LEGISLATIVE COUNCIL

Wednesday 20 April 1983

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 2.15 p.m. and read prayers.

CADELL TRAINING CENTRE

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Cadell Training Centre (Staff Housing Improvement Scheme).

QUESTIONS

SEWAGE DISPOSAL

The Hon. M.B. CAMERON: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture about sewage.

Leave granted.

The Hon. M.B. CAMERON: Last week a number of members on this side of the Council inspected Finger Point, where raw sewage is pumped into the sea from the city of Mount Gambier. Nobody seeing that outfall and the effect of the huge volume of sewage on that coastline could fail to be shocked that, in a modern society such as ours, such a method of sewage disposal from a major town should continue to be used. South Australia is not part of a Third World country but part of a developed nation, and there is absolutely no excuse for the method now used of sewage disposal for Mount Gambier on a continuing basis.

An honourable member interjecting:

The Hon. M.B. CAMERON: I will come to that later. It is ridiculous that a very scenic and productive part of our coastline looks and smells like a septic tank and is polluted to such an extent that the area is locked and barred to shore fishermen and visitors, and lobster fishing is banned within a certain area. Considerable concern is now being expressed that, unless this outfall is closed, our extremely valuable lobster export trade to the United States will be placed in jeopardy. Is the Minister aware of the threat to our lobster industry posed by the raw sewage outfall at Finger Point? Does he agree that this situation must be corrected by the building of a sewage treatment plant for Mount Gambier sewage? Will he assure the Council that he will take active steps on behalf of the fishing industry to ensure that the decision of the previous Government to provide a sewage treatment plant for Mount Gambier is carried through as a matter of urgency?

The Hon. B.A. CHATTERTON: Of course it would be desirable to build a plant for treating sewage, but the Government has to fit that project within its overall priorities as limited funds are available. I know that the Department of Fisheries has been actively involved in discussions on the problems of the sewage outfall at Finger Point. I have not seen a recent report on the problems and on the effects on the rock lobster and abalone fisheries. I will obtain a report on the current situation and will provide it to the honourable member.

WEIGHBRIDGE TESTING TRUCK

The Hon. J.C. BURDETT: I seek leave to make a brief explanation prior to asking the Minister of Consumer and Corporate Affairs a question on the weighbridge testing truck operated by the Standards Branch of the Department of Public and Consumer Affairs.

Leave granted.

The Hon. J.C. BURDETT: The Standards Branch of the Department of Public and Consumer Affairs has, for some time, operated a weighbridge testing truck which tests the accuracy of licensed weighbridges throughout the State. An important part of its function was to test the weighbridges servicing the South Australian Bulk Handling Co-operative. Its use was very important for that purpose because it enabled the South Australian Bulk Handling Co-operative to operate the most efficient weighing and control operations for grain in Australia.

I have seen reports which indicate that the system operated by the South Australian Bulk Handling Co-operative, with the assistance of the weighbridge testing truck, was many times more efficient than such systems operated in the Eastern States. Unfortunately, the weighbridge testing truck had fallen into a state of disrepair to the extent that it was starting to become potentially dangerous to its operators.

The Hon. C.J. Sumner: When did that happen?

The Hon. J.C. BURDETT: The previous Government was considering its replacement.

The Hon. C.J. Sumner: I think it may have happened before November 1982.

The Hon. J.C. BURDETT: Indeed, it did. I was starting to say, before I was so rudely interrupted by the Minister—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. BURDETT: The previous Government was giving serious consideration to its replacement, which appeared to be the only way to rectify the problem. Certainly, it would be a tragedy if the service had to be discontinued or withdrawn. Certainly, of course, the apparatus (the truck) ought not to be dangerous to the people who operate it. Has the weighbridge testing truck been replaced; if not, what plans does the department have for its replacement?

The Hon. C.J. SUMNER: My recollection is that at this precise moment it has not been replaced, but I understand that approval has been given for it to be replaced. If that is not the case I will advise the honourable member.

ELDERS INQUIRY

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Consumer and Corporate Affairs a question on the subject of the Elders inquiry.

Leave granted.

The Hon. K.T. GRIFFIN: The report of the special investigator, Mr von Doussa, Q.C., was tabled in Parliament on 16 December 1982. On that same day, in answer to questions asked by me about possible prosecutions, the Minister of Consumer and Corporate Affairs indicated that he could not say against whom prosecutions would be launched and that he would not be in a position to give that information for some time. In a newspaper report after the tabling of the von Doussa Report the Minister is reported to have said that it might take several months before decisions would be taken on prosecutions. It is some four months now since those statements were made. Accordingly, my questions are:

1. What is the current position with the consideration of that report?

2. Have any decisions yet been taken as to what prosecutions will be authorised as a result of the report?

3. If a decision to launch prosecutions has been taken, against whom will the prosecutions be made and what offences will be prosecuted?

4. If no decisions have yet been taken, when will decisions be taken?

The Hon. C.J. SUMNER: I am not in a position to give precise answers to the honourable member's questions. As I indicated at the time following the tabling of the report last December, it would take several months before decisions could be taken on any prosecution action which might result from the report. That is still the situation; the matter is with the Corporate Affairs Commission in South Australia, which is involved with the National Companies and Securities Commission, which is involved in co-ordinating the review of the report by the New South Wales Corporate Affairs Commission and the South Australian Corporate Affairs Commission.

The investigative work relating to the preparation of a brief for any potential prosecutions is being undertaken within the commission by the officer who assisted Mr von Doussa in his inquiry, and at present that officer has been seconded full-time to the preparation of any brief that may be necessary in this case to pursue any prosecutions that may be recommended. That is the present position; the matter is clearly under active examination by the Corporate Affairs Commission. As soon as any decisions have been made on any action which will flow from the report in terms of prosecutions, if any, I will advise the Council and the honourable member.

The Hon. K.T. GRIFFIN: I desire to ask a supplementary question. Does the Minister have any idea of the time frame within which those inquiries and investigations will be completed and within which decisions will be taken as to whether or not prosecutions will be made?

The Hon. C.J. SUMNER: Obviously, I am not in a position to give any specific time frame but, if prosecutions are to flow from this report, one would want those decisions to be taken at the earliest possible moment. I would certainly wish to do that. For that reason, the Corporate Affairs Commission has seconded the officer who assisted Mr von Doussa to pursue the matter on a full-time basis. However, I cannot give any specific time frame, except to say to the honourable member and the Council that obviously this issue, namely, the decision whether or not to prosecute, should be made at the earliest possible opportunity. Certainly, I will not delay in making the decision for any reasons other than those that are provided to me by the commission and based on the collection and preparation of evidence relating to any potential legal action.

INCEST

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Health a question about incest.

Leave granted.

The Hon. ANNE LEVY: Honourable members will recall that a couple of weeks ago the Rape Crisis Centre conducted a phone-in on incest. I mentioned this in the Council at the time and the Minister then assured me of the Government's support in dealing with this problem. People were invited to telephone the centre and give details of any incidents of incest. They were assured that the information was completely confidential and that no names were required. I understand that filling in the questionnaire over the telephone took up to half an hour because of the detailed information that was sought by the centre. The response to the phone-in was overwhelming, and the centre had to extend the phone-in from one day to three days, and calls were still coming in after those three days. I understand that more than 300 calls were received.

Further, I understand that the Rape Crisis Centre, as a result of the phone-in, now has an enormous body of data resulting from detailed questionnaires of all 300 telephone calls, and that statistical analysis and evaluation of this data is quite beyond the current resources of the centre. The centre has appealed to the Health Commission for support in employing someone on a short-term basis to compile and statistically analyse the data and produce a report so that appropriate preventive and remedial action can be taken on this important community problem. Can the Minister indicate whether he will support the submission for funds for the compilation and analysis of the data received in the phone-in?

The Hon. J.R. CORNWALL: Yes, it is certainly true that I gave an undertaking to arrange for officers of the South Australian Health Commission to hold discussions with representatives of the Rape Crisis Centre as soon as the phone-in was completed. I also gave a firm undertaking then that I would take any necessary or possible action to lower the incidence of incest and to assist in the counselling of victims.

In the three days of the survey, as the Hon. Miss Levy has pointed out, the phone-in produced more than 300 telephone calls relating, I am told, to over 500 incidents of child sexual abuse. The results confirmed the growing feeling in the community that incest is a dreadful problem which has remained almost hidden within our society because the victims so rarely have an opportunity to report offences in the way that the phone-in made possible. As I promised, there were immediate talks between my officers and the Rape Crisis Centre. I am happy to be able to say that we are giving concrete support to the centre along the lines that it has requested.

In the first place, I have authorised a special grant of $14 300 to be made available for expenditure before 30 June 1983. This will enable the centre to employ additional temporary staff to collate and analyse the data compiled during the incest survey. It will also allow the centre to purchase and install a new telephone system which will effectively result in a 24-hour service for the reception of crisis calls. The new system, which it is anticipated will be in operation before the end of this financial year, will provide extra telephone extensions for use at the centre together with an answering machine to redirect after-hours calls.

Even more importantly, the equipment will have the capacity to redirect night-time crisis calls from the centre's crisis number to a designated duty counsellor's home number. In other words, there will be the potential and I hope the reality of live counselling. A female will answer the telephone at the other end of the line for genuine crises 24 hours a day, seven days a week.

In addition to the $14 300 to be provided in this financial year, I have also agreed to further grants of $20 000 in each of the financial years, 1983-84 and 1984-85. This $40 000 will be paid in addition to the normal operating costs of the centre which are met by the South Australian Health Commission. The extra money, indexed to take into account the effects of inflation, will give the centre a degree of flexibility in deciding how to improve and extend its operations.

The detailed analysis of the information that has been collected will take at least two to three months. In the meantime, Health Commission officers are continuing to meet with representatives of the Rape Crisis Centre and other concerned bodies to discuss preliminary results. In broad terms, the two factors that appear to have produced such a large response to the Rape Crisis Centre's phone-in were the widely-publicised axe murder and media publicity in the last two or three years, in particular a *Women's*

Weekly survey on child sexual abuse. It seems that for some reason women who had not responded at the time of the *Women's Weekly* survey felt able to respond to the phone-in held last month; other women wanted to let someone know what had happened to them in the hope that the problem could be prevented in the future.

The survey indicated that a number of women have carefully considered the problem of incest and wish to make specific proposals for improvements to existing society. There was also a clearly expressed opinion that more publicity is required, including appropriate publicity for children. Linked with this was a perceived lack of sex education and a resulting inability of young victims to understand what was happening to them or get information from parents.

The Hon. Diana Laidlaw: Should this be a Ministerial statement?

The Hon. J.R. CORNWALL: It can be done either way. It is a matter of great importance.

The Hon. Diana Laidlaw: I recognise that.

The Hon. J.R. CORNWALL: I hope that the Hon. Miss Laidlaw is not cavilling about it, because that would be most uncharacteristic.

Members interjecting:

The PRESIDENT: Order! I ask the Minister to continue with his reply.

The Hon. J.R. CORNWALL: I do not believe in abusing the process of making Ministerial statements. Some responses seemed to reinforce the recommendations from the Committee of Enquiry into Victims of Crime which identified the need for an independent child's advocate or similar type of facility. I mention some of these matters briefly in order to indicate the wide range of responses and suggestions that were received. Although I have been able to take immediate action in support of the Rape Crisis Centre's initiative, there is a clear need for ongoing discussions and policy formulation. The fact that this complex and extensive problem has been ignored for so long makes it all the more imperative that we take decisive, considered and effective action. I assure honourable members that I will carry out my responsibilities as Minister of Health, and I seek the support of all sections of the community in dealing with this evil offence.

SPECIAL BROADCASTING SERVICE

The Hon. C.M. HILL: I seek leave to make a short statement before asking the Minister of Ethnic Affairs a question about the Special Broadcasting Service.

Leave granted.

The Hon. C.M. HILL: During the term of the previous Government the Hon. Mr Sumner asked me questions from time to time about the Special Broadcasting Service. His questions contained a clear inference that the former Government was not doing quite enough to ensure the extension of that service into this State. This matter arose particularly after the then Federal Government had announced that over a three-year span it was proposed that the ethnic television channel, then channel 028 in Melbourne and Sydney, was to become a national network and would ultimately come to Adelaide, although in the first stage it was to be extended to a further number of cities on the eastern seaboard.

At that time the Government in this State was keen to assist local migrant communities with this matter. Because of that, and as a result of the questions asked by the Hon. Mr Sumner, representations were made to the then Government in Canberra in an endeavour to hasten the entry of ethnic television into South Australia and, indeed, perhaps of an improved ethnic radio service under the control of the S.B.S. That communication was continuing at the time of the recent State election. Migrants in this State are still concerned about this matter and would like to see this event hastened. They are somewhat confused, however, as a result of some rather conflicting statements made about this issue just prior to the recent Federal election.

The Hon. C.J. Sumner: Conflicting statements by whom?

The Hon. C.M. HILL: Senator Button was one of those involved, and Mr Hawke was another. To bring this matter up to date, and in view of the keenness shown previously by the Hon. Mr Sumner, will the Attorney-General say whether he has taken any action about this matter since November last year or, alternatively, whether he proposes to take any action so that the time might be hastened when channel 028 television programmes are extended into South Australia?

The Hon. C.J. SUMNER: I thank the honourable member for his question and for the interest he has shown in this matter, which goes back some considerable time. The State Government is committed to the extension of multi-cultural television into South Australia, a stand which it took while in Opposition and which it maintains.

I took the view prior to March this year that there was little point in making enthusiastic representations to the former Federal Government about this matter because it had already indicated its attitude to it. Also, I understood that the Hon. Mr Hill's representations to the former Federal Government on behalf of this State did not meet with any success in hastening the process of bringing that television station to South Australia.

I felt, I think quite properly, that if the Hon. Mr Hill, with all his persuasive powers and political connections with the Federal Government prior to March 1983, could not hasten that process there was probably little point in my proceeding on that matter, at least before the March election.

I appreciate that the honourable member has raised this matter today. The State Government's commitment in this matter is still there, and I am pleased to see that the honourable member's commitment also still exists. As the honourable member has raised this matter now, and because there is a new Government in Canberra, I will certainly pursue it.

The Hon. M.B. Cameron: That is a long way of saying 'I have taken no action.'

The Hon. C.J. SUMNER: The new Federal Government has only recently been elected, as the Hon. Mr Cameron knows, but I will certainly pursue the matter with the new Federal Government.

BUSHFIRES

The Hon. R.C. DeGARIS: Has the Attorney-General an answer to the question that I asked on 19 April about bushfires?

The Hon. C.J. SUMNER: The question asked apparently stems from talk in the South-East of massive litigation by some property owners against ETSA. I understand that claims being considered may embrace such diverse damage as loss of gum trees to mental disturbance. Presumably the honourable member is concerned that if these people receive some compensation from the Commonwealth/State Natural Disasters provisions and/or the Bushfire Relief Appeal funds there is a danger that they may be doubly paid.

The difficulty which presents itself is the timing disparity between the two sources of compensation. The payments to victims from the Bushfire Relief Unit will be made and the fund wound up by August 1983 whereas the results of litigation would not be determined until late 1984.

There is no option but for the Bushfire Relief Unit to treat all victims equally (regardless of possible claims against

ETSA by some); to do otherwise would bring major criticism and could cause great inequity if all the appeal funds were exhausted and litigation subsequently failed.

However, officers of the Bushfire Relief Unit will maintain accurate records of payment which may be produced at the time of any court action against ETSA. The court could be asked to consider this payment in assessing damages. An alternative is to make it a condition of payment of relief money that this should be repaid from any successful legal action if damages in that legal action are received for the same loss for which relief money is paid. I have asked the Bushfire Relief Unit to look again at this aspect and would appreciate any further comment which the honourable member may wish to make on the subject.

SEWAGE DISPOSAL

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about Finger Point.

Leave granted.

The Hon. M.B. CAMERON: The question that I asked the Minister of Agriculture about this matter and the answer thereto have raised a serious question as to the future of a proposed sewage treatment plant for Mount Gambier. The Minister said in his reply that this scheme would have to be taken into account in terms of other Government decisions on finance. Will the Attorney-General, as Leader of the Government in this Council, say whether Cabinet has deferred the proposed sewage treatment plant plans proposed for Mount Gambier?

The Hon. C.J. SUMNER: I will obtain that information for the honourable member from the Treasurer, who is clearly concerned with capital works of this nature, and bring back a reply.

LEAVE LOADING

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in this place, a question about the 17.5 per cent holiday leave loading.

Leave granted.

The Hon. R.J. RITSON: A report on page 8 of today's *Advertiser* refers to litigation that is occurring in Western Australia involving an employer group which is seeking the scrapping of the 17.5 per cent holiday leave loading. Honourable members will recall that when this loading was introduced it was used as a device by the voracious unions to get extra money from any source, whether justified or not.

The specious argument used was that the loading was to compensate employees for overtime lost when on leave. However, everyone would realise when they see groups such as schoolteachers picking up these cheques for a 17.5 per cent leave loading prior to going on 10 weeks holiday that it does not fill that purpose in the majority of cases but that it is a device.

In the *Advertiser* report, the Confederation of Western Australian Industry Labour Relations Director, Mr Bill Brown, is reported as saying:

> . . . the application is in line with the general agreement on labor costs reached at last week's national economic summit.
>
> At the summit there was widespread agreement that labour costs were a major factor in unemployment. We see the holiday loading as a small contribution which could be made by those who are employed in an endeavour to assist those who are not. Removal of the holiday loading would not solve unemployment but would have 'a significant impact' on it.

We are all aware of the deep commitment by the present State Government to reduce unemployment, and here we have a report of a very sensible suggestion to reduce unemployment—a suggestion which is in line with the principles recently expounded at the A.L.P. summit in Canberra.

Does the Attorney-General agree that at this time the rationale originally proposed for this loading no longer has any basis in good sense but is merely a device for the extraction of unearned income by the voracious unions? Secondly, if similar moves are made in South Australia to have the loading removed, will the South Australian Government follow the course that the Western Australian Government has taken and oppose it, or will it, at the very least, remain neutral or further the cause of reducing this impost out of concern for the economic well-being of this State and its unemployed people?

The Hon. C.J. SUMNER: The honourable member has drawn a fairly long bow in identifying the 17.5 per cent annual leave loading as a direct cause of or element in unemployment. I believe that there are no such proceedings in South Australia. I do not intend to speculate on the 17.5 per cent leave loading. Suffice it to say that I would look at it if the matter arose. I have no knowledge of a specific decision to be taken by the Government because the matter has not arisen at this point in time. I imagine that the Government will take an attitude similar to that adopted by the Western Australian Government.

CHILD CARE FACILITIES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question on the lack of child-care facilities at the adult migrant education service.

Leave granted.

The Hon. DIANA LAIDLAW: Last Saturday the Migrant Women's Advisory Committee of the South Australian Ethnic Affairs Commission ran a highly successful and well attended forum for migrant and refugee women to canvass their problems and needs. The Minister opened the speak-out. I am sorry that he was unable to remain and that other members of the Council were unable to attend, as I know that they would have benefited and been moved by the sensitive and frank revelations—

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: Yes, but that was not the most constructive part of the day, I can assure the Minister. Members would have benefited from the frank revelations of experiences encountered by these women since arriving in Australia. The Migrant Women's Advisory Committee has undertaken to advise the Minister, through the commission, of the wide range of issues raised and to provide recommendations to help the Government in seeking appropriate policy decisions. In the meantime, a measure exists on which the Minister could act immediately, thereby confirming the sincerity of his address to the speak-out. The inability of many migrant refugee women to speak and understand English, as the Minister has acknowledged, is a severe disadvantage in their efforts to lead rewarding lives in this country.

The Adult Migrant Education Service, located in the Renaissance Centre, is providing an excellent English tuition programme. However, it was clear from the speak-out that the fact that the centre (funded by the Education Division of the Department of Immigration and Ethnic Affairs) has no child-care facilities restricts many women from attending the courses. Other women have their older children in classes with them, which is a highly unsatisfactory practice.

Will the Minister, as a matter of urgency, approach the Federal Government to make available child-care facilities at the Adult Migrant Education Service? If he proves unsuccessful in his approach, will the Minister endeavour to ensure that the State Government provides such a service? In view of the Government's announcement yesterday that permanent heads of South Australian Government departments and Supreme Court judges will receive pay rises of up to $5 800 a year, would the Minister agree that an excuse that the Government was unable to find the funds for the much needed child-care centre would be an insensitive decision lacking all credibility?

The Hon. C.J. SUMNER: No, I do not agree with the final proposition which the honourable member has put. She has somehow tried to drag a red herring across the path of the major thrust of her question. The speak-out organised last weekend had nothing to do with the topic of the salaries of permanent heads and judges. On the latter aspect I can only say that the increases were within the guidelines established by the arbitral authorities when they adjudicated on the wage pause issue in December in the case of the Federal Conciliation and Arbitration Commission and January in the case of the State Conciliation and Arbitration Commission. In fact, they had been deferred for some four or five months. In the case of the judges, the situation is that they had not had a salary increase since October 1981, and it was due in October 1982, which was two months before the wage pause was announced. So, that is a complete red herring in relation to the thrust of the honourable member's question, which was related to what action the Government was taking on recommendations arising out of the speak-out held on Saturday, which I opened. I said at the opening that I would consider it and would be very interested to see the recommendations emanating from the conference. I will certainly look at those with interest when they are formulated and brought to my attention.

The second question was whether I would, as a matter of urgency, take up the problems of the Migrant Education Centre in the Renaissance Centre in regard to child-care facilities. I will undertake to look at that issue in regard to the Federal Government, whose responsibility it is, and will bring back a reply for the honourable member.

INDUSTRIES DEVELOPMENT COMMITTEE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about the Industries Development Committee.

Leave granted.

The Hon. L.H. DAVIS: The Industries Development Act makes specific provision for an Industries Development Committee, consisting of five members, which investigates applications for Government guarantees and also applications under the establishments payments scheme. This committee makes recommendations to the Treasurer on such applications. The criteria for the granting of Government guarantees are set down in the Act.

Honourable members will be aware that the Tonkin Liberal Government disbanded the South Australian Development Corporation and that the Industries Development Committee since that date has played an even more prominent role in this important area of assisting South Australian industry. The Industries Development Committee has established a well-justified reputation for a bipartisan approach to applications before it. However, in view of its increased responsibility since the winding up of the South Australian Development Corporation and in view of the vital need to maximise Government assistance, where appropriate, to firms establishing or expanding in South Australia, it may be timely to again review the Industries Development Act with a view to clarifying the role of the committee and more adequately defining the criteria under which assistance can be granted to industry. Does the Government intend to review the Industries Development Act and, in particular, the provisions relating to the Industries Development Committee?

The Hon. C.J. SUMNER: That is a matter for the Treasurer, obviously. I do not have any specific information on it at this precise moment. However, I will certainly refer the honourable member's question to the Treasurer to obtain a reply. The honourable member, I understand, has had some experience on the committee over a period of some time now; if he has any suggestions that he would wish to put to the Government about how the operations of the Act or the committee could be improved, I am sure that the Government would be very pleased to receive them.

BROADCASTING OF PROCEEDINGS

The Hon. ANNE LEVY: I seek leave to make an explanation before asking a question of you, Mr President, on the question of radio and television.

Leave granted.

The Hon. ANNE LEVY: As I am sure honourable members are aware, facilities have now been provided in the other place whereby television and radio stations are able to record certain portions of the proceedings of Parliament under very strict guidelines which are laid down by the Speaker. I am sure that we all know that such facilities are not available in this Chamber. Have the electronic media approached you, Mr President, as well as the Speaker regarding the making available of such facilities for recording proceedings in this Chamber and, if they have, what was your response; if they have not made an approach to you, what would your response be should they do so?

The PRESIDENT: That is quite a ponderous question. In the first place, no, the media have not approached me except on ceremonial occasions. Perhaps I can say that, this being a House of Review, we may well study what happens in the other place before we make a decision. But they have not approached me. I am not sure that I should commit myself on what attitude I would take in response to such an approach, but let us see what happens where they are experimenting with it.

A.L.P. HEALTH PROMISES

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about A.L.P. health promises.

Leave granted.

The Hon. R.I. LUCAS: On 30 March this year I asked the Minister whether it could be assumed that all promises made by him in his health policy in June 1982 were now part of Government policy. In response, the Minister said:

> In relation to the honourable member's last question about promises made in the comprehensive policy document released on 29 June 1982, the brief answer is 'Yes'.

However, when reminded of the fact that he had already broken one promise in relation to that document, he went on to put one proviso, and I quote:

> With perhaps a degree of modification, I intend to implement everything in that document within a time frame.

I therefore ask the Minister the following questions:

1. Does the Government still intend to legislate for the appointment of a Health Workers Advisory Council

to inform the Minister of Health directly concerning the quality of patient care and, if so, when?

2. Does the Government still intend to create a senior contract position of women's health adviser to consult with and advise women on the health care system in the community and, if so, when?
3. Does the Government still intend to establish an office of executive co-ordinator of voluntary health services to liaise directly with the voluntary and non-profit health services and agencies and to establish on-going co-operation with the voluntary health sector and, if so, when?
4. Does the Government still intend to appoint regional medical review boards to supervise peer review programmes, and clinical and surgical audits and reduce over-servicing in all South Australian hospitals and, if so, when?
5. Does the Government still intend to establish regional offices of the Health Commission in key suburban and country areas throughout the State and, if so, when?

The Hon. J.R. CORNWALL: I thank the honourable member for those questions. They are very good ones. I said some weeks ago that I thought that he showed a lot of promise and I have seen nothing to influence me to change my mind in the last few weeks. They are very intelligent questions. Concerning the appointment of a Health Workers Advisory Council, the answer is 'Yes'; as to when—within the next 12 months.

As to a senior contract position of women's health adviser, that position has been approved by Cabinet. The funding will commence for the position in the 1983-84 Budget. The position will be advertised early in the next financial year. As to an office of executive co-ordinator of voluntary health services, the answer again is 'Yes'. The honourable member is a bit of a mind reader in this case because I am putting in a submission to Cabinet next Tuesday which requests or advises that we should set up an interdepartmental working party, with specific terms of reference, to look at how we can best do that so that the thing can be implemented. As to regional medical review boards, I am waiting on the report of the very extensive and prestigious Sax inquiry into South Australian hospitals before I decide what we should do.

The Hon. R.I. Lucas: There is no commitment yet?

The Hon. J.R. CORNWALL: I would be pretty foolish to get Sid Sax and four of the most eminent people in the medical administration field in Australia and pre-empt their report by setting up something in the meanwhile. I am sure that the honourable member will agree with that, because he is one of the more intelligent ones. As to regional offices, I am sure, yes. We intend to establish regional presences in the first instance—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —in Mount Gambier, the Riverland and Port Augusta. Plans for all three are reasonably well advanced and I hope, particularly with the Riverland and Port Augusta, that we will be able to make those appointments by the end of the financial year.

The Hon. R.I. Lucas: What about in the suburban area?

The Hon. J.R. CORNWALL: At the moment there are not any firm plans for the suburban area but, in the fullness of time, I would imagine that we would have someone in the Noarlunga area or in the southern suburbs in the first instance. I have explained very carefully, as I have gone around the countryside, that this is not getting into regionalisation: it is not imposing another layer of bureaucrats—

The Hon. M.B. Cameron: People are a bit worried.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: If the honourable member would stop telling them lies, I am sure there would not be any concern.

The Hon. M.B. CAMERON: I rise on a point of order, Mr President. The Minister should withdraw the statement that we should stop telling them lies. It is not Parliamentary to accuse members of that, particularly when he has no evidence of that—

The Hon. R.I. Lucas: It's untrue.

The Hon. M.B. CAMERON: Yes, especially when it is untrue.

The Hon. J.R. CORNWALL: Mr President, I withdraw and apologise. I should say that members opposite should not be mendacious and should stop misleading their constituents in non-metropolitan areas. In regard to regional offices, I make it clear that we are not regionalising the Health Commission. Let me put that suggestion to rest for all time. We have no intention to do that. We are not putting in an extra layer of bureaucrats. That was not and never has been proposed. What we will have is a career officer, as I explained, who may well be on the way up and serving a year or two in an area like Mount Gambier, the Riverland or Port Augusta. It will provide invaluable experience out in the real world where it all happens. A real problem is that some officers have never worked in a hospital situation. The regional presence will be supported by some secretarial assistance. In other words, we would expect a person and a secretary—

The Hon. R.I. Lucas: What will they do?

The Hon. J.R. CORNWALL: They will assist—

The Hon. C.M. Hill: Where will they be based in the Riverland?

The Hon. J.R. CORNWALL: What a good question! Probably at Glossop.

The Hon. R.I. Lucas: What will they do?

The Hon. J.R. CORNWALL: Bear with me. There should not be too much levity in regard to this serious matter. Such officers will do many things, but the prime role will be to do what we are charged to do under the South Australian Health Commission Act; that is, to co-ordinate and rationalise Health Commission services in that area. Specifically and perhaps ultimately—

Members interjecting:

The PRESIDENT: Order! The Minister should be given a fair hearing.

The Hon. J.R. CORNWALL: Thank you, Mr President. Primarily, they will assist in the establishment of area health boards.

CORPORATE AFFAIRS COMMISSION INVESTIGATIONS

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to the question I asked on 17 March about Corporate Affairs Commission investigations?

The Hon. C.J. SUMNER: The reply is as follows:

Kallin Investment Ltd and other companies: As the honourable member is aware, the Corporate Affairs Commission was appointed as an inspector to investigate the affairs of Kallin Investments Limited and a series of other proprietary companies. The powers and functions of the inspector were delegated to two officers employed in the commission. The delegates completed their draft report in early September 1979 but it was not until 30 November 1982 that the report in its final form was forwarded to me.

The Hon. K.T. Griffin: September 1979?

The Hon. C.J. SUMNER: Yes, the draft report.

The Hon. K.T. Griffin: That is not correct, not 1979, because he was not appointed in September 1979.

The PRESIDENT: Order! The Hon. Mr Griffin will have a chance some other day.

The Hon. C.J. SUMNER: Perhaps there was a typographical error, and I will have it checked. Because of the nature and contents of the report it was necessary for me to liaise with the Western Australian Attorney-General to achieve a mutual agreement to the insertion in the report of certain information obtained during the course of the special investigation in Western Australia.

Consideration is being given to whether the report can be tabled but the Corporate Affairs Commission must consider whether in the interests of the administration of justice, or the fact that there is a likelihood of a potential defendant or defendants leaving the jurisdiction to escape legal proceedings, the report submitted to either myself or the Western Australian Minister can be made available to any of the relevant companies or any other person until the proposed criminal or summary charges referred to in the report have been properly assessed and possibly dealt with. I will advise the honourable member further on this point when I am in a position to do so. I can also inform members that that section of the report relating to possible offences is being further examined by officers of the Corporate Affairs Commission but the decisions relating to specific prosecutions against specific individuals have not yet been resolved.

Swan Shepherd Group: The delegates of the Corporate Affairs Commission, which was appointed as inspector to investigate the affairs of the Swan Shepherd Group, will shortly complete their interim report into the affairs of those companies within the group which were engaged in the business of mortgage broking and of certain other related companies. The companies to which the interim report relates are as follows:

(a) Swan Shepherd Pty Ltd (in liquidation)
(b) R.W. Swan Nominees Pty Ltd (in liquidation)
(c) E.R.C. Shepherd & Sons Proprietary Limited (in liquidation)
(d) Interfranc S.A. (Pty) Limited (in liquidation)
(e) Westland Finance Company Pty Ltd (in liquidation)
(f) Finbro Limited.

Upon the completion of the interim report, investigations will continue with respect to the remaining 19 companies within the group. As to whether the interim report will be tabled, this will depend on the findings and recommendations made by the commission and upon what further action is taken in consequence of that report. The questions concerning prosecutions resulting from the investigation and details of the charges and against whom prosecutions will be launched likewise depends upon these same considerations. Until the interim report has been completed and its contents assessed, any specific reply to the matters raised by the honourable member concerning this investigation would be premature and prejudicial, both to any continuing inquiries which the commission may undertake and to any persons affected by the inquiries.

RIVERLAND CANNERY

The Hon. K.T. GRIFFIN (on notice) asked the Minister of Agriculture:

1. What is the membership of the 'group' (referred to by the Minister on 23 March 1983) appointed to examine and report to the Government on the future of the Riverland cannery?
2. *(a)* Are any other members likely to be added to the 'group'?
   (b) If yes, who will they be?
3. When was the group established?
4. On what dates has the group met up to the present time?
5. Specifically, with whom has the group met and with whom will the group meet prior to presenting its report?

The Hon. B.A. CHATTERTON: The replies are as follows:

1. The membership of the Riverland Fruit Products Steering Committee is:
   Mr John Deakin, Canning Fruitgrowers' Association.
   Mr Geoffrey Bagshaw, United Farmers and Stockowners.
   Mr Mark Lawrence, Food Preservers Union.
   Mr Andrew Christou, A.M.W.S.U.
   Mr Alfie Kargiannis, Greek Rural and Social Council.
   Mr Graham Pfitzner, Berri Council.
   Treasury Representative.
   State Development Representative.
   Department of Agriculture Representative.
   Receiver and Manager of R.F.P.
   The meetings will be chaired by Mr Bob Gregory, M.P.
2. *(a)* No.
   (b) Not relevant.
3. Nominations were called for the steering committee by the Premier on 14 March.
4. The first meeting of the steering committee was held on 13 April.
5. The steering committee will consult other parties interested in the future of the Riverland and its cannery.

NATIONAL NATURAL DISASTER FUND

The Hon. K.L. MILNE: I move:

That in the opinion of this Council the South Australian Government request the Commonwealth Government to—
1. initiate discussion on the establishment of a National Natural Disaster Fund;
2. appoint a select committee for this purpose; and
3. treat the matter as urgent in order to prevent a recurrence of the anomalies and shortages in existing schemes.

I move this motion at this time because I believe there is an extreme need for such a fund. When commenting on my Address in Reply speech the Attorney-General kindly indicated that the State Government would take my suggestion seriously and would look into the matter. I understand that the Government is doing that at the moment.

If we do not proceed with establishing a fund of this type people will soon forget the recent disasters. Ralph Jacobi and others in the Federal Parliament have been trying to persuade the Commonwealth Government to proceed with this matter, no matter which Government is in power. In response to my request in March 1982 (a little over 12 months ago), the Australian Democrats in the Senate moved for the setting up of a Joint House Committee to discuss this question.

I am moving this motion in this Council because it will not create additional expense for either the State or Federal Governments, unless they see fit to subsidise it for the first 12 months or two years. I will not repeat in detail what I said during the Address in Reply debate, except to remind members that I believe that the small levy that would be required from Australia's 6 000 000 taxpayers would be more than off-set by a reduction in insurance premiums, because they are loaded for disaster risks.

The scheme that I am suggesting will ensure that everyone contributes and that everyone would be eligible for full compensation. The results of the recent disasters in South Australia (for which quite inadequate compensation will be

available) will mean that the victims and those associated with them in business and in other activities will be hampered through a lack of funds for years to come. Since speaking to this matter in this Council during the Address in Reply debate I have spoken on this subject at numerous meetings and with many people. The response from all sections of the community has been quite remarkable. Everyone agrees that something new and better must be done and I have been asked for copies of my speech and to write articles in various journals.

At the moment, we are steadfastly persevering with inadequate, inequitable, inefficient and outdated schemes that have been used to provide disaster relief and compensation for generations. The method of providing relief in the past, in my experience, has always been unfair, under subscribed, always complicated and has always divided the community. It has divided the community into those people who feel they have received a fair deal and those people who feel that they have not. At the moment, feelings are running high in the Mid North flood area, in the South-East and in the Hills fire areas where anomalies are already becoming too evident.

In fact, there are families who are not even speaking to each other as a result of applications for the distribution of disaster relief. That has been the situation ever since the occurrence of earlier fires in the South-East. For heavens sake, let us stop this nonsense once and for all. Let us introduce a disaster fund or a series of State funds—I do not mind which. New Zealand has had a workable scheme for about 40 years, so it should not be beyond Australia to devise a suitable scheme. I have made one suggestion and I am asking the State Government to pursue it. I regard it as merely a beginning. I realise that there may be alternatives and that other schemes may be suggested. I do not mind about that, because the important thing is that we arrive at a better scheme and a better answer to this problem and one which fully compensates disaster victims with money.

I stress to all members of this Council that it should not be a Party political matter. Undoubtedly, it is a political matter but, if possible, it should not be discussed on Party lines. I believe that this is an opportunity for State Parliament to come together and encourage the State Government of the day to take an initiative which would be to its credit and which could be shared by all. In my view, it is also an opportunity for the State Government to take this initiative at a time when there is a lot of goodwill as a result of the recent summit conference called by the Prime Minister. I ask all members to support my motion in the hope that it will go through both Houses of Parliament, allowing the Premier to act at once while this matter is still topical and while the political atmosphere is one of consensus. I commend the motion to the Council.

The Hon. ANNE LEVY secured the adjournment of the debate.

ROCK LOBSTER FISHERY ZONES

Order of the Day, Private Business, No. 1: The Hon. Frank Blevins to move:

That regulations under the Fisheries Act, 1971-1980, concerning Rock Lobster Fishery Zones, made on 28 October 1982 and laid on the table of this Council on 8 December 1982, be disallowed.

The Hon. FRANK BLEVINS: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

VEHICLE MOVEMENT

Order of the Day, Private Business, No. 2: The Hon. Frank Blevins to move:

That Corporation of Adelaide by-law No. 2 concerning vehicle movement, made on 21 October 1982 and laid on the table of this Council on 8 December 1982, be disallowed.

The Hon. FRANK BLEVINS: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 746.)

The Hon. L.H. DAVIS: As the Hon. Mr Blevins said when introducing this Bill in the Council recently, it is identical to a Bill that was introduced in this Chamber in 1980, with the exception of the definition of death clause, which was the subject of recent legislation passed in this Chamber.

On that occasion I made a speech, which is recorded in *Hansard* of 5 November 1980 on page 1757 and following pages. I do not propose to add anything to what I said in that speech. Like my colleague the Hon. Dr Ritson, who spoke on this Bill last week, I have no reason to change my views about the Natural Death Bill, although for one fleeting moment during his speech it seemed to me that the Hon. Dr Ritson had walked the Damascus Road. At the time the Hon. Frank Blevins introduced his private member's Bill in 1980 I commended him for doing so as it was, and is, a matter of interest. However, since that Bill was introduced 2½ years ago I have had no comment from any constituent, and no correspondence, about it. Also, there has been little public comment on this proposal. I make that comment only in passing because legislation often does come before this House without public pressure or public awareness.

The point I made in November 1980 regarding the opposition of medical specialists remains essential to my argument against the Bill. The fact is that those specialists most closely involved in death and dying in the intensive care units at Flinders Medical Centre and the Royal Adelaide Hospital, along with the Director of the Queen Elizabeth Hospital Renal Unit, Dr Mathew, see no reason for this Bill. This legislation was fashionable in America many years ago. It was a creature of a period when we did not have a definition of death or a code of practice laid down for the definition of death. My investigations confirmed the views that I expressed in November 1980 and I merely rise to reaffirm my opposition to this Bill.

The Hon. ANNE LEVY: I support this legislation and, to a large extent, reiterate what I said in April and November of 1980. I can be as precise as Mr Davis by indicating that my remarks appear on pages 1017 and 1062 of the relevant volume of *Hansard*. However, there are a number of new members in this Chamber, so I believe that it is worth my repeating some of the remarks that I made at that time. Basically, this Bill deals with a profound philosophical subject, that is, death, or the manner in which it occurs to us all.

It can be said that this Bill is concerned with our ambivalent attitude towards death. Death is certainly the great taboo subject. Very few of us consider death unless we are forced to do so by the terminal illness of either ourselves or a close relative. One of the consequences of this Bill which I mentioned before is that it may encourage psychological research into community attitudes to death. I feel

that it could encourage people to be more willing to confront the fact of their own death. I believe that we today have a situation in which the dying are often shunned by their friends and relatives and even treated as pariahs because they are often separated from the living long before they are ready to relinquish their ties with life.

We wish to be sure (I am sure all would agree) that we do not prolong death rather than preserve life. Many people in our community believe that the emotional support which a dying patient needs and the relief of pain, thirst and hunger are often not considered by the medical profession. I am not saying that the medical profession does not consider these needs, but I am sure that there are many people in the community who fear that they do not. While I do not agree with the criticisms of the medical profession which some may utter in this regard, nevertheless it is a real fear in some parts of our community.

I maintain that there is popular support for a measure of this nature. The latest Gallup poll on this matter that I have is from February 1979, when the following question was asked:

> If there is absolutely no chance of a patient recovering should the doctor let the patient die or should he try to keep him alive as long as possible?

This question has been asked in Gallup polls before. The response for letting the patient die, which was 54 per cent in 1962, had risen to 60 per cent in 1979. That the doctor should try to keep a dying patient alive as long as possible was supported by 32 per cent of people in 1962, a figure which had fallen to 23 per cent in 1979. I interpret those results as support from the type of measure that we have before us.

There is, as the Hon. Mr Davis has said, similar legislation in other countries, including several States of the United States of America. Some of this legislation (for example, that in Arkansas) deals with the question of minors and declarations by minors in such situations. This is a difficult area and I agree that it should be left out of the legislation before us, which deals only with adults. If this legislation passes the situation with respect to minors will be exactly as it is at the moment. There was a Select Committee on this Bill three years ago and medical evidence was given to that committee. That evidence was that it is the current practice to not keep dying people on machines unnecessarily. As I have said, and as was reiterated by the Hon. Mr Davis, this is the practice which occurs today. If this is true, and if this Bill becomes law, there will be no change at all required in the behaviour of doctors, so they need have no fear whatsoever. However, as I stated before, this view is not universally held in the community. There are certainly people who have genuine ideas about being kept alive unnecessarily. This is not just my opinion, and evidence was given to that select committee by a representative of the Uniting Church as follows:

> An observer from outside tends to believe that people are kept alive for the benefit of the medical profession rather than for the benefit of the patient.

The Hon. R.J. Ritson: That is not true, though.

The Hon. ANNE LEVY: I did not say that it was true. I said that a lot of people hold this view. That evidence continued as follows:

> A lot of people would be happy to sign such a schedule for their own peace of mind.

I am sure that we can all think of individuals of whom we know, particularly elderly people, who fear that they will be kept alive unnecessarily by means of modern medical technology and who do not wish that to happen to them.

People do want to die with dignity when they accept that their death is inevitable. On a personal level, in the past few years I have suffered the death of three people close to me—my husband, father and mother-in-law. As I stated in a previous debate, all three did indeed fear unnecessary prolongation of their lives and spoke to me and their doctors in considerable detail about it. I am quite sure that all three would have signed a statutory declaration if it had been available and would have had considerable comfort and ease of mind in so doing. I know that in two cases their wishes were respected by their doctors and acted upon. I do not know about the third, as I was depressed, but I suspect that their wishes may not have been so respected.

A declaration, as indicated by the Bill, will therefore be of great benefit to many people in situations such as those that occurred with those close to me. I certainly would sign such a declaration and would feel reassured by so doing. So, although it may be true that the measure is quite unnecessary from a medical viewpoint, as stated by the Hon. Mr Davis, the general reassurance of members of the public is surely desirable and a very fit and proper matter for the Parliament to pass. I will not deal with the morality of the legislation, as it was considered in 1980 by the select committee and numerous statements were made by various church leaders to the select committee which either accepted or enthusiastically endorsed the morality of not prolonging death.

Another question raised by the legislation is that of patients' rights. That, too, was supported by many witnesses to the select committee including those from the Health Commission. I will quote from the submission of the Health Commission to the select committee, under the heading 'The patient's right to refuse treatment', as follows:

> This has, with very few exceptions, always existed. However, the commission realises that Part III of the Bill is an attempt to formalise the right in the case of terminal illnesses. Subject to specific comments, this part of the Bill is accepted.

A later letter, which the Health Commission sent to the select committee, stated in part:

> The submission I prepared supports the Bill and accepts that it will make a contribution to health care in so far as it recognises a patient's rights to permit death to take its natural course.

Basically, I support the measure for two important reasons. I refer, first, to a reduction of fear and concern, however unjustified, which may be held by many people in the community, particularly those who know and have made one and who know they have a terminal illness. Secondly, it is a clear statement of rights of individuals to control their own body and what happens to it. People who are conscious can give or withhold consent from their doctor, and they should have some control over what happens to them when they are unconscious if they wish to have that say.

I hope all members of the Council will consider the Bill and will carefully judge and address themselves to the matter of individual rights. It is certainly of crucial importance to me. It is for those two reasons that I support the second reading.

The Hon. R.I. LUCAS secured the adjournment of the debate.

CASINO BILL

Adjourned debate on second reading.
(Continued from 30 March. Page 747.)

The Hon. DIANA LAIDLAW: I support the second reading of the Hon. Frank Blevins' private member's Bill to establish a casino in South Australia. I wish to indicate also that I intend to support the amendment to be moved by the Hon. Ren DeGaris which would facilitate the establishment of more than one casino in the State. The subject of

legalised casinos always arouses controversy, and certainly the matter has had a chequered history in this Parliament in the past 10 years. Because of the division of opinion, I have endeavoured to read widely on the subject and to discuss the issue with many people. I have concluded for a variety of reasons that I must support the measure.

Australia has been a nation of gamblers since our colonial beginnings and Governments have responded to this trait by progressively legalising a host of avenues for punters to try their luck. The fantastic reception the futures market has received in recent years is a further indication of the relish with which Australians gamble. I see no more social evil in betting on roulette in a casino than gambling on the futures market, backing race horses or the dogs, or playing bingo, the pools, cross lotto or instant money games. Governments have gone out of their way to ensure that access to the latter forms of betting are available at every turn. The T.A.B., for instance, has even encouraged, for the convenience of punters, the use of telephone credit accounts. Casinos, by contrast, would be restricted to a few locations and patrons would have to go to some lengths and often some distance to frequent them. Casinos are simply a further outlet for those who wish to gamble and one which I do not believe we can logically disapprove of or restrict if, at the same time, we condone Governments encouraging and, indeed, profiting from other forms of gambling.

In debates on this issue in the past honourable members have referred to benefits that a Government would receive by way of revenue. I do not accept that casinos should be established simply for the sake of revenue, and I was interested to note that the Select Committee on the Casino Bill, 1982, did not endorse predictions of large amounts of revenue flowing to the Government.

What I do accept is that the existence of at least one casino is one of several ways in which a State can promote tourism within its borders, and in turn foster employment opportunities. I firmly believe that the best way to overcome the high level of unemployment in this State in the short term and to create permanent jobs in the long term is for the Government actively to promote tourism. Tourism is the one industry that is not subject to technological change; it requires many semi-skilled and unskilled workers (which in turn would assist women and our youth); and it provides employment in country towns, some of which would not otherwise exist. This latter benefit of tourism is a further reason why I support the Hon. Ren DeGaris's amendment not to restrict our State to one casino only.

Some people argue that one measures the success of tourism by the number of people who come from overseas and interstate. That is one factor, but it is equally important to persuade South Australians to spend more money on travel and, when doing so, to spend their time and their money in their own State. I suspect that only a few people would come from overseas or interstate to visit a casino situated in metropolitan Adelaide. There are casinos operating in Hobart and Launceston and Alice Springs, one is to be opened shortly in Darwin and two have been approved in Queensland—at Surfers Paradise and Townsville. Therefore a casino in this State would be no novelty but would help to keep here South Australians who otherwise may go interstate to gamble.

Over several years I have been to a number of casinos in Australia and overseas. On the whole, betting bores me, but on these occasions I have enjoyed wagering a few dollars, as I enjoy placing a few dollars on the Melbourne, Caulfield and Adelaide Cups and the Great Eastern at Oakbank. These races, like casinos, provide entertainment for many people. On the occasions that I have been to casinos they have been crowded. Most people, like myself, appeared to be placing small bets only. Their pleasure, like mine, came from observing others and simply enjoying the atmosphere—a marked contrast, I might add, to the thundering music and loutish behaviour that one regularly encounters at discotheques and bistros.

I have received correspondence from groups and individuals who oppose on a number of grounds the establishment of a casino. In particular, I have noted the impassioned plea by the National Council of Women that I cast my vote against this Bill. I do not dismiss its genuine concerns and the sincerity of its arguments. Nevertheless, its appeals have not persuaded me to adopt the course that it advocates. Rather, I favour the more liberal course outlined in the Bill. It permits people to gamble in a casino if they wish. If they choose not to do so for moral or other reasons there is no compulsion for them to do so; they are perfectly free to make that choice and to give effect to it, as the Hon. Frank Blevins noted, by staying away.

There are a number of people in our community who are compulsive gamblers and cannot help themselves in this regard. The select committee confirmed that the number of compulsive gamblers in the community can be adjudged as being about .7 per cent. I do not support the idea that the lack of responsibility of this relatively small number of people should dictate that the overwhelming majority of South Australians who endeavour to be responsible for their actions should be denied access to a casino if they choose to attend such an establishment. With indecent frequency, Governments have a habit of limiting the freedoms of individuals to make their own decisions and to be responsible for those decisions.

Recent surveys on the matter of casinos show quite clearly that the majority of respondents favour their presence in South Australia. I do not apologise for the fact that such surveys have influenced my decision, nor that I have paid regard to the outcome of a resolution presented to the annual general meeting of the State Liberal Party in November 1981. The resolution opposed the establishment of a casino in South Australia. It was defeated by about two to one. I recognise, and I am sure my colleagues on this side of the Council do also, that the 200-plus delegates to State council determine whether we are elected to this Parliament, and I propose to heed their views on this matter.

With respect to specific provisions of the Bill, I am pleased to note, first, the very stringent controls proposed for the granting and operation of a casino licence. Such controls will ensure that, if this Bill passes, a casino in this State will not attract or harbour organised criminal elements. After taking exhaustive evidence on the concern of organised crime in relation to casinos, the Select Committee on the Casino Bill, 1982, resolved that it would be dangerous to interpolate overseas experiences to the operation of casinos in Australia, and I accept their findings.

Secondly, the granting and the controlling of the licence is removed from the political scene. There have been many accusations of political interference in the selection of licences for the two casinos in Queensland and we should not allow that situation to be repeated in South Australia. Thirdly, anyone under the age of 18 years of age would be barred from casinos. Fourthly, poker machines would be banned.

An honourable member: Hear, hear!

The Hon. DIANA LAIDLAW: I wonder whether honourable members will all say 'Hear, hear' to my next statement.

An honourable member: What about poker machines?

The Hon. DIANA LAIDLAW: I do not like poker machines. The one qualm that I have about the Bill is the provision that would allow a statutory authority, namely, the South Australian Lotteries Commission, to operate the casino (or, if the Hon. Ren DeGaris's amendments pass, casinos) in this State. For both philosophical and practical

reasons, I would prefer to support a proposal that the management of casinos be the responsibility of private operators with expertise in this field. There is no evidence that Federal Hotels, the only company operating legal casinos in Australia at present, has other than an unblemished track record. When such expertise is readily available, why should the Government compete in this area, especially when it has no prior experience? I suggest, also, that it would be intensely hypocritical of us to burden the State further with the expense of establishing a bureaucracy to operate casinos at the very time when, as the Government so regularly reminds us, we are encountering severe financial difficulties in this State. There is no sound reason why we should compound these problems by insisting that a State instrumentality operate and promote casinos in South Australia.

As an aside, if members agree that casinos in South Australia should be managed by private operators it is important that the licences concluded with the companies stipulate that, if a company is taken over or if the company proposes to sell a share of its equity, the licence be reviewed by the casino supervisory authority. Federal Hotels is at present attempting to sell a third share of its casino operations in order to raise $20 000 000 to get over its liquidity problems. If successful, the licences which the company holds to operate casinos in Tasmania and the Northern Territory require that the prospective partners be vetted closely by appropriate authorities in the respective State and territory. This condition should be required for any company or companies operating a casino or casinos in South Australia.

In conclusion, I hope that if this Bill passes with amendments we will see the first casino established in the Adelaide metropolitan area. About 70 per cent of our population lives in this area and this is where the bulk of our unemployment exists. Therefore, if we establish a casino in part to create jobs, it should be situated where it is needed most. The Adelaide City Council voted, with only one objector, last year in favour of a casino within the city. My preference would be for the first casino to be incorporated in a large redevelopment on the site of the Adelaide railway station. A casino in the marble hall would be an exciting development for this State. I support the second reading.

The Hon. M.S. FELEPPA: It is my intention to participate briefly in this debate, to give my personal contribution, and to express also in this Chamber my realistic view for the establishment of a casino in South Australia. To begin with, I would like to bring to the attention of honourable members that although Aristotle and St Thomas Aquinas (great philosophers of the 4th century B.C. and of the early 13th century A.D., respectively) did not discuss gambling in their time, or gaming as such, they did discuss habits in general terms. For them, the virtues, moral or intellectual, are habits, and so are the opposite—vices. Virtues are good habits; vices are bad habits. Therefore, good or bad, human habits must be so formed and constituted that they can have the moral quality of virtue or vice. Virtue is good and vice is bad, but only if the possessor is responsible.

Human habits arise from freely chosen acts. Therefore, legislation that allows or forbids gambling, cannot affect the basic nature of people. Those who have the gambling habit will gamble and those who do not have this habit will not acquire it.

I wish now to examine the establishment of the casino in terms of the morality of its main activity, which is gambling. The moral argument surrounding gambling is extremely important not only for me personally and as an elected member charged with the responsibility not only to interpret the desires of the people I represent but also as a person charged with the responsibility to support legislation which may be detrimental or morally reprehensible.

I will now try to develop my arguments around the following areas:

(a) the morality of the act of gambling;
(b) the morality of the consequences of gambling; and, finally, and most importantly;
(c) the responsibility of the Government in legislating on gambling.

First, there are people who believe that human actions are in themselves neither moral nor immoral. They believe they become moral or immoral as a result of the good or bad consequences that they produce, rather than because in themselves they are either good or bad. For example, killing another person is in itself neither good nor bad. It depends on who does the killing, on who is killed and on who suffers the extended consequences.

There are instead people who believe that human actions are in themselves either moral or immoral. In this case the consequences of these actions affect the basic morality of the actions. In some other cases, the fundamental substance of the morality of an action is altered completely by the elements surrounding it. For example, the killing of an unjustified aggressor is sometimes not only legitimate but also can be good if by doing so one protects other potential victims.

However, in the intentions or beliefs of these people there are human actions which in themselves are insignificant and which acquire a moral tone by virtue of the situation in which it is performed. It would seem, therefore, that the act of gambling belongs to this category.

I apologise if I have taken care to start with this long preamble because of the inconsistent attitude that is reflected in our society about gambling. For a society which has entertained one form or another of gambling for the entire period of its history and which has developed even a custom about it, one cannot but be perplexed by the various arguments for or against a casino. It is no secret that Australians are gamblers. It is claimed that they are the world's leading punters, spending an estimated $710 a year per every man, woman and child, way ahead of the United States at $440 per head.

In New South Wales, the annual gambling figures rise to $1 221 per head, or 26 per cent of household disposable income. In recent years, poker machines in New South Wales have accounted for almost half the amount gambled, a cool $200 000 000 000 to $400 000 000 000 a year.

In addition to poker machine gambling, New South Wales also spends $1 000 000 000 on lottery tickets in a year, and another $20 000 000 on Soccer Pools. In a special study conducted by the Chairman of the South Australian Betting Control Board it was estimated Australia-wide that the betting funds that passed through TAB agencies last year amounted to $4 500 000 000, which represents 20 per cent more than the previous year.

In my view, it is not because the people of this country and this State believe that gambling is in itself a depraved action: they simply fear that people involved in gambling may not be able to control it but rather be controlled by it.

Also, it has been said that legalised gambling in the form of a casino will drag behind it a long line of unhappy events, such as broken homes, unpaid mortgages, and children going hungry because food money has been gambled away. While I share these views and accept the sincerity of those people concerned who made this observation, one can also say that the habit of drinking causes the very same problems.

We all know that we cannot legislate for the entire morality. We should indeed legislate only to protect the quality of life for as many people in our State as we possibly can. Casinos, as has already been demonstrated in other cities of this country and other parts of the world, will, if properly supervised, bring wealth and jobs, and we greatly need both.

Our tourism will benefit and more jobs will certainly be created, both directly and indirectly, as was illustrated by the Hon. Frank Blevins when introducing this Bill.

I now allude to my second question framed in the introduction of my contribution in this debate: the morality of the consequences of gambling. I will deal with this very briefly because these points have been canvassed extensively already and are very well known in this country, precisely because of its long history of gambling.

No-one will deny that gambling has caused much suffering to individuals, and especially to the families of gamblers. The issue is not an easy one and should not be overlooked. However, it is tied to the personal and social responsibilities individuals acquire towards each other. People who gamble away their money, resources and reduce themselves, or their families, to poverty can in no way be said to fulfil adequately their moral responsibilities. The issue should perhaps be viewed in that light, rather than as an issue for or against gambling. Indeed, the same question arises when considering other aspects of our society. For instance, drinking to excess, driving dangerously, and spending one's profits solely for oneself without consideration for one's family are similar important issues. I am saying that this Parliament should indeed be concerned with the consequences of the actions of single individuals on persons towards whom they have certain clear responsibilities. In my view, the way to do so is not through prohibition of a specific activity.

Perhaps it may be more profitable and more just to consider how society could enforce the sharing of the income of a family's wage earner with that family. I wish to mention that family law in Australia acknowledges this matter in principle, and I especially draw that fact to the attention of the shadow Minister of Community Welfare in this Council, and to the Minister responsible for this portfolio—Mr Crafter—because it is on this basis that the Family Law Court makes a decision on the division of property after divorce. I, for one, do not believe that our society has looked deeply enough into this matter. I repeat that the question is not whether we should allow the individual the right to gamble but whether we should try to define what is legitimately the property of an individual and to ensure that the rightful claims of those who depend on him or her are protected. If it is shown that there is abuse of this responsibility towards others, society should intervene to enforce it—irrespective of whether gambling or any other action may be at the base of this abuse.

Finally, I wish to address what I consider to be the most important issue in this debate, that is, Government responsibility in this matter. I take the view that the responsibility of Government in this area changes with the times. Societies change because circumstances change and because people change. Society as a whole, like individuals, grows and understands its role and responsibilities. For example, only a few hundred years ago slavery was condoned even from a moral point of view by a large portion of Western society. Today, slavery is no longer permitted by society and individuals. One area of growth in modern society is the area of personal freedom and responsibility. There has been a move in modern Western society over the past century towards greater independence of the individual, greater personal responsibility for one's actions and consequently less intervention by authority of any kind. Some organisations have lamented this change. Some residue of this need to control people is still apparent in some of the more extreme minority groups and organisations currently functioning in our society.

However, these groups have not yet realised that their existence is in direct contradiction to their beliefs. In past centuries, these minority groups, so far removed from the mainstream, would not have been tolerated. Today, precisely because of the policies that they fight against, they are able to survive and carry on their activities. Therefore, it appears obvious that sooner or later a casino will be built in South Australia. I believe that this Government can therefore best serve its people by ensuring that, when such a time comes, adequate controls are ensured, so that casinos cannot be controlled by undesirable elements, and organised crime (the thing that people fear most) cannot flourish or even exist in the environment. It is my belief that this Bill ensures that adequate controls exist and, therefore, the time is now.

I wish to make it equally clear that I am not supporting an institution without any control. Undesirable elements will not be allowed to control gambling, because we will allow our citizens to do so legally. On the contrary, I believe that the institution itself should be strictly controlled, monitored and brought to account for itself. This should be done through the normal channel of regulations. I support this Bill because of the adequate controls that I believe are inherent in it to ensure the safety of the people of this State.

Division II, Supervision of Management, of the Bill gives wide powers to the authority to ensure the honest running of a casino while Division III of the Bill gives both Houses of Parliament the opportunity at least once a year to review the running of the operation and to review, if required, the very controls that it has placed upon the operation by virtue of this very Bill. I support the second reading of the Bill.

The Hon. R.J. RITSON: I oppose the second reading of this Bill, and I will briefly state my reasons. First, I have no fundamental, moral, ethical or religious objection to gambling. Certainly, gambling does give rise to some secondary evils; there is no doubt about that. Most things that people do in life are capable of giving rise to some quantity of secondary evil. I do not believe that gambling is the greatest evil in society today. I accept the statement contained in the report presented by the select committee that examined this subject, that is, that there is no firm evidence of serious crime associated with casinos.

My objections are more fundamental and philosophical. I believe that any human society needs, first, to be based on productivity and useful work and that after such a society has a sufficiently prosperous base it can then afford to divert some of its activities into recreation and pleasure seeking. Basically, my objection is that in South Australia today we are developing an imbalance between those two aspects of social development: productivity on the one hand and pleasure seeking on the other hand.

I believe that the necessity for a casino in this State is questionable. However, in my mind there is no question but that South Australia in recent years has granted itself a level of recreation, hedonism and pleasure seeking that it can barely afford. Our economy begins with material that is grown in or dug from the ground; and, secondly, it is based on manufactured goods that can be made from raw materials. On top of that is a layer of services, some of them essential (such as education and health) and some of them convenient.

On top of that again, there is a layer of frivolous, lighthearted, pleasure-seeking types of services that occupy the money and effort of our citizens. It seems quite extraordinary to me that we would be legislating to promote the conversion of hundreds of millions of dollars of human effort (and, after all, money is only human effort) into yet another layer of recreational activity, while beneath it all the fundamental productivity base is threatened or perhaps decaying. So, I really object to the whole direction in which our society is trending. Our society is wishing to work less, to recreate more, and to be paid more. It is doing so at a time when I believe it is past the point where it is realistic to expect more leisure and more pay for less activity.

In the first place, I believe that a casino is unnecessary and that the demands for a casino are symptomatic of an unhealthy desire to increase the recreational component of life as compared to the work component of life. The whole question of gambling is interesting, and I would like to reflect on some of the words and deliberations of Adam Smith on the question of monopoly and the sale of monopolies. If there is a truly free market, there is no monopoly. There are always competitors. Monopolies exist only where they are artificially sustained by the State. Thus we see the artificial sustenance of one private airline, and of a highly inefficient organisation called Telecom. We see a number of instances of true monopolies that would not exist as such if they were not artificially sustained by Statute or adminstrative protection.

Now, of course, the Bill seeks to grant the State another monopoly. The whole field of gambling has always been legislatively controlled, and I submit that it has been controlled not because the Government wishes to guard morals or the well-being of the citizens but because the behaviour of Governments and their attitude toward gambling has never been solicitous of the well-being of the citizens. One prime example is that enormous ripoff called Instant Money, which plays on very clever psychology and which produces odds that, if offered by a bookmaker, cause the bookmaker to be chased off the course.

Nevertheless, the States have controlled, legislatively, gambling for some other reason, and, of course, that reason is the tax base. Thus, Governments which recognise the taxation potential of gambling have, I submit, without any real concern for the citizens, legislated in such a way as to ensure that they hold the monopoly.

I wish to refer now to the assumption that my view will not prevail in this Council and that the Bill will reach the Committee stage. I will make a few remarks about how the Bill might be amended in the Committee stage to remove some of the greater difficulties. The question whether a casino should become another avenue of State taxation is very important. I submit that it should not be so, but the moment one proposes private ownership of such an establishment, one must consider the position of the State as a seller of monopolies if there is to be only one licence. I must confess that in this Council I supported the sale of a monopoly on a previous occasion, and I refer to the soccer pools legislation (as the Hon. Mr Blevins will be aware). On that occasion I departed from the principle that I am expressing now, and I know why I departed from that principle: I was very well aware of the interests—

The Hon. Anne Levy: It was a Government Bill.

The Hon. C.J. Sumner: You were toeing the Party line.

The Hon. R.J. RITSON: I was particularly aware of the interests of the little person, especially people who come here from England and who are used to that form of gambling, and who enjoy the interest in their favourite football team. However, on this occasion I am concerned that, in regard to the amendment to place a casino in private hands, we would be considering the question of a sale of a monopoly. For that reason, I would be attracted to supporting the amendment of the Hon. Mr DeGaris that there be more than one licence. After all, in deciding whether or not we should have a casino, in the first instance one is really deciding whether or not to permit the forms of gambling which occur in a casino and which are distinctly different from the forms of gambling that are presently allowed by law. If there is to be licensed gambling, such as roulette or blackjack, it does not necessarily follow that the Government must sell a monopoly to someone. Neither does it follow that the Lotteries Commission is an appropriate body to have charge of licensing, let alone operating, such an establishment.

I would be very attracted to the notion that, if there has to be a casino (and I point out that I oppose the second reading of the Bill), it should be licensed by a *quasi* judicial tribunal, having total control at arms length from the Lotteries Commission, and that, if several propositions appear to be suitable to the licensing tribunal, there would be no reason why more than one licence for that type of gambling should not be granted. For example, a hotel may apply for a licence to conduct that type of gambling on its premises, and I assume that hotels similar to those owned by Federal Hotels may be granted a licence. On the other hand, an operator of a river houseboat or cruise boat may, in quite a different way, wish to promote Mississippi riverboat gambling tours. While that is quite different in terms of tourism and sociology, nonetheless, it is a way in which one might legitimately apply for a licence to conduct casino-type gambling.

I maintain that there is no pressing need for a casino and that it represents a diversion of resources into an area which will not, in my view, be as financially productive as people think (but will simply lead to a series of circular transfer payments with the Government taxing the money as it goes round). Nevertheless, if that is to be, then I am firmly of the view that the Government should not own such an establishment and reap profits from it as a form of taxation. Also, I am firmly of the view that if it is in private hands there should at least be some competition allowed so that we are not selling a monopoly.

I believe that any mechanism for granting licences should be administered by a *quasi* judicial tribunal very much at arm's length from the Lotteries Commission. I take note of the Hon. Miss Laidlaw's remarks concerning the views expressed by the State Council of my Party. I respect that view but, nevertheless, I think that there are times when, on a conscience Bill such as this one, one can be forgiven for having the courage to say what one thinks, and those are my views. For those reasons, I oppose the second reading of this Bill. However, if the Bill passes this stage I would give support to such amendments as would place the operation of this Bill outside the ambit of taxation mechanisms and outside the area of the sale of monopolies. I oppose the second reading.

The Hon. ANNE LEVY: I support the second reading for many of the same sorts of reasons as those expressed by the Hon. Mr Feleppa and the Hon. Miss Laidlaw. The general principle of the Bill is to allow casino gambling. I am not interested in gambling and find it rather boring, but all human beings are not the same and different people have different tastes in their recreational pursuits. Despite the opinion of some Liberals, as a community we are obviously not opposed to gambling—there are the races, trots, dogs, T.A.B., lotteries, bingo, and raffles. All those forms of gambling are quite legal. There are, of course, S.P. bookmakers, poker schools, and similar forms of gambling which occur illegally in our community.

The Hon. Mr Feleppa quoted some Australian figures related to gambling. I understand from them that in South Australia in the year 1978-79 a total of $51 000 000 was spent on gambling in South Australia, which was .9 per cent of all private consumption spending. We are certainly behind New South Wales and Victoria where, in the same year, gambling made up 3.1 per cent and 1.8 per cent, respectively, of private consumption spending. In principle, I cannot see any fundamental difference between different forms of gambling. I would not wish to impose my views on people as to the relative merits of different forms of gambling. I feel that the onus is on those people who oppose a casino to show in what way it is fundamentally different from existing forms of gambling, unless they are proposing to abolish all

forms of gambling in our community. Tastes differ in gambling, I suppose, and as a legislator I cannot say with any logic that those who like the races and lotteries can gamble as they please whereas those who like casinos as their form of gambling are not able to gamble as they please. I suspect that most gamblers are foolish and I can certainly think of better ways of spending my money. However, if people gain enjoyment from thus disposing of their resources, I am quite happy to let them do so and would not dream of preventing them from doing so.

I have been to the races once and to the dogs once during my lifetime. Also, I once bought a lottery ticket. I have been inside one casino in Scotland. I rapidly lost my allocated money on each of those occasions and while I gained some enjoyment I am certainly not seeking to repeat any of those experiences.

The Hon. Frank Blevins: You got some enjoyment from it, did you?

The Hon. ANNE LEVY: Once only—never again. The casino I visited was certainly a pleasant place with a convivial and relaxed atmosphere. It certainly confirmed the comment in the report of the select committee on casinos tabled in the House of Assembly that a casino visit is a social occasion and that many people gamble there with family and friends. So much for the principle of gambling in casinos as opposed to other forms of gambling.

I turn to the practical aspect of setting up a casino. The select committee considered the different forms of control that should be implemented if a casino were set up and discussed those controls occurring elsewhere in the world. Having a Government instrumentality holding the licence and a Government authority supervising and checking the operation should effectively prevent any abuses or crime involvement in a casino. I have never heard any suggestion of crime involvement in legal casinos elsewhere in Australia, or in the major casinos of Europe such as Monte Carlo, Deauville and Baden Baden. The Bill before us will ensure that illegal happenings do not occur in casinos in South Australia. I agree with the age provisions for entry to a casino, to begin with at least. Perhaps when the adult community has accepted a casino as it does a butcher shop we might feel that such a prohibition is being unduly paternalistic and change it. However, I would not support any removal of the age restriction on entry at this time.

Similar age restrictions on entry to casinos apply elsewhere in the world and, incidentally, have resulted in my never entering the Monte Carlo casino despite two visits to Monaco. The first time I went there I was under 21 and the second time was accompanied by my children who were minors and so were unable to enter that casino. I am prepared to accept the prohibition on poker machines which forms part of the legislation at this stage because I think there is less approval in our community at present for poker machines than there is for a casino. However, if any member wished to move an amendment to permit poker machines in any casino then I would have to support such an amendment. I have seen poker machines at work (or play) in New South Wales, the A.C.T. and Scotland.

Although I can think of no more mindless way of losing money, I do not regard poker machines as inventions of Satan, and I am certainly not an elitist who regards the vast numbers of people who indulge in poker machines as being depraved or in need of protection. I can, however, see advantages in keeping apart the arguments about a casino and those about poker machines, as I am sure that there are those in this Parliament who would support a casino but not poker machines. The Hon. Frank Blevins has kept the two issues quite separate in this Bill by prohibiting poker machines in the casino. I feel that it would be undesirable to confuse the issue by suggesting an amendment to permit poker machines.

If this legislation passes both Houses, what effect will it have on South Australia? The predictions from the select committee report on the casino suggest that about 50 000 to 75 000 extra visitors will come to Adelaide each year. These people will spend between $13 000 000 and $20 000 000 on goods and services other than gambling, and this could create between 630 and 950 equivalent full-time jobs, which would surely be of benefit to the State in the current economic climate. The select committee also expects the State's coffers to benefit by $2 000 000 to $3 000 000 per year from the casino, which again is not insignificant. South Australia obtained only 7 per cent of its income from gambling in 1978-79, compared with Victoria getting 11 per cent and New South Wales 14 per cent of their incomes from gambling. So, even if total gambling rises, we have a good deal of leeway to make up before we approach the level of the Eastern States. Other estimates have suggested that the Hospitals Fund might benefit by up to $29 000 000 from a casino, but in the current economic climate I feel that this is probably an overestimate.

Will the same people in South Australia who now gamble extend their gambling to the casino? Will they do this by cutting down on other gambling or by gambling more than they do at present, or will the casino draw those who currently gamble very little? It would be interesting to get answers to these questions, though American studies give a few clues as to what might happen. A paper by Politzer, Morrow and Leavey (spelt differently from my name) in 1981 showed that in the United States, although gambling as a whole is more a working class pastime than a middle class one in the ratio of about six to one, nevertheless, casinos attract higher income groups more than lower socio-economic groups. In other words, those who lose their money in casinos, in the United States at least, are those who can most afford to do so. If this translates to South Australia in similar manner, I will be glad to see that the contributions to the State Treasury from the casino will be coming predominantly from those who can better afford to so contribute.

United States studies also show that men gamble overall far more than women in a ratio of about 3.5 to one, and that this is true in casinos as well as generally. Greater gambling by men may, of course, simply reflect the income differences between the sexes, as men own and control far more than 50 per cent of the resources in our community, as they do in the United States of America. The sex difference in gambling may also reflect a different socialisation of the sexes in their attitudes to what is a recreational activity. A casino in South Australia may lead to an interesting piece of sociological research for post-graduate students of the future.

In conclusion, I should like to quote a couple of conclusions from royal commissions into casinos in the United Kingdom and in New South Wales. The Rothschild report made recommendations which resulted in the 1968 Gaming Act in the United Kingdom. It is stated that the philosophy of the Act was that:

> ... commercial gaming facilities should be provided under appropriate supervision, but only on the scale needed to meet the unstimulated demand for them.

In line with this philosophy, there was a prohibition on advertising to prevent the artificial stimulation of demand.

Secondly, the Lusher Inquiry into Legalising Gambling Casinos in New South Wales in 1976 made recommendations approving the granting of casino licences in that State. It suggested a policy such that casino gambling is not a form of gambling which should be artificially stimulated, exploited or proliferated, either commercially in the interests of profit

or by the State in the interests of revenue. It also held—and this is important—that the approach to casino gambling should be that it is an indeterminate minority interest and a social habit among respectable citizens which is of sufficient proportions and which has the intrinsic capacity to defy prohibition and suppression. I feel that this latter statement could well apply to casinos in South Australia and to a lot of other social issues, including marihuana. I support the Bill.

The Hon. R.I. LUCAS secured the adjournment of the debate.

RAMSAY TRUST

Adjourned debate on motion of Hon. K.L. Milne:

That—

i. the Ramsay Trust could be a viable proposition and of great value to this State in relation to the provision of low cost housing;

ii. in view of the fact that no interest is payable to investors, the element of indexation received by investors of the trust should be treated as capital and exempted from income tax in order to protect the capital of the investors against inflation; and

iii. the Premier be asked to convey the substance of this motion to the Ramsay Trust for a report prior to requesting the Prime Minister to take the necessary action to ensure that tax exemption as set out in ii. above be introduced for limited liability companies which are either public benevolent institutions under section 78 of the Income Tax Act, or are exempt from company income tax under section 23 of the Income Tax Act.

(Continued from 30 March. Page 751.)

The Hon. R.C. DeGARIS: I will not speak at any great length on this resolution, but I will move amendments to the motion that was moved by the Hon. Lance Milne. I move:

1. That paragraph i. be struck out.
2. That paragraph ii. be amended by leaving out the words 'no interest is payable to investors' and inserting in lieu thereof the words 'the investors in the Ramsay Trust are not paid interest'.

My reason for moving the amendments is to allow me to vote for the motion without agreeing to the question that is raised in the motion; that is, that there is a certain viability in the Ramsay Trust proposal. I want to be quite candid on this matter: even if the Council agrees to these amendments, if the resolution gains the support of the House of Assembly and the Federal Government agrees to the recommendation, I do not think that the Ramsay Trust will succeed. I believe that unless there are some payments of interest together with indexed capital there is not much chance of the Ramsay Trust succeeding. That is my opinion, but I would not be unhappy if I were wrong in that opinion.

Paragraph i. of the motion says that the Ramsay Trust could be a viable proposition. That is the only opposition I have, really, to the motion. I point out to the mover and to the Council that I believe that it would be advantageous if the motion was carried by this Council unanimously. I believe that with that change it may well be. As I have expressed previously, I do not believe that the trust could be a viable proposition under the existing conditions.

The Hon. Legh Davis pointed out at length the basic reasons why the trust is doomed to failure and, while there are many questions that one could ask about the case he put, basically his case was convincing. I do not believe that this Council should vote against a motion that overall expresses a reasonable view. The only question that I raise is that the Council is being asked to express a view that the Ramsay Trust is a viable concept. Under the present conditions the Council knows that the trust has failed. If Parliament agrees with the general thrust of clauses (ii) and (iii) of the motion, and if the Federal Government agrees as well, the trust may have an outside chance of survival. As I pointed out, I do not believe it even has that chance. The chances are remote.

Nevertheless, it appears to me to be a short-sighted view if the Council votes against the general thrust of the motion. Even the Hon. Mr Davis said that the Democrats' motion gave some chance to the trust's succeeding. Therefore, I am in a position of not voting against it and not being happy to vote for the motion; the trust cannot be viable unless there is an interest rate as well as an indexation of capital. However, it is unnecessary for this Council to express a view against any move to assist the trust to be placed on a reasonably acceptable basis.

The Hon. ANNE LEVY secured the adjournment of the debate.

WHEAT MARKETING ACT AMENDMENT BILL

The Hon. B.A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Wheat Marketing Act, 1980. Read a first time.

The Hon. B.A. CHATTERTON: I move:

That this Bill be now read a second time.

It provides for certain amendments to the marketing and pricing arrangements applying to the wheat industry under the Wheat Marketing Act, 1980. The amendments are in conformity with uniform legislation which is to be applied in each State and provide an arrangement which is to apply for two seasons, being the 1982-83 and 1983-84 seasons. The Bill provides for the implementation of proposals put forward by the Australian Wheatgrowers Federation and the Australian Wheat Board and is principally aimed at improving the operational flexibility and efficiency of the Australian Wheat Board.

An important feature of the Bill is that the Australian Wheat Board will be able to operate on futures markets for hedging purposes, thus providing it with an accepted commercial facility in international grain trading. The board will also be able to do such things as offer growers optional arrangements for the payment to them of the guaranteed minimum price; transfer residual stocks from one season's pool to another; redeliver wheat to contributing growers; and to provide for subsequent adjustment of provisional allowances and charges to individual growers to reflect actual costs and sales realisations for wheat delivered.

As I have said previously, the Bill is uniform legislation; most other States have already implemented corresponding legislation. The measure has considerable merit and should prove to be of great assistance to all persons involved in the production and marketing of wheat. It is noted that the previous Liberal Government, prior to the November 1982 election, had accepted this Bill in principle. Its introduction now is worthy of the full support of this Parliament. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on the same day as comparable Commonwealth legislation. Clause 3 defines 'futures contract' and 'futures market'. Clause 4 empowers the Australian Wheat Board to enter into futures contracts for hedging purposes, subject to Ministerial guidelines established by

the Commonwealth Minister under the Commonwealth Act. Futures contracts may only be entered into to minimise either risks arising from variable prices for wheat, or risks of variations in the cost to the board of borrowing or raising money.

Clause 5 amends section 16 of the principal Act by providing that advance payments made by the board by way of guaranteed minimum price may be made either as a lump sum, or by instalment. Each agreement to pay by instalment must be fair and equitable when compared to all other such agreements. Clause 6 amends section 17 of the principal Act, which deals with the final payment for the season which is made to the grower. The section prescribes the various matters which are to be taken into account when calculating the payment, and adjustments are also now required because of the establishment of a reserve account under the Commonwealth Act and the introduction of dealings in futures contracts. A new subsection (2a) caters for the situation where the grower has bought wheat back from the board. The final payment under this section is reduced by the amount that is debited to the grower on the re-delivery scheme. This provision avoids double counting.

Clause 7 inserts a new section 17a into the principal Act. The proposed new section provides for far greater accuracy when the board is determining, at the end of a season, what is owed to or owed by each individual grower. When an advance payment is made to a grower, several matters relevant to the real value of the wheat, and the state of the grower's account with the board, remain unknown. These matters may vary considerably from grower to grower. The board will now be able to take these variables into account in each case and either credit a further payment to the grower, or debit any amount paid in excess.

Clause 8 provides amendment to section 18 of the principal Act which deals with payments relating to the last two seasons. The amendments are consequential to proposed amendments to section 16. Clause 9 relates to section 21, dealing with home consumption of wheat. Growers will be able to take re-delivery of wheat for use as stock feed on their farms, at prices determined by the board. Adjustments may be made to reflect the quality difference between wheat delivered by the grower and wheat delivered to him. A grower cannot take delivery of more wheat than the amount of wheat which he sent to the board. The final day for purchasing wheat is to be the final day on which wheat may be delivered to the board, or such other day that the Minister determines. The scheme shall not apply after the 1983-84 season, when principal sections of the Act are due to expire.

The Hon. H.P.K. DUNN secured the adjournment of the debate.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

The Hon. B.A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Metropolitan Milk Supply Act, 1946-1980. Read a first time.

The Hon. B.A. CHATTERTON: I move:

That this Bill be now read a second time.

It makes a small amendment to the Metropolitan Milk Supply Act, 1946-1980, for the purpose of empowering the Metropolitan Milk Board to operate milk testing facilities. Some time ago, the herd testing service of the Department of Agriculture was handed over to a co-operative formed by the herd testers. This co-operative, the Herd Improvement Services Co-operative of South Australia (HISCOL) has continued to operate successfully with some Government support and now wishes that its milk testing facilities should be administered by the Metropolitan Milk Board. This is a desirable proposal which will centralise and rationalise existing milk testing facilities in South Australia. The purpose of this amendment is to provide the board with the necessary authority to give effect to the proposal. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 repeals section 15 of the principal Act and substitutes a new section relating to the property of the board which is consequential on clause 3 of the measure. Clause 3 inserts a new section 23a in the principal Act. The new section empowers the board to establish laboratory facilities for the analysis of milk, cream and dairy products, to conduct research relating to methods of grading milk and cream, to conduct research into matters relating to the dairy industry and to provide analytical and research services that will, in the opinion of the board, be of benefit to the industry. Subclause (2) of the measure empowers the board to make such charges as it thinks fit for services supplied by it under subclause (1).

The Hon. M.B. CAMERON secured the adjournment of the debate.

BARLEY MARKETING ACT AMENDMENT BILL

The Hon. B.A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Barley Marketing Act, 1947-1980. Read a first time.

The Hon. B.A. CHATTERTON: I move:

That this Bill be now read a second time.

The Barley Marketing Act, 1948-1980, is an Act to establish the Australian Barley Board (a joint South Australian-Victorian Marketing Authority) which in South Australia is charged with the responsibility of marketing the State's barley crop and to a lesser extent the oat crop. The amendments which are proposed follow a series of representations by the Barley Marketing Board, industry and the Victorian Minister of Agriculture.

The Barley Marketing Act is expressly limited in its period of operation and currently is set to expire at the end of the 1982-83 cereal season. However, it has been agreed that the Act should be extended for a further five seasons, that is, until and including the 1987-88 season. It is proposed that provision be made for the appointment by the Governor of a Deputy Chairman to the board. The Deputy Chairman will act on behalf of the Chairman in his absence and shall be a South Australian grower member of the board.

To assist with continuity of board membership and avoid a complete turnover, particularly of elected members after any one election, it is proposed to stagger board appointments and elections. This proposal is to take effect immediately after 31 August 1984, when the current term for all members (elected and appointed) expires. The opportunity has arisen to repeal subsection (3) of section 8. This provision was required on the commencement of the principal Act but is now redundant.

In order to assist the board with its financial management strategies, the board will be given the authority to enter the deal with futures contracts for hedging purposes. The guidelines for such trading are to be specified jointly by the Ministers of Agriculture for Victoria and South Australia. The proposal is similar to a provision contained in the Commonwealth Wheat Marketing Act 1979.

It has been agreed between all parties that the Barley Board should be given sufficient authority to facilitate more thorough investigations into incidents of alleged illegal trading, particularly in barley. Currently, a person shall not sell or deliver barley to any person other than the Barley Board, although there are five exceptions to this provision. For example, a farmer may transport his own barley for use on his own farm and genuine trade between States cannot be impeded. However, it is claimed that an amount of illegal interstate trading occurs under the guise of genuine trade between States.

In order to detect and stem illegal sales generally, it is proposed to include a new section in the Act obliging a person duly served with an appropriate notice to provide the Barley Board in writing with specific information relating to barley or oats. This provision is contained in the Victorian Barley Marketing Act and has proved to be of great assistance with illegal trading inquiries. Penalties for convictions under the Act are also proposed to be increased from the present maximum of $600 to a maximum of $2 000 in the case of a body corporate or $1 000 in the case of a natural person.

Section 18a (2) of the Act is to be repealed to remove from the Barley Board the obligation of considering the oat requirements of specified oat users who under the Act may purchase oats on the open market directly in competition with the board. The board holds that it is irreconcilable for it to be required, on the one hand, to market to the best advantage all oats delivered to it, while on the other hand being required to consider the interests of its oat purchasing competitors. The repeal of the subsection will overcome the conflict and enable the Barley Board to sell its oats to the best advantage of the grower. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 repeals section 2 of the principal Act. This section related to the commencement of the Act and made the commencement conditional on the taking of a poll of barley growers. The section is no longer required. Clause 3 amends section 3 of the principal Act, dealing with interpretation. Definitions of futures contract, futures market and inspector are inserted. 'Futures contract' is a grains futures contract (whether or not the grain is grown overseas), a currency futures contract or a financial futures contract. 'Futures market' is a market or exchange at which futures contracts are frequently made or traded. 'Inspector' is an inspector appointed under new section 10.

Clause 4 amends section 4 of the principal Act, first, by inserting a new subsection (2a) which privides for the appointment by the Governor from members of the board appointed under subsection (2) *(b)* of a Deputy Chairman of the board. In the Chairman's absence, the deputy has his powers, functions and duties and acts in his place. Secondly, a new subsection is inserted in place of subsection (4). New subsection (4) provides for staggered terms of office for board members.

A member of the board shall hold office for three years calculated from the first day of September in the year of his appointment or election, subject to the Act, the law of Victoria and the arrangement between the Governor and the Governor of Victoria. This general principle is qualified as follows:

(a) a member elected or appointed to a casual vacancy holds office only for the balance of the term of his predecessor;

(b) a member whose term expires prior to the election or appointment of a successor remains in office, subject to the Act, until a successor is appointed or elected;

(c) the term of office of the Chairman first appointed after the commencement of this measure shall, subject to paragraph *(b)*, expire on 1 September 1985;

(d) of the representatives of South Australian barley growers first elected after the commencement of this measure, the term of office of one shall, subject to paragraph *(b)*, expire on 1 September 1985, and the term of office of another shall, subject to paragraph *(b)*, expire on 1 September 1986;

(e) the term of office of one of the representatives of Victorian barley growers first elected after the commencement of this measure shall, subject to paragraph *(b)*, expire on 1 September 1986; and

(f) the term of office of the member first appointed under subsection (2) *(e)* after the commencement of this measure shall, subject to paragraph *(b)*, expire on 1 September 1986.

Thirdly, a new subsection (4a) is inserted pursuant to which the order of retirement as between representatives of South Australian barley growers first elected after the commencement of this measure shall be determined by lot. The order of retirement as between representatives of Victorian barley growers first elected after the commencement of this measure shall be determined in accordance with the law of Victoria.

Clause 5 repeals section 8 (3) of the principal Act. This subsection is transitional and related to the commencement of the principal Act and is therefore no longer relevant. Clause 6 makes an amendment to section 9 of the principal Act by inserting new paragraph *(ab)*, which empowers the board to enter into and deal with futures contracts for hedging purposes at a futures market in accordance with written guidelines jointly determined by the Minister and the Minister of Agriculture of Victoria.

Clause 7 inserts a new section 10a. New section 10a provides in subsection (1) that the board may, by notice in writing, require a person to furnish in writing to the board specified information relating to barley or oats. Subsection (2) prohibits a person without reasonable excuse from refusing or failing to comply with a requirement to furnish information or to furnish information that is false or misleading in a material particular. Clause 8 repeals section 18a (2) of the principal Act.

Clause 9 repeals section 20 of the principal Act and substitutes a new section relating to offences and penalties. Under subsection (1), any contravention of or failure to comply with a provision of the Act constitutes an offence. Subsection (2) provides that proceedings be disposed of summarily. Subsection (3) provides that a natural person convicted of an offence against the Act is liable to a penalty not exceeding $1 000, except where some other penalty is provided. Subsection (4) provides that a body corporate convicted of an offence against the Act is liable to a penalty not exceeding $2 000, except where such other penalty is provided. Subsection (5) requires that proceedings for offences be commenced within 12 months of the date of the alleged commission of the offence.

Clause 10 amends section 22 of the principal Act. In subsection (1) the figures 1987-1988 are substituted for the figures 1982-1983. This has the effect of extending the application of the Act to barley grown up to and including the 1987-1988 season. Subsection (2) is struck out and a provision inserted extending the application of the Act to oats grown up to and including the 1987-1988 season. Clause 11 repeals the schedule to the principal Act. This repeal is

consequential upon the repeal of section 2 of the principal Act.

The Hon. H.P.K. DUNN secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1981. Read a first time.

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

That this Bill be now read a second time.

It makes amendments to certain provisions of the Criminal Law Consolidation Act, 1935-1981, that allow a jury to bring in a verdict for a lesser offence where a more serious offence has been charged but not proved. The amendments are designed to adjust penalties that may be imposed on a verdict for the lesser offence to make them consistent with penalties for the same offence provided elsewhere in the principal Act or in the Road Traffic Act, 1961-1982. Anachronistic and restrictive provisions as to fines are also removed from sections 14 and 38 of the principal Act. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 removes the provision of a fine under section 14 of the principal Act. The fine is limited to $500 and is an alternative to imprisonment for a maximum period of seven years. The provision has been in the Act for many years and the amount of the fine now bears no realistic relationship to the term of imprisonment. Rather than increase the fine, it has been decided to remove it. This will enable the court by virtue of section 313 of the principal Act, when imposing sentence, to impose a fine of an unlimited amount either in substitution for, or as an alternative to, a term of imprisonment.

Clause 3 repeals and replaces section 14a of the principal Act. Existing section 14a allows a jury to bring in a verdict for an offence identical to the offences under sections 45 and 46 of the Road Traffic Act, 1961-1982, where the prosecution fails to prove a charge under section 14 of the principal Act. Because the offences are identical, it is important to provide identical penalties, and the simplest and most effective way of doing this is to provide in new section 14a that, as an alternative to the more serious charge, the jury may bring in a verdict that the accused is guilty of the offence under the Road Traffic Act, 1961-1982. The penalties and other consequences then flow as if the accused had been originally charged with and found guilty of the offence under the Road Traffic Act.

Clause 4 amends section 24 of the principal Act. This section enables a jury to convict an accused of wounding where he has been acquitted on a charge for a felony. The amendment increases the penalties to bring them into line with the penalties that may be imposed under section 23 for a similar offence. Clause 5 makes an amendment to section 38 of the principal Act that corresponds to the amendment made by clause 2 to section 14 of the principal Act.

Clause 6 amends section 38a of the principal Act which corresponds to section 14a of the Act. The amendment is in the same form and is made for the same reasons as the amendment made by clause 3 to section 14a. Clause 7 amends section 75 of the principal Act which provides that where a jury is not satisfied that an accused has committed an offence under sections 48 or 49 of the principal Act (sexual offences) it may bring in a verdict of indecent or common assault. The purpose of the amendment is to expand the operation of section 75 to apply where the accused is initially charged with an attempt to commit rape or one of the other sexual offences under sections 48 or 49.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

AIRCRAFT OFFENCES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Aircraft Offences Act, 1970-1971. Read a first time.

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

That this Bill be now read a second time.

The Aircraft Offences Act, 1970-1971, is complementary to the Commonwealth Crimes (Aircraft) Act, 1963. The joint State and Commonwealth legislative scheme is designed to ensure that aircraft, their crew and passengers are protected from criminal acts on international, interstate and intrastate flights.

The aim of the Act is therefore to deter and punish hijack attempts, extortion attempts, threats to aircraft or passengers, etc. This Bill amends certain provisions of the Act to extend protection to aircraft engaged in flights commencing from one geographical area and intended to finish at the same area and which are not covered by the Commonwealth Crimes (Aircraft) Act, 1963 or the State Aircraft Offences Act. Clause 1 is formal. Clause 2 amends section 3.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 April. Page 831.)

The Hon. H.P.K. DUNN: Yesterday, the Hon. Mr Griffin gave a complete explanation in regard to this Bill, and I wish to comment further. I wish to refer not to the first part of the Bill but to the liability of owners of animals that stray on to common carriageways or roads. I have great reservations about the amendments to the Act, because they appear to reverse entirely the present situation in regard to liability. At present, liability stands firmly with the driver of the vehicle, but the Bill reverses that so that the liability is solely with the owner of stock.

I will confine my remarks to the rural area, which I know more intimately than the urban area. The rural area of Australia is much different from rural areas in England or most other parts of the world. In fact, the country areas of Australia are much different from the city areas, so one must consider this matter in two lights. In the city, one is considering dogs, cats, and smaller animals, but in the country one is dealing with sheep, beasts, horses—much larger animals in general.

The wide open spaces of the Australian country are quite unique, because great lengths of fencing are required to contain stock. Unlike England, where hedges or paling fences are used over much smaller and much more densely populated areas, long distances of fencing are required in Australia, and the cost of fencing is a large proportion of costs relating to the ownership of animals. Many areas of the northern pastoral country are not fenced at all. Therefore,

I suggest that we must consider animal behaviour in regard to the change of onus of liability from one party to another.

Anyone who has dealt with animals, as I have done, will realise that their behaviour is often very difficult to understand. In fact, animal behaviour is fairly similar to human behaviour. I suggest that one cannot contain animals which are in season. A female on heat will invariably jump or break through fences or endeavour to find other animals. Male animals behave similarly and often traverse roads. The majority of animals are grazing animals or herbivores, and they must cover great distances to gather enough feed. In their natural state they are not restrained, and our restraining them is quite unnatural. Thus, when the animals encounter fences, they endeavour to break through.

In the light of that, I do not believe it is feasible to expect owners to restrain their animals at all times. The Hon. Trevor Griffin referred to pastoral areas, and perhaps we should consider that matter in closer detail. As I said previously, there are many miles of fences in Australia, but there are also many areas in which there are open roads. If an animal in its natural state is to stray on to such a road and if it is hit by a vehicle, it would hardly be fair to say that the animal is to blame.

Perhaps a signing system would be effective, although I have yet to see an animal that can read signs. The signs that one sees today on local roads (and the most familiar sign is in relation to kangaroos) do not have the effect of slowing down vehicles. It appears that some people get a gleam in their eye and increase their speed, but when they hit an animal they cause great damage.

Members interjecting:

The Hon. H.P.K. DUNN: I am trying to demonstrate that people become quite paranoid about signs and, indeed, that they take no notice of them. If animals are to be kept under control, they must be fenced in, and I believe that a very great burden would be placed on owners of stock.

The Hon. C.J. Sumner interjecting:

The Hon. H.P.K. DUNN: The honourable member has suggested that only $5 may be involved in regard to insurance. That may be the case until the owner claims two or three times: after that, the premium may increase. The present Act caters for stock on a road. Under the Act, if a vehicle runs into stock, the owner is liable, and there appears to be no way out of it.

The Hon. C.J. Sumner: That applies to someone who has stock on the road. That is the anomaly of the situation. Under the current law, if a person takes stock from one paddock and drives them on to a road and, if as a result, injury is caused to someone who is driving a vehicle, the owner can be sued for negligence.

The Hon. H.P.K. DUNN: That applies if a person does not signal correctly and does not ensure that there is someone in front of and behind the animals. Under this Bill, if a vehicle runs into stock, the owner is responsible. Animals are used for many reasons, such as fire breaks, cleaning up weeds, and so on, and sometimes it is very difficult to control them.

The Hon. Frank Blevins: If this legislation goes through, one could insure against that.

The Hon. H.P.K. DUNN: The owner would have no chance to prove himself. He is liable if someone runs into the stock.

The Hon. C.J. Sumner: The Bill does not say that at all.

The Hon. H.P.K. DUNN: What would happen if a person went on to a property, opened the gate, left the property, and left the gate open? How will that be proved? It is almost to the stage where one would have to change the law.

The Hon. C.J. Sumner: You do not have to prove it; the person who is injured has to prove it.

The Hon. H.P.K. DUNN: What if someone is fighting with a neighbour and wishes to take up an old feud against him? He might just open up his fence. What happens then?

The Hon. C.J. Sumner: You're not responsible.

The Hon. H.P.K. DUNN: You are under the present Act.

The Hon. C.J. Sumner: It is not designed to counter that situation—you're not responsible for it.

The Hon. H.P.K. DUNN: What about the present constraints on motorists? Most carriageways are used as stock routes to transport stock. I do not think that the owners of stock should be denied the ability to transfer stock on foot. Vehicles have an ability to avoid animals, but it appears that that is not taken into account. I know that we tend to look at this problem from a different angle and seem to think that we have an inalienable right when we get on to a roadway to hurtle at one another at speeds of up to 210 km/h on a 23ft wide road.

However, if there is an animal on a road it does not realise that it needs to keep to the left or right. Therefore, more onus should be placed on owners of vehicles to avoid such animals. A situation could arise where a person drives down a road in a rust bucket of a vehicle, sees an animal on a road, and collides with it deliberately in order to get a new vehicle.

The Hon. C.J. Sumner: That sort of thing can happen anywhere. People can always set up false claims.

The Hon. H.P.K. DUNN: I realise that. This shows that the owner of stock has no chance. If the honourable member had ever handled stock he would know how difficult it is. One can have the best fence in the world and one's stock can still get over it, under it or through it.

The Hon. C.J. Sumner: The Bill merely says that a stockowner must take reasonable care—it is not a strict liability. That does not mean that he is liable for every animal that gets out of his property and causes damage.

The Hon. K.L. Milne: What is 'reasonable care'?

The Hon. H.P.K. DUNN: There is a definition of that.

The Hon. C.J. Sumner: That is a matter for the courts to determine, as are general negligence claims.

The Hon. H.P.K. DUNN: I believe that animals will always get on to roadways and that the passing of this Bill will not stop that happening. It may make farmers take a greater public liability cover, thus making insurance companies a little richer.

The Hon. C.J. Sumner: What if the cow runs out on to the roadway and someone runs into it and suffers permanent brain damage?

The Hon. H.P.K. DUNN: That sort of thing has happened and is still happening.

The Hon. C.J. Sumner: What happens to that individual if there is no recompense from the owner?

The Hon. H.P.K. DUNN: If it is proven that the farmer was negligent and let his fences deteriorate, the person can get restitution from him.

The Hon. C.J. Sumner: No, he cannot, and that is the point of this Bill.

The Hon. H.P.K. DUNN: The farmer can be sued for having fences in a state not suitable to restrain stock.

The Hon. C.J. Sumner: No, he can't.

The Hon. H.P.K. DUNN: Let a select committee consider this Bill, then. I believe that vehicles do not have a divine right to be on roads, as this Bill implies. I support strongly what the Hon. Mr Griffin said about this Bill yesterday. There is in this Bill a query about negligent drivers to which I can see no answer. Also, the interesting situation applies in national parks where the Government owns stock and is grazing it.

There are in this Bill many matters about which I am not happy. Reversal of liability is one such thing which appears to be all one way at the moment. What happens to

the negligent driver? It appears that the present laws are not suitable, so I strongly support the establishment of a select committee to investigate further the effect of this legislation on those areas about which I have spoken.

The Hon. R.C. DeGARIS: I support the views expressed by the Hon. Mr Griffin relating to this matter being referred to a select committee. It seems to me that any time that a Wrongs Act Amendment Bill comes before this Council, I have some difficulty with it. The Bill now before the Council has two objects, the first of which was covered by the Hon. Mr Griffin. This Bill was introduced into the Council previously but did not pass. I do not think I need comment on that matter.

I find the second part of this Bill much more difficult to understand. It deals with the provision for liability in accidents involving animals. As stated in the second reading speech, the law relating to damage caused by straying animals is governed by the English case of *Searle v Wallbank*, a 1947 decision of the House of Lords, which found that the owner of a field abutting on to a highway owes no duty of care to users of that highway. The second reading explanation, in giving information on the *Searle v Wallbank* case, took a rather peculiar twist, and I quote from the Attorney-General's second reading speech, as follows:

> The effect of the rule in *Searle v Wallbank* is to subsidise the farmer at the expense of the motoring public.

This appears to me to be a peculiar way to put the position. The Attorney-General also quoted the case of *State Government Insurance Commission v Trigwell* at length in his second reading explanation. The Attorney-General and the Hon. Mr Griffin have both dealt with the Trigwell case at length, and I do not think that there is any need for me to add to what they have said, except to say that I support entirely the views expressed by the Hon. Mr Griffin about that matter. I have many theories in relation to this Bill that I need not cover because they have already been covered by the Hon. Mr Griffin. I am glad that he mentioned the views of now Chief Justice Gibbs and Mr Justice Mason. I will requote part of the finding of Chief Justice Gibbs in *Searle v. Wallbank*, as follows:

> It is now fashionable to criticise the rule in *Searle v. Wallbank* as anachronistic, inconsistent with principle and unsuitable to modern conditions, but it is by no means obvious that it would be a responsible and just cause simply to abolish the rule.

I think that that is an important point, particularly in relation to referring this Bill to a select committee. I will refer again to what the Hon. Mr Griffin quoted Mr Justice Mason as saying, as follows:

> The view might be taken that conditions prevailing in Australia, or some parts of Australia, are more suited to the retention of the rule in *Searle v. Wallbank* than the conditions which prevail in the United Kingdom. Not only is Australia predominantly rural in character but its rural interests centre very substantially around the raising and keeping of livestock. I mention these considerations, not with a view to saying that the rule ought to be retained, but so as to emphasise the point that the issue of retention or abolition calls for an assessment and an adjustment of conflicting interests, the principal interests being those of the rural landowner and occupier and those of the motorist.

There are two views expressed by Mr Justice Gibbs (now Chief Justice Gibbs) and Mr Justice Mason.

The question of liability for animals has been raised on previous occasions, and no change has been made in relation to this matter. Clause 10 of the Bill inserts a new Part IA, new subsection 17a (1) of which reads:

> Subject to this section, the keeper of an animal who negligently fails to exercise a proper standard of care to prevent the animal from causing loss or injury shall be liable in damages, in accordance with principles of the law of negligence, to a person suffering loss or injury in consequence of his negligence.

What do we mean when we say, 'negligently fails to exercise a proper standard of care'? Is there a different standard of negligence on a property abutting a freeway to that on a property in the pastoral areas of the State?

An honourable member: Yes.

The Hon. R.C. DeGARIS: Perhaps I could make a comment on that, too, but I will not at this stage; it is a bit late. If we look at other parts of this new Part IA, we see that new subsection (2) states that:

> The standard of care to be exercised by the keeper of an animal shall be decided having regard to the nature and disposition of the animal . . .

This also appears to me to be a particularly difficult requirement, and I am quite unsure as to the meaning of the provision. How often have those who have some experience of the matter seen a beast become extremely disturbed in circumstances under no control of the owner at all? I could give many examples to the Council in regard to this matter. For example, a perfectly normal beast on delivery transport to saleyards could become quite disturbed and dangerous on arrival. I have seen that happen on many occasions.

Then I can go on and consider a whole range of topics in regard to this matter. We are an animal-producing country; we are a rural oriented community, with saleyards dotted all around the State. I have seen stock come into a market perfectly quiet, and at some stage a beast becomes completely disturbed, jumps over and clears off down the street and can cause damage. Who is responsible? Who is the keeper—the agents? Is it the person who brought the stock into the sale? Perhaps half an hour after the fall of a hammer, some poor fellow who has bought the animal but who is not a farmer at all is responsible. Many people other than those on the land handle animals. In relation to this point, we need to understand new subsection (3), which says:

> It is not necessary for a person seeking damages for loss or injury caused by an animal to establish that the keeper of the animal had prior knowledge of a vicious, dangerous or mischievous propensity of the animal.

That is an important subsection to understand. Then, I come to new subsection (4), which causes me some amusement. It provides:

> A court in determining whether a proper standard of care has been exercised in a particular case shall take into account any measures taken by the keeper to ensure adequate custody and control of the animal and to warn against any vicious, dangerous or mischievous propensity that it might exhibit.

I have been around animals all my life, and I can imagine—

An honourable member interjecting:

The Hon. R.C. DeGARIS: Well, I have been here 20 years. But, the point is: can you imagine a farmer with a Dorset horn ram, which is rather peculiar in its attitudes, having a tag on his tail saying, 'I think that this animal is vicious, dangerous or has a mischievous propensity'? That would clear the owner of any responsibility in this regard.

The important thing is that new subsection (4) is quite amusing because it provides that the court, in determining that, shall take into account any measures taken by the keeper to warn people that an animal might have a mischievous propensity. I would say that a lot of them have that propensity.

There are a large number of difficulties in this matter, and I still hold to the views expressed by the Hon. Trevor Griffin and by Chief Justice Gibbs and Justice Mason that we must be very careful in this country of Australia and in this State of South Australia about changing the existing standards in the *Searle v Wallbank* case.

The Hon. C.J. Sumner: It has changed just about everywhere else.

The Hon. R.C. DeGARIS: It has not changed to the degree that it is being changed in this Bill. There have been some changes in some places, but Victoria has not changed.

I do not know what the position is in Western Australia, although I think that it has changed.

An honourable member: It does not apply.

The Hon. C.J. Sumner: There you are: it has changed.

The Hon. R.C. DeGARIS: It has changed twice. But, there are a number of questions that need to be understood before we move in any direction on the question of liability for the care and control of animals. Where there is clearly a case that an animal owner does not take reasonable care, his animals are left straying on the road and damage is caused, we must have to look at that case. But, I remind honourable members that in Australia any number of roads are unfenced, not only in pastoral areas but also in the inside country. How can one change the law in relation to that matter? We must be careful that we do not introduce legislation that has serious difficulties for producers in South Australia. I therefore support the view that this Bill should be referred to a select committee for examination.

The Hon. I. GILFILLAN: I support the intention to refer this Bill to a select committee for assessment and analysis, but not for quite the same reasons that previous speakers have put forward. I have suffered at various stages from both sides of straying stock; from that background I am somewhat partial in looking at it both from the farmer's point of view and from that of a driver of a vehicle on roads where what appeared to be spontaneous emergence of cattle from scrub at night made driving very hazardous and beyond the expectation of normal driving skills. Then, having sustained a lot of damage to a vehicle, I found that I could be liable for the value of the animal struck, and that struck me as being rather unfair.

I will not analyse now the various aspects of it that should be looked at. It is a new body of law; it is certainly vague, in my interpretation of it, in the areas that it can cover. It seems to me that it is quite competent to cover domestic animals. I cannot see why it should not be argued that it could include the responsibilities of the State as keepers of wildlife in certain reserves and situations like that. It could be quite an embarrassment in relation to complications and interpretation in the years ahead unless it is looked at more closely before it becomes law. There are areas in South Australia in which there are no fences along the roadside, but that does not absolve the owner of land on either side from some responsibility.

Consequently, questions of zoning may well be part of what the select committee should look at. In a pastoral area there perhaps should be a minimum requirement in regard to signposting so that drivers are given warning of what to expect.

I can understand the position of the farming community and the belief that if stock get off a property then they are not the responsibility of the farmer and that, if anyone is unfortunate enough to hit them, it is unfair that farmers should be resonsible for the damage. However, in fairness to South Australian drivers, they are entitled to expect that the road should be free from straying stock; they should be able to drive with the expectation that within normal bounds there will not be obstruction of roads by animals, especially domestic animals that normally could be expected to be under control, suddenly emerging in front of vehicles. It is unfair to expect drivers to have the skills to avoid such collisions.

I will now briefly recapitulate on why I believe the Bill should be referred to a select committee. First, it is a new body of law untried and deserves much closer scrutiny and evidence from people who will be directly involved in its interpretation. The intention of the keeper of the animals involved needs to be specified more precisely. I refer to the question of zoning, which is important in regard to different areas of responsibility. I would not like to be confronted with a crazed beast as I drove down First Avenue, St Peters. Different situations can apply in different areas of the State. Zoning opportunities may be one area that should be examined by the committee.

Also, there is a serious problem that could arise concerning unidentified stock. Honourable members who have had experience on the land know that cattle often stray from one property to another before they emerge on to a road. Stock do not necessarily stray from the owner's land directly on to the road and, if there is some doubt or confusion about ownership, there could be severe or unfortunate consequences to innocent parties.

The Hon. R.C. DeGaris: Owners may not earmark and brand animals.

The Hon. I. GILFILLAN: That is a possibility. I hope that the problem is minimal and that this measure has its ultimate aim achieved so that, when the provisions are applied, they will reduce the number of straying stock on public roads. I do not accept that it is not the responsibility of farmers and stockowners to ensure that, to the greatest degree possible, their stock do not stray. Often, if they have bulls or rams which are likely to get to breeding stock, they go to extraordinary lengths with electric fences to ensure that that does not happen. I believe the farmers have a responsibility to the driving public of South Australia.

It is only after such areas of responsibility are complied with that a farmer can believe that he has discharged his responsibility in that matter. It is obvious to me that there are far too many loose ends undecided in my interpretation of it. A select committee would offer an opportunity to people who would be the most closely affected by it. They could have the satisfaction of submitting evidence for consideration, and the legislation could be improved by such input and by its consideration by such a committee. In due course, it is our intention to support a select committee being established.

The Hon. M.B. CAMERON (Leader of the Opposition): I do not wish to delay the Council, but I want to support strongly the move to refer this Bill to a select committee, because there is no doubt that the Hon. Mr Gilfillan has raised a number of questions to which there should be answers.

The Hon. C.J. Sumner: There are answers.

The Hon. M.B. CAMERON: So far there are not answers that satisfy me. There is an area of concern in relation to this Bill as to the change of responsibility. I can see some results flowing from it that may not concern the Government but which concern not only me but all people concerned in rural communities because there is no doubt that insurance is becoming a large burden on the rural community. It would need only one serious accident to cause a large increase in either premium rates or the necessity for insurance. For example, I refer to my own case where such concern has increased in recent years and I now carry $1 000 000 of public risk insurance, but I am not sure that, if that measure came into force, it would be enough to cover what would be required.

There are areas of doubt about what is considered to be proper control. Honourable members would know that, once one confines an animal in a yard and attempts to work it, it can change from a very reasonable animal to one that is difficult to control. Once such an animal gets out of control it is extremely difficult to foresee what its future course will be and such an animal can cause tremendous problems. Unless we know exactly what we are doing with this legislation, and unless we know the end result, where the liability will lie and what sort of standards will be required in all areas of the State and the types of standard required to

contain animals, there could be many problems. It will have to be set out in order to avoid litigation.

If there is litigation, I know who will pay the costs in the early stages until the various standards are laid down: it will be the rural community and individual farmers, but many cannot afford that. Of course, it will not be any great hassle to insurance companies on behalf of people who are injured to take on farmers and pick out farmers. We could see a large problem arising in regard to the rural community. It is necessary to refer this matter to a select committee so that we can have a proper look at it.

Surely the Attorney-General will not oppose that action, because it may be that at the end of such consideration the Bill will be proved to be absolutely all right. If there is sufficient concern in this Council to cause a majority of members to ask for a select committee, the Attorney should not oppose such a move, because it shows that there is not sufficient information yet available. I do not believe that the Bill should be passed without at least giving the people who will be affected by it the opportunity of presenting their point of view.

I have found that throughout the State virtually no-one in the rural community even knows of this Bill's existence as yet. There has not yet been sufficient publicity about it, but people should be given the opportunity of coming forward to examine the Bill and then, if necessary, giving their views. Surely, that is a duty of Council members and one that we should not shy away from. I support the second reading on the basis that the Bill will be referred to a select committee.

The Hon. C.J. SUMNER secured the adjournment of the debate.

[Sitting suspended from 5.50 to 7.45 p.m.]

LOCAL GOVERNMENT ACT AMENDMENT BILL

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

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

It makes a number of relatively minor amendments to the Local Government Act. Its purpose is to streamline essentially administrative matters where difficulties have arisen from operational experience. Some drafting errors in the Act are corrected, head power is provided so that regulations can be made to transfer long service leave entitlement in cash upon transfer of employment, a late payment fee for expiation of parking offences is provided and councils are given the option of budgeting to refund rates that become overpaid as a result of a reduction in assessed value of a property by the Valuer-General with the refund being made in the next financial year subject to the council paying 10 per cent interest on the money. What I consider to be the most significant clause in this Bill is clause 11 to simplify the setting of rates. At present different kinds of rates (general, differential general and special) require different kinds of majorities (simple, three-quarters and absolute). I believe this is unnecessarily complex, and there is much to be said for simplifying and standardising the requirement. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends section 3 of the principal Act, which deals with the arrangement of the Act. This is consequential upon a further amendment which is contained in this Bill. Clause 4 provides for the repeal of section 69, which deals with the qualifications for mayor or alderman (being one year's service as councillor). Concern has been expressed that where a person is nominated for the office of mayor or chairman the returning officer cannot reject the nomination form where he knows that the nominee does not have the requisite one year's service as a member of council, even though such a person, if elected, would be ineligible to serve. The requirements of section 69 are therefore to be transferred to that section of the Act which deals with eligibility for nomination.

Clause 5 amends, in two respects, section 105 of the principal Act, which concerns nominations. First, the section is proposed to be amended to provide that nomination forms be in the prescribed form, to allow greater flexibility. Secondly, the section is to be amended to include as a qualification for nomination as mayor or alderman the requirement that the person has previously been a councillor. This links up with the proposed repeal of the present section 69.

Clause 6 provides for the amendment of section 157. This section provides for continuity of service, in relation to long service leave and sick leave, for persons who move from one council to another. The effect of the proposed amendment is to allow councils to make appropriate adjustments on account of their respective liabilities to pay a transferring employee long service leave and sick leave at or about the time that the employee transfers employment; the Act presently requires the adjustment to be made at the time of payment to the employee which may be several years after the transfer has occurred. The regulations are to prescribe how the adjustments are to be computed.

Clause 7 provides for the amendment of section 158 of the principal Act. This section deals with allowances and salaries for officers, mayors and chairmen. Mayoral allowances are determined soon after the annual elections in October, but this section refers to the declaration of allowances over financial years, and therefore creates some inconsistency. The amendment strikes out the reference to financial years. Clause 8 provides for the amendment of section 178b of the Act, which is consequential to another amendment provided for in this Bill. Clause 9 is also a consequential amendment to section 180 of the principal Act.

Clause 10 repeals the present section 213 and inserts a new section 213 and 213a in the principal Act. Amendments to the Valuation of Land Act, 1971-1981, have had an incidental effect on the position of councils under the present section 213, and the previous provisions referred to in the previous two clauses. Presently, where an appeal or objection is lodged against a valuation, the councils may still recover any rates which have been declared on the basis of that valuation, but in the event of a successful appeal or objection, an appropriate refund must be made. The proposed new provisions will enable a council to retain any amount found on appeal or review to have been paid in excess to be credited against a future liability of the ratepayer for rates. Interest is to accrue from the date of payment. If the council is informed that the ratepayer has ceased to be a ratepayer, it will be required to refund any amount standing to his credit. Also, any amounts which may be in credit after the declaration of the next general rate are to be refunded, thus preventing the indefinite accumulation of funds by councils. It is also noted that where an appeal or objection results in the council being able to recover further rates from a ratepayer, the councils cannot impose a fine on those rates, which might otherwise have been treated as arrears.

Clause 11 provides for the amendment of section 214, which deals with the declaration of general rates. The

amendment provides that the declaration must be by resolution of an absolute majority. The amendment is proposed in order to provide uniformity in this Part of the Act. The proposed amendment also renders superfluous subsection (4) of the section. Clause 12 provides for slight amendment to section 228 of the Act. Subsection (3) of that section allows a council to exempt, is so far as is applicable, a property from the imposition of rates where the property extends across a council boundary and is subject only to a minimum rate in the other council. However, the subsection only refers to adjoining municipalities, which has a limiting effect where the municipality is adjacent to a district. Reference to municipalities is therefore to be changed to 'areas'.

Clause 13 provides for amendment to section 233a, which is identical to the preceding provision under clause 12, except that reference in this section is to 'districts'; this is to be changed to 'areas'. Clause 14 amends section 248c of the principal Act. This section requires the provision of lists of those eligible for remissions of rates to be supplied to the councils. The amendment requires the Minister administering the Rates and Taxes Remission Act, 1974, to supply this information; the Minister of Local Government presently has this responsibility.

Clause 15 deals with proposed amendments to section 342. This section provides for the construction and maintenance of private roads in the City of Adelaide. The cost of such roads is recoverable from abutting owners. Provision is to be made so that the council may agree to the costs being paid in instalments. Furthermore, an additional provision is proposed to enable a council to reduce or remit a fine recoverable under the section on account of late payment, where it is appropriate so to do.

Clause 16 provides for amendment to section 343. This section deals with private roads other than those in the City of Adelaide, and the proposed amendments are similar to those contained in the preceding clause. Clause 17 amends section 344. This section relates to the completion of council work by laying pipes, drains and channels through private lands. The proposed amendment will allow councils to agree with affected owners that the owners carry out the required work themselves, at their own cost.

Clause 18 amends section 344a, which again relates to private roads. Amendments similar to those discussed in earlier clauses are again proposed. Clause 19 rectifies incorrect cross-references in section 368 of the principal Act. Clause 20 amends section 691, which sets out the regulation-making powers of the Governor. Paragraph *(f)* of subsection (1) relates to the specification of qualifications of persons employed by councils and allows the constitution of committees to conduct examinations. The proposed amendment inserts an additional paragraph, which will provide power for regulations to be made allowing appeals from the decisions of a committee under paragraph *(f)*.

Clause 21 rectifies an incorrect cross-reference in section 739 of the principal Act. Clause 22 rectifies a similar error in section 740. Clause 23 proposes an amendment to section 794a. This section deals with the expiation of offences. The amendment will allow the councils to accept a late payment of an expiation fee, on payment of a prescribed fee. Clause 24 provides a consequential amendment to the Valuation of Land Act, 1971-1981.

The Hon. C.M. HILL secured the adjournment of the debate.

LOCAL GOVERNMENT BOUNDARIES OF THE DISTRICT COUNCIL OF MEADOWS

The House of Assembly transmitted the address recommended by the Select Committee on Local Government Boundaries of the District Council of Meadows in which the House of Assembly requested the concurrence of the Legislative Council.

LOCAL GOVERNMENT BOUNDARIES OF THE DISTRICT COUNCILS OF BALAKLAVA, OWEN AND PORT WAKEFIELD

The House of Assembly transmitted the address recommended by the Select Committee on Local Government Boundaries of the District Councils of Balaklava, Owen and Port Wakefield in which the House of Assembly requested the concurrence of the Legislative Council.

STATUTES REPEAL (AGRICULTURE) BILL

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

DENTISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 April. Page 833.)

The Hon. K.L. MILNE: I ask the Council to accept this Bill for what it should be, namely, a Bill for an Act to amend the Dentists Act in order to improve and strengthen the structure of the dental profession. It should not be regarded merely as a Bill to legalise the activities of 15 or 16 dental technicians. If the Bill is left merely for that, I am not prepared to support it. I do not believe that this Council should support legislation which simply seeks to legalise the practices of a group of people who have been working illegally for more than five years. They have been in public practice, not like a delicatessen, but as professional men, offering what should be a highly skilled and ethical service to the public. Perhaps they are—or perhaps some are and some are not. In any case, I fail to see why practising illegally for five years or more is relevant. In the professions of medicine or law the practitioners are not permitted to practise illegally for five minutes.

I support the attitude of the Hon. John Burdett, who said that, if the Bill is going to legalise the activities of this particular group, it should be drawn in such a way that future dental technicians who wish to enter public practice and have direct access to members of the public have the means by which they may do so. I repeat that, unless it does, I think that it would be unfair to support it.

I refer for a moment to the dental technicians, who are a very important part of the dental profession as a whole: anybody who has inspected a dental laboratory will realise just how important and efficient and skilled they are—or should be. Therefore, I regard the request of those dental technicians who are seeking to continue practising in direct contact with the public as a request for them to be recognised as professional people. I am prepared to do that and, in fact, I have often encouraged various groups to obtain or improve professional status and standing. However, in asking for professional recognition and protection, they must understand what professionalism entails. I refer briefly to a book which I wrote in 1959, entitled *The Accountant in Public Practice*, published in the United Kingdom. That book dealt at some length with professional status and standing, and was a text book for the Institute of Chartered Accountants final examinations for some years.

I believe that, before a group of practitioners claims professional status, they must satisfy the public, and in this

case the Parliament because they have come to us for support, on the following measurements of professionalism: a sense of mission; an offer of intellectual service; a skilled technique; regulation by legislation; a voluntary collective organisation; use of distinguishing letters; individual membership of their group; a code of ethics and etiquette; opportunity of public practice; relationship with institutions of higher learning; and a known community function.

I think we can say that dental technicians (or most of them) either measure up to these characteristics of a profession or will do so after the passage of this Bill with the changes I propose to suggest. This being so, I believe that the particular group of dental technicians in question, and all dental technicians who subsequently seek the right of public practice, should make some sacrifice, or accept some inconvenience, for the privilege of on the one hand being legalised and on the other hand gaining professional status.

Accordingly, I believe that, while the grandfather clause will admit the group in question, it should be required to undertake a course of training—a refresher course, if you like, although I would not insist upon an examination at the end of it. There is always a difficulty in regulating a group of people who have been practising what is to become a profession, and grandfather clauses are normally lenient. However, I believe that future technicians wishing to enter public practice should do a more stringent course with an examination at the end of it.

Of course, in the case of South Australia, there will not be a large number of technicians seeking to enter public practice each year: in fact, I would say that there would be very few. Therefore, I am not recommending that we institute the full registration board system, with an examination board, separate registrar, and so on, at great expense: rather, this service should be provided by the Dental Board, or a committee thereof, with adequate protection for the dental technicians.

This leads me to the point that all categories of people in the dental technician area should be registered and controlled by their peers. This means that I shall seek to introduce amendments to register dental laboratories, dental technicians and clinical dental technicians or prosthetists, who wish to have direct access to the public (unless the amendments of the Hon. John Burdett do so). I believe that the administration of these groups should be under the Dental Board but directly responsible to a paradental practitioners committee made up of five people—and I suggest that it should be constituted as follows: two from the Dental Board, one of whom shall be a registered dentist (I understand there are people other than dentists on the Dental Board); one from registered dental laboratories; one dental technician; and one prosthetist.

I would regard this possibly as a first step in the development of the profession of dental technician, and I would hope that the dentists would recognise their responsibility in this matter and would behave responsibly but sympathetically, particularly in the early stages. I trust that the Council will give this matter due consideration, because I believe that the professions, whether the originally established professions of medicine, law and teaching, the later professions such as veterinary surgeons, architects, engineers, accountants, stockbrokers, chiropractors and physiotherapists, or those which are developing, such as advertising agents, real estate agents and now dental technicians, are very much part of our democratic freedoms. I believe that they should be encouraged to improve their disciplines, both the service discipline which they offer and the behavioural discipline of their members, and I further believe that where there is a healthy spectrum of professional service there will be a healthy democracy.

In fact, I will go further. The Bill as it stands in my opinion will not strengthen the dental profession. Representatives of all parties interested in the Bill are still trying to be heard, and I feel that we may be sorry if we try to hurry just because of pressure from outside. I would much prefer that we considered a select committee to discuss the whole profession in greater depth. I ask whether the Minister will consider such a select committee.

The Hon. ANNE LEVY: I support the Bill in its current form, and I believe that the proposals put forward by the Hon. Lance Milne, while appearing to be logical on the surface, in fact open up a whole range of problems and would result in more trouble than they would be worth. It is generally acknowledged that the demand for dental technicians is not increasing and is likely to decrease in the years to come. More and more people are keeping their teeth, and it is becoming uncommon for people in their 40s to have full dentures. Even people in their 50s and 60s these days often retain a full set of teeth.

A number of years ago it was quite common for quite young people to have complete dentures, both upper and lower, while in their 20s. I have heard of studies that were done on national servicemen in the early 1950s (when Australia had an iniquitous system of national service) that revealed that a very high proportion of national servicemen had complete dentures, both upper and lower. Luckily these days, with improved dental hygiene, the advent of the school dental service, fluoridation, and better nutrition, there is a much reduced demand for dentures by people of all ages.

This means that the demand for dental technicians to produce full upper and lower dentures will decrease: the demand has fallen, and it will continue to do so. Of course, this does not mean that dental technicians will be out of a job. They do a great deal of work other than upper and lower dentures, but their crown and bridge work and some other procedures in which they engage is carried out under the supervision of a dentist. No-one has ever suggested that it should be otherwise.

This Bill relates to the ability of certain approved dental technicians to provide dentures, both upper and lower, without the patient having to go first to a dentist. As I said, the demand for such services has fallen and will fall considerably in the years to come. Therefore, while the overall demand for dental technicians may remain high, the demand for dental technicians with chair side status and who can provide either full or partial dentures will decrease.

I think that this fact needs to be borne firmly in mind when we are considering the legal situation concerning dental technicians. Furthermore, it is perhaps not incidental that there is an adequate supply of dentists in our community. With the number of dentists graduating from the Adelaide Dental School, this good supply of dentists can be expected to continue. I have read figures, which unfortunately I do not have with me, which show that South Australia has more dentists per head of population than any other State.

I think that the decreasing demand for dental technicians to have chairside status is the answer to the proposals put forward by the Hon. Mr Milne and to some of his criticisms of the proposed legislation. I believe that it would be irresponsible to train dental technicians in perpetuity to deal directly with the public. As I have said before, there will be no demand for them. The difference in price charged by a dental technician and that charged by a dentist is not enormous, and there are Government funded dental schemes catering for pensioners and other people in financial difficulty which allow them to obtain dentures at a very much lower price than that which could be charged by a dental technician in private practice. In other words, dentures are being subsidised by the taxpayer for people in need.

The previous argument for giving dental technicians chairside status was that it would provide a cheaper alternative to dentists for people in need. That argument does not apply any more because of Government funded schemes. I sympathise with the point of view expressed by the Hon. Mr Milne when he said that we are legalising the actions of people who have previously been operating illegally. I can see merit in that criticism. However, it seems to me that it is not illogical for us as a society to legitimise something which has been happening and which we realise has not been doing any harm.

The question of standards, which the Hon. Mr Milne raised, can be regarded as an irrelevant matter in the circumstances. It would be a question only if we were going to train dental technicians to have chairside status for ever and a day. However, we are merely legitimising something that has been occurring among a small group of dental technicians for some time.

The Hon. R.I. Lucas: How can standards be irrelevant?

The Hon. ANNE LEVY: I say that they are irrelevant in this case because we are legitimising the actions of a small group of people who have been operating, anyway. So far as I know, there have been no cries of people being badly treated by these technicians, cries for great remedial treatment as a result of their activities, or statements that this group does not have a fair standard of operation. These people have been undertaking their activities for some time and, because of that, we know what their standards are. This legislation will only legitimise the actions of people engaged in this activity—people that we know have been engaged in these activities, anyway.

The Hon. K.T. Griffin interjecting:

The Hon. ANNE LEVY: In reply to the Hon. Mr Griffin's interjection, this legislation will not permit activity by those who start after its introduction.

The Hon. R.C. DeGaris: That is inconsistent.

The Hon. ANNE LEVY: I agree that it is inconsistent, and I said that when I discussed the Hon. Mr Milne's remarks. However, we know what are the standards of these people because they have been operating for some time.

The Hon. K.T. Griffin: It is not a typical grandfather clause.

The Hon. ANNE LEVY: It is an unusual situation. It would be irresponsible to set up a scheme to train further dental technicians to have chairside status, given the dental manpower that is available in the community.

I wish to raise two matters regarding this legislation which I hope the Minister will consider. First, in some ways this legislation can be regarded as sunset legislation involving individuals or companies which have been deriving the substantial part of their income from the manufacture or production of partial or full dentures. These people can receive approval from the Minister to continue their work legally.

The Hon. K.L. Milne: What will happen to those who are only doing a little bit of work?

The Hon. ANNE LEVY: The Bill is so structured that approval will be given only to those who have been earning a substantial part of their income during the past five years in this way. One problem that concerns me is that the Minister can proclaim the name of individuals or companies under this legislation. However, companies do not die and can exist for many years. I understand that the intention of this legislation is that companies will not be able to continue in existence forever merely by changing the dental technicians providing the service in the name of that company.

I would like to be sure that the wording of the legislation is such that when the individuals in the approved companies cease to practice in years to come their places will not be taken by someone who would not otherwise have been able to practise under this legislation.

I would like an assurance from the Minister that that intention is assured by the legislation. The one other comment that I would like to make relates to the name that is used in the legislation. We have 'dental technicians', and the legislation refers to 'approved dental technicians'. Certain people, including the Hon. Mr Burdett, talk about dental prosthetists, and other terms are being used to describe these people. I have been told that in the United States the term used for these people is 'denturist', which seems to me to have some merit; it is a much shorter word, easier to say than either 'approved dental technician' or 'dental prosthetist', and I wonder whether consideration has been given to using a much simpler term such as 'denturist', as occurs in the United States. I support the legislation.

The Hon. R.J. RITSON: It is an enormous pity that this Bill has ever come before this House, and I will explain why I think that is so. However, because it is, we are faced with making the best of it that we can, and I thank the Hon. Mr Milne for some of his contributions to the situation with which we are faced; I will deal with some of those matters in due course.

The Hon. R.C. DeGaris: There is a mandate for it following the elections.

The Hon. R.J. RITSON: Is there?

The Hon. Frank Blevins: It was in a whole host of other things.

The Hon. J.R. Cornwall: Interfere with it at your peril!

The PRESIDENT: Order!

The Hon. C.M. Hill: Pull the teeth out of it.

The Hon. R.J. RITSON: Yes, we will draw its teeth eventually. The one thing guaranteed to reduce a complex subject to simplicity is ignorance. To the ignorant all things are simple. I want to make a few comments about some of the complexities of the issue that is before us.

Let me paint a picture of an ideal, in order to provide insight into the sort of enormously complex problems which may present as a simple request for a denture. I will use just one example—an over-closed bite or a worn-down set of false teeth. A patient, aware that his false teeth were nearly worn out, might present to a dental technician, and that person, in his wisdom, would simply create a new denture, raising the height of the bite, and send the person on his way. However, if that technician had known enough to take further history he might have discovered the facial pain which represented the strain on the temporomandibular joint. The Minister might understand this if he was listening. Had this hypothetical dental technician known enough to ask the right questions he might have—

Members interjecting:

The Hon. R.J. RITSON: I am attempting to hear myself; that is why I am speaking so loudly, but without risk of waking the Minister of Health. Had this hypothetical dental technician asked the right questions he might have discovered the next level of the complaint, namely, the temporomandibular pain, and might have referred the matter to a dentist. Had the dentist asked the right questions, he might have discovered the headache and sleep disturbances and referred the matter to a doctor, and, had the doctor asked the right questions, he might have asked the patient about deaths and relatives, sleep disturbances, etc.

The next step in the proper diagnosis of such a hypothetical case would be to discover the remainder of the symptoms which revealed the true diagnosis, namely, depression, which requires specific treatment. One of the symptoms of that depression may be nocturnal bruxination, with the grinding down of the denture.

At the other end of the iceberg, admittedly medical practitioners make mistakes and there are plenty of occasions on which a general practitioner, for example, may give such a patient a prescription for valium and an appointment for 93 May and not notice the over-closed mouth and the dermatitis in the corner of the mouth and that, amongst other things, the patient requires some dental treatment as part of the management of that whole and very complex condition.

My point is that the medical and dental professions are discovering over the years how much they both contribute to the whole treatment of the patient, and there is an evolution towards the co-operative and more excellent treatment of the patient. It is a step backwards to primitive non-excellence to create a situation in which a symptom that is the tip of an iceberg can be seen and treated by persons who are able to lobby successfully—the whole 16 of them, I understand—and project a false impression that they are competent to detect these complicated situations which present via a request for a new denture.

I do not wish to assign any malice to these people; they just do not know and, because they do not know, they consider the matter to be so simple and lay claim to expertise. For that reason, I believe that if this Bill is passed in its present form the Parliament will be responding to political pressure and turning backwards the clock of scientific advancement and the increasing excellence of treatment.

It is not as if we are a developing country short of professional expertise. As the Hon. Miss Levy said so clearly a few minutes ago, we have plenty of people capable of doing the job properly. We are not in the situation of a developing country which needs to promote and qualify a group of lik-lik doctors in a hurry and send them into the wilderness with a sack of penicillin on their backs. We are capable of providing people who promote excellence of treatment.

Nevertheless, the Bill is before the House as a result of political rather than scientific considerations. I wish to congratulate the Hon. Mr Milne on his political realism and acceptance of the fact that we do have this Bill and that perhaps the best way to deal with it is to seek to amend it in such a fashion that the people who are given such privileges are at least trained for it.

One of the difficulties with the clamour by everyone for professional status is, of course, that people who would wish professional status, whether they are educated for it or not, will claim it as their democratic right. I recall with some amusement a movie in which the actor John Cleese was having a heated radical idealogical conversation with a friend. He was demanding his democratic right to bear a child. His friend kept explaining the differences to him between males and females, but he was not interested in the difference because he believed that he had a democratic right to bear a child.

There is a trend in today's society for everyone, regardless of education, to claim a democratic right to be a professional. Indeed, the whole area of law involving professional registration is full of such defects because all the Acts are inward turning. They provide mainly for the internal registration and collection of fees from people who are qualified, but they do little to prevent people who are unqualified from inflicting harm on the public.

I would like to congratulate the Minister of Health on a provision in the Medical Practitioners Bill to proscribe certain practices because, until that Bill passed this Council, there was no restriction on people practising medicine while not being registered. They were as laymen. Now this is not so, but under other Acts we see football trainers running fee-for-service physiotherapy practices and using loopholes in the grandfather clauses; we see chiropodists carrying out major surgery on feet; we see many things like that. I am not keen or anxious to provide another loophole to a group of people not properly trained.

There is something wrong in principle about enacting a Bill which gives a reward or justification to people who have been breaking the law. After all, the dental technicians who have been illegally practising in this fashion are a minority of dental technicians. The majority have been practising ethically with laboratories. We are going to reward the former with *quasi* professional status as grandfathers, while other young men who wish to take up this career will have no opportunity to achieve the same status.

The Hon. J.R. Cornwall: How many did you prosecute in the three years you were in Government?

The Hon. R.J. RITSON: There are evidentiary problems. I am not aware of the number, although the Minister is aware that I personally was not in Government—I was in Parliament. I do not know the detailed workings of the Public Service. The fact remains that our policy was clear on this.

The Hon. R.C. DeGaris: It was double the number when Dunstan was in.

The Hon. R.J. RITSON: I am grateful to the Hon. Mr DeGaris, who has advised me that the number is double that prosecuted during the Dunstan era. Given the reality that this Bill is before the Council for political rather than scientific reasons, I thank the Hon. Mr Milne for his contribution. Obviously, he sincerely wishes to make the best of the Bill that he can and wishes to provide for some equitable training programme and setting of standards if these people are to be elevated in the way that the Bill envisages.

Some points in the Bill bother me. The provision for the certification by a dentist before fitting a partial denture has, I understand, been tried in Tasmania and failed. As a medical practitioner with much first-hand knowledge and experience of the referral certificate system, I know that, once a statutory provision for a discretionary certificate is made, patients will demand a certificate as a right, and the doctor's or dentist's discretion will disappear.

The existing referral certificate, as it relates to medical benefits for referral to a specialist, is no longer what it was intended to be. It was intended to be a genuine expression of the doctor's opinion as to whether the specialist treatment was both necessary and justified.

The Hon. J.R. Cornwall: The whole referral system is a rort.

The Hon. R.J. RITSON: I agree entirely.

The Hon. J.R. Cornwall: I believe that we should have that on record.

The Hon. R.J. RITSON: I want to put in on record, too, and I would like at some stage to have here a non-partisan debate with the Minister. What has happened to the system is that people will see a specialist without seeing a general practitioner. They will then demand a certificate from the general practitioner and, whether stated or implied, emotional blackmail arises, by the implication that 'If you do not give me the certificate you are denying me my democratic "John Cleese type" rights to have a baby or to get my medical benefits back, and you are a dirty rotten sod.' They could say that they want a certificate, stating that they were referred to a specialist when, in fact, that did not happen.

What has happened to the system is that those certificates have become so much confetti. The medical profession has become tired and has signed them willy-nilly. The whole thing is a farce. The same thing will happen to these certificates of dental appropriateness that are envisaged in the Bill. The same emotional pressure will be there.

There will be people who saw the prosthetist last month and will ask their dentist for such a certificate. I understand

that in Tasmania the system of certification prior to the provision of dentures by the prosthetist has either broken down or is breaking down. I am most supportive of the amendments that have been mooted by the Hon. Mr Burdett, and I have been most impressed by the way that the dental profession has accepted the practicability of those amendments once they have been explained.

I had thought this evening that we might see the passage of some of those amendments, but the Hon. Mr Milne has proposed that the Bill be referred to a select committee. My first thoughts were that such a committee would be less desirable than the passage of the amendments envisaged by Opposition members in this Council but, the more I thought about it, the more I believed that there might be a case for a committee as proposed by the Hon. Mr Milne.

After all, the Bill in a sense opens up the Act because it touches on so many matters that go beyond the science and politics of chairside status for these people. It opens the whole question of incorporation by implication. The fact that those technicians who are part of a dental laboratory have been part of a company for so long is one issue. The request by technicians for incorporation is another issue. There are legitimate and just desires for dental practitioners to have the same incorporation provisions as lawyers and doctors, and that is another issue that is raised by this Bill.

I am asking honourable members to support the Hon. Mr Milne's proposal for a select committee, and I will ask the Council, when it refers the Bill to such a committee, to give the committee sufficiently wide terms of reference to open up those other aspects of the Act which are implicit, albeit peripherally, in this Bill.

Those members of various professions and members of the public can appear before the committee, and dental practitioners, if necessary, can have their accountants appear before the committee and pursue understanding of matters relating to incorporation. The dental technicians who are practising illegally could also appear before the committee, and perhaps they might even say what a terrible fellow Ritson is. I believe that the amendments contained in this Bill touch upon issues that go beyond the chairside status of technicians.

I believe that the one person who really matters in this whole issue is the patient. The patient is the person who matters. This matter is simple only to the ignorant; it is complex to those people who have any understanding of the matter. The explanation of this matter will take many hours of exposition before a select committee. The central importance of the patient is such that there is only one solution to this problem: it is a scientific solution, a truthful solution, and not a political solution. I support the second reading of this Bill on the understanding that the Hon. Mr Milne and the Hon. Mr Gilfillan will continue their attitude of central concern for the patient and ensure that whatever legislation ensues ultimately will not be in the form of the Bill now before us.

The Hon. R.C. DeGARIS: First, I refer to the question of mandate. At the last election the Labor Party received a mandate to register qualified and experienced dental technicians to supply dentures direct to the public as dental prosthetists. If one is concerned only about mandate this Bill should pass, because that is exactly what the Labor Party's policy was at the last election. Because I do not have any great concern for mandates, and because I believe that they do more harm than good, I voted against a decrease in taxation for book-makers, even though that was another Government mandate.

I have no doubt that other matters not included in the Government's mandate will be presented to this Parliament. Nevertheless, it is clear that this Bill is a clear mandate which was given to the Government at the last election. However, I oppose it. The Bill grants chairside status to between 10 and 20 dental technicians. It grants a benefit to those people who have been practising illegally in the past, although, as the Minister pointed out, no one has been prosecuted, even though they have been operating illegally.

Before we grant chairside status there must be a need to ensure the standards of care for this profession. I am puzzled that the Government, which includes people like the present Minister and his colleagues, has decided to allow a select few to be given professional status. I ask the authors of this Bill just who next they are considering allowing professional status. Once we start this process there is no argument to prevent further changes. Will we see unqualified veterinary surgeons, unqualified lawyers, or unqualified doctors?

The Hon. J.R. Cornwall: If one takes that to its logical absurdity you would say that only veterinary surgeons could mark lambs. That is really what you are saying, if you think about it.

The Hon. R.C. DeGARIS: I will certainly think about it.

The Hon. J.R. Cornwall: Professional exclusivity is no protection.

The Hon. R.C. DeGARIS: I point out to the Minister that there is protection for veterinary surgeons in this field. I remember old Joe O'Leary, of Naracoorte, who did not operate under a licence. He was the last person to do that, and he was probably the best horse doctor in South Australia. If we were to establish a special course for dental technicians wanting chairside status, I would not have the depth of my objections to this Bill. If this is the case, then a standard has been set and anyone who passes can qualify, and people will be aware of the professional standards.

The Hon. Mr Milne suggested that a select committee be set up. I hope that this Bill is referred to a select committee, but I would like to see its terms of reference widened beyond the scope of this Bill. I believe that a select committee should inquire into this whole question and should look at the whole industry. My position is quite clear: I will vote against the Bill at the second reading. If the Bill passes the second reading, I will vote for any amendments that fulfil the points that I have made. I oppose the Bill.

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

ALSATIAN DOGS ACT REPEAL BILL

Adjourned debate on second reading.
(Continued from 24 March. Page 639.)

The Hon. M.B. CAMERON (Leader of the Opposition): At first glance, this Bill appears to be a fairly simple procedure. It does not contain a lot of detail. However, it has raised many questions in the minds of people who are involved in the rural areas of this State. The Alsatian Dogs Act arose out of genuine fears held by country people that these dogs could, through cross breeding with dingoes, present a serious threat to pastoral and other areas of this State. It is now claimed that they will not cross breed. However, I find that difficult to accept. I draw honourable members' attention to the dingo-cross that was the subject of some political controversy or otherwise at Berri during the term of the previous Government. There was an attempt to destroy that animal because it was a half-breed dingo-cross.

I believe that the more appropriate Act for the safeguards provided by the Alsatian Dogs Act is the Dog Control Act. I also accept that other breeds of big dogs constitute a threat to stock, and the Act should not be discriminatory. I must say that when doorknocking I still find German shepherds

or Alsatians (or whatever they are called) somewhat off-putting. I am sure that all honourable members have been in some difficulty when confronted with that breed of dog and others. I find Alsatians more intimidatory than other breeds.

It is important, particularly in pastoral areas, that we do not make a vacuum by the abolition of this Act; it is absolutely essential that people entering and spending time in the pastoral country fully understand the problems that their dogs can cause, not only to domestic stock but also to native fauna. Further, if big dogs escape from the control of their owners while in pastoral areas they can cause enormous damage. Similarly, if they are not properly controlled they can, even though they are supposedly under the control of their owners, cause harm, particularly if their owners camp near stock or wildlife watering points.

Overnight, a dog can destroy enormous numbers of stock or wildlife, not because of hunger but as a manifestation of its hunting instincts. In the case of outer metropolitan fringe areas or similar areas surrounding rural or outback townships, there are clearly enormous problems created by uncontrolled dogs, particularly large breeds. There are numerous owners who have given up trying to run sheep because of continuous dog attacks, even though it is permissible to shoot such animals. I can assure members that it is extremely difficult to detect these attacks. The dogs develop extreme cunning.

Dogs in other fringe metropolitan areas and those next to a rangeland environment tend to develop their wandering instincts. Often owners are completely unaware of their out-of-hour activities, and they are often very difficult to constrain as their hunting instincts, particularly in the case of the German shepherd, are extremely strong. The danger posed by dogs to native fauna is clearly demonstrated by the prohibition of dogs of all types in national parks and conservation parks. There is widespread feeling in rural communities, among people in the metropolitan fringe, and even in the metropolitan area, that the Dog Control Act is ineffective.

Whether this is as a result of the failure of councils to police the Act or as a result of deficiencies in the Act is open to question. However, I believe there is justification for criticism of the present situation, and I fear what may happen if we abolish the Alsatian Dogs Act without moving towards some immediate review and strengthening of the Dog Control Act to ensure that there is adequate power to police the Act and that there is power for the various authorities who exercise jurisdiction under the Act to refuse registration to people unless they can demonstrate adequate control of the dog for which they are seeking registration.

In his reply, I seek an assurance from the Minister that he will immediately institute a review of the Dog Control Act to take into account the following items:

1. Whether there is need to strengthen the power of police to carry out the requirements of the Dog Control Act in remote areas.
2. What special changes to the Dog Control Act are needed to ensure proper control of dogs in farming, pastoral and remote areas.
3. To ensure that any large dog taken north of Port Augusta to live or for a holiday should be accounted for to avoid dumping and disposal of unwanted dogs (and that is a nice area of the State).
4. That all dogs not required for breeding purposes by a registered breeder, or working dogs (including racing dogs), should be desexed.
5. If dogs are permitted to be taken into country areas, then a percentage of licence fees collected at registration should be paid into a fund administered by a tribunal to pay compensation to those suffering damage from dog attack.
6. If it is to be repealed, a representative from the United Farmers and Stockowners of South Australia Inc. be a member of the Central Dog Committee of the Dog Control Act, 1979 (or a rural dog committee be established with appropriate membership, including U.F.S.).
7. The Dog Control Act be strengthened to satisfy the special needs of large dogs in rural and pastoral areas of South Australia and to safeguard the interests of country dwellers (both town and farm).
8. A code of practice for the keeping of all dogs be drafted by the Central Dog Committee within the Dog Control Act for the use and guidance of district councils and police. Councils could then make by-laws covering the keeping, housing and control of dogs in their district. (That may be possible under the existing regulations, but I believe that it should be considered. If it is not provided by regulation, it should be so provided.)
9. A person seeking a dog licence must be required to prove that the address at which the dog will normally be kept has fences and gates adequate to the size of the dog and that the owner is aware of general pet care requirements and understands laws governing the control of dogs in public places, etc.

It is important in my view that this review be carried out as a matter of urgency. I understand that the Minister has already indicated that he will undertake such a review in the next 12 months. However, I believe that that period is too long, as there will be a vacuum in relation to dogs in the pastoral areas. The importance of this review is highlighted by a study which the Minister of Agriculture has kindly made available to me and which I understand has now been made available publicly, entitled 'Damage to livestock caused by domestic dogs in Adelaide's urban fringe'. I do not intend to quote the whole of the report; however, it would be helpful in any consideration of this matter if I were to read out some parts of the report. In the summary (page v) it is stated:

> Individual properties have suffered losses of up to 250 stock in any one year.

This relates to the outer metropolitan Adelaide fringe. It is further stated:

> Sheep are the most common type of livestock killed by dogs. Numbers of livestock carried per property did not appear to influence the likelihood of attacks, although total losses were greater on properties with greater stock numbers . . . Amongst the large dogs, the German shepherd was involved in 26 per cent of attacks as compared with 7 per cent for the next most common breed. However, these figures could well be explained by the large numbers of German shepherds registered, rather than by any greater propensity of that breed to attack stock.

At page vii under 'Recommendations' it is stated:

> Owners should be encouraged to appropriately fence all or part of their properties so that a dog may be prevented from wandering at large and yet still have room to exercise.

It is stated that additional legal measures should include:

> . . . providing local government authorities with the power to deny the right of dog registration (and ownership) to persons known to be 'habitual offenders' in relation to the Dog Control Act.

Regarding losses due to attacks, at page 5 of the body of the report, it is stated:

> . . . most individual attacks resulted in losses of more than 10 livestock.

At page 9 it is stated:

> Some stockowners have not only been forced to change management but also land use, because of the severity of dog attacks. Some full-time farmers no longer carry stock, preferring to devote all of their efforts to cropping. Others have changed from sheep grazing to cattle. Some livestock owners have simply given up using farm land altogether, especially in areas held under short-term private lease or where the land has been leased from Government authorities or utilities. For example, land at O'Halloran Hill owned by the State Planning Authority has not been grazed

for a number of years due, at least in part, to the risk of repeated dog attacks.

This problem of unused lands highlights the role that sheep grazing has played in reducing fire risks. If sheep are not grazed in areas with a high risk of dog attacks, then the fire hazard must be increased dramatically, especially in localities such as the Adelaide Hills face and parts of the Adelaide Plains where sheep grazing is the only economic and practical land use.

Closely associated with the lack of grazing is the lack of adequate weed control on unused land. The effects of removing sheep from an area may be twofold: first, the grazing sheep themselves may have been able to control the spread of some weeds; secondly, there may no longer be any economic incentive for the landowner to invest in other weed control measures. An example of this problem may be seen in the spread of olive trees and blackberries along the lower Mount Barker Road, Glen Osmond, at the boundary between Mitcham and Burnside councils.

The value of stock killed in 1980-81 was $21 775, and that included only stock reported as being killed; in 1981-82 the value was $26 759. Those figures relate to only 27 properties and include figures from only those people who indicated that they had suffered losses. In many cases, it was indicated that people do not report losses, for many and varied reasons. Regarding the relationship between the number of dogs involved in specific attacks and the number of livestock lost, the report states:

. . . the majority of known attacks have involved from one to three dogs . . . in one well documented case, a cross-bred dog was known to have attacked alone, as well as in packs of up to eight dogs, on at least six neighbouring hobby farms before it was caught and killed.

In relation to the breeds or types of dog involved in attacks, the report clearly highlights that the German shepherd is involved in the highest number of attacks, but, as I indicated earlier, it is also stated that that could be because of the number of German shepherds registered. The second highest figure involves the cross-breds (whatever cross that may involve). In 1980-81, 26 German shepherds were involved in attacks on livestock, and 21 cross-bred dogs were involved in attacks. Other breeds of dogs recorded figures well below 10. The report further states (page 19):

It should be noted that, in a number of cases, compensation was sought and received outside the courts. Some stock owners reported that the dog owner, when confronted with *prima facie* evidence of their dog attacking sheep, were quite willing to provide compensation immediately, although the dog owner would not readily agree to the dog's destruction. In one instance, an owner of two large dogs was confronted with evidence of their attacks on the sheep of several neighbouring properties. After providing compensation, the dog's owner replaced them with two other large dogs that also became involved in attacks. Compensation was once again provided and the dogs replaced, only to have the episode repeated for a third time. At no stage did the dogs' owner try to improve his control of the dogs by better fencing or other means of restraint.

I believe that that highlights the need for a better measure of control in regard to people who choose to keep large dogs and, indeed, in relation to councils having control over people who own dogs. The following point is made on page 21 of the report:

The importance of owners choosing a dog best suited to their lifestyle, in particular smaller dogs rather than larger ones if property area is limited. In addition, potential owners should be encouraged to appropriately fence all or part of their properties so that a dog may be prevented from wandering at large and yet still have room to exercise.

I am sure that that report illustrates the matter quite clearly. A similar survey conducted in the urban fringes of Melbourne came up with almost identical recommendations about dogs and dog control. I believe that both of these studies highlight the need for a clear strengthening of the Dog Control Act. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) BILL

Adjourned debate on second reading.
(Continued from 30 March. Page 753.)

The Hon. K.T. GRIFFIN: The Liberal Party supports the public disclosure of the interests of members of Parliament in the context of ensuring that any conflict of interest or potential conflict of interest in relation to any matter before the Parliament is known to the Parliament. It is important that the focus be on what one seeks to achieve by disclosure of interests, that is, to complement the Standing Orders of both the House of Assembly and the Legislative Council and the provisions of the Constitution Act.

There has been much debate and discussion about disclosure of interests over the past few years. Probably the earliest consideration within the Commonwealth of this matter was made by the Riordon Committee, which reported to the Commonwealth Parliament in 1975. It recommended that there should be a register of pecuniary interests controlled by the President of the Senate and the Speaker, and that members of the public have access to that register only on establishing to the satisfaction of the President or Speaker that a *bona fide* reason existed for such access. A later Commonwealth committee chaired by Sir Nigel Bowen recommended the adoption of a code of conduct by each House of the Federal Parliament. This code of conduct was to require that in any Parliamentary debate, committee or communication a member should disclose any relevant pecuniary interest. Several years ago the Hamer Liberal Government in Victoria introduced legislation requiring disclosure of interests. After an initial flurry of interest from the public and the media, that legislation, apart from one or two aberrations, has been relatively well accepted.

Of course, in the context of public disclosure of the interests of members of Parliament, one needs to give further consideration to other public offices. If members of Parliament are required to disclose publicly those interests which will have a bearing on whether or not there is a conflict or potential conflict, then one must question seriously why the Judiciary should not also be required to disclose their interests because of the variety of issues which come before the judges. Why should public officers and public officials (for example, the Auditor-General, Police Commissioner, Ombudsman, and various other statutory officers and senior public servants who exercise considerable influence over the day-to-day decisions of Government) not also be required to disclose publicly those interests which may have a bearing on whether or not there is a conflict of interest?

The Hon. C.J. Sumner: Do you want to move an amendment?

The Hon. K.T. GRIFFIN: I know that at this stage we are debating a Bill which is directly related to members of Parliament. I do not have any intention of moving for the extension of the Bill to include the Judiciary, magistrates, statutory office holders and senior public officials.

The Hon. K.L. Milne: It is a good idea.

The Hon. K.T. GRIFFIN: I think that, if members of Parliament who are making the laws are required to disclose their interests publicly, those who are sitting in judgment on the law and on disputes between citizens are in the same sort of position as are those who are advising Governments or performing statutory functions, and should equally be required to disclose their pecuniary interests. Those interests could have a bearing on decisions being taken. As I said earlier in response to an interjection from the Attorney-General, I do not intend, at this stage, to move for a widening of this Bill, but I suggest that it is important to consider such a widening if this Bill or some amended form

of it becomes law. I hope that the Attorney-General will be able to give some commitment to this Council that this will seriously be considered in the light of the outcome of consideration of this Bill.

The Hon. C.J. Sumner: Do you think that there should be public disclosure by all those people as well?

The Hon. K.T. GRIFFIN: I think that, if members of Parliament exercising a public responsibility are required to make certain disclosures publicly, there is no reason why all these other persons ought not to make their disclosures publicly as well. I want to make that point, because I believe it is important to get this whole question into proper perspective and not to focus only on members of Parliament.

One can suspect that it focuses on members of Parliament because of possible political mileage that can be gained by using the information which may be disclosed, but I would hope that if information is disclosed there will be adequate provision in the Bill to ensure that the use to which this information is put is not improper use, that it is viewed objectively, and that there will be some significant penalties for those who abuse the information which becomes available.

The Hon. C.J. Sumner: It is in the Bill.

The Hon. K.T. GRIFFIN: I will have something to say about that, too, shortly. The Liberal Government introduced a Bill in 1982 which provided for disclosure to the respective Presiding Officers of the Parliament following the recommendations, to a large extent, of the Riordan Committee to which I have already referred. In introducing that Bill in the other place, the then Deputy Premier, Mr Goldsworthy, said:

> This Bill seeks to provide the mechanism whereby pecuniary interests of members of Parliament are recorded on a register so that persons with a legitimate interest can be assured that on any particular matter before Parliament a member of Parliament or his family does not have a conflict of interest or, if he does, that conflict is disclosed. The Bill is intended to balance the public's right to be assured that members of Parliament are acting honestly and diligently with the legitimate rights of members and their families to privacy in their own affairs.

The Hon. M.B. Cameron: Has there ever been a problem in South Australia?

The Hon. K.T. GRIFFIN: It was pointed out at that time that South Australia had been free and it continues to be free from any problems relating to conflicts of interest.

The Hon. Frank Blevins: How do you know?

The Hon. K.T. GRIFFIN: It is quite obvious that if there were any conflict of interest it would become known, just as in Victoria there were land scandals which became known. You cannot keep conflicts of interest private and confidential from members of the public, the media and others who have interests in disclosing it. Regardless of that, the fact is that I have indicated that at this point in time the Liberal Party is prepared to support the principle of public disclosure.

The Hon. C.J. Sumner: Hear, hear! At last! It has taken a long time.

The PRESIDENT: I think that I have nearly all the other members listed to speak, so I do not see why we should not hear the one who has the call at the moment.

The Hon. K.T. GRIFFIN: The emphasis of the 1982 Bill—and an emphasis which I think needs to be maintained in this Bill—is the need to balance the private interests of a member of Parliament and his family on the one hand, and his public duty as a member of Parliament on the other hand. Of course, full public disclosure presents a very real prospect of selective use of information for purely political purposes which are neither legitimate nor proper. There is the prospect of members' information being misrepresented and abused. While members of Parliament should be responsible for their actions, they should also be spared the prospect of having all aspects of their private lives exposed when those aspects are irrelevant to the matter before Parliament. That is the key to the matter of disclosure of private information. Is the information to be disclosed relevant to the consideration of the matter before the Parliament and is there a conflict of interest or a potential conflict of interest? If there is, that ought to be disclosed.

Already, and over a long period, this question of conflict of interest has been recognised, both in the Parliamentary arena and among those who serve on committees, and in legislation which has been coming before this Parliament over the last, perhaps, decade or longer. Any Bill which seeks to establish a committee or board has included a provision that any pecuniary interest be disclosed and that the person who discloses that interest does not participate in the deliberations or decisions of that committee or board. In the Parliamentary arena we have had Standing Orders in existence for quite some time which require a member of Parliament, both of the House of Assembly and of the Legislative Council, to disclose a pecuniary interest. For example, Standing Order 225 of the Legislative Council says:

> No member shall be entitled to vote upon any question in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown, and the vote of any member so interested may, on motion, be disallowed by the Council; but this order shall not apply to motions or public Bills which involve questions of State policy.

Then, in respect of committees, Council Standing Order 362 deals with conflicts of interest. That Standing Order reads:

> Any question of personal interest as affecting a member's vote, arising in the Committee, shall be determined by the Committee.

Quite obviously, that refers to the disclosure of the potential conflict of interest. Standing Order 379 says:

> No member shall sit on a Committee who has a direct pecuniary interest in the inquiry before such Committee not held in common with the rest of the subjects of the Crown and any question of interest arising in Committee may be determined by the Committee.

Then we have in the Constitution Act, in sections 49 to 54, requirements that a member of Parliament disclose his direct pecuniary interest in any matter which is before the relevant House and, if there is a conflict in respect of, say, a contract with the Crown or an agency of the Crown, that may be sufficient to disqualify the member of Parliament from his seat. I know that those provisions have always been very carefully watched by members of Parliament and candidates because of the very drastic consequences which flow from the conflict of interest referred to in that Act.

A number of matters on the Bill itself warrant attention. I will deal with some of them during the Committee stages of the Bill. The first is that the Bill extends to candidates as well as to members of Parliament. I am not convinced that a person who offers himself or herself for Parliamentary office should be required to disclose interests of which he or she may divest himself or herself immediately upon successful election. It is important to recognise that candidates, until they are elected, have no position of influence within the Parliament where the decisions are made. Only members of Parliament have that influence. Unless there is some persuasive reason which has not yet been disclosed why candidates should be lumped in with members of Parliament, I will certainly oppose the extension of this Bill to candidates.

The drafting of the Bill also suggests that one not only names the source of one's income or interests, but in some instances one must name any office that one holds, whether as a director or otherwise in any body corporate or unincorporate. That suggests to me that one really needs to disclose whether one holds an office in a church, social or sporting club. The case of a trade union is covered in regard

to a trade or professional organisation. All the social and community organisations in respect of which a member of Parliament is often involved would have to be disclosed. Even holding the office of patron or vice-patron would be encompassed by that provision.

The Bill introduced by the Liberal Government in March last year provided that it was only an interest in a body corporate or unincorporate, where the unincorporated body or association was formed with a view to profit, that was the subject of disclosure. There is good reason why members of Parliament, if they are disclosing essentially pecuniary interests, should have to disclose only the names of companies in which they are involved and associations where the association was formed with a view to profit.

The Bill provides that the Governor is to appoint an officer of the Parliament to be the Registrar. I take issue with that provision. My view is that the Clerk of each House should be the Registrar in respect of the interest of that particular House. That was similar to the recommendation of the Riordan Committee, although it referred to Presiding Officers. I have no objection to the Clerks of the respective Houses being Registrars and having the statutory responsibility, removing from the Governor and thus the Government of the day the responsibility for appointing an officer of Parliament to be the Registrar.

I can see all sorts of questions being raised if the Government decides to appoint this officer and not that officer. If this provision relates to members of Parliament, the less the Executive has to do with the appointment of persons and its administration, the less controversy is likely to arise. I will be proposing to the Council that the Registrar in respect of the Legislative Council be our Clerk, and in respect of the House of Assembly it should be the Clerk of the House of Assembly. Also, I will be moving amendments which will more appropriately and clearly define the information to be disclosed, relating that to the sources of income and financial benefits as well as to offices held in corporations.

I would like to turn now to the question of the use of that information. At present, the Bill provides that information supplied to the Registrar is to be tabled in Parliament in the form of a statement compiled by the Registrar. After tabling, a fair and accurate summary of the information can be published, provided it is published in the public interest and no comment is allowed on the facts in the register unless the comment or statement is fair and is published in the public interest, without malice.

The penalty for that is a mere $5 000 maximum. In certain circumstances the temptation to create mischief may be sufficient to override the cost of the use or misuse of that information. Anyone who publishes the information contrary to the provisions of clause 7 should be liable to a penalty of about $50 000 and, if there is a wilful contravention under clause 8, the penalty of $5 000 is provided.

I cannot stress enough the significance that I place on the proper use of the information that becomes public. For that reason I believe that there ought to be a substantial deterrent penalty for improper use of the information tabled. Accordingly, that matter will be raised by way of amendment in Committee. There are several other relatively important matters to which I want to refer.

Under the Bill, a member is required to disclose the interest of his or her spouse and children under the age of 18, if those children reside with the member. There is quite a proper concern that the names of children should not be disclosed publicly if the member does not want to bring his children into the public arena. There is already considerable pressure upon children of members of Parliament by virtue of the office which their parent holds and, for a Minister, there is even greater pressure upon his or her children. Accordingly, I will be suggesting that, where a member so elects, he can disclose his income sources and other information required to be disclosed, and he can disclose that of his spouse and children under the age of 18 under his own name, so that his children's names and the details of their holdings will not become public under their names but as part of the member's interests.

The other related topic is that of income sources and financial benefits of the spouse. This issue has been raised in this Council previously, particularly by honourable members opposite. Accordingly, the Liberal Government included in its Bill a provision that information relating to a spouse's income sources and financial benefits that could be ascertained by the member should be disclosed, recognising that some spouses may decline to disclose that information, and recognising also that the member and his or her spouse may have separated and it may not be possible to gain information about the income sources and financial benefits of the spouse. It is important that that provision be included in the Bill, and I will be moving accordingly in Committee.

There is one other important aspect concerning the Bill that we will have an opportunity to debate in Committee; that is, whether the statement of income and other benefits, the primary return, should be based on historical information or on prospective information.

One would have to look into a crystal ball to determine one's interests. That is rather curious. I believe that the only reasonable requirement should be a declaration of interests at the present time and within the preceding 12 months. One cannot presume to know what interests one might have over the ensuing 12 months. Accordingly, I would like to discuss in some depth the question of whether or not the disclosure should relate to historical information or prospective information.

I believe the disclosure should be based on historical information and not prospective information. I will be moving a number of amendments during the Committee stage, but the principle of the Bill is supported by the Opposition. Although the Bill is not supported in its present form, some parts of it are acceptable. When the Government sees the Opposition's amendments I am confident that it will recognise that, to a large extent, the principles of the Bill for public disclosure are supported. To enable me to move those amendments I support the second reading.

The Hon. R.I. LUCAS: I support the second reading of the Bill and the general principles underlying it. I believe that there should be no opposition to the principle that members should make decisions in the public interest and on the overall merits of legislation, rather than on possible individual gain from the legislation. I also believe that public disclosure is an important part of this Bill, because in a small way it will ensure that the community has a little more confidence in its members of Parliament.

The Hon. R.C. DeGaris: It may have less confidence.

The Hon. R.I. LUCAS: I am suggesting that it may have a little more confidence.

The Hon. Frank Blevins: Young and optimistic!

The Hon. R.I. LUCAS: Perhaps I am an idealist. One of the problems that I referred to in the Address in Reply debate was the high level of cynicism in which members of Parliament are held by the general community. At that time I referred to the results of some market research conducted in recent years in which about 100 occupations were listed and respondents were asked to list them in order of status. As I pointed out, members of Parliament and used car salesmen held the bottom two positions.

The Hon. Frank Blevins: What about a politician who was a used car salesman?

The Hon. R.I. LUCAS: He might be at position No. 101. I believe that public disclosures should be an integral part of any legislation. I believe that justice must be seen to be done as well as be done. It is disappointing to see that on four occasions since 1974 similar Bills to this have been defeated, deferred or not proceeded with. I join with the Hon. Mr Griffin in his hope for a bipartisan approach to this matter. Because of the Australian Democrats presence in this Chamber, perhaps I should hope for a tripartisan approach (if there is no such word I have just coined it) to achieve this very necessary reform.

There are many opportunities for a conflict of interest in Parliament, where the public interest and the private interests of certain members may be in conflict. In recent years there have been Bills dealing with the Cooper Basin, in particular the Santos (Regulation of Shareholdings) legislation. Any member of Parliament who had shares in the Santos company might well have had a possible conflict of interest. I refer to a Bill on the Notice Paper at the moment—the South Australian Oil and Gas (Capital Reconstruction) Bill. Any member of Parliament with shares or an interest in the relevant company may well have a possible conflict of interest in relation to that Bill.

Conflict of interest does not relate only to Bills. In his activities a member of Parliament may advocate widespread extension or expansion of the freeway system in the metropolitan area. That same member could also have substantial shareholdings in, say, Adelaide Brighton Cement or some other company. The public position adopted by a member could place him in a position of conflict of interest. A member might also seek to disallow certain zoning regulations in an area where he has land or property, and that may or may not lead to possible conflict of interest.

I refer, as did the Hon. Mr Griffin, to the present situation in relation to conflict of interest and pecuniary interests in this Parliament. As the Hon. Mr Griffin pointed out, one of the provisions that cover our activities is Standing Order 225, as follows:

> No member shall be entitled to vote upon any question in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown, and the vote of any member so interested may, on motion, be disallowed by the Council; but this order shall not apply to motions or public Bills which involve questions of State policy.

What on earth does that mean? Seeking guidance as to the exact meaning of that Standing Order, I consulted Erskine May at pages 407 to 412. In discussing this general question, Erskine May states:

> In the Commons it is a rule that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it: but in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character. On 17 July 1811, the rule was thus explained by Mr Speaker Abbot: 'This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of state policy.' This opinion was given upon a motion for disallowing the votes of the bank directors upon the Gold Coin Bill.

On page 408 Erskine May refers to personal interests in votes on questions of public policy, as follows:

> The only instance to be found in the journals in which the vote of a member has been disallowed upon a question of public policy is the case of the votes of three members given in session 1892 in favour of the grant in aid of a preliminary survey for a railway from the coast to Lake Victoria Nyanza, which had been undertaken on behalf of the Government by the British East Africa Company, of which two of the members in question were directors and shareholders and the third was a shareholder.

Erskine May (page 409) considers personal interest in votes on private Bills and notes the following:

> The votes of members, who were subscribers to undertakings proposed to be sanctioned by a private Bill *(f)*, or who were otherwise interested in a private Bill, have frequently been disallowed.

The question remains in my mind what is the distinction between a public Bill and a private Bill. If, as appears from Erskine May, a public Bill is, in effect, a Bill that is introduced by the Government, and if the converse is that private Bills are those introduced by private members—

The Hon. R.C. DeGaris interjecting:

The Hon. R.I. LUCAS: I hope that that point will be clarified by any other member who enters the debate and certainly by the Attorney-General.

The Hon. M.B. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron points out that the Attorney-General may find it hard to do that because he is not here.

The Hon. Frank Blevins: But he is listening.

The Hon. R.I. LUCAS: Perhaps the honourable member is the Attorney's mouthpiece. In respect of possible conflict of interest, there has been a precedent in this Chamber. The minutes of proceedings from Wednesday 8 March 1983 state:

> The President made the following statement in regard to pecuniary interests of members—
>
> Whilst the Hon. Mr Hill was speaking in the second reading debate on the Residential Tenancies Bill, my attention was drawn by the Hon. Mr Cornwall, to Standing Order No. 225 relating to pecuniary interest. This Standing Order is in line with the practice in the House of Commons . . .

It goes on to refer to the rule by Mr Speaker Abbott from which I quoted in Erskine May. The minutes from 8 March 1983 further state:

> The Residential Tenancies Bill is a public Bill introduced by the Government and giving expression to State policy. The Hon. Mr Hill is in no different position to any other landlord or tenant within the State, if indeed he is a landlord or tenant. I affirm my statement yesterday that Standing Order 225 will not be breached by any honourable member speaking or voting on the Residential Tenancies Bill.

The Hon. Frank Blevins interjecting:

The Hon. R.I. LUCAS: Surely Standing Order 225 cannot mean any pecuniary interest, and I would be interested in any contribution that the Hon. Mr Blevins may make on this matter. What would happen if a Parliamentary salaries Bill or a Parliamentary superannuation Bill came before the Parliament? If one interpreted Standing Order 225 in its strictest sense, contrary to the way in which Erskine May or Speaker Abbott interpreted that Standing Order, it would mean that no member in this Parliament, including the Hon. Mr Blevins, would be able to vote on those Bills.

The Hon. Frank Blevins: If someone held $1 000 000-worth of shares in Santos or in the Cooper Basin, and if the President gave a ruling that that member was no different to any other shareholder of Santos and that, therefore, there was no conflict of interest, that is in effect what the ruling, involving the Hon. Mr Hill, referred to. Clearly, there would be a conflict of interest.

The Hon. R.I. LUCAS: I agree with the Hon. Mr Blevins, and, if he had been sitting in his place for the duration of my contribution, he would know that that is the general question I raised. What, in effect, does Standing Order 225, as it exists and as it has been ruled by Speaker Abbott and quoted by the President in 1978 (whoever that was) in relation to Mr Hill (not only Mr Hill, but any other member) mean? I would be interested in hearing from the Attorney-General whether Standing Order 225 excludes all motions and questions of public policy—if that is to be interpreted as quoted in the recent precedent then it might exclude all Bills introduced by the Government.

The Hon. R.C. DeGaris: It comes back to private Bills, too.

The Hon. R.I. LUCAS: I seek some information in regard to that. From what has been quoted, it would appear that,

in effect, all Bills introduced by the Government can be included under this waiver of involving questions of State policy and are thus public Bills. I believe that the Bills that come to this House have a stamp on the front that states something like 'Public Bill'. If that is the case, the question arises, as I have raised it, and as the Hon. Mr Blevins by interjection has raised it, as to what on earth Standing Order 225 means and achieves.

The Hon. Frank Blevins: That is probably one of the best arguments that I have heard for the necessity of the legislation. If the Standing Order is crook, the Bill is necessary.

The ACTING PRESIDENT (Hon. C.M. Hill): Order! The Hon. Mr Blevins must make his contribution in the usual way.

The Hon. R.I. LUCAS: Thank you, Sir. I look forward to the honourable member's contribution.

The Hon. Frank Blevins: I have made a contribution three times already, and I have no intention of doing so again.

The ACTING PRESIDENT: Order! Let us get back to the Bill.

The Hon. R.I. LUCAS: I believe that we are in substantial agreement. The question that remains in my mind, taking the question of the Santos Bill, or the South Australian Oil and Gas Bill that we were considering this evening, is that if a member of Parliament has a substantial shareholding in either Santos—

The Hon. R.C. DeGaris: Why do you say a shareholding? Why do we not consider membership of a church?

The Hon. R.I. LUCAS: I will come to that part of the argument a little later. If a Bill in relation to Santos or South Australian Oil and Gas comes before Parliament, considering Standing Order 225, and if the precedents set by Speaker Abbott and the 1978 President of this Council are followed (that is, that those Bills are public Bills), a member who has substantial shareholdings in Santos or South Australian Oil and Gas could therefore speak on the Bills and, in the end, could vote on them. They are public Bills. What happens if the very same legislation is introduced by a private member? Does that Standing Order as it now exists and the precedents about which we are talking mean that, in the case of exactly the same Bill introduced by a private member, the member who has a substantial or any shareholding in Santos or Sagasco would not be able to vote on that Bill?

The Hon. R.C. DeGaris: I believe you are confusing private Bills and private members' Bills.

The Hon. R.I. LUCAS: I would be interested to know from the Attorney-General, now that he has returned to the Chamber, his interpretation of a public Bill, involving questions of State policy. It appears to be a very broad definition, and certainly, from the precedents that have been quoted and from the precedents set in this Council, it has been interpreted in a very broad fashion.

I leave that question with the Attorney-General. It is important to realise that this Bill seeks only to register a member's interests. It does not, on my reading of it, seek to prohibit any member from voting on any legislation. I believe that if the Bill did seek to prohibit voting it would be very foolish for it to do so. We would then get on to the matter raised by the Hon. Mr DeGaris in his interjection. He talked, for example, about the Uniting Church. I will talk about legislation relating to Football Park lights and whether I, as a member of the West Adelaide Football Club, must declare that interest and prohibit myself from voting. I am sure that the Hon. Mr DeGaris has privately (and may in this debate publicly) given other equally foolish examples. This Bill seeks not to inhibit a member from voting but to list members' interests in a register.

The Hon. R.C. DeGaris: What I am saying is that if one follows your argument through there are factors other than pecuniary interests that should be on the register, because it is not only pecuniary interests but also other matters that influence a person's vote.

The Hon. R.I. LUCAS: The Hon. Mr DeGaris suggested that we have to go further. I do not know how closely he has looked at this Bill, but it does go beyond the question of pecuniary interests. In effect it does that in its very name 'Members of Parliament (Register of Interests) Bill'. It is talking of a register of interests that is wider than pecuniary interests and takes up the very point that the Hon. Mr DeGaris makes. As it does that, perhaps the Hon. Mr DeGaris will be inclined to support the Bill.

The point I am making is that we must distinguish between this Bill, which does not seek to prohibit voting on Bills, and Standing Order 225, which does attempt to prohibit such voting. I do not believe that it has done that very successfully. I support the concept that this Bill ought to cover not only pecuniary interests but also a wider definition of interests such as membership of organisations. Many organisations may develop because of Government decisions relating to funding and a wide range of other matters and decisions involving Government. I believe, as the Hon. Mr DeGaris has suggested, that the powers of this Bill ought to be wider than those merely involving pecuniary interests.

The Hon. R.C. DeGaris: I am not saying that they ought to be wider; I am saying that your argument ought to be wider.

The Hon. R.I. LUCAS: I support the concept of listing interests rather than the extent of those interests. I do not do this for any personal reason. I have no qualms about listing the extent of any interests that I might have in any organisation or company. However, I am aware that some members would not support such a change. The reason for my support is that I believe that, if the Bill had included a requirement to show the extent of financial interests, it might have jeopardised its passage.

I congratulate the Attorney-General on the reasonableness that he has shown in this matter. I believe that the principle involved is the important thing in this matter. That principle is that the extent of an interest, be it $1 000 or $1 000 000, is not really the major point: the major point is whether there is some sort of interest and therefore some possible conflict between a member's public and private interests.

I have some reservations relating to this Bill. Some of those reservations were raised by the Hon. Mr Griffin, and I will not repeat them. However, I refer in particular to clause 4. I cannot support the provisions of this Bill relating to candidates, as I do not believe that it is appropriate. I do not believe that candidates are in a position to make decisions for possible personal gain. If a candidate is elected, that candidate will be in a position where everyone in the community will know of his or her particular interests. However, if a candidate is not elected, he or she is not in a position of conflict of interest. In addition, the Hon. Mr Griffin raised the point that a candidate, if elected, might well relinquish such interests.

The second matter about which I have reservations relates to clause 5 (1) *(a)*, which states:

> a statement of any income source that the person required to submit the return or a member of his family has or expects to have in the period of twelve months after the date of the primary return;

We are really entering here the arena of guessing what will happen in the future instead of what has happened as a matter of historical fact. One might facetiously suggest that, if a member has a dying aunt and is in a position to collect some portion of an estate in the next 12 months, that member might be in a position of having to declare that

interest. The third provision of the Bill about which I have some reservation is clause 5 (1) *(b)*, which states:

the name of any company or other body, corporate or unincorporate, in which the person or a member of his family holds any office whether as director or otherwise;

I can see some useful aspects of that provision. However, I can also see that it could create a number of problems. As the Hon. Mr Griffin has indicated, it would appear to extend to churches, sporting bodies and community groups. It would also appear that, if my wife happened to be secretary of a local nursing mothers group or mothers and babies group, that ought to be declared on my register of interests. I am not sure what relevance that would have. That does not concern me, but I am not sure what particular relevance it is likely to have on my consideration of legislation coming before this Parliament.

I am concerned, therefore, that that provision is too wide, and about what particular use can be made of it. One possible further problem might relate to facilities provided by certain sporting clubs and community clubs that receive grants from the Government. Members of Parliament might well have access to facilities in those clubs at no cost. A further question is whether such a situation is covered by any provision of this Bill.

Three other matters have caused members some concern, the first being the method of media coverage presently covered by clause 7 of the Bill. I think that it is a reasonable provision. The history of the Victorian legislation introduced in 1978 has been that there was an initial rush of publicity. The Melbourne *Age* published a full page (or two full pages) of interests of the members of Parliament, but since that initial rush there has not really been very much comment—in that paper, anyway. Probably a similar situation will obtain here in South Australia if the legislation is passed. We are likely to have in the first instance a pretty wide coverage of the interests of members and, after that, it is likely to fade away.

However, as with the Hon. Mr Griffin, I wonder whether the penalty of $5 000 envisaged in the legislation for a contravention of this provision is, in effect, a high enough maximum penalty. As the Hon. Mr Griffin suggested, certain newspapers or T.V. stations in the lead-up, particularly to an election or an important Bill to be considered in the Parliament, may well deem it worth their while to pay a possible fine of $5 000 to in effect besmirch the reputation of a member of this Parliament. I would certainly support the Hon. Mr Griffin's proposed amendment to increase that penalty substantially.

The second general area of concern of some members is that of invasion of privacy of members of Parliament. However, I cannot accept that this Bill can be rejected or argued against on this ground. We as members of Parliament, as people who hold public office, must accept that we cannot hope, or expect, to enjoy any more the same degree of privacy that the ordinary citizen can expect to enjoy.

The final area to which I refer is the need for disclosure of interest by senior public servants and officers of statutory authorities—a question that the Hon. Mr Griffin has more than adequately covered. I can add only, as I mentioned in my Address in Reply speech, that in this day and age, with the increasing power and scope of the bureaucracy and statutory authorities in South Australia and Australia, these senior South Australian public servants and senior officers of statutory authorities have considerably more power than I as a humble back-bencher in the Parliament am ever likely to hope to achieve.

The Hon. J.R. Cornwall: You do not intend to stay on that back bench longer than you can help it.

The Hon. R.I. LUCAS: The honourable Minister might look at my Address in Reply speech. I am firmly of the opinion that there should not be Ministers in this Chamber, so I do not have any aspirations. The Attorney-General has said that my views may change if I get closer to Ministerial office.

The Hon. J.R. Cornwall: We have all said things like that in our earlier days.

The Hon. R.I. LUCAS: I can only say that we all will have to be judged in the passage of time. Let me summarise my views on this Bill by saying that I certainly support the general principle. I am a little disappointed that it has taken so long to come in. I am happy to be here as a member of Parliament at a time when I hope that it will be passed. I particularly support the principle of public disclosure of interests. I have some minor reservations that other members and I will pursue in Committee. I certainly hope that the tripartisan support to which I referred earlier will see the early passage of this legislation.

The Hon. DIANA LAIDLAW: This is the fourth occasion within six years on which the Labor Party has introduced a Bill requiring members of the South Australian Parliament to make a public disclosure of their pecuniary interests. One of the differences between this Bill and the previous three Bills is that this Bill extends the range of interests beyond pecuniary interests. In addition, the former Liberal Government introduced a disclosure of interests Bill last year, although that Bill did not require public disclosure.

I have no objection to the public disclosure of interests, as I have some sympathy for the argument that Parliamentarians, as trustees of the public confidence, should disclose details of their interests in order to demonstrate to their colleagues and the electors at large that they have not been influenced in the execution of their duties by considerations of private personal gain. The argument is based on the premise that legislators may be vulnerable in the execution of their responsibilities on certain matters because of their private financial concerns and other outside interests. I agree that legislators should place their public responsibilities above their private responsibilities.

Clause 3 of the Bill provides that the Governor may appoint a person who is an officer of the Parliament to be the Registrar. That means that the Government of the day may appoint such a person and that that person need not even be referred to the Governor. I firmly believe that the Registrar should be no less a person than the relevant Clerk of the appropriate House or Council. This would take the appointment out of the political arena and would ensure continuity of appointment, and I believe that both goals are desirable.

The Bill requires that a member must submit a report on a regular basis to the Registrar on behalf of himself or herself, his or her spouse and their children under the age of 18 years who normally reside with them. I do not support the proposal that children and their interests should be referred to on an individual basis, for I believe that such a requirement may severely disadvantage the child amongst his or her friends at school, university or in the work place. This should not be condoned, and it is not necessary. After all, it is the parent of the child, and not the child, who has made a positive decision to enter this Parliament. Children of members can suffer enough abuse and harassment because of their parent's decision, without inflicting this further burden upon them.

The return to be submitted to the Registrar includes details of any source of income, the name of any company or partnership of which they are members, any holdings of real property, any trust in which they are beneficiaries, any superannuation fund from which they could benefit, any official position that they hold, and the name of any political Party, body or association, or trade or professional organi-

sation of which the person is a member. I do not have any objection to these requirements.

What I do object to most strongly is the limited definition of interests. The Bill deals only with the assets of a member. Why have members' liabilities been excluded? Some people would suggest that one's liabilities rather than one's assets render one vulnerable to outside pressures and temptations. The Labor Party, in the drafting of its three previous Bills and again in this Bill, has excluded persistently and deliberately the need for members to list their liabilities. One may ask why Caucus is so sensitive on this subject. If the Government is genuinely concerned about the vulnerability of members executing their responsibilities with integrity because of interests, members should be required to provide the Registrar with details of their liabilities.

The 1979 Federal Committee of Inquiry into Public Duty and Private Interest, chaired by Sir Nigel Bowen, Chief Judge of the Federal Court, noted in section 2.32 of its report that liabilities should be treated in exactly the same way as corresponding assets. For example, the mortgage on a house should be treated as would the ownership of the house. Likewise, I refer to a liability that touched closely on the office-holder's duties (and in this instance they were referring to Ministers); for example, a loan from a firm whose profitability was influenced by a Minister's department should be regarded as any sensitive asset would be regarded. The Bowen Report referred also to the problem of contingent liabilities such as guarantees given to other people or organisations which might influence a member's conduct.

The Hon. Mr Lucas commended the Government for requiring that only the source and not the extent of a member's interest must be disclosed. He commended the Attorney-General and he suggested that this was a matter of the Attorney being reasonable. I suggest that the extent of the interest really does not matter in this regard. It is a fact that a person has an interest, no matter whether it be small or big, that is the matter of concern. For a person on a small income, a small interest may be of greater significance than for a person on a larger income with the same interest.

Whilst I support the principle of public disclosure of interests, I have outlined briefly three reasons why I cannot support the Bill in its present form. My colleagues on this side of the Chamber have highlighted several other inconsistencies, and I do not intend to elaborate on their concerns, although I share those concerns. I support the second reading and I will support the amendments to be moved by the Hon. Mr Griffin. The amendments will strengthen this Bill and rid it of the blatant inconsistencies which have been highlighted in this debate by the Opposition.

The Hon. R.J. RITSON secured the adjournment of the debate.

SOUTH AUSTRALIAN OIL AND GAS (CAPITAL RECONSTRUCTION) BILL

Adjourned debate on second reading.
(Continued from 19 April. Page 838.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill. This provision is essential in order to ensure that there are not any potential windfall profits to shareholders of the South Australian Gas Company. This matter should have been resolved at the beginning of South Australian Oil and Gas, when it was first formed. The position must now be clarified because people have been purchasing Sagasco shares, on the advice of people outside this State, and waiting for supposed profits. It was never intended that such profits should accrue to shareholders of Sagasco.

The money used through SAOG was public funds raised from the public or from S.G.I.C., and there is no reason whatever for Sagasco shareholders to expect any windfall profits from the sale. The only money put in by Sagasco shareholders was $25 000 at the initial setting up of SAOG. As those were the only funds committed, how anyone could expect to obtain a profit from no financial commitment and through the use of public funds is beyond me.

The Hon. B.A. Chatterton: The company did.

The Hon. M.B. CAMERON: There were certain individuals who fancied some sort of potential to obtain an unearned increment of enormous proportions. It is important to the people of this State, who have invested in SAOG, to make absolutely certain that there is no doubt about who owns SAOG and who can expect the actual benefit flowing from SAOG and its exploration programme. Without any equivocation, although there is some feeling that this clarification could have been undertaken under the auspices of the present company (SAOG), it is obviously the Government's intention to cure this problem in this way, and the Opposition has no argument with it. We support the Bill.

The Hon. K.L. MILNE: Briefly, I signify our support for the Bill. This proposal appears to be a most sensible answer to the problem and should prevent raiders from attacking Sagasco in the future. It is just a pity perhaps that this solution was not designed initially. Much thought has gone into it since.

The scheme introduced by the former Government caused the State Government Insurance Commission to lose a considerable amount of money overnight by changing the market value of the shares that it was required to purchase. That loss was through no fault of the commission, and I hope that the present Government will compensate S.G.I.C. in some way. I would like the Government to go into the matter, because it is something that the commission was asked to do and the loss was considerable. I would like to thank the Minister of Mines and Energy (Hon. R.G. Payne) for his briefing on this matter and for the information that he has made available. We support the Bill. I am sure that it is the correct solution to this problem.

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

MOTOR VEHICLES ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

The Hon. B.A. CHATTERTON: I move:

That the Council do not insist on its amendments.

These amendments have been debated quite extensively in this Chamber. I do not wish to go through the matter to any large degree again. The amendments will allow people who fail to renew their licences to regain them without going through the normal procedures of testing and probation. The Government regards the requirements in the Bill as reasonable.

The Hon. M.B. CAMERON: I believe that the Council should insist on its amendments. This could be regarded as a matter that does not affect many people, but I believe it is an important issue for those people who have been confronted with this problem. I do not think that an absolute prohibition should exist on people obtaining a licence unless they go through this procedure. Quite frankly, I think it is an insult to many people to force them to go through this procedure when they are competent drivers. I urge the Council to insist on its amendments.

The Committee divided on the motion:

Ayes (8)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton (teller), J.R. Cornwall, C.W. Creedon, Anne Levy, C.J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), R.C. DeGaris, H.P.K. Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. L.H. Davis.

Majority of 3 for the Noes.

Motion thus negatived.

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion). (Continued from page 909.)

The Hon. C.J. SUMNER (Attorney-General): It is clear that there is no dispute about the first aspect of this Bill, which deals with the question of privilege of newspaper, radio and television reports of proceedings of public meetings and certain bodies and persons. However, there is some concern about the second aspect of the Bill, which deals with the liability for animals. Members opposite suggested that there are many difficulties in this field. I believe that there are few difficulties.

The Hon. Mr Cameron said that we should know where we are going on the Bill and that we have not had sufficient information. I point out that the issue was first canvassed in 1969, probably well before the Hon. Mr Cameron became a member of this Council. The recommendations embodied in this Bill were contained in the Seventh Report of the Law Reform Committee of South Australia to the then Attorney-General, Mr Millhouse, in 1969, some 13 or 14 years ago. One can hardly argue that honourable members opposite have not received sufficient information and have not had sufficient time to consider the issue and work out where they are going. I add to that the fact that in the last Parliament no less than three private members' Bills were introduced similar to the Bill I have introduced on this occasion: two were introduced in the House of Assembly by Mr McRae and one in this Council by me. The then Attorney-General, the Hon. Mr Griffin, as spokesman for the Government, agreed to that Bill in principle. Quite frankly, to claim that somehow or other members opposite have been caught by surprise—

The Hon. R.C. DeGaris interjecting:

The Hon. C.J. SUMNER: That was the implication. The suggestion was that members opposite should know where they are going and that they do not have sufficient information. I would have thought that 13 years would be adequate time in which honourable members could come to grips with this issue. Apparently, for some reason, members opposite have chosen not to do that, and now they want to adjourn the matter further for reconsideration.

The Hon. K.T. Griffin: There were nine years of Labor.

The Hon. C.J. SUMNER: That may be so, but during the past three years there were three attempts to introduce a Bill similar to this Bill.

The Hon. R.C. DeGaris: There have been 17 attempts in the House of Assembly—

The Hon. C.J. SUMNER: I know, but the reason that they were not passed was not because people did not know enough about them, which, apparently, is the reason for opposition to this Bill. Therefore, I am disappointed in that. I would have thought that members opposite could come to grips with the issue before us, which has been of public interest for some 13 or 14 years.

Members opposite who contributed to the debate attempted to draw a lot of red herrings across the trail, or perhaps I should say they have raised a lot of wild hares in relation to this matter. I do not believe that there is anything about which the rural communities should be particularly concerned in relation to the principle in the Bill. All the Bill says is that the normal principle of negligence should apply to landowners and to people who have stock or animals in their custody and control. I would have thought that that was a fairly commonsense proposition.

The second reading explanation indicated that a landowner may deliberately, or through his own inadvertence or negligence, not look after stock properly and not provide fencing for his stock along a road; that a driver may run into an animal that thereby escapes from a paddock; and that, under the present law, a person may be grossly injured in that road accident as the result, quite clearly, of the negligence of the landowner, and that person, who may become a paraplegic or even suffer worse injuries, cannot get one cent from anyone. That is the situation under the present law, and under the rule in *Searle v. Wallbank.*

I find it very difficult to understand how honourable members can support that proposition. However, that is the existing law. This Bill attempts to change that law and merely applies the normal rules of negligence to the situation where a person is in control of animals. All it says is that a person who owns or who has animals in his control must exercise reasonable care, that he has a duty to exercise care in relation to those stock. There is a duty to exercise reasonable care in all the circumstances, that is, the care that would be exercised by the normal, ordinary, right-thinking member of the community in any particular circumstance.

Therefore, in response to the situation in pastoral areas as compared to more built-up areas, I believe it is quite clear that the amount of care that would have to be shown would differ depending on the circumstances. If 50 cars use a road in one hour, the obligation to maintain fences would be much more stringent than in regard to a property in the outback, where one car may pass a property every two days. It depends, as general clauses on negligence depend, on the particular situation. One of the great anomalies at the moment is that a farmer who decides to take his sheep on to the roadway and drive them from one paddock to another along a public road has them in his care and control and, if he behaves negligently while driving them and someone is injured, that person has a claim in negligence against the farmer. However, if that same farmer deliberately lets his fences fall into disrepair, or notices that they are in disrepair and that his animals can escape and he does nothing about it, thereby allowing an animal to escape and cause injury to a person using the road, the person injured has no claim in negligence against that landowner. That, surely, is an absurdly anomalous position, but is the current position in law.

That is what this Bill is designed to rectify. It will allow us to apply the normal principles of negligence to a situation that we are confronting. As I have said previously, many side issues have been raised that I believe have no merit. The Hon. Mr Griffin is concerned, for instance, about wombats crossing roads. He thinks that they will incur some liability on the landowner who happens to be harbouring them. That is an absurd notion.

The Hon. K.T. Griffin: You look at the drafting.

The Hon. C.J. SUMNER: The Hon. Mr Griffin is desperate for points to justify his proposition.

The Hon. K.T. Griffin: Leave it out and I will still justify the points that I have made.

The Hon. C.J. SUMNER: The fact is that that assumption is not justified by the Bill. The farmer would not be the keeper of an animal such as a wombat or kangaroo crossing

a road from one paddock to another. 'Keeper' means the owner. He is clearly not the owner of those animals in that wild state, or a person having custody or control of such an animal. Clearly, in my view, the wombat and kangaroo in their natural state crossing a road would not be covered by this legislation. If a landowner had hopping about his property a few kangaroos that leapt out on to the road and caused an accident, that would come within the terms of this legislation. On the other hand, if a kangaroo in his yard escaped and that happened, the principles of the legislation would apply. They do not apply to wild animals, and I think that that is clear.

The Hon. K.T. Griffin: It is not, because you eliminate the distinction.

The Hon. C.J. SUMNER: The distinction is eliminated for other purposes. It is not eliminated for the purposes of this legislation.

The Hon. K.T. Griffin: That is relevant.

The Hon. C.J. SUMNER: The question comes down not to whether wild animals or domesticated animals are involved but to whether a person is the owner or has custody or control of the animal concerned. Clearly, a person does not have the custody or control of a wild kangaroo or wombat. A person does not have custody or control of a feral cat, even though cats are normally domestic animals. A farmer probably does not have the use or control of a feral goat, but he would have custody or control of a goat in a normal domesticated situation. That is the purpose of removing the distinction: it merely means that the law abolishes the distinction between those two animals and also that each case is determined on its merits.

All I can say in this context is that the effect of the abolition of the distinction is that one may have a domesticated animal that is wild and not under the control or custody of anyone and, if that animal causes an accident, the landowner is not liable. On the other hand, there may be some wild animals that are domesticated; I suppose that animals such as kangaroos or dingoes, for instance, could be domesticated. If such an animal, having been domesticated or confined by a landowner in his custody and control by fences that fall into a state of disrepair, escapes, the same liability would attract to the landowner as would attract in the case of sheep or the like. That is the effect of the abolition of the distinction.

The other extraneous matter was the Impounding Act, about which the Hon. Mr Griffin made a considerable point. All I can say is that the honourable member was grasping at straws. He was trying to raise the issue to justify the fact that he wanted the Bill referred to a select committee. He received certain representations about the Bill and, although I know the honourable member's better judgment is that the Bill is satisfactory and that his knowledge of the law would be such that he would feel that the basic principles of the Bill are satisfactory, the Hon. Mr Griffin felt that there was a need to try to get the matter referred to a select committee to justify, presumably, certain representations made to him. The honourable member therefore searched around for those sort of points.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Cameron says that one goes around the State and cannot find anyone who knows anything about it. That is extraordinary, because the issue has been with us since 1969. The issue has been debated in this Council three times in the past three years. How can one maintain that one goes around the State and that no-one knows anything about it? That is ludicrous.

An honourable member interjecting:

The Hon. C.J. SUMNER: I suspect that in that case the Government was not doing its job during the past three years, because the matter was introduced on three occasions by the Opposition. Apparently the former Government did not consider it necessary to take up the issue with anyone in the community. However, that issue of one's being surprised about no-one knowing anything about it is unjustified in view of the history of the issue. I am merely saying to the Hon. Mr Griffin that some of his arguments are of no particular merit and were really drummed up in order to justify the Bill's being referred to a select committee.

The other issue that the honourable member raised related to the Impounding Act. As I understand it, this measure does not affect any statutory right or remedy that already exists, so it does not affect the Impounding Act and the rights that are given under that Act. It specifically excludes the effect of any statutory right or remedy that exists. Therefore, I do not see that there is any merit in that argument. Overall, I would have to say that I am not particularly convinced—

The Hon. M.B. Cameron: You want to get down to the fire areas where there has been a hell of a problem with stray stock over which no-one has any control whatsoever and tell them about this Bill.

The Hon. Anne Levy: There is no negligence there.

The Hon. C.J. SUMNER: That is the thing that the Hon. Mr Cameron cannot seem to understand. In order for a landowner to be liable, the person injured (and the onus is on the person injured) must prove that the person who has control of the animal was negligent. It is not a question of strict liability. It does not mean that just because a person hits a sheep on a road that person automatically has a claim for damages against the stockowner.

The Hon. R.J. Ritson: He knows that. He is not arguing that. He is arguing the human stress on people—the behavioural side of it where, in the deep distress of their loss, they are worried about a Bill they do not understand. There would be nothing at all wrong with delaying it for further examination.

The Hon. C.J. SUMNER: That is a different argument.

The Hon. R.J. Ritson: It is a real argument.

The Hon. C.J. SUMNER: I know, but many members opposite seem to be under the impression that the Bill imposes a strict liability on owners of stock, and it does not. The Bill says that, if an owner of an animal or a person who has animals in his custody is negligent or does not exercise reasonable care in relation to those animals, he should be liable. That has to be established by the person injured. I would have thought that it was a fairly simple and clear proposition. The principles of negligence are well established in the law and have been since the case of *Donoghue v. Stevenson,* which was referred to in the second reading explanation. I therefore repeat that I do not see the difficulties which members opposite have with the Bill.

I must confess that I believe that there are considerable misunderstandings by honourable members and by other people concerned with the Bill. I took the opportunity this morning of speaking with a deputation from the United Farmers and Stockowners, and I think that the people in question were under a number of misconceptions about the Bill, which I hope I was able to correct for them, at least in terms of the principles behind the legislation.

Honourable members opposite have expressed the desire for the Bill to go to a select committee. I understand that the Hon. Mr Milne and the Hon. Mr Gilfillan feel the same way about that. I do not intend to raise any major objection to the matter going to a select committee, although I personally do not believe that it is necessary. We certainly will not behave in the churlish and childish fashion of honourable members opposite when they were in Government and boycott select committees established by the Council. We will serve on the select committee and participate in it if it is established, but I should say that the Government is

committed to the principles of this Bill. The Government does not believe that any major amendments are necessary to the Bill and we will—

An honourable member: You could look at it with an open mind.

The Hon. C.J. SUMNER: I would appreciate it if honourable members would look at it with an open mind or at least understand the issue better than they have up to the present. I would hope that the select committee would have that educative role. The rule in *Searle v. Wallbank* has been superseded in a number of jurisdictions without adverse effect, so far as we are aware. I do not believe that it would add to insurance premiums to any great extent, but that may be something the committee can look at.

So, a select committee will apparently be set up, and we will participate in it. I do not intend to oppose the establishment of a select committee, although I hope—and I say this genuinely—that in the next three months during which this select committee will sit no person driving along the roads sustains serious injury as a result of the negligence of the owner of stock who lets that stock out on to the road. If there is such a person to whom that happens and who may be, say, a workman or a widow with kids with no recompense against anyone, or if it is a person who becomes a paraplegic or a quadriplegic as a result of the straight-out, blatant negligence of a stockowner, honourable members will have to have that matter on their consciences because of the delay in the implementation of this legislation.

The Hon. K.T. Griffin: That is childish.

The Hon. C.J. SUMNER: That, unfortunately, is the blunt situation in regard to the current law. That is what we are concerned about in promoting the legislation.

The Hon. M.B. Cameron: That is nonsense—you were in power from 1970 to 1979.

The Hon. C.J. SUMNER: I am not denying that.

The Hon. K.T. Griffin: The Chief Justice shelved it at that time.

The Hon. C.J. SUMNER: He may have done so, but it is not shelved now as being too hard. It is clear that it is an unjust situation to anyone who has thought about it. I hope that that situation does not occur to anyone over the next three months while the passage of the Bill is delayed. I will not oppose its being referred to a select committee. The Government will co-operate and make facilities available to enable the select committee to work. I hope that, in the spirit of co-operation, honourable members will not delay the sittings of the select committee and not delay—

The Hon. K.T. Griffin: We have no intention of doing that.

The Hon. C.J. SUMNER: I am not suggesting that.

The Hon. K.T. Griffin: Don't suggest that—there's no substance for it.

The Hon. C.J. SUMNER: I hope that, in the spirit of that co-operation, the report of the select committee can be brought back to the Parliament by the Budget session of Parliament in July.

The Hon. K.T. Griffin: There is no reason why not.

The Hon. C.J. SUMNER: I agree that there is no reason why it should not be. I agree with that and am glad that that can be the case. We will co-operate to try to ensure that that deadline is achieved.

Bill read a second time.

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

That the Bill be referred to a select committee consisting of six members; that the quorum of members necessary to be present at all meetings of the committee be fixed at four members; and that Standing Order 378 be so far suspended as to enable the Chairman of the committee to have a deliberative vote only.

In moving that motion I appreciate the indication from the Attorney-General that the Government will co-operate with the select committee. The Opposition has no intention of delaying consideration of the matter. It is moving to a consideration of the matter through a select committee because it genuinely believes that there are concerns about the way in which the Bill, as drafted, will operate.

The Bill makes a significant change to the law and, as a result of that change in the law which will be effected by the Bill and because of the obvious difficulties from the way in which it is drafted at the present time, the Opposition believes that it is important to give a range of people an opportunity to present their views on the drafting of the proposition and the principle of that clause of the Bill. It will endeavour to clarify the various issues which have been raised not only by honourable members during the debate but also by those from whom representations have been made. As I said by way of interjection when the Attorney-General was speaking at the close of the second reading debate, there has not been consultation by the Government with those likely to be affected by the significant change in the law. The select committee, if approved by the Council, will ensure that that occurs. Certainly, I would want to see that the matter is dealt with as expeditiously as possible, and the Opposition will try to see that that occurs.

The Hon. R.J. RITSON: I will speak briefly to the motion. I indicate that the Opposition does understand common law questions about liability and negligence, but there were a number of issues raised in the debate that would not be answered satisfactorily by a Committee of the Whole. The Attorney said that there may be no significant increase in public liability premiums. That is a statement which is left in the air and which is unlikely to be answered by actuarial calculations in the ordinary consideration of the Bill, but it could be canvassed by such a committee. The question of expediency will not be affected by a committee, as the Hon. Mr Cameron pointed out. There are people—

The PRESIDENT: Order! I remind the honourable member that the question we are dealing with concerns a select committee and not the nature of the Bill.

The Hon. R.J. RITSON: I understand that, Mr President, but the points that I am making are points explaining why such a committee is a better vehicle for examining the Bill than is a Committee of the Whole.

The PRESIDENT: I hope that the honourable member is not repeating the second reading debate, which I believe he is starting to do.

The Hon. R.J. RITSON: Not really, Mr President. I am attempting to point out why a select committee is a better forum in which to examine some of these aspects than is a Committee of the Whole. The reality is that a number of primary producers are in a state of distress and are not in any position to argue the actuarial factors of public liability. They are not even in a position to check properly their fences at the moment. A short delay of a few weeks in the passage of this Bill will do no harm. One of the great defects of the common law is that one does not know that one has breached it for several years, until a decision has been handed down.

The delays inherent in the common law make the delay of a couple of weeks in the passage of this Bill pale into insignificance. I emphasise that, whatever the legal arguments, as the shadow Attorney-General, the Hon. Mr Griffin, has cast some doubts on the extent of liability, and as I respect his opinion, whatever the ramifications, the harsh reality is that large numbers of primary producers are presently in no position socially, economically, or emotionally to analyse this Bill. They deserve a chance to have the matter aired more publicly and for their representatives to attend sittings of a select committee and have the various

questions answered. It is not a matter of interfering but a matter of human reality. I support the motion.

The Hon. C.J. SUMNER (Attorney-General): I do not believe that there are any major inadequacies or problems that cannot be dealt with in the Council, without reference to a select committee. The principle is clear: if any drafting issues raise problems, I am sure that they could be catered for in the usual way, as the Council handles problems in relation to very many Bills. While we believe that those issues could be determined now and that a select committee is not strictly necessary, I indicate that the Government does not oppose its establishment.

Motion carried.

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

That the select committee consist of the Hons. H.P.K. Dunn, M.S. Feleppa, I. Gilfillan, K.T. Griffin, Anne Levy, and Barbara Wiese.

Motion carried.

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

That the select committee have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 28 July.

The Hon. K.L. MILNE: Before we take a vote, will the honourable member say what is the constitution of the committee?

The Hon. K.T. GRIFFIN: Three Government members, two Opposition members and one Democrat.

Motion carried.

ADJOURNMENT

At 11.1 p.m. the Council adjourned until Thursday 21 April at 2.15 p.m.