criteria that would inhibit the board. I ask the Premier to respond specifically on that point.

The Hon. LYNN ARNOLD: I hear the concerns of the honourable member and I would share those concerns. The board has to be high powered. It has to have credible membership, and it does. The people appointed to the interim board while we were awaiting this legislation would not stay on a board that was stopped from being objective in its assessment of the economy and in the generating of ideas. It is up to the body politic on both sides to react to the ideas that come from the board. The track record of this Government is good in that regard. On a number of occasions, when bodies advisory to Government—supported and funded by Government—come up with things that we may not personally agree with, we are happy to see them enter the arena for debate and take that debate on. I believe the honourable member can be reassured that the fears he has are not going to be the way the board will work.

The CHAIRMAN: Unfortunately, the honourable member has spoken three times to this clause so, unless he changes Standing Orders, I cannot let him ask another question.

Mr BECKER: I am concerned at the lateness of the arrival of the amendments which, in my opinion, impact on the whole of the legislation. It is interesting to note that subclause (3) provides:

> The board must, in relation to each financial year, enter into a performance agreement with the Minister obliging the board to meet performance targets established by the agreement in that financial year.

That looks, sounds and reads well, but I am concerned to ensure that there is not a repeat performance as occurred with the old Department of Industry, Trade and Development. I am aware of what happened at Marineland, because the Premier was the Minister responsible at the time. That project was not well handled by the department.

The Bill establishes a board that will have to come up with performance agreements. How will we get performance agreements and be advised about what is going on if there is not competent staff to handle the various projects? That was the problem in respect of Marineland. In those days we had people such as Mr Hartley, Sandra Eccles and Frogley involved with the Tribond development, the Zhen Yun project. The performance of at least two of those people was absolutely amazing in respect of the way they treated the Abeles and insisted on their signing agreements, thus signing away their rights in order to extract the Government from a difficult situation. That was a disappointing project and I doubt whether we have people of the standard and quality required. I question whether performance agreements will achieve anything in the long run. I believe that some people in the Public Service still gloss over perceived difficulties and do not let the Minister know exactly what will happen—

Mr Olsen: Who sets the performance targets?

Mr BECKER: Yes, that is what we want to know. What are the criteria?

The Hon. LYNN ARNOLD: I do not want to get into a lengthy debate on Marineland, which through contention and rebuttal has filled many pages of *Hansard* over a long period. I am quite happy to do that if members opposite wish it, but I do not think it is productive. There is also a select committee that is yet to report on those matters and it is only proper that we let it report. Suffice to say, I do not agree in full or in part with some of the comments of the member for Hanson in relation to Marineland and I think it is an unfair reflection on the officers he mentioned.

I will leave it at that; otherwise we could launch a debate that might fill many hours. As to the operational capacity of the Economic Development Authority, two issues are important. One is that this is now under a board—not an advisory committee—that is made up of, amongst others, private sector representatives who will drive the way in which the authority works. The second point is that that should give a greater opportunity for much more flexible arrangements in terms of how personnel are gathered into that authority to meet the development needs of the State. There has always been greater flexibility in the staffing of the Department of Industry, Trade and Technology, as it was, than is normally the case for other Government departments, to ensure that we get people not only with significant public sector experience—good professional public servants—but also those who have private sector experience. That has happened. This gives us the opportunity to see more of that happening.

I would make one other point. If things are as despairing as the member for Hanson suggests, that we do not have such people in South Australia—and I do not accept that—the Parliament could do nothing to change that. It will be the case whatever model one chooses. However, I do not believe that is the case. It is easy to point to the projects that have not succeeded, but let us point to the projects that have succeeded and the calibre of the public servants (those with only a Public Servant background and those with a private sector background) and see the way that they contributed to those projects.

I refer to another concern of the member for Kavel, which I should have raised before. Under clause 7(4), not only should a direction be published if a direction is given by the Minister; the performance agreement should also be published. So, it is open to public scrutiny. If the Opposition or anyone else felt that they smelt a rat and that the Minister of the day was pressuring the board to not do something for overtly political reasons, that would have to be published, and I am very certain that this document will be read avidly at the end of every year to find out exactly what directions were given.

An honourable member interjecting:

The Hon. LYNN ARNOLD: Hope springs eternal. So, I put that as another piece of evidence, just to reassure the honourable member.

Mr BRINDAL: I have been looking forward to testing the Premier in this Committee debate. The Premier is well known for his intellectual ability, so it really concerns me that he brings a Bill with this sort of clause before the Parliament. I would like to ask the Premier what happens if in the agreement to meet performance targets that are established by agreement the Minister and the board cannot agree as to either what the performance agreement should contain or what those performance targets are? It is fine to say that there will be an agreement and that it will be negotiated, but what happens if that is not possible?

The Hon. LYNN ARNOLD: I think that, by and large, the question is hypothetical, because there are many situations where it is technically possible that agreement may not be reached, but the reality of Government practice is that a form of agreement is reached, even if it is a lowest common denominator agreement to span the two issues. I guess the main area that would be of real concern is the extent to which economic indicators may be posted as part of the performance agreement. For example, during the next 12 months, the board will encourage such economic development initiatives that will result in a 4 per cent growth in GDP or a 7 per cent growth in international trade (and they are the figures that Arthur D. Little talked about).

It may be that there is a difference of opinion between the Minister of the day and other sources of advice the Minister is receiving about what is realistic. That advice may be, 'Look, you should be able to achieve 5 per cent growth in GDP and 8 per cent growth in international trade,' whereas the authority may be advising the board, 'No, that will not be possible; we actually think it will be more like 3 per cent and 6 per cent respectively.'

There may be situations like that, but my guess is that ordinary commonsense will prevail and that a band approach would be followed in the end. I think that would be the limit of any disagreement between the two. It is hard to imagine any case of diametrical opposition between the Government and the board as to performance objectives because, with the board's membership being appointed over time, it will clearly respond to the circumstances of those years, just as the Government itself, by election, will respond to the circumstances of those years.

Mr BRINDAL: I would like to tease the point out a little. While I concede that, as the Premier said, the point may be hypothetical, there is no mechanism for conflict resolution in the case of that hypothetical situation being reached. If there is diametrical opposition, what happens? In teasing out that question, I point out to the Premier that the wording of the clause is fairly strong: the board 'must' reach performance agreements and the performance agreements in turn 'oblige' the board to meet performance targets. In my limited experience in this House, it is fairly strong drafting language to say that somebody is obliged to do something. It is fairly strong, yet there is no mechanism for conflict resolution. That is the first point. Secondly, what happens if they do not? Here we have a piece of legislation that provides that this is something that must happen; it is something that the board is obliged to do. If it does not happen and it does not do it, what then happens? I can find nothing else in the Bill to say what happens if it does not meet them.

The Hon. LYNN ARNOLD: First, if there is a difference of opinion that cannot be resolved, clause 7(1) provides simply for the direction of the Minister, and the protection is that clause 7(4) requires that that direction be published. So, if a Minister of the day said, 'I demand that the performance agreement go for 10 per cent growth in GDP' and the board says, 'That is quite clearly non-sustainable; we will not do it,' and the Minister says, 'You shall; I direct you under clause 7(1),' the Minister has to publish that direction later in the year and would have to stand by that. The ordinary nature of things is that any direction that is unreasonable would cause a lot of problems for the person giving that direction.

As to being obliged to meet the performance targets, I do not remember the exact clause in the GME Act but, as I recall, in having performance agreements between Ministers and CEOs, that Act requires that there be a signed off agreement between the Minister and the CEO as to certain things that will be met within a 12 month period. The nature of things is that sometimes those targets will not be met, but even the failure to meet those targets can be significant, because it helps force the issue as to why they were not met.

An honourable member interjecting:

The Hon. LYNN ARNOLD: Clearly, one would not be setting unrealistic targets; presumably, we are dealing with reasonably intelligent human beings such as Ministers and members of boards—and I hope the member will not smile. No-one will set targets that are not realistic and not capable of being achieved. The targets will not state that the board shall achieve a growth rate of a certain order in the economy; rather that the board shall have done things in terms of the allocation of expenditure or the economic programs that

shall aim for that to happen. So, I think the member is being unnecessarily worried.

Mr BRINDAL: If the Minister obliges under clause 7(1), surely an agreement cannot be reached, because by definition an instruction is an instruction and an agreement is an agreement. Surely, if the Minister is forced to instruct under clause 7 (1), the requirements under clause 7(3) cannot possibly be met, because there is an instruction and not an agreement—they are surely different things.

The Hon. LYNN ARNOLD: The members of the board can agree to receive an instruction and if they do not like receiving an instruction they can resign, so an agreement still takes place. If the member is worried about it, perhaps he can ask his colleagues in another place to amend the phrase in clause 7(3) so that instead of 'to meet performance targets' it reads 'to pursue performance targets'. I really do not think there is a lot in it.

Members interjecting:

The CHAIRMAN: Let us cut the chatter and get back to the matter at hand.

The Hon. LYNN ARNOLD: I think it is quite adequate as it is. I think it will provide for positive interaction between the board and the Minister, which I think will be a very good thing. I note that in some parts of the world with development boards there is not quite the same positive interaction between the body politic and the development board, and I think this is a plus in our legislation.

Clause passed.

Clause 8 passed.

Clause 9—'Composition of the board.'

Mr OLSEN: We note that this clause provides for the CEO to be a member of the board. Whilst that is common in the corporate sector, it is not so common in Crown instrumentalities, and there is a good argument to be advanced that policy development should be separate from policy implementation. That is, the board sets the policy and the executive officers implement it, and we have the separation of powers. Therefore, in this instance why has the Government decided to have the chairman in a dual capacity as chairman and CEO?

The Hon. LYNN ARNOLD: The member for Kavel may remember that in the Estimates Committ ee last year I was asked whether I thought the chair would be full time or part time and at that time I indicated that we had still not really resolved that matter. One of the reasons why we really had not resolved that matter was that it was really a case of determining the apt person for the position. Sometimes the right person in the right place at the right time comes along, and this was one of those situations. We had been doing some thinking concerning other very good names for a non-executive Chair. Some of those names were not available; some might have been available. However, in the end this circumstance developed where it struck Cabinet as eminently sensible that this person, Robin Marrett, could very ably carry out both functions. We were very excited at the prospect and accordingly made the appointment. I was not misleading the Estimates Committee last year. It was still open at that stage for a final decision as to whether we went down this path or another path.

Mr OLSEN: I acknowledge that the Government sought the view of the Opposition in relation to the appointment of Robin Marrett as Chair and also CEO, and we responded positively in that regard. Clause 9(2) sets that in concrete. The CEO, whoever it is in the future, is to be a member of the board. Whilst we have in Robin Marrett bipartisan support for Chair and CEO, we have here a situation under the clause whereby the CEO, whoever that might be in the future, will be a member of the board, when the circumstances and personalities might be quite different.

The Hon. LYNN ARNOLD: Our experience from other development boards in other parts of the world is that this is generally the right direction to go. It was also our assessment that, given the complexity of economic development matters, it is very important that the person who heads up the agency delivering the development objectives—the Economic Development Authority—be more directly connected with the board by direct membership rather than by reported meetings by the non-executive Chair. We have chosen to go down this path. I guess this is one of those legitimate areas that could be argued one way or another. We believe this is the most effective way to go. It will mean that the Economic Development Authority will more closely understand the direction and decisions of the board in terms of the program that it implements.

Mr OLSEN: My only query is why it is specifically stated that the CEO will be a member of the board. That could have been left free to enable any future appointment to be separate. The person could still be the CEO but could be appointed to the board under the criterion of the eight to 13 nominees without its being specifically referred to in legislation. Inclusion under clause 9(2) locks in the situation where the flexibility to make a judgment on personality, ability and circumstances at the time is removed.

The Hon. LYNN ARNOLD: I certainly hear what the honourable member is saying. Our view is that, on the balance of the various issues involved, we think it is very important that the CEO be on the board. The CEO does not have to be the Chair of the board. That situation might change; it is not defined in the legislation. If it turned out that the CEO at some future time was not the Chair of the board, we would still think it very important that the CEO be on the board. That is our considered opinion.

Mr BRINDAL: I refer the Premier to his remarks of yesterday and specifically I want to question him on clause 9 (3) with respect to membership of the board. First, is the Premier satisfied with the membership? I note that it fulfils a requirement of this clause in that one person at least must be a woman. However, there are only two women of a total of 13 board members. This does not seem to be very good or appropriate in terms of gender balance. Is the Premier convinced that there are no other women in South Australia of suitable expertise who could be added to the board both to enhance the board's capabilities and to redress an important issue of gender balance on what promises to be one of the most powerful boards in South Australia?

The Hon. LYNN ARNOLD: The Government is concerned that there is not enough representation by women on boards at all levels in South Australia. That is

why recently Cabinet made a decision to set targets. The target is approximately 50 per cent by the year 2000 and 35 per cent by 1995-96, I think. We are hoping to see an evolvement of that over time. At this time, we had to select from the range of people available. I must say that there were many more people of considerable talent of both genders who could have been appointed to the board but, looking at the types of skills required and the mix—the human dynamics of the group together—we felt that the present group was the most appropriate in the circumstances. With regard to the first question, yes, I am very satisfied with the board that we have appointed. Over time, I hope we can increase the representation of women on that board, but for this moment I am satisfied with the board that we have appointed.

Mr BRINDAL: With regard to the group that has come in from outside, some of them seem excellent, but I just pursue the Premier a little more as to whether he thinks the public servant involvement is at the correct and appropriate level. Yesterday in the debate the Premier himself raised the issue of how much the Public Service should be involved in this sort of board. I am really asking him to respond to his own question, which he raised in closing the debate.

Secondly, does he think the industrial relations expertise seems a little light on? I will not comment on the calibre of the people involved, but in the area of industrial relations, where the Premier should have almost *carte blanche* to get anyone in Australia, and given his knowledge of people who would be leaders in the industrial relations field, they do not seem to be on the board. I ask him specifically about the industrial relations component and the Public Service involvement on the board, both of which appear in my opinion to be a bit lacking.

The Hon. LYNN ARNOLD: With respect to the industrial relations component, it is not just simply a matter of picking somebody who might be in an organisation closely involved with industrial relations, for example, a union, although we do have a very good appointment in Brian Martin. At a later stage we might further work on that. Industrial relations is a sign of what comes out of the calibre of people that we have on it and the way they do their business.

The business people on the board have good records in industrial relations, so they bring their own industrial relations expertise to the board. I am quite serious about that. The very strength of South Australia in having such good industrial relations over so many years has been that good relationship between employers, unions and Government that often was not present in other States. By their own past, the private sector people represent good industrial relations experience.

In terms of the public sector, the honourable member quite correctly refers to my comments last night. I said that this is a point of legitimate debate and we have to decide what we are going to go with. We rejected the point of view of some overseas economic development boards where there is no public sector representation at all. We felt that was not good. There needed to be someone on the board who could give a more direct insight as to the thinking within the public sector at large and who could be an effective conduit as required of decisions to other areas of Government. On the other hand, we also rejected the viewpoint that the only role for the private sector was to have something of an advisory function whilst public servants made all the decisions. We rejected that role also.

The two chosen public servants have both been chosen for their personal skills and also for the areas they represent. Kaye Schofield comes from the Department of Employment and Technical and Further Education, and clearly training is a very important part of economic development. If our training sector is unable to respond to economic development objectives, it will miss the point by and large. That is a particularly significant relationship. Secondly, Peter Crawford is the CEO of the Department of the Premier and Cabinet. That department has an umbrella responsibility to all areas of Government to ensure that the proper lines of communication are established to any area of Government that might have relevance to a development objective that the board is dealing with.

Clause passed.

Clause 10—'Conditions of membership.'

Mr OLSEN: I seek clarification of 'for failure or incapacity to carry out the duties of his or her office satisfactorily'. How does one establish the standard of 'satisfactorily'? Does the Governor in Executive Council determine what is satisfactory,or is there some external court determination as to what is satisfactory performance?

The Hon. LYNN ARNOLD: It would be the Governor in Executive Council—in other words, upon the advice of Cabinet. If there was to be argument against that, I am advised that there would be the opportunity for court action to be taken against unfair dismissal under that section, but the final decision would be for the Governor in Executive Council.

Clause passed.

Clause 11 passed.

Clause 12—'Disclosure of interest.'

Mr OLSEN: Subclause (2) provides a defence for board members who are not aware of their interest in a matter that is considered by the board, that is, a defence if they were not aware of a particular instance. Does the Premier think it appropriate to provide a defence where, in the circumstances, the member ought to have been aware of their interest in a particular matter? If the member should have been aware, should that defence then be denied?

The Hon. LYNN ARNOLD: As I understand it, this is simply a defence that is then adjudicated upon; in other words, somebody can give the defence about this matter. That does not mean automatically that it is accepted. It does not say that. A decision is then made about whether or not the defence is adequate to the occasion, and that would bring in the question of the court. The court does make the judgment upon whether or not that defence is adequate to the occasion, and then there are questions of the credibility of the person as to whether or not, in putting their defence, it sounds plausible and credible.

Mr OLSEN: Subclause (5) provides that the board may not avoid a contract and the relevant member is not liable to account for profits derived from that contract. In the event of disclosure, a contract is not avoided and profits from that contract are therefore not held aside. It

is not clear whether in the case of non-disclosure, however, the board has the power of avoidance and the member liability to account.

The Hon. LYNN ARNOLD: Yes, this is based upon other corporate example as being fiduciary responsibility. Whether or not it should appear in statute is not so certain, but the simple advice we had from Crown Law is that in an excess of caution this clause should appear in statute with respect to those who disclose an interest. If there is not disclosure, the simple fact is that contracts can be avoided and profits recovered, and that exists elsewhere in common law. I guess the question could be as to whether or not it could be included in this statute but, as it already exists in common law, that point was felt to be adequate.

Mr OLSEN: Common law covers disclosure and non-disclosure provisions. My point in raising the issue was whether we ought to positively enact it in this legislation. If the view is that common law covers both disclosure and non-disclosure and if this is subject to that and therefore is binding, that covers it.

The Hon. LYNN ARNOLD: The answer is 'Yes.' If this is a worry to the honourable member, in another place we could consider a further amendment on that matter to cover non-disclosure albeit that it is already covered under common law.

Mr BRINDAL: Will the Government consider this particular clause from another point of view, that is, the point of view of Caesar's wife who, as the Premier knows, not only had to be pure but had to be seen to be pure. The only point I would raise is that there is a strong feeling in the community, as the Premier would know, that in cases such as this, even though somebody might act absolutely appropriately—they withdraw their chair, they do all the appropriate things—there is still a bit of a suspicion in certain sections that, because they know everybody on the board, because they are a member of the board, even though they behave appropriately, there is some inference that the board cannot itself act entirely impartially when it is dealing with one of its own members.

I ask the Premier whether he would consider the clause in that light, because it could well be—and it does not matter which Party is in power—that down the track a malicious journalist will say, 'So long as the individual member excuses himself, the board is allowed to act in this way and it was to the enormous profit of the individual member.' I am asking, as a serious question, that this be considered.

The Hon. LYNN ARNOLD: A problem has arisen in recent years in terms of the kinds of responsibilities of board members which quite rightly board members should exercise with absolute integrity regarding any activities of a board. However, in the debate on this matter over recent times I think that perhaps the requirements have been getting more and more excessive all the time. We may in the end find a situation not just with respect to statutory authorities but with respect to company boards generally where no-one will ever want to serve on a board anywhere because the conditions—

Mr Brindal interjecting:

The Hon. LYNN ARNOLD: Well, that is right. We may well, as a society, be reaching that point where we are simply going overboard in those sorts of areas. Nevertheless, the honourable member is quite right: the perceptions are there, the public expectations are there, and we have to ensure that we are doing what we can. I think in terms of other matters that the Attorney-General has canvassed, we are certainly looking at what we can do in terms of accountability and responsibility by board members in public corporations, and this would fall into that category. At some stage, when we wake up one day and find that no-one is prepared to take on these responsibilities because Caesar's wife is not even able to breathe, it all becomes too difficult.

Clause passed.

Clause 13—'Members' duties of honesty, care and diligence.'

Mr OLSEN: Would not a better description of 'official functions' and 'official position' be along the lines of the corporations law, which refers to exercise of power and discharge of duties? It would give a more clearly defined description for people, many of whom are operating under the corporations law in their other business interests and ventures.

The Hon. LYNN ARNOLD: The advice I have is that it certainly encompasses everything contained in the words indicated by the honourable member. We will have another look at it to see whether or not Crown Law on second advice still agrees that that is entirely the case and that nothing is left out here that is not contained in other legislation. If there is any doubt at all, I am happy to see an amendment moved in another place.

Mr OLSEN: Subclauses (2) and (4) are unclear as to whether they are subject to penalty. Subclauses (1) and (3) contain a division 4 fine or imprisonment, or both, but subclauses (2) and (4) are not clear as to penalty. In addition, the set standard required in subclause (4) for culpable negligence is left undefined.

The Hon. LYNN ARNOLD: Subclause (2) is a statement of duty, and subclause (3) refers to the miscarriage of duty and contains the fine. Subclause (4) is a qualifier to subclause (3), so the penalty in subclause (3) may be qualified by the events of subclause (4).

Mr BRINDAL: Does that not need to be better spelt out? As I read subclause (3), under subclause (4) one is not guilty under subclause (3) unless the member's conduct fell short of the standard required to such an extent as to warrant the imposition of a criminal sanction. It seems to argue that if he is a criminal he is a criminal.

The Hon. LYNN ARNOLD: As the honourable member well knows, I am not a lawyer and therefore any questions that I answer inexactly because of a want of knowledge of the law will be subsequently answered correctly. Division 4 is a criminal sanction and, I understand, simply removes the possibility of vexatious, mischievous or trivial proceedings that would apply under subclause (4).

Mr OLSEN: In a number of other clauses the Premier has moved amendments to expand the description of the clause to talk about employment in the State. In clause 3, page 1, line 18, we left out 'in'and inserted 'throughout the State' to give a broader description of the board's functions and duties. Given that, ought not we be consistent in subclauses (5) and (6) and make it an offence to cause detriment to the board by improper use of the information or position? This should also be

extended to include detriment to the State or to other people. If we extend it in other clauses, why should we not logically extend it in this clause to include the State or other people?

Further, the reference to personal advantage in subclause (6) perhaps should be prefaced with 'directly' or 'indirectly' as it is in subclause (5). In that subclause we refer to 'directly' and 'indirectly', but in subclause (6) the words 'directly' or 'indirectly' are not used. I would have thought that for consistency they ought to be used in both clauses, and in referring a number of matters to Crown Law it could be looked at in terms of consistency.

The Hon. LYNN ARNOLD: I will do that with subclause (6). With respect to the addition of 'to the detriment of the State', I would have thought that subclause (2), which refers to 'in the performance of official functions', really relates to the objects of the Act, and the functions of the board under clause 16, to which we are about to come, really canvass 'to the detriment of the State'. To add it in again might simply be providing Supreme Court fodder for litigation in all sorts of areas. It is already implicit in the term 'official functions'.

Clause passed.

Clause 14—'Immunity of members.'

Mr OLSEN: This clause provides indemnity by the Crown of members for simple negligence and personal liability, members being affected only if they are culpably negligent. I am wondering whether a higher standard ought not to be required of members, particularly as the board is carrying out projects instead of merely planning them. One of the changes proposed by the amendments tabled by the Premier gives a substantial delegation of powers to the board in terms of planning approvals, in other words, fast tracking projects, which is possibly the bottom line of the amendment. Should we not have that higher standard proposed in that section, given the other amendments to the duties involved?

The Hon. LYNN ARNOLD: I will take that question on notice and, if necessary, come back with a further amendment in another place.

Clause passed.

Claue 15—'Proceedings.'

Mr OLSEN: Subclause (4) refers to an equality of votes and to giving the presiding member a casting vote. It is with some concern that I have looked at this clause. Given the importance of the sort of debate this board will be having, I wonder whether in the case of an equality of votes it is important in those circumstances to have a casting vote by the chairman. If there is not greater support than 50 per cent around the board table, I question whether a casting vote in those circumstances is appropriate.

The Hon. LYNN ARNOLD: It would certainly be hoped that the board would have the common sense to understand that with major projects what the honourable member says is quite correct: it would need a much broader degree of support than would be indicated by half plus a casting vote. However, in other situations of lesser magnitude that may result in a division of opinion we simply have to have a tiebreaker or some means of determining it. Either we have a principle of providing that with an equality of votes the motion simply fails or we put in some other mechanism. We have chosen this method.

I cannot imagine the kind of issue that may be involved: it may be a matter of pure administrivia in the operations of the board which nevertheless involves two schools of thought of equal numbers and the best way to resolve it is by this mechanism. I agree that in the big picture it would be unfortunate if this were the kind of method of resolving a difference of opinion. How else do we do it? Do we say that something can go forward only with 60 per cent or 75 per cent of the vote or a consensus decision? It is difficult to put this in place. Again, commonsense will certainly prevail when one considers the calibre of the people with whom we are dealing. My guess is that this is what happens in articles of association of companies—that they have such a mechanism.

Mr OLSEN: There is no provision for a casting vote in subclause (6). It seemed that it was applied in one instance and not in that subclause, unless it is subject to previous subclauses.

The Hon. LYNN ARNOLD: Subclause (6) does not actually refer to a meeting in the sense of people sitting across a table from each other or even indeed across a video conference or telephone with each other. It is by resolution communicated. It was felt that it is a bit difficult to then have a casting vote when all the letters have come in the post and have been opened up. In the case of a meeting of people sitting together or talking by telephone together, when it then becomes clear that the meeting is evenly divided, that may in itself spark more interaction between the members to try to resolve the issue. If it then still fails to resolve the issue, then you can have your casting vote. But if you do it by letter, there is not the chance for reaction by others to the fact that the vote has ended in an equal number. In that case, a casting vote may be a much more tenuous proposition, and that is why it is not here.

Mr OLSEN: I accept that the circumstances I might be portraying are perhaps at the extreme end of the scale, but it is worth canvassing some of these points because, although they are not part of the legislation itself, those with responsibility, particularly the CEO, can see some of the concerns expressed in this House and take them on board in the performance of their duties. In relation to telephone or video conferencing, there is no provision there for adequate notice so that people can participate—hear, speak or otherwise be involved—in the debate and discussions on particular issues. I recognise in today's age that telephone and video conferencing plays an important part, particularly with the calibre of the people involved here who will be moving around different parts of the State, nation and perhaps internationally. There is no provision for adequate notice. There is no clear direction that all members will be able to interact actively with others through those telephone and video conferencing facilities.

The Hon. LYNN ARNOLD: Subclause (8) indicates that the board will determine its own procedures, and I am confident it will do that quite reasonably. I would have taken it as read, however, that wherever a meeting takes place, either in a room, by video conference or teleconference, it would not be a valid meeting unless everybody had been advised that there was such a

meeting. So, in any event, that would be spelt out under procedures. I could well imagine that there would be a lot of legal argument if a video conference had taken place to which only two-thirds of the members had been invited and another third did not even know about the meeting. I would have thought that that invalidates the fact that it is a meeting. I would have thought it was no longer a meeting, because some members did not know it was taking place. In any event, subclause (8) is the one that will define those procedures, and the board will do that definition.

Mr BRINDAL: Subclause (1) provides that the quorum of the board is one half of the total number of its members. Is there any thought of reconsidering this? We were going to discuss the function of the board under clause 16, which indicates that the board is even more powerful than the Economic and Finance Committee. Is a quorum of one half of the membership plus one really adequate for the duties that this board will be carrying out?

The Hon. LYNN ARNOLD: It was certainly felt so. I am quite confident that, where matters of great moment are being put before the board, they will of course be circulated as part of an agenda so that special efforts would be made by members to attend. Therefore, all members will know what is coming up at board meetings and, if they do not choose to attend, we do not want the operations of the board hindered by the want of one person. Obviously, if you go below one half plus one, you query the calibre of the decision that might be made.

We have just made a judgment on this that, in the circumstances, this is adequate. It seems to be practised elsewhere. Clearly, if it this is a concern, perhaps we can revisit that. We would want to be a bit wary of making it too rigid, where legitimate reasons might be involved. Two thirds out of 13, if you take into account the fraction case, means nine; you might end up with legitimate problems fulfilling that particular suggestion. We have gone with this, and we think it will work. I am quite confident that this board's members will be good attendants of the board.

Clause passed.

Clause 16—'Functions of the board.'

The Hon. LYNN ARNOLD: I move:

Page 8, line 6—After 'State economy' insert 'and for the consolidation and growth of sustainable employment in the State'.

From the experience of other boards overseas, we had always anticipated that this board would have to take into account employment implications of economic development, but the experience overseas did seem to suggest that there needs to be a more formalised response to that in the legislation. The legislation really should focus on that as well, so that the board has even more acutely to become aware of the fact that development is about a number of things, one of which is the creation of a sustainable level of employment in the State.

So, in that context, it seems to me quite appropriate that we should build this into the functions of the board. I made reference, for example, to one of the members of the board being from the training authority, but I want to think that all members of the board will have this in the back of their mind as decisions are being made that economic development is about, among some other key important things, the provision of jobs.

Amendment carried.

The Hon. LYNN ARNOLD: I move:

Page 8, line 24—After 'developed and maintained' insert 'as a basis for the expansion of levels of sustainable employment in the State'.

The arguments are much the same as those of a moment ago.

Amendment carried.

Page 9, after line 4—Insert paragraph as follows:

(la) to assist regional development authorities, by making available to them (on terms mutually agreed between the board and the authorities) the expertise of officers and employees of the board, to develop and implement regional development strategies, and to empower such authorities to act on the board's behalf, to an appropriate extent, in pursuance of delegated powers;

There are really two issues involved here arising from the experience that we picked up overseas from some other economic development boards: first, the recognition in the legislation that there are regional development organisations, and our Bill did not really address that issue before. Yet, as the State Government, we have done a great deal to promote regional development within the State. Our regional development policy is certainly a very good policy. I know that the South Australian Regional Development Association (SARDA) certainly accepts it as a good policy. It has real dollars behind it in terms of direct financial support for regional development committees, a sum that was nearly doubled in the last budget. In addition to that there is access to a large amount of funds under the SA Development Fund. I think in 1991 or 1991-92 about 60 per cent of the fund went to projects outside the metropolitan area. That is the first issue involved in building regional development authorities.

Another issue that came through concerned Scottish Enterprise whereby sometimes regional development committees are too small to be able to have staff of the size or calibre that they may want. Perhaps they offer someone a three year contract, but we recently helped them offer a five year contract because of the way we changed the funding. Nevertheless, it may be that they have some difficulty attracting a person of the calibre required for a regional development exercise.

One way we felt we could assist in that is to provide for the opportunity, for example, for officers of the authority to be seconded across to those regional development committees, paid for by the committees, but the employment contract of the officers would be no less secure by their having done that. Perhaps the regional development committees around the State will have the opportunity to draw on a pool of expertise greater than is currently the case. Likewise, we wanted to give them the opportunity to work with the authority in having economic development plans and be involved in how they impact upon particular regions of the State. This is an important clause that gives them the opportunity to be part of the main game.

The CHAIRMAN: Before calling on the member for Kavel, I notify the Committee that I will make a clerical

adjustment to the clause by adding 'and' as the last word on that line.

Mr OLSEN: Do I take it from the Premier's response that officers seconded to or participating in regional development boards for the purposes of developing a Statewide consistent development plan or development of a regional industry will be under contract but the local regional development authority will pay for that officer? I understand that many regional development authorities rely heavily on Government grants at the moment to undertake staffing functions. Is this practical and does it meet the objective that the Premier is setting down by requiring authorities to pay because, in many instances, regional development authorities do not have spare cash or funds to undertake projects that they would otherwise like to undertake because they would be in their interest?

Further, can the Premier indicate the role local government should play in the functioning of these regional development boards or authorities? There is some concern that local government is being excluded from the function of these boards and authorities and in some local government circles this is cause for some concern.

The Hon. LYNN ARNOLD: With respect to the longer term commitments of support to regional committees, we expect that they would be paying for those positions. In the case of shorter term positions, it would be subject to negotiation. The honourable member is correct in identifying that these boards rely upon funding from, amongst others, the State Government. The reality is that they would be receiving funding from us of up to $100 000 as they do at the moment, provided they can match it with other funds. Those funds would then be used to pay for the position.

The point I am getting at is that previously they have not had quite the marketing clout to go out into the marketplace to bid for people to be part of their regional staff when all they could offer previously was a three year appointment. Now they can offer a five year appointment because of the five year funding base. The previous situation was something of a limit on some of them getting the depth of expertise that they wanted. I do not want to reflect badly on those they do employ, because I think that they do an excellent job in the circumstances. This will give boards the opportunity to enter the general marketplace and use the money they receive from both the State Government and other sources, or they may want to see whether an officer in the department would be willing to be seconded.

The officer may be comfortable with that idea, knowing that there is a position to go back to. In terms of other local government support, we have always actively sought local government support and sometimes that has happened, effectively so. I refer to the example of the Port Pirie Development Council, which is clearly a successful mixing. The Mallee economic development organisation has council representation in its new expanded form.

Mrs Hutchison interjecting:

The Hon. LYNN ARNOLD: Yes, the Flinders Ranges Economic Development Council. In some cases it is not as obvious. I can pick up the example of the Riverland Development Council, which now has a local government representative on it, but for some years it did not have such a representative. We have never had a view against local government participation: we want and encourage it. Sometimes for other reasons it may not have happened. Nothing here or in the policy of the Government works against local government being involved and, indeed, the funding base that we changed in the past couple of years, where we said we will put so much money on the table provided that it is matched, anticipates that local government will be a key contributor of funds to match the funds that we make available.

Amendment carried.

The Hon. LYNN ARNOLD: I move:

Page 8—After line 7 insert subclause as follows:

(2A) The board may, if authorised by resolution of Executive Council to do so, exercise, in relation to a specified proposal for expansion or development of industry, a specified statutory power to grant an approval, consent, licence or exemption.

The member for Kavel correctly identified this as a fast track mechanism when he spoke earlier. This is not an attempt to circumvent or undermine the policies behind the various licences, consents or exemptions required in government. It is quite clearly within the spirit of the policies that are laid down. However, it is to provide the opportunities for decisions to be made more quickly within the spirit of those requirements.

I can best explain it in respect of an industry that wants to develop. Over the years the Department of Industry, Trade and Technology (now the Economic Development Authority) would walk an investor through the series of doors they need to go through to get the series of approvals required for their industry. We have tried to fast track that. The inevitability is that it lands on maybe 10 desks and has to wait for the processing time of 10 desks and it may not be the top priority for each of those 10 desks, notwithstanding that the policy says that they will give approval in due course. 'Due course' becomes the operative phrase. That can keep adding time to the whole process before the package is up and running. In agency work we are trying to say that, where approved by Executive Council, and within the law and the policies that are behind all of that, the Economic Development Authority will be the agency able to deliver the signing of the various requirements that need to take place.

So, instead of having to go to 10 doors and wait for 10 processes to be gone through, it would be necessary to go to only one. I can cite some examples over the years where I think that would have been very useful, for example, the Boral extrusion plant at Angaston. That was a very exciting project and it is working very well. It was very complimentary of the department which in those days was called the Department of State Development and Technology, and about how it helped that organisation go through all those processes. But it would have been even quicker had the department had, by the decision of Executive Council, within the spirit and letter of the law, the power to sign off those exemptions as the delivery agent of those approvals—not as the policy maker but simply as the fast-tracking agent.

There are situations where, if we are going overseas to attract foreign investment in certain major industrial projects, it will be a selling plus for us to be able to say,

'Not only this, but we can also deliver to you a guarantee that it will not be in the in-baskets of 10 different offices for 3 weeks each; we will get all this fast tracked, because a nominated officer or team of people will be following all these things through.'

Mr OLSEN: Given all the qualifications identified by the Premier, he will get no argument from me on trying to establish predictability and certainty in major development projects for South Australia. Given the very high costs of feasibility studies and the costs to industry of getting a project up to the point where it can be considered by the relevant agencies, I think the history of the past 10 years or so in South Australia has been such that, given the qualifications, we need to introduce some predictability and certainty, so that people will put those funds into feasibility studies. They will simply not risk those funds in feasibility studies unless they are able to see some light at the end of the tunnel.

For that reason, I very much support the measure before us at the moment, save for proper notification that that decision has been made. I notice that Executive Council makes the determination. I think that Cabinet Ministers have a responsibility to argue the case publicly for any project that is worthwhile, and that it should not be something that is done without gazettal, notification or whatever. That being the case, the Government and the supporters of the project should stand and argue the case forcefully in the public arena.

The Hon. LYNN ARNOLD: I agree with this point of view and I will check whether or not this implies that it goes to the *Gazette* or whether a separate clause should be added elsewhere. I think it would be appropriate to move an amendment in another place to the effect that it must be published in the *Gazette;* that is quite reasonable.

The Hon. T.H. HEMMINGS: I have one question for the Premier, and perhaps I could hang it on this amendment to clause 16. Nowhere in this Bill is any reference made to the standing committees of Parliament. The existing Planning Act under which this State operates makes reference to the Environment, Resources and Development Committee and I do understand that any replacement that comes into the House makes a distinct reference to that. I have no problem with this area of fast tracking. It is very good to see that this clause is included, which will be able to cut through the red tape that the Premier has talked about. I do recognise that up to now the standing committees of Parliament—both the Economic and Finance Committee and the Environment, Resources and Development Committee—have been looking at the decisions that have been made in a retrospective manner.

Hopefully, those standing committees will be looking at the economic development of this State in a progressive, proactive way. If we look at the functions of the board, we see that they closely mirror the criteria of the Environment, Resources and Development Committee and the Economic and Finance Committee. Is there any way that in the future a quite mischievous resolution of either this House or the other place could refer a particular project to one of those parliamentary standing committees and in effect circumvent the intent and thrust of this amendment? I can give the Premier a guarantee that as long as I am the Chairperson of the Environment, Resources and Development Committee I will ensure that that does not happen, but I do not have the ability to live my political life beyond when the Premier takes us to the polls.

While I say that quite facetiously, perhaps there needs to be some mechanism in their legislation whereby, on a resolution of either this House or the other place, any standing committee of the Parliament has the power actually to examine any particular project. That could run counter to the thrust of this amendment and clause 16 in particular. I would like the Premier's answer on that.

The Hon. LYNN ARNOLD: I certainly hear the concern of the honourable member and I take great comfort from the reassurance he has given about the committee he Chairs, but I am very confident—

Members interjecting:

The Hon. LYNN ARNOLD: Well, it is a bit of a bid to stay on there for ever, isn't it? I also take great comfort from the fact that this legislation is going through almost totally with bipartisan support. That indicates a commitment on the part of members of this place to see development happen in this State, and they are the very same people who form the committees referred to by the honourable member. It would be ironic if the committees that this same group of people makes up had a philosophy to try to stop development happening while this legislation is trying to help development happen. I am confident enough that, as long as the will of Parliament is here, as we are seeing in this legislation, it will also be in the committees. I think it would have been too complex a set of additions to the Bill to have started to determine how one deals with parliamentary committees and I for one would not want to buy into that argument.

Amendment carried.

Mr OLSEN: Clause 16(e) provides that the functions of the board include:

> to negotiate for the expansion of industries in the State, or for the establishment of new industries in the State;

What does it mean? Is the board expected to both attract and negotiate with large trans-national organisations about establishing operations in South Australia, for example? If so, what are its powers and, to do that, with what is it negotiating? Is it up to the board to grant tax holidays and industrial award dispensations, or are we simply dealing with the old Department of State Development, which had plenty of good ideas but not the means to carry them out?

The Hon. LYNN ARNOLD: Basically, this means when the board is having some discussions with a potential investor, it has the authority to do so, in much the same way as, when the old Department of Industry, Trade and Technology had discussions with potential investors, investors knew that it had the authority to talk about the kinds of incentives that Government might make available because the State Development Fund came under that department. Any direct funding that comes under the control of this authority and board will be within the power for those operating on behalf of the board to actually commit, but in some of the areas referred to, they are not in the authority of the board. The board's officers would be simply saying, 'We are talking to an investor and we will be your liaison with

the Department of Labour Relations' or some other area to help those discussions take place where those policy matters are determined.

This is really a continuation of the kind of responsibility that the old Department of Industry, Trade and Technology had. As I say, the big change here is that now the determination as to how those funds are allocated is being done by joint ownership between the private and public sectors, which have joint ownership of the funds committed to this authority.

Mr OLSEN: That answer begs the question: what value of funds are committed to the board and the authority?

The Hon. LYNN ARNOLD: The normal allocation that appeared in the budget papers for 1992-93 under the Department of Industry, Trade and Technology except for those transferred across to the Department of Mineral Resources and the Department of Primary Industries. There might have been one to the Premier's Department. Basically, the residual comes across to the Economic Development Authority, and that comes under the board. The $40 million development package—

Mr Olsen interjecting:

The Hon. LYNN ARNOLD: That has already gone. In a recurring sense, what will happen in future years, if a decision is to be made that more funds will be allocated to mineral pre-exploration work, that will be determined by the Economic Development Board from the funds it has available, and it will have the power to make an allocation to the Department of Mineral Resources. The board will then have a package of money so that it can weigh up the relative priorities for economic development in the State, and it will include mineral development as part of that, but it will also consider other types of development, so it does have a coordinating role with other areas of Government in terms of economic development.

Mr OLSEN: Clause 16(k) refers to joint venture projects for the economic development of the State. I would like some explanation from the Premier as to what he means by 'joint venture projects'. We do not seem to have a very good track record over the past decade with some joint venture projects which have evolved but which give me cause for concern. Can he indicate what the Government has in mind regarding funds for joint venture projects, and what is the criteria for a joint venture project?

The Hon. LYNN ARNOLD: We are not anticipating the committing of equity but more or less in areas such as trade promotion. I guess the South Australian Software Export Centre was a kind of joint venture between the Department of Industry, Trade and Technology and the computer software industry in South Australia. There may be other examples in the automotive industry, where we try to encourage more exports of components, and there may be some way we can work more directly with them. It is not really seen to be in a kind of equity involvement. We are well aware of the lessons of joint ventures involving Government throughout this country and other countries over the years, and I am quite certain that the board will be aware of that. This does give the power for the kinds of things I have spoken about that they might wish to consider.

Mr BRINDAL: The functions of the board are indeed extensive. It will be one of the most powerful boards in South Australia. When we read the provision in conjunction with the powers, we see that the board will be a new and very powerful force in South Australia. I note that right throughout the legislation the functions and powers of the board are kept in check all the time by the Premier or the Minister's capacity to direct the board and so achieve a balance regarding the needs of Government which, after all, are not solely economic needs, however important the economic needs are. We have transport, schools, hospitals—we have many other needs for which we answer to the people of South Australia. That is kept in check in this legislation by the powers of the Minister.

What concerns me is that, when we look at a flow chart of how this new board will operate, we see that the old Department of Industry, Trade and Technology looks as though it is to be transferred to become the Economic Development Authority—the working arm of the Economic Development Board. Therefore, what worries me is there will be a very powerful board of exceptionally talented people with a talented department under that, all of whom will be working together. Then there will be the Premier, who now does not have many public servants to help him. In a sense, he is isolated. I am interested to know how the Premier will not become a creature of the board. Because this board will have money which it can apply on a discretionary basis into mines and energy or perhaps education, or into any other area of Government, it will be enormously powerful, and I seek the Premier's clarification as to how he might not become a creature of the board, because the balance of Government is the balance for all the people in all areas to be governed.

The Hon. LYNN ARNOLD: The honourable member has raised some very valid points that have to be addressed. As I was playing my part in the drafting of this legislation, they were matters that were in my thinking. We had to have an equal balance. It goes without saying that there is a very talented ministerial team and the Premier is a natural counterbalance to this whole thing—

Mr Brindal interjecting:

The Hon. LYNN ARNOLD: I do accept the member for Hayward's caveat—that there is a problem there. Nevertheless, the point is valid. First, in the present situation, there is myself as Minister of Economic Development, and my Department of the Premier and Cabinet is part of that support function for me in terms of providing the think-tank kind of approach that will help to provide me with some opinions that I can consider in dealing with the board and the authority. Likewise, I have appointed in my Cabinet lineup the Minister of Business and Regional Development, who also has responsibilities and has his own ministerial office to support him in these things.

Also, quite significantly, there is a separate organisation which has been established for some time but which has now been revamped—the State Development Executive. It brings together the heads of various Government agencies to do with development. They include primary industries, education, employment and training, and the Economic Development

Authority—the interim one. That represents another source of thinking about the issues that will be not a counterbalance but will be generating part of the ideas that will be taken into account leading up to the development of the performance agreement that is at the nub of the relationship between the Government and the Economic Development Board.

Clause as amended passed.

Clause 17—'Powers of the board.'

Mr OLSEN: The explanatory memorandum states that the board will have no power to raise money, but that is not clear or apparent in the Bill. Clause 17(1) provides a general grant of powers necessary or incidental to the performance of the board's functions, and subclause (2) lists a range of powers which are not exhaustive but are by way of example. There is no express prohibition to displace the inference that, where raising money is necessary or incidental to the function or performance of clause 16(1), the board is empowered to do so by the general grant under clause 17.

The Hon. LYNN ARNOLD: There was some thought about putting that into this Bill, but the advice we have from Parliamentary Counsel and Crown Law is that the Public Finance and Audit Act provisions fully cover that situation and prevent the board from raising the funds that the honourable member has talked about. We did canvass that issue, but we were told it was simply a duplication of statutory provisions.

Mr BRINDAL: The powers of the board seem to be more enormous than I have ever come across in legislation before in that 'the board has the powers necessary or incidental to the performance of its functions'. That seems to me almost a *carte blanche* to do whatever is necessary to perform its functions. That may not necessarily be a bad thing, but I ask the Premier whether any other Act empowers a board to this extent? It seems to me to be an extraordinarily generous provision in relation to power for any Government group.

The Hon. LYNN ARNOLD: There are many other boards which, in their legislation, have as a last subclause 'and any other functions as might be required to fulfil the objects of the Act', which is pretty wide reaching in itself. We have attempted to be much more specific about the sorts of things we think it can canvass, to help to get the message through other areas of government and the community generally that, yes, this board does have the power to discuss, to have opinions about and to be involved in these sorts of issues. As to whether any other board has these sorts of powers, I guess it is fair to say that there is not another board of this nature. This is designed to be landmark legislation, because the board is a landmark board. It is here for a very important function at a significant time in South Australia's development.

Clause passed.

Remaining clauses (18 to 22) and title passed.

The Hon. LYNN ARNOLD (Premier): I move:

That this Bill be now read a third time.

I thank all members for their extensive cooperation in passing this very significant piece of legislation through this place. I also appreciate the support for the amendments that were moved on my return from overseas. I understand the concern about the delay in getting those amendments to members, and I appreciate the consideration given to them.

There are a number of matters that, given debate in the Committee stage, require further answers, and I give an undertaking that we will answer those questions. Some will lead to further amendments in another place, and then the Bill will have to come back here for further consideration, if the other place sees fit to pass the amendments.

As a point of clarification regarding the Public Finance and Audit Act, I point out that it does provide for statutory corporations with a certain approval mechanism to borrow funds if required. If the honourable member is concerned about that, we will need to consider some further amendments to this Bill in another place. I want to clarify that I did not give the correct impression regarding that other Act. I thank members for their support.

Bill read a third time and passed.

ADJOURNMENT

At 5.26 p.m. the House adjourned until Tuesday 16 February at 2 p.m.