HOUSE OF ASSEMBLY

Wednesday 30 November 1994

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

PETS

A petition signed by 579 residents of South Australia requesting that the House urge the Government to introduce and support a universal education and awareness program which will lead to more responsible pet ownership was presented by Mr Caudell.

Petition received.

EDUCATION AND CHILDREN'S SERVICES

Petitions signed by 405 residents of South Australia requesting that the House urge the Government not to cut the Education and Children's Services budget were presented by Messrs Caudell, Cummins and Wade.

Petitions received.

PAPER TABLED

The following paper was laid on the table:

By the Treasurer (Hon. S.J. Baker)—

Enterprise Investments Limited—Financial Statements, 1993-94.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the fourteenth report 1994, second session of the committee and move:

That the report be received.

Motion carried.

Mr CUMMINS: I bring up the report of the committee on the Courts Administration (Directions by the Governor) Bill, together with minutes of evidence, and move:

That the report be received.

Motion carried.

PUBLIC WORKS COMMITTEE

Mr ASHENDEN (Wright): I bring up the report of the committee on the Port Road, Hindmarsh bridge replacement and move:

That the report be received.

Motion carried.

Mr ASHENDEN: I bring up the report of the committee on the City West Campus project, University of South Australia and move:

That the report be received.

Motion carried.

The Hon. S.J. BAKER (Deputy Premier): I move:

That the reports be printed.

Motion carried.

QUESTION TIME

NEIGHBOURHOOD WATCH

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Emergency Services. Why have police officers been told that they will now have to attend Neighbourhood Watch meetings in their own time and at their own expense and risk? The Opposition has received a copy of a letter sent by a police officer to the Chairperson of the Elizabeth Division Neighbourhood Watch apologising for his inability to attend the divisional meeting tonight because permission to attend any Neighbourhood Watch meetings on duty has now been refused. The letter states:

Budgetary constraints are such that I have been refused any change to my shift roster or any overtime to attend out-of-hours meetings. It is with much surprise that I now hear that some 200 new neighbourhood watch areas are to be launched in the next couple of years. Where are they going to find the police coordinators for these new areas if the department will not acknowledge the commitments and efforts of current police coordinators?

The Hon. W.A. MATTHEW: I thank the Leader of the Opposition for his question. The allocation of policing resources is the responsibility of the Police Commissioner. I am not aware of any changes that the Police Commissioner has made to existing provisions for Neighbourhood Watch meetings. On that basis, therefore, if the honourable member cares to provide me with a copy of the letter, I will be pleased to put that letter to the Police Commissioner to ascertain the validity of the claim that has been made therein.

TAXATION INCREASES

Mr BROKENSHIRE (Mawson): My question is directed to the Premier. What is the South Australian Government's response to advice from the Governor of the Reserve Bank that the Federal Government should consider tax rises to reduce its budget deficit?

The Hon. DEAN BROWN: I heard the reporting of Mr Bernie Fraser's speech last night as Governor of the Reserve Bank. It has very ominous signs for Australia and it is further clear evidence that the Federal Government is not properly managing our Federal economy.

Members interjecting:

The Hon. DEAN BROWN: I do not want further tax increases.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The clear evidence is that through the mismanagement of the Australian economy, Australia now has fundamental economic problems. Those problems have been outlined by a number of people in recent times. One of those people whom I heard speaking on this matter last night was Mr Don Mercer, Chief Executive Officer of the ANZ Bank. In a prepared speech he highlighted in great detail the problem that we as a nation are facing, first, because of the huge budget deficit federally and, secondly, because of the very high level of national debt as a consequence of that and the impact that that mismanagement is now having on the economy. It is quite clear—

An honourable member: What is your solution?

The Hon. DEAN BROWN: To get rid of the Federal Government is the solution, to make sure that we have a Prime Minister and a Federal Treasurer who are prepared to

do something about giving proper leadership and management to the Australian economy.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It is quite clear from all the economic indicators coming through that Australia next year will have higher interest rates and, in next year's budget, a very substantial increase in taxation at Federal level. That is most unfortunate. I think Mr Bernie Fraser has been sent out to start conveying that message and to prepare Australia for it. However, what concerns me is that the Prime Minister has now clearly decided to have an early election in probably February of next year.

The Hon. M.D. Rann: It is to save Alexander.

The SPEAKER: Order!

The Hon. Frank Blevins interjecting:

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

The Hon. DEAN BROWN: Clearly he wants to get this Federal election out of the way before interest rates go up further and before there is any need to increase taxation across Australia. If ever there was proof that there is an election coming, this morning each of the State Premiers and Chief Ministers received a faxed letter from the Prime Minister which announces that the COAG meeting, scheduled to be held in Adelaide on 24 and 25 February, has now been cancelled without consultation with the State Premiers or Chief Ministers. It has now been put back to 3 and 4 April.

The weak excuse put up by the Prime Minister was that it was too close to the New South Wales election—it was within one month of that election. However, when we set the date we talked about the election in the ACT; and we talked about the election in New South Wales, which is on a fixed date (20 or 21 March). We set the COAG meeting quite clearly understanding exactly what was about to occur and that it should be one month before the New South Wales election and no closer. The cancellation of the COAG meeting quite clearly indicates that the Prime Minister is now preparing for a Federal election. He wants that Federal election at the end of February, and here is his justification. He is clearing his diary to get ready for that election. However, the real reason that the Federal election is being held early is to get it out of the way before interest rates go higher and before Australians have to pay a very substantial increase in taxation in next year's budget.

Members interjecting:

The SPEAKER: Order! Yesterday the House conducted itself in an appropriate manner. I would suggest that members follow the lead given yesterday. The Deputy Leader of the Opposition.

NEIGHBOURHOOD WATCH

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Industrial Affairs amend the Workers Rehabilitation and Compensation Act to allow police travelling to and from Neighbourhood Watch meetings to be covered by workers compensation insurance and, if not, why not? A police officer has written to the Chairperson of the Elizabeth division of Neighbourhood Watch, stating in part:

> Workers compensation section advise me that if I sustain any injury either travelling to or from a Neighbourhood Watch meeting, or during the course of meeting, having been refused permission to attend [on] duty, then I am not covered by the Workers Compensation Act.

The Hon. G.A. INGERSON: The person is covered, because it is under their contract of employment. If I could have a copy of the letter, I will get it sorted out.

ENTERPRISE INVESTMENTS

Ms GREIG (Reynell): Will the Treasurer confirm that the Government's venture capital structure, the Enterprise Investment Group, has been sold and, if so, to whom and at what price? In April the Enterprise Investment Group was advertised for sale by the Government through the Asset Management Task Force.

The Hon. S.J. BAKER: Yes; today I laid on the table the 1993-94 report of Enterprise Investments, and that will be the last report that will be presented to the Parliament, as the member for Hart so rightly pointed out at the time I laid it on the table. Enterprise Investments has been sold. It will realise in total about $37 million, including the cash component which is being recouped from the original investments. That compares to the net assets of Enterprise Investments as at 30 June 1993 of some $34.7 million. There have been some write-downs in the Enterprise group as a result of the examination of those investments, but we are very pleased with the final result.

The Enterprise Investments portfolio comprises a range of businesses, including some South Australian businesses, and they include Adtrans Limited, Mineral Control Instrumentation Limited, Rib Loc Group Limited, SEAS Sapfor Limited and Petaluma Limited. They are listed companies. Other unlisted companies include Sybiz Software, Kinhill Group and Automation and Process Control Services Pty Ltd. The tenders were vigorous. The successful company was BCR Asset Management Pty Ltd, and that is the same organisation that ran Enterprise Investments. Five parties were involved in the tender process. I note that an article in the *Australian* said that BCRAM beat off a spirited late bid by a Hong Kong based investment fund. I correct that: the Hong Kong based investment fund was there from the beginning.

I would also point out that again in *Australian* there is a suggestion that Enterprise Investments has been hamstrung by the size of the investment pool which has prevented it taking stakes in companies capitalised at more than $30 million. On an examination of the books, and recognising the very large amount of cash that was in the system and invested in SAFA bonds, one would suggest that perhaps the full potential of Enterprise Investments was not realised. We are pleased with the final result from the sale of Enterprise Investments.

NEIGHBOURHOOD WATCH

Mr QUIRKE (Playford): Does the Minister for Emergency Services agree with the views of the former Police Association Secretary, now the member for Florey, that police officers should be paid to attend Neighbourhood Watch meetings? The former Police Association Secretary was reported in the *Advertiser* of 25 August 1992 as follows:

> From a union point of view, I will not have members attending meetings and not being paid for it.

The Hon. W.A. MATTHEW: The honourable member's question essentially follows on from the original question asked by the Leader. As I indicated, the allocation of policing resources is the responsibility of the Police Commissioner. I have indicated that I will ascertain the accuracy of the

Leader's initial question, and I will obtain for the House a report from the Police Commission on those staffing allocation matters.

GOVERNMENT MANDATE

Mr CAUDELL (Mitchell): My question is directed to the Premier. Does the Government still consider that it has a mandate for legislation to allow for (a) private management of the State's prisons and (b) voluntary voting at State elections?

The Hon. DEAN BROWN: Quite clearly, the Government does have a mandate.

Mr CLARKE: I rise on a point of order, Mr Speaker. As I understand it, the private prisons legislation is before Parliament. It is still in conference.

Members interjecting:

The SPEAKER: Order! A lot of members are attempting to assist the Chair. I do not need that advice. I cannot uphold the point of order.

The Hon. DEAN BROWN: Quite clearly, the Government does have a mandate for a whole range of issues, including the introduction of voluntary voting here in South Australia and also for significant prison reform so that we can have private management of prisons here in South Australia. We put that down before the election. We had the second biggest electoral win in the entire history of Australia, but it still did not prove to the Labor Party or the Australian Democrats that we have a mandate. What more do they need?

Mr Lewis: Brains!

The SPEAKER: Order!

The Hon. DEAN BROWN: There was a deadlock conference on the prison Bill, which has now been finally rejected by the Parliament. During that deadlock conference, members of the Labor Party were running out to get their instructions from their union masters as to how they should vote on that matter. Who are the faceless people currently running the Labor Party in this State? It is not the people we see here. It is their union masters down at South Terrace.

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Speaker. I just think—

Members interjecting:

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

The Hon. FRANK BLEVINS: —that occasionally the Premier ought to speak through the Chair.

The SPEAKER: The member for Giles is correct. All members should speak through the Chair, and I will ensure that all members do, including the member for Giles.

The Hon. DEAN BROWN: I was pointing out that the Labor Party in this State is not run by the people we see here. It is run by those faceless people on South Terrace who control the trade union movement. The people in this Chamber are prisoners of their union mates.

I highlight to all South Australians the extent to which we have a clear mandate to bring about reform in the prison system. It will save the taxpayers millions of dollars. We put it down before the election and, if the Labor Party and the Australian Democrats had one bone of decency in their bodies, one ounce of respect for democracy, they would make sure that this legislation was allowed to pass, together with voluntary voting and a range of other measures they quite clearly intend to block in the Upper House, where, unfortunately, between the two of them, they control the numbers. Quite clearly, we have a Labor Party in this State, together with help from the Australian Democrats, that has no regard for the basic principles of democracy or for the clear mandate given to the Liberal Government of this State to get on and govern and to bring about reform.

WEAPONS

Ms STEVENS (Elizabeth): Will the Minister for Emergency Services inform the House what progress he has made at the national level regarding restricting the carrying of knives in public places and what restrictions does he now anticipate being made? The Opposition has made repeated calls this year for the Minister to take action to restrict the carrying of knives. The Opposition has received a letter from a public transport user who, on Friday 18 November, was threatened with grievous bodily harm by a heavily armed gang of youths.

At one stage during the incident, a youth with a knife that had a nine inch blade asked the man, 'Would you like this between your ribs?' Later during the journey to Elizabeth, assistance by the train driver, who telephoned the STA, and by other members of the public, most likely saved the man's life. The man has raised a number of questions with the Opposition, including why there was no back-up by police?

The Hon. W.A. MATTHEW: I thank the honourable member for her question. Again, the honourable member has given detail of a specific event in part of her question and I invite her to provide me with those details and I will ensure that the Commissioner of Police provides the honourable member with a report about that incident. Regarding the general issue of the carriage of knives in our society, and indeed other objects or implements that we regard as dangerous weapons, as I have indicated to the House before, the control of such things is necessary through a combined State and Federal approach.

The next Australasian Police Ministers' Council convenes on 15 and 16 December. It is at that meeting that States are to report on the actions they believe are appropriate to once and for all commence to control this problem. It stands to reason, though, regardless of the measures that are put in place, that there are always going to be objects or implements that people can use as items of violence—things such as a block of wood.

With all the best will in the world, no Government through any legislative process can totally control the use of any device or instrument that could be used for violence. We, as Governments, can only put in place those legislative measures which will better control things which are of danger in our community. And to date, within this Parliament, there has been a focus on items such as knives, and indeed there is already legislative provision to ensure that, where people are carrying such objects, they can be restrained by police: action can be taken. Indeed, the sale of such items is legal on the basis of the fact that it is legal for some people to carry particular items as part of their daily business.

Sir, as a primary producer, you would be well aware of the need for primary producers to have access to firearms, and indeed to all manner of knives, to be able to work on their farm as part of their daily business. Any restrictions to sale have to be put in place sensibly, and those restrictions have been considered, as is appropriate, by the Attorney-General. I am sure that all honourable members will support the Government in whatever bid is made following the convening of States to ensure that we have in this State the best possible legislation and regulations that can, as far as is humanly

possible, control some of these implements being used incorrectly in our society.

LOTTERIES

Mr BASS (Florey): What action is being taken by the Treasurer, as the Minister responsible for the Lottery and Gaming Act, to address the problem of self interested promoters conducting lotteries for their own gain?

The Hon. S.J. BAKER: Today I will be introducing a Bill to amend the Lottery and Gaming Act. Whilst this is not of great moment for the total population of South Australia, the fact is that a great deal of innovation takes place where money is concerned, and we have seen the capacity of charities to raise money being eroded by people other than those whom we would wish to conduct lotteries. The Lottery and Gaming Act was set up to allow lotteries to be conducted by non-profitable and charitable organisations. As I have said, we have seen this base eroded by various schemes promoted by individuals who wish to make a profit. Whilst it is suggested that a donation will be made to charity, one could suggest that, in terms of the total revenue generated, the donations to charity have been particularly small and that that indication is made only to get around the provisions of the Act.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: It is a smoke screen, as the member for Giles rightly suggests. The provisions which we will introduce and which will be debated in full next year will prohibit individuals from benefiting from lotteries under the auspices of the Lottery and Gaming Act and, indeed, we will reinforce that these areas are for charitable and non-profit organisations. There have been a number of attempts to circumvent that, as there have been in the area of collections for charitable purposes. Members would be aware that professional collection agencies have used various devices for their own good profit, with very little money going back into the pockets of the charity they represent.

The Bill will also provide for the suspension of ticket suppliers should they breach the regulations. On a number of occasions in the past ticket suppliers have not been up to scratch, if members will pardon the pun. However, under the existing provisions, we can only cancel licences, and that leads to great detriment to those suppliers. So, the provisions will allow some level of leniency, although I would suggest that, if you get three strikes, you are out. Perhaps if you get two strikes you may be out as well, if you do not continue to comply.

The last issue involves the introduction of 'The Punters' Club', which is being used in New South Wales and Victoria: punters can combine and have an agent place bets for them. It is a common form of gambling, which is not allowed under our existing laws. It does not increase the desire for gambling: it is simply a device used on the racetrack to allow other people to make decisions for you. I would not be in favour of it myself, but other people say that it works quite successfully. So there will be some relaxation of the law in that regard.

COMMONWEALTH GROWTH FUNDS

Mr CLARKE (Deputy Leader of the Opposition): What action has the Minister for Employment, Training and Further Education taken to ensure that South Australia has access to the full quantum of 1995 Commonwealth growth funds, which are dependent upon the State's delivering growth of 545 500 annual student contact hours in 1995? A paper prepared by the Australian National Training Authority on resource allocations for 1995 indicates that South Australia is not expected to maintain effort in financial terms in 1995 and that special conditions have been imposed on South Australia by the Commonwealth as a prerequisite to the allocation of funds next year.

The Hon. R.B. SUCH: The question of meeting performance targets is a difficult one. It has been complicated by the statistical base that was used in 1991-92, when figures relating to migrant education were included. We are seeking to resolve that issue at the moment, but I am confident that our growth funds will be received and that they are not under threat. The statistical base is being finalised at present; people from other States are acting as independent participants in that process to ensure that South Australia gets a fair deal, and I am confident that we will meet our performance targets and that, as a result, we will obtain our entitlement for growth funding for 1995 and beyond.

NURSES' SALARIES

Mr CUMMINS (Norwood): Can the Minister for Industrial Affairs say whether the Government has received a claim from the Australian Nursing Federation for an 8 per cent salary increase for nurses employed in the public sector and, if so, what progress has been made in respect of that claim? The Deputy Leader of the Opposition has claimed that in August this year the Nursing Federation lodged a claim for an enterprise agreement wage increase and—to quote the Deputy Leader—'had not yet received a reply'.

The Hon. G.A. INGERSON: I thank the member for Norwood for his continuing interest in industrial relations. There is a claim for 8 per cent from the Australian Nursing Federation in both the public and private sectors. The ANF wrote to all employers respondent to the public sector awards on 3 August this year. The Health Commission received that correspondence on 5 August. The Deputy Leader claimed in this House on 27 October that no reply had been received. It is important to correct the record here, because the Deputy Leader, who has the ability to run around and get his facts wrong, has got them 100 per cent wrong on this occasion. On 15 August 1994 a reply was sent by the Health Commission, and this response was made within 10 days. Further to that response were telephone discussions on 22 August.

In addition, the Health Commission sent a letter to the ANF on 19 August requesting particulars of the claim, and there was a preliminary meeting on 22 August. Members should bear in mind that the statement to which I have referred was made on 27 October yet all these events happened in August. At the time the Deputy Leader was making these allegations there had been two further replies within the three week period so, clearly, the nonsense that the Deputy Leader puts to the House has been refuted not only by the Health Commission but by the Nursing Federation as well.

EXPORT AWARDS

Mr ROSSI (Lee): Can the Minister for Industry, Manufacturing, Small Business and Regional Development advise the House of the results obtained by any South Australian companies at the annual Export Awards coordinated by Austrade which were announced in Canberra last night?

The Hon. J.W. OLSEN: Of the 39 finalists from around Australia South Australia was represented by six companies. The South Australian companies which had successfully competed at the State level and represented South Australia at the national Export Awards were South Australian Seedgrowers Cooperative Limited, involving the export of agricultural products. The cooperative has 450 members producing 140 different varieties of seeds and creates over 150 marketing pools each year to handle seed sales. In addition, Adelaide Chemical Company Limited, based at Burra, exporting mineral products, also received a State award. It is the world's largest producer of black copper oxide and exports over 80 per cent of its copper oxide production to some 25 countries.

Hawker de Havilland Australian Aviation College at Parafield won the services section. It provides airline pilot training to the Asian region; it has the capacity to train some 250 pilots a year and is seeking ISO 9001 accreditation/certification by the end of this year. Preton Display Systems, of Clare, is a new exporter and Peter Eaton has developed this innovative enterprise to solve brochure display problems with a clever modular moulded plastic system. It has been patented in the United States and, after the first export sales last year, is now selling in New Zealand, South Africa and testing the markets in Singapore, Japan and the United Kingdom. Computer Software Packages, of Kent Town, a small to medium manufacturer, has built its success on its Prophecy suite of software, which includes 21 financial modules, selling through 40 distributors in Europe, North America and South-East Asia.

The last, but by no means least, of those South Australian companies is Castalloy Limited, makers of wheels to the world automotive market, including Harley Davidson, Ford, Toyota and Nissan, with 25 per cent of its production now being exported. Castalloy was entered in the large manufacturer category.

Australian Aviation College from South Australia won the National Best Services Exporter Award. As I said, the Australian Aviation College trains some 250 pilots a year, generating $12 million in export revenue for South Australia, and is currently bidding for contracts involving a number of European and other countries. I look forward to further announcements on the success of the Australian Aviation College at Parafield.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: It is a company that has had significant success over a number of years. All the companies I have referred to are winners on the national stage. We can learn from their determination and success in regard to developing an export culture which will be essential for industries and manufacturers in South Australia in getting economies of scale and accessing the export markets. I trust the House will join with me in congratulating the employees and managers, who are proudly part of these companies, for the success they have been able to chalk up. It is South Australians becoming competitive in a new global market.

URRBRAE TAFE CAMPUS

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Employment, Training and Further Education. Why did the Minister and the Premier announce that TAFE was funding the $10 million replacement of TAFE's Brookway Park campus at Urrbrae when in fact this is being funded by the Australian National Training Authority, and can he explain his breaching of Ministerial Council protocol in respect of joint announcements for projects funded by the Commonwealth? In contrast to a press report in the *Advertiser*, and a report in the official November Education Department publication, the State Training Profile document reveals that ANTA will provide the $10 million TAFE contribution to the campus of Urrbrae Agricultural High School.

The Hon. R.B. SUCH: We have never tried to hide the fact that ANTA is providing the bulk of the funds for the Urrbrae development. ANTA is owned jointly by the State and Federal Ministers, so it is something we actually own. DECS is also providing significant funding for the upgrading of the agricultural high school component. When the Premier officially announced that development he specifically mentioned the Federal contribution, and it was also mentioned in the press release issued by his office. The Federal Minister, Ross Free, has been to the site, so there is no attempt to hide the fact that it is ANTA money.

I should remind members, of course, that ANTA money is taxpayers' money and South Australians are taxpayers. In effect, South Australians are getting back some of their tax money, but we do not hide the fact that the bulk of the funding is coming through ANTA. In fact, TAFE has only a minority financial interest in the land at Brookway Park. We have never suggested that the funds from Brookway Park would finance the Urrbrae development. At the official launch day and in his press release the Premier clearly acknowledged funding, in part, through ANTA, with the rest coming from the Department for Education and Children's Services.

LEACHATE TESTING

Mrs GERAGHTY (Torrens): Will the Minister for the Environment and Natural Resources inform the House whether any leachate testing is being carried out on water flowing into the Torrens River from the Highbury area; and, if not, will the Minister instigate such tests and make the results available? A number of residents who reside near the existing Highbury refuse site (one closed and the other still in operation) have informed me that there are fluids, which appear to contain leachate, flowing from these sites into the Torrens River. Indeed, last January a trench was dug some five feet deep which was designed to assist the fluids to drain away from the site.

Mr Lewis interjecting:

Mrs GERAGHTY: No, that is fact, not comment.

The SPEAKER: I point out to the members for Ridley and Torrens that they are both out of order, and I may take them both off the list if they continue to speak across the Chamber. The honourable Minister.

The Hon. D.C. WOTTON: This matter has been brought to my attention previously, and I have asked for a report from the department. That report is not available, but when it is I will make it available to the honourable member.

MOUNT GAMBIER PRISON

Mr LEGGETT (Hanson): Is the Minister for Correctional Services aware that the Public Service Association issued a public statement critical of his actions to privately manage Mount Gambier Prison despite the defeat of the Correctional Services (Private Management Agreements) Amendment Bill? Is the Minister also aware that this

statement was released some 10 hours before the final vote on the Bill, and can he say whether there is any significance in the timing of these events?

The SPEAKER: Before calling the Minister, I would suggest to the member for Hanson that he also was getting very close to commenting. The honourable Minister.

The Hon. W.A. MATTHEW: I thank the member for Hanson for his question and for his ongoing interest in the correctional services system in this State. The member for Hanson is quite correct: the Public Service Association released a press statement criticising my stance on the Mount Gambier Prison—claiming that I would railroad ahead with changes despite Parliament's decision—some 11 hours before Parliament had actually made its decision in the Upper House.

On receiving a copy of the press statement I thought it appropriate to contact the Opposition spokesman on correctional services, the Hon. Terry Roberts, from another place. The Hon. Terry Roberts advised me that it was true: on Monday night he had indeed been approached by a member of the Public Service Association who had asked him what the shadow Cabinet's—the Labor Party's—decision would be on the correctional services measure. He advised that the shadow Cabinet had indicated that it was to be a political issue and the Bill would be opposed in the Upper House. It would seem that the Public Service Association assumed from that conversation that the matter had already been attended to by the Parliament, so it issued its press statement some 11 hours before the Parliament cast its vote in the Upper House.

What needs to be put firmly on the record is exactly why it took so long for the Bill to pass through the Upper House and why the conference of managers between the two Houses went on for one week and five days. The reasons are quite simple. The Hon. Terry Roberts, as Opposition spokesman for the Labor Party, indicated to me that the Labor Party would be grateful for a two-week delay in the debate on the Bill in order that it could talk to the unions to see whether it could change the mind of the unions to support the Bill in light of the fact that the Labor Party acknowledged that the issue of private management of prisons was a pre-election policy of the Liberal Party. In response to that request, the Government agreed to delay the debate for a fortnight. Following that, the conference of managers was convened after the Upper House recommended changes. The conference was extended over one week and five days, again at the request of the Labor Party, because members of the Labor Party at that conference indicated that they saw logic in allowing the Bill to pass with compromises put forward by the Government.

As it turns out, at the end of the day it was a political decision involving union activity. As the Public Service Association believed that the Bill had passed, not only did it release the press statement yesterday but it also joined its Victorian counterparts in action before the Federal Arbitration Commission. It moved too early; it thought that the decision had been made. It also held meetings at prisons around the State, saying, 'It's okay. The Labor Party is supporting us. Private management will not occur, so we can go ahead in the way we have done in the past.'

This Government will not be held to ransom by the same unions which goosestepped over the Labor Party in this State for 10 years, forcing up prison costs to the extent that in South Australia they are 25 per cent higher, courtesy of the Labor Government, than in any other State of Australia. The Auditor-General's Report shows that in the first six months of this Government we cut the cost of keeping a person in prison by $6 000. There is still a long way to go; we are still the most expensive; but reforms will take place. This Government has an obligation to South Australian taxpayers to change Labor's prison system. Labor's prison system of colour top tennis courts, swimming pools and glass-walled squash courts and early release of dangerous offenders on home detention are things of the past. Those things will change whether the Labor Party, the Australian Democrats or the Public Service Association like it or not.

The SPEAKER: Order! I point out to the House that it is contrary to the Standing Orders of the Parliament for any member who is participating in a conference to release any information to an outside person prior to the report being made to this House. All members should be aware of that.

The Hon. Frank Blevins: Including Ministers?

The SPEAKER: Order! I warn the member for Giles.

HIGHBURY DUMP

Mrs GERAGHTY (Torrens): Will the Minister for Housing, Urban Development and Local Government Relations assure the House that the Government will conduct a comprehensive assessment of the Enviroguard proposal for the Highbury landfill prior to an environmental impact statement? On 22 November, the Tea Tree Gully council unanimously passed a motion requesting the Government to conduct a comprehensive assessment of the Enviroguard Pty Ltd landfill prior to calling for an environmental impact statement. In the event that this assessment indicates that the proposal is unlikely to be approved, the motion calls on the Government to issue an early refusal for the proposal under the Planning Act. This is clearly the position of the Tea Tree Gully council, and community reaction to the proposal necessitates this course of action.

The Hon. J.K.G. OSWALD: It will be of interest to the House that the member for Newland has spoken to me on many occasions about this issue. It is a subject which is of great concern to her and the impact that anything in that area will have on the residential status of the adjoining area. The short answer to the question is 'Yes.' We are acutely aware of the impact of the dump and the potential of anything that should happen in the area. I can assure the House that we would not give any other answer but 'Yes' to the question, because we take our responsibilities in the area seriously and we are aware of the issues. The answer is 'Yes.'

URBAN DESIGN

Mrs KOTZ (Newland): Is the Minister for Housing, Urban Development and Local Government Relations aware of the recently released report by the Prime Minister's urban design task force entitled Urban Design in Australia; and will he inform the House of his reaction to this report?

The Hon. J.K.G. OSWALD: The report to which the honourable member refers is the Mant report. The Chair of that Prime Ministerial task force was John Mant, the former head of the South Australian Department of Environment and Planning.

The Hon. D.C. Wotton interjecting:

The Hon. J.K.G. OSWALD: Anyway, he is the former head of a department in South Australia who has been asked by the Prime Minister to head this task force. Basically, I agree with one or two things in the report. The first is that

there is a need for better coordination of urban design between cities and greater cooperation between Governments in each of those cities. However, that is about as far as I am prepared to go on this report. The report starts to put in place what is obviously Paul Keating's personal agenda to take over the urban design of Australian cities. There has been plenty of evidence to date that the Prime Minister is heading down that track, now aided and abetted by the Mant report, which sets in place his desire to set up a Minister within the Federal bureaucracy to control the urban design of Australian cities.

I will put a few things to the House for its consideration. First, Canberra has the reputation of being a sterile city without a soul. If the Commonwealth decides to take on this issue, it will set in train a situation where we could end up with the lowest common denominator of urban design around the Commonwealth. An unfortunate implication of a Commonwealth approach is that it will slow down the process that has already been started in this State. In this State we have a very efficient State urban design advisory panel and an urban design unit. We have already set up a new planning strategy. We already have within this State some very special areas of urban design. The last thing this State wants is Paul Keating operating out of Canberra, extending the tentacles of national government down into the State level and then taking over the urban design and planning laws of each individual State.

If the Federal Government thinks that through the Mant report it is about to start a new process of centralisation of government and control out of Canberra; and if it decides on this occasion to use the planning laws of the State and the regionalisation objectives of the Federal Government in its regionalisation of local government, to use urban design and State planning law to extend its powers into the States, every person in this Parliament should stand up and say, 'Paul Keating, you are going too far.' It is just not what State planning is all about. State planning should be done by local residents—local communities—who are aware of the ambitions, aspirations and the desired objectives of those States. The last thing we want to see is Federal bureaucracies being set up in Canberra that will control urban design at the State level.

ETHNIC AGED PERSONS

Ms STEVENS (Elizabeth): Will the Minister for Family and Community Services guarantee continued funding for aged care workers in ethnic communities in South Australia before the end of 1994? The Opposition has been approached by several ethnic communities regarding the urgent need for the Government to continue funding their services for elderly people. The Opposition understands that the Government has yet to make a commitment to continue funding existing aged care programs beyond 31 December.

The Hon. DEAN BROWN: I will answer that, because I have given two commitments already and, if only the honourable member had talked to some of the other members of her own Party, she would have found that at the opening of the Italian Festival just a few weeks ago I gave such a commitment, and at the opening of the Dimitria Fair I gave a commitment to the Greek Orthodox Church. I am able to say to the honourable member that that assurance has been given; we have allocated special funds for it, and both the Greek and Italian communities were absolutely delighted with the response from the Government.

SPORTS FORUMS

Mr WADE (Elder): Will the Minister for Recreation, Sport and Racing indicate the progress being made on a proposal outlined earlier this year to establish a framework of regional sports assemblies or forums to improve delivery and access to sport and recreation opportunities at a local level?

The Hon. J.K.G. OSWALD: A good deal of work has been done to refine the original concept to which the honourable member referred, and I am pleased to announce the establishment of five community recreation and sports forums as pilot programs, to be funded for one year by a $50 000 grant coming out of Foundation SA. The five areas to be served by these forums are Port Lincoln, Port Augusta, Enfield, Noarlunga and Kingston South-East, which have been chosen as representative of both small and large areas in both the country and metropolitan areas. The forums are based on local government areas and will include representation from a number of organisations, including sport and recreation bodies, local government, schools, media, tourism and health authorities.

These pilot programs are designed to facilitate a coordinated and integrated approach to sport and recreation program development in response to local needs and issues, such as tourism related to sport, opportunities for people with disabilities, strategic planning and facilities development. The Office of Recreation, Sport and Racing will provide support and guidance, and I am confident that the creation of forums within local communities will provide improved communication and regional networking and will have exciting and positive outcomes, especially for people living in country areas.

SUPERDROME

Mr De LAINE (Price): Will the Minister for Recreation, Sport and Racing ensure that the necessary work is undertaken on seating at the cycling Superdrome to enable all the seating capacity to be used by spectators? The design of some of the seating platforms at the beginning and end of both the finishing and back straights makes approximately 400 of the total 970 seats unusable, because the spectators cannot see the track racing surface from these seats.

The Hon. J.K.G. OSWALD: I know of the honourable member's intense interest in the sport of cycling, and he is a man of some knowledge and ability in that area. The design of the velodrome was difficult for those who came along afterwards and put in the seating, because of the nature of the track and the roof structure. I am sure that the issues raised by the honourable member were raised at the time of the design, but I know that trying to maximise the seating in there is an issue. Knowing the honourable member's knowledge and interest in the venue, I would be very happy for him to sit down to address this issue with my officers and decide collectively whether we can improve it.

Certainly, the honourable member's own Government made an attempt to improve the seating there just prior to the election, recognising the very peculiar nature of the design of the whole stadium and how difficult it was anyway to get seating in there and maximise it so that we could seat as many patrons as possible. The objective of the Government is to maximise patronage and ensure the comfort of the patrons and, most importantly, to make sure everyone can see each event. We are very happy to look at that and determine

whether we can do anything to improve it. Given the honourable member's detailed knowledge of the stadium, he might like to be part of that study.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Mrs HALL (Coles): Will the Minister for the Environment and Natural Resources advise the House what action he is taking to advance ecologically sustainable development in South Australia?

Members interjecting:

The Hon. D.C. WOTTON: I am glad you are interested in it. I appreciate the interest that the member for Coles has shown in this matter. I realise that she asked me a question about it some time ago as well. The South Australian Government has introduced a number of initiatives to advance ecologically sustainable development over the past 12 months. Back in April of this year, we endorsed the national strategy for ecologically sustainable development, and a great deal has been achieved in advancing ecologically sustainable development in South Australia. I take the opportunity to highlight a couple of those initiatives. Members will be aware that in May this year I initiated the establishment of a joint parliamentary committee on the conservation and development of living resources in South Australia. In March this year I initiated the development of the State's water plan, which aims at advising the Government on how the State's scarce water resources can be used sustainably and with maximum economic, social and environmental benefit.

Following my visit to New Zealand in July this year to study its Resource Management Act, I asked the Natural Resources Council to begin work on an issues paper on how we can achieve a more integrated approach to the management of the State's natural resources, and an initial report will be coming to me before the end of this year on that matter. I have been promoting environmental best practice through the office of the Environment Protection Authority and in particular the contribution that environmental performance makes to international competitiveness. I would remind the House that that has been promoted in a tangible way through the Cleaner Industries demonstration scheme, which was launched by the Premier earlier this year.

We also established the Climate Change Committee in July this year with terms of reference including initiating and coordinating action for achieving the objectives and targets of the National Greenhouse Response Strategy. I am pleased to say that that committee has now established a renewable energy working group to prepare a renewable energy action plan which will contain recommendations on how the Government can meet its commitment to ensure that within 10 years 20 per cent of the State's energy will be derived from renewable energy sources.

That is just a brief overview of some of the initiatives that have been advanced this year in this State. Numerous other initiatives, such as the joint launch of the ecotourism strategy with the Minister for Tourism in September, the $1 million allocated to protect environmentally sensitive areas within the Lake Eyre Basin, and the decisive action being taken to clean our waterways, could also be pointed to.

In conclusion, the community of South Australia can be confident in the knowledge that this Government is committed not only through its word but, more importantly, through its actions to secure a clean and healthy environment for all South Australians and for future generations.

IRON KNOB BIKIE GANG

The Hon. FRANK BLEVINS (Giles): What action has the Minister for Emergency Services taken to clear up the problems caused to the community of Iron Knob by the actions of a bikie gang? Residents of Iron Knob claim they have been terrorised by a bikie gang for the past 18 months. They also claim that they have complained to both the Police Commissioner and the Minister for Emergency Services without any result.

Members interjecting:

The SPEAKER: Order! I do not think the Minister for Emergency Services requires the assistance of his colleagues. The Minister for Emergency Services.

The Hon. W.A. MATTHEW: No, Mr Speaker, I need no reminder from my colleagues that 18 months ago, when the problem to which the honourable member refers arose, his Party was in government and the honourable member himself sat around the Cabinet table. A lot of the honourable member's time around the Cabinet table was as Minister for Correctional Services. The member for Giles presided as Minister for Correctional Services over a prison system during a period when $160 million in taxpayers' money was spent on prison buildings.

Mr FOLEY: On a point of order, Mr Speaker, I draw your attention to the relevance of the Minister's answer.

The SPEAKER: Order! There is no point of order. It is a frivolous point of order. The honourable Minister.

The Hon. W.A. MATTHEW: During that time, money was wasted hand over fist, and now the honourable member has the gall to stand in this House and ask, 'What have you been doing to clean up Labor's mess?' Regarding the issue to which the honourable member has referred in Whyalla, I am not aware of the specific example—

The Hon. Frank Blevins: Not Whyalla, Iron Knob.

The Hon. W.A. MATTHEW: I am not aware of the specific example in Iron Knob but, if the honourable member would care to make details available to me, I would be happy to provide those details to the Police Commissioner and bring back a considered reply from the Police Commissioner to this House so that the honourable member can ascertain in writing what was done during his time in government and what has been done further to resolve his problem.

TAFE, SOUTH-EAST ASIA EDUCATION LINKS

Mr MEIER (Goyder): Will the Minister for Employment, Training and Further Education provide details to the House on his forthcoming trip to South-East Asia? What benefit will this trip have in terms of the established international education links that TAFE has with those countries?

Members interjecting:

The Hon. R.B. SUCH: I thought this was a secret. Seriously, I am visiting Vietnam in the next few days and subsequently Malaysia and Thailand to further cement relationships between those countries and TAFE in South Australia. I have met recently with senior officials from Vietnam and they are particularly interested in our expertise in terms of distance education. South Australia is a world leader in not only delivery through video conferencing but the use of computer assisted learning packages, and shortly there will be significant expansion into satellite delivery.

Senior officials from Vietnam have indicated that they no longer want Russian style economics: they want Western

style business practice and they also want considerable emphasis on English as a second language. In fact, the Premier of Vietnam has instructed all cadres that they must learn English. Once again, South Australia, through TAFE and in conjunction with the EDA, is able to provide significant service to the Government of Vietnam, and I look forward to establishing long links with that country.

We also have established links with Thailand in the Rajamangala Institute. We have a very productive partnership between both countries that will continue to expand. Likewise in Malaysia, not only through TAFE but with the universities of South Australia. In fact, one of our universities is seeking to establish a campus in Malaysia. I will be participating in discussions relating to not only TAFE but also higher education matters generally.

The secret of our success in those areas is on the basis of a partnership of equals, and those countries regard Australia and South Australia in particular as a world leader in the provision of advanced training. As is often the case, people at the local level do not appreciate the excellent facilities and capabilities that we have here in South Australia. I can tell members that in countries such as Vietnam, Malaysia and Thailand, they recognise TAFE in particular as being of outstanding quality.

I am looking to extend links to South Africa and to build on our existing relationships with Indonesia, which are already significant, and also to expand our links with Japan and China. It is another example of South Australia leading the way and, in this case, in relation to the provision of excellent training, and I am sure this visit will be productive for all parties. I look forward to developing closer links with not only Government officials but also practitioners in those various areas of training.

Mr BRINDAL: On a point of order, Mr Speaker, during the answer to that question the member for Spence clearly and audibly said across the Chamber, 'I suppose to run a training course in torture.' I find such a remark deeply offensive and I ask that he withdraw.

Members interjecting:

The SPEAKER: Order! The Chair did not hear the comments.

Members interjecting:

The SPEAKER: Order! The Chair will determine the course of action to be taken. I ask the honourable member for Spence, if he made the comments alleged by the member for Unley, whether he is prepared to withdraw them?

Mr ATKINSON: It was a reference to the Vietnamese Government, and I do not withdraw it.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: Sir, I rise on a point of order regarding the previous statement. The Minister was talking about courses and the member for Spence immediately jumped in by referring to 'courses of torture'. Now he is suggesting that we will do those on behalf of the Vietnamese Government. I ask that an apology be made to the Parliament.

The SPEAKER: Order! The honourable member has been invited to withdraw the comments. It appears that he will not comply with that request. In view of the fact that it is not unparliamentary, the Chair is not in a position to direct the honourable member.

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

PUBLIC SERVICE ASSOCIATION

The Hon. S.J. BAKER (Deputy Premier): I raise a matter of privilege. I ask that you, Mr Speaker, examine a document which I have here and which was issued by the Public Service Association of South Australia yesterday morning. The headline is 'Above the Law'. I would like this document examined to see whether it is, as I believe, a contempt of the Parliament. I quote:

> Several times Mr Matthew has attempted to persuade the Upper House to pass his privatisation Bills. Another conference of managers between the two Houses is due to be held this afternoon to resolve the deadlock, but Labor will not budge. Now comes evidence that the blocking of the legislation has not deterred [the Minister] . . . 'Here we have a Minister who sees his Bills rejected by Parliament, who cannot get his legislation through'.

It then states that still the Parliament is being skirted around. The decision of the conference had not been made at that time, it had not been finally considered by the Parliament and this organisation has either drawn some conclusions which inevitably proved right or, in fact, influenced the decisions of Parliament, and that may well be a contempt of this Parliament.

Members interjecting:

The SPEAKER: Order! The honourable Deputy Premier has asked me to rule on a matter of privilege. The Chair will consider what the honourable Deputy Premier has put to the House and I will give—

Members interjecting:

The SPEAKER: And I will name a couple of people if they continue to interject while the Chair is giving an important ruling. The Chair will bring back a considered response tomorrow.

NEIGHBOURHOOD WATCH

The Hon. W.A. MATTHEW (Minister for Emergency Services): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. W.A. MATTHEW: During Question Time this afternoon, questions were asked by both the Leader of the Opposition and the member for Elizabeth pertaining to Neighbourhood Watch. At this time, I can provide interim advice to the Parliament that has come to me from the Police Commissioner. The Commissioner advises that police can attend, if their managers approve, Neighbourhood Watch meetings. When members so attend such meetings, they should be paid in accordance with the award. The Commissioner further advises that it is up to the Assistant Commissioner to manage his or her own budget, and branch heads are to manage the situation to ensure appropriate police representation at Neighbourhood Watch meetings.

Obviously, such representation at Neighbourhood Watch meetings has to take account of operational demands at the time of the meeting. Again, I advise the Leader of the Opposition, should he wish to refer his specific example to me, that the Police Commissioner would be pleased to follow it up.

Mr LEWIS: Mr Speaker, I rise on a point of order. In view of your statement just prior to the statement made by the

Minister, can I draw your attention to Standing Order 132, which provides:

The Speaker may, with the concurrence of the House, defer a decision on the point of order or matter of privilege.

That is preceded by the sentence:

All points of order and matters of privilege, whenever they arise, suspend the consideration of the question under discussion until they are decided.

The SPEAKER: Order! In response to the point of order by the member for Ridley, the Chair intends to investigate particular matters drawn to my and the House's attention to see whether a breach of privilege has taken place, and the Chair will then report to the House. The Chair has not yet ruled whether a breach of privilege has occurred.

GRIEVANCE DEBATE

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

The Hon. M.D. RANN (Leader of the Opposition): Last night I had the pleasure to officially launch the HIV/ AIDS Counselling Team in South Australia, and I must say that I was very disappointed that no Government Minister would attend this meeting. But there are other issues apart from confronting prejudice that are important to address. I want to see compulsory random and regular inspections of dentists' surgeries in South Australia to ensure that safe standards of practice are being used in relation to HIV cross infection controls. Certainly, regular infection control audits of dental surgeries should be arranged, backed and mandated by the South Australian Health Commission.

Last year, a *Four Corners* program found that many dentists in Sydney were not properly sterilising surgical instruments such as drills and dental handpieces in an autoclave, despite clear recommendations of the National Health and Medical Research Council. Since then professional associations have been encouraging the use of autoclaves to sterilise surgical instruments between each patient in order more effectively to minimise the transfer of HIV. The *Four Corners* investigation on the ABC followed reports in the United States and Britain that the HIV virus could survive and then be transmitted from patient to patient if dentists' and doctors' instruments were not autoclaved after every single use on a patient.

No-one is suggesting—I am certainly not suggesting—that doctors or dentists are trying to infect their patients or that professional associations are not doing their job properly and encouraging members to use autoclaves, but in this important area of public health voluntary self-regulation is simply not good enough. In the States of the United States and elsewhere, there are spot inspections of dental surgeries to check infection control measures, and these checks are compulsory, not voluntary. Random checks are designed to ensure that surgical equipment is being autoclaved between each patient use and that autoclaves are checked to make sure they function properly. The *Four Corners* program indicated very serious penalties for abuses of the system.

People infected with the HIV virus, of course, face extraordinary discrimination in our health system and elsewhere in our community, and that is intolerable. There would be no need for fear, no need for risk, no need for prejudice and no need for discrimination if proper infection control procedures were vigorously applied. Most doctors and dentists undertake their responsibilities to all patients in a thoroughly professional way, but the information from interstate and overseas is that some surgeries are not properly using autoclaves because the sterilisation procedure affects the lifespan of surgical instruments, particularly dental handpieces. I am more concerned with the lifespan of patients, and that is why I believe that compulsory random inspections must be made to ensure widespread compliance. I certainly hope that the Minister for Health will announce more rigorous controls in his statement about HIV strategies tomorrow.

I want to raise some other issues in regard to this matter. I congratulate the HIV/AIDS Counselling Team that was launched yesterday. It has been working in the area for some considerable time. The team has a fundamental philosophy that recognises that HIV/AIDS is a condition that affects not only those infected with the virus but also those affected—their families and partners. The team itself has an extraordinary range of skills and expertise and includes a doctor, a psychologist, a psychotherapist, a sexual health counsellor, an AIDS educator, social workers and trained family therapists.

I am told that the team's approach emphasises strengthening people's own resources and their own personal networks. The team stresses that even after an HIV diagnosis there is a lot of constructive and productive living to be done. Much of the emphasis of the team involves helping those with the virus and their loved ones to make the psychological shift from living with a so-called death sentence to living with a chronic illness, and that is a big and important shift. There is a long-term commitment by the team to help clients get on with their lives and make important decisions about their future. It is a service that deserves all our support to assist our fellow citizens and their families to go forward in confidence.

The ACTING SPEAKER (Mr Bass): The honourable member's time has expired. The member for Wright.

Mr ASHENDEN (Wright): I refer to the comments that were made by the member for Spence during a point being made by a Minister of this House when he indicated that he would be going to Vietnam to meet with senior education people to develop ties between this country and theirs. The honourable member has just gone out of the Chamber—he could not get out fast enough—but let us make quite clear what the member for Spence said. When the Minister advised that he was going to Vietnam for the purposes that I have already outlined, the member for Spence stated, 'I suppose to give them training in torture.' They were the remarks made by the member for Spence.

I can think of no greater slur on a Government than the member for Spence made when he said those words. Here is a Government with which the South Australian Government and the Australian Government have attempted to try to build bridges and open up new trading opportunities, and the Minister who is presently in the House is one who is working with South Australian businesses to try to generate business with countries such as Vietnam, and we have not just a member of the Labor Party in this House but a shadow Minister, a member of the shadow Cabinet, a person who hopes one day to be in the South Australian Cabinet, making the comment, 'I suppose to give them training in torture.' That is an appalling statement.

Mr Atkinson interjecting:

Mr ASHENDEN: That is what you said.

The SPEAKER: Order!

Mr ASHENDEN: When this matter was drawn to the attention of the House and the honourable member, he was asked whether he would withdraw or apologise. The honourable member would do neither, despite the fact that he had made a reflection on the Vietnamese Government.

Mr Atkinson interjecting:

Mr ASHENDEN: The honourable member is even confirming that the reflection was on the Vietnamese Government. That is exactly the point I am making; he has confirmed that he was referring to the Vietnamese Government—a Government with which this State and his own colleagues in the Federal Government are trying to open up lines of communication.

Members interjecting:

The ACTING SPEAKER: Order!

Mr ASHENDEN: The honourable member is carrying on now about violations of human rights. He did not say anything about human rights; he stated quite clearly that, in his opinion, the Minister would be discussing with the Vietnamese Government our providing the opportunity of training in torture. That is what you said; it had nothing to do with individual rights—

The ACTING SPEAKER: Order! There is a point of order.

Mr FOLEY: I rise on a point of order. I understand that the procedure is that comments should be addressed through the Chair and not across the Chamber at other members.

The ACTING SPEAKER: I accept the point of order. The honourable is correct, but the situation is not helped by the member for Spence continually interjecting. I ask that members please be quiet. The member for Wright.

Mr ASHENDEN: I am quite happy to direct my remarks through the Chair. I again will ensure that it is quite clearly on the record that it was the member for Spence who made the comment that we will be providing this for the Vietnamese Government, and that it was the member for Spence, again, who interjected and made it quite clear that he deliberately reflected on the Vietnamese Government by indicating that it wanted training in torture.

Comments such as that should be condemned by the House. He exacerbated the situation when, upon being asked to withdraw, he refused; and upon being asked to apologise, he refused. The Leader of the Opposition is noticeable by his absence, and if ever a Leader should be bringing one of his colleagues into line, it is right now. After all, we saw the debacle caused by members opposite last week in relation to another incident. Members opposite were carrying on about that matter, and here we have a shadow Minister who is talking in the way in which he has done today about providing torture and about the Vietnamese Government wanting training in torture.

It is absolutely appalling and an absolute indictment of the honourable member, particularly as a member of the shadow Cabinet, and an indictment of the Leader of the Opposition, who has done nothing to try to correct this statement and the damage the honourable member has caused to the Vietnamese community in South Australia, the Vietnamese Government and the attempts that this Government is trying to make to open up lines of communication. Does the honourable member really believe that that statement will not get back to the Vietnamese? Of course it will.

At long last we have a Government trying to get South Australia on the map, and we have members such as the member for Spence, who are so irresponsible and stupid as to make comments in relation to torture and a Government looking for training in torture. The honourable member stands indicted for what he has said and done this afternoon.

The ACTING SPEAKER: The Deputy Leader of the Opposition.

Mr CLARKE (Deputy Leader of the Opposition): The purpose of my grievance this afternoon is basically to address points that certain sections of the media have raised with respect to me and comments I made immediately prior to my becoming President of the Australian Labor Party in July 1993. It was the subject of a television news report by Chris Kenny on Friday evening, and also the *Sunday Mail* gave it prominent treatment with respect to—

Mr Brindal interjecting:

Mr CLARKE: I ask the member for Unley to withdraw the comment he made in relation to my racist comments. If he will let me finish, I will explain exactly the position. I ask the member for Unley to withdraw that interjection.

The ACTING SPEAKER: I was in discussion with the Clerk and did not hear the comment. If the member for Unley made that comment, I ask that he consider withdrawing it.

Mr BRINDAL: Mr Acting Speaker, my comment, which was quite wrong and for which I do apologise, because it was by way of an interjection—

The ACTING SPEAKER: The honourable member either withdraws or does not withdraw his comment. I ask whether the honourable member will withdraw the comment.

Mr BRINDAL: No.

The ACTING CHAIRMAN: The member for Ross Smith.

Mr CLARKE: The fact that the member for Unley will not withdraw his comment quite upsets me. I invite the member for Unley to read the facts contained in *Hansard* of 5 August 1993, at pages 54 and 55, in which the Hon. Bernice Pfitzner tried to fit me up at Question Time in the Legislative Council through a question to the then Attorney-General, the Hon. Chris Sumner. The Hon. Chris Sumner was present at the Australian Labor Party State Convention, where I participated in a debate with respect to the Racial Vilification Bill being proposed by the Federal Government and whether or not it should be emulated at State level.

The comments attributed to me were direct quotes from Arthur Calwell, the Leader of the Australian Labor Party in the late 1940s, when he was Minister for Immigration. He made that infamous remark, 'Two Wongs don't make a White'. As was confirmed by the then Attorney-General last year, my comments in that debate to the Australian Labor Party related to how far the Australian Labor Party had come in its attitude towards racial tolerance and multiculturalism from the days of its former Leader, Arthur Calwell, making comments such as that through to the present day, where the Labor Party had ditched the White Australia Policy—and deservedly so—and had embraced racial tolerance and multiculturalism.

Despite my being interviewed by Chris Kenny, unfortunately, he chose to interpret the facts in the way he wanted to see them, as did the *Sunday Mail*. It is indeed a sad commentary that the source for the *Sunday Mail* article was the Chris Kenny interview with himself on Friday evening. All I can say is that you know when you have hurt the Government when certain of their friends and the media get a telephone call, obviously from the Government, to try to beat up a story some 18 months old and ignore all the facts. Again, I invite all members and, in particular, members of the media to read the Legislative Council debates in *Hansard* of 5 August 1993

at pages 54 and 55, where a comprehensive answer is given by the then Attorney-General, who was present in the body of that Party conference and who heard all the debate. Indeed, one month later, in response to an *Advertiser* article, the State Council of the Labor Party passed a resolution unanimously supporting my position in the sense that the State Council deplored the views expressed by the *Advertiser* and the misrepresentation of the *Advertiser* article, which was printed shortly after the convention.

Members interjecting:

The ACTING SPEAKER: Order! The member for Kaurna.

Mrs ROSENBERG (Kaurna): I take the opportunity today to put on record my thanks for being able to participate in the official launch of the Willunga District Council's recycling program. I wanted to do so because, as a previous council member, I know that it has taken the council quite a long time to get to the process it has today, with the official launch of its recycling program. Also I officially put on record my congratulations to the current council for following through the initial study that was put in place at the time that I was still a member of the council, and following that program through to today's launch.

This fits very well with the program of local government recycling and waste management, and it also fits very well with our State Government's aim to reduce waste going to landfill by one half by the year 2000. It must be emphasised that this is a very dramatic change in the program for the Willunga District Council area, which will now be going from the weekly pick-up of garbage bags, garbage bins, cardboard boxes, plastic shopping bags, or anything else chosen to be put out on the footpath to be torn up by cats and dogs before the garbage truck arrives, to a proper mobile garbage bin, fully enclosing the rubbish. Hopefully that will clean up the environment around our neighbourhoods.

The rubbish collection will be by contract and will commence next Monday and, as a result, a recycling program will be run concurrently with that, starting on 12 December, where recyclable material will be collected along with the ordinary rubbish collection. Residents will be encouraged to take green waste to Pedlar Creek dump or, better still, to purchase a compost bin from the council; or, for those residents in the council area who are more adventurous, to purchase a worm factory. This is a significant point, because a recent survey of rubbish put into bins in the Noarlunga council area estimated that more than 70 per cent of rubbish in garbage bins was green matter coming from garden or kitchen waste.

Gully Recyclers have been awarded the contract and come to the program with considerable experience, as they have been involved in the Tea Tree Gully area for 10 years and, more recently, in the Unley and Burnside council areas. The kerbside recycling service will collect glass, plastics (types 1, 2 and 3), aluminium and steel cans, newspaper, cardboard and milk and juice cartons. Willunga Mayor Aldridge has said that the provision of crates for recycling and the ample information that went with them will make recycling more convenient for residents of the Willunga District Council area. I agree wholeheartedly that there are many residents in that area who have perhaps thought about recycling in the past but who have never started to do so, but I believe that they will do so now.

I would also recognise formally the work of the local scout groups in delivering all of the crates to the residents. This initiative was possible because of the support of major sponsors, Southern Quarries, Aldinga Central Shopping Centre and Rocla being the three main sponsors of the recycling program. Other sponsors are the Mole group, Pioneer Road Services, Ampol Seaford and industry sponsors such as ACI Glass Packaging and the Association of Liquid Paperboard Manufacturers, who have helped in the financing of these crates. On behalf of Willunga council area residents it is appropriate that those sponsors be recognised for their commitment to the district and the environment.

Accompanying the delivery of the recycle crate was a useful booklet produced by the Willunga District Council which indicated the types of material that could be recycled and much information about the new bins. I guess it is timely to say that this program fits in well with the State Government strategy because of yesterday's announcement in an answer to a question I asked the Minister for the Environment and Natural Resources about the metropolitan Adelaide solid waste plan that the Government has announced. It is probably worth noting that a group of mayors were present today from the neighbouring councils of Willunga and it is clear that Willunga has come from miles behind to finally being a leading council in terms of recycling. On behalf of the Parliament I congratulate the council for the work it has put into the program.

Mr ATKINSON (Spence): The question of human rights versus trade is a most difficult one. I can well understand that the State Government wants good relations with the Socialist Republic of Vietnam in order to make money for institutions such as TAFE and to make money for South Australian businesses. I quite understand why the Government wants to cultivate relations with the Socialist Republic of Vietnam and the People's Republic of China. I can only speak for myself on this matter. I represent a constituency that has at least 4 per cent Vietnamese Australians on the electoral roll and more are becoming citizens every day. I door knock those new constituents when they come on the roll and speak to them.

There are Vietnamese Australians who are members of my local branch of the Labor Party and I spend a great deal of time with the Vietnamese community in South Australia. Let me say that the Vietnamese community in South Australia regards the Socialist Republic of Vietnam as a brutal dictatorship. It is fair to say that it is one of the most brutal regimes in our region. If it were my decision I would not grant Australian bilateral aid to the Socialist Republic of Vietnam and I would not have government to government relations with the Socialist Republic of Vietnam until it improved its record on human rights.

However, this said, today when the Minister for Employment, Training and Further Education was replying to a question on his trip to Vietnam he remarked that, as a result of his visit, all cadres in the Vietnamese Government, that is, members of the Communist Party of Vietnam, were to learn English. I interjected, perhaps foolishly and ironically, asking what would we have to learn from the Socialist Republic of Vietnam but torture. There is no doubt that the Socialist Republic of Vietnam has used torture on its citizens. There is no doubt that people remain in re-education camps 20 years after the end of the war in Vietnam and that it treats its own citizens brutally.

The member for Unley took my interjection and turned it around into something it was not. However, if there is any implication from what I have said that TAFE would discuss

matters connected with torture with the Socialist Republic of Vietnam, I withdraw my comment and apologise. Let that be clear. However, the Premier had no doubt about what I said because he called for me to apologise not to TAFE but to the Socialist Republic of Vietnam, and that is something I will not do because my Vietnamese Australian constituents and those of Vietnamese-Chinese origin have very good reason to know that the Socialist Republic of Vietnam is one of the most brutal Governments in the region.

I am not sufficiently prepared now to go into the details of how that Government treats its citizens, but suffice to say I believe the testimony of my constituents. It is first-hand testimony of serious violations of human rights and, if it were up to me and me alone, I would not have government to government relations with the Socialist Republic of Vietnam. I understand that the Liberal Government wants to have these relations and wants to promote them: and so does the Federal Labor Government. The Minister is right. I disagree with that view conscientiously but I understand why you would want to have those relations and it is not my purpose to jeopardise those relations. I withdraw and apologise for any implication that members opposite may have taken about TAFE. It was certainly not intended but, if it was taken in that way, I apologise and withdraw.

Mrs PENFOLD (Flinders): I wish to place on the public record the importance of the decision by the Minister for Transport in another place that allows road train access through Port Augusta for a trial period. Few other single decisions could be made that would help more the economy of Eyre Peninsula and its people. The move will allow technology in transport to progress and will help to keep a lid on the cost of everything we do on Eyre Peninsula. Figures supplied to me from an Eyre Peninsula based road train operator indicate that the cost of moving bulk rural commodities from Eyre Peninsula to Adelaide is about $40 a tonne. Following the opening of Port Augusta to road train operations the price per tonne of moving the same commodities will drop to $33 or $34 a tonne.

In 1992 the number of road trains leaving Port Augusta for destinations to the north and west was 76 double road trains and 28 triple road trains. These combinations all travel to Port Augusta as single combinations. One road train operator has suggested that there could be a saving from these figures of 20 000 road kilometres by allowing road train access through Port Augusta. We can assume that these rigs will return, doubling the saving of road kilometres.

The Government's decision has created much distrust in certain communities. I understand and sympathise with the concerns expressed. In my home town road trains carrying grain to the terminal silo at Port Lincoln have used the busiest city streets for many years. People do not like such intrusions but see them as a necessary adjunct to living in a rural city which depends on the profitability of grain growing.

The Port Lincoln community and town leaders understand that road trains have helped to keep a lid on farmer's costs. This Government, I am pleased to say, has recognised the importance of transport to isolated regions of South Australia. Everything we consume and almost everything we produce in remote areas of South Australia has a freight cost component. It is important for our very survival that these freight costs are kept to a minimum. Whilst speaking about transport, I also wish to mention the proposed sealing of the Cleve-Kimba road over the next seven years. The budget allows $400 000 to be spent on this project, with a starting date of January 1995.

To gauge how much joy this news has brought to the local communities in this part of Eyre Peninsula, I refer to a letter from the District Council of Cleve to the Minister for Transport in another place. The letter states:

> The news of the proposed sealing of the Cleve-Kimba road is undoubtedly the most positive and heartening news received in over 20 years by the two communities of Cleve and Kimba.

The letter further states:

> The sealing of the road will provide a much needed boost to Eyre Peninsula.

I have stated in this House on a previous occasion that a good road system will increase economic activity between towns. In this case a start on sealing this road will do much more: it will lift flagging spirits in a rural community that the previous Administration left neglected and forgotten. I remind members opposite that South Australia no longer stops at Gepps Cross—there is another vital part of the State and, after many long years, its importance is at last being recognised. The letter from the District Council of Cleve goes on to say that rural communities are only too aware of the restraints which must finally be exercised by this Government in these hard economic times—constraints on spending the previous Administration would not take.

The people living in this isolated part of the State therefore appreciate the support and commitment this Government has shown to the rural arterial road sealing program announced as part of the Liberal Government's election platform. Yes, this is an election promise that has been kept much to the delight of those who will benefit. It is the first time in over 20 years that a proposal to seal the Cleve-Kimba road has been documented and signed by a Minister of the Crown. I am delighted that the Government has made a start on sealing the link between these two rural communities.

I turn now to the special needs of education, especially the needs of country students in a wide range of areas. The allocation of 69 open access salaries will assist many of my country schools to maximise curriculum choice and expand the offerings for their students. It is important to note that many country schools, especially rural schools, will not lose a teacher under the new staffing formula. I am also particularly pleased that the allowance for isolated children will be increased.

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

PERSONAL EXPLANATION

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: During the course of Question Time I interjected wrongly and asked a question of the member for Ross Smith. When the member for Ross Smith completed his contribution he supplied me with the *Hansard* record. I have respect for the Hon. Mr Sumner who was, for a long time, Attorney-General in the other place. I accept the remarks of the Deputy Leader of the Opposition and, therefore, I regret, in as much as I questioned his veracity on the subject, the remarks that I made.

STATE GOVERNMENT INSURANCE COMMISSION (PREPARATION FOR RESTRUCTURING) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the State Government Insurance Commission Act 1992. Read a first time.

The Hon. S.J. BAKER: 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.

This Bill contains amendments to the *State Government Insurance Commission Act 1992* to enable preparations for sale of SGIC to proceed and protect the Directors and staff of SGIC and other persons involved in the process.

The Government established the Asset Management Task Force in April 1994 to oversee all the sales of Government entities and ensure a whole-of-Government approach. The role of the Task Force, inter alia, is to ensure that the Government, as the owner of these assets, retains ultimate control and responsibility for the sale process.

The Government has adopted a uniform three-stage methodology for the sale process which involves:—

- preparation of a scoping study to identify all the issues relevant to the sale;
- the packaging of the assets for sale including preparation of legislation as required; and
- implementation of the agreed sale process.

The Government has established an SGIC Sale Project Committee consisting of the Chairman of SGIC, the Chairman of the Asset Management Task Force and the Under-Treasurer. Work is proceeding on the first stage of the sale process by the Asset Management Task Force and the management of SGIC under the direction of the Project Committee.

The implementation of sale procedures can cause difficulties where the Board of the relevant body has statutory or independent responsibilities that are not consistent with the sale process.

The Government wishes to overcome these difficulties in respect of the proposed sale of the State Government Insurance Commission and is introducing this legislation to facilitate and expedite the work which needs to be undertaken to get SGIC ready for sale.

Similar legislation was introduced to the House in August 1993 to facilitate the work necessary to prepare the State Bank for sale. The present SGIC legislation does not contemplate a corporatisation process or preparation for sale.

In drafting this Bill, the Government had in mind the following factors:

1. The Board members of SGIC have reasonably onerous duties, a breach of which is subject to criminal sanction. Those duties do not include any restructure or sale process. It is arguable that the immunity from civil liability enjoyed by the Directors would not extend to their assistance or involvement in that process.
2. By reason of the nature of the business carried on by SGIC, the very different prudential and legal requirements on private sector insurance organisations and the potential impact of the Government guarantee on any decisions respecting the sale, the sale process of the SGIC is likely to be quite complex.
3. There may be common law duties of confidentiality owed by SGIC and its staff to the client and others with which SGIC has insurance and business relations.

For these reasons the Government has determined that it is necessary that this legislation be enacted to protect the Directors and staff of SGIC whilst assisting in the vendor due diligence process. Other persons who must also be involved in the sale process include public servants and financial and legal consultants engaged by the Crown. The sale process, by definition, must be carried out on behalf of the Government as the owner of SGIC.

The Bill will facilitate the work required in order to prepare SGIC for sale. The sale of SGIC will not take place until all work has been completed, until the Government has evaluated the result of this work and until further enabling legislation is introduced to Parliament to authorise and effect the sale of the State Government Insurance Commission.

As I have already noted, these amendments are necessary, but they deal purely with matters of machinery. They do not provide either for corporatisation or sale of SGIC. These matters will be subject to subsequent consideration by Parliament.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

Clause 2 provides for the measure to be brought into operation by proclamation.

Clause 3: Insertion of Part 6

This clause inserts a new Part 6 into the principal Act providing for action required in preparation for restructuring and disposal of the State Government Insurance Commission and its subsidiaries.

Proposed section 31 defines the terms used in the Part. 'Authorised project' is defined in terms of proposed section 33(1). 'SGIC Group' is defined as being the State Government Insurance Commission and the subsidiaries of the Commission. 'SGIC Group undertaking' is defined as the undertaking of the Commission and of its subsidiaries, or any part of that undertaking. 'Subsidiary', of the Commission, is defined as a body that is a subsidiary of the Commission according to Division 6 of Part 1.2 of the *Corporations Law* as modified in its application by subclause (2), or any other body or entity of which the Commission is the parent entity according to Division 4A of Part 3.6 of the *Corporations Law*.

The proposed new section also provides that in applying Division 6 of Part 1.2 of the *Corporations Law* to determine whether a body is a subsidiary of the Commission, the reference in section 46*(a)*(iii) of that Law to one-half of the issued share capital of a body is to be taken to be a reference to one-quarter of the issued share capital of the body, and that shares held, or powers exercisable by, the Commission or any other body are not to be taken to be held or exercisable in a fiduciary capacity by reason of the fact that the Commission is an instrumentality of the Crown and holds its property on behalf of the Crown.

In applying Division 4A of Part 3.6 of the *Corporations Law* to determine whether the Commission is the parent entity of some other body or entity, the Commission is to be taken to be a company to which that Division applies.

Proposed section 32 provides that this Part applies both within and outside the State to the full extent of the extra-territorial legislative capacity of the Parliament.

The proposed section 33 provides for the following action (collectively referred to as the 'authorised project') to be undertaken for the preparation for restructuring and sale of the SGIC Group undertaking:

(a) determination of the most appropriate means of disposing of the SGIC Group undertaking and, in particular, whether the SGIC Group undertaking should be restructured by vesting the undertaking in a separate body corporate or separate bodies corporate in preparation for disposal;

(b) examination of the SGIC Group undertaking with a view to its restructuring and disposal;

(c) any other action that the Treasurer authorises, after consultation with the Board, in preparation for restructuring and disposal of the SGIC Group undertaking.

This is to be carried out by persons employed by the Crown and assigned to work on the project, officers of the Commission assigned to work on the project, other persons whose services are engaged by the Crown or the Commission for the purpose of carrying out the project, and any other person approved by the Treasurer whose participation or assistance is, in the opinion of the Treasurer, reasonably required for the purposes of the project.

The proposed section provides that the directors and other officers of the Commission and its subsidiaries must, despite any other law, allow persons engaged on the authorised project, and, with the Treasurer's authorisation, prospective purchasers and their agents, access to information in the possession or control of the Commission or the subsidiary that is reasonably required for carrying out the authorised project, and provide any other co-operation, assistance and facilities that may be reasonably necessary for the carrying out of the authorised project.

The clause contains a provision for certificates to identify persons who are to have access to information under the clause.

Proposed section 34 provides that disclosure or use of information as reasonably required for the authorised project and things done or allowed under the new Part will not—

(a) constitute a breach of, or default under, an Act or other law; or

(b) constitute a breach of, or default under, a contract, agreement or understanding; or
(c) constitute a breach of any duty of confidence (whether arising by contract, at equity, by custom, or in any other way); or
(d) constitute a civil or criminal wrong; or
(e) fulfil any condition that allows a person to terminate any agreement or obligation; or
(f) release any surety or other obligee wholly or in part from any obligation.

Proposed section 35 provides that in any legal proceedings, a certificate of the Treasurer certifying that action described in the certificate forms part of the authorised project, or that a person named in the certificate was at a particular time engaged on the authorised project, is to be accepted as proof of the matter so certified. An apparently genuine document purporting to be such a certificate is to be accepted as such in the absence of proof to the contrary.

Mr CLARKE secured the adjournment of the debate.

LOTTERY AND GAMING (MISCELLANEOUS) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act 1936. Read a first time.

The Hon. S.J. BAKER: 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.

The Bill provides for the Minister to have a discretion to suspend an instant ticket suppliers licence where that may be considered a more appropriate penalty for non compliance with the conditions of the licence than cancellation of the licence and will close a loophole which has enabled individuals to conduct lotteries for personal gain in competition with those conducted by the non profit sector.

A provision is included which will allow Racing Clubs to conduct 'Punter's Clubs' which facilitate betting activity for racing patrons who are unfamiliar with the process.

The Bill also contains provisions which will strengthen the laws relating to the occupation of a common gaming-house by placing the onus of proof upon the occupier to demonstrate that he did not know and could not have known, that the premises were being used for illegal purposes.

Penalties under the Act have been reviewed and adjusted to reflect contemporary values.

Instant Ticket Suppliers' licences

The Act currently provides for the Minister to issue licences to the suppliers of instant lottery tickets and to cancel a licence in particular circumstance such as failure to comply with a condition of licence. The Act allows no discretion to suspend a licence where that may be considered a more appropriate penalty for non compliance with licence conditions. The authority to cancel an instant ticket suppliers licence should be exercised only in circumstances where some serious breach of the licence conditions has been committed. The ability to suspend a licence would add a degree of flexibility towards encouraging compliance with licence conditions.

Lotteries

Currently the Act and Regulations aim to limit the conduct of lotteries to those conducted by non profit organisations, under licence, as means of fundraising. Such lotteries are subject to rules of operation to ensure that participants have a fair and equal chance of winning, to payment of Government fees based upon a percentage of the gross proceeds from the lottery (Charities excepted) and to requirements that the proceeds from the lottery benefit the non profit organisation rather than individual promoters.

A lottery is exempt from the provisions of the Act if, in accordance with section 9(d), participation does not depend upon the payment of an entrance fee or other benefit. In other words, there is a free draw.

A scheme has been developed which involves the following features:

- a $2 payment which entitles applicants to membership of the 'Australian Fun Club' and access to a range of discount goods at stores throughout South Australia;
- a 'free' lottery draw for a major prize;
- a donation to some nominated charity.

The lottery element of the scheme escapes the licensing provisions of the Act and Regulations because, in terms of section 9(d), entry is not subject to payment of an entry fee or other benefit. The scheme therefore operates for the benefit of the scheme promoters in competition with lotteries conducted by charities and other non profit organisations. It is necessary to amend the legislation so that where payment of a membership fee entitles the member to participate in a lottery at no further cost, then such lotteries will become subject to the provisions of the Act.

Punter's Club

Punter's Clubs are a Racing Industry initiative which aim to assist new or inexperience racing patrons. Only racing clubs which are registered under the *Racing Act 1976* will be able to conduct Punter's Clubs which would operate only in relation to approved race meetings. Similar Clubs operate successfully in Victoria and Western Australia.

Authorised racing clubs would appoint a person to operate the Punter's Club on their behalf. That person will not receive any commission, fee, share or interest from the operation of the Club.

The Clubs would operate by selling tickets for a set amount prior to or at a race meeting. The funds received from the sale of tickets will used to bet on races at the meeting based upon judgement exercised by a panel of persons established for this purpose. All funds received from the operation of the Punter's Club including winnings, will be deposited in a special account. All bets will be a charge against that account. Details of the fund, including details of wins and losses will be made visible to the general public. Net winnings at the end of the meeting will be shared between all the investors.

The Punter's Club operations will be subject to very close scrutiny through the supervisory processes of the Department of Recreation, Sport and Racing, the Police and racing club detective presence on course and the general scrutiny exercised by the participants themselves.

Penalties

The penalty provisions in the current Act have been reviewed. The Bill contains revised penalties which reflect contemporary values. The penalty of imprisonment for less serious offences has been removed.

Strengthening of Common Gaming-House laws

Currently it is difficult to bring successful prosecutions against the occupiers of common gaming-houses pursuant to section 75 of the Act, which provides simply that no person shall be the occupier of a common gaming-house. Occupiers can minimise the risk of prosecution and conviction under that section simply by denying any knowledge of illegal gaming activity even though in some cases they are participating. The Bill seeks to amend section 75 so that it contains a provision similar to that under section 90(4) which provides that, in relation to keeping a house for the purpose of gaming, it shall not be necessary to prove that the occupier knew that the premises were kept or used for illegal gaming, although such person shall not be convicted if he proves that he did not know and could not, by the exercise of reasonable diligence, have known that the premises were being so kept or used.

The effect of the proposed amendment will be that it will remove the current necessity for the crown to prove 'knowledge' on behalf of the defendant in order to achieve a successful prosecution. It will also provide a defence to the charge by placing the onus upon the defendant to prove (on the balance of probabilities as opposed to beyond reasonable doubt which is the normal standard) that he/she did not know. An amendment to section 75 as proposed would also remove the inconsistency which currently exists between sections 75 and 90(3) both of which relate to offences for occupying certain prohibited places and for which the penalties are the same.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that all provisions except clause 3 of the proposed Act will come into operation on assent. If the Bill is passed, clause 3 will be taken to have come into operation on 30 November 1994.

Clause 3: Amendment of s. 9—Exemptions from Act

This clause inserts new section 9(2) in principal Act to make it clear that payment of a 'membership fee' is equivalent to payment of an 'entrance fee', if membership entitles the member to participate in a free lottery.

Clause 4: Substitution of s. 20

Section 20 of the principal Act currently only provides for cancellation of a instant lottery ticket supplier's licence. New section 20 provides for cancellation of a licence that was improperly obtained and cancellation or suspension of a licence where a provision of the Act or a condition of a licence was breached.

Clause 5: Amendment of s. 57—Soliciting totalizator investments

This clause inserts new subsections into section 57 of the principal Act to allow the Minister to grant an exemption to registered racing clubs from the prohibition on soliciting totalisator investments. An exemption would only operate for the purposes of lawful race meetings and may be varied or cancelled. Breach of any conditions of the exemption would result in the club being liable to a division 6 fine.

Clause 6: Substitution of s. 75

This clause substitutes a new section 75 in the principal Act dealing with the offence of occupying a common gaming-house. The new section provides that the prosecution need not prove that the defendant knew that the premises were being used as a common gaming-house but that it is a defence for the defendant to prove that he or she did not know and could not reasonably be expected to have known that the premises were being so used.

Clause 7: Transitional

This clause makes it clear that the amendment to section 9 of the Act does not affect any lottery opened before commencement of the amending clause.

Clause 8: Further amendments of principal Act

This clause provides for further amendments as set out in the schedule. The amendments set out in the schedule all relate to penalties under the Act. All penalties under the Act have been reviewed and converted to divisional penalties.

Mr CLARKE secured the adjournment of the debate.

GOVERNMENT FINANCING AUTHORITY (AUTHORITY AND ADVISORY BOARD) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Government Financing Authority Act 1982. Read a first time.

The Hon. S.J. BAKER: 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.

The Bill amends the *Government Financing Authority Act 1982* to restructure the South Australian Government Financing Authority and to establish a Board to advise the Authority and the Treasurer.

The *Government Financing Authority Act 1982* established the South Australian Government Financing Authority (SAFA).

Section 6 of the Act provides that 'the Authority will consist of a minimum of three members and a maximum of six members, as the Governor determines, of whom-

(a) one (the Chairman) will be the person for the time being holding the office of Under Treasurer; and

(b) the remainder will be persons appointed by the Governor, upon the nomination of the Treasurer'.

The Bill changes the structure of SAFA by providing that it will be constituted of one person—the Under Treasurer. SAFA is subject to the control and direction of the Treasurer by virtue of section 13 of the Act.

The Bill provides that the Advisory Board will consist of five or six members of whom one will be the Under Treasurer (as presiding member) and the remainder will be persons appointed by the Governor, one of whom is employed by a semi-government authority. It is planned that a minimum of three persons from the private sector will be appointed. Four members will constitute a quorum for meetings of the Board.

The functions of the Advisory Board are to advise the Treasurer or the Authority on any question relating to the exercise by the Authority of its powers, functions or duties under the Act.

The Advisory Board will provide written advice to the Treasurer. The Treasurer will also receive a copy of all advice provided by the Advisory Board to the Authority.

The Bill requires SAFA's annual report which is laid before each House of Parliament to include details of any advice received from the Advisory Board which the Treasurer or the Authority decided not to follow and the reasons for deciding not to follow that advice.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 amends section 4 which provides for the interpretation of terms used in the principal Act.

Clause 4: Repeal of ss. 6, 7, 8, 9 and 10 and substitution of new sections

Clause 4 removes section 6, 7, 8, 9 and 10 of the principal Act and replaces them with two new sections that constitute SAFA of the Under Treasurer and protects the Under Treasurer from personal liability when carrying out powers, functions or duties under the Act. The substance of the provisions removed are not required in view of the constitution of SAFA by a single person.

Clause 5: Amendment of s. 11A—Validity of transactions of Authority

Clause 5 makes consequential amendments to section 11A of the principal Act.

Clause 6: Insertion of Part 3A

Clause 6 inserts Part 3A which establishes and provides for the South Australian Government Financing Advisory Board. New section 18B sets out standard provisions in relation to membership of the new Board. Section 18D which provides for proceedings at meetings of the Board allows for meetings to be held by telephone or other electronic means and allows resolutions to be passed by agreement of members without a formal meeting. Section 18G sets out the functions of the Board. In those instances where the Board gives advice to the Authority but not the Treasurer it must inform the Treasurer of the advice by providing him or her with a copy of the minutes recording the advice.

Clause 7: Amendment of s. 19—Delegation by the Authority

Clause 8: Substitution of s. 24

Clauses 7 and 8 make consequential amendments.

Clause 9: Insertion of s. 24A

Clause 9 inserts a new section which requires the Authority to keep a record of its more important decisions (those that have not been delegated) and requires the Under Treasurer to certify the accuracy of the record.

Clause 10: Amendment of s. 25—Accounts and audit

Clause 10 makes a consequential amendment.

Clause 11: Amendment of s. 26—Annual Report

Clause 11 adds subsections to section 26 to ensure that decisions of the Authority or the Treasurer not to follow the Board's advice and the reasons for those decisions are disclosed to Parliament.

Mr CLARKE secured the adjournment of the debate.

PHYLLOXERA AND GRAPE INDUSTRY BILL

The Hon. J.K.G. Oswald, for **the Hon. D.S. BAKER (Minister for Primary Industries),** obtained leave and introduced a Bill for an Act to provide for the protection of vineyards from disease and to foster the development of the grape industry in South Australia. Read a first time.

The Hon. J.K.G. OSWALD: 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.

This Bill results from careful deliberations which began with the release in November 1992 of the Green Paper on the *Phylloxera Act 1936*. That Green Paper, in turn, was a product of the ongoing legislative review program which determines the worth of statutory measures.

It accurately can be said that this was a significant project within the review program because it centred on the South Australian grape

industry and its most important adjunct, the wine industry. Within this scenario there is also the smaller but no less important table-grape industry.

Responses to the Green Paper were delayed by the unusual weather of the 1992/1993 summer, but eventually and not surprisingly there was unqualified industry support for retention of the principles set by the 1936 Act. Those responses were submitted by representative groups (such as vine improvement committees) rather than individuals and it was clear that there had been considerable discussion within industry.

Support for retention of the legislation did not consist of simple dismissal of Green Paper option number two, which suggested repeal of the Act. Rather, there was significant endorsement of the fifth Green Paper option which proposed expansion of the Act to grape diseases other than phylloxera.

Other principles to receive support were as follows:

- The Phylloxera Board should determine all policy for the protection of the State's grape industry against disease. However, measures to extend such protection should rest solely in the *Fruit and Plant Protection Act 1992*. The Chief Inspector under that Act should be appointed to the Board to ensure smooth translation of this principle.
- An additional facet of Green Paper option number five—namely that the Board enjoy the power to endorse industry-based vine accreditation schemes—should be adopted. This would free-up considerably the trade in propagative material but not increase the risk of disease, given proper surveillance of those schemes In all of this, attention is likely to remain focused on phylloxera.
- The Phylloxera Board's research and extension role should be clarified. At the same time, the worth of the Phylloxera Fund as a source of compensation in the event of an outbreak should be examined.

These and lesser points of agreement were written into a White Paper in March 1994 which subsequently was circulated to grape industry groups. That action was followed by meetings between such groups and departmental officers. The whole approach to the issue has been careful because of a resurgence in some circles, of the belief that the *Phylloxera Act* offers the industry protection against the introduction of the damaging phylloxera organism. Moreover there seemed to be a fear that the Act was about to be dismantled and the protection removed.

The facts which had to be reinforced were the following:

- As far as can be ascertained, the powers of protection offered by the *Phylloxera Act* have never been applied. Instead, measures against the introduction of phylloxera have been invoked under the *Fruit and Plant Protection Act 1992* and its predecessors.
- Under the proposed Bill, the industry-based Board will have a very clear and firm say about protection of the grape industry against disease, but the protection itself, correctly, will continue to be offered by the Act just described.

Honourable Members now see before them a Bill that reflects both the earlier and more recent consultative processes. Inevitably, certain of the original proposals have undergone changes in emphasis or are now expressed more directly. Such is the case with the proposal that the Board be selected rather than elected as previously. The specific provision that the South Australian Farmers Federation and the Wine and Brandy Producers Association participate in the selection process will be noted.

A subtle but significant addition to the thrust of the Bill can be found in the latter part of its long title, that is ". . . to foster the development of the grape industry . . . " and in the simple expression of that aim in clause 12(1)*(j)*. This will provide all sectors of the industry with a forum for the analysis and resolution of needs and trends that are crucial to the effective, efficient production of grapes and wine in this State.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of words and phrases used in the proposed Act.

PART 2

PHYLLOXERA AND GRAPE INDUSTRY BOARD OF SOUTH AUSTRALIA

DIVISION 1—CONSTITUTION OF BOARD

Clause 4: Continuance of Board

This clause provides that the *Phylloxera Board of South Australia* continues in existence as the *Phylloxera and Grape Industry Board of South Australia* as a body corporate with full juristic capacity.

Clause 5: Constitution of Board

The Board consists of—

- the Chief Inspector (appointed under the *Fruit and Plant Protection Act 1992*); and
- up to eight members appointed by the Minister of whom one will be a person nominated by the Minister with expertise in viticultural research and up to seven will be persons nominated by the Selection Committee.

When nominating members of the Board, the Selection Committee must ensure that—

- no more than one member is nominated from each prescribed region;
- at least one member has been endorsed by the South Australian Farmers Federation Incorporated to represent that association's interests;
- at least one member has been endorsed by the Wine and Brandy Producers Association of South Australia Incorporated to represent that association's interests;
- all members have a proven commitment to the improvement of the State's grape and wine industry, and its protection from disease;
- any other requirements notified in writing by the Minister are satisfied.

No member of the Selection Committee may be nominated or appointed as a member of the Board.

Clause 6: Terms and conditions of members

An appointed member of the Board will hold office for a term of not more than three years and, at the end of that term, is eligible for reappointment. A member of the Board is entitled to allowances and expenses determined by the Minister and may be removed from office by the Minister for the usual reasons. On the office of an appointed member becoming vacant, a person must be appointed in accordance with this proposed Act to the vacant office.

Clause 7: Presiding member of Board

The members must elect a presiding member in each July. In the event that the office of the presiding member becomes vacant before the expiration of the term of office, the members must elect another member to preside.

Clause 8: Conduct of business by Board

A quorum of the Board consists of five members with each member present at a meeting having a vote on a matter before the Board. The presiding member at a meeting of the Board has a casting as well as a deliberative vote. A majority decision is a decision of the Board.

DIVISION 2—PHYLLOXERA AND GRAPE INDUSTRY BOARD SELECTION COMMITTEE

Clause 9: Establishment and membership of Selection Committee

The *Phylloxera and Grape Industry Board Selection Committee* is established. The Selection Committee consists of five members appointed by the Minister from a panel of 10 persons nominated by the South Australian Farmers Federation Incorporated, the Wine and Brandy Producers Association of South Australia Incorporated and any other organisations or bodies that, in the opinion of the Minister, have significant involvement in grape growing or winemaking. The Minister must appoint a member of the Selection Committee to preside at meetings of the Selection Committee.

Clause 10: Term and conditions of office of Selection Committee

The members of the Selection Committee are appointed for a period and on terms and conditions, including payment of allowances, determined by the Minister with the Board paying the allowances payable to members of the Selection Committee and any reasonable expenses of the Selection Committee. A member of the Selection Committee may be removed from office by the Minister for the usual reasons.

Clause 11: Procedures of Selection Committee

A decision may not be made at a meeting of the Selection Committee unless all members are present or participate by telephone, video or other electronic means. Each member of the Selection Committee is entitled to one vote on a matter arising for decision at the meeting and a decision carried by a majority of the votes of the members present at a meeting of the Selection Committee is a decision of the Selection Committee. The Selection Committee may engage consultants to assist it in nominating persons for appointment as members of the Board.

DIVISION 3—FUNCTIONS AND POWERS OF BOARD

Clause 12: Functions of Board

The functions of the Board are—

(a) to identify and assess—

- the relative threat to the State's vineyards posed by phylloxera and other diseases; and
- the risk of spreading diseases through the movement of machinery, equipment and vines into and within the State;

(b) to develop policies in relation to—

- appropriate restrictions on or conditions for the movement of machinery, equipment and vines into and within the State to prevent the spread of disease; and
- the quarantine of vines that are or may be affected by disease; and
- appropriate measures for the control of outbreaks of disease in the State;

(c) to develop plans for the eradication of disease in the State's vineyards;

(d) to support and encourage the conduct and evaluation of research into—

- disease resistance and tolerance of root stocks and scions; and
- diseases that affect or may affect vines, and any matter relating to such diseases, including their control;

(e) to publish the results of relevant research;

(f) to promote awareness of the dangers of disease among the public and people involved in grape growing or winemaking;

(g) to disseminate information on disease and work practices or industry codes of practice that would minimise the risk of disease, or its spread, to people involved in grape growing or winemaking;

(h) to approve nurseries (whether within or outside the State) that are capable of producing propagative material that is free of specified diseases or industry-based accreditation schemes for such nurseries;

(i) to collect and, on request by an interested person, supply data relating to vineyards and vine health in South Australia;

(j) to foster the development of the grape industry;

(k) to perform the other functions assigned to the Board by or under this Act or by the Minister.

Clause 13: Action to be taken on outbreak of disease

If an outbreak of disease occurs, the Chief Inspector and the presiding member of the Board must—

- determine the appropriate action to be taken to control the outbreak; and
- provide on-going advice to the Minister in relation to the outbreak and the action being taken to control it.

Clause 14: Regional and other committees

The Board must establish regional committees representing each of the prescribed regions to advise the Board in relation to vine health in those regions and any other matter determined by the Board. A member of a regional committee may also be a Board member and holds office for a term and on conditions determined by the Board. The Board may establish other committees to advise or assist the Board.

Clause 15: General powers

For the purpose, or in the course, of performing its functions, the Board may—

- accept money or other things provided or given to the Board by an authority or person for the performance of its functions under this proposed Act;
- obtain expert or technical advice on any matter on terms and conditions determined by the Board;
- employ staff on terms and conditions approved by the Minister or make use of Public Service facilities or the services of Public Service employees;
- enter into a contract or arrangement of any kind;
- acquire, hold, deal with and dispose of real or personal property;
- exercise any other powers that are necessary or expedient for, or incidental to, the performance of its functions.

Clause 16: Delegation

The Board may delegate any of its functions or powers under this Act to a member of the Board, to a committee appointed by the Board, to a particular person or body or to the person for the time being occupying a particular office or position.

DIVISION 4—FIVE YEAR PLAN

Clause 17: Duty to prepare and maintain five year plan

The Board must, within 12 months after the commencement of this proposed Act prepare a plan of the Board's proposed principal undertakings and activities for the ensuing five years and present that plan at a public meeting convened by the Board. The Board must, at least two weeks before the date of a meeting to be held under this proposed section publish a notice of the date, time, place and purpose of that meeting in a newspaper circulating generally throughout the State and send a copy of that notice by post to each registered person.

The Board may revise and update the plan at any time, but must present a revised plan for the ensuing five years to a public meeting (of which notice has been given in accordance with this proposed section) at least once every 12 months after the initial presentation of the plan.

PART 3
THE REGISTER

Clause 18: The Register

The Board must maintain a Register of persons who own vineyards comprising 0.4 hectares or more of planted vines in which the Board must enter (in relation to each registered person) the following information:

- the person's name and address; and
- the location of the vineyard (including Section Number, District and Hundred); and
- the varieties of vines planted; and
- the area of each variety planted; and
- the age of the vines; and
- the source of the vines; and
- any other information the Board thinks fit.

Clause 19: Power of Board to inspect assessments

For the purposes of proposed Part 3, the Board may (without payment) make searches in the Lands Titles Registration Office and inspect and take extracts from the records relating to rates, charges or taxes under the *Local Government Act 1934*, the *Irrigation Act 1994* or the *Land Tax Act 1936* kept by the council or authority responsible for collecting the rates, charges or taxes.

Clause 20: Returns

A person who—

- transfers or acquires ownership of a vineyard comprising 0.4 hectares or more of planted vines; or
- establishes a vineyard comprising 0.4 hectares or more of planted vines on land owned by the person; or
- extends a vineyard owned by the person so that it comprises 0.4 hectares or more of planted vines; or
- removes vines from a vineyard owned by the person so that the vineyard ceases to comprise 0.4 hectares or more of planted vines,

but does not, within three months, provide the Board with a return containing the particulars required to be entered in the Register under this proposed Part is guilty of an offence and liable to a division 8 fine ($1 000) that is expiable on payment of a division 8 fee ($150).

Clause 21: Correction of Register

The Board may correct the Register from time to time. If a correction would have the effect of increasing a contribution payable under proposed Part 4, the Board must not make the correction unless the owner of the vineyard has been given written notice of the proposed correction and allowed a period (not less than one month from service of the notice) to make submissions in relation to the proposed correction.

PART 4
FINANCIAL

Clause 22: Contributions

Subject to this proposed section, the Board may by notice in the *Gazette* require that—

- a registered person; or
- a winemaker; or
- a distiller,

pay to the Board a contribution towards the costs incurred, or to be incurred, by the Board in carrying out its functions, in an amount determined in accordance with rules approved by the Minister and specified in the notice.

The Minister may approve different rules for the determination of contributions in respect of the various classes of persons listed.

A contribution payable under this proposed section will be levied and collected or recovered by the Commissioner of Land Tax on behalf of the Board as if the contribution were land tax, will be subject to the same penalties for delay or default in payment and will, until payment, be a charge on the land on which the vineyard, winery or distillery is situated.

Clause 23: Phylloxera and Grape Industry Fund

The Fund at the Treasury known as the *Phylloxera Fund* continues in existence as the *Phylloxera and Grape Industry Fund*. The Fund consists of—

- all contributions paid under this proposed Part; and
- any income paid into the Fund; and
- all other money that is required or authorised by law to be paid into the Fund.

Any money in the Fund that is not for the time being required for the purposes of this proposed Act may be invested by the Treasurer and any income from any such investment will be paid into the Fund.

The Board may apply any part of the Fund in defraying the expenses incurred by the Board in the performance of its functions or in making any other payment required or authorised by law.

Clause 24: Accounts and audit

The Board must keep proper accounts of all money received and paid by or on account of the Board, showing the purposes for which that money has been received or paid and must cause its accounts to be audited by a registered company auditor or the Auditor-General at least once in each year.

Clause 25: Report

The Board must, no later than 31 July in each year, submit to the Minister a report on its operations during the financial year of the Board ending on the preceding 30 April incorporating the audited statement of accounts of the Board for the period to which the report relates and the five year plan prepared or revised by the Board. The Minister must, within 12 sitting days after receipt of a report under this proposed section, cause copies of the report to be laid before each House of Parliament.

PART 5
MISCELLANEOUS

Clause 26: Members of Board to be inspectors

The members of the Board are inspectors under the *Fruit and Plant Protection Act 1992 ex officio*.

Clause 27: Protection from personal liability

A person engaged in the administration of this proposed Act incurs no liability for an honest act or omission in the exercise or discharge, or purported exercise or discharge, by the person or by a body of which he or she is a member, of a power, function or duty under this proposed Act. A liability that would, but for proposed subsection (1), lie against the person, lies instead against the Crown.

Clause 28: False or misleading statements

A person who, in furnishing information under this proposed Act, makes a statement that is false or misleading in a material particular is guilty of an offence and liable to a division 7 fine ($2 000).

Clause 29: Regulations

The Governor may make such regulations as are contemplated by this proposed Act or as are necessary or expedient for the purposes of this proposed Act. The regulations may prescribe a fine, not exceeding a division 7 fine ($2 000), for contravention of the regulations.

SCHEDULE
Transitional and Repeal

The schedule repeals the *Phylloxera Act 1936* and contains provisions of a transitional nature.

Mr CLARKE secured the adjournment of the debate.

NATIVE TITLE (SOUTH AUSTRALIA) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 3)—After line 29 insert the following:—
"(but does not include a question arising in criminal proceedings)".

No. 2. Page 2 (clause 3)—After line 34 insert new definition as follows:-
"'registered representative" of persons who are registered under the law of the Commonwealth or the State as claimants to native title in the land means—
(a) the person registered under the Native Title Act 1993 (Commonwealth) in the Register of Native Title Claims as the registered native title claimant; or
(b) the person registered in the State Native Title Register as the registered representative of the claimants;'

No. 3. Page 3 (clause 3)—After line 21 insert new definition as follows:-
"'Commonwealth Act" means the Native Title Act 1993 (Cwth);'.

No. 4. Page 3, lines 26 to 29 (clause 3)—Leave out definition of "Court" and insert new definition as follows:-
"'Court" means the Supreme Court or the ERD Court;'.

No. 5. Page 4 (clause 3)—After line 4 insert new definition as follows:-
"'proceedings" does not include criminal proceedings;'.

No. 6. Page 4 (clause 3)—After line 7 insert new subclause as follows:-
"(4) An explanatory note to a provision of this Act forms part of the provision to which it relates."

No. 7. Page 4, line 18 (clause 4)—Leave out paragraph (d) and insert new paragraph as follows:-
"(d) the rights and interests have not been extinguished or have revived.[1]

[1] If section 47 of the Native Title Act 1993 (Cwth) is a valid enactment of the Commonwealth Parliament, it is possible that native title may revive in certain circumstances under that section.

No. 8. Page 4, lines 31 to 33 and page 5, lines 1 to 3 (clause 4)—Leave out subclause (5).

No. 9. Page 6, lines 20 to 24 (clause 6)—Leave out subclause (1) and insert new subclause as follows:-
"(1) The Supreme Court may, and other courts of the State must, refer proceedings involving a native title question to the ERD Court for hearing and determination."

No. 10. Page 8, lines 27 and 28 (clause 16)—Leave out paragraph (a) and insert new paragraph as follows:-
"(a) that an interested person may apply to the Court, within two months after the notice is given, to be joined as a party to the proceedings; and".

No. 11. Page 8 (clause 16)—After line 31 insert new subclause as follows:-
"(3) The following are interested persons—
(a) the registered representative of claimants to, or holders of, native title in the land; and
(b) a person whose interests would be affected by the existence of native title in the land (including a person who proposes to carry out mining operations on the land); and
(c) a representative Aboriginal body; and
(d) the State Minister; and
(e) the Commonwealth Minister."

No. 12. Page 10, line 7 (clause 18)—Leave out "reasonably ascertainable by the applicant" and insert "known to the applicant after reasonable inquiry".

No. 13. Page 10, lines 19 to 23 (clause 18)—Leave out subclause (5) and insert new subclause as follows:-
"(5) If, in the Registrar's opinion—
(a) the application is frivolous or vexatious; or
(b) the application cannot be made out for obvious reasons, the Registrar must refer the application to a Judge of the ERD Court, or at the direction of the Judge to a Master of the ERD Court, and, if the Judge or Master agrees with the Registrar's assessment of the application, the Registrar must reject the application but, if the Judge or Master does not agree, the Registrar must register the claim."

No. 14. Page 11, line 13 (clause 20)—Leave out "reasonably ascertainable by the applicant" and insert "known to the applicant after reasonable inquiry".

No. 15. Page 11—After line 26 insert new clauses as follow:-
"Concurrent proceedings
20A. (1) If a non-claimant application is made under this Act, and there is a concurrent claimant application under the Commonwealth Act (accepted before or after the non-claimant application is made)—
(a) the non-claimant application under this Act is, to the extent that it relates to the same land as the claimant application, stayed while proceedings based on the claimant application continue; and
(b) to the extent that the non-claimant application relates to land that becomes subject to a

native title declaration under the Commonwealth Act, is permanently stayed.

Explanatory note—

A claimant application is an application for a declaration that land is subject to native title made on behalf of the persons who claim to be entitled to the native title by the registered representative of those persons.

A non-claimant application is any other application for a native title declaration.

(2) However if a native title declaration under the Commonwealth Act is varied or revoked, the application revives to the extent that it relates to land that ceases to be subject to the declaration.

Cross-vesting scheme

20B. (1) For the purpose of avoiding multiplicity of proceedings, the State Minister and the Commonwealth Minister may enter into an arrangement (a "cross-vesting scheme") providing reciprocal powers for the transfer of proceedings involving native title questions between the Court and Commonwealth authorities with power to adjudicate on native title questions.

(2) If proceedings are transferred to a Commonwealth authority under a cross-vesting scheme, the Commonwealth authority has, subject to the conditions of the scheme, jurisdiction to decide native title questions and also other questions arising in the proceedings."

No. 16. Page 11 (clause 21)—After line 30 insert new subclause as follows:-

"(la) The following are interested persons—

(a) the registered representative of claimants to native title in the land; and

(b) a person whose interests would be affected by the existence of native title in the land (including a person who proposes to carry out mining operations on the land); and

(c) a representative Aboriginal body; and

(d) the State Minister; and

(e) the Commonwealth Minister; and

(f) any other person who, in the Court's opinion, may be in a position to contribute to the proper resolution of the questions at issue."

No. 17. Page 11, lines 31 to 35 and page 12, lines 1 and 2—Leave out subclause (2) and insert new subclause as follows:-

"(2) If, after hearing the evidence and submissions, the Court is satisfied that native title exists in the land or a particular part of the land, the Court must, on the application of the representative of the claimants to native title in the land—

(a) define the land in which the native title exists; and

(b) state who holds the native title; and

(c) define the nature and extent of the rights and interests conferred by the native title and, in particular—

(i) state whether the native title confers rights to the possession, occupation, use and enjoyment of the land to the exclusion of all others; and

(ii) state the rights and interests of the holders of the native title that the Court considers to be of importance; and

(d) state the nature and extent of other interests in the land that may affect the native title or rights and interests deriving from the native title."

No. 18. Page 12, lines 21 and 22 (clause 22)—Leave out subclause (2) and insert new subclause as follows:-

"(2) A body corporate—

(a) is not eligible for nomination as the registered representative of the holders of native title in land unless it complies with the principles of eligibility prescribed by regulation; but

(b) if it does comply with the principles of eligibility—may be the registered representative of different groups of Aboriginal people who hold different rights and interests in the same land or who hold rights and interests in different land."

No. 19. Page 13, lines 3 and 4 (clause 22)—Leave out "in whom native title is vested" and insert "who are recognised at common law as the holders of native title in land".

No. 20. Page 14, lines 4 to 7 (clause 26)—Leave out subclause (1) and insert new subclause as follows:-

"(1) If native title is registered under the law of the Commonwealth or the State, a notice or other document is validly served on the holders of the native title if the notice or other document is given personally or by post to—

(a) their registered representative; and

(b) the relevant representative Aboriginal body for the land."

No. 21. Page 14—After line 17 insert new clause as follows:-

"Service on native title claimants

26A. If a claim to native title is registered under the law of the Commonwealth or the State, a notice or other document is validly served on the claimants to that native title if the notice or other document is given personally or by post to—

(a) their registered representative; and

(b) the relevant representative Aboriginal body for the land."

No. 22. Page 14, line 23 (clause 27)—Insert "registered representatives of" after"all".

No. 23. Page 18, lines 15 to 21 (clause 36)—Leave out footnote 1 and insert new subclause as follows:-

"(5) Nothing in this section—

(a) extinguishes or impairs native title; or

(b) affects land or an interest in land held by Aboriginal peoples under a law that confers benefits only on Aboriginal peoples."

Amendments Nos 1 to 7:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendments Nos 1 to 7 be agreed to.

The Government has made its position quite clear on this piece of legislation. Many of the amendments are acceptable because they were moved by the Government, but some were not. The Deputy Leader of the Opposition, who participated in the debate, will know that a number of changes were made as a result of the deliberations of the Lower House. I gave the Deputy Leader an undertaking at the time that certain matters would be re-examined, and that has occurred. As a result, a number of amendments were moved by the Government in response to his questions, and I am sure he will be happy with most of them.

I point out that certain items of principle are inserted in the Bill as a result of the Opposition combining with the other Party in another place. They are not acceptable to the Government because they detract from the merit of the Bill which is currently before this Committee. The issues relate to areas where we have straightened out some of the clauses to make them more transparent and useable. They have been successfully moved and accepted in another place. A number of areas are not acceptable. One is the declaratory provision. We believe it is important that pastoral leases have extinguished native title. I know that this matter can be debated for some hours. The argument to the contrary is that, until the matter is resolved by a court, it is inappropriate for this Parliament to progress it. We believe that the matter should be progressed by this Parliament. We have relied upon the statements made in the Federal sphere by the Prime Minister, who has publicly stated that pastoral leases extinguish native title. That was a clear statement and we have inserted that in our legislation. That clarity is consistent with the statements made in the Federal arena by the Prime Minister of this country.

The Opposition in another place felt that this was not an appropriate course to take because the validity of that assumption may be contested and, therefore, State Parliament should not make that assumption. I point out that it is for the

States to determine matters consistent with the native title principle. We believe that the matter is consistent with the native title legislation. We believe that we are acting upon what would appear to be the instructions of the Federal Government, which made a number of pronouncements about native title, including where native title no longer exists. That was consistent with the original High Court ruling. Members will recognise that the original High Court ruling rested on a number of premises. One was that title had never been extinguished because there had been no assumption of land by any individual and it had not derogated from the rights of the existing inhabitants to continue to inhabit and use that land. That was quite clear in the High Court decision. There seems to be some suggestion now that that matter should be contested. If so, I believe this country is in awful strife if we do not adhere to some of the principles.

We must remember that we are looking at decisions that were taken prior to 1975 when the anti-discrimination legislation came into being. We believe that all those matters have already been decided. All legislation can be contested. Many Acts of Parliament are put to the test in the courts on matters of interpretation. That should not derogate from the right of the Parliament to make that statement, and whether it is contested or not is irrelevant. That is one of the important issues that we believe should be sustained in this legislation but which the combined force of the Australian Democrats and the Labor Opposition does not wish to allow to remain in the Bill.

The second issue relates to what is known by an applicant under native title. That was also a matter of contest in another place. The Attorney-General's provisions were defeated. The suggestion was that, rather than 'reasonably ascertainable by the applicant,' we should have 'known to the applicant after reasonable inquiry.' We do not believe that is an appropriate way to approach the law. We believe it is incumbent upon the person making the claim to have made a pretty good effort to determine his or her position. If the amendment stands, it does not require an applicant to provide information readily available in public records as part of the application. There is no responsibility; one simply puts down one's name. That is not in the best interests of anyone, including the Aboriginal communities. That means that the Government rather than the applicant has to obtain the information. I believe that the amendment does not assist anybody's cause in this regard.

They are the two major issues that we would contest under these provisions. We believe that the legislation has stood up to scrutiny particularly well. There are only two matters that we believe we cannot accommodate. It was a constructive result in the circumstances, but one of those matters is vital and the other relates to the purity of the law and the responsibility of the parties concerned. We believe this important issue has to be satisfied.

Mr CLARKE: The Opposition is happy to accept those amendments from another place, and I congratulate the Government on agreeing to them. I appreciate the amount of work that has gone on between the time when the Bill was debated in this place and then in the other place. A number of points were discussed in this place by the Deputy Premier and I, and he said that the Government would look at the amendments that we put forward. I am pleased to advise that some of the amendments put forward by the Government were better than ours or accomplished the same thing, so we are happy to agree to those amendments. I commend the Government on its work in that area.

Motion carried.

Amendment No. 8:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 8 be disagreed to.

Mr CLARKE: I understand the point that the Deputy Premier has raised about clause 4(5), and I also understand that the South Australian Farmers Federation is intent on having that provision incorporated in this legislation. For the reasons that the Deputy Premier has already alluded to, the Opposition cannot agree to the wording of the existing Bill. Discussions are taking place among some of our legal advisers, the Attorney and me to decide whether we can thrash out acceptable wording.

I will briefly restate the Opposition's position and the difficulty that we see on this. I understand that paperwork is already being prepared to go through the Federal tribunal and then onto the High Court with respect of this matter. If a mining company goes onto a pastoral lease, reads the State legislation and believes that the mere fact that there is a pastoral lease extinguishes native title and if its goes about its business—exploration or mining or whatever its operations might be—and if in 18 months or two years there is a High Court decision that rules clause 4(5) invalid, the mining company will have an awful problem. The mining company has quite rightly been able to look at the State legislation and say, 'That is the law of the State and we have acted in accordance with it', but it then finds that its tenement has been granted invalidly.

If native title has been found to exist on that operation, the Aboriginal native titleholders are stuck with a situation where mining operations might have occurred whereas, if native title had been recognised earlier, those operations might not have commenced. If they had commenced, they might have been done under a whole range of different circumstances. Because the area is still fraught with legal difficulties, unfortunately there is nothing the State Parliament itself can do about an action that may be taken to the High Court and the High Court ruling the State legislation invalid. They are the difficulties we have with it.

I understand that for many pastoralists it is their comfort blanket and that it is recognised as such, but really it is not much more than that. My concern and that of the Opposition is that, whilst we understand and appreciate the needs of pastoralists in this area, our passing legislation along the lines envisaged in clause 4(5) does not alleviate those legal concerns. I understand that the State Government says, 'This is the law as we believe it is and as the Commonwealth Government has told us it is', but it will be challenged and in those circumstances I do not think we should put into legislation something which is still yet to be litigated and on which the High Court will ultimately have to make a ruling.

The Hon. G.M. GUNN: As much as the Deputy Leader of the Opposition tries to drag a smoke screen over the attitude of the Opposition on this matter, let us get one or two things very clear. This amendment was put in at the behest of Mr Richard Bradshaw. Mr Bradshaw has been involved in every argument in relation to land rights that has taken place in this State for the past 15 years or so. Mr Bradshaw is the person who has hog-tied the people in the Pitjantjatjara lands, who now do not have the opportunity to utilise their own facilities, and by his actions and the actions of those like him they have been denied the benefits from their land. They have had a net cast over them. We know the Labor Party does not like the pastoral industry; it never has. We know the Labor Party does not like the mining industry.

This clause was included in this legislation after taking into account the best legal advice available to the Government. Let me remind the Committee that the advice from the Crown Solicitor, the Solicitor-General, the Hon. Mr Lawson, QC, the Attorney-General, Ms Jenny Hart—who probably knows more about it than any other person in South Australia and who has applied herself diligently to this matter—is that this provision is strictly in accordance with the Commonwealth legislation.

These proposals were sent to the Prime Minister's Department, there was lengthy discussion and changes to the original draft legislation were made to ensure that we complied with the Commonwealth legislation. Even further, the Prime Minister indicated quite clearly in his second reading speech that they were of the view that pastoral leases issued prior to 1975 extinguished native title and that it was in the competence of the States to legislate in this area. Every other State will do it. What will Mr Goss do? He is already thrilled with the interfering attitude of the Commonwealth Government. It appears that only the South Australian Opposition will line up with the lawyers.

What we are talking about is clearly an exercise by the Aboriginal machine that wants to line its pockets at the expense of the taxpayers, the pastoralists and others in this country, and if there was ever a group which has lived off and exploited the Aborigines of this country to their detriment it is the people who wrote the speech for the Deputy Leader and who drew up these amendments. These amendments were handed to the Deputy Leader of the Opposition and he accepted them like a cat swallowing cream. They did not have the wit, the wisdom or the ability to understand what was going on. These Labor Party fellow travellers—Mr Bradshaw and the others, and the Committee should be aware that they are card carrying members of the Labor Party—were embraced by the Deputy Leader, because they could see that there was a dollar in it.

Johnston Withers is the company. They specialise in this exercise. They said, 'Do not worry about those pastoralists; we will get rid of them. We will continue to plunder the pockets of the taxpayers, because this is a good cow and we will milk it.' Let it stand on the head of the Deputy Leader of the Opposition, because he has gone along with them, and he wants to create uncertainty and indecision, and to have these matters tied up in the courts for generations. He should read the Mabo High Court decision. Perhaps he has read it, but the point is, did he understand it? If he reads it, he will know that this Bill—

Mr Clarke interjecting:

The Hon. G.M. GUNN: I certainly did; I read it before you it did. I read it many times, and I made sure that it was widely distributed. It is a very narrow decision and you would be a fool or a bigot if you did not agree with it, but it applies to a unique situation. What we are doing is ensuring that those people who are working hard and trying to make a living in the interests of all South Australians have a bit of certainty. Already, one of my constituents is most perturbed, because a claim has been made. I may say that it is a claim without a great deal of foundation, but a claim has been made. This legislation is absolutely in line with the commitment that the Prime Minister of this country made to the National Farmers Federation. That is why all the negotiations into which the State Government entered with the best will in the world were to bring some clarity, fairness and commonsense into this.

Another of the Australian Democrats, the spokesperson, said that the Government of South Australia had a mandate for nothing. That is the intellectual capacity of that person; he does not, and I would say could not, understand it but, as usual, has been the agent of the Labor Party, the fellow traveller. Always, if in doubt, go for the Labor Party, particularly if it has something to do with the rural, pastoral or mining industries or something that will create some income. They are opposed to it. This is another example. If they want to belt those long suffering people, it will be on their head, because they will cause conflict around Australia.

This decision is absolutely fundamental. If members opposite in this State want to be the odd group out, be it on their head, because we will leave no stone unturned to see that justice prevails. This Party has an unblemished record in looking after people's rights. We made one or two mistakes in terms of Pitjantjatjara land rights because we did not protect strongly enough the interests of the traditional people to manage their own affairs. We will not make a mistake again, because those people are ringing me on a daily basis when they are the victims of a machine—the Mr Bradshaws, who sat in the gallery here, looking fat and shiny, and his other fellow travellers. I know them. I have seen them for years. They are particularly keen on me: I make no apology for it.

Mr Clarke interjecting:

The Hon. G.M. GUNN: And I have not lost an ounce of sleep over those people, because they are living off them and they want conflict and confrontation. If we resolve the situation with clarity, there is no business for them. That is why the Deputy Premier and the Government in another place have been absolutely right to stand their ground. I make no apology for saying that there should be no legislation without this clause, because this is an outrage. It is a complete U turn against what the Commonwealth agreed to and what the High Court said. It is a cunningly conceived trick by the extreme elements who have no long-term interest in the welfare of the people of this State.

I am absolutely amazed that the Deputy Leader would be so naive as to go along with this sort of nonsense when no other State Government in Australia will put up with it. I say to him again, find out about Mr Goss. He is particularly keen on the sort of people who have been advising and handling the amendments. Mr Bradshaw and his group handled the same amendments for the Government, but I bet Mr Goss did not put them in. He is particularly keen on these people. That is why he takes out full page ads in the *Australian*, to tell them how much he believes them.

Therefore, I strongly support the action taken by the Deputy Premier and the Government, because I have seen my constituents victimised time after time, both in the pastoral industry and in the Aboriginal communities. They have been the victims of the attitudes and actions of these people. It is high time we stood up and ensured that justice prevailed, that people were allowed to get on with their own lives, and that they were in a position to make their own decisions, and not the subject of ongoing litigation and ongoing controversy and indecision. If this clause does not stand, that will be the result. The Aboriginal peoples, the pastoral and mining industries, and the long suffering taxpayers and the unemployed will be the victims of this decision taken by the Opposition and their fellow travellers elsewhere.

Mr CLARKE: I do not know where to start, quite frankly, in response to those remarks, other than to say that the honourable member's contribution, both on this occasion

and when we first debated this Bill in Committee, a month or so ago, has not advanced the cause of his supporters, the pastoralists or the Aboriginal community in his area one iota. I acknowledge the work of the Deputy Premier because, whilst he and I have had differences with respect to the legal implications of the State Government's legislation, we have actually been able to debate the issues and confine our remarks to our different interpretations of the various legal positions adopted without the highly emotive or inflammatory language that the member for Eyre has used on this occasion and on past occasions.

There is no point in slandering Mr Richard Bradshaw, who is engaged as a professional person on behalf of the Aboriginal Legal Rights Movement. It would be the same if I were to try to slag off the Solicitor-General, the Attorney-General or other people who have provided legal advice to the Government. Of course, particularly in this area of native title legislation, there will be a range of views as to what the High Court may or may not do, given a certain set of circumstances. It is perfectly legitimate for the Labor Party Opposition to say, 'Real concerns have been raised, not by just one lawyer but by several that the Opposition has consulted, about clause 4(5).' We understand the concerns of the pastoralists and, contrary to what the member for Eyre has said with respect to our alleged lack of interest in pastoralists or miners, we have an absolute interest in ensuring that miners and pastoralists, the Aboriginal community and the community generally understand and have a piece of legislation which is, hopefully, beyond dispute in so far as the future is concerned.

However, as much as the member for Eyre might rant and rave and wish the world were flat as against the fact that it is round, regarding clause 4(5) there are differences, in so far as the law is concerned, in the views of quite senior lawyers, and I know that the views are different across the board. The Labor Party is working assiduously at present with respect to the Attorney to try to find the right form of words which can accommodate everyone's interests. If that is humanly possible, we will do it. I would only hope that the member for Eyre will not be party to any of the negotiations with the Labor Opposition, because his comments to date and the manner in which he has made them are absolutely unhelpful and positively provocative, and will guarantee that the right words will not be found—because of the inflammatory language that has been used and the abuse and impugning of the motives not only of the Opposition but also of our legal advisers in that area.

I pay tribute to the work of people such as Jenny Hart in the Attorney-General's office. She has worked long and hard with the Opposition, and it is a tribute to the work of Mr Bradshaw and the Aboriginal Legal Rights Movement that many of our amendments, which were moved in this House with barely a week's notice when the Bills were given to us, have been substantially accepted by the Government, either in the form as presented by the Opposition or after being improved by the Government. That is a tribute to the work done by Mr Bradshaw and others who have contributed to a better quality Bill.

There are outstanding issues and we will finally have them resolved at the end of the day. I just suggest that the member for Eyre temper his remarks with respect to these areas, because they are distinctly unhelpful in finding the resolution to enormously complex legal issues.

The Hon. M.D. RANN: In supporting the Deputy Leader's remarks, I want to try to ensure that we reach compromises and a resolution in a decent and dignified way on this very important issue. But here we have today the member for Eyre using words like 'bigots' and 'fools'; he referred to Aboriginal people and lawyers lining their pockets, and we have heard the imputation of improper motives against members of this Parliament, as well as against people outside this Parliament. I defend the right of the member for Eyre to represent his electorate, but he also has some responsibilities to this Parliament as the Speaker of this Parliament not to act in such a partisan and abusive way about the motives of other members of Parliament. I guess my message to the member for Eyre, in whichever guise he is in this Parliament, is to say—

The CHAIRMAN: The honourable member is not allowed to reflect upon the Speaker.

The Hon. M.D. RANN: My message to the member for Eyre, who has just reflected on my motives—

Mr BRINDAL: Mr Chairman, I rise on a point of order. I believe that the Leader of the Opposition clearly reflected on the Speaker of this House.

The CHAIRMAN: The Chair was already making that point. It has been dealt with. The honourable Leader of the Opposition.

The Hon. M.D. RANN: Thank you, Sir. We have seen a situation where the member for Eyre has tried to denigrate the role of the Opposition and tried to diminish this Parliament and this House by using abusive language about members of Parliament to impugn their motives and to accuse people outside the Parliament of the grossest improper actions about lining their pockets. We have seen attacks on individuals, both inside and outside this Parliament, by a senior member of this Parliament who, quite frankly, should know better and who is showing, in my view, why he is not a Minister.

The Hon. S.J. BAKER: Frankly, I found that contribution quite extraordinary. We have a member who enjoys an enormous amount of respect in the northern areas, and one only has to see the support the member for Eyre received at the last election from those people to realise that he is a very strong representative; he does not beg for favours; he is not mealy-mouthed about issues but takes on those issues—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: Mr Chairman, I believe that the Leader of the Opposition can either be quiet, as he is required to do, or leave the Chamber. The member for Eyre is regarded as one of the strongest representatives of an electorate in this Parliament—everybody knows that. He causes us difficulty on a number of occasions simply because he says, 'My constituents are more important than anybody else', and that—

The Hon. M.D. Rann: He abuses other people in the process—abuses his colleagues and abuses this Parliament.

The CHAIRMAN: The Leader will have the chance to speak again; he had three opportunities.

The Hon. M.D. Rann interjecting:

The CHAIRMAN: The Deputy Premier.

The Hon. S.J. BAKER: That was a defiance of the Chair, Sir.

The CHAIRMAN: The Chair objects to the Leader of the Opposition telling the Chair that he will speak and saying, 'Don't you worry about that.' The Leader will be given the call as a matter of respect.

The Hon. M.D. RANN: I did not hear any objections from members when the member for Eyre used the words 'bigots' and 'fools' about members on any side of this

Chamber; a member who has been around here long enough to know better than to act in such a juvenile fashion.

The Hon. S.J. BAKER: Mr Chairman, I rise on a point of order.

The CHAIRMAN: Before I hear the Deputy Premier, I make the point to the Leader that if anyone is offended by the term 'bigot' or 'fool' they take a point of order. The Chair was offended by the inference that the Leader would do the ruling and not the Chair.

The Hon. M.D. Rann: I was referring to—

The CHAIRMAN: The Leader will be given every respect when he wants the call: I am simply saying that. The Chair needs no instruction. The Deputy Premier.

Mr BRINDAL: Mr Chairman, I believe that the Deputy Leader of the Opposition is wilfully and persistently disrupting the business of this House.

The CHAIRMAN: The matter has been dealt with to the Chair's satisfaction. The Deputy Premier.

The Hon. S.J. BAKER: I was just commenting on the response made by the Leader of the Opposition, which I believe was quite unworthy of him. Indeed, the member for Eyre is a personality in this Parliament who has represented people without fear or favour over a long period. He expressed a very strong point of view. He has said on a number of occasions, which have been repeated to us, that he believes the Aboriginal community has not been served well by people who would deem to represent them and, in fact, they have rejected that representation. He has remarked on how the same people have come to the surface purporting to represent those in question.

As the member for Eyre quite rightly points out, there have been circumstances which have been very regrettable and he does not want another regrettable situation to arise. So, he has been expressing a very strong point of view, as only the member for Eyre can do. That is the right of all politicians in this Parliament. If we get to the stage where we say that people can speak only in lowered tones and cannot express emotion when they strongly believe in something, we may as well scrap the Parliament.

If members of the Opposition are offended at anything the member for Eyre or any other member of this House says, they have a right to stand up and call a point of order on that particular member and if necessary have the matter redressed. That is the way this Parliament operates, and long may it so operate. If any members of the Opposition felt aggrieved by the statements made by the member for Eyre, they had an opportunity to say so in the proper fashion and not act as the Leader of the Opposition did, lowering himself in the process. The member for Eyre certainly put a strong point of view, having encountered situations in which he believes the best interests of the communities he represents have not been particularly pursued by certain people.

We had a very constructive debate, and I would like to return to a constructive debate. I listened to the Deputy Leader's comments on this particular clause and I would ask him: does he believe that all pastoral leases should now become open to native title? That is the outcome. If that is what the ALP and the Australian Democrats believe, then let them say so. Let them say that they believe every residential block of land can be subject to native title. I am more than happy if the ALP tells everyone out there, 'We're starting off with pastoral land and then we're going to do the residential land over as well'. If that is what they believe, let them say so.

Let us not hide behind the guise of saying, 'We're not sure what the High Court is going to do on this matter'. There is no challenge that I am aware of on this matter. There is a challenge against the Federal legislation by the State of Western Australia on the validity of that legislation, but as far as I am aware there is no challenge currently before it on the issue of whether pastoral leases extinguish native title. Indeed, the Federal legislation cannot make comment upon the right of a State except in the overall context of the law. It would not have been competent for the Federal legislation to say that native title extinguished pastoral lands, because every State has its own version of title; for example, Crown title, residential title (and we have the Torrens title system operating here in South Australia). So, it would not have been competent for the Federal legislation to determine at what level native title is extinguished, although the clear statement was that native title is extinguished upon the existence of either a mining tenement or a pastoral lease and, of course, ownership of land under freehold title also extinguishes native title, as we would also understand.

So, it is not competent for the Federal legislation to determine at what level it should apply in each of the States. The principle is quite clear. If the Deputy Leader says, 'I want it all opened up'—if that is his intention—let him say so and let the people of South Australia judge him on the merits. There is only one reason why it should not be put in this Act. It is acting upon the instructions of the Commonwealth. It is making it clear so that we do not get into a huge bun fight by somebody saying, 'That area is vacant; let's contest it.' We want clarity; we want to be able to move forward, and this applies only to those areas where there is genuine interest. Matters of title have to be contested because of the previous association with the land and because it has not been extinguished; we want those issues to be resolved in a calm way.

If we are going to have the pastoral industry involved in a fight about the land that they have farmed for many years, we will set Australians—Aboriginal descent, European descent and any other descent—against one another. I believe it is absolutely vital that the clause, as originally inserted in this Act, should remain, and I do not believe that any court challenge will overturn that. But, if it is, obviously we will put down a position. The courts have made decisions on our behalf which we have not liked in the past. I am not saying they will not do it, but we do not have that situation before us here.

We have a clear determination; the Federal Government has said that this will apply, and we have written it into the Act because it is a matter under the State's legislation. I can understand why the ALRM would say that it wants everything open and contested. The Aboriginal Legal Rights Movement might think that it is in the best interests of its particular groups, but I do not believe that that feeling is shared by the majority of Aboriginals or the majority of South Australians. I am not saying that ALRM is wrong in what it is doing; all I am saying is that we have to be quite clear on what we are doing, and we are providing clarity.

Mr CLARKE: I will simply respond to a couple of rhetorical points made by the Deputy Premier. Let it be quite clear that the Opposition is not saying by its opposition to clause 4(5) that it wants the whole issue of native title to apply at large so that native title can be claimed on every freehold or pastoral lease. That is not the intention, desire or position of the Opposition. Freehold is not an issue, of course, because it is very clear from the Mabo decision that it

extinguishes native title, so no-one need worry about their house, their quarter acre block, or whatever.

In relation to pastoral leases, the member for Eyre said, 'What about the Premier of Queensland?' The issue is simply this; in Queensland, New South Wales and Victoria, pastoral leases have never contained the reservations, which were contained in the South Australian pastoral leases from about the 1840s onwards, and in the Northern Territory and Western Australian pastoral leases. Those reservations provide that the granting of a pastoral lease does not extinguish, by that act, the traditional rights of Aboriginal owners of access, hunting, fishing, and so on.

The Hon. S.J. Baker interjecting:

Mr CLARKE: The Deputy Premier points out that the reservations on those pastoral leases allowed the traditional Aboriginal way of life and access to the land to continue. I understand that the argument by the ALRM is that that reservation means that native title is not extinguished through the granting of pastoral leases. The Opposition does not say that the ALRM is right; it does not say that that necessarily should be the end result. The Opposition says that this is nonetheless a live issue and one which is bound to be subject to litigation in the High Court. Until such time as the High Court hands down a decision, it matters little what we carry in this Parliament on this particular issue, because if the High Court says that any Act which contains clause 4(5) is invalid that is the end of the story. The Opposition is trying to prevent the problems arising; in many respects the Opposition would have preferred that the High Court rule on this matter earlier, so that we would all know where we stand, the States could pass their relevant Acts, and we would all know what are the legal foundations.

Unfortunately, that is not the case, and I am concerned that, by the passage of this legislation, we give false comfort to people who in two or three years time, as a result of a High Court challenge, will find that their mining tenements have been invalidly granted, and who will face all the additional problems that will flow from that. I want to make it absolutely and abundantly clear that the Opposition is not opening it up; it is not suggesting that freehold land or all pastoral leases are subject to native title. That is not the issue, and that is not the point behind our position with respect to this clause.

The Hon. S.J. BAKER: That is a *non sequitur*. If this Bill is subject to a further challenge at a later stage and is contested in the highest court in the land, for the sake of clarity we should be setting down in principle exactly what we believe. I said to the honourable member before that, if he believes it should be thrown open, let him say so. We believe that—

Mr Clarke interjecting:

The Hon. S.J. BAKER: I am saying that it is a *non sequitur*; I am putting the argument very calmly. Either he believes it should be clarified or he does not.

Mr LEWIS: I do not know how the member for Ross Smith and his Leader, in participating in this debate, can be so self-righteous as to imagine that all rectitude and correctness resides in their mind and on their side of the argument, and that they are legitimately entitled to feel offended because someone else passionately puts the alternative point of view, when both are matters of opinion. They were as insulting as they claimed to have been insulted; they were as bigoted as they were considered and described to be by the member for Eyre.

Unquestionably their mistake is that, because they have discussed and debated this matter within the ranks of their own Party in this Parliament and with members of their own Party in other forums, including the Federal Parliament, they now believe that they have all right, truth and wisdom on their side of the argument, and that anyone who dares to disagree with them and who expresses disagreement accordingly is, in some way or other, going over the top. Just because they happen to be philosophical fellow travellers with people such as that fellow, Bradshaw, and Labor lawyers with whom they have spoken, does not mean that there is any greater correctness in the position they argue and that they are any more entitled to denigrate the views expressed by the member for Eyre in the argument.

They ought not to presume, as they often have done, that they are correct. Indeed, as the Leader of the Opposition said of the member for Eyre, let me say of him: it is because of his attitudes that he is not a Minister now. He has never been able to accept the legitimacy of the argument supporting—

The Hon. M.D. Rann interjecting:

Mr LEWIS: In four years time, Mr Chairman, I expect that the current Leader of the Opposition will no longer be Leader and will have left this place in disgrace. He has already done enough to disgrace himself before he even came to this place, in the way in which he attempted to misrepresent documents.

The Hon. M.D. Rann interjecting:

The CHAIRMAN: Let us leave the realms of personal abuse and get back to the thrust of the amendment.

Mr LEWIS: Therefore, I am imploring members of the House to ignore the argument that is put without sequence of connection in ideas by members of the Opposition about this important matter. The clause provides still for rights of access, rights of transit and rights of hunting and other traditional activities on pastoral lands. It provides for those things but it states that if native title did exist—and that is a big 'if'—this legislation on pastoral lease land, as put by the Government, is stating that it was extinguished some 20 years ago; it is gone; the law was changed at that point, and we are making it absolutely clear in this legislation that it was extinguished at that point, if not even earlier.

In the process of that native title being extinguished, as I have said, the Government is saying that there still remains the right of access of transit, hunting and the like, but there is no ownership. The reason I take that position is quite simple: in the main, most of that vast area of our State—and, in fact, thousands of square kilometres of it—had nothing but ephemeral water on it. That means puddles that came as rain created them and then went; they were not even lakes. Therefore, it was not possible, if you did not have sophisticated technology to produce water carrying equipment that would enable you to traverse those vast areas and distances, to go and live out there and be in permanent occupancy of it because the water was just so far away. Whether or not it fell from the sky was so unpredictable, and so that land was not inhabited in any continuing fashion, and the fashion in which it is necessary to claim and prove native title.

I say that in consequential debate on this issue I have not heard so much bull since the Papal bull of 1495, which pronounced that half the world was for the Portuguese and half the world was for the Spaniards. The poms and the French said, 'That is not on, and our warships will prove it.' Of course, that is where our whole idea of title comes from in respect of who owns what. It is in our language so that we now debate it, and whether or not such 'title'—using that word to mean what it means in this language—ever existed

on the vast majority of that land has to be taken in the framework of our ideas about ownership and law.

It is irrelevant for the member for Ross Smith to advance as an argument the suggestion that the legislation is hypothetical because the High Court will rule on it anyway. Our duty as a Parliament is to make the law. Indeed, I challenge personally the right of the High Court to legislate. It was never set up to legislate, and just because a few wits who have long letters after their name think that they should be entitled to do so does not mean that it is right.

Mr FOLEY: Mr Chairman, I rise on a point of order. I seek your ruling on the reflection by the honourable member on the judges of the High Court of Australia. I find the honourable member's comment to be an extraordinary reflection.

The CHAIRMAN: I have to admit that I did not hear the phrase, but I advise the honourable member to refrain from such references.

Mr LEWIS: I never mentioned the judges of the High Court, nor did I attribute to them any opinion. Far be it from me to put myself in the same category as I believe they presently stand. It is not my intention in this debate to attempt to do so. My intention is to try to help clarify for members of the Opposition that they are mistaken if they think that their arguments are right and valid just because they think them. It is legitimate for the member for Eyre, who has constituents on pastoral lease land who are affected by this proposition, to not speak about it in the way in which they would have him do so. The member for Eyre speaks on behalf of all South Australians—not like some members participating in this public debate who are not even speaking on behalf of other Australians and Australian interests: they are speaking from a position taken by an agenda determined by international forums that do not consider the national interest as being of any great import.

The Hon. G.M. GUNN: I point out to those members who have been so charitable in their comments about me that members come into the Committee to participate. If you are not prepared to take it when you give it all the time, either you must be thin skinned or you are not—

The Hon. M.D. Rann interjecting:

The Hon. G.M. GUNN: The Leader of the Opposition has been a great advocate of handing it out but, when someone hands a bit back, he does not want to accept, understand or appreciate that that is the name of the game. I am concerned that no reference has been made to certain matters, and I am concerned about the people who have been told that they will have the opportunity to make a successful native title claim over pastoral land. Have those people been told that on many pastoral leases earlier leases already existed that did not include the provisions of the Pastoral Act in South Australia? It does not suit the argument to talk about those leases, but many of them have been researched.

The unfortunate aspect in this whole debate is that people's expectations have been raised about what native title means to them. One matter that has received publicity has been dressed up by certain people to raise the expectations of others. The next matter in the wind is a claim on the Flinders Ranges National Park. That area was previously a pastoral lease run by the Hunt family for a long time. I ask the people who support such a claim whether they also support pieces of our national parks and conservation parks which were previously under pastoral lease being subject to a native title claim. Where do they stand on that issue? Certainly, other areas of South Australia held under various leases have all sorts of inclusions on them. Is the honourable member suggesting that we should not have clarity?

Another point not mentioned relates to doubts about a lease. When people try to raise finance in regard to such tenure the shutters are pulled down on them. For the purpose of comparison, I refer to world heritage listing. Bank managers in Orroroo asked their clients what impact world heritage listing would have on them, because people were ringing from Melbourne and Adelaide. The same situation will apply here.

I am trying to make the position clear to my constituents, including people in the Pitjantjatjara lands who are so distressed about the treatment they have received and about their future. They are concerned about the lack of opportunities for them to obtain benefit from the land that this Parliament rightly granted to them. They would be even more distressed if these matters were not brought to the attention of this Parliament. They are contacting me on a daily basis not only about themselves but about the future of their children. I cannot sit by and not participate in this important debate. Indeed, I was fortunate to sit on the committee that put this legislation together. I was party to all the discussions, and I am fully aware of the communications between the Government of South Australia, the Commonwealth of Australia and the ongoing discussions between all the States.

I am fully aware that a very mature attitude must be taken by every Government in this country because currently there are some 290 agreed amendments, but no-one is game to bite the bullet. The South Australian Parliament and the Government have been in the forefront of ensuring that everything possible is done to comply with native title legislation. Discussions and correspondence have taken place over a lengthy period in an attempt to avoid conflict and irrational or foolish behaviour, so that emotion does not govern our judgment. We do not want people rushing off on some tangent—that was not the point of the exercise.

The object of the exercise was to put forward a constructive piece of legislation which complied with the native title legislation and which came within the parameters laid down by the Commonwealth—and they were pretty narrow, even though there is still some dispute as to the meaning of some of the provisions. The provision currently before this Committee is completely in line with the comments of the Prime Minister and his agreement with the national Farmers Federation and, therefore, in my judgment, this Parliament has been fortunate. The State Government did not rush into legislation, as has been done elsewhere, without engaging in the most ongoing and enlightened set of discussions. We now have a sensible resolution which will achieve objectives which are in the long-term interests of all South Australians.

That is why I am participating in the debate today. I do not mind if this gives the Leader of the Opposition the opportunity to vent his spleen on me, because he has not been able to do it in other areas. If that makes him feel happy, that is great. We know that he likes to give it but he cannot take it. He rushes around, and that is fine. I do not hold grudges. If you had been in politics for as long as I have and you held grudges, you would lead a very miserable life. The Deputy Leader of the Opposition should hope that some of his colleagues do not hold grudges. The important thing is to get this legislation onto the statute book so that it can benefit all South Australians.

The Hon. M.D. RANN: I want to address the Committee on this issue more in sorrow than in anger because, as a former Minister for Aboriginal Affairs in this State for three

years, and also for much longer as a member of the Aboriginal Lands Committee with the member for Eyre, I know how important it is to try to resolve these issues in a bipartisan way. Until recently, we had a bipartisan attitude on Aboriginal Affairs, and I hope we will see that occur again. I acknowledge the right of the member for Eyre to participate in this debate on behalf of all his constituents: his Aboriginal constituents in the north-west lands, pastoralists, miners, and anyone else.

The member for Eyre has the right to represent the interests of his constituents in a strong way in this Parliament but, as a senior member of Parliament, in my view he has a duty to raise the standard of this place and not lower it. He has a duty to behave with dignity and decorum and not hurl partisan abuse; not impugn improper motives on his colleagues; and not to call his parliamentary colleagues 'bigots' and 'fools'. It seems to me that it is very important to recognise that all of us represent the people of this State. We are supposed to represent the interests of all those people; we are supposed to be in here contributing to legislation in order to meet some resolution in the interests of the entire State.

If the member for Eyre, after 20 plus years in this place, wants respect, he must earn it. It will not come about automatically because of his longevity in this place. That is why he has not become a Minister, and that is why I bracket him along with the member for Lee in terms of unhelpful contributions on important social issues.

The Hon. S.J. BAKER: If the Leader reflects on that contribution he will understand why about 46 members of this Parliament believe he is not a worthy person to hold the position of Leader of the Opposition.

Motion carried.

Amendments Nos 9 to 11:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendments Nos 9 to 11 be agreed to.

Motion carried.

Amendment No. 12:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 12 be disagreed to.

Motion carried.

Amendment No. 13:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 13 be agreed to.

Motion carried.

Amendment No. 14:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 14 be disagreed to.

Motion carried.

Amendments Nos 15 to 23:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendments Nos 15 to 23 be agreed to.

Motion carried.

LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 5)—After line 21 insert new paragraph as follows:

(f) by inserting after its present contents (now to be designated as subsection (1)) the following:

(2) An explanatory note to a provision of this Act forms part of the provision to which it relates.

No. 2. Page 3, lines 8 to 13 (clause 7)—Leave out subsection (2) and insert new subsection as follows:

(2) If the Authority proposes to acquire native title in land, the Authority must—

(a) if there is a registered representative of the native title holders—give notice of intention to acquire the land to the registered representative and the relevant representative Aboriginal body; or

(b) if there is no registered representative of the native title holders—give notice of intention to acquire the land to all persons who hold, or may hold, native title in the land[1] and give a copy of the notice to the Registrar of the ERD Court.

[1]For method of service see Native Title (South Australia) Act 1994.

No. 3. Page 3 (clause 8)—After line 28 insert new subsection as follows:

(1a) For the purposes of this section—

(a) the registered representative of claimants to, or holders of, native title in land is taken to have an interest in that land; and

(b) the relevant representative Aboriginal body is taken to have an interest in native title land.

No. 4. Page 3, lines 32 to 34 (clause 8)—Leave out footnote 1.

No. 5. Page 4 (clause 9)—After line 12 insert new subsection as follows:

(la) For the purposes of this section—

(a) the registered representative of claimants to, or holders of, native title in land is taken to have an interest in that land; and

(b) the relevant representative Aboriginal body is taken to have an interest in native title land.

No. 6. Page 4, lines 28 to 30 (clause 9)—Leave out footnote 1.

No. 7. Page 5, lines 24 and 25 (clause 11)—Leave out 'from when notice of intention to acquire land was given' and insert 'from the last occasion on which notice of intention to acquire was given to a person'.

No. 8. Page 5, lines 27 and 28 (clause 11)—Leave out footnote 1.

No. 9. Page 5 (clause 11)—After line 28 insert new subsection as follows:

(la) If the notice of acquisition relates to native title land, the notice of acquisition must contain an explanation of what may happen if no claim for compensation is made by a person claiming native title in the land within two months after the date of publication of the notice of acquisition.[1]

[1]See section 23D.

No. 10. Page 6, lines 2 to 9 (clause 11)—Leave out subsection (3a) and insert new subsection as follows:

(3a) However, the acquisition of land under this section is subject to the non-extinguishment principle so that the acquisition does not, in itself, extinguish native title in the land but native title is extinguished when the Authority, in giving effect to the purpose of the acquisition of the land, exercises rights obtained by the acquisition in a way that is wholly inconsistent with the continued existence, enjoyment or exercise of rights deriving from the native title.

Explanatory note—

The non-extinguishment principle is the principle set out in section 238 of the Native Title Act 1993 (Cwth).

No. 11. Page 7, lines 6 to 9 (clause 14)—Leave out section 18 and insert new section as follows:

Application of Division

18. This Division applies if an Authority proposes to acquire native title land for the purpose of conferring rights or interests on a person other than the Crown.

No. 12. Page 7 (clause 14)—After line 13 insert the following:

Explanatory note—

The native title parties are the persons who are, at the end of the period of two months from when notice is given under subsection (1), registered under the law of the State or the Commonwealth as holders of, or claimants to, native title in the land. The negotiations are to be conducted with the registered representatives of those persons.

No. 13. Page 7, lines 19 to 21 (clause 14)—Leave out footnote 1.

No. 14. Page 7, lines 26 to 28 (clause 14)—Leave out subsection (2) and insert new subsection as follows:

(2) On an application under this section, the ERD Court may determine whether the Authority may acquire the land and, if so, the conditions on which the acquisition is to proceed (but compensation is not to be determined at this stage).[1]

[1]Compensation is determined under Division 2 of Part 4.

No. 15. Page 11 (clause 15)—After line 2 insert new paragraph as follows:

(c) by inserting after its present contents (now to be designated as subsection (1)) the following:

(2) If native title land is acquired from native title holders, the native title holders must be compensated for the loss, diminution, impairment or other effect on the native title of the acquisition or the consequent use of the land for the purpose for which it was acquired.[1]

[1]Compare section 51(1) of the Native Title Act 1993 (Cwth).

No. 16. Page 12, lines 23 to 30 (clause 20)—Leave out subsections (1) and (2) and insert new subsections as follow:

(1) Before the Authority, or a person authorised by the Authority, enters native title land to exercise a power conferred by this Part, the Authority must give written notice of the intended entry and the nature of the work to be carried out on the land to all who hold or may hold native title in the land.[1]

(1a) The notice must be given—

(a) if the intended exercise of powers involves the removal of minerals from the land, or substantial interference with the land or its use or enjoyment—at least two months before entry;

(b) in other cases—at least seven days before entry.

(2) If the intended exercise of powers will involve the removal of minerals from the land, or substantial interference with the land or its use or enjoyment, the Authority must negotiate in good faith with the native title parties in an attempt to reach agreement on the conditions on which the Authority may enter and use the land.

Explanatory note—

The native title parties are the persons who are, at the end of the period of two months from when notice is given under subsection (1), registered under the law of the State or the Commonwealth as holders of, or claimants to, native title in the land. The negotiations are to be conducted with the registered representatives of those persons.

No. 17. Page 13, lines 7 to 9 (clause 20)—Leave out footnote 2.

No. 18. Page 13, lines 31 to 34 (clause 25)—Leave out the clause.

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendments Nos 1 to 9 be agreed to; that amendment Nos 10 and 11 be disagreed to; and that amendments Nos 12 to 18 be agreed to.

There are only two major issues arising from this piece of legislation, which again has been improved by the proper process of negotiation and the good solid debate we had in this House originally and later in the Upper House. Amendments were moved and agreed to on a number of issues where we believed the Opposition had a good point to make. The two remaining vexed issues which the Government believes are essential for the good passage of the legislation relate to amendment No. 10.

This amendment, which deals with clause 11, page six lines 2 to 9 was inserted due to the combined weight of the Opposition and the Democrats in another place. We do not believe that the Committee should support that amendment. New subsection (3a) makes provision for what happens upon the acquisition of native title interests in land. Parliamentary Counsel sought to reproduce, as best as possible, section 23 Part 3 of the Native Title Act, which provides that the non-extinguishment principle applies to the compulsory acquisition of native title interests. On the other hand, acts done in giving effect to the purpose of the acquisition can extinguish native title. Neither the Commonwealth nor anyone else seems to know how the non-extinguishment principle is meant to operate in conjunction with the land acquisition principle. Clearly, if the purpose of the acquisition is to obtain or necessarily involve the authority in taking exclusive possession of the land, native title should be extinguished at that time, not at some indeterminate time in the future.

The existing philosophy and framework of the Land Acquisition Act is predicated on the fact that the land vests in the authority free of all other interests once the notice of acquisition is published. The land is vested in the authority upon gazettal of the notice of acquisition, and the authority pays over its offer of compensation as soon as the notice of acquisition is published.

We suggest that there will be confusion in the principles within the State Act and within the Commonwealth Act. It is a simple principle that is applied. We cannot, on the one hand, say, 'You can acquire the land because it is necessary and everybody agrees it is necessary,' and, on the other hand, say, 'I want the compensation now, which is totally appropriate, but I still want to retain some title over the land.' The land is either compulsorily or not compulsorily acquired.

With regard to freehold title, as the Deputy Leader of the Opposition would recognise, once an authority has bought that land, full title and all rights pass with the passage of that land. We are saying that is inconsistent with the principles in the Commonwealth Act and with everything that prevails under the State Act. I suggest in practical terms that the desire to acquire native title land may be to assist the people themselves with the provision of infrastructure and items of that kind. We are dealing only with circumstances where the land is likely to change its shape. Therefore, if one looks at it logically, there is no reason why we should obliterate some of the principles expressed in both the Commonwealth and State Acts in terms of the passing of full title.

Mr CLARKE: I appreciate the comments made by the Deputy Premier. Many of the amendments drawn up for the Opposition with the assistance of Mr Bradshaw have found expression or have been improved by the Attorney-General. I understand the concerns of the Deputy Premier with respect to amendments Nos 10 and 11. I have been speaking to the Attorney-General about these points and we are trying to grapple with a form of words which can accommodate both sides. The difficulty lies in the language of the Land Acquisition Act and how one grafts on an almost alien principle with respect to holders of native title. The Land Acquisition Act is based on the normal European style of conduct if Governments need land for a particular public purpose.

I think the Attorney-General agrees that, whether we accept the Government's or the Opposition's amendments in this area, both will have difficulty. Both will have degrees of uncertainty, because the Land Acquisition Act and the notion of native title are not easily married together. The Government's view is that its amendments are less likely to create difficulties than the Labor Opposition's amendments, although both sides recognise that both have the potential for problems because of the nature of the Land Acquisition Act. Notwithstanding that, the Opposition still maintains that its amendments are better than the Government's. However, we are working assiduously, and during the course of the evening we hope to arrive at a form of words which is acceptable to all concerned.

Motion carried.

DOG AND CAT MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1135.)

Mr LEGGETT (Hanson): I support this legislation. I guess I see the bottom line in all of it as simply being responsible pet owners and admitting ownership. As an animal lover—the owner of a couple of dogs and cats in the past—I find it difficult to comprehend how anyone can neglect their responsibility towards their animals. The aim of this legislation, first, is to combine State, local and community resources to ensure a willing, coordinated and consistent approach to cat management.

Mr Brindal interjecting:

Mr LEGGETT: I thank the member for Unley. The aim of the legislation is also to be able to differentiate between owned and unowned cats. The Bill provides owned and unowned cats with treatment in a most humane manner. It clearly promotes and encourages responsible cat ownership through education with minimum fuss and legislative requirements. Basically, it is quite simplistic. It is not drastic, it does not require dramatic change, and it is certainly not radical in any way, shape or form. It does not mean registration—extra cost to owners—and it does not require the limitation of numbers in any way at all. Personally, looking after two is probably enough as far as expense goes. It does not demand compulsory desexing, as a large percentage of cats—probably 80 per cent or 90 per cent—are desexed by responsible owners. This cat debate is not new; it has been going on for probably four years.

Major areas of concern have been identified in the Bill. These include the importance of cats as pets, particularly for the young and the old. Certainly for the old they are very therapeutic and for the not so old—my category—they are also very therapeutic. It also identifies the public nuisance caused by unowned and irresponsibly owned cats. Further, it identifies and deals with the welfare of all cats and human and animal diseases transmitted by cats and, indeed, the predation of wildlife. I know that this is a very real problem.

This legislation is emotive. Some people in the community want no restrictions on cats and others want cats to be declared vermin and have them all wiped out. It is difficult to get the ideal balance to strike a sensible strategy. This is the challenge faced by Parliament, local government and the general community.

This Bill is endorsed by two important organisations. I was going to say three and include the member for Unley. The first is the Royal Society for the Prevention of Cruelty to Animals. I quote from a statement by the RSPCA, as follows:

> The society believes the legislation will encourage more responsible cat ownership within the community and reduce the impact of cats on the community. The Bill will mean that the RSPCA will be able to reunite far more lost or injured cats with their owners.

That is important, having lost a couple of cats as a not so young bloke and being pretty devastated by that. The second organisation to support this Government's proposed cat legislation is the Australian Veterinary Association (the AVA), which states:

> While strongly supporting the rights of responsible people to be able to enjoy cat ownership to the full—

and again we see the word 'responsible', because it gets back to responsible owners—

> the AVA recognises the need for many people to become better informed and more caring owners.

The paper goes on to state:

> The Australian Veterinary Association endorses any worthwhile initiatives designed to promote responsible animal ownership in the community.

Responsible pet ownership is the main thrust of the State Government's cat management proposal, which has been developed in an effort to better manage stray and nuisance cats. It is practical, again it gets back to these few words: being responsible owners. I very much support the Bill.

Ms GREIG (Reynell): I would also like to put my support behind the Dog and Cat Management Bill and I congratulate the Minister, his team and all those before him who were involved in the long, gruelling process of putting together a Bill that would be workable and acceptable to the people of South Australia. This Bill recognises the important role that pets play in people's lives and at the same time supports the rights of responsible pet ownership through a strong emphasis on education. For many years, dogs have been covered by legislation and, therefore, their welfare has been addressed considerably well. On the other hand, cats are acknowledged as pets but have no formal recognition by way of legislation. There has been considerable public debate concerning the place of the cat in Australia and the relationship of the domestic cat to the feral cat, and there have been many calls for cats to be brought under some control.

Few would deny that, whilst a responsibly owned cat can provide valuable companionship, stray and feral cats are a major problem. However, it is now clear that in order effectively to manage the cat problem, control measures must be addressed at both owned and unowned cat populations. The cat is not native to Australia: it was introduced before European settlement via shipwrecks and has now become part of the ecosystem. I think we all recognise that it has been impossible to eradicate unwanted cat populations from Australia, but this may be achieved in particular geographical locations, and I stress that it is important that unwanted cats are not replenished from uncontrolled urban cats. By introducing this Bill, both the State Government and local governments can now define the parameters of achieving the following goals: to protect the welfare of cats; to reduce the impact of predation by cats on native wildlife; to reduce the incidence of public nuisance by uncontrolled cats; and to recognise the value of cats to society.

As I said earlier, this Bill recognises and gives consideration to the importance of the cat as a valuable companion animal in society. To suggest that the cat be eradicated from Australia is neither a practical solution nor one the community will accept and, in the long term, community support and commitment to the Bill will be crucial to its success. The cat is a companion animal and must be responsibly owned and its welfare ensured. The responsibilities of a cat owner must be recognised and defined. In any attempt to deal with the cat problem, the cat's natural hunting instincts must be taken into account and measures developed which curtail the cat's ability to hunt but still allow the cat its right to be a companion animal in society. The Bill gives local authorities the provisions to deal with the problems caused by irresponsibly owned and unwanted cats, and I think it is important to point out that even successful control of and limitations on the number of unowned cats does not eradicate the nuisance that cats owned by irresponsible people are capable of causing in the community.

It is important to recognise the relationship of the unowned to the owned cat, and this must be taken into account in any proposed cat control program or legislation. Owned and unowned cats are not different species or even breeds; biologically they are the same, the difference being the degree of domestication, there being a very fine line between a cat being a companion animal and a wild creature. Food is a major driving factor and even unowned cats will readily coexist with humans during droughts and food shortages. The Bill addresses the need for a rational cat control approach by recognising both the owned and unowned cat populations. I have noted much anthropomorphism from certain sectors of the community who still regard any changes as draconian. In fact, after spending many years in animal welfare and a great number of those years being involved with cat control, I could see this Bill going much further. However, I concur that the Minister and all involved have gone a long way in putting together a Bill that for the past four years has created much division within the community.

I mentioned earlier the need to recognise both the owned and unowned cat populations. Domestic cats provide a high density reservoir of breeding animals for wild populations and continually replenish and increase the wild cat population. Whilst a wild cat population can be self sustaining, food supply and climatic conditions provide natural biological limitations to its expansion. The domestic population allows replenishment of the wild population to occur. It has been noted in a lot of research material available that, in addressing the control of wild cat populations, it must be recognised that total eradication is not feasible. The aim should be to reduce feral cat numbers to a level that will not threaten or endanger native wildlife populations and will allow recovery of threatened and endangered populations of wildlife.

The cat currently has an inconsistent legal status in Australia. Cats are recognised in all States under the Stock Diseases Act, but they are not registered stock, they are difficult to cover under environmental health regulations and, even though they have been recognised as a domestic pet for many years, no legislation has been in place to recognise this. We have had four years of reports, recommendations and wide community consultation. The community is polarised in its views on the legislation and the welfare of cats but, all things considered, the Bill indicates a fair and just starting point for the control of South Australia's estimated 332 000 domestic cats.

The Minister has indicated that the legislation will be reviewed from time to time to assess how effective it is and whether amendments need to be made. I commend the Minister for allocating $50 000 for a 12 month public awareness campaign, and I believe that this Bill will achieve the goals of acknowledging the relationship between and addressing both owned and unowned populations, provide a broad range of guidelines and a uniform approach while maintaining flexibility so that it is adaptable to particular local conditions and, most importantly, gain community support, commitment and cooperation. I commend the Bill to the House.

The SPEAKER: The Leader of the Opposition.

The Hon. M.D. RANN (Leader of the Opposition): It is good to see you back in the Chair, Sir. The Opposition opposes this Bill, not because there are not matters in it that we support—and there are many matters in it that we do support—but for the simple reason that we believe there has been insufficient time for public consultation on this Bill. Indeed, as the member for Torrens—who has more contacts with dog owners and breeders than does any member of this Parliament—pointed out to me today, many constituents in our electorates who want to make comment and have input into the legislative process are being denied that opportunity. I remember when this Bill was introduced: certainly, there has been discussion for years, but not about the specifics of this Bill. My advice to the Minister, who is a close personal friend, is that he should lay this Bill on the table, adjourn the debate now and allow full debate over Christmas. I will give him a guarantee that the Opposition will then deal with this Bill most expeditiously.

This Bill deals with a number of sensitive areas, both environmentally and in terms of the community. It deals with the management of dogs and cats; it includes new provisions for the identification, control and regulation of cats; it provides special powers to local government; it deals with the seizure of dogs and protection from dog attacks; and it has cat provisions. There is the requirement that cats be identified by tag, collar or other measure; it is proposed that under the regulations an 'M' tattooed in the ear of a cat will indicate that the cat has been microchipped (and that must have created considerable interest in the community); there are moves, quite rightly, to protect our national parks and wildlife sanctuaries from the pest of feral cats; and there is a provision that cats found more than one kilometre from any place of residence may be destroyed. Let us look at the summary of this Bill:

> The only way any plan can be effective is through the support and cooperation of the community. An open consultation approach by all levels of government is the best way to ensure future success.

It is quite clear that the Minister was correct on 17 November when he said that there needed to be full consultation. What we are seeing today is an attempt to prevent that full consultation on the specifics of this Bill. I should point out that a number of members on our side of the House have written to their constituents seeking their advice. We have put out surveys and petitions. We have asked individuals and groups to give specifics on this Bill.

Members interjecting:

The Hon. M.D. RANN: It is very interesting to hear the cat calls of the members opposite, because in fact the member for Mitchell has already tabled a series of amendments which totally underpin the fact that this Government is at sixes and sevens—that its Bill is in tatters. In fact, a number of the amendments being introduced by the member for Mitchell would totally undermine the purpose and intent of this Bill if they were carried. They do not have agreement in the Party room of Government members. Those amendments do not have agreement, I am told, throughout the Party structure of members opposite. Let me tell the honourable Minister that there is not agreement in the wider community. There may not be in the long term, but we should make every honest and earnest endeavour to ensure that, over the Christmas period, people have the right to contact their legislators to put their point of view.

We have seen bizarre things, not just the member for Mitchell's amendments—and I am not saying he is doing anything bizarre—but we have also seen the contribution of the member for Ridley, who talked about introducing a cat plague, a virus that was to be put throughout the community to exterminate cats, and so on. So, we have enormous numbers of people out in the community, in electorates like mine at Salisbury, who are terrified about the impact of a Bill

upon which they have not been fully consulted. I am not saying that we are opposing all the measures in this Bill; quite the opposite. The Opposition will support a whole range of things. What I am saying today is that sometimes, if you put the measure on the table—lay it over Christmas—there will be more speed, more acceptance, more understanding and more community commitment to make this work.

The Opposition is not prepared to support the Bill at this stage until there is consultation with the community about the specifics of the Bill, and until each of us as members of Parliament can get the feedback from the community. That is the problem of a Government with too big a majority: arrogance and hubris set in. Do not think you can steamroll this on a busy day and that it will not be noticed. Put it on the table over Christmas and we will come back with some feedback from the community, because environmentalists and cat lovers need to be consulted. People concerned about the problems caused by cats and those concerned to protect their own and family cats need to be considered. A whole range of people are being denied the chance to comment on the specifics of this Bill.

Mr ANDREW (Chaffey): I am pleased to support the general thrust of this Bill, which I acknowledge and accept is a fair compromise. I am well aware, as are other members in this Chamber, that throughout my time in this Parliament there has been a strong and wide diversity of public opinion with respect to dog and cat management. I also acknowledge that some pets, particularly dogs and cats, are close companions to some people and would sometimes be preferred by their owners to human company. Therefore, I acknowledge that this issue—and any law relating to it—is somewhat sensitive and emotive.

Notwithstanding further comments I may offer, I believe this Bill does impact not just on environmental factors but significantly on the personal well-being of dog and cat owners and the companionship of their pets. While it may be appropriate to deal more specifically in detail with some of the specific aspects of the Bill in Committee, at this stage I acknowledge the need for some form of progressive move to cat control, and I do so for a number of reasons. First, it will undoubtedly help reduce the damage to the environment, particularly damage to native fauna from the impact of strays, wild and feral cats, as well as helping to reduce the public menace and nuisance that unwanted and unowned cats inflict upon our community, particularly in the urban areas.

I endorse the principle embodied in this Bill whereby, effectively, it is a voluntary plan, with no compulsory registration, no compulsory desexing, and no limit to the number of cats belonging to a particular household. Despite this, the Bill provides a mechanism or framework enabling Government, at both State and local levels (including community resources), to achieve a coordinated and consistent approach to cat management by differentiating between owned and unowned cats specifically.

Appropriately, owned cats will be provided with protection from the law and unowned cats can be removed without fear of civil liability. If cat owners want to ensure that their pet is effectively protected, they simply must be prepared to take greater responsibility for their cats, and this Bill provides the framework to do that. They need to take responsibility by admitting such ownership, whether by the placement of a collar or microchip insert, and by so doing cat owners will be able to sleep relatively easily with the knowledge of greater safety for their cats.

In addition, whether it be by intent (in other words, by the protection of the cat in terms of its identification) or by default, there will be a very positive impact throughout the broader community in both rural and urban areas in terms of reducing the menace of unowned cats. Fundamentally, if a cat is identified, it has a safety status unless it wanders further than a kilometre in radius from a household or if it is found in a national park area or an area owned by the Government either as a national park or an area covered by the wildlife or wilderness legislation. In this situation, there is provision for it to be taken and dealt with as provided. I believe that is a more than fair and reasonable compromise in ensuring that cat owners are forced to have responsibility for their own cats.

The main reason I generally support this Bill is that its implementation will provide enhancement of our national parks and council lands. It will have a positive impact on our environment in these areas. It is particularly significant to me because of a couple of local areas in my electorate where cat management is a matter of concern. Because the Bill permits open killing of even identified cats in such areas, that is, national parks, etc., some would regard this as an overkill. I certainly do not. I also acknowledge that some would say that, in terms of priority for maximising the preservation of our environmental areas, for example, within our national parks, we should be looking at putting greater resources into rabbit, fox and wild goat control. That is a fair and reasonable comment as well.

In the context of the principle of this Bill, as a move down the path of greater cat control and management, I believe that it undoubtedly will have this positive impact in terms of the environment, particularly as it involves our national parks, for what I believe will be a very minimal cost; it will be a very good cost benefit impact.

There has been a fair spectrum of public documentation and presentation with respect to presumed or believed damage to our environment by the cat population. I will not go into the detail of that this afternoon, other than to indicate that it has been publicly espoused by a recognised South Australian ornithologist, Dr David Paton, from the University of Adelaide. I believe his figures indicate that our domestic cats these days kill something in the order of 10 to 25 native species a year. Even if that was only partially true, it is still a significant factor that I believe should be addressed.

I want to reflect on this matter, because it is a significant one in my local area. While I am aware that there is a real danger—as I have indicated by those figures to which I have alluded—posed by feral cats in the national parks situated close to the city areas, particularly in the hills face zone, I have a closely analogous situation in my own electorate, which contains a range of national parks, including the Calpeum and Chowilla areas and the Murray River National Park, which all go to form a biosphere reserve area. There are also a number of game reserves such as Loch Luna, Moorook, Katarapko, Lyrup, Pike River and Chowilla. The significance of all these areas in the context of this Bill is that they are adjacent to the various Riverland towns and settlements in my electorate and, as such, they are subject to quite significant damage from feral cats.

As I have said, not only are these areas close to the urban town areas in my electorate, and therefore breeding grounds for feral cats, but they are, in fact, a common dumping ground for local unwanted cats. For that reason the impact of this measure is significant in those local national park areas and reserves within my electorate. The Bill's sanctioning of

the immediate killing of either identified or unidentified cats will have an impact in terms of reducing the degradation within those environmentally sensitive areas.

I also cite another example. I have in my electorate a local constituent by the name of Mr Tom Loffler, who farms an irrigation property at the edge of the irrigation area near Waikerie at the interface with the dry mallee farming area. He operates a cut flower and fruit growing enterprise utilising native birds in conjunction with an integrated pest management program. Members of the House may or may not be aware that particularly in the rural primary production industry, more specifically in the horticultural area, there is a very strong trend towards integrated pest management practices today.

My constituent has recently had some public notoriety in the local press. He has noted that cat numbers have been increasing significantly and at the same time there has been a rapid decline in the number of smaller birds, including wrens and honey eaters that have been a direct benefit to his integrated pest management program. Despite erecting signs stating that stray cats would be shot on sight, his problems increased. In terms of local issues, Mr Loffler went to a lot of trouble to prove his point by hanging up dead cats on adjacent roads. In the *River News* (the local press) of 9 November of this year Mr Loffler was reported as stating:

> I have lived here for 21 years and stray/feral cats have always been a problem, but this has increased in the last few years, with more people dumping unwanted kittens and cats in the Waikerie refuse tip and along adjacent roads, including Kruesler Road, together with stray/feral cats from the Waikerie and adjoining rural areas.

He says he believes that people are entitled to enjoy animals (dogs, cats, etc.) as companions but that they should be responsible to look after the animals' welfare, such that these animals do not interfere with other people's property or other animals. He adds that legislation applies to keeping dogs and should be enacted to apply to cats as well. I just pose that as a relevant example in terms of what I understand to be fair and applicable local opinion.

I return to make a comment on the voluntary principle relating to cat control under this Act as it applies to local government. I acknowledge that there has been intense and very effective and reasonable consultation regarding this Bill over the past three or four years, and I understand that the local government bodies have clearly indicated that they are prepared to take on the additional responsibility involving dog and cat management.

However, I want to put on the record today that in the lead-up to the introduction of this Bill some concern has been expressed to me by local government authorities indicating that they may not want to be involved, in a formal sense, in cat control. Some local councils, particularly rural councils—and I gather some of the smaller councils—although they already carry out responsibilities involving dog control (sometimes by way of a shared or joint process with other councils), may deem it unnecessary at this stage to become involved in cat control, and I acknowledge and respect that view. I gather this is possibly because small rural councils comprise people who know each other in a closer sense—they know their various neighbours and, to a large extent, they know whose cats belong to whom in the local neighbourhood—and I believe that inherently results in greater responsibility. In fact, there is more responsible cat control in most country areas.

I am also, of course, prepared to admit and acknowledge that, particularly in rural areas, communities (in the main, primary producers) have access to other means (weapons, for example) of destroying stray cats. Because of this facility the situation in rural areas is, shall I say, more under control. Notwithstanding that, what I understand as the main thrust of the Bill is that councils of their own volition will be able to decide whether or not they should have direct involvement in cat control: in other words, whether they choose to appoint an authorised cat management officer. Overall, of course, the legislative framework is there for them to be involved if they so choose to be. I am comfortable with the Bill in its present form as it involves this aspect, because local community concern and feeling and/or pressure will be the factor that will eventually oblige that particular council to decide to become involved in formally administering this Bill's provisions.

I also support this measure of flexibility because, as I have indicated, there is a wide diversity among local government areas around the State. I note in conclusion the emphasis in this Bill on the education process, whereby the Department of Environment and Natural Resources will apply direct funding to education in this matter, and I would expect that private sponsorship would be forthcoming and would ultimately enhance the value of this education process.

As a brief aside, I note that within my electorate the District Council of Berri has conducted a very positive and active campaign. In early 1992, of its own volition, it introduced a pet de-sexing program called 'Operation Tess'. I commend the District Council of Berri for getting involved in this arena, and for recognising the value of such a program. The program involved a couple of components: first, to promote the concept of de-sexing of the family pet, in relation to both cats and dogs; and, secondly, to provide assistance to those pet owners who were unable to meet the full veterinary cost themselves, in terms of a direct subsidy.

Although the program is still in operation, I am aware that the council found that it did not have the financial or human resources to maintain the total level of awareness that is necessary for this program to have a continuing and increased impact. So, this Bill will be valuable in terms of education, and specific councils that choose to get involved, as Berri council did in this case, could work hand in hand and get the ultimate value out of that cooperation. Also I note that there is support for this Bill from the Australian Veterinary Association (South Australian division) and from the RSPCA in South Australia, as they are keen to play an active role, particularly in the return of identified cats. This Bill is a responsible compromise to allow greater cat and dog control—particularly cat control—and I believe that it is consistent with the current community feeling and assessment. I commend the Bill to the House.

Mr BECKER (Peake): First, I commend the Minister for bringing this legislation before the House and to the attention of the people of South Australia. On many occasions it is necessary to bring legislation before Parliament that is not always seen as popular. Some sections of the community will say that it is not in the interests of the community, and others will welcome the controls that are sought. The pet issue is very difficult; it is a bit like children, I suppose. It is a matter of knowing whether you are doing the right thing.

There has been considerable consultation within the community over the years, and the Leader of the Opposition was totally wrong again in relation to that matter; he seems to have real difficulty with accuracy on some occasions in

this place. I understand that for some four years there was community consultation by Ministers Lenehan and Mayes, particularly in relation to cat control. Also, I believe that Ken McCann from the Marion council conducted a review of dog control. Quite strong legislation has been enacted in relation to the control of dogs, and over the years I have had many an argument with members of the Labor Party in this House and with people in my electorate over the lack of control of dogs on the beaches.

As one who believes very strongly in looking after and preserving the beach environment, I was not prepared to allow part of my electorate to be isolated purely for dogs to be exercised and to leave behind their morning trademark. Therefore, I was opposed to reserving part of West Beach as an open and free range area for dogs. I exercise in that area as often as I can, and I am still annoyed that people take their dogs along the beach and the foreshore and do not clean up after them. However, a growing number of people now come along and do clean up after their animals, and that proves that the education program in relation to responsible dog ownership, which has been conducted by local government and by the Minister's department from time to time, and through whatever publicity can be given by the media, is starting to pay off. However, we have a long way to go before it can be regarded as acceptable.

This morning at 6.30 it was beautifully clean, clear, and fresh; you could breathe in the salt air off an unpolluted sea—thank goodness they did not drain the Patawalonga last night, so at least the water was a lovely green-blue colour. Nothing could be worse than walking along the beach on such a day and coming across a place where a dog had visited only a few minutes before. That totally destroys the atmosphere and your feeling of well-being, and it makes people very annoyed at the irresponsible habits of certain pet owners.

I admire those people who have pets and who take them for a long walk every day. I was born in the country and I had a greyhound as a pet. It was my duty from about 10 or 11 years of age to take the dogs for a walk or run of up to six miles of a morning and of an evening. By the time I was 14 years of age I could walk at a pace at which the dogs could trot, and I could run six miles with the dogs morning and night, or I could ride a push bike through the sandhills, or wherever, because I was pretty fit. When I went into national service, I was so skinny that I was barely 11 stone. However, it proved the point that looking after dogs and keeping them fit was a great way for me to keep physically fit as well.

Many people exercise with their dogs. Every day I see many people at Glenelg beach and at West Beach with their pets. Many good sportsmen and sportswomen train in that area, and I am particularly pleased to see that the young women do have a strong, fit pet with them because, if I were a young girl, I would not go out on my own in that area. I believe that it is necessary for women, in particular, to be accompanied by a pet. I am not upset by people taking their animals down to the beach, but I do get upset if they do not clean up after them.

Any legislation that we introduce into this House and bring to the attention of the people which has an education program and which will encourage people into responsible pet ownership, has my total support. On the other hand, the biggest problem has been cats. There is a dispute in the Becker family because my wife likes cats; I am not particularly keen on cats, because I think that they can be a problem from a health perspective. We have had several cats. The last one was a wonderful cat, but the trouble was that she was a bit of a nymphomaniac and we could never keep her home. And that is the problem I think most people have: owning a cat that wanders, whether it is male or female.

The member for Unley has proposed legislation to try to control prostitution, but the biggest difficulty is having a cat that wanders around looking for tom cats. So, we had to do certain things with our cat. She was a cat that would not stay inside; she was an outdoors cat, and she took a gross dislike to the various birds in our area. We were particularly successful in selecting trees which grew at Glenelg North on the sand-dunes and which grew to a considerable height, and those trees attract a variety of birds, which I love. I think that, living at Glenelg North, along the sand-dunes, and living in the vicinity of the airport, I would rather listen to birds squawking at 5 a.m. than the engine of a jet aircraft roaring overhead and disturbing our peace.

Unfortunately, our cat had a habit of killing a bird and bringing its remains to either the back door or the front door, making quite a performance so that I would have to get out of bed, open the door and dispose of the bird's remains. The cat seemed to think that that was the greatest contribution she could make to the household. Probably it was the payback for taking her to the vet to stop her nymphomaniac habit so that she could no longer breed kittens. She had only one litter, and I have always believed that that is how she took her revenge on me.

I have a wonderful tree in my garden commonly called a New Zealand Christmas tree. It is a wonderful example of this species, and within a week or so it will be covered in red flowers that make a beautiful display of blossom appropriate for this time of the year. The big problem is that in the next two or three weeks all the parakeets in the district will visit that tree at 5 a.m. and feed off the bees and the honey. By about 8.30 or 9 a.m. we will have three or four drunk parakeets wandering around the lawn. Members have not seen anything until they have seen a drunk parakeet. In the past when this has occurred the cat would sit by the door until we would let her out, not knowing whether nature was calling or whether she had a bird lined up. Finally, I realised that we should not let her out because she would kill off the local parakeet population.

I point out to the Minister that we do have many problems, and I can understand how people get annoyed about feral cats and the damage they do to the environment and the bird life throughout the State. This is a real problem. I believe we all want to do the right thing. Most families would like to have a cat, and those who do are protective and look after them. Many breeds of cat make ideal household pets and, if they are well looked after, they do not pose any health problems and will reward their owners with many years of happiness, as is the case with certain breeds of dogs.

I have many nursing homes and retirement villages in my electorate, and I have encouraged many elderly people to stay in their own home rather than go into a nursing home or other accommodation. In other words, I have encouraged them to live independently as much as possible, and often their pleasure is gained by having a pet. So long as such people can look after a pet they are rewarded with the animal's friendship and fondness. They provide great company and therapy for one another. The average household pet, particularly a dog, needs to be walked at least once or twice a day, and that provides good therapy and good exercise for the owner.

The tragedy is that a minority of pet owners in the community do not breed dogs for pleasure. There are people who have bulldogs, and many years ago I raised the issue of

a fighting terrier that was being raised in the suburbs. Meetings were held on Sunday in obscure locations where dogs would fight to the death, and this was another form of blood sport that I found absolutely abhorrent. I could not believe that anyone would be so cruel as to indulge in it. Also, animals were being stolen because they were seen as valuable pets. People lost their animals to those who found any way to scrounge an asset which they could dispose of to feed their drug habit.

The big problem we have in society today is the behaviour of a minority of people who are ruining the situation for the vast majority. We have to have legislation to try to do something about this. Certainly, I strongly supported the actions of Thebarton council when it sought to bring in regulations and by-laws to control the number of household cats. There was a problem in Thebarton with one person in particular, although several middle-aged people who cherished their family cats allowed them to breed to a point where they got out of control. To have 28 cats living in or around a house is not natural, no matter who you are. That is far too many for one person to look after. A considerable cost is involved and, for people on a fixed income, costs are cut to feed and maintain the animals. It can get to a stage where it is too expensive and people start to give up on their own home comforts. Certain health standards must be maintained in houses in residential areas.

Members can imagine after a long spell of hot days without any air movement in the inner suburbs that there would be problems. Something had to be done, and so one person in particular was asked to reduce the number of cats they kept. The council's action was not popular, but I supported and stood behind everything the council did because the people who complained to me wanted relief. They wanted sanity brought back into the situation. The Cat Protection Society and other groups immediately decided to pounce on me as the local member. They thought they could intimidate me and do what they liked, but I was not interested. For the first time in my political career I told them not to bother me. I said that decisions had been made and the argument had been looked at, and that is what triggered the whole thing. I support the council and I support what the Minister is doing in this legislation, because we have almost a bipartisan policy between the State Government and local government in respect of the control and welfare of animals.

In Glenelg we had a medical practitioner who had about 53 cats, yet he was hardly ever home and the cats roamed all over the place. He lived near Glenelg golf course, which is a haven for wildlife, so a further problem was created. These people, with all the good intentions and all the goodwill in the world, are so irresponsible when compared to the behaviour of the average citizen who is satisfied with one or two cats and perhaps a dog.

Why people need 30, 40 or 50 cats is beyond me. There cannot be any pleasure in having such numbers, unless some other problem is associated with those people. The residents look to the Minister to provide a lead. I would have thought that the Opposition would adopt a more responsible attitude, yet the Leader of the Opposition has played the same old tune. Are we to hear for the next three years that 'Labor listens'? The Opposition wants more time to consider the matter, it wants more consultation, but one thing the Opposition must learn, which we learned in many years of Opposition, is that you have to get out and about amongst the people. We live in the real world and we have to get out amongst the people in the real world. It is no good saying, 'Labor is listening now.' It should have bloody well listened years ago.

If John Bannon had listened to me in the middle of 1990, we could have nipped the State Bank nonsense in the bud. If he had listened to me back in 1985, when I first started asking questions about the State Bank, we would never have got into a financial mess. The Opposition should not come that nonsense with me. It should look at the legislation and make a decision. A decision has to be made, and the Government has done that. The previous Government was involved in four years of community consultation. We have been in Government for 12 months. We have picked up the issue, we have come up with legislation and we are prepared to run with it.

[Sitting suspended from 6 to 7.30 p.m.]

Mr LEWIS (Ridley): I am pleased to participate in this debate. After four years of reports, recommendations and wide community consultation, we have now got to be where we are, at last considering responsible dog and cat management under the terms of the Dog and Cat Management Bill. Most of the reports, recommendations and consultation have been undertaken with people who are owners and lovers of cats, since the greatest difficulties and strength of feeling arose amongst their number—and I include myself in that group—since cats to this point in our history of human occupation of this continent have never needed to be registered.

I made that comment quite deliberately, because dogs first came here some 10 000 to 12 000 years ago in the form of the dingo, and predation from dingoes clearly at that time contributed to the extinction of a large number of species. They were brought here by the most recent wave of migrants to the continent prior to Europeans arriving—people we refer to as Aboriginal, even though that is a misnomer in this context. They were not the original inhabitants and dingoes were certainly not part of the spectrum of species which evolved on this continent after it separated 50 million years ago, or thereabouts—I cannot be precise in terms of the date—from the body of land mass now referred to as Antarctica.

Until 10 000 years or so ago, no dogs were here. Dogs came then. Until a couple of hundred years ago, there were no cats or rodents. We brought both when we, as humans in a further wave of migration that has continued ever since that time, began permanent settlement on this continent from populations of Homo sapiens from the northern hemisphere. That has also had serious implications for the species of animals, birds and reptiles, equally as devastating, I am sure, as the devastation which occurred 10 000 to 12 000 years ago when the last wave of migrants arrived.

The carbon dating of the skeletal record clearly shows that a number of species of plants and animals disappeared under the impact of that new regime. The arrival of humans with dogs in the form of dingoes at that time resulted in changes in land management practice—probably as significant as the changes which have occurred now. The way in which the land was burned and the way in which humans hunted for their living and gathered equally changed, and so the impact on the array of species in the natural ecosystem right across the continent was fairly dramatic.

I say that as a statement of fact, because the people I have spoken to about it who are rigorous in their research and the application of scientific principles to the determination of

truth are equally confident. I do not need to mention them by name nor the learned works they have produced as scholars that give us that information.

This Bill provides local authorities with the provisions to deal with problems that have been caused to date by irresponsibly owned and unwanted cats which have contributed to the feral population. It is fairly important to place on the record that we will never successfully control and limit the number of unwanted and unowned feral and stray cats, even with this step in policy. But this step—and the Minister is to be commended for taking it—goes down the right pathway.

The previous Government did not have the guts to do anything about it and the current Opposition has even less guts to say what it really thinks on the matter. I note that the news item attacking me a couple of weeks ago put out by the Leader's office was rapidly withdrawn when his office staff on that weekend discovered that they did not have any of the large number of scientists, that is, biologists and zoologists in the Conservation Council, with them on the issue. They then realised that they were out in cloud cuckoo land, with nothing more than a prayer and a tear to bless themselves with in political terms.

I say to those folk who suffer from what I describe as (in acknowledging the term used by the member for Reynell) anthropomorphism from certain sectors in the community and who still regard any changes whatever as draconian that the sooner we recognise that is no longer on, the better, and the sooner they come to terms with the necessity for change, the better. If we do not, we will most certainly, through our inaction, have contributed to the further extinction of a significant number of small mammals, birds and reptiles in this country. And you, Sir, would know better than anybody just how devastating feral animals can be because you have seen the impact those animals have on natural ecosystems.

And cats in particular, whilst they do not graze the vegetation, certainly knock the small animals, birds and reptiles to pieces. None of us—neither you, Sir, nor I or any other speaker in this place, least of all the Minister—has any intention of attacking pet owners or their pets, be they dogs or cats. But I come back to where this debate is at, where the emotion is in the community, and speak about the cats: there is no antagonism directed at anybody who wants to be the responsible owner of a cat. I know how tremendous their companionship can be because I have had several cats, but I have never owned any of them without having them properly immunised and sterilised so that they cannot contract and spread disease amongst other cats. I do not suffer any loss either emotionally if they die from a contagious disease from which they could have been protected by immunisation, and they do not contribute to the expansion of the wild population in any way, shape or form if they are sterilised.

This measure provides local authorities with the responsibility to see that sort of thing through and, to my mind, the proposal to put collars on cats really is not very practical, and because of the cost of identifying cats without collars, apart from whatever imagined or real safety problems there may be for the cat with a collar on, we can see that microchips fitted between the shoulder blades is the way to go. They are not expensive and they will come down further in price. It is in our interests to subsidise such a program. It is equally in our interests to do all things in moderation and, in this respect, I believe that cat ownership needs to be something undertaken in moderation.

Whimsical pet populations of large numbers of cats—more than just a handful—are stupid. That is taking things to the point of obsession. The measure of companionship required by any individual or family can be satisfied by one cat or at most two cats. Accordingly, for ordinary domestic pets no more than that number ought to be permitted and only in circumstances when they have been sterilised, immunised and identified with a microchip fitted between the shoulder blades which can be read by a chip reader with modern technology from quite some distance.

That means that responsible cat breeders should pay a much higher price for the registration of their animals, because they then have the responsibility of servicing the market place for replacement pets. It means that we no longer irresponsibly allow people who wish to own a cat to rely on the natural reproduction of pets that are not properly managed. There are terrible consequences from inbreeding if brother and sister mate: temperament is bad, eyesight is impaired, and there are other constitutional malformities which are undesirable and unnecessary. I am saying that we should allow cat breeders to exist in a registered form with animals which are accordingly registered and they will service the need to replace pets in society. For those who still seek pets but prefer not to have cats, there are alternatives such as small dogs or native cats—quolls.

We have to accept that the feline is by instinct a hunter. It does not matter how much we feed a population of 100 cats. If they were in 100 separate homes, we would find a significant number—well over half—would, given the chance, as the member for Peake has pointed out, stray to wherever they could get some sport. They kill instinctively; they do not need to kill for food. They will continue killing regardless of how well fed they are.

Having covered that aspect, I have publicly gone on record from years ago saying that, if we want to restrict the unbridled reproduction of cats, the best way to make the best use of any scarce resources is to sterilise the female. I am not being sexist; I am being objective in zoological terms. If in an area which has a population of, say, 100 male cats we sterilise 99 of them, we will not reduce by one iota the propensity of the females in that population to reproduce, because the one remaining male is quite capable of servicing all the females to the same degree of fecundity as would otherwise have been achieved if none of those males had been sterilised. As we do not have discrete areas in which 100 cats exist and as cats will stray, it is futile to waste scare resources on sterilising males, because one wild tom will still cover any unsterilised female. Therefore, if we have scarce resources, the first step has to be the sterilisation of female cats which are owned and loved by the families that have them; and the next vital step is to sterilise the males as part of the whole process of immunisation and registration with appropriate identification. All this means that we are engaging in the ongoing process, facilitated by the Bill, of educating the public about responsible ownership of pet felines and canines.

Further down the track, if we are to save native animals, reptiles and birds from extinction, we have to go where the cat has gone with some means of eliminating those wild populations of felines. If we do not, the result will be extinction, and extinction is for ever. It is distressing to me to have to continue to contemplate the consequences of not doing something about that wild population. For as much as I have had cause to love cats dearly, and I share an understanding of the great affection that there can be between owner and pet cat, I have to say that we need to recognise that the same species is wild and has become feral and independent and has developed to the point where it has penetrated

niches right across this vast continent into which it is impossible for humans to go, even if we could afford to trap or destroy them. Physically attacking the population by trapping, shooting or poisoning will not reduce the risk of extinction to those species of natives about which I have spoken.

The only way that we will eventually get to that point is if we release an epidemic disease with a relatively long incubation period and no undue adverse symptoms for the animal but which, when symptoms begin to appear, within a matter of hours takes life. Feline enteritis is not the most ideal, but it is already present. Therefore, we need to recognise that that disease can penetrate into the obscure areas of the Australian Alps, the Katherine Gorge, the Flinders Ranges, parts of Kangaroo Island on Flinders Chase and Arnhem Land as well as the MacDonnell Ranges and the Kauri forests of south-west Western Australia—places where I have seen feral cats and the consequences of their presence. The disease will go where we cannot and the disease will be effective where we have not been and cannot be.

Whilst I do not expect other members to be either willing or necessarily capable of stating an opinion in support of what I am saying, I place it on the record because it is necessary for someone at least to point the way and accept the odium that can come from doing so to ensure that society in some measure comes down that path, understanding what has to be done if we are to continue to see the benefits derived from the biodiversity of our Australian wildlife about which I have spoken.

The only other point to which I wish to draw attention relates to the implications of allowing dogs to be uncontrolled in public places. In my judgment, we cannot vary from what has been the case, because it means that many dog owners will find that they are able to argue that they personally did not intend that their dog would do the damage of which the victim complains, whether it is an attack on a human being or on another pet or someone's property. As the law stands, it is possible for the aggrieved party to obtain satisfaction from the owner just by proving that the dog did the damage.

To change the law so that there is a defence that the dog did not intend the damage to be done and that the owner did not intend the dog to do the damage and then require the aggrieved party to prove the opposite to be the case is wrong, to my mind. That worries me. With that contribution, knowing that overall the legislation takes us in the direction in which we want to go, and with my commendation of the Minister added to that of other members for the guts that he has shown in bringing in the legislation at this time, I will satisfy myself that perhaps some time during the next Parliament there will be a further opportunity to progress the matter further.

Mrs ROSENBERG (Kaurna): I rise to support the Bill, and I will do so very briefly, because we have had plenty of learned input from people who know more about cats and dogs than I do, although I have to put on record that I am an owner of eight cats, four of which I am proud to own and four of which came slightly by accident. I will deal with them in about two weeks, when they all go to the local pet shop.

An honourable member: Well timed for Christmas, isn't it?

Mrs ROSENBERG: Yes, it is very well timed for Christmas. I had the misfortune to have a neighbour who had an 'unowned' cat. That cat sat on my windowsill constantly until I finally gave in and fed it, and then it produced four beautiful kittens for me to deal with. With that sort of first-hand experience, I can say that this Bill does something that needs to be done, and that is to bring cats into the same legal standing as dogs. If it had been a stray dog I would simply have been able to call the council inspector and say, 'I have a stray dog sitting on my windowsill; could you please come and collect it?' This case involved a cat, so there was not the same legal status or requirement of a council inspector to come and pick it up. That legal definition is very important, and it certainly lends weight to the distinction between owned and unowned cats, which is also very important.

The arguments put forward by the community seem to be based on the question of what it is that we are trying to achieve by cat control. There is a group of people in the community who are hung up on the idea of desexing cats, and there is another group in the community who are hung up on the fact that we need to decrease the numbers of cats so that we protect native animals. There is one line of argument that by desexing animals we will effectively save native animals. I would like to go through some correspondence that was kindly distributed to us by the member for Mitchell, as a way of making comment about that argument. I quote from one letter, which states:

> Desexing is a humane alternative to euthanasia. It is workable, positive and successful.

That is the tone of a series of letters that were given to us to read as an argument for desexing. As this and all the others have the same thread, I would like to say that the pity of all those arguments is that in none of the correspondence is there any survey or number evidence or anything statistical on which we can base the statement that desexing is working in the community in terms of controlling cat numbers or the effects that cats have on native animals.

Another piece of correspondence contained the statement that killing and using harsh laws to control cats is totally unnecessary and that these measures would bring fear to people who own cats, force them to dump them and force people to hide their favourite pets. From the example at the very beginning of my speech we can see that that already happens. That is the nature of the human beast: whether or not a cat is not desexed, if it becomes too expensive to handle or if it has been given to a family that does not want it any longer, the nature of us as human beings is that we get rid of it, and the easiest way is dumping. I have to challenge the belief that simply by bringing in this legislation we will force more people to dump cats. I totally oppose that idea.

Another piece of correspondence states that cats have been part of human history for thousands of years and are a means of disposing of rodents. That is certainly true, and no-one on either side of the debate would question that, but cats are also a means of getting rid of our most endangered native animals—rodents in particular—and also our native birds. I am quite happy to accept the argument that I have heard constantly that they kill as many sparrows and starlings as they do native birds. They certainly do, but one has to draw a line somewhere and say that there has to be some control of a population of animals that are predators on our native animals. I believe that we have taken a sensible stand with other animals in that category, and I do not see that cats should be judged by a different standard.

That writer goes on to say that most cat owners are reasonably intelligent people. I certainly agree with that: most cat owners are. Therefore, reasonable and intelligent cat owners should have nothing to fear from this legislation,

because it is all about saying that if you are a reasonable and responsible cat owner there is nothing in this legislation to make you upset, fearful, want to dump your animals, fearful of the authorities and so on. If you are a responsible and reasonable cat owner, you are exactly the sort of person this legislation is designed to protect. It is the unreasonable and irresponsible owners who are currently causing their cats to be the nuisance which is constantly complained about and which this legislation intends to overcome. I accept wholeheartedly that this is all about reasonable and responsible ownership, and those people who are reasonable and who look after their animals properly have nothing to fear from this Bill.

This legislation is clearly supported by the RSPCA and the Australian Veterinary Association, with some exceptions. Those exceptions must exist in any legislation. I would defy anybody in this House to say that any piece of legislation would come into this House and be accepted 100 per cent by members of the community. It simply does not happen. What we have achieved here (and when I say 'we' I am being a little too broad), and particularly the Minister in this situation, is a balanced, fair and just compromise between two broad extremes in the community: those who want nothing done and those who would have every cat in Australia destroyed. This is a fair compromise between those two extremes.

There is no compulsion in this legislation for a cat owner to do anything. There is no compulsion in this legislation for councils to participate. However, there is a large education aspect to this legislation, which will firmly encourage reasonable cat ownership and reasonable contributions by participating councils. I believe that, in time, the good old peer pressure that seems to cause so much trouble in our community will in this situation act in the opposite direction and encourage councils and the community to be far more responsible.

It is extremely important that we have control of feral animals—and in this case I will talk about cats as a feral animal—in national parks. I have the Onkaparinga National Park and the Aldinga Conservation Park in my electorate, and these two parks are under particular threat because of the people living so close to those parks. One has only to visit the Aldinga park, as I do on a regular basis, to see the effects. I remember that when we first moved to the area of Sellicks Beach and first went to the Aldinga Conservation Park we could easily see echidnas and other animals there. Today it is a very rare occasion when you can see them, but you can certainly see plenty of cats there.

It is also necessary to put on notice that desexed animals do not have any lessened desire to kill birds and animals than do cats that have not been desexed. So, if we are really on about the control of cats in terms of the effect they have on the killing of native birds and animals, I have to question that desexing really slows down that drive in any particular way. Desexing has in some instances been suggested as an alternative to euthanasia. I do not believe the two are connected. I think they are probably mutually exclusive.

I am very disappointed to hear that the Opposition is opposed to this Bill. I am disappointed that members opposite will not at least let this Bill proceed, bearing in mind that it contains a very sensible clause under which the measure will be reassessed and will be constantly assessed as time goes on, to see if it is working. If it is not working, it can easily be brought back to this place and amended. That is a totally reasonable thing for a Government to do in a community where there certainly has been demand for us to take action.

I support all the measures that have been put forward in the Bill regarding dog control. As a previous local councillor, and living in a coastal electorate, I know that the amount of complaint that came through the council office for dog control on beaches was amazing. We always had the constant complaint that councils never did anything and that the dog inspectors were opposed to taking action. I honestly believe that the main reason councils were opposed to taking action was that the expiation fees were so phenomenally low that it really was not worth their effort to go to the trouble of getting into a vehicle, going to the beach, picking up the dog, taking it to the pound and then trying to obtain $50 back from the owner. That makes councils reluctant to take action. Many things in terms of dog control have been tightened up in the Bill. I support all of them and commend the Minister for introducing this legislation.

Mr CAUDELL (Mitchell): A lot has been said in this House and also within its corridors about the stance I have taken on the cat issue. At this stage of the debate, I wish to clear up a couple of issues. First, I wish to state that my amendments do not signal a weakness but, conversely, they signal a strength of character within the Government: the ability of a local member to be able to represent his or her constituency without fear or favour. Another test of strength has been the ongoing and forthright discussions that I have had with the Minister since the introduction of this legislation was signalled. As the Minister has stated, the legislation is to come into effect in June 1995, and preceding that will be an education and awareness program.

The Minister is aware that I am not overly happy with a number of provisions in the Bill. However, that will not stop my continued discussions with the Minister, my continued lobbying of the Minister, and my informing him on the success or otherwise of the Bill as it follows this process. We have been asked to debate a Bill that provides for, in its aims, the legal status on pets, particularly cats, responsible pet ownership and the protection of the environment.

When one considers the aims that have been put forward, one feels that they are reasonable. One must not forget the facts of what has occurred in this State over the past 12 months following a limited education and awareness program. In that period we have achieved 92 per cent of owned cats desexed and a 12 per cent reduction in the metropolitan cat population. The member for Kaurna said she had not seen any figures that showed a reduction in the cat population through desexing, and we will come to that particular issue later. I will provide some figures on the record for the honourable member to examine.

In the past five years a number of councils have become involved in education and awareness programs basically associated with desexing and responsible cat management. This has cost a number of local councils between $1 000 and $2 000 per year. Councils such as Kensington and Norwood and Unley have written confirming their support for education and awareness programs. This Bill does cover an education and awareness program, and for that it is to be commended. A total of $50 000 has been allocated for an education and awareness program. It is hoped that those programs being run by people such as Cats Incorporated will also receive support from the Minister to continue the good work that they have done in the other parts of Adelaide, and hopefully they can be run hand in hand.

Let us look at the legal status for cats. It sounds impressive, but the biggest problem I have is the fact that councils

can prepare their by-laws which create a number of situations, one of which is a curfew. If we have a look at what has occurred overseas, and we see the ridiculous and sublime situation that has arisen overseas, one wonders whether we should be giving local government the opportunity to implement issues such as a curfew. I remind members that in the year 1602 Japan removed the curfew. We could have the situation that occurs in Ohio, in the US, where the legislation is such that cats at night time have to wear a tail-light. For heaven's sake, where would they put the socket? I do not know, but I am sure that the Americans, being innovative the way they are, would find a place and a way! It makes me wonder what a number of councils in Adelaide might implement: they might be tempted to follow the course adopted in Ohio.

As a result of the legal status of cats, a number of issues cause me concern, and I have raised that matter with the Minister and also his advisers. Under the dog legislation, sections 60, 61, 62 and 63 provide for the means of handling dogs found at large and also prior to the putting down of a dog. In the cat legislation, there is no provision in that regard for the handling of cats. I can understand the dilemma confronting the Minister following my discussions with him, and I will come to that dilemma later.

I will deal with what is in the measure regarding cats. The cat legislation basically deals with the duties of the cat management officer, the protection of national parks, reserves and wilderness areas from feral cats, and the ability of a person to apprehend, catch, destroy or dispose of a cat that is more than one kilometre from the nearest home. I take this opportunity to remind the Minister that I still have some concern with that clause (clause 71, I think) of the legislation. At some stage I hope I will be able to convince the Minister to remove the words 'dispose of' in that section. The Bill also deals with general and miscellaneous issues.

As I said, there are no procedures for the handling of cats prior to their disposal or putting down. We are told that to have the same provision for cats in the legislation as there is for dogs would require a contribution to places to house cats whilst efforts were made to try to find the owners prior to proceeding to the putting down stage.

The problem with that is it would involve registration, and a number of people rightly are concerned about the imposition of registration on cats. We are told that cat registration will not work: councils will reject it; it is not cost effective; and interest groups will reject it. Of course, local councils find that dog registration is not cost effective, and across the board councils are behind by about $1 million with respect to registration.

As a result, because funds cannot be provided to house cats, clauses 60, 61, 62 and 63 are not applicable in respect of cats. However, between now and June 1995 I will be having ongoing discussions with the Minister to see whether provisions can be put into the legislation to protect family pets. A couple of members opposite who spoke tonight claimed that they have had insufficient time. The biggest problem with this hypocrisy is that they seem to forget that in 1992 they appointed a cat working party, which reported to the then Minister for the Environment (Hon. Susan Lenehan) before the Hon. Kym Mayes took over that portfolio and therefore consideration of the working party's report.

Unfortunately, both former Ministers and the previous Government did not have the intestinal fortitude to stand up and be counted in respect of the working party's report. Neither former Minister was prepared to stand up and say, 'We need legislation', or 'We do not need legislation; we need an education and awareness program'. I may disagree with the Minister for the Environment and Natural Resources, but at least he has the intestinal fortitude to bring a Bill into this House, and I commend him for that.

The Opposition put out a press release complaining about the member for Ridley and his suggestion of the bacterial control of cats. If the Leader of the Opposition read page 42 of the working party's report, he would find that his Government's working party recommended that a bacterial virus be introduced to control feral cats. The ALP's working party came forward with a number of assumptions which were false to a large degree and/or based on suspect data. It also put forward a lot of totally irresponsible material, none of which was referred to by the ALP. Page 16 of the working party's report deals with health issues, including rabies. The report states:

> Rabies is an exotic disease of concern to all Australians, and cats, particularly unowned cats, have the potential to play a significant role in maintenance and spread of the disease.

As we all know, rabies is basically carried by wild dogs and foxes and not by cats.

The second objective of the legislation is responsible pet ownership. As I said before, the REARCH survey, which was put out earlier this year, highlighted the fact that South Australia has had a 12 per cent reduction in cat population, and 92 per cent of cats owned in Adelaide have been desexed. The Animal Welfare League has put out a paper in which the member for Kaurna may be interested. In 1988 the Animal Welfare League received 10 301 cats. In 1993 it received 7 387, which is a reduction of 3 000 cats. In 1988 it destroyed 7 680 cats, and in 1993 it destroyed 4 938. Based on the REARCH survey and the information from the Animal Welfare League, the figures could indicate that the desexing of cats is starting to have an influence on the cat population and also the way that cats are handled in the wider community.

I would also like to deal with the environmental issue. A lot of misinformation has been put out about the effects of cats on the environment, both in the outback and also in the metropolitan area. As I have said, a lot of this information is based on bias, and some of it is total misinformation. I will set the record straight. The previous Government's 1992 working party report refers to Doctor Paton's survey, which indicates that the average cat takes eight birds, 16 mammals and eight reptiles. However, the REARCH survey indicates that the average cat takes 1.14 birds, 2.82 mammals and 0.72 reptiles.

I refer to two letters to the editor, the first of which appeared in the *Advertiser* from Alan Butler, Head of the Department of Zoology, University of Adelaide. He refers to the surveys conducted by Dr Paton and states:

> . . . Dr David Paton is not a 'spokesman' for the Zoology Department. . . In the present case, members of the Department of Zoology do not all agree on the question of cats, their effects upon native wildlife and the various options for their management.

In the *Sydney Morning Herald* J.R. Egerton, Professor of Animal Health, Sydney University, states:

> Sir: while most people will accept that cats hunt and have an impact on our native fauna, your readers should be aware that Dr Paton's estimates of annual kills. . . are based on biased data.
>
> His survey was done in Adelaide. He had 709 respondents to 2 000 questionnaires. . . of his 709 returns, a total of 627 were from members of either the South Australian Ornithological Association or the Bird Observers Club of Australia. Members of such organisa-

tions will have biased views on the role of cats in our neighbourhoods.

I refer to page 9, paragraphs 1 and 2 of the previous Government's working party's report, as follows:

> Cats killed all of the Rufous Hare Wallabies. . . Cats are significant predators of the numbat in the south-west of Western Australia and the vulnerable greater bilby in arid Australia.

The report went on to say that owned cats collect 30 vertebrate prey per cat each year. Page 10 of the report states:

> Cats are known to adversely affect the liability of threatened wildlife populations and are thought—

and this is supposed to be a document making decisions—

to have contributed significantly to the extinction of 25 species.

After all that, further down the page, it states:

> Foxes and vegetation clearance led to these extinctions.

So, after reporting how the cats have basically killed off all of the native wildlife that are now extinct, it then goes on to give the true picture, that is, that foxes and vegetation clearance led to these extinctions.

The CSIRO and the National Parks and Wildlife Service have made a variety of comments with regard to the extinction of wildlife. The National Parks and Wildlife Service prepared a report on the Yellabinna biological survey, and that report stated:

> Several species, such as the mallee fowl, rufous treekeeper, shy hylacola, purple-gaped and yellow-plumed honeyeater and the yellow-rumped pardalote have declined over much of their range because of clearing, grazing in uncleared mallee and fragmentation of habitat.
>
> Several other species recorded in the study area but which are not listed above have been severely affected by vegetation clearance in the agricultural areas and may have better prospects in the large, relatively undisturbed lands outside the agricultural districts.

When dealing with foxes and cats, the CSIRO went on to say:

> Eighteen species of mammal have become extinct in Australia, since European settlement in 1788. This represents half of the total mammal extinctions that have occurred worldwide in recent times. . . In 1991, 57 Australian animal species were identified as being endangered, and a further 54 were threatened.
>
> The decline of Australia's native mammals involves a combination of factors. Firstly, large areas of the best habitats were cleared and fragmented in favour of agriculture and pastoralism. . . .[Tasmanian tigers] were hunted to extinction because of their perceived threat to farm animals.
>
> By far the greatest damage, however, was caused by two of the animals imported to make the Europeans feel more at home. The wild-type rabbit. . . and the European Red Fox.

So, as we are in the habit of shooting cats because they have threatened native wildlife, maybe we should get out the gun and have a shot or two at some of the farmers, tourists and other people who threaten our environment and the native mammals and birds. I am not saying that cats are not involved in the—

The ACTING SPEAKER (Mr Bass): Order! The honourable member's time has expired. The member for Unley.

Mr BRINDAL (Unley): I have listened with great interest to the debate as it has taken place thus far, and especially to the contribution by the member for Mitchell. I am privileged to share an office with the member for Mitchell and I know that he has found this a very vexed and worrying matter, and that he has studied it very deeply. I believe that he has caused the Minister more than his fair share of sleepless nights over the matter, and I acknowledge the genuine commitment of the member for Mitchell to aspects of this Bill and, indeed, his right, as is the right of the Minister and everyone in this Chamber, to speak in what he believes to be the best interests of the electors.

I find the Bill interesting, and I must take issue with some of the points raised by the member for Mitchell—if the member for Mitchell wants to listen to anyone else's contribution. Those points relate to the fact that the member for Mitchell contends that we have lost species in Australia, and no-one will deny that some of our native species are now extinct. No-one can deny the fact that the extinction of this continent's native species is occurring at a rate that must be deplored because it is excessive by world standards. I believe that the member for Mitchell is right when he says that the clearance of native vegetation probably caused much of this, as did the introduction of feral species, whether they be foxes, rabbits, goats, pigs, buffalos (which the member did not mention), donkeys or even the dingo, which is not, as the Minister would understand, a truly indigenous species to this continent. The origin of the dingo on this continent occurred at about the time of settlement by our indigenous people.

So, the combination of native vegetation clearance and the introduction of feral pests would have contributed to the extinction of species. However, I put to the member for Mitchell that the only certainty in this debate is that a number of species are extinct and, while the clearance of vegetation and the introduction of foxes may have been significant factors, so too was the competition from rabbits for edible foodstuffs, the eating out of the habitat by goats, and the threat by feral cats. To enter this debate by saying, 'It was not cats; therefore it was this', goes further than is warranted by a careful examination of the facts.

I understand and support those people who own and care for cats. They are part of our lifestyle and, in many cases, they are regarded as important members of the family. Indeed, this morning a noted radio commentator—someone who does not mind being a bit controversial at the best of times—discussed with me an issue that I will raise in the Parliament next year. While he was interested in that issue, he also said, 'I have been a commentator in this State for years; I have initiated and been part of an enormous number of controversies, but never in my experience as a commentator and journalist have I confronted an issue as emotive as cats.' He went on to tell me that he had been physically jostled in the street; that some woman, who I suppose most of the time is well-meaning and demure, had approached him and informed him very solemnly that her husband intended to shoot him; and that he had had several similar threats. He told me this because he was amazed at the emotive nature of the debate on cats and the passions that arise from it.

Every member of this Chamber, and not least the member for Mitchell, is very well aware of the range of passions of our constituents. In Unley I have been assailed very vigorously from two quarters. On the one hand, people are saying that this is horrendous legislation which destroys the cat as we know it and which will bring down the very fabric of Australian society. I am not exaggerating too much, because that is the sort of attitude that is taken. On the other hand, people who are so opposed to cats claim that the Minister has capitulated to the cat lobby, has the backbone of a jellyfish, and is generally to be despised and hated through all time because he has not stuck up for the native wildlife. So, as the member for Unley, all that I have gleaned from this debate is that the Minister at the table, try as he might, will never win: if he does one thing, the cat lovers will find it abhorrent; if he does another thing, some of those who extol themselves

as conservationists will equally berate him and everyone in this Chamber who casts a vote.

I have kept a cat for most of my life; I grew up in a house that had cats; I come from a family where I think most of the members of the extended family have owned cats. I can honestly say that, in my family, the cat owners have cared for their pets, have been responsible and have generally had them de-sexed because, quite frankly, it is no pleasure to have to drown a litter of kittens because they are unwanted. Invariably everyone knows someone who wants a kitten until you come to give them away, and then everyone has a thousand reasons why the kitten that they wanted last week is no longer wanted. So, somehow or other you have nine firm promises to take the litter from you, and you end up with nine unwanted little cats, and the decision of what to do with those cats generally does not fall to the person who most wanted the cat to have the kittens; it falls to another member of the family to have to destroy those young kittens and, as I said, it is not a pleasure.

As I said, my family were responsible cat owners. The cats were generally de-sexed; they were looked after, and no member of my family ever abandoned a cat. I can honestly say that most responsible cat owners are exactly the same. So, when it comes to a debate in this Chamber, there is every reason for people who have been responsible cat owners—something which is not unlawful in South Australia—to turn around and say, 'This is unfair and draconian, and it is a threat to something that we hold dear.' That is especially so for some elderly people who have lost their husbands or partners in life—often it is women but sometimes men—and they find solace and consolation in a pet. Often they are no longer in a large house with a big yard and the most convenient pet to keep is a cat.

I had a most interesting discussion with a group concerned about animals and in putting the education argument they said that the problem which we front tonight and which is so difficult for us all is not about cats or dogs: it is a problem about people—about irresponsible, selfish human beings, some of whom decide that they want to give a cat to their children but, three months later when they want to go on holiday, they would rather abandon the cat and leave it on the roadside to fend for itself than responsibly look after the cat for which they took responsibility when it was a nice little ball of fur at Christmas.

That is not the cat's fault. The cat did not ask to be taken in by that family or abandoned on the side of the road. Clearly, the responsibility lies firmly with the human beings who in my opinion betrayed the trust that they were given in owning the animal. I find great difficulty with that. As I said, the problem inherent in this legislation is not the person who genuinely cares for their pets but the person who does not care for their pets and who abandons them at the first opportunity, and I believe that they should not be a pet owner in the first place.

There is a compounding factor that not enough of us (and I include myself in this) consider seriously enough the type of pet that suits our lifestyle. This can be illustrated as much with dogs as with cats. Some people are attached to an Alsatian simply because they like Alsatians. People do not think that, because they have a small back yard, an Alsatian is not a suitable dog. Some of us might have a fastidious partner, yet we rush out and get a long-haired dog without realising that there will be a series of domestic quarrels every time our partner turns around and has to vacuum the hair that is everywhere because the furnishings are not suited to long-haired dogs.

I would say to all South Australians that, if we want to behave responsibly, forget the legislation and let us as adult people in Australia in the 1990s take real responsibility for our selection of pets, to see that the pets for which we take responsibility are suitable breeds of dogs and cats appropriate to our lifestyle. If we did that, I believe half the bad measures inherent in this legislation would not be presented as half as draconian as they appear to be.

Returning to the point of issue, which is whether we should be voting for this legislation, while I concede much of the strength of the member for Mitchell's arguments, it is a concern to all people who love animals and birds that some of our species are disappearing. We must take active measures to see that this decline ceases. I point out to the Minister that, while I am willing to accept the legislation, neither this Government nor the previous Government can escape responsibility, because we have been considering cats for four years. We are confronting a vexed issue and I challenge the Minister to tell me that there is one fewer goat in our national parks than there was four years ago. What is happening about rabbits or foxes, because cats are certainly not the only feral problem that we have? The Minister knows that goats present a serious problem. We are now attacking cats, and that is fine, and I am not knocking the Minister for that, but what are we doing about some of the other problems that are equally if not more serious than the problem posed by cats?

Again, based on personal family experience I question the statistics. I accept the Minister's *bona fides* because the Minister and the Government can act only on the best advice available. As with the member for Mitchell, I have some cause to question the statistics, and for one reason alone. One of my family has a number of cats and has to pay a fortune in veterinary bills. Living on the edge of the city in the southern suburbs, every summer at least one of their cats is bitten by a snake. Cats can be natural hunters and they often tend to hunt creatures that they do not realise are more dangerous than they should be attacking. Do cats naturally hunt creatures like snakes? How many cats really survive in the wild, because I do not believe there are quite the number of cats as presented to us on a flow chart?

If X cats are abandoned and are all good hunters, I do not accept that they will all survive. I am sure many domestic cats starve because they are not adept hunters. I am also sure that other cats, which are adept hunters, are killed because a snake bites them and they tend to die from snake bite, as we might, and generally the number of feral cats in the wilderness may be exaggerated. Certainly, there is no empirical evidence: there is simply the extension of a logical argument. That is all we have got to show the destruction that those cats are supposed to cause.

Having said all that, I return to what I was saying earlier: the destruction of native species is a worry. I commend the Minister because the last Government was so panic-stricken about doing anything about cats that it did what it normally did, that is, it sat on its hands and did three parts of nothing forever and prayed that the problem would go away. While there are aspects of the Bill that worry me, I can at least say with pride that we now have a Liberal Government in South Australia which, within 12 months, is prepared to take on what everyone in this House acknowledges is a difficult issue. It is an issue on which the Minister is likely to reap criticism whichever way he goes. The Minister should take heart because, if he has had the experience I have had in my

electorate where everyone is criticising him, he must have reached a point of some compromise.

Mr Brokenshire interjecting:

Mr BRINDAL: The member for Mawson says that they are praising the Minister in his electorate. I am sorry that somehow the member for Mawson seems to think that the electors of Unley are some sort of aberrant, abhorrent collection of misfits because they are not all praising the Minister in Unley. I am surprised that the electors are so homogeneous in Mawson. The Minister is to be commended. This is a brave initiative and it is not without its concerns, and I am sure the Minister acknowledges the concerns. The Parliament should monitor the legislation carefully. I am sure the Minister will do that, because I know the Minister to be a humane person and, if any aspects of the legislation are enacted in a way which has repercussions unforeseen by this Minister, I am sure this Minister will come in here and say, 'This aspect of the legislation is not working for these reasons and we are prepared to amend it.' I do not think this Minister or this Government have an agenda against cats. This Minister and this Government have an agenda that represents a fair balance between owners and their pets and the native species of this country, and that is the way it should be.

I know that cat lovers and cat owners will not be entirely happy. I certainly know that some conservationists will not be entirely happy, but it is not necessarily the business of this Chamber to make all the people entirely happy. It is our responsibility to act in what we believe are the considered best interests of all South Australians. In this legislation the Minister has attempted a brave start and a good compromise. I will support the legislation, and I trust that the Minister will undertake to monitor it very carefully and, if something does go wrong, will do what I have known him to do in the past, that is, to act with complete integrity and come back in here and say, 'This is not working. We need to fix it up; we need to amend it.' I am confident that, under this Minister, a brave start has been made, this legislation is worth a chance and, if anyone can make it work, this Minister can. I trust that he will have the support of not only the House but everybody in South Australia in doing so. I commend the Bill to the House.

Mrs HALL (Coles): I do not wish tonight to subject members to a litany of my pet dislikes. Indeed, I have my share, though that share is far smaller than some members might suppose. I do however wish to give my support to the measures proposed by the Minister for the control and management of cats and dogs. Most human beings at some stage form attachment with members of the animal kingdom. Some of these attachments are formed in childhood: many kids develop a love for horses, or perhaps enjoy the antics of monkeys or other animals they might first see either at the zoo or in their native habitat. Many others like the domestic species of birds, frogs, guinea pigs, cats or dogs.

The vast majority of people then have a bond with animals of some sort or another, particularly pets. Pets can provide entertainment and exercise. Their companionship is of unquestioned therapeutic value, particularly to the aged members of our society. I like dogs but, while Father Flanagan might have been right when he said, 'There is no such thing as a bad boy', he would not have dared say the same thing about our canine friends. Dogs can be exuberant creatures. I know some dogs lack a little self-control and can cause damage to people and property when left to their own devices. As such, I personally would like to see the existing structure of civil liabilities for dog owners maintained. Responsibility is sadly often a lesson learned the hard way.

I do not mind cats, of course except the feral variety. While watching the coverage of the United States' elections recently, I was reminded that the major political parties have adopted animals as symbols. The Democrats have the donkey and the Republicans the elephant. It would be fitting if Labor followed that American example and adopted the feral cat as its mascot for the next election. Feral cats are selfish creatures; they please only themselves; they do unspeakable things at night; they run amok with no responsibility or regard for the consequences of their actions; and they leave others to repair the damage they have done.

The feral cat is the perfect symbol for those who gave us South Australia's decade of disaster. After the Leader of the Opposition has run aground, perhaps there will be a new Leader to match the new logo, and who better to lead the hissing, scratching, devastated Opposition than the member for Spence, Mr Catkinson. Unless, of course, the electorate puts him to sleep as well. There are many people out there who are probably wondering what all this fuss is about. There have been suggestions that we might be better employed debating other matters. That may be so, but this issue is far from unimportant, as well we know from the many contacts in our electorate offices and the numerous functions we attend.

The fact is that uncontrolled cats are causing problems for many people in our community and posing an enormous threat to wildlife. There is widespread agreement that measures do need to be taken. Any proposed solution would meet with less than universal approval given the community's diverse feelings on felines. There are those who would happily allow cats to roam free and unchecked. On the other hand, there are those who would prefer that cats be classed as vermin. I fit into neither category, and I certainly cannot agree with the view that an induced virus is a solution to the problem. Apart from the cruel and high-risk nature of that means, cats' durability and survival instincts would, I believe, most likely eventually render the virus ineffective in the same manner as rabbits have conquered myxomatosis.

I support this Government's efforts to find a humane, reasonable and balanced solution to the problem. This Bill is part of the continuing strategy for responsible cat and dog management. The most out-spoken critics of the Government's proposal seem to be the threatened species opposite. They had the chance to deal with this question years ago and they did not. Of course, they had other pressing concerns at the time, so it is understandable that this was a very low priority in their over-flowing too hard basket. Now, they are calling for tougher de-sexing controls, and they are barking up the wrong tree again. It is estimated that over 90 per cent of cats in South Australia are de-sexed. Compulsory de-sexing would barely boost that percentage at all, and it would be extraordinarily difficult to enforce. The Government's proposal is supported by the RSPCA, which has noted that it will 'be able to reunite far more lost or injured cats with their owners—

Mr ATKINSON: I rise on a point of order, Mr Deputy Speaker. I understand that the member for Coles referred to me by name other than by my electorate, and a name which is pejorative and not in fact my name, and I ask her to withdraw it.

The DEPUTY SPEAKER: The Chair must admit that it did not hear the name which was referred to. Would the honourable member like to enlighten the Chair?

Mr ATKINSON: Mr Catkinson, I understand.

The DEPUTY SPEAKER: It is so similar I realise why I missed it. There is really no point of order, but I remind the member for Coles that it is against Standing Orders to refer to a member by name: by electorate is the preference.

Mrs HALL: The Australian Veterinary Association sees the need for many people to become better informed and more caring owners, and it supports the Bill. So too the Animal Welfare League, conservation groups, Government agencies, the Animal Welfare Advisory Committee and cat breeder organisations. It was developed by the Office of Animal Welfare after lengthy consultation with local governments and the community. This Bill will, I believe, put the onus of responsibility onto cat owners to identify and control their cats, but it will not burden them with restrictive compliance requirements, nor will it burden the community with the cost of an unwarranted bureaucracy of cat cops.

While there is no compulsion for owners to identify their cats or restrict their roaming, they would be wise to do so if they truly cared for their pets. While unidentified cats and those roaming in designated areas, such as national parks, sanctuaries or Crown lands or more than one kilometre from a human dwelling, will be at risk, the legislation provides for capture and release and, in the last resort, humane destruction (killing) of such cats.

Local councils will have freedom of choice with the passage of this legislation. They can opt in or out of the program, depending on the wishes of the communities that they serve. They can appoint people to trap cats or ban altogether the trapping of cats on council land.

The Bill places minimum impositions on everyone concerned. There will be no limitations on the numbers of cats per household, no curfews on felines, no registration requirements and no compulsory desexing. The Bill encourages responsibility and it is backed with some dollars—$50 000 in the first 12 months—for an education program. At the same time, it complements legislation, such as the Firearms Act and the Prevention of Cruelty to Animals Act, to ensure that there is no open season on cats. As the television advertisement says, it does not get any better than this. I support the Bill.

Mrs PENFOLD (Flinders): With pet ownership comes responsibility, and owning a pet cat is no exception to this requirement. Cats are super efficient killing machines. One only has to see a wild feral cat in our native environment to know that some of our unique native fauna have no chance at all. Feral cats can and do grow into animals the size of foxes. For the record, a vet practising in my electorate, Flinders, has a cat weighing 10 kilograms as a feline patient. That is a super efficient hunter—fortunately not a feral one.

As members will be aware, Port Lincoln is virtually surrounded by national parks. Eyre Peninsula and Kangaroo Island both have large tracts of park. These national parks are supposed to provide a safe haven for many species of small fauna. In Port Lincoln we have colonies of blue wrens, sea birds of all shapes and sizes, parrots and a huge collection of small lizards. They are all vulnerable to attacks from feral cats. Wherever there is a patch of scrub there will be a feral cat problem. Our national parks are for recreation and conservation, not for providing a smorgasbord for wild cats. I do not believe that we have a choice in the matter. To keep our native fauna, we must reduce the potential for these feral cats.

The feral cat is an extremely tough animal. It can live in the most extreme of climates. In fact, it is so tough that it will survive, I am told, in a hot dry climate that would see a dingo succumb to the heat. The Streaky Bay District Council has recognised the potential problems of feral cats. It has introduced by-laws which limit the number of cats that can be owned within the town. Basically, if people want to keep one cat, they have few controls. However, if any more cats are kept, the by-laws demand, among other things, that they be confined to premises at night, that they must wear collars with the owner's name and address and that they must also be desexed.

Mr Brindal: Is that for two or more?

Mrs PENFOLD: For two or more. The by-laws are aimed at reducing the nuisance of cats to fellow property owners and are also seen as a way of assisting to keep to a minimum the potential for breeding more feral cats. The district council of Streaky Bay is way ahead of the rest of the State. It recognises that cat ownership brings responsibility with it. I fail to see why people should object to what is proposed. What is proposed in this Bill is nowhere near as limiting in its controls as those placed on people living in the Streaky Bay District Council area.

In this debate we are talking not just about cute little fluffy kittens playing on the lounge carpet but about limiting the 10 kilogram-plus cats which take prey with the greatest of ease. We are talking about national parks which are supposed to be refuges for our fauna. Instead, by neglecting our pets, we have turned these national parks into killing fields for cats as well as for foxes. We cannot do anything immediately about the foxes, but as responsible citizens we can do something right now about cats.

I have spoken strongly against poor puss, but I acknowledge the benefits of pet ownership. We have two in my family. Our children learn at an early age the value of having pets when they are given their first kittens. Cats provide company and companionship and they are capable of showing their appreciation to kindness and care. This all helps the learning process for children, and it is a very valuable time for them.

Cats are also particularly valuable pets for the aged and infirm and for those who live alone. A cat will sit and be patted for hours, bringing company and relief for many souls living out their lives alone. We must never lose sight of the therapeutic value of pets, especially pet cats. However, we must accept that we are responsible for other animals as well, especially our native animals. Their future is entrusted to us and we owe it to them to ensure that they survive without fear of molestation from feral cats. I support the Bill.

Mr EVANS (Davenport): My contribution will be fairly short. I understand that the Bill will be passed through this House, given the numbers, and will lie on the table until February for further discussion in the other place and then come back. This is really about the Government serving notice to those people who have cats as pets that, once the Bill has gone through both Chambers and become law, the laws relating to cat management and ownership will only get harder. I believe the Minister has taken a very bold step and I support the Bill in principle. The Government is putting cat owners on notice that, like dog owners, it is time for them to become more responsible for the maintenance and management of their chosen pets.

This is a good Bill. There is not a lot in it that is compulsory. There is nothing to compel people necessarily to put

identification on their cats if they choose not to do so. It is at their risk if they do not. There are obvious benefits if they do, and they are outlined in the Bill. No-one is compelled to pick up a cat if they see it in a national park or see it destroying wildlife. If people do not want to get involved in that way, they do not need to do so. It is their choice. If they decide to pick up a cat, for whatever reason, there is nothing to compel them to take it to a vet for it to be destroyed, if that is their choice. The amount of compulsion in the Bill is virtually zero. Therefore, from that point of view I see the Bill as being an education exercise. For that reason, I think it has some very good points. The member for Kaurna raised the issue of putting cats on the same legal status as dogs. That is beneficial and a good move.

There are two points that I would like to have clarified in the Committee stage. I have spoken to the Minister about them. One, in the dog section of the Bill, relates to the liability of the owner for the actions of the dog. I should like to have clarified the point that this Bill places the same responsibility on dog owners as does the present Act. The second point that I have raised with the Minister and will be clarifying with him in the Committee stage relates to the Dog and Cat Management Board. I note that there is no requirement for anyone from the Australian Veterinary Association to be on the board. Certainly it is consulted, together with other organisations, such as the Animal Welfare League and others, but there is no compulsion for a vet to be on the board. I think from memory that local government gets five representatives and the Minister gets one.

There is nothing in the Bill that states that any of those people have to be professionally qualified in the art of animal care. In my view, the Local Government Association should get only four nominations, the Minister should get one, and the Australian Veterinary Association (South Australian Division) should also get one nomination. In that way the board will remain at six: four nominated by local government, one by the Minister and one by the Australian Veterinary Association. At least in that way we are guaranteed that one person on the board of six will have a background in animal care. It is possible under the Bill as drafted for no one of the six people on the board to have animal care qualifications. They might have management, financial or local government experience, but nothing to do with the management of animals *per se*.

For that reason, I believe that the Veterinary Association should receive a place on the board, and I will be raising that matter with the Minister. I note the member for Mitchell's comments about the education process. He indicated that 92 per cent of cats were desexed and that there was a 12 per cent reduction in the metropolitan population of cats, and that signals to me that the education process is very important with regard to cat owners. Clearly, the education program that has been run over recent times has had some effect. Whether it has had enough effect for the introduction of this Bill to be unnecessary is a different argument. The combination of the education process currently occurring and the laws proposed in this measure can only be a good thing, and for those reasons I support the general thrust of the Bill.

Mr ROSSI (Lee): I will make my contribution as brief as possible. I normally do not raise issues in Parliament unless they involve some type of violence between neighbours. In my electorate of Lee I have had many complaints regarding cats which have not had an owner. The electorate has built-up areas where there are more and more densely occupied housing allotments, and people have come to me complaining that they suffer from asthma and other illnesses, including an allergy to fur from cats, and so on. In one instance a constituent went to the council to complain about cats of various neighbours and was given a cage to catch these cats. When a neighbour saw the cats in captivity, that person started to assault my constituent. I found that very disturbing.

I therefore support the Bill and commend the Minister for biting the bullet, so to speak, in coming to a decision about cat control, a matter that has been in the public eye for several years now. I also point out that the Local Government Act 1934 provides that a council is to control the keeping of animals or birds of any kind in the municipality or any township within the district so as not to be a nuisance or injurious to health. So, regulations and powers already exist for a council to control animals within a township.

With regard to dogs, I feel that it is not right to keep animals in captivity in a small backyard. They need room to exercise their bodies. Some owners feel that as long as they feed them that is okay. I support the provisions in the Bill regarding dogs, and I also believe that there should be a control on the number of cats that a particular dwelling can house. I am a fairly generous person, and I believe that one animal between two members of a family is ample. Given that there are usually four members in a family, and possibly six, two or three cats per family would be ample in a built-up area.

I would also like to comment on cruelty to animals. Provided they do not see an animal killed, some people think anything is all right. Although I have a farm background, in the city I see animals being hit by cars, and some people actually go around poisoning animals, while others starve animals. Therefore, I think there is a very good reason why we should pass legislation to control the way people treat animals.

With regard to freedom of choice, some neighbours would say that it is their right to keep as many animals as possible while it does not affect others. On the other hand, it is impossible to control a cat going onto a neighbour's block. They usually jump fences and go onto somebody else's property. People with a European background grow vegetables—lettuce, tomatoes capsicums, etc.—and some of these animals play in the vegetables and damage a lot of plants. While one neighbour may do what he or she wishes, it almost invariably affects somebody else. I commend the Minister again and indicate that I support the control of cats.

Mr SCALZI (Hartley): I, too, rise to support the Minister on his initiative in introducing this Bill, which is very much needed. It is an important milestone in the keeping of pets, because it really recognises that cats exist. I do not think you can deal with any problem unless you recognise those responsible for the problem in the first place. Of course, we are very much aware that we have had regulations for dogs and complaints about cats for a long time, but for the first time they are incorporated in a sensible Dog and Cat Management Bill. This legislation has elevated cats to the pet status that they deserve, but it also recognises the fact that not everybody is responsible with cats. Indeed, not everybody is responsible with dogs or any other pet but, as we know, the majority of people are responsible, and this Bill is in no way an attack on those responsible owners. They need not fear this legislation; in fact, it protects them and gives them a choice. The Bill provides for an education program, which we all

know is very much needed. There are irresponsible cat owners, as there are irresponsible dog owners.

We also have the problem of feral cats, and this Bill deals with that aspect also. It is a sensible measure and does what the community really wants it to do, namely, provide a balanced view on how to deal with the problem. It is a very emotional issue, because people either love cats or hate them, but the responsibility of governments is to have a balanced view, to look after the interests of the whole community and to put this matter in its proper perspective. The Minister should be commended for bringing in such a Bill, because that is what it does: it puts things in perspective. It takes a holistic view. We are aware that cats make excellent pets: they play an excellent role in teaching family responsibilities; and they are companions, especially for elderly people. Nobody denies that cats are very much a part of our lives but, conversely, cats can be a problem, and this Bill also deals with that situation. It implements rational provisions in what at times has been an irrational area, and I commend the Minister for that.

The Minister has provided us with a balanced Bill, and he should be commended. The best endorsement of what the Minister has done, and what the Government has proposed with this Bill, after long consultation with all aspects of the community and their different points of view, is from the RSPCA and the Australian Veterinary Association. I quote from their media release, as follows:

> The Australian Veterinary Association therefore applauds the efforts of the Minister responsible for animal welfare, the Hon. David Wotton, M.P., in putting community pet education on the public agenda, by formalising positive cat management strategies through the State. The Government's proposed Dog and Cat Management Act 1994 will have the effect of protecting owned cats for the first time.

It will make people responsible. People who have cats and are responsible need not fear this legislation once it is passed. The RSPCA also supports the legislation as follows:

> The RSPCA South Australia supports the initiative outlined in the proposed Dog and Cat Management Bill to be introduced into Parliament by the Minister for Environment and Natural Resources, the Hon. David Wotton. The society believes that the legislation will encourage more responsible cat ownership within the community and reduce the impact of cats on the environment.

What better endorsement than those two bodies to recommend the Bill to the House? Of course, as with everything, there will be people who will oppose it. As I said, this is an emotional issue, and I have received letters and representations, but if we look at it in its proper perspective it is what is needed. It is balanced. I commend the Minister for bringing in this initiative. I know how hard he has worked in this area for a long time, and I fully support the Bill and the Minister.

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I thank all members on this side of the House who spoke to the Bill. I appreciate the support that they have given to what is difficult legislation and a difficult process in bringing this legislation before the House. I will refer in some detail to the contribution of different members a little later. First, I will concentrate on the lack of contribution on the part of the Opposition. I am somewhat shocked at the lack of opportunity that has been taken by the Opposition to become involved in debate on this legislation. For most of this evening, nobody from the Opposition has been here for the debate. As far as the debate is concerned, the Leader of the Opposition spoke for some seven to 10 minutes at the outside with no other contribution. I am disappointed with that, because it is a piece of legislation that is of interest to many people in the community.

I am also at a loss to understand where the Opposition is going in respect of this legislation. The Leader of the Opposition indicated that his Party opposes the legislation. He said that his Party opposed the legislation at this time because it wanted more time for consultation. Later in my contribution I will have more to say about the consultation that has already taken place. Regrettably, because of the lack of time, it is most likely that, after the legislation passes this House, the Bill will not be debated in the other place until Parliament resumes in February. Therefore, there will be an opportunity for that consultation, if the Opposition believes that more consultation is necessary. As I say, I will have a little more to say about that later. I hope that when the Bill is debated in another place the Labor Party will support it.

The Bill has received support from a number of organisations and individuals. The groups supporting the legislation include the Animal Welfare League, the Australian Veterinary Association, the RSPCA and the Local Government Association. In fact, in the 12 months that I have been Minister my officers have had considerable consultation with the LGA on this matter. The Bird Care and Conservation Society supports the legislation, as do the two major feline controlling bodies, the Governing Council of Cat Fancy of South Australia Incorporated and the Feline Association of South Australia Incorporated. I do not think that anybody can say that there is not significant support on the part of organisations that have an important part to play in regard to animal welfare in this State.

I refer to the massive amount of consultation that has already taken place on this Bill. First, we need to recognise that since June 1990, after years of public debate (because I think it was about 1987 or 1988 that the debate on the need for cat legislation was first introduced), the then Labor Government discussed this issue, and it was in June 1990 that the then Labor Government established a cat working party. The working party's terms of reference were as follows:

> . . . to review and assess population size, density, distribution of cats throughout the State; the effects of cats on the natural, urban and rural ecology of the State; the health and welfare status of cats and other interacting species; community involvement and attitudes concerning the various cat issues; physical control measures; legislative control measures and economic effects of cat related problems and of control measures.

So, the working party that was established in June 1990 was given very clear terms of reference with which to work. The working party met in September, October and November 1991 and February, March, April and June 1992. In fact, on Wednesday 29 April 1992, the then Minister for Environment and Planning (Ms Lenehan) convened a seminar to do the following:

> . . . examine the place of the cat in the community, with the objectives of defining the cat issue and identifying future options.

Over 180 people attended that seminar. I was there representing the then Opposition. There was a representative from the Australian Democrats, and we all spoke in support of moving towards legislation. So, back in 1992 there was tripartisan support for legislation being introduced into this House on this issue.

The cat working party report was released by the former Government in July 1992. Public comment was invited on that report, and some 300 submissions comprising over 800 pages were received. The Labor Government then set up a steering group to go through all the submissions and to make

recommendations to Government on what action should be taken. In mid-1993 the steering group made its report to the then Minister, Mr Mayes, the second Labor Government Minister to deal with this issue. That report recommended the course of action not dissimilar to that now proposed. So, how the present Leader of the Opposition can say that there has been no consultation on this measure beats me.

So, what did the former Labor Government do with all of this? Of course, the answer to that is absolutely nothing. The issue has now been in the public arena since 1988. Public consultation has been done to death. There is no consensus; in fact, consensus will never be reached on this issue. What is needed is a decision and action. A decision has been made and action has been taken to introduce this legislation. I can only say that the Labor Opposition has proven tonight that it is no different from a Labor Government in that it just cannot make a decision.

Let us look at some of the recommendations of the working party report brought down in July 1992. The report spells out very clearly what it suggested should be the next steps in the process. Paragraph 10.6 of the report, under the heading 'Next Steps', states:

> The Government may wish to take the following steps to establish a cat care, control and management program in South Australia.
>
> 1. Release of this report.

It did that. It continues:

> 2. Broad community consultation on strategy.

It also did that. However, the Government failed to take any of the following steps:

> 3. Preparation of draft legislation.
> 4. Preparation of operational plan.
> 5. Proclamation of legislation.
> 6. Implementation of operational plan.

That points out very clearly just what has happened in regard to the recommendations that were brought down by the cat working party report in 1992. Anything that required a decision was just not followed.

I suggest to members of the House that the community does not want further consultation. It wants the Government and this Parliament to make a decision. It wants the Government to have the guts to introduce legislation and to implement an appropriate cat management program in this State. This Government has done that. It has prepared a Bill that has received strong support, particularly, as I said earlier, from the RSPCA, the AVA and the LGA, to mention just a few. The Government has also committed $50 000 towards a community education program.

We have taken the action; and we have shown that we have the guts to do something about this issue. I believe that the majority of people in this State want to see this legislation passed and want to see a positive cat and dog management program in this State. To say, as the Leader of the Opposition said tonight, that his Party wants consensus is quite ridiculous, because members who spoke in the debate tonight indicated quite clearly that it is impossible to reach consensus in respect of this issue. The Government has brought down sensible, workable legislation and, as I said earlier, the majority of people want to see that legislation introduced; and not only introduced but passed through this Parliament and implemented through a working program.

I refer very briefly to the contribution that has been made by so many of my colleagues on this side of the House, and I commend them and thank them for the support that they have provided. The first to contribute was the member for Hanson, who spoke about a number of issues, including the number of desexed cats in this State. He referred to some of the statistics that are available in that area, and he mentioned that this is responsible legislation. He also referred to the extensive consultation that has taken place with respect to this issue.

The member for Reynell indicated that for the first time this legislation was giving cats legal status. I know from the discussions that I have had with the member for Reynell that she would like this Bill to go further. I understand that and, as I and many other members have said, that is one of the complexities and difficulties with this legislation. There is broad interest in the legislation from both sides: those who want stronger legislation and those who want very little legislation, if any at all.

The member for Reynell referred to what she saw as the need for review. That matter was raised by other members as well. I indicate to the House that I will be very happy to review the legislation, and I suggest that that review should occur some 12 months after its gazettal, recognising that the legislation will not come into effect until the beginning of June next year. So, 12 months after gazettal of the legislation would be appropriate. The member for Reynell also mentioned the $50 000 which the Government has set aside as part of an advertising campaign over the next 12 months.

The member for Chaffey mentioned the damage to wildlife in national parks and a number of local issues, and in particular he referred to clause 86, which allows a district or municipal council to make by-laws for the control and management of dogs or cats within its area. The member for Peake dealt with issues relating to the management of dogs in particular. I do not think the Leader of the Opposition, in his short contribution, referred to dogs at all. I doubt very much whether members opposite have even read the legislation, so they would not realise that the Bill is about dogs as well as cats. The member for Peake also raised a number of other issues.

The member for Ridley referred to the large amount of debate that has already occurred in the community, the damage caused and the impact that feral cats in particular have on our ecosystem. He also referred to the development of a biological agent, which is something that the member feels strongly about. The member for Kaurna referred to what we are attempting to achieve in cat control and again made the point, as has been made by so many other members on this side, that this legislation is about putting responsibility where it should be—fairly and squarely on the owner. She also made the point that targeting strays and recognising that the responsibility should be with the owner is really what this legislation is all about. Also she referred to de-sexing and the effect that it has on the overall problems experienced, particularly in relation to feral cats.

The member for Mitchell explained his position on this Bill, indicating to the House that he has had a number of discussions with me, and I concur with that. I realise that the member for Mitchell has recognised that this Bill is a very complex matter and that he has received a considerable amount of representation in his own area. He has indicated the necessity to respond to his constituents who have made representations to him, and has indicated also that he would be moving amendments.

The contribution of the member for Unley related mainly to the complexity of the issues. He referred to the importance of companion animals, particularly for therapeutical purposes, and he made the point that this legislation refers not to the

problems we have in regard to cats and dogs but rather to the need to recognise the importance of responsible ownership. He made other comments about the problems being experienced in this State in relation to other feral animals, such as goats, foxes and so on. As Minister for the Environment and Natural Resources, I am very conscious of the difficulties being experienced and the damage that is being caused, particularly by goats and foxes, in national parks. A considerable amount of effort goes into the control of goats, particularly in parks in the north of the State. The member for Unley made the point that he felt that it was necessary for the legislation to be monitored closely, and I have already indicated that I will be doing that.

The member for Coles referred to her affection for animals and the value of pets. She referred to the issue of civil liability and stated that it was her wish that the current status would remain in regard to that matter. I have been made aware that that issue is to be raised in another place, and I expect that there will be more debate in that regard. The member for Coles referred to the need for responsible ownership as well. The member for Flinders also referred to responsible ownership. She referred particularly to the difficulties experienced in her electorate, which has a number of national parks, and indicated that the damage being caused by feral animals was evident, particularly in those national parks. She also referred to the therapeutical value of pets.

The member for Davenport referred to the need for a more responsible approach on the part of cat owners. He also indicated that he felt rather strongly that there should be a representative of the Australian Veterinary Association on the board, and I believe he will raise that matter later. He also referred to the need for an appropriate education process. The member for Lee referred to some of the practical difficulties that are experienced, particularly between neighbours, with cats and other pets. The member for Hartley referred to this legislation as a milestone in the keeping of pets. He also referred to the need for responsible management and recognised that this legislation brought with it a balanced view in regard to the need for appropriate cat management.

So, there has been extensive debate on this side of the House. I reiterate that it is very disappointing indeed that the Opposition has not taken the opportunity to involve itself in this legislation. What members of the Opposition have said is very shallow: it would seem that they are not prepared to debate the legislation at present because they say that there is need for more consultation.

The DEPUTY SPEAKER: I remind the member for Peake that it is improper to converse over the gallery.

The Hon. D.C. WOTTON: I make the point in closing that, as far as the Opposition is concerned, this matter does not require further consultation. Even after some five or six years of consultation on this matter, it is quite clear that members opposite do not have the guts to make up their mind in relation to the direction that they would want to take in this matter, and it is quite obvious that they do not have a position on this Bill. I remind members that this legislation was introduced after all that consultation some two weeks ago, and that is a week more than is required under normal circumstances for debate to occur in this place.

Also I remind members that, as far as the Government is concerned, the purpose of introducing this legislation quite simply is to target stray cats, recognising the damage caused to our ecosystem by feral cats in particular. So we are targeting strays, and the other clear message we would want to send in relation to this legislation is that we wish to put responsibility fairly and squarely where we believe it should be, and that is on the owners of both dogs and cats. I move:

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

Motion carried.

Bill read a second time.

In Committee.

Clauses 1 to 31 passed.

Clause 32—'Immunity from personal liability.'

Mr CAUDELL: I move:

Page 14—Leave out this clause.

If I am successful in having clause 32 deleted, I will be moving to insert a new clause 80A at a later stage. Clause 32 deals with immunity from personal liability, but it relates only to the dog management officer and, as a result, there is no immunity from personal liability for a cat management officer regarding an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a function.

New clause 80A, which I will be moving later, deals with immunity from personal liability. It groups both the dog management officer and the cat management officer under the same clause. The new clause covers both positions, because there may be times when a dog management officer and a cat management officer are not the same person and work for different authorities.

The Hon. D.C. WOTTON: As indicated earlier, there has been some discussion between the honourable member and me and the Government supports the amendment.

Clause negatived.

Progress reported; Committee to sit again.

ELECTRICITY CORPORATIONS BILL

Returned from the Legislative Council with amendments.

SHOP TRADING HOURS (MEAT) AMENDMENT BILL

Returned from the Legislative Council without amendment.

NATIVE TITLE (SOUTH AUSTRALIA) BILL

The Legislative Council intimated that it insisted on its amendments Nos 8, 12 and 14 to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. S.J. BAKER: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments Nos 10 and 11 to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. S.J. BAKER: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

NATIVE TITLE (SOUTH AUSTRALIA) BILL AND LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs S.J. Baker, Caudell and Clark, Mrs Rosenberg and Ms White.

WHEAT MARKETING (BARLEY AND OATS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

DOG AND CAT MANAGEMENT BILL

In Committee (resumed on motion).

(Continued from page 1346.)

Clauses 33 to 67 passed.

Clause 68—'Cat management officers appointed by board or council.'

Mr CAUDELL: I move:

Page 33, lines 12 to 18—Leave out subclauses (4) and (5).

Amendment carried; clause as amended passed.

New clauses 68A, 68B and 68C.

Mr CAUDELL: I move:

Page 33, after line 18—Insert:

Identification of cat management officers

68A. (1) A cat management officer must be issued with an identity card in a form approved by the board.

(2) If the powers of the cat management officer have been limited by conditions, the identity card issued to the officer must contain a statement of those conditions.

(3) A cat management officer exercising powers under this Act must, at the reasonable request of any person, produce for the inspection of the person his or her identity card.

Area limitation on cat management officers

68B. (1) A cat management officer appointed by the board may (subject to any conditions of the appointment of the officer) exercise powers under this part in the areas, or in the circumstances, specified in the instrument of appointment.

(2) A cat management officer appointed by a council may (subject to any conditions of the appointment of the officer) exercise powers under this part—

(a) within the area of the council; or

(b) outside the area of the council for the purpose of seizing or destroying a cat that has been pursued from a place within the area of the council; or

(c) within the area of another council pursuant to an arrangement between the councils.

Offences by cat management officers

68C. A cat management officer who—

(a) addresses offensive language to another person; or

(b) without lawful authority, hinders or obstructs or uses or threatens to use force in relation to another person,

is guilty of an offence.

Penalty: Division 6 fine.

These new clauses are self explanatory. Sections 26 and 27 of the dog legislation refers to the appointment and identification of dog management officers. There is no reference to cat management officers and, as these people may not be one and the same and may come under different authorities, it is unacceptable that these provisions are not included in the Bill.

While clause 31 of the Bill relates to offences by dog management officers, there appears to be no such clause relating to offences by cat management officers. This amendment covers the issue of identification, offences by cat management officers, as well as picking up the rest of the original clause 68.

The Hon. D.C. WOTTON: As I indicated earlier, as a result of a number of discussions I have had with the member for Mitchell, the Government supports the amendment. We believe it will help the legislation.

New clauses inserted.

Clauses 69 to 71 passed.

Clause 72—'Notification to owner of identified cat.'

Mr CAUDELL: I move:

Page 34, lines 8 and 9—In each case, leave out '11' and insert '10'.

My amendment, as circularised, alters the penalty for a person not notifying the owner of an identified cat prior to disposal or putting the cat down. It changes the penalty and the expiation fee from a division 11 fine to a division 10 fine. Negotiations have taken place with the Minister in this regard.

Amendment carried; clause as amended passed.

Clause 73 passed.

Clause 74—'Unlawful entry on land.'

Mr CAUDELL: I move:

Page 35, lines 10 and 11—Leave out 'owner or occupier of the land' and insert 'occupier or, if there is no occupier, the owner of the land'.

Once again, discussions have occurred with the Minister in relation to the amendment. The intention of the amendment is to provide protection for the occupier of the premises because the occupier of the premises and the owner may not be necessarily the same. This amendment basically gives rights to the occupier of the premises.

The Hon. D.C. WOTTON: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clauses 75 to 80 passed.

New clause 80A—'Immunity from personal liability.'

Mr CAUDELL: I move:

Page 36, after line 20—Insert new clause as follows:

80A. (1) No personal liability attaches to a dog management officer, cat management officer or other person engaged in the administration or enforcement of this Act for an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a power or function under this Part.

(2) A liability that would, but for subsection (1), lie against an officer, employee or agent of a council lies instead against the council.

(3) A liability that would, but for subsection (1), lie against any other person lies instead against the Crown.

This amendment deals with immunity from personal liability and relates to clause 32. However, it picks up both a dog management officer and a cat management officer.

Mr BRINDAL: I am not happy with that; would the member for Mitchell explain the new clause to the Committee?

Mr CAUDELL: It is a pity the honourable member was not here when we dealt with clause 32, dealing with immunity from liability for a dog management officer. For the benefit of the member for Unley, clause 32 provides that the dog management officer has immunity from personal liability 'for an honest act or omission in the exercise or discharge, or purported exercise or discharge' of his duty. Also, a liability that would, but for subsection (1), lie against the officer would instead lie against the council or the Crown. As no such clause was applicable in relation to cat management

officers, clause 32 was deleted on the basis that I would be moving to insert new clause 80A, to cover both the dog management officer and the cat management officer.

Mr BRINDAL: I want to know whether they are immune from liability or not. I did not quite understand that point.

Mr CAUDELL: Yes, they are immune from personal liability.

New clause inserted.

Remaining clauses (81 to 87), schedules 1 and 2 and title passed.

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I move:

That this Bill be now read a third time.

In so moving, I take the opportunity to thank those members who have participated in the debate. May I also take this opportunity to commend the officers who have been working on this legislation over a very long period and, in particular, the principal Animal Welfare Officer, Dr Kelly, for the significant contribution she has made to this legislation.

Bill read a third time and passed.

ELECTRICITY CORPORATIONS BILL

Consideration in Committee of the Legislative Council's amendments.

No. 1. Page 2 (clause 5)—After line 11 insert new paragraph as follows:

(ba) carrying out research to develop greater use of renewable energy sources;.

No. 2. Page 3, line 8 (clause 7)—Before 'advising' insert 'carrying out research and works directed towards energy conservation and actively encouraging,'.

No. 3. Page 5, lines 14 and 15 (clause 14)—Leave out subclause (2) and insert new subclause as follows:

(2) The board consists of—

(a) four members appointed by the Governor; and

(b) the chief executive officer.

No. 4. Page 5 (clause 14)—After line 18 insert new subclause as follows:

(3a) At least one member of the board must be a woman and one a man.

No. 5. Page 5, line 19 (clause 14)—After 'director' insert '(who must not be the chief executive officer)'.

No. 6. Page 5, line 20 (clause 14)—After 'director' (first occurring) insert '(who must not be the chief executive officer)'.

No. 7. Page 5, line 23 (clause 14)—Leave out 'a director' and insert 'an appointed director'.

No. 8. Page 5, line 29 (clause 15)—Leave out 'a director' and insert 'an appointed director'.

No. 9. Page 5, line 30 (clause 15)—Leave out 'a director' and insert 'an appointed director'.

No. 10. Page 5, line 32 (clause 15)—Leave out 'a director' and insert 'an appointed director'.

No. 11. Page 6, line 9 (clause 17)—Leave out 'A director' and insert 'An appointed director'.

No. 12. Page 6, lines 12 and 13 (clause 18)—Leave out 'one-half the total number of its members (ignoring any fraction resulting from the division) plus one' and insert 'three members'.

No. 13. Page 6, line 20 (clause 18)—After 'director' and insert '(who must not be the chief executive officer)'.

No. 14. Page 9, lines 20 and 21 (clause 28)—Leave out subclause (2) and insert new subclause as follows:

(2) The board consists of—

(a) four members appointed by the Governor; and

(b) the chief executive officer.

No. 15. Page 9 (clause 28)—After line 24 insert new subclause as follows:

(3a) At least one member of the board must be a woman and one a man.

No. 16. Page 9, line 25 (clause 28)—After 'director' insert '(who must not be the chief executive officer)'.

No. 17. Page 9, line 26 (clause 28)—After 'director' (first occurring) insert '(who must not be the chief executive officer)'.

No. 18. Page 9, line 29 (clause 28)—Leave out 'a director' and insert 'an appointed director'.

No. 19. Page 9, line 35 (clause 29)—Leave out 'a director' and insert 'an appointed director'.

No. 20. Page 9, line 36 (clause 29)—Leave out 'a director' and insert 'an appointed director'.

No. 21. Page 10, line 1 (clause 29)—Leave out 'a director' and insert 'an appointed director'.

No. 22. Page 10, line 13 (clause 31)—Leave out 'A director' and insert 'An appointed director'.

No. 23. Page 10, lines 16 and 17 (clause 32)—Leave out 'one-half the total number of its members (ignoring any fraction resulting from the division) plus one' and insert 'three members'.

No. 24. Page 10, line 24 (clause 32)—After 'director' insert '(who must not be the chief executive officer)'.

No. 25. Page 13, lines 20 and 21 (clause 42)—Leave out subclause (2) and insert new subclause as follows:

(2) The Board consists of—

(a) four members appointed by the Governor; and

(b) the chief executive officer.

No. 26. Page 13 (clause 42)—After line 24 insert new subclause as follows:

(3a) At least one member of the board must be a woman and one a man.

No. 27. Page 13, line 25 (clause 42)—After 'director' insert '(who must not be the chief executive officer)'.

No. 28. Page 13, line 26 (clause 42)—After 'director' (first occurring) insert '(who must not be the chief executive officer)'.

No. 29. Page 13, line 29 (clause 42)—Leave out 'a director' and insert 'an appointed director'.

No. 30. Page 13, line 35 (clause 43)—Leave out 'a director' and insert 'an appointed director'.

No. 31. Page 13, line 36 (clause 43)—Leave out 'a director' and insert 'an appointed director'.

No. 32. Page 14, line 1 (clause 43)—Leave out 'a director' and insert 'an appointed director'.

No. 33. Page 14, line 13 (clause 45)—Leave out 'A director' and insert 'An appointed director'.

No. 34. Page 14, lines 16 and 17 (clause 46)—Leave out 'one-half the total number of its members (ignoring any fraction resulting from the division) plus one' and insert 'three members'.

No. 35. Page 14, line 24 (clause 46)—After 'director' insert '(who must not be the chief executive officer)'.

The Hon. J.W. OLSEN: I move:

That the Legislative Council's amendments be agreed to.

I make several comments in relation to the amendments: first, as to the amendments inserted by the Democrats that talk about inserting research and development of greater use of renewable energy sources and advising and carrying out research and works directed towards energy conservation, that is something that the Electricity Trust in its business plan and charter is doing. I do not think it is necessary to include that in an Act of Parliament, because it is part of the charter; it is part of the track record. There is the commitment of funds; the forward business plan incorporates it; and, in fact, I have tabled in Parliament details of those plans to meet the objectives referred to by the Democrats. However, in a cooperative spirit, to get this matter passed without the necessity to go to conference, we accede to the provision on the basis that it is not contradictory to current practice nor planned practice. However, I hasten to say that I think it is unnecessary to include it in legislation.

The second point relates to the composition of the board. This mirrors an amendment moved by the Opposition in another place, similar to the Water Corporation Bill, where the board size was five and the Chief Executive Officer of the organisation was a nominated member of the board. As I indicated in the House, the Government is of the view that the policy determination of a board ought to be separated from the management function of implementation of policies and, therefore, the CEO ought not to be a member of the board. However, I note that the Statutory Authorities Review

Committee, in its report to the Parliament today, recommends that Chief Executive Officers be members of boards. On the previous occasion when this matter was dealt with by the Parliament, I supported the amendment moved by the Opposition in another place to set the size of the board at five members and to include the Chief Executive Officer, and I do so again on this occasion. The one other clause which has been inserted refers to 'at least one member of the board must be a woman and one a man'.

An honourable member: And the rest.

The Hon. J.W. OLSEN: And the rest, yes—not described. Again, I believe it is unnecessary to include that in a legislative framework. A legislative framework including any type of gender balance or quota as a matter of principle and policy is something to which the Liberal Party does not subscribe. However, having said that, it was my intention to indicate that as a matter of course and practice in the composition of any board, whether EWS or ETSA, there would be female representation, and I would not envisage that it would be restricted to one. The judgment ought to be made on merit and the capacity of the individuals concerned. This Government has carefully scrutinised nominations on a range of committees and boards to ensure that there is adequate representation of the female gender among Government nominees, which would be the case with respect to the composition of boards for which I have any accountability and responsibility in recommending to Cabinet. That would be the case in practice. Again, rather than force this matter to a conference, in principle it will be implemented in any event. That being the case, the Government is prepared to accept the amendments moved by the Legislative Council.

Mr FOLEY: We have heard much from the Premier today in the media and in Parliament during Question Time about what he would consider to be the obstructionist approach by the Opposition. He referred to other Bills—be it the prisons legislation or other Bills—concerning which he has not achieved the outcome that he or his Ministers desired. Equally, it should be noted that in the areas of restructuring two of our largest business enterprises within this State, EWS and ETSA, the role played by the Opposition has been not just constructive, but constructive and responsible.

The Opposition has looked at these issues not from a Party political or partisan point of view, but in terms of what is in the best interests of the State. It was with some degree of disappointment that I listened to the Premier on the radio at lunch-time today berating or lecturing the Opposition on what it should be doing in some areas of Government legislation, but not acknowledging that in the big picture issues the Opposition has played a very constructive role. It would have been easy for us to come into this Chamber and be a spoiler, but we chose not to do that. I am glad that the Premier has come into the Chamber as I speak on this issue. Whether the Opposition supported the Government when it came to issues such as prisons, the Premier is entitled to criticise it, as he can on any issue. However, we are an elected Opposition and we will take policy positions. If we choose to support or not support a Government Bill, that is our right as a democratically elected Opposition.

I know that I am straying a little from this Bill, but I want to make the point that we have demonstrated to the Premier and to the Government that on issues of major restructuring in line with the Hilmer report and the need to make our nation's economy, and more importantly this State's economy, more efficient and business oriented, we have been prepared to cooperate with the Government and deliver substantial sections of reform. I think that the Opposition's position on water and electricity has been constructive, and I look forward to the Premier's acknowledgment that the Opposition has played a constructive role in this area.

In terms of the specific amendments before us, in another place the Opposition moved that the board of ETSA should be reduced to five members and not, as the Bill originally provided, a minimum of five or a maximum of seven. Why this was somewhat different from other boards, particularly the Water Corporation, was not obvious to the Opposition so we chose to get some consistency. I am pleased, as I have just learnt from the Minister's comments, that my view has been supported by a standing committee of the Parliament that the Chief Executive Officer should sit on the board. I am glad that the Government has agreed to that amendment, because I think it provides a very useful role, particularly for the new Chief Executive Officer, Mr Clive Armour. He or his replacement is entitled to a position on that board for the life of this legislation.

The issue as to whether we have one male or one female is supported by the Labor Caucus. I am pleased that the Minister has been supportive of that amendment. Whilst it was moved by another Party in another place, it is consistent with the philosophy and policy position of the Labor Party. I am pleased that this Minister has been constructive in his approach to that issue.

There is much reform yet to go in areas of competition policy in this country. I believe that this Bill will enable ETSA to make the transition towards a more flexible, efficient and commercial organisation. The Opposition is pleased to have played a role in assisting the Government in this process. I just hope—perhaps it is a naive hope—that at some stage Liberal members will acknowledge the constructive and progressive role of the Opposition.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: Thank you. I make the point that at the end of the day, when we look back on this period of this Parliament, it should be noted that, whilst the Premier can make his accusations about some issues of policy with which we do not agree, on the big picture issues, the real issues that make a difference to this economy, this Opposition is perhaps not like Oppositions of the past, because it is prepared to work constructively towards making this State a better State and a more efficient economy. I support the Bill.

Motion carried.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 991.)

Ms STEVENS (Elizabeth): It gives me great pleasure to address this Bill. It is the first Bill on which I have taken the lead for the Opposition, and it gives me pleasure to do it. I want to start by going back over some of the history of the Bill, because it has a long history and it has been under discussion for nearly three years now. As stated by the Minister, the last Parliament spent some time dealing with issues surrounding consent to medical treatment and palliative care. The debate followed extensive examination by the House of Assembly Select Committee into the Law and Practice Relating to Death and Dying. I will refer to the major stages of the process during that time, to give some indication of what has happened. On 13 September 1990 there was a

motion to establish the select committee. On 31 October 1991 the select committee's first report was tabled in the Parliament. On 6 May 1992 its second report and a draft Bill were tabled and then three months were allowed for formal responses to the Bill, with extensions to accommodate late submissions, and 31 overwhelmingly supportive submissions were received. On 19 November 1992, the Bill and the final report incorporating the responses were tabled.

The select committee met 38 times, held three public meetings, received 300 written and 31 oral submissions and commissioned three surveys: on community opinion, general practitioners' views and the experience and attitude of bereaved relatives. On 26 November 1992 the Consent to Medical Treatment and Palliative Care Bill was introduced in the House of Assembly, and the Bill lay on the table during the recess. On 16 February 1993 the second reading debate commenced. The Committee stage of the Bill considered amendments prepared following consultation with heads of churches. On 18 February 1993 the Bill passed the House of Assembly on a conscience vote: 37 were in favour, three were against, two members paired and five were absent.

On 2 March 1993 the Bill was introduced into the Legislative Council. On 6 May Parliament rose and the Bill lapsed at the second reading stage. On 3 August 1993 Parliament resumed, and on 5 August the second reading debate resumed in the Legislative Council. On 12 October the Bill passed the second reading and entered the Committee stage. On 2 November both Houses passed the select committee's resolution requiring the Minister of Health to report annually to Parliament on or before 31 August, noting progress on the implementation of the select committee's recommendation on policy and on the effectiveness of prevailing legislation; and then on 2 November Parliament was prorogued because of the election and we saw the Bill laid aside until 11 August this year, when it was reintroduced into the Legislative Council.

It is important to take that in, because it indicates that there was a lot of discussion about this issue over a long time. There has been an amazing amount of consultation with a huge array and variety of people from all walks of life in our community. Because of that and because of what has already happened it gives a lot of credibility to where the Bill has been, where it is now and where we start as we enter this debate. I want to refer again to the select committee, because it is very important that we are all reminded of where the Bill started and the data and information on which the Bill was originally based. I will spend a little time talking about the select committee, describing its terms of reference and talking briefly about its evidence and the key issues that it brought forward before I look at the Bill that is now before us.

The terms of reference of the select committee were as follows:

To examine:

(a) the extent to which both the health services and the present law provide adequate options for dying with dignity;

(b) whether there is sufficient public and professional awareness of pain relief and palliative care available to patients facing prolonged pain in a terminal illness; whether there is adequate provision of such services; whether there is sufficient public and professional awareness of the Natural Death Act and, if not, what measures should be taken to overcome any deficiency; and

(c) To what extent, if any, community attitudes towards death and dying may be changing and to what extent, if any, the law relating to dying needs to be clarified or amended.

I will quote a short paragraph from the summary of evidence that was presented by the committee, as follows:

Witnesses presenting views of organisations as diverse as the principal Christian churches, the medical and nursing professions, the hospice movement and senior citizens organisations have reflected a substantially common view of action which needs to be taken to enhance the dignity of people who are dying and the needs of terminally ill patients and their families.

There has been general agreement among witnesses that, in the words of Father Laurence McNamara of the Roman Catholic church stated:

The way we care for the dying and those who are in great difficulty as they come to death really is a sign or a symbol of the sort of society we wish to be, or wish to be known to be.

A further quote from Dr Nicholas Tonti Filipini is as follows:

The care a society gives to its weakest, most vulnerable and most dependent members is a measure of its worth.

The select committee elucidated several key issues, the first of which was the right to refuse treatment. The select committee stated that witness after witness, regardless of religious affiliation or ethical perspective, stressed the importance of patients being aware of their right to refuse treatment. The second issue was the need for increased awareness of palliative care. South Australian hospice and palliative care services are recognised as being among the best in Australia. The submissions of experts indicated that South Australia has an excellent foundation on which to build additional outstanding services for the dying.

The committee also mentioned that there was still a lot of work to do in that area, even though we had come that far, and I will refer to those things a little later. It also mentioned that there was a great need for education of doctors and the public; that the need for palliative and hospice care in acute hospitals and nursing homes was evident; that the appointment of agents to make decisions about medical treatment for legally incompetent patients was an issue; that there was a need to repeal the Natural Death Act and replace it with new legislation to clarify the rights of patients and the obligations of doctors; that services for long-term dementia patients was an issue; that there were special problems for legally incompetent patients; and that the decriminalisation of voluntary euthanasia was also an issue. As a result of that, the select committee made 37 recommendations. At this point I commend the members of that committee because of the amount of data and the strength of that data which pointed so clearly to the way we should go.

The members of that committee were the Hon. Don Hopgood (the former member for Baudin), Mr Michael Atkinson (the member for Spence), the Hon. Jennifer Cashmore (the former member for Coles), the Hon. Bruce Eastick (the former member for Light), the Hon. Martyn Evans (the former Minister of Health and the former member for Elizabeth), Mr Vic Heron (the former member for Peake), and Mrs Dorothy Kotz (the member for Newland). The select committee made 37 recommendations in total, and they covered the law (which we will get into), good palliative care orders, protocols of policy, palliative care, professional education, community awareness, funding and reporting procedures. If any member has not read the committee's recommendations, I recommend that they do so, because they are extremely extensive and quite clear in the way the committee thought things should be.

I will quote briefly from the former Minister's second reading explanation when he introduced the Bill on 26 November 1992. He said:

The select committee endorsed the widely supported concept of good, palliative care—that is, measures aimed at maintaining or improving the comfort and dignity of a dying patient, rather than extraordinary or heroic measures, such as medical procedures which the patient finds intrusive, burdensome and futile. A fundamental principle inherent in such an approach, and indeed an underlying tenet of the Bill before members, is patient autonomy. The concept of the dignity of the individual requires acceptance of the principle that patients can reject unwanted treatment. In this respect, the wishes of the patient should be paramount and conclusive even where some would find their choice personally unacceptable.

The select committee introduced the principle of double effect, which essentially is a structural paradigm which distinguishes palliative treatment from euthanasia. Essentially, this means that in terms of palliative treatment the primary intention or desired effect is the relief of suffering and that the hastening of death is regarded as an unintended or secondary effect. That is where it differs from euthanasia, and the select committee stopped short of recommending that we consider euthanasia at this time.

Mrs Kotz interjecting:

Ms STEVENS: I note that that is where the committee stopped, and it is certainly not part of this Bill. My own view is that it will not be long before we need to examine that again, but I see that as a further phase in the process. So, why has there been so much interest in our society about palliative care? In answering that question, I would like to quote from Dr Roger Hunt from the Southern Community Hospice program of the Repatriation General Hospital, as follows:

There are plausible reasons for the growth of interest in terminal care, and they include the increasing numbers of people who live a full, natural life span, an ageing of the population, because old people tend to think more about death and fear it less than younger persons.

Further, he says:

There has been a shift in the causes of mortality, to the degenerative diseases of the aged, particularly cancer.

Further, he says:

There has been an improved ability of modern medicine to prolong the terminal phase of life and a disenchantment with the application of life extending biotechnology in terminally ill patients who have a diminished quality of life.

He also mentions escalating health care costs. He mentions a desire for more humane care of dying persons. He says that both the palliative care movement and the euthanasia movement emphasise the importance of holism and quality of life; both aspire to accepting a good death and both have adopted the slogan 'Death with Dignity'. Finally, he notes that there has been increasing concern for the rights of terminally ill persons. He makes the point that both the euthanasia movement and the palliative care movement require patient participation and decision making. Patient participation and decision making is certainly a very strong part of this Bill.

So, in summary, there are some important principles: the dignity of the individual; the right to autonomy and self determination; and the acceptance that death is actually part of life, that it is another transition, that it does not mean that there has been a failure on the part of the medical profession but that it is a natural part of life. The ability to have control over what happens to you is important to most human beings and leads to people feeling that they have led a useful life.

The other thing that has come out of this is the fact that death and dying should not be hidden away, that it is something that we need to discuss and learn more about. It is something where we need to work with each other so that people can finish off their lives and can round off their time in their earthly existence in a satisfactory way and with dignity.

Mr Brindal interjecting:

Ms STEVENS: No, I do not. I am not quite sure what that is. I will now move on to discuss the Bill itself and, in doing so, I will draw on much of the information that has been sent to me from various organisations and the discussions I have had with a wide range of people in those organisations, from my own experience in my family with people who have died and in dealing with that experience, and also from my own experience as a counsellor working with young people.

The first thing we need to recognise is that the Bill reflects a transition in the thinking of the community as we move on from the views that were held when the Natural Death Act was passed in 1983. The Bill also encompasses things that were present in the Consent to Medical and Dental Procedures Act 1985. The Bill encompasses aspects of both pieces of legislation but also sets out the legal framework to encompass the recommendations of the select committee. The first part of the Bill deals with legal competence to consent to medical treatment.

In the Bill before us, that stands at 16 years. I agree with that and I am pleased that it is now 16, having been for a short time 18 until the Bill came back to us from another place. The age of 16 has applied since 1985 under the Consent to Medical and Dental Procedures Act, and it has operated successfully for all that time. I agree with that, and in my own experience and in the experience of many other people to whom I have spoken, I believe that people of that age are mature enough to make those sorts of decisions.

The next two clauses refer to the right of people to make an anticipatory grant or refusal of treatment and the granting of medical powers of attorney. I have some concerns in relation to the age at which these things can be granted. I differ from the Bill in that I believe that the age at which a person can make either an advance directive or can appoint a medical power of attorney should not be 18 but 16. I refer briefly to a letter that I received from the Youth Affairs Council of South Australia. It states:

At our most recent meeting of the full council. . . YACSA unanimously endorsed a key recommendation from the 1992 Select Committee on the Law and Practice Relating to Death and Dying which states:

> The right to execute a medical power of attorney be legally available to any person over the age of 16 years (which is the present age at which a person may consent to treatment in his or her own right) who is otherwise legally competent to execute the document.

Our reasons for asking your support for this provision in the Bill are both practical and humanistic:

- In the distressing circumstances of a young person with terminal illness, experience has repeatedly demonstrated that the young patient develops an awareness and maturity above their situation that renders legalistic assumptions about competent consent irrelevant.
- In situations where there has been a history of family conflict, or where parental circumstances have changed through divorce, remarriage etc, the young person's ability to appoint a trusted parent, guardian or sibling as medical agent is an important aspect of the opportunity to settle affairs without additional family or carer distress.
- Creating an anomaly between informed consent to medical treatment and the ability to appoint agents is not in the interests of either patients facing death or the law. Currently the law permits 16 year olds to donate vital organs through a voluntary provision on driving licences. In effect, this is legal sanction of exactly the same power of attorney—with the only real difference being that one situation deals with the rights of the dying individual—the other with the health interests of the State.

I believe that they are very powerful arguments that the age to make an advance directive and to appoint a medical power of attorney should be reduced from 18 to 16. That is also backed up in a letter from SACOSS, which states:

> We strongly endorse the rights of young people to determine their own treatment and to appoint an agent they believe will act in their best interests in the event of such extreme illness they are unable to make those decisions themselves. In many other areas of private and public life we expect 16 year olds to behave as young adults and accord them adult rights within the law. We urge you to support this position and would encourage you to consider the implications of current proposals within the Bill.

It is backed up by the Palliative Care Council. Again I would like to point out the breadth of opinion in the community on this issue. The Palliative Care Council is of the opinion that 16 year olds able to consent to medical treatment should have the right to appoint agents and to make advance directives. It makes the point about driving licences, stating that this is a form of advance directive. The council states:

> Our concerns are for people who are dying. One of the many benefits of the power to appoint a medical agent is the opportunity for members of 'blended' or divided families to choose which parent, sibling or spouse can act for the dying patient and thus avoid conflicts which can be extremely distressing for patients, families, doctors and nurses.

In arguing that the age to be able to appoint an attorney and to make an advance directive should be lowered to 16, I still firmly believe that medical attorneys themselves should be 18. There has been some talk about the words 'natural provision or natural administration of food and water' under clause 8. The Palliative Care Council strongly recommends against this. I know that this issue is rather contentious, but the council states:

> Deletion of the words 'natural' in this clause would remove the possibility of deliberately depriving a non-terminal, incompetent patient of appropriate tube feeding with the intention of causing death.

It goes on to say:

> This seemingly minor amendment would have very serious negative implications for this legislation, and would effectively prevent an agent from authorising the removal of artificial hydration and alimentation from incompetent patients with severe irreversible brain damage which has left the person in a permanent coma or the persistent vegetative state, or where advanced dementia has left a person so disabled that they are unable to eat or drink.

I agree with that and I have thought about it very carefully, because we were given a lot of information from the other side of that situation. The word 'natural' should remain in the Bill. Clause 7(3) could be deleted but I am not prepared to go to the wall in regard to that. There are some problems and interesting issues in relation to people in emergency situations in particular.

A very important part of the Bill that I believe needs amending is clause 10, which provides for a review of a decision made by a medical attorney. There is a need for a review provision, but the Supreme Court is not the appropriate body to make such a decision. We should reinstate the Guardianship Board provision that was contained in the original Bill that was introduced in the other place. This suggestion has been backed up by other bodies within our community. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

STATE LOTTERIES (SCRATCH TICKETS) AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments Nos 2 to 5 to which the House of Assembly had disagreed.

NATIVE TITLE (SOUTH AUSTRALIA) BILL AND LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 10.15 a.m. on Thursday 1 December.

The Hon. S.J. BAKER (Deputy Premier): I move:

That the sitting of the House be continued during the conference.

Motion carried.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

Adjourned debate on second reading (resumed on motion).

Ms STEVENS: I believe that the Guardianship Board should review the decision of an attorney. A letter from the Council on the Ageing in relation to this matter states:

> COTA is strongly of the opinion that, in the interests of consumers, conflicts arising about medical decisions at the end of life should be resolved on a human scale and participants not subjected to extensive litigation which may be costly, distressing and frightening.

That view is shared by me and by many other people, including the Palliative Care Council. The Guardianship Board is used to making decisions of this nature; it is used to dealing with these sorts of topics; it is composed of a wider range of people; and it is much more equipped to make that sort of decision. It is important to remember that a person's wishes may not seem logical and may not even be logical; they may not be what we generally might expect a person to think, believe or want, but we are actually trying to uphold the rights of the individual and their right to self-determination within the context of this Bill. Therefore, I believe that the Guardianship Board, with that wide range of people and with its experience in these matters, is by far the most appropriate body to make these decisions.

The Bill considers the medical treatment of children, and I agree with all those aspects. Division 5 relates to emergency medical treatment and is an important section. It covers protection for medical practitioners in making decisions. It refers to the rights of the child in the event of refusal of consent by a parent or guardian. That refusal can be overruled in the best interests of a child's health and well-being, and I agree with that provision: it is fair and just.

I believe that division 6 in relation to the register is not necessary, and I ask members to consider it. It is not going to be the end of the world if it remains in the Bill, but it is not necessary. Part 3 covers medical practice, and relates to the duty of medical practitioners to explain to their patients exactly what is going on and the treatments and alternatives available. That is a very important part of this Bill, because it relates to the patient's right to informed consent, which links in with self-determination. So I believe that is a very important part of the Bill, and I agree with it.

Clause 16 refers to protection for medical practitioners. The select committee found that medical practitioners need to feel confident that they will not be subject to civil or criminal liability when they make decisions under certain prescribed circumstances, and I believe that this clause is a fair one. Division 2 covers the care of people who are dying; clause 17 supports the practice of palliative care and, again, protects medical practitioners. That clause certainly encompasses all the data and information that was brought up in the select committee.

Regarding the final savings provision, I would agree with other comments I have read from previous debates and believe that it is an unnecessary clause. It is probably not in keeping with the ethos of the Bill, but I will not die in the ditch for it. It is important that this Bill is passed, and I hope that it is passed before we rise. Many people are anxious that the Bill will not reach its third anniversary before it comes to fruition. I look forward to hearing the rest of the debate and hope that the amendments which I know the Minister is intending to move will encompass some of the points I have raised. After this Bill is passed there will be more things that we as a community need to consider in relation to all these issues. There is the important issue of awareness raising in the community itself about the issues of consent, death and dying, how we deal with it and how we make happen in reality the things that we have been providing for in the Bill.

There is a big issue in relation to the education of and support for health workers because they need the skills to be effective in situations that require sensitive communication and possibly prolonged counselling of patients and their families. It will take time, skill and patience to work through these sort of issues with people. They are not black and white or simple, and each person must make their own way through all this. Having health workers skilled in these areas is important. We need to look at that in terms of training not only for new health workers but also for those who have been working for some time.

Also, there are certain issues that we need to consider in our society in relation to people from non-English speaking backgrounds, different cultural backgrounds, including Aboriginal people. I refer to some comments made by David Roach in a paper titled 'Caring for dying people in multicultural Australia', because they are significant issues that we need to address. First, he states:

> The hospice movement is seen as a model for general medical and nursing care, and increasingly the holistic nature of hospice care is filtering into other areas of health care. It has specific implications for health care workers in their contact with non-English speaking background people. The greater emphasis on psychological and spiritual aspects of care lead to the need for a closer examination of people's backgrounds and histories, and these, perforce, must include a clear insight into their ethnic backgrounds.

Further on in the article he states:

> At issue is the use of hospice services by people of other cultures. Further research by hospice/palliative care services on this issue is clearly warranted.

Finally he says:

> This paper has attempted to point out that there are significant variations in responses to terminal illness, death and bereavement across cultures in Australian society. Health care workers, specifically those involved in hospice/palliative care, will be confronted by these. It is essential for them to have an understanding of these responses and to respect culturally different expressions of grief.

In concluding, I pay a tribute to all those people who put in time and effort in putting views forward, being prepared to come and talk and to work through the issues patiently. I have quoted from a range of people who sent letters, some of whom spent time to come in and follow up. I thank Father John Fleming and the people he brought with him—Father McNamara and Dr Robert Pollnitz—for the time they spent with us. I thank the Hon. Jennifer Cashmore, Elizabeth Keam and Dr Roger Hunt for the time they spent going through these issues. I also thank Martyn Evans for the time he spent in going through the background of the Bill in minute detail and patiently working through it so that the issues were very clear.

I commend the Bill to members with the amendments that I have suggested. I hope that members will think about and adopt them and, if we do that, we will have something of which we can be proud.

Mrs KOTZ secured the adjournment of the debate.

ADJOURNMENT

At 10.55 p.m. the House adjourned until Thursday 1 December at 10.30 a.m.