HOUSE OF ASSEMBLY

Tuesday, November 23, 1976

The SPEAKER (Hon. E. Connelly) took the Chair at 2 p.m. and read prayers.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

At 2.1 p.m. the following recommendations of the conference were reported to the House:

As to amendment No. 2:

That the Legislative Council do not further insist on its amendment.

As to amendment No. 3:

That the Legislative Council do not further insist on its amendment.

As to amendment No. 4:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 8—After line 16 insert new clause as follows:

clause (1a) as follows:

(1a) In nominating persons for membership of the commission, the Minister shall have due regard to the need to ensure that the members of the commission have a high level of expertise in the provision of health care or the administration of health services.

and that the House of Assembly agree thereto.

As to amendment No. 6:

That the Legislative Council do not further insist on its amendment.

As to amendment No. 7:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 8—After line 16 insert new clause as follows:

18a. Health Services Advisory Committee—

(1) The Minister shall appoint a committee entitled the "Health Services Advisory Committee".

(2) The Health Services Advisory Committee shall consist of the following members:

(*a*) a member of the commission (who shall be Chairman of the committee) nominated by the Minister;

(*b*) two nominees of the Local Government Association of South Australia;

(*c*) one nominee of the South Australian Hospitals Association;

(*d*) one nominee of the Australian Medical Association (South Australian Branch);

(*e*) one nominee of the Australian Dental Association (South Australian Branch);

(*f*) one person nominated jointly by the Royal Australian Nursing Federation (South Australian Branch), the Public Service Association of South Australia and the Australian Government Workers Association;

(*g*) one nominee of the South Australian Council of Social Service;

(*h*) one nominee of the St. John Council for South Australia;

(*i*) one nominee of the South Australian Association for Mental Health; and

(*j*) four nominees of the Minister (all of whom must have had experience in the provision of health services and at least one of whom must have had experience in the education and training of those who propose to work in the field of health care).

(3) The members of the committee shall hold office for such term, and upon such conditions as may be prescribed.

(4) The functions of the committee are to advise the commission in relation to the following matters:

(*a*) the provision and delivery of health services;

(*b*) the role of voluntary organisations and members of the community in the provision and delivery of health services;

(*c*) the co-ordination and the most effective deployment and use of health services;

(*d*) the advancement and improvement of health services; and

(*e*) any other matter referred to the committee for advice by the commission.

(5) The committee may, with the consent of the Minister, establish such sub-committees (which may consist of, or include persons who are not members of the committee) as it thinks necessary to assist it in performing its functions under this Act.

and that the House of Assembly agree thereto.

As to amendment No. 9:

That the Legislative Council do not further insist on its amendment.

The Hon. R. G. PAYNE (Minister of Community Welfare): It was agreed that we should recommend to our respective Houses in accordance with the schedule of amendments provided to all members.

Later:

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Later:

Consideration in Committee.

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That the recommendations of the conference be agreed to. Earlier today, I outlined the schedule that was before members. A study of that schedule will show that the Bill, as it left the House, has not suffered in any way. Accordingly, I ask honourable members to support my motion.

Dr. EASTICK: I support the motion. As the Minister said, the outcome of the conference has not been to the disadvantage of the Bill, which, it can be seen from the evidence given before the Select Committee, clearly involved an issue that has general public support. When the Select Committee's original report was being debated, I said (and the debate commences at page 1446 of October 12, 1976, *Hansard*) that some people would think that they had been partly left out or had not achieved all their requirements. This was inevitable. However, in the acceptance of a Health Services Advisory Committee, the status of many of the organisations concerned has been given due recognition. As the committee will be required to meet, those people and the organisations that they represent will have access directly to the commission and to the Minister. The other organisation that may feel unsettled and unhappy about the end result is that relating to local government.

This issue was heavily canvassed during the conference. It has been intimated (without there being any indication of the manner in which the details will be presented to Cabinet) that later this matter will be raised in Cabinet by the Minister in another place and the Minister here. Although no indication has been given of what their attitude will be, those Ministers have undertaken to bring the matter before Cabinet. There was a suggestion, which I think should be recognised by the Committee, that the matter should be held over until it was taken to Cabinet and a final decision reached. That move was, correctly, resisted.

I do not think that any matter which goes before a conference of managers from both Houses should be directed to Cabinet for decision before the conference takes a decision on it. I make that point because, if a precedent had been created yesterday, it could well have to be followed in future. I support the decision that no

conference of managers should be placed under the threat of Cabinet's having later to reconsider the matter. That is completely against all aspects of good Government.

The benefits that will accrue, in the long term, from the decisions taken at the manager's conference and, indeed, from the passage of the Bill through both Houses will be advantageous to the people of South Australia. This legislation will not be implemented immediately. However, I hope to see it implemented with a minimum of delay. I look forward in due course to perusing the regulations, which will be an obvious part of the implementation of the Health Commission concept. I believe that members of this place will have a responsibility regarding the content of the regulations before the matter becomes a *fait accompli.*

Mr. MILLHOUSE: I support the acceptance of the results of the conference. I want to make that quite clear in view of what I understand has been said by others of my views from time to time that I was not in favour of the Bill. I have been in favour of the Bill, and I support the final result of it. I make that perfectly clear. This is a good example of another place's huffing and puffing and then collapsing like a pricked balloon because, as the Minister said, the result of the conference is that the Bill is left substantially intact. Although there may be enough alterations to save face for the satisfaction of members in another place, that is about all that the alterations do.

However, there are, I believe, still a number of people and organisations who have misgivings about the way in which the Bill has finally passed through Parliament. I hope that those misgivings are ill-founded and that this will be seen to be the case as the commission gets under way. Of course, like any other piece of legislation, if we find (and I suppose that we will find them in one way or another, whether or not we can now foresee them) weaknesses and imperfections in it, I hope that the Government will reconsider certain provisions and bring back the Bill for amendment. For myself, I am pleased with the result that has been achieved.

Motion carried.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

GLADSTONE HIGH SCHOOL

Mr. VENNING (on notice): When is it anticipated that the fire protection facilities for the Gladstone High School, as announced by the Minister some months ago, will be made available?

The Hon. D. J. HOPGOOD: It is anticipated that tender calls will be made within four weeks.

DROUGHT ASSISTANCE

Mr. GUNN (on notice):

1. Will share farmers who have been affected by the severe drought conditions be eligible for financial assistance under the scheme outlined by the Premier in reply to a question on November 10, and if not, why not?

2. What rate of interest is the Commonwealth Government charging for funds they are making available for drought assistance?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Sharefarmers who are in necessitous circumstances as a result of drought are eligible to apply for carry-on loans. Each case will be considered on merit, having due regard to security and a properly constituted share-farming agreement covering a reasonable term.

2. State funds are currently being used for drought assistance carry-on loans under the Primary Producers Emergency Assistance Act, 1967. Commonwealth funds will not be available until the total expenditure on drought measures acceptable to the Commonwealth this financial year have passed $1 500 000. Commonwealth funds will be available to the State without interest. The State has made an arrangement in terms of section 5 (3) of the Primary Producers Emergency Assistance Act to enable State and/or Commonwealth funds to be made available at a concessional rate of interest at 4 per cent in lieu of the interest rate specified in section 5 (1) (*a*) of the Act, being the State Bank overdraft rate to primary producers, currently 10·25 per cent. Loans will be made available to farmers who are in working occupation of their farms, who are in necessitous circumstances because of drought and are unable to finance the purchase of seed, superphosphate and other essential items from their own resources or through normal commercial channels.

FISHING LICENCES

Mr. GUNN (on notice):

1. Has the Government any plans to reduce the number of "B" class fishing licences in the next 12 months?

2. Does the Government intend to make it more difficult for part-time fishermen to obtain "B" class licences?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Towards the end of the current licensing year (June 30, 1977) reviews will be made of effort undertaken by all commercial fishermen since July 1, 1976. Should any "A" or "B" class fishermen appear not to be engaged in significant fishing effort, a licence for the following year (1977-78) will not be issued to him. Such refusal will of course be subject to appeal under Section 34 of the Fisheries Act.

2. No.

ROAD MAINTENANCE CHARGES

Mr. GUNN (on notice): Is the Government planning to abolish road maintenance contribution charges and, if so:

(*a*) when; and

(*b*) does the Government intend introducing any other form of tax to make up for the loss of revenue?

The Hon. G. T. VIRGO: The answer is still the same as that given to you on Tuesday, August 3, 1976, which was:

I submitted an alternative scheme to the existing road maintenance legislation to the last meeting of the Australian Transport Advisory Council on July 9, 1976. The other State Ministers and the Federal Minister expressed interest in the proposal and all agreed to examine the matter with a view to determining the whole question at the next meeting of A.T.A.C. to be held in February, 1977.

DATEL (N.S.W.) PROPRIETARY LIMITED

Mr. BECKER (on notice):

1. Why were the services of DATEL (N.S.W.) Proprietary Limited engaged by the Woods and Forests Department?

2. What is the estimated cost of these services?

3. What action is the Woods and Forests Department taking for budgetary control as concluded by the Public Accounts Committee report?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Following the introduction some two years ago of a marketing information system involving electronic data processing it was considered desirable to carry out a co-ordinating study of management information systems simultaneously with the accounting and budgetary control investigation recommended by the Public Accounts Committee. As the department has only one systems analyst on its establishment, it was necessary to engage a consultant to assist with the management information system study. DATEL (N.S.W.) Proprietary Limited was selected after a careful examination and assessment of proposals received from a number of consulting firms.

2. $14 000.

3. See 1 above. A steering committee and a small working party including officers of the Public Service Board is advising on suitable accounting systems and budgetary control.

PROPERTY REVALUATIONS

Mr. BECKER (on notice):

1. How many valuers were employed in the two revaluations this year of properties in the West Torrens council area?

2. What was the total amount of time required to complete the first and second revaluations respectively?

3. What is the total cost to date of these valuations, including:

(*a*) valuers' salaries;
(*b*) clerical assistance;
(*c*) computer time; and
(*d*) out-of-pocket expenses, including motor vehicle running cost?

4. How many properties were physically inspected for each revaluation?

5. What was the total number of valuations involved in both instances?

6. How many objections have now been received to:

(*a*) the first revaluation;
(*b*) the second revaluation; and
(*c*) how do these numbers compare with other areas?

7. How many valuations have been amended as a result of objections or requests for revaluation to:

(*a*) the first revaluation;
(*b*) the second revaluation; and
(*c*) what is the extent of errors?

8. How many objections to both revaluations are still outstanding to date?

9. How many objections to both revaluations have been referred to the Supreme Court, and when is it anticipated that these objections will be heard by the court?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. For the first revaluation (i.e. general valuation) for the L.G.A. of West Torrens, five valuers were employed. The revaluation in respect of Novar Gardens involved one valuer.

2. First valuation, 75 man weeks; 2nd valuation 1 man week.

3. Total costs involved for both valuations:

(*a*) Valuers approximately $17 000
(*b*) Clerical assistance $2 100
(*c*) Computer time $115
(*d*) Other costs:

	$
(1) Cost of landowner's returns	31
(2) Cost of valuation notices ..	52
(3) Postage	2 870
(4) Stationery	180
(5) Motor vehicle costs	750
Total	$3 883

Grand total—$23 098

4. For the first valuation 17 214 properties. For the second valuation 320 properties.

5. As for (4) above.

6. (*a*) 470 objections.
(*b*) 75 objections.
(*c*) 2·7 per cent of the total number of valuations made in the area. This compares to a State average of 2·6 per cent for the 1975-76 valuation programme.

7. (*a*) 180 amended valuations.
(*b*) None.
(*c*) 320 resulting in the revaluation of Novar Gardens.

8. 495 outstanding objections.

9. (*a*) Nil.
(*b*) Not known, since this decision is a function of the Supreme Court.

"THE PINES"

Mr. BECKER (on notice):

1. Has the Government contracted to purchase the property known as "The Pines" situated at Marion Road, Plympton and, if so:

(*a*) when was the contract signed;
(*b*) what is the purchase price;
(*c*) when will settlement be made;
(*d*) what type of person or organisation will occupy the premises;
(*e*) when will occupancy take place;
(*f*) how many persons will be placed in residence;
(*g*) what is the estimated number of staff required;
(*h*) from where will they come and what will be their qualifications; and
(*i*) what is the estimated maximum number of residents and staff to be accommodated?

2. Will the whole of the property be fully utilised?

3. Will repairs and renovations be necessary and, if so, to what extent and at what cost?

4. If a contract has not been signed, is one being considered and, if not, why not?

The Hon. R. G. PAYNE: The replies are as follows:

1. No.
2. See 1.
3. See 1.
4. Yes.

"CUMMINS"

Mr. BECKER (on notice):

1. Has the Government purchased the Morphett residence of "Cummins" at Novar Gardens, and if so:

(*a*) why;
(*b*) what was the total purchase price;
(*c*) what will the property be used for and by whom;
(*d*) who will maintain the grounds and at what estimated cost per annum;

(*e*) will a caretaker be engaged to look after and reside on the property and, if not, why not;

(*f*) has the West Torrens council been contacted for approval of the use of the property; and

(*g*) do such proposed uses conform with zoning regulations and, if not, will residents of Cummins Park be consulted for approval?

2. Will an advisory committee be appointed to administer "Cummins" and, if so:

(*a*) how many persons will constitute the committee;

(*b*) who will nominate and appoint them;

(*c*) will the Glenelg Branch of the National Trust be consulted and if not, why not; and

(*d*) will members of such committee receive remuneration and, if so, why?

3. What were the terms and conditions of sale of this property and who will be responsible for the total cost of restoration?

4. Was a structural engineer's report obtained on the condition of the building, what are the details of such report and, if a report was not obtained, why not?

5. How much and what was the total value of furniture acquired with the purchase of the property?

6. Will any repairs be necessary to buildings and, if so:

(*a*) to what extent;

(*b*) what is the estimated cost; and

(*c*) who will undertake repairs and when?

7. Will additional furniture and floor coverings and fittings be acquired and, if so, who will meet the costs of such additions and what is the total estimated cost?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. (*a*) Yes, the South Australian Government was offered "Cummins" by the Morphett family, and has agreed to purchase it. "Cummins" is a unique example of early South Australian architecture and, after it was passed in at an auction earlier in the year, the Government became concerned at the possibility of the State's losing this significant piece of its history. It was designed by the State's first architect, Sir George Strickland Kingston, and its purchase ensures that "Cummins" will be preserved for the benefit of all South Australians.

(*b*) The total purchase price was $185 000.

(*c*) An advisory committee will be established with representatives from the National Trust, City of West Torrens and the State Government to ensure the widest possible use of the property in a manner compatible with its preservation.

(*d*) It is proposed that the South Australian Government will maintain the grounds at an estimated cost per annum of $5 000.

(*e*) It is proposed that a caretaker will be engaged to reside at the property.

(*f*) and (*g*) The West Torrens council will be fully consulted regarding the future use of the property. It is not proposed to develop "Cummins" in any manner which would be incompatible with the council's planning guidelines.

2. Yes, an advisory committee will be appointed to administer "Cummins".

(*a*) Initially the committee will be constituted with five members.

(*b*) Three will be nominated by the Government and one each from the West Torrens council and the National Trust of S.A.

(*c*) Since the National Trust will be a member of the advisory committee it is assumed that the local branch will be properly consulted.

(*d*) It is not proposed to pay members of the advisory committee.

3. The condition of the sale of the property involved a cash sale for the amount mentioned in 1 (*b*) and settlement was to be at a date to be mutually agreed between the Government and the vendor. The South Australian Government will be responsible for any necessary restoration costs.

4. The building is in a sound condition and there was no evidence to suggest that a structural engineer's report was necessary.

5. Some 30 items of furniture, mainly in the drawing and dining rooms, were acquired for the sum of $10 135.

6. (*a*) (*b*) and (*c*) The advisory committee will consider the nature and extent of repairs necessary. Until these are determined it is not possible to say what the costs will be or who will undertake the work.

7. It is not proposed to acquire additional furniture and floor coverings at this stage.

UNIONS

Mr. BECKER (on notice):

1. What is the total number of unions registered with the South Australian Industrial Commission as at November 19, 1976, and how does this figure compare with each year for the past six years?

2. What is the total number of unionists registered with each respective union registered with the South Australian Industrial Commission as at November 19, 1976, and how does this figure compare with each year for the past six years?

3. What is the percentage variation in membership of each union and what is the reason for such variation?

The Hon. J. D. WRIGHT: The replies are as follows:

1. 72. As at December 31 in each of the previous six years the numbers were:

45 in 1970
49 in 1971
51 in 1972
52 in 1973
65 in 1974
71 in 1975

2. Section 128 (1) of the Conciliation and Arbitration Act requires registered associations to send to the Industrial Registrar in January each year returns of members as at December 31 of the preceding year so no information is available for 1976. It would take several days of clerical work to provide the numbers of members of every individual union for each of the previous six years, and it is considered that the time involved in preparing it is not warranted. Information concerning the numbers of members of any association registered as at December 31 in any year can be obtained on request to the Industrial Registrar, on the giving of reasonable notice. As at December 31 in each of the previous six years the total numbers of members of all registered trade unions were:

110 750 in 1970
134 310 in 1971
140 408 in 1972
146 148 in 1973
193 960 in 1974
198 000 in 1975

3. No registered association is required to notify the Industrial Registrar of the reasons for changes in number of members.

GAWLER BY-PASS

Dr. EASTICK (on notice):

1. Has any departmental inquiry been conducted to determine the need for an eastern by-pass of Gawler and, if so—

(*a*) when was the inquiry conducted;
(*b*) by whom; and
(*c*) what has been the nature of the report?

2. Has any priority been given to the construction of such a road, and when is it likely that it will commence?

3. If no decision has been taken yet when can it be expected, or has any alternative solution to heavy traffic travelling via Calton Road, Gawler, been determined and, if so, what is that solution?

4. Is the Minister or his department aware that, on October 16, 1976, a heavy cement truck travelling towards Murray Street, Gawler, via the steep section of Calton Road encountered a brake failure and, to avert an inevitable accident of major proportions in crowded Murray Street, the truck was turned into a side street, namely, Duldig Avenue, resulting in the vehicle overturning?

5. What additional traffic precautions, if any, have been implemented following this most recent accident?

The Hon. G. T. VIRGO: The replies are as follows:

1. Some preliminary investigation for an eastern by-pass of Gawler was carried out by the Highways Department in 1973 and 1974 in connection with preparation of town development proposals for Gawler in the Outer Metropolitan Planning Area Development Plan. The councils concerned have since been informed of a "study corridor" outside the town, in which a future by-pass might be located.

2. No priority has been set for construction of an eastern Gawler by-pass.

3. Resumption of investigation for the by-pass is not currently scheduled, planning resources at this time being fully engaged on those projects scheduled for implementation in the foreseeable future. The by-pass, it should be noted, is regarded by the Highways Department as a deviation of Sturt Highway Main Road 4 rather than of Calton Road. Some Calton Road traffic would use the by-pass, nevertheless.

4. and 5. The accident referred to has been brought to the attention of the Highways Department and the necessity for any action to prevent a recurrence will be discussed with the council.

ADELAIDE-NURIOOTPA ROAD ACCIDENTS

Dr. EASTICK (on notice):

1. What is the accident record at the junction of the Adelaide-Nuriootpa road and the Gawler-Tarlee road since July 1, 1965?

2. Are the number of accident reports increasing and, if so, is the increase causing concern to road traffic authorities?

3. What action is planned to either reduce the danger of this corner or to improve driver recognition of the potential danger, and have "stop" signs been considered for the north-south roadways?

The Hon. G. T. VIRGO: The replies are as follows:

1. In the period 1/7/65-30/6/76 (11 years), 122 accidents were recorded.

2. The number of accidents fluctuates from year to year, with no clear evidence of an increasing trend.

3. It is expected that the intersection will be reconstructed as part of a programme for improvements along the entire length of the Gawler by-pass. The work is unlikely to take place for several years. Replacement of the "give way" signs with "stop" signs is not favoured as there is no restriction to sight distance at the intersection.

SCHRADER-SCOVILL WATER PUMP

Dr. EASTICK (on notice):

1. On what date was the Schrader-Scovill prototype water pump unit, referred to in the answer to Question on Notice No. 8 of November 2, 1976, delivered to the State Transport Authority?

2. Was the misaligned main pump shaft drawn to the attention of the company and, if so:

(*a*) when; and
(*b*) did they replace the shaft and, if so, when?

3. Were the water check valves which were stated to be "not sealing" replaced and, if so, when and were the replacement valves, if any, satisfactory and, if not, was the company so advised, and when?

4. Were the water seals which were stated to exhibit "excessive movement" replaced and, if so, did any replacement seals suffer the same deficiency and, if so, was the company so advised and when?

5. Were inquiries made of the company relative to any water seals that they had under test and, if so, by whom were the inquiries made and when?

6. On what date was the tender for supply of the equipment determined, and what is the contract price of the 384 units?

7. Are any units currently in service and, if not, when is it expected that any unit will be functioning under normal working conditions?

The Hon. G. T. VIRGO: The replies are as follows:

1. About November, 1975.

2. (*a*) Yes. Soon after the water pump unit was delivered and tested in an experimental water spray system?

(*b*) Yes. The shaft was replaced in about December, 1975, or January, 1976.

3. Yes. The water check valves were replaced by the State Transport Authority with sample valves offered by B. L. Shipway & Company Proprietary Limited in about February, 1976. The sample valves were not considered satisfactory and no communication on the matter was initiated by either the State Transport Authority or B. L. Shipway.

4. Yes. The seals supplied with the pump unit were replaced with seals purchased by the State Transport Authority. On test, these seals were found to be unsatisfactory. No communication on the matter was initiated by either the State Transport Authority or B. L. Shipway.

5. No. In about September, 1976, the Sales Manager, Schrader-Scovill approached the State Transport Authority and advised that a new type of water seal was being tested by his company.

6. Monday, August 23, 1976; $310 each.

7. No. The first water transfer pump will enter service with the first of the new buses scheduled for delivery early in the new year.

STRZELECKI TRACK

Mr. ALLEN (on notice):

1. In view of the large amount of money being spent on upgrading the Strzelecki track, is it the intention of the

Government, in conjunction with this work, to seal the Lyndhurst main street and, if so, when will this be done?

2. If it is not proposed to seal this street why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. No.

2. The funds being expended on the Strzelecki track are being allocated by the State Government from general revenue for specific improvements provided for under the agreement with the gas producers at Moomba. Subject to funds being available and present priorities remaining unaltered, it is hoped to seal the Lyndhurst main street from road funds in 1978-79.

ANZAC HIGHWAY TRAFFIC LIGHTS

Mr. BECKER (on notice):

1. What investigations have the Highways Department and the Road Traffic Board made concerning the operation of the traffic lights at the Anzac Highway-Morphett Road intersection?

2. Has the traffic build-up at this intersection during peak periods caused considerable congestion?

3. What action has been recommended to ease this congestion and when will it be implemented and, if no action is to be taken, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. Recent investigations have been made into vehicle delay and accident history at the Morphett Road-Anzac Highway intersection.

2. Although there are occasions when congestion occurs at this location, as at many others, it is not considered to be intolerable.

3. No modifications to the existing traffic signal equipment are considered necessary at this time. However, to remind motorists of their responsibility under the Road Traffic Act, signs will be erected advising them not to queue across the intersection.

BOATING ACT

Mr. BECKER (on notice): Are boats operating within the Patawalonga Basin exempt from the provisions of the Boating Act, and, if so, will they be exempt from the registration provisions and, if not, why not?

The Hon. J. D. CORCORAN: Yes. However, action is being taken to have those waters placed under the control of the Minister of Marine for the purposes of the Boating Act, with the exception that boats operating on those waters will be exempt from the registration provisions of the Act. Operators will need to have the usual licence, and craft will be required to carry lifesaving equipment and be subject to the normal navigation rules.

PROPERTY ACQUISITION

Mr. EVANS (on notice):

1. What properties have been acquired for or by the Community Welfare Department or the Correctional Services Department during each of the last six fiscal years and:

(*a*) what is the address of each property;

(*b*) what price was paid for each;

(*c*) for what purpose was each property purchased;

(*d*) what is the occupancy capacity of each building;

(*e*) what has been spent on up-grading each property; and

(*f*) what was the total cost of furnishing these properties?

2. What properties do these two departments rent and:

(*a*) what is the address of each of these properties; and

(*b*) what rent is paid for each property?

The Hon. R. G. PAYNE: The replies are as follows:

1. As to the Community Welfare Department, the information required would necessitate a considerable amount of time and expense and I consider that an answer to this question is not warranted. As to the Correctional Services Department, excluding a few houses in country areas to be occupied by prison or probation and parole officers, no properties have been acquired for, or by, the Correctional Services Department.

2. The Public Buildings Department rents one property from the Highways Department on behalf of the Correctional Services Department.

(*a*) 15 King Street, Mile End.

(*b*) $1 950 per annum.

STRATHALBYN RAILWAY

Mr. WOTTON (on notice): Is the maintenance of the Strathalbyn railway line the full or part responsibility of the South Australian Government and, if so:

(*a*) has a speed restriction been placed on sections of the line because of its condition; and

(*b*) is it the intention of the State Government to carry out necessary maintenance to enable trains to resume normal speeds, and, if not, why not?

The Hon. G. T. VIRGO: The replies are as follows:

It is the responsibility of the State Transport Authority.

(*a*) Speed restrictions have recently been applied due to sleeper conditions.

(*b*) Maintenance to enable normal speed operations will be carried out when funds are available.

HERD TESTING

Mr. WOTTON (on notice):

1. Has the Minister of Agriculture released to the public a report of the findings of a committee of inquiry set up by the Minister to look into herd testing and, if so:

(*a*) does the Minister agree with the recommendations of the committee; and

(*b*) will the Minister be taking action to implement such recommendations and, if so, when and, if not, why not?

2. If the report has not been released when is it intended that it will be?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes; (*a*) they are still under consideration; (*b*) see (*a*) above.

2. See 1, above.

NUDE BATHING

Mr. WOTTON (on notice):

1. How many police reports alleging misdemeanours of any kind have been lodged as a result of investigations at Maslin Beach since the introduction of nude bathing?

2. What was the nature of the various offences?
3. How many reports proceeded to court action?
4. How many actions were successfully prosecuted?
5. How many such actions are pending?

The Hon. R. G. PAYNE: The replies are as follows:

1. Records of offences committed in particular localities within the State have not been kept prior to 1/7/76. The schedule below comprises offences at and in the vicinity of Maslin Beach between 1/7/76 and 19/11/76.

Offence	Number offences	Arrests/ reports	Convicted	Pending
Kiosk breaking and larceny	2	1	1	—
Larceny from motor vehicles	8	1	1	—
Larceny of clothing from beach	6	—	—	—
Illegal use motor vehicle	3	5	5	—
Wilful damage to cars	4	—	—	—
Common assault	1	—	—	—
Indecent behaviour	5	5	—	5
	29	12	7	5

2. See 1.
3. See 1.
4. See 1.
5. See 1.

UNATTENDED DOGS

Mr. BECKER (on notice): Has the Minister been approached by the Local Government Association to introduce legislation controlling nuisances created by unattended dogs, and, if so:

(*a*) what was the outcome of the representations;
(*b*) when will such legislation be introduced;
(*c*) what will be the extent of the legislation; and
(*d*) if no action is contemplated, why not?

The Hon. G. T. VIRGO: The replies are as follows: The Metropolitan Town Clerks' Association, through the Local Government Association, has submitted proposals for a new Act.

(*a*), (*b*) and (*d*) They are still under consideration.

(*c*) The proposals are for a complete re-write of the Registration of Dogs Act.

SELECTIVE TENDERING

Mr. BECKER (on notice):

1. Has the Public Buildings Department changed, or does it propose to change, the present system of calling for tenders to a system of selective tendering and, if so:

(*a*) why;
(*b*) when;
(*c*) who resolved to make the change; and
(*d*) were officers of the department concerned consulted, and did all support the change?

2. Who and how will suppliers be selected to provide tenders for respective orders in future?

3. How many suppliers will be listed in each category?

4. Will preference be given in each case to South Australian manufacturers and, if not, why not?

5. Will any supplier excluded from the selective list be given the right to appeal and be advised why they have been excluded?

6. What savings are anticipated in a full financial year from a system of selective tendering?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The Public Buildings Department does not adopt any one system of tendering. Tenders have always been called according to the circumstances of each particular case and within the provisions of the appropriate Audit Regulations. No changes are proposed.

2., 3., 4., and 5. Have been referred to the Chief Secretary, who is responsible for the Supply and Tender Board, for a reply in due course.

6. The many intangible factors involved preclude the determination of savings which may accrue from a system of selective tendering.

DISCRIMINATION IN EMPLOYMENT

Mr. BECKER (on notice):

1. Has the Minister or his departmental officers received any complaints during the past 12 months of discrimination against employees by employers and, if so:

(*a*) what is the total number of complaints and
(*b*) the nature and reason for complaints?

2. What action will the Government take, and when, to remove all forms of discrimination in employment and, if no action is to be taken, why not?

The Hon. J. D. WRIGHT: The replies are as follows:

1. Yes, but to ascertain the number of complaints received on any particular ground would necessitate an examination of each complaint made, as separate records are not kept according to the nature of the complaint. Some complaints would not have been recorded as those which are of a general nature and not related to any particular Act, regulation or award are referred to the State Employment Discrimination Committee which was set up by the Federal Government following ratification of I.L.O. Convention No. 111. An officer of my department represents the State Government on this committee. Unfortunately, the committee has been unable to meet since the end of June as the Federal Government has allowed the committee's term of office to expire and to date has not reappointed it. Information on the number and nature of complaints handled by this committee can be obtained from the Employment and Industrial Relations Department.

2. There are no known forms of discrimination in employment contained in any Acts or regulations administered by my department or in awards, apart from discriminatory provisions on grounds of sex that are contained in awards and in respect to which the attention of the parties to the award concerned is at present being drawn. Any action to vary awards or agreements must be taken by the parties themselves and cannot be undertaken by the Government.

WORKMEN'S COMPENSATION

Mr. BECKER (on notice):

1. Has the Minister or his departmental officers received complaints during the past two years that employers have black lists containing names of employees considered poor workmen's compensation risks and, if so:

(*a*) what is the nature of the complaints; and
(*b*) what is the total number of complaints?

2. What action does the Government propose to take and when to prevent this practice by employers?

The Hon. J. D. WRIGHT: The replies are as follows:

1. No.
2. Vide No. 1.

SWIMMING POOL CONTRACTORS

Mr. GOLDSWORTHY (on notice): Does the Government still intend to introduce this session legislation to license swimming pool contractors and, if so, when?

The Hon. J. D. WRIGHT: Yes.

PREMIER'S ASSISTANT

Mr. BECKER (on notice): Does the Premier's Research Assistant, Miss Adele Koh, receive any additional remuneration in respect of her duties in accompanying the Premier on many of his official and social duties and, if so, what arrangements have been made for this remuneration and what is the additional sum involved?

The Hon. D. A. DUNSTAN: No.

Mr. BECKER (on notice): On what occasions did the Premier's Research Assistant, Miss Adele Koh, accompany the Premier during his last visit to the United Kingdom and was she in the United Kingdom in a private capacity or as a member of his staff, and, if as a member of his staff:

(*a*) why was her presence not revealed in his detailed reply to the House on July 27, 1976;

(*b*) where did she stay while in the United Kingdom; and

(*c*) what part of her expenses was a charge on the Government?

The Hon. D. A. DUNSTAN: The replies are as follows:

(*a*) (*b*) and (*c*) Miss Koh visited the United Kingdom in a private capacity. There were some social occasions in which she joined me and other members of my party in London.

REGIONAL EDUCATION CENTRES

Dr. EASTICK (on notice):

1. What is the present extent of the courier service between regional education centres and schools?

2. What is the programme of extension for such services and when are the extensions, if any, to be implemented?

3. What criteria are used to determine any urgent or special service as may be required from time to time?

4. Is it anticipated that all schools will be served eventually and, if so, when?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. There are no courier services between regional education offices and schools with the exception of the central regional office. The Australian Post Office, which provides a courier service between head office, metropolitan schools, and institutions, delivers and picks up material for the central regional office at Elizabeth which includes materials from schools in that region. The central-eastern regional office will receive the same service when it opens at Newton.

2. There is no proposal to establish or extend such services between regional education offices and schools. The distances from country regional offices to schools are such that a courier service is not practical.

3. All regional education offices have vehicles allocated to them which can be used to deliver materials to surrounding schools in the case of emergency.

4. Distances between country schools and regional education offices preclude all schools from being served by the courier service.

TOURIST BUREAU

Mr. EVANS (on notice): When will those parts of the report into the South Australian Tourist Bureau that are to be made public be available to the public?

The Hon. D. A. DUNSTAN: It is not intended to make the report available to the public. I have made a copy available to the member for Fisher and have indicated the passages which must be kept confidential because of personal references to individuals.

KENSINGTON ROAD WIDENING

Mr. DEAN BROWN (on notice):

1. Does the Government intend to widen Kensington Road at the junction of Kensington Road and Hallett Road and, if so, is it intended to purchase a strip of land from the owner of the property at 387 Kensington Road, Kensington Gardens?

2. If the road is to be widened, what is the earliest date when this work is expected to commence?

3. If land at the above address is to be purchased, what is the earliest expected date when compulsory acquisition would occur?

The Hon. G. T. VIRGO: The replies are as follows:

1. It may be necessary in future to widen Kensington Road at its junction with Hallett Road. If such a widening becomes necessary, a tapering strip of land will be acquired from the property at 387 Kensington Road.

2. Widening of Kensington Road in this vicinity is not programmed in the foreseeable future.

3. If road widening becomes necessary, acquisition will be initiated approximately two years prior to construction.

LANDS TITLES OFFICE

Mr. DEAN BROWN (on notice):

1. What is an appropriate estimate of the number of land titles before the Lands Titles Office and waiting to be processed?

2. What is the average delay in time involved in the processing of land titles by the Lands Titles Office?

3. What are the reasons for these delays?

4. What action is the Government taking to minimise these delays?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Approximately 4 000 dealings are lodged weekly in the Lands Titles Office.

2. (*a*) The average time taken to process over 85 per cent of these dealings is less than one week.

(*b*) The average time taken to process less than 15 per cent of these dealings (i.e. those involving the issue of new Certificates of Title) is just under four weeks.

3. Lack of trained staff and unfilled vacancies in the Drafting Branch of the Lands Titles Office.

4. The recruiting and training of drafting staff with vacant positions now being currently filled.

CONCERT HALL

Mr. DEAN BROWN (on notice):

1. Did the Premier offer to the Vice-Chancellor of the University of Adelaide a portion of the grounds of Government House for the purpose of constructing a concert hall for the University of Adelaide?

2. Does the Government accept that such a hall could not be constructed on this site without an amendment to the Government House Domain Dedication Act, 1927, and, if so, does the Government intend to amend this Act?

3. If an amendment to the Act is necessary, why did the Premier make such an offer to the university without the consent of Parliament to alter the use of this land?

4. Did the Government consult the Governor concerning this proposal by the Premier and, if it did, what was the response of the Governor, and if the Governor was not consulted, why not?

5. Did the Government consult the Governor-designate concerning this proposal by the Premier, and, if it did, what was the response of the Governor-designate and, if the Governor-designate was not consulted, why not?

6. What area of land in the grounds of Government House has been offered to the university?

7. Does the Government have any other proposals for the use of the grounds of Government House for other purposes and, if so, what are these purposes?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. No. The Government is not in a position to "make an offer". I asked the Vice-Chancellor to examine whether an unused portion of Government House grounds in the north-east of Government House domain could be suitable for the purpose, in which case the Government, if agreement could be reached with the university, would be prepared to introduce the necessary legislation.

2. and 3. See 1.

4. The Governor was informed.

5. The Governor-designate has been informed.

6. The university has been asked to examine the area north of the northern roadway and east of the peppertree line.

7. No.

UNANSWERED QUESTION

Mr. DEAN BROWN (on notice): Does the Minister intend to answer the questions asked by me on October 6, 1976, during debate on the Marine and Harbors line of the Appropriation Bill (No. 3) and, if so, when will the answers be suppplied?

The Hon. J. D. CORCORAN: Yes. The answers have been sent.

ENERGY AUTHORITY

Mr. DEAN BROWN (on notice): Does the Government intend to establish a committee of authority, responsible to the Minister, to co-ordinate energy-supply activities within South Australia and, if so, when will it be established and who will be the members?

The Hon. HUGH HUDSON: This matter is under consideration.

DEPARTMENTAL EMPLOYEE

Mr. DEAN BROWN (on notice):

1. What is the salary being paid currently to Mr. Crafter, an employee of the Minister's department?

2. What is the position held by Mr. Crafter?

3. Is Mr. Crafter currently completing his term as an articled clerk?

4. What is the normal salary paid to an articled clerk working within the State Government departments?

The Hon. PETER DUNCAN: The replies are as follows:

1. $14 247 per annum gross.

2. Mr. Crafter is employed in the Crown Solicitor's section of the Department of Legal Services. He also performs duties of a legal nature for the Attorney-General.

3. Yes.

4. One-year articled clerks (LL.B.), two-year articled clerks, three-year articled clerks $4 360-$4 905. Five-year articled clerks (Law Society course) $2 180-$3 270-$4 360-$4 905-$6 540.

These salaries are the normal salaries for articled clerks. From time to time where circumstances warrant it, higher salaries are paid to individual articled clerks.

POLITICAL LITERATURE

Mr. DEAN BROWN (on notice):

1. What is the name of the personal or private secretary to the Attorney-General?

2. Has this person had photographs and/or quotations of the late Chairman Mao displayed on the door of his departmental office and, if such material was displayed, why were such political opinions displayed from Government property?

3. Have other staff members of the Minister displayed similar material and, if so, who are these persons?

4. If such material was displayed, has this material now been withdrawn and, if so, who issued the instruction that it be withdrawn?

The Hon. PETER DUNCAN: The replies are as follows:

1. Peter O'Brien.

2. Yes. For a short time following the death of the late Chairman Mao a print of a photograph of Chairman Mao was affixed to the door of his departmental office. The picture displayed did not constitute a political opinion.

3. No.

4. Some little while after the death of Chairman Mao, the picture was taken down by Mr. O'Brien. No instruction was issued to this effect.

TRAIL BIKES

Mr. WOTTON (on notice): Is the Minister aware of the concern expressed by residents of Athelstone in regard to the shooting and the activities of trail bike riders in the proposed Black Hill Native Flora Park and, if so:

(*a*) will the Minister carry out an investigation into this report and, if the report can be substantiated, will the Minister take steps to stop the abuse and damage being inflicted on the area; and

(*b*) will the Minister give consideration to providing another ranger to assist in this situation when necessary?

The Hon. D. W. SIMMONS: Yes.

(*a*) No investigation is necessary, as we are already aware of the problem. Steps are being taken and will continue to be taken in an effort to stop the abuse referred to. On several occasions ranger staff at Morialta have been called to Black Hill Native Flora Park to investigate activities of trail bike riders and shooters. There have been six callers reporting motor cycles in the area and four calls in relation to the use

of firearms. Most calls are up to third hand and result in a delay of over one hour, and no contacts have been made other than one call reporting motor cycles. The names of seven riders on a road reserve were taken and the offenders warned. Definite evidence is available of damage caused by trail bikes. Cartridges have been found as evidence of shooting.

(*b*) Yes. The position of Director, Black Hill Native Flora Park has been advertised and applications are now being considered. This appointment will upgrade the local situation. In the interim, the department lacks adequate ranger staff but an additional park-keeper is being appointed who will assist to improve the situation in the area.

BICYCLE TRACKS

Mr. WOTTON (on notice): Has the Government had a report prepared relative to bicycle tracks in and around the City of Adelaide, and, if so:

(*a*) who prepared this report;

(*b*) has the report been released to the public and, if not, is it the intention of the Government to release the report and, if so, when; and

(*c*) is it the intention of the Government to follow the recommendations of this report and, if so, when?

The Hon. G. T. VIRGO: Yes.

(*a*) Two reports have been prepared: "Cycle Tracks in Metropolitan Adelaide" by the Director-General of Transport, and "Bikeways in South Adelaide" by Urban Systems Corporation on behalf of the Director-General of Transport and the Adelaide City Council.

(*b*) Both reports have been released to the public.

(*c*) The recommendations of the report entitled "Cycle Tracks in Metropolitan Adelaide" have been implemented and the responsibility for the implementation of the recommendations in the report entitled "Bikeways in South Adelaide" rests with the Adelaide City Council.

POLICE

Mr. DEAN BROWN (on notice):

1. What action, if any, has been taken to clear officers of the Police Department of the accusations laid against them by Mr. David McPherson?

2. Has any basis been found for such accusations?

3. Has either party apologised and, if so, who made these apologies and to whom?

The Hon. R. G. PAYNE: The replies are as follows:

1. Mr. McPherson has a long history of accusations against officers of the Police Department. It is assumed that the matter referred to in this instance relates to proceedings which are listed for hearing in the Adelaide Magistrates' Court on November 29, 1976, and is therefore *sub judice*.

2. See 1.

3. See 1.

MEADOWS HALL

Mr. WOTTON (on notice):

1. Has the Minister received an application for a grant towards the conversion of the Southern Farmers' factory at Meadows into a community hall?

2. Has this grant been approved and, if so, when is it anticipated that finance will be made available by the Government for this project?

The Hon. R. G. PAYNE: The replies are as follows:

1. Yes.

2. A grant of $3 750 has been approved. The money will be made available when a written claim supported by accounts or invoices is forwarded to the Secretary of the Community Welfare Grants Advisory Committee.

POLICE DUTIES

Mr. MILLHOUSE (on notice): What action, if any, has been taken to relieve police of the extraneous duties discussed by the Commissioner of Police on page 5 of his report for the year ended June 30, 1974?

The Hon. D. A. DUNSTAN: Police are progressively being relieved of the extraneous duties mentioned in the report. In particular, a number of metropolitan driver testing stations has been created under the control of the Motor Registration Division of the Transport Department. This action, with the appointment of civilian licence examiners is designed to provide substantial relief from police involvement in driver testing. In addition, the Police Department and the Legal Services Department are conferring with the view of the latter department assuming the responsibility for providing court orderlies in metropolitan courts.

MURRAY HILL BUILDING

Mr. MILLHOUSE (on notice): Has the Government now acquired the site of the burnt-out Murray Hill Building on the corner of King William Street and Carrington Street, and, if so:

(*a*) from whom;

(*b*) at what price;

(*c*) what development, if any, is proposed for the site and when; and

(*d*) what is to be done with the building in the meantime?

The Hon. D. A. DUNSTAN: Yes.

(*a*) Yurilla Investments Pty. Ltd.

(*b*) $116 000.

(*c*) Future court expansion, however timing of project is not known.

(*d*) Consideration is being given to its demolition.

SMOKING ON TRAINS

Mr. MILLHOUSE (on notice): Is it proposed to prohibit smoking on trains and, if so, when, and, if not, why not?

The Hon. G. T. VIRGO: Not at this stage.

GIFT DUTY

Mr. MILLHOUSE (on notice):

1. Is it proposed to introduce legislation to provide that gifts between spouses be not subject to duty and, if so, when; and, if not, why not?

2. How much revenue is it estimated would be lost annually by such exemption?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The Government does not propose to introduce legislation to provide that gifts between spouses be not subject to duty because of the avenues which this would open for avoidance of duty. At present, gifts are exempt from duty if the value of all gifts made by one donor within a period of 18 months does not exceed $4 000. If gifts between spouses were free of duty it would be possible for a married person to make gifts of $8 000 to a third party every 18 months without attracting duty by directing half the gifts through his or her spouse. The rates of duty on larger gifts would also be substantially reduced if this procedure were followed. At present, gifts given by one donor to a number of recipients over an 18 month period are aggregated for the purpose of calculating duty. If gifts to a spouse were exempt from duty, such gifts would not be aggregated with other gifts for the purpose of determining the rate of duty payable, with a consequent loss of revenue to the Government.

2. Because of the avenues which would be opened for avoidance of duty it is quite impossible to estimate the loss of revenue from such an exemption. Apart from gift duty the change would, of course, affect the amount of revenue derived from succession duty.

URANIUM

Mr. MILLHOUSE (on notice):

1. How many progress reports concerning the radiation survey to establish the effectiveness of the storage of the uranium tailings material at the old Port Pirie uranium treatment plant have been received from Amdel and when were such reports received?

2. Are these reports to be made public and, if so, when; and, if not, why not?

The Hon. HUGH HUDSON: The replies are as follows:

1. One progress report received on September 28, 1976.

2. Amdel's progress reports on projects carried out for the Mines Department are not usually made available to the public because they are only interim reports recording the work carried out up to the time of the report and comments on this work. A final report is issued at the completion of the project in which a full assessment is made of the whole work. These final reports are generally available to the public.

BICYCLE LANES

Mr. MILLHOUSE (on notice):

1. Is one of the proposals, to encourage the riding of bicycles rather than the driving of motor vehicles, to provide cycle lanes on roads declared to be freeways and, if so—

(*a*) has such proposal been accepted;

(*b*) when will such lanes be provided; and

(*c*) on which clearways?

2. If this is not one of such proposals, will it now be considered and, if not, why not?

3. What special provision, if any, is to be made for cyclists who use clearways?

The Hon. G. T. VIRGO: The replies are as follows:

1. No.

2. Yes.

3. This is currently being considered.

ROYAL COMMISSION

Mr. MILLHOUSE (on notice):

1. Who are to be the members of the proposed Royal Commission into drugs, and when will they be appointed?

2. When is it expected that the Royal Commission will begin its task?

3. What will be its terms of reference?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. As indicated in my Ministerial statement on this matter on November 16, it is intended to appoint the members of the Royal Commission next month. Their names will be announced at that time.

2. It is expected that the Royal Commission will begin aspects of its task soon after the appointment.

3. The terms of reference will be announced at the time of appointment.

HOMOSEXUALS

Mr. MILLHOUSE (on notice): Did the Attorney-General in Sydney in October, 1975, say to an interviewer from the Australian Broadcasting Commission that he would not abhor homosexuals going into schools under proper supervision?

The Hon. PETER DUNCAN: For reply, see *Hansard* October 28, 1975.

NORTH HAVEN MARINA

Mr. DEAN BROWN (on notice):

1. What is the expected date of completion of the marina at North Haven?

2. Have there been any delays in its completion and, if so, what have been the causes of these delays and how long has been the delay?

3. Is it planned to establish a marina in the Marino area and, if so, when will this be completed and what is the estimated cost?

4. What is the estimated number of boats housed or owned in the Adelaide metropolitan area?

5. What marina facilities currently exist for these boats, and what is the total capacity of these existing facilities?

6. Is there an urgent need for additional marina facilities along the Adelaide beaches and, if so, what extra facilities are considered necessary and what action is the Government taking to supply these extra facilities?

7. Does the lack of marinas, or other boating facilities, pose a danger to boating in the case of a sudden squall or gale?

The Hon. J. D. CORCORAN: The replies are as follows:

1. By the 1977-1978 summer.

2. Yes. However, the finalisation of the harbor construction has been delayed whilst alternative edge treatments are evaluated. The original edge treatment proposal put forward by the A.M.P. Society was found to be impracticable in engineering terms. The society's consulting engineers are now looking at alternative edge treatments. There has been a build-up of sand at the bottom of the boat ramp which has delayed its handing over to the Government. However, it is anticipated that the ramp will be opened for public use in the near future.

3. There has been no decision to establish a marina in the Marino area. The Coast Protection Board, believing that a demand existed, commissioned consultants to prepare a preliminary assessment of the practicability of building

a boating facility in the Marino area. This preliminary report was completed and has been put on public display to gain comment from the public. Such comment is currently under assessment.

4. 24 000.

5. There are seven sheltered areas for mooring boats in the metropolitan area with capacity for approximately 1 000 boats.

6. There is little doubt that additional marina facilities would be used if provided, and that is one of the main reasons for the Government initiating the North Haven scheme which is being developed by the A.M.P. Society.

7. There is always a danger to small craft at sea in cases of sudden squalls or gales whether marinas are available or not.

MONARTO

In reply to Mr. WARDLE (November 4).

The Hon. HUGH HUDSON: The following amounts are included in the Estimates of Expenditure for Monarto:

(*a*) $2 470 000 for the completion of the land acquisition programme. The amount to be expended will be determined following finalisation of negotiations with the respective landowners.

(*b*) $940 000 for the employment of staff: $125 000 in respect to staff at site office, and $815 000 for those employed at head office. In view of the Commonwealth Government's reluctance to indicate the likely financial support for the project, the Monarto Development Commission is at present confining its operations to site management and the completion of necessary planning and design work. In addition, it is engaged on consultancy work for the Government.

(*c*) $198 000 for the erection of buildings, structures or roads on the site. It is anticipated that, because of the revised programme, only approximately $82 000 of this amount will be spent, mainly on the establishment of an experimental farm.

NURIOOTPA HIGH SCHOOL

In reply to Mr. GOLDSWORTHY (November 10).

The Hon. D. J. HOPGOOD: The plans of the new building at the Nuriootpa High School have been examined and approved by the appropriate fire safety officers. Buildings of a similar type have been inspected by representatives of the Education Department, the President of the South Australian Institute of Teachers, the previous Security Officer of the Education Department and the Director, Public Buildings Department (Education Buildings), and they all agree that the existing escape provisions are adequate. In view of these assurances, the safety of the students at the Nuriootpa High School has been given every consideration. I would point out that there is no justification for over-provision in schools, particularly in this time of financial limitations, and while I would agree that a sliding glass panelled door in place of a plate glass window in the laboratory would be very convenient, it is certainly not necessary in the interests of safety.

MOTION FOR ADJOURNMENT: PREMIER'S REMARKS

The SPEAKER: I have received from the honourable the Leader of the Opposition the following letter:

Dear Mr. Speaker,

I desire to inform you that this day it is my intention to move that this House at its rising adjourn until 1 p.m. tomorrow, for the purpose of discussing a matter of urgency, namely:

> That the Premier, by his unsubstantiated allegations of a system of espionage within the Public Service set up by the Liberal Party, has cast a grave slur on the professional integrity of members of the Public Service, on the Opposition and its staff, and on members of the Liberal Party, and should publicly retract and apologise.

I call on those members who support the motion to rise in their places.

Opposition members having risen:

Dr. TONKIN (Leader of the Opposition): I move:

That this House at its rising adjourn until 1 p.m. tomorrow for the purpose of discussing a matter of urgency, namely:

> That the Premier, by his unsubstantiated allegations of a system of espionage within the Public Service set up by the Liberal Party, has cast a grave slur on the professional integrity of members of the Public Service, on the Opposition and its staff, and on members of the Liberal Party, and should publicly retract and apologise.

This matter has received considerable publicity over the past two or three days. Although it has been widely ventilated in the community, I point out to members that this is the first opportunity we have had in Parliament, where these accusations were first levelled, to discuss and debate them. It was indeed a most grave accusation that the Premier made during the course of an answer he was giving to a question dealing with members of his personal staff. I remind members (if they need reminding) of what he said on that occasion. The Premier, talking about his staff, said:

> Of the next part of the 13 people referred to, and the honourable member does not see this as a justification, there are four steno-secretaries. They simply perform the duties previously performed by steno-secretaries in the Public Service.

The member for Mitcham then interjected as follows:

> Why was that necessary?

The Premier replied:

> That was necessary to see to it that confidentiality was absolutely maintained.

The member for Mitcham again interjected and said:

> Can't you trust the Public Service?

The Premier replied:

> Unfortunately, there has been set up by our political opponents a system of espionage within the Public Service.

Later, he said:

> It is unfortunate that in some ways we are not able to guarantee confidentiality of documents that should be confidential.

He added that this was not because of the Public Service at large, but said that there was something going on. In response to a statement by the Premier that one particular person was utterly and completely reliable, the member for Mitcham interjected as follows:

> Well, the others aren't, or apparently weren't.

The Premier then said:

> Somebody is not, we do not know whom, but in order to maintain confidentiality, it was essential that we should see to it that we knew about the specific loyalty of steno-secretaries dealing with certain matters.

That was his accusation. He elaborated on this accusation outside the House and went into detail about the Liberal Party's receiving reports and information from members of his department. He said that these were not just isolated instances but were occurring all the time, implying that there must be at least two or three people in every department who were carrying this out and setting up a web of intrigue and espionage. I repeat that the Premier's allegations cast a grave slur on members of the Public Service, the Opposition and, certainly, members of the Liberal Party. It is obvious from his remarks that the Premier was not referring to one or two individuals, although he has tended to back down publicly on that matter. He has made, I believe, an attack on people who enjoy the highest reputation in our community. Members of our Public Service have a fine record for loyalty, for maintaining confidentiality, and for giving service to all members of the community, whatever Government is in power. Members of the Public Service have the respect of all members of the community, and if at any time any evidence existed confirming that they were operating an espionage system action would have been taken before now. Action would have to be taken if any evidence pointed in this direction.

The provisions of the Public Service Act are quite specific; they bind members of the Public Service to maintain confidentiality and loyalty. It is a great credit to members of the Public Service that the provisions of that Act are unnecessary. Public servants do their duty as they see it; they do it well. If anyone breaches the Act at any time, obviously action should be taken against him. However, the Premier, no matter who he is, has no right to make wild and unsubstantiated allegations that reflect on the Public Service as a whole. The Premier quoted an incident that occurred last February when I received in the mail copies of two documents setting out a diagram involving the Savings Bank, the State Bank and a State finance company.

There was no identification on the documents other than the heading "South Australian Banking Corporation". As the Premier denied the possible existence of such an organisation, and in view of earlier proceedings in the House regarding the two banks in question, that document could never have been traced back to a Government department. That part of the Labor Party platform that deals with a hire-purchase department providing finance, and so forth, was the main reason for my asking at the time whether the Government intended to implement that policy and to set up a Government-owned South Australian finance company. I listed the suggestions that had been made in that document, and I did this in diagram form. It was only when the Premier replied that the Leader "has apparently had access to what some thief has stolen from Government departments in the way of documents that were prepared by a junior officer" that the question whether or not the documents were stolen first arose.

Many suggested courses of action, points of view and policy proposals are put to me from time to time (in fact, almost every day) from many sources. If the suggestions are worth while they are followed up and, if necessary, a statement of Government policy is sought. The proper place to seek that statement on policy is in this House at Question Time. The question I asked at the time was a perfectly proper question dealing with Government policy and the possible use of bank funds. Indeed, the question was asked to establish whether or not it was a matter of Government policy. I, and I am sure other members of the Opposition, did not expect the violent over-reaction displayed immediately at that time by the Premier. That over-reaction was mirrored in actions that subsequently took place outside the House. I now refer to several newspaper reports on the matter, as follows:

> A security clamp has been placed on waste-paper baskets in the Premier's Department . . . three more shredding machines have been ordered, and all unwanted documents (including copies, carbon paper and rough drafts) are to be disposed of in this manner . . . Three security cameras valued at about $200 each—

they were installed on the Premier's Department floor—

> will scan the entrance to the Premier's reception area, the waiting area by the lifts and entrances to the men's and women's lavatories. The movements of staff and visitors on the eleventh floor of the State Administration Centre around the Premier's quarters will be monitored on television screens by security officers on the ground floor.

That is unbelievable in South Australia; it is unbelievable in this country of ours. The reports continue as follows:

> Spy cameras for Premier's office area—sack threat over breach of security. Staff in the Premier's Department have been warned that they may face the sack if they breach Public Service security requirements.

There is nothing wrong with that; that is entirely proper. However, the fuss and hoo-hah that went on surrounding that warning was quite foreign to our experience and foreign to the experience and reputation of the Public Service in this State. The leader in the *Advertiser* on February 28 drew the matter rather more closely into perspective: It stated:

> News that drastic new security precautions have had to be taken in the Premier's Department must have sent a thrill of excitement through all who find life in this Athens of the south just a tiny bit dull.

I believe that was the proper way to treat the situation and I would have thought that this evidence of a phobia that the Premier had obviously developed about confidentiality would have been the last we would hear of it. However, in this House he has now made the most damaging accusations and allegations against the Public Service, the Opposition, members of my staff (by implication), and the Liberal Party generally.

For him to say during a recent press conference, "Dr. Tonkin knew a document must have been stolen from my department" is totally unjustified and untrue. It comes into the same category as the Premier's reported remark, "If I catch Dr. Tonkin's people ferreting around in our wastepaper baskets there will be charges." By implication this was a gross reflection on the integrity of my staff members, and I remind the Premier that those remarks were made outside this House and outside the area of Parliamentary privilege. Members of my staff, members of the Opposition and members of the Liberal Party are used to being maligned by the Premier and, as a rule, this is accepted as being a part of politics, but these were specific and serious charges which implicated members of the Party and members of the Public Service in a wide conspiracy. As far as I am aware there has been not one jot or tittle of evidence to associate either the Liberal Party or members of the Public Service with such allegations of an espionage system. I am not surprised the Premier has said that no charges have been laid, because it is quite obvious that no charges can be laid. The whole sorry episode seems to have resulted from a figment of the Premier's imagination, a phobia he has developed about the entire question of confidentiality.

It is the job of an Opposition to read documents that are properly available to it, such as the Auditor-General's Report and reports of committees, to examine the financial statements it is proper for it to have, and to draw conclusions from its examination of the documents. If the Opposition asks questions in this House that are close to

the bone, that is a credit to the Opposition and the work it has done, and it is no defence for the Government to cry "spy" or "espionage", and the Government certainly has no justification for doing so. This whole matter arose during an answer the Premier was giving to a question about his personal staff, and it may be that he wished to float a red herring, drawing attention away from that area. I do not know what his reasons have been or what his purpose has been but his allegations were in no way substantiated or justified and he should apologise to everyone he has sought to involve: members of the Public Service (certainly he has made some gesture in that direction, but not a complete and unqualified apology), members of the Opposition, members of my staff particularly, whom he has involved by implication, suggesting they were ferreting around in wastepaper baskets, and members of the Liberal Party. This is the only proper course of action the Premier can now take, and I would expect him to take that action.

The SPEAKER: Is the motion seconded?

Mr. GOLDSWORTHY (Kavel): Yes, Sir. Obviously, the Premier is not able to reply at present; he normally springs to his feet with alacrity and repeats the oft-repeated phrases that he uses in this House about huffing and puffing, but he is strangely silent this time, so far anyway. The Premier is showing distinct signs of paranoia in relation to the question of secrecy in the Public Service.

Mr. Wells: Are you qualified to diagnose that?

Mr. GOLDSWORTHY: That is a layman's diagnosis and a fairly accurate one. If one reads again the intemperate reply referred to by the Leader, one must gain that distinct impression. The whole matter arose from questioning of the Government about the many Ministerial appointments that have been made by the present Administration. Obviously, this is a fairly sensitive nerve on which to touch the Government. One feature of the Dunstan Administration has been the strange lengths to which it has gone to preserve secrecy. We heard the nonsense from their Federal colleagues: the late Prime Minister Whitlam and his colleagues prided themselves on being the most open Government since Federation. That was a farrago of fabrications and untruths. The Premier does not seek to hide the fact that his Government is intent on secrecy, which is a most unhealthy development in the life of this State. Today, we have had examples about information that the Government has deliberately withheld from the public of South Australia. I recall the Premier's indignation when we mounted a motion in this House concerning a Labor-appointed Chairman of the Housing Trust, and when I sought information about the business interests of that person I received the following reply on February 17 this year:

This information is not available for full public disclosure.

How could the public make satisfactory judgments in that case if the Premier would not come clean? Today, we had a response to the member for Fisher about information he was seeking in relation to a committee of inquiry into the Tourist Bureau, as follows:

It is not intended to make the report available to the public.

If the member for Fisher wishes to enter into a deal, he can peruse selected parts of that report, which is not available to the public. I have been seeking a report that has been available since June, I understand, concerning horticulture and viticulture, which is important to my district, but we cannot lay hands on that report.

Mr. Millhouse: This is what they call open Government!

Mr. GOLDSWORTHY: That is my point. The Whitlam Government considered itself the most open Government since Federation, but this Government seems intent on absolute confidentiality and secrecy. What has led the Premier to this unseemly outburst seems to hark back to an attack we mounted on the plans the Government had for the State Bank and the Savings Bank. Apparently, we again touched a sensitive nerve. We well know what the policy and platform are of the South Australian branch of the Australian Labor Party in relation to the banking institutions of this State. It so happened that there was evidence, the value of which we did not know, which came to the Leader and which was relayed to the House. That seems to me to have sparked off the Premier's outburst. This has come about as a result of questioning, and this is another facet of this secrecy about which the Government has such a hang-up. The Government has made many Ministerial appointments to preserve this absolute secrecy and confidentiality (I think "absolute" was the word used by the Premier) which this "open" Government must preserve.

I believe that there are only three reasonable explanations for the many appointments the Government has made. First, the Government does not believe suitable people are available in the Public Service to fill the positions, and it has obviously not opted for that explanation. Secondly, a possible explanation was suggested by, I think, the member for Mitcham that the Government is indulging to a fairly large degree in political patronage.

The Hon. R. G. Payne: Now you are insulting people, quite clearly.

Mr. GOLDSWORTHY: I am suggesting a possible explanation. From memory, I think that was a possible explanation put forward in the past two or three days by the member for Mitcham. I think that, to some degree, in some of the appointments that element is present. The third possible explanation that could account for this large number of Ministerial appointments is that the Premier does not believe that Public Service employees are trustworthy. That seems to be the explanation for which the Premier has opted. Whatever explanation the Premier seeks to adopt (and there may be other explanations that have not come to light yet), none of those options is satisfactory. The fact is that an unsatisfactory and unhealthy situation has developed in relation to Government administration of South Australia. The Government is preoccupied with secrecy and confidentiality; it goes overboard when some of its well laid plans see the light of day and reacts unfavourably. The Government is, in fact, trying to hide from the public what is going on and what are its intentions. This makes a complete farce of any notion of open Government.

I recall the suppression of the Juvenile Court report. The House did not see that report but, obviously, it was critical of that administration of the time. The Attorney-General then was Mr. King. The Government simply suppressed the report (that had never been done before), which obviously contained something critical of the Government. I believe the Government is overly sensitive to criticism. It has set up a monitoring system in this State that I suppose we could refer to as a spy system. It has set up an elaborate system to monitor everything the Opposition does.

Mr. Gunn: Dr. Goebbels.

Mr. GOLDSWORTHY: As someone has said, it makes Goebbels's propaganda look like a pleasant Sunday afternoon outing. The Government attracted a capable man into Ministerial employ to head this media monitoring system. This idea of monitoring the performance of Opposition members is almost ludicrous. They are given up to a four-star rating, and then a confidential report is sent to Ministers so that they can make a response post-haste. The Government has a hang-up about this business.

Mr. Rodda: How's your rating, Roger?

Mr. GOLDSWORTHY: I do not know; it is confidential to the Government. This idea of picking up every snippet of criticism levelled at the Government by the Opposition or the public, and having it recorded on tape and a report made daily to Ministers seems to me to indicate that the Government has a hang-up. The motion deals with the Premier's casting an unfortunate and damaging slur on the Public Service and, indeed, on the Opposition. The Premier has charged (in effect, he has opted for the third of the explanations I mentioned) that he cannot trust the Public Service and that he has had to make these Ministerial appointments, the largest number being in his department. We have reached a sorry situation in South Australia if that is the case. No matter which way the Premier turns, he cannot get around the fact that he has made that statement. One expects insults from the Labor Party, levelled at the Liberal Party. We are used to the fabrications and fulminations of Labor Party propagandists in relation to the Liberal Party. At election time, we expect to hear, "We are the poor man's Party, and we have no funds like the Liberal Party." All this is nonsense that cannot be substantiated.

Members interjecting:

Mr. GOLDSWORTHY: Members opposite can laugh; it happens to be true. Now, the Premier charges that we have our spies planted in the Public Service. I have been a member of the Liberal Party for about 25 years, and a member of this House and of the Parliamentary Party of the Liberal Party for six years.

Mr. Jennings: Too long!

Mr. GOLDSWORTHY: Well, perhaps the honourable member should have given it away some time ago; let him speak for himself. In all the time I have been a member of the organisational Party, there has been not the slightest bit of evidence to me that the organisational Party has had spies in the Public Service. Since I have been a member in this House, not once have I been contacted by a member of the Public Service or a Government employee with information of a confidential nature. I think I can speak for my colleagues when I say that the accusation of the Premier is completely unfounded.

We have discussed the matter. Not once have I been telephoned by a public servant who has said that certain things are happening. We have sought information by way of questioning the Government in this House, and that information has been denied us time and time again, because the Labor Party is intent on its plans for South Australia, and it is not quite so extrovert as were its colleagues in Canberra. Its moves are rather more surreptitious to bring about the ends it wants. Anything which hints of criticism of the Government is suppressed.

I believe the motion is well merited. The Premier not only has cast a slur on the Public Service but he has insulted the Public Service. He has insulted the Liberal Party. That may be explained away in part in terms of political expediency; nevertheless, the slur is there. I know, in the case of the Liberal Party, that it is completely unfounded. I know, for that reason, that it is completely unfounded in terms of a slur on the Public Service. In Parliamentary parlance, the only proper thing for the Premier to do is to withdraw his remarks and apologise.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I listened with care to the little that the Leader of the Opposition had to say and to the nothing that the Deputy Leader had to say. It does not leave me terribly much to reply to, but what little there has been I shall have a few words to say about. First, the Leader suggested that he was somehow defending the Public Service from a tremendous slur which he alleged I had placed on it. The Public Service does not ask him to adopt any such role; what the Public Service Association said was that it would rather I had used less intemperate language, but that, in fact, if there was any duplicity, it should be dealt with quietly. I appreciate the motives of the Public Service Association in that matter. Unfortunately, however, some of the incidents involved cannot entirely be dealt with quietly, because the whole problem about this matter is that this tiny number of people who I am sure are involved in disclosing information improperly are very careful not to let others know who they are and to avoid, obviously, any publicity that could lead to their being charged with breaches of the Public Service Act.

It is unfortunate that this has occurred. It is not only in South Australia that it has occurred. I do not find it strange, but any impartial observer who had not been used to the way in which the Liberal Party acted might find it strange that, when the Prime Minister of this country, a Liberal, has bitterly complained publicly about documents from the Public Service area in Canberra having been leaked publicly, that is apparently quite proper conduct on his part, but when I complain of something of that kind occurring in South Australia I am doing something apparently utterly dastardly.

The Leader then referred to the stolen document that he received through the post. He said that, when he got it, he had no means of knowing that it was a stolen document. It was enclosed (and this was the information he gave to the police) in an envelope, it was torn, and it had obviously been previously crumpled. It had a little note accompanying it saying, "This may be of use to you", yet he alleges to this House that he had no idea whatever that it could have been stolen. However, he hopped up and asked me when I would implement the measures the document referred to. Really, it is straining people's credibility a little far for the Leader of the Opposition to say that this incident really was a mere nothing. In fact, of course, we had an investigation to see what had happened and how the document had got to the Leader. Someone in the Public Service area of my department, someone who was in that area physically, had fished it out of the waste-paper basket of the stenographer who sits in the front office, Miss Norman. She is a very, very reliable girl, a person whom I would give the highest of character references on any occasion.

Mr. Millhouse: Who is that?

The Hon. D. A. DUNSTAN: Miss Norman.

Mr. Mathwin: Did you take her fingerprints, too?

The Hon. D. A. DUNSTAN: The fingerprints of officers were voluntarily taken in the department; there was no compulsion about this. They volunteered that their fingerprints should be taken.

Mr. Millhouse: That's not quite right, is it?

The Hon. D. A. DUNSTAN: Yes, it is.

Mr. Millhouse: Not according to my information.

The Hon. D. A. DUNSTAN: The honourable member has obviously been talking to someone. I can only tell the honourable member that, on behalf of the staff of my department, my chief administrative officer told me that that was the case.

Mr. Millhouse: I may get an opportunity to tell you what happened.

The Hon. D. A. DUNSTAN: Perhaps the honourable member can.

Mr. Dean Brown: Are you now suggesting they may have been forced to be fingerprinted?

The Hon. D. A. DUNSTAN: No, I am suggesting precisely the opposite. The honourable member obviously has not been listening.

Members interjecting:

The SPEAKER: Order! There are far too many interjections.

The Hon. D. A. DUNSTAN: The unfortunate thing we must face is that something quite improper occurred on that occasion. I further said that, whilst it was probably one of the worst occasions I could evidence, it was not a single occasion on which information of a confidential nature had gone to the Opposition.

Mr. Millhouse: When you were in Opposition the same thing happened.

The Hon. D. A. DUNSTAN: I think on only one occasion I got some material offered to me from that area, and I rejected it.

Mr. Millhouse: But you've used it in the House. I remember it.

The Hon. D. A. DUNSTAN: When?

Mr. Millhouse: During the debate on the Local and District Criminal Courts Bill, if you want any reminder. There is no doubt that you got stuff that I had been given by a magistrate, because you quoted it word for word. That was in 1969.

The Hon. D. A. DUNSTAN: The honourable member may be able to refresh my memory, because I certainly have no memory of it whatever.

Mr. Millhouse: You go on, and I'll look it up.

The Hon. D. A. DUNSTAN: Please do.

Mr. Goldsworthy: It was an insurance policy last week.

The Hon. D. A. DUNSTAN: I have forgotten no insurance policies. I can assure the honourable member that I have very good knowledge of them. The Leader has suggested again that I should make some grand apology to the Public Service. The Public Service has accepted and welcomed the statement I made. It has also said that it does not appreciate the Leader's involving himself in this matter and obviously trying to use it for political purposes. That is the service's view on what the Leader is doing. It does not thank him for suggesting that he is somehow a gladiator on its behalf. The service has no reason to thank him for his attitude to public servants in South Australia, either as to their conditions (he has constantly denigrated the Government as being too generous in the provisions it makes for the Public Service) or as to the attacks he has made on particular individuals in or applicants for appointment to the Public Service.

The Leader said that I should apologise to the Liberal Party, which is as pure as the driven snow in this matter and which has received no information from people outside the Public Service area that it should not have received. The Leader does not believe that, and no member surely believes that. Of course, he has got it, and the Opposition has used it. I had it pointed out to me by the Under Treasurer only last week that he was astounded that a question was asked in the House concerning the possible operations of the short-term money market.

Mr. Becker: That's common sense. That's no leak—

The Hon. D. A. DUNSTAN: I was waiting for him to come in; I thought that he would come in like the tide. It is a remarkable coincidence that, the very week in which there had been a conversation between the Under Treasurer and officials of the Lotteries Commission concerning that matter, it turned up in a question in the House. The Under Treasurer came to me (and apparently the honourable member would say that the Under Treasurer does not have any common sense either) and expressed great concern that what was a confidential conversation should occur in a question asked in the House in precisely the same terms as the matters which had been discussed.

Mr. Becker: That's incredible!

The Hon. D. A. DUNSTAN: Well, it is most strange, and the Under Treasurer drew the sort of conclusion which I drew.

Members interjecting:

The Hon. D. A. DUNSTAN: I think that Mr. Barnes is a very sober, sensible and unflappable public servant: he is an Under Treasurer of the highest quality. I simply had to shrug my shoulders and say, "Oh well, it has been happening." That it happens is, as I have said, most unfortunate. It is necessary, in consequence, for Governments at times to take precautions about documents. In no way do I, nor did I, suggest that it was stenographers who were responsible for any of what the Public Service Association calls duplicity. I do not suggest that for a moment. However, if we are to control a document from its outset, we have to control it from the moment it originates, namely, when it is dictated to a stenographer. That is why certain precautions were taken, which I was outlining to the House when replying to a question last week. As to the remarks concerning people ferreting around in wastepaper baskets, I replied to questions by reporters who asked me whether I thought Dr. Tonkin had fished things out of them, and I said, "No, I don't think so, but, if I found anyone ferreting around in wastepaper baskets improperly, they would be charged."

Dr. Tonkin: "Dr. Tonkin's people," I think it was.

The Hon. D. A. DUNSTAN: That is not the phrase I used. I have no recollection of using such a phrase, and I certainly had no intention of referring to the Leader's staff.

Dr. Tonkin: They took it in that way.

The Hon. D. A. DUNSTAN: Well, I certainly indicate to them that I had no intention of suggesting that they had been ferreting in the wastepaper baskets in my department, because I assure them that they would not have been able to get in there. I point out to the Leader that, as regards his personal staff, the necessity of confidentiality in this area has been acknowledged by this Government. As far as the then Opposition was concerned, it was not by the Hall Government, which appointed Ministerial staff, and obviously it wanted Ministerial staff who would be confidential and who would handle politically delicate matters.

Mr. Millhouse: Is that the only reason why you have Ministerial employees?

The Hon. D. A. DUNSTAN: No, it is not the only reason at all. As to the position there, I was refused the right by Mr. Hall, when Premier, to recruit my Secretary from outside the Public Service if I found it necessary to do so in order to obtain someone who would be able to handle politically delicate matters for the Opposition in a confidential way. As soon as I got into office not only did

I provide extra staff to the Leader but I also provided that all those people could be recruited from outside the service if that was thought by the Leader to be appropriate in the appointments, because I believed that it was essential that he be able to assure himself that the people who were working for him closely and who would be handling confidential matters would be people whose loyalty in political matters and whose ability to keep in confidence matters of complete confidence that were politically delicate would be unquestioned. That was a right which I gave to the Leader and which he has used. I find it extraordinary that it is then suggested that a right which he has and which he has used is not, however, available to the Leader of the Government.

Mr. Goldsworthy: You need a large number.

The Hon. D. A. DUNSTAN: I have one more, apart from the stenographers in the inquiry unit, than Mr. Hall had. That is the whole gravamen of this matter. I do not have anything for which to apologise to the Leader.

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

Mr. MILLHOUSE (Mitcham): The Premier's style in this debate has been in marked contrast to the style he adopted on Thursday when he answered the question that has led to all this hoo-hah. At that time, he was quite intemperate (that is the word used by the Public Service Association) in his statements. However, today he is the model of moderation and restraint. I know him well enough to know that this means that he has had some pretty uncomfortable moments between then and now, and he has decided that the only way in which to try to make up the ground he lost is by adopting an apparently reasonable matter-of-fact tone (what is called in today's jargon "low key"). Well, we may not have the satisfaction of knowing, because it may not become public what has been said to him about this matter, but there is no doubt that much has been said to him. I suspect that, from the reactions of his colleagues on Thursday afternoon, they were powerless to do anything when he spoke, and that much has been said to him about this matter.

I will take up the last point he made in answer to the Leader, when he contrasted the generosity, at the taxpayer's expense, to the Opposition, compared to the treatment he himself received. He, I think, said he thought it ill behoves the Leader to complain about the Premier's using Ministerial employees when the Leader does the same thing. I point out to the Premier what he knows perfectly well, but which may have escaped some others of us, that the vital difference between his position as Premier and that of the Leader of the Opposition is that the Premier has at hand and for this purpose the whole of the resources of the Public Service. The Premier should acknowledge that, and he should have done so when he spoke.

Now let me deal with the other matter on which I picked up the Premier when he was speaking, that is, whether he had ever had access to material when he was Leader of the Opposition or, for many years before that, when he was a member of the Opposition. Of course, he knows as I do that on many occasions he had access to such information, because it is common experience (certainly it is my experience, and I do not believe that I am alone in that experience) that from time to time public servants and other members of the community provide, in confidence, information to members of Parliament to be used at their discretion in any way they like.

The Hon. J. D. Wright: Do you think that the member for Kavel might ever have got any?

Mr. MILLHOUSE: I was surprised to hear him say that he had never had access to such information, because it does not show that people think he is particularly effective if that is the case.

The Hon. D. A. Dunstan: Perhaps he didn't know what it was.

Mr. MILLHOUSE: I do not know. The Premier knows as well as I know that we do receive this sort of information from time to time. I use it in the House—of course I do. The interjection that I made just now shows that someone spoke to me since Friday about this matter. Why should not someone speak to me about it? It is not an offence under the Public Service Act to do so, and I pointed that out. The offence under the Public Service Act (and I do not think the relevant provision has been amended) is committed under section 58 (*j*), which provides that it is an offence for a public servant to communicate with a newspaper or a publication of a similar nature. Members of the press gallery are not supposed to get this sort of information. There is not a prohibition against public servants communicating with other people.

Mr. Goldsworthy: That is the point that I was making, that it is not confidential.

Mr. MILLHOUSE: Yes. There is no prohibition against that. People do it from time to time. We all take advantage of it, and it is right that we should. This is not a place where the Government is defending its actions that are all taken in secret. I interjected a little while ago about open Government, in which I believe. In theory, I believe that we all believe in open Government, but when one is in office I suppose that the practice is a little different. That is why we had *par excellence* from the Premier last Thursday. Why should the Government wish to do things in secret? Why should there not be open Government?

Let me deal now with a matter on which the Premier challenged me regarding his use of material when he was Leader of the Opposition. I refer to a matter reported in *Hansard* of November 12, 1969, at page 2963 (almost exactly seven years ago to the day that this issue blew up last Thursday) on a debate on the Local Courts Act Amendment Bill. As I have often said in this House, the Premier opposed the Bill that I introduced to set up an intermediate jurisdiction of the Local Court. It was well known in the community that a group of magistrates also bitterly opposed that Bill. Those magistrates came to see me as a deputation, among other deputations, opposing the Bill and giving their reasons in a long memorandum. The present Premier, then Leader of the Opposition, quoted that memorandum in the House. I see that he is being saved by the Minister of Transport from the embarrassment of having to give his full attention to this matter. In part, this is what he said:

There has been much comment in the press about this scheme, and it has been suggested that the magistrates are satisfied with it. However, that is not my information.

Of course not: the magistrates had told him about it. He continued:

In fact, the indications that I have received from magistrates are entirely to the contrary.

Of course they were, because the magistrates had told him and had given him the memorandum. He continued:

Although I know that the Attorney-General suggested that the Chief Summary Magistrate was consulted before this measure was introduced, I do not, frankly, understand that to be the case. In these circumstances I intend to give the House the effect of the submission that has been made to me by magistrates, because it shows just the sort of difficulty that I outlined when this measure was debated previously.

The Premier then proceeded to quote three or four pages of the memorandum that had been submitted to me as Attorney-General by the magistrates. That is set out in *Hansard*. If that was not a document that had not come into his hands in much the same way as the document came into the hands of the Leader of the Opposition, I do not know what was.

The Hon. D. A. Dunstan: Nonsense!

The Hon. J. D. Corcoran: I do not think the magistrates in question would even be concerned about whether or not it was a separate matter. Surely they were in a different category from public servants. You know that.

Mr. MILLHOUSE: They are public servants, in the same way. They had come to me—

The Hon. D. A. Dunstan: You know perfectly well that—

Mr. MILLHOUSE: —with a memorandum about a measure that was before the House. They submitted to me their memorandum in opposition to the measure and then raced off to the Leader of the Opposition and gave him a copy of the memorandum, and he regurgitated the whole thing in the House. I did not complain about that.

The Hon. J. D. Wright: That's not a Government document.

The Hon. D. A. Dunstan: That is no analogy at all.

Mr. MILLHOUSE: I know that that document was given to me as Attorney-General by the magistrates. We could argue that point until the cows come home but, to me, it is a close parallel and is only one example of the sort of thing that happened. At that time I was somewhat embarrassed about the Leader of the Opposition's having and quoting the document in the House. That is why he quoted it in the House—he wished to embarrass me. He was on the other side, and he did everything he could to oppose the passage of that legislation. His actions certainly embarrassed me in apparently the same way as he has been embarrassed by the Leader of the Opposition's having the material to which he has referred.

Let me now make one or two comments about the matter we are considering. It arose out of a question that I asked last Thursday. It was, in fact, the last question in Question Time and it related to Government policy regarding Ministerial employees and to the fact that they cost more than $560 000 a year to pay. In the course of his reply the Premier explained only why about four of the 37 appointments were made. I intend to persist with that question to ascertain the reason for employing the others. However, that is another story. I was somewhat surprised by the Premier's reply. It was obvious last Thursday that the Premier was tired and annoyed. That is an indication to me that he is likely to lose control and to say things he may subsequently regret, as I am certain that he regrets what he said that time. It has happened from time to time in my experience of the Premier. It does not happen as often as it did a few years ago when he (and I used to do it myself) could be pricked into saying things that he regretted afterwards. I believe that I was able to do that on Thursday. I must say that what we saw and heard on Thursday made me think that the Premier was a bit mentally unbalanced about the whole matter. The Leader of the Opposition used the word "paranoia", which may be another way of putting it. To me, the Premier just seemed a bit off his rocker (and I speak as a layman) in absolutely over-reacting to the situation that occurred. I certainly did not expect the reply I received then. I have no doubt that, from the expressions on the faces of other Ministers on the front bench (and the Minister of Works was not here on Thursday) that they had not expected a reply like that given by the Premier. I have already said something about that.

I wondered whether the Liberal Party would raise this matter today. I expected that it would, because the Leader had rather committed himself to doing so, despite the rebuke which he, along with the Premier, got in the paper this morning because of the statement issued by the Public Service Association. I must say that the rebuke was justified in the case of both honourable gentlemen. I support this motion, although I hold no brief for the Liberal Party, its tactics or its way of doing things. I do believe that the Premier, by saying what he did on Thursday (I said this immediately afterwards outside the House) and not naming anyone, immediately smeared and cast a slur on every member, certainly of his own department, because if one makes a charge like this and does not specify it, it must rub off on every person involved. I know this has been greatly resented by people in his department, because I have been telephoned about it.

The matter of the fingerprinting happened like this: I have been told that the public servants in the department, not the Ministerial employees (their fingerprints were not taken), were told that if they wanted to show their innocence in the matter they should submit to having their fingerprints taken. It was under that threat (or promise) that everyone of them assented to having their prints taken. They were told that if they wanted to show their innocence they would agree to having their prints taken, and they all did. It was a negative result. The fingerprint test led to nothing. It did not help the Premier or those he had enlisted to aid him in the search to find out who had done it. He persists in the House in smearing the members of his department who are members of the Public Service. In this way again the Premier differentiated between his favourites (the Ministerial employees) and the public servants who serve him in his department and who do, I have no doubt, serve him loyally and faithfully. It is another example of the undesirable nature of the Ministerial employee system.

I think the matter has run its course and that we will hear nothing more about it publicly. However, many people will not forget in a hurry that the Premier made these stupid and hurtful accusations publicly in this place. Whether or not he lost his control for a moment, he made them, and it is the sort of thing that will be remembered against him by many people. It is an incident, small in itself, which has had much publicity and which will gradually build up against the Premier and against the Government.

The Hon. J. D. CORCORAN (Minister of Works): I had not intended to speak in this debate, because I did not think the Premier needed any assistance in his defence against the attack launched by the Leader of the Opposition and his Deputy. In fact, as a spokesman for the Public Service Association has stated, the Opposition is not to be commended for trying to extract the last drop of political expediency out of this question. I wish to reply to a few things said by the member for Mitcham. I suppose that no-one has more right than has the member for Mitcham to participate in the debate, because, after all, it was a question from him and not from the Liberal Party that probably sparked off the whole controversy that surrounds this matter. No-one, least of all I, would deny him the right to say what he said this afternoon.

Mr. Goldsworthy: The Liberal Party got smeared.

The Hon. J. D. CORCORAN: The Deputy Leader was not listening. I did not say the Liberal Party was not

smeared or otherwise. As the Premier said in reply to the Leader and the Deputy Leader this afternoon, I suppose the Labor Party has never been smeared by the Liberal Party! However, we do not usually stand up in this House on our dignity as the Leader and Deputy Leader and other members of their Party have tried to do this afternoon to try to extract an apology for that. I do not think there was any smear at all. The Premier knew what he was talking about last Thursday as much as he knows today. Contrary to what the member for Mitcham said, he was not mentally unbalanced last Thursday any more than he is today.

Mr. Millhouse: He just appeared to be.

The Hon. J. D. CORCORAN: I can assure the member for Mitcham that the Premier is not the victim of needling by the member for Mitcham. I know from personal experience that the Premier delights in having a few barbs from the member for Mitcham—

Mr. Millhouse: That eases my conscience.

The Hon. J. D. CORCORAN: —because it always assists him, and this occasion is no different from any other. The member for Mitcham quoted from the Public Service Act, and that showed the honesty the honourable member sometimes displays when trying to mislead the House about provisions of the Public Service Act and the actions of the Public Service. He quoted section 58 (*j*) of the Public Service Act, which provides:

without the permission of the Minister directly or indirectly and whether anonymously or otherwise, makes any communication or contribution or supplies any information to any newspaper or publication of a similar nature on any matter affecting the Public Service or any department thereof or the business or the officers of the Public Service or any department thereof or on his own office or his own acts or duties as an officer,

He quoted that subsection but completely ignored subsection (*i*), which provides:

otherwise than in the discharge of his duties, directly or indirectly discloses to any person information acquired in the course of his duties except by the direction or with the permission of the Minister;

Mr. Millhouse: You are quite right; I forgot about that.

The Hon. J. D. CORCORAN: Of course I am quite right, and no doubt the honourable member forgot deliberately.

Mr. Millhouse: No, I did not forget deliberately.

The Hon. J. D. CORCORAN: I am saying that the honourable member did, because I do not see how he could read section 58 and arrive at the last subsection without reading the subsection preceding it. Obviously he did not think anyone would take the trouble to look at the Public Service Act to check whether or not his facts in this matter were right. That makes a sham of the things that the honourable member has said this afternoon about the whole matter. Towards the end of his speech he made a play on the fingerprinting that occurred in the Premier's Department subsequent to a document being missed. That incident caused the Premier to ask for an investigation. The Premier did not order the fingerprinting (voluntary or otherwise) of his staff. The Police Department did that of its own volition. If the honourable member is going to be critical of the methods the police used, that is his business.

Mr. Millhouse: Who reported it to the Police Department?

The Hon. J. D. CORCORAN: The Premier reported it. Is the honourable member going to say that the police should not have used in this investigation the methods that are normally available to it in any other? The honourable member tried to imply that the Premier had ordered the fingerprinting of his staff. No such thing occurred. The Premier and any Minister, as the honourable member would know (he is one of the few members opposite who would know), that at times there is frustration about certain things that happen within a department that they may or may not have heard about until they read about them in a newspaper. I know the Premier and every Minister support me in saying that South Australia has the finest Public Service in Australia, and the Premier made perfectly clear that he was not branding the whole Public Service about this matter. In fact, he went out of his way to demonstrate that he was talking about a very small number of people involved in total Public Service, and the very large number of other public servants accept that. I think that the whole matter has been deliberately blown up out of all proportion by the Opposition to try to extract something from it politically: it is political expediency. The Government denies the charges made by the Leader about what the Premier has done, and the Premier needs no assistance from me. I wanted to reply to the points made by the member for Mitcham, because it makes his argument a shabby one. I do not think he has his heart in what he has said about the Premier this afternoon. He has had experience as a Minister and of working with the Public Service, and knows what goes on. He knows some of the frustrations that a Minister can suffer. He also tried to make great play about the Bill that he introduced in 1969, and said that magistrates had provided certain information to the then Leader of the Opposition (the present Premier) in connection with that matter. There was nothing clandestine about the move: it was perfectly open. No-one would have deprived public servants of their rights if the whole structure of the service was being considered, as the courts were considered in that case. No-one denied the public servants the right to speak, for example, about superannuation: they had their say and it was loud and clear. It is only matters that arise in the course of their duties that concern the Government. When Opposition members speak about secret Government, I point out to them that this Government can stand on its record as being the most open Government that this State has ever had.

Members interjecting:

The Hon. J. D. CORCORAN: Opposition members can laugh, but if they go back in the history of this State—

Mr. Goldsworthy: You won't even answer Questions on Notice.

The Hon. J. D. CORCORAN: The honourable member is raving as usual. The member for Mitcham knows that this Government will stand on its record as being the most open Government that this State has ever had.

Mr. Dean Brown: Why don't you answer Questions on Notice?

The Hon. J. D. CORCORAN: The honourable member would not know because he has not had experience in Government, but the member for Mitcham would know that, concerning certain matters, there are times that it is imperative that secrecy be upheld. A whole matter could fall to the ground if it were disclosed prematurely. In many cases Governments in regard to certain matters have to operate that way, but whenever this Government has been able to do so it has released information that is of value and assistance to the public and to members of Parliament.

Mr. Dean Brown: You didn't do it today with Questions on Notice.

The Hon. J. D. CORCORAN: Irrespective of what the honourable member says, I am telling him that that is the

case; he can examine my statement, and I challenge him to show me any time when there has been a more open Government in this State. He knows that he cannot do that, and will not try to. There is no need for me to say more about this matter. It is clear from what the Premier has said and what the Public Service Association has said that this matter is closed.

Dr. Tonkin: You hope it is.

The Hon. J. D. CORCORAN: It is up to the Leader to decide whether he wants to extract more from it.

Dr. Tonkin: And an apology too.

The Hon. J. D. CORCORAN: We will not deprive him of that opportunity as Leader of the Opposition. It is a matter of judgment whether or not he goes on with the matter. I am satisfied, and I am sure that the Public Service Association and the public of South Australia are satisfied, that the Premier had a perfect right to express his concern about the matter last week and say the things he has said about it since, and that he has demonstrated today that he has no need to apologise about this matter to any one.

At 3.14 p.m., the bells having been rung, the motion was withdrawn.

Mr. MILLHOUSE (Mitcham): I seek leave to make a personal explanation.

Leave granted.

Mr. MILLHOUSE: In the debate that has just finished the Minister of Works rightly upbraided me for quoting one part of section 58 of the Public Service Act, placitum (*j*), and not quoting placitum (*i*). He is right in that action, and I apologise to the House. It was a complete mistake. I hope that he will accept that. The only explanation I can give is that this matter occurred hurriedly. I did not know of the debate until I came into the House and the question of what was contained in the Public Service Act did not occur to me until the Premier was speaking. I got the Act and found with some difficulty the passage I thought I needed, and I looked only at placitum (*j*), and did not bother, as I should have, to read through other placita in the section. Therefore, what I said was misleading, and that point in my speech absolutely falls to the ground. I was wrong in that. The Minister was right to pick me up. The only reason I make this personal explanation is to assure you, Mr. Speaker, and the House, including the Minister (and I hope he will accept my assurance), that the mistake was an innocent one.

LICENSING ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, line 36 (clause 7)—Leave out "The" and insert "Unless the Full Court grants leave to appeal on a question of fact, or a question involving elements both of law and of fact, the".

No. 2. Page 4 (clause 9)—After line 25 insert new paragraph (*f*1) as follows:

"(*f*1) by striking out subsection (2);"

No. 3. Page 7—After clause 17 insert new clause 17a as follows:

17a. "*Amendment of principal Act, s. 48—Objections to licences and renewals*—Section 48 of the principal Act is amended—

(*a*) by inserting after subparagraph (*c*) of paragraph (1) the following subparagraph:

(*ca*) that—

(i) the quiet of the locality in which the premises are situated will be disturbed;

or

(ii) the owners or occupiers of premises in the locality will be adversely affected to an unreasonable extent, if the application is granted;

and

(*b*) by striking out subparagraph (*b*) of paragraph (2)."

No. 4. Page 9, lines 17 and 18 (clause 22)—Leave out paragraph (*b*) and insert new paragraph (*b*) as follows:

"(*b*) in the case of a company (being a proprietary company or an unlisted company) that holds, or is an applicant for, a licence of a prescribed class—he is a shareholder in the company."

No. 5. Page 9, lines 19 to 22 (clause 22)—Leave out subsection (8).

No. 6. Page 9 (clause 22)—After line 33 insert new subsection (11) as follows:

"(11) In this section—

'licence of a prescribed class' means a licence of any of the following classes:

(*a*) full publican's licence;
(*b*) limited publican's licence;
(*c*) retail storekeeper's licence;
(*d*) wine licence;
(*e*) club licence;
(*f*) restaurant licence;
(*g*) cabaret licence;
or
(*h*) theatre licence:

'unlisted company' means a public company whose shares are not offered for sale on any stock exchange in Australia."

No. 7. Page 10, line 16 (clause 25)—Leave out "bar-room of a prescribed class" and insert "prescribed bar-room in prescribed premises".

Consideration in Committee.

Amendment No. 1:

The Hon. PETER DUNCAN (Attorney-General) moved:

That the Legislative Council's amendment No. 1 be agreed to.

Motion carried.

Amendment No. 2:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 2 be agreed to.

Motion carried.

Amendment No. 3:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 3 be agreed to.

Mr. COUMBE: I am pleased that the Government is accepting this amendment because it gives effect to an amendment that I moved unsuccessfully in this Chamber. I believe that this amendment will be more effective because it refers to the annual renewal of licences and what factors the court must consider before renewing the licence, including objections that have been lodged. This wording already exists in the Act in another section providing for new licences.

Motion carried.

Amendment No. 4:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 4 be agreed to.

Motion carried.

Amendment No. 5:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 5 be agreed to.

Motion carried.

Amendments Nos. 6 *and* 7:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendments Nos. 6 and 7 be agreed to.

Motion carried.

LEAVE OF ABSENCE: HON. G. R. BROOMHILL

Mr. WHITTEN moved:

That a further month's leave of absence be granted to the honourable member for Henley Beach (Hon. G. R. Broomhill) on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

STAMP DUTIES ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act, 1923-1976. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

The main purpose of this Bill is to reduce stamp duties payable on conveyances of land. It gives effect to previously announced Government policy. I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The present stamp duty payable upon conveyances is as follows: (*a*) where the consideration for the sale does not exceed $12 000, the stamp duty is $1·25 for each $100 of the consideration; (*b*) between $12 000 and $18 000 the stamp duty is $150 plus $2·50 for every $100 of the amount in excess of $12 000; and (*c*) between $18 000 and $50 000 the stamp duty is $300 plus $3 for every $100 of the amount in excess of $18 000.

The Bill proposes to alter this position in the following manner: (*a*) where the consideration does not exceed $12 000, the stamp duty is to be $1 for every $100 of the consideration; (*b*) between $12 000 and $20 000 the stamp duty is to be $120 plus $2 for every $100 above $12 000; and (*c*) between $20 000 and $50 000 the stamp duty is to be $280 plus $3 for every $100 of the amount in excess of $20 000. The effect of these amendments is that on a conveyance involving transfer of property worth $20 000 or above there will be a saving of $80 in stamp duty. This represents, in percentage terms, a saving of about 22 per cent at $20 000 and at $50 000 a saving of about 6 per cent. The cost in revenue for a full year is likely to be about $3 200 000.

The Bill also provides for the use of adhesive stamps on mortgages and other securities which secure the repayment of sums between $400 and $4 000. Transactions (other than credit and rental transactions) involving less than $400 which are dutiable at present will be exempted from duty. The opportunity is also taken to make some other fairly minor amendments to the principal Act. An amendment is made to the credit and rental provisions of the principal Act. It appears that the present definition of "credit arrangement" leaves a possible loop-hole for avoidance of the stamp duty provisions. An amendment is made to section 48a of the principal Act enabling the Commissioner to authorise banks to issue cheque books upon which stamp duty has been paid. This power was formerly exercised by the Treasurer. An amendment is made to section 66ab of the principal Act designed to tighten the provisions which prevent avoidance of duty by splitting land transfers. A further amendment exempts transfers of securities issued by approved State instrumentalities from stamp duty. The provisions of this Bill are as follows: Clause 1 is formal. Clause 2 amends section 31f of the principal Act which deals with credit and rental business. The provision is amended with a view to preventing a credit provider from alleging that he has made separate credit arrangements with a customer in respect of each debt incurred by that customer. Clause 3 amends section 48a of the principal Act to enable the Commissioner to authorise the issue of cheque books upon which stamp duty has been paid. Clause 4 amends section 66ab of the principal Act. The amendments are designed to reinforce the existing provisions which stipulate that, where conveyances arise from the one transaction, the consideration is to be aggregated for stamp duty purposes. The amendment provides that, where conveyances are executed within twelve months of each other, it shall be presumed that they arose out of one series of transactions. A new provision is inserted to prevent a possible reduction of duty through the operation of this new subsection. Clause 5 makes it possible for duty to be denoted on mortgages and other securities for specific amounts of less than $4 000 by adhesive stamps. Clauses 6 and 7 reduce the stamp duty payable upon conveyances in the manner which I have previously mentioned. Clause 8 exempts from stamp duty mortgages and other securities for an amount not exceeding $400. Clause 9 exempts from stamp duty transfers of securities issued by approved instrumentalities of the State.

Mr. EVANS secured the adjournment of the debate.

MENTAL HEALTH BILL

The Hon. R. G. PAYNE (Minister of Community Welfare) moved:

That the time for bringing up the report of the Select Committee be extended to Thursday, December 9.

Motion carried.

MOBIL LUBRICATING OIL REFINERY (INDENTURE) BILL

The Hon. D. J. HOPGOOD (Minister of Education) moved:

That the time for bringing up the report of the Select Committee be extended to Tuesday, November 30.

Motion carried.

URBAN LAND (PRICE CONTROL) ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—After clause 1 insert new clause 1a as follows:

"1a. *Amendment of principal Act, s. 5—Interpretation—Section 5 of the principal Act is amended*—

(*a*) by striking out the word 'or' between paragraphs (*f*) and (*g*) of the definition of 'vacant allotment of residential land';

and

(*b*) by inserting after paragraph (*g*) of the definition of 'vacant allotment of residential land' the following paragraph:—

or

(*h*) within a zone established for industrial or commercial purposes under the Planning and Development Act, 1966-1976."

No. 2. Page 1—After proposed new clause 1a insert new clause 1b as follows:

"1b. *Amendment of principal Act, s. 15—Certain transactions forbidden without consent of the Commissioner*—Section 15 of the principal Act as amended—

(*a*) by striking out the word 'and' between subparagraphs (iv) and (v) of paragraph (*m*) of subsection (3);

and

(*b*) by inserting after subpargraph (v) of paragraph (*m*) of subsection (3) the following subparagraph:—

and

(vi) the amount of any commission payable to a licensed land agent in respect of the sale of the land."

No. 3. Page 1, line 17 (clause 2)—After "land" insert "to which this Act applies".

No. 4. Page 1, line 21 (clause 2)—After "land" insert "to which this Act applies".

No. 5. Page 2, line 5 (clause 3)—Leave out "two years" and insert "one year".

Amendment No. 1:

The Hon. HUGH HUDSON (Minister for Planning): I move:

That the Legislative Council's amendment No. 1 be agreed to.

This amendment relates to the insertion of a definition of "industrial and commercial land" into the definition in the principal Act of "vacant allotment of residential land". The effect is to exclude from the definition of "vacant allotment of residential land" any land that has been zoned for industrial or commercial purposes under the Planning and Development Act. The instances where industrial land has been subject to price control are few. The Government's view is that people who are buying industrial or commercial land should be able to take care of themselves. There was provision previously under the Act to exempt certain classes of land, and we are considering giving an appropriate exemption. What the Government wanted to avoid, however, was a situation where land would be exempted where it was not zoned for an industrial or commercial purpose. There are one or two councils which still have not got zoning regulations, and it may well be that if we were not careful we would be exempting land that was ultimately going to be for residential purposes. As it stands, the amendment moved in another place is acceptable.

Motion carried.

Amendment No. 2:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

The basic problem here is that the principal Act permits, in the calculation of the controlled price, a prescribed interest to be added for the period of ownership of the land, plus 90 days. If the land agent's or real estate agent's commission is added as well, land that is held for a short time will escalate in price rapidly. It is conceivable (and I think examples were given during the previous debate) that the price of a block of land could escalate by 40 or 50 per cent in any one year if it had changed hands twice during that year.

Mr. Arnold: You are referring to rapid transactions?

The Hon. HUGH HUDSON: Yes. The point made by members in this place and another place is a matter of some concern. It is not the Government's desire to force a monetary loss on people. The Government considered a possible amendment, but it was difficult to define appropriate circumstances in which the real estate agent's commission will be permitted to be added. I have discussed the matter with the Commissioner for Urban Land Price Control and on his behalf I give the following assurance: Where a person selling land would make an actual monetary loss because, after allowing for rates and taxes, stamp duties and transfer fees, the interest at the prescribed rate does not permit the vendor to cover the commission to a real estate agent, the Commissioner for Urban Land Price Control will allow the commission payable to an agent to be recovered to the extent necessary to avoid the discrepancy. The Commissioner will use his discretion under the Act, in the manner I have described, on application by the vendor. That same assurance will be given by the Minister of Agriculture in another place when the matter is reconsidered there.

The Act allows a certain discretion to the Commissioner in relation to these matters. It is appropriate that any instance, other than one coming under the heading I have just given, be dealt with by a discretion after full consideration of the facts by the Commissioner himself. We realise that certain difficulties can arise. I hope that honourable members will take the assurance that I have just given and therefore support the motion.

Mr. ARNOLD: The Minister is asking honourable members to accept an assurance. Directors and Ministers change from time to time and, with nothing written into the Act, an assurance given here today in good faith need not carry any weight in a short time. Quite obviously, it is the object of another place to write it into the Act so that it is there for all time. I accept the assurance of the Minister here today and of the Director concerned, but things will not always be the same. My concern is for the future, when we have a different Minister and a different senior officer. The assurance certainly carries no weight in law, and that is what concerns me.

The Hon. HUGH HUDSON: I appreciate that, but I would say that in general, where assurances of this nature have been given and where the principal Act permits a discretion to the Commissioner, such assurances have been accepted in the past and have been applied by successive Ministers and Commissioners. I suspect that another place will find this assurance acceptable and that it is concerned not to be associated with an amendment that would cease to achieve a particular objective which it regards as desirable, but only at the cost of creating a real risk, with a rapid turnover of land, of a really rapid escalation in the controlled price.

Mr. EVANS: I believe we must accept the Minister's assurance, but I place on record my belief that the intention of the Act was not necessarily to stop the practice of a parcel of land being sold on more than one occasion during the year or to make sure that people lost money if they carried it out. Many people would be involved if the land was sold to more than one person. The original intention of the Act was to stop people from exploiting the system and making a profit from land speculation. It was never intended, at the time it was debated, to consider that an allotment may be sold on more than one occasion and that, because an agent's commission was involved, people should be guaranteed a loss. That is what will happen where the same piece of land is being sold a number of times. The Minister is giving an assurance that, from now on, there will be no loss if the Commissioner thinks that the sales have taken place in a proper manner and that someone is not trying to use the system. I am concerned with the present set-up, because I know of cases in which people have lost money. Because the legislation will come before Parliament again at a future date, I am prepared to accept the Minister's assurance given today and the Commissioner's assurance and to see how it operates. I know that, in the past, people have lost money, and that was never the intention of the original legislation.

The Hon. HUGH HUDSON: I should like the honourable member to be quite clear on the nature of the assurance I am giving. I shall read it again, because it does not cover all situations that conceivably could arise. There may be other situations where we will have to consider applications made and discuss with the Commissioner whether or not his discretion should be used. The assurance I have given is as follows:

Where a person selling land would make an actual monetary loss because, after allowing for rates and taxes, stamp duty, and transfer fees, the interest at the prescribed rate does not permit the vendor to cover the commission to a real estate agent, the Commissioner of Urban Land Price Control will allow the commission payable to an agent to be recovered to the extent necessary to avoid the discrepancy.

It is difficult to devise a form of words to cover all the situations that we want to cover without letting the baby out with the bath water. The Government would hope that the period of extension sought for this legislation would see the end of the requirement for urban land price control. That remains to be seen, but we hope that the supply situation would have been sufficiently adjusted by that time to avoid the necessity for this sort of administration.

Motion carried.

Amendment No. 3:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 3 be amended by leaving out the words "to which this Act applies" and inserting in lieu thereof the words "within the controlled area".

The amendment arose because of the provisions of clause 2 which enable the Commissioner to call for any documents and to inspect any documents in order to ascertain whether the provisions of the Act have been complied with. There was concern that the Commissioner would be mucking around with documents that were not his concern. As a result, another place adopted an amendment which limited his ability to call for documents in relation to land to which the Act applied. The reply to that (this amendment was opposed in another place) was that one would not know whether or not the document dealt with land to which the Act applied until one had seen it.

Mr. Arnold: So you accept in principle what they were getting at?

The Hon. HUGH HUDSON: Yes, but the way in which the amendment has been moved is impracticable. Obviously, it is sensible to keep his right to call for documents in relation to land within the controlled area, and that is what the alternative amendment seeks to do. It is similar to the amendment to be moved to the Legislative Council's amendment No. 4.

Amendment carried; Legislative Council's amendment as amended agreed to.

Amendment No. 4:

The Hon. HUGH HUDSON moved:

That the Legislative Council's amendment No. 4 be amended by leaving out the words "to which this Act applies" and inserting in lieu thereof the words "within the controlled area".

Amendment carried; Legislative Council's amendment as amended agreed to.

Amendment No. 5:

The Hon. HUGH HUDSON: I move:

The the Legislative Council's amendment No. 5 be agreed to.

The reason for my opposition to the same amendment as originally moved by the member for Chaffey is that I did not want at that time to go into another place somewhat naked, having given away all that I was prepared to give away before I ever got there. I am sure honourable members will appreciate the problem. It is not the first time this has arisen, nor I imagine will it be the last.

Dr. Eastick: You were prepared to do a horse trade.

The Hon. HUGH HUDSON: I shall leave it to the member for Light to trade in horses and such things. This was a matter of honourable negotiation and conciliation.

Mr. ARNOLD: The Opposition accepts the Minister's explanation.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 2 was adopted:

Because the amendment destroys the basic purpose of the Bill.

Later:

The Legislative Council intimated that it had agreed to the House of Assembly's amendments to the Legislative Council's amendments Nos. 3 and 4 and that it did not insist on its amendment No. 2 to which the House of Assembly had disagreed.

COUNTRY FIRES BILL

In Committee.

(Continued from November 16. Page 2187.)

Clause 63—"Onus of proof."

The Committee divided on the clause:

Ayes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran (teller), Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (22)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans (teller), Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Venning.

The CHAIRMAN: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Clause thus passed.

Clause 64 passed.

Clause 65—"Minimum penalty."

Mr. GUNN: The clause is totally unacceptable to the Liberal Party, which believes that no minimum penalty should be written into any Act, particularly this one. We must realise that a court may be dealing only with a minor breach of the Act. In this case, some of the penalties are indeed excessive, as they should be. I hope that the Government will have second thoughts on this matter, as it did respecting other foreshadowed amendments.

Mr. MILLHOUSE: Whether or not the honourable member has been affected by the news that he is to get two Australian Labor Party opponents, I do not know, but what he said would not justify me in opposing the clause. I do not know what my Country Party colleague, on whom I normally rely for guidance on country matters, thinks about this matter, because I have not had a chance to consult him. Certainly I could not oppose the clause on the basis of what the member for Eyre has said. The clause is not even in the form in which I imagined him to say that it was. Minimum penalties appear in many Acts.

Mr. Gunn: That doesn't make it right.

Mr. MILLHOUSE: Does the honourable member think that there should not be a minimum penalty in the Road

Traffic Act for drunken driving? He may care to say that he thinks that that is not right.

Mr. Gunn: I would be out of order.

Mr. MILLHOUSE: No, because the honourable member has three chances to speak in Committee on the Bill.

The CHAIRMAN: But not on the Road Traffic Act.

Mr. MILLHOUSE: The honourable member said that it was never right to impose a minimum penalty, but I remind him that minimum penalties appear in some Acts. There is a minimum penalty in the Road Traffic Act for the offence of drunken driving, and there are many others. There is good reason for having a minimum penalty. In that case, if the court finds that the offence is trivial or one of the earlier offences in a series of offences, it is not counted. This clause provides:

A court, in imposing a monetary penalty for an offence against this Act, shall impose a penalty of not less than one-quarter of the maximum penalty prescribed for that offence—

I suppose that that is what the honourable member is complaining about. However, there is a let-out to the clause, as follows:

Unless, in the opinion of the court, there are special circumstances justifying a lesser penalty.

It almost negatives the effect of the clause, but it removes the honourable member's objection to it. Unless he can do better than that, or the member for Flinders can tell me privately some other good reason why we should oppose the clause, I propose to support it.

Clause passed.

Clause 66 passed.

Clause 67—"Regulations."

Mr. VANDEPEER: Subclause (2) (i) relates to the clearing of firebreaks along dividing fences. Can the Minister explain what is meant by a dividing fence, and can he say whether, under the regulation, all dividing fences between and within properties must have a firebreak? I hope that that is not the position. It was not the case in the past. A person can be deemed negligent if he does not make a firebreak along certain fences. Firebreaks along fences where there is pasture can assist fire-fighters. We would all concede that that is the case. However, fires do not necessarily stop at the firebreaks. On days of extreme fire risk the firebreaks help to fight the fire but, in many cases, the firebreaks are useless if the fire is travelling extremely fast. I can see no reason why the absence of a firebreak should mean that someone is necessarily negligent.

The Hon. J. D. CORCORAN (Minister of Works): The honourable member would realise that regulations must be drawn up. I imagine that regulations would provide for either a council or the board to direct in certain cases that firebreaks be ploughed along dividing fences. "Dividing fence" is not defined, but it is normally accepted that a dividing fence is the fence between adjoining properties rather than within a property owned by a person. I imagine that that is the case here. Regarding regulations, if either a council or the board has directed that a firebreak be ploughed or caused to be ploughed and that direction has been ignored, I understand that the person ignoring the direction would be subject to a penalty for non-compliance with the regulation.

Mr. RODDA: The Minister would be aware of the enormous build-up in the South-East of dry grass that would act as fuel for a fire. He would also be aware that because of the nature of the ground and because of heavy rainfall in October or November it could be almost impossible to plough firebreaks in areas of the South-East. In fact, it is almost impossible to get cultivating machinery into the area. In addition, heatwaves can occur in November (as occurred last year) and dry out the land so that the ground is almost like concrete and cannot be ploughed. Regulations in this instance relate to compensation. A landholder could, in certain circumstances, be required to plough a firebreak that would be beyond his ability to plough. I am raising the matter as a possible defence for anyone who faces that sort of problem.

The Hon. J. D. CORCORAN: I wish to make clear to the member for Millicent that the purpose of the provision is to incorporate in the Bill power to prescribe by regulation the provisions of section 100 of the Bush Fires Act. This provision will not compel landowners or occupiers to make firebreaks, but it will enable the protection to be afforded to those who have constructed firebreaks.

Mr. GUNN: I move:

Page 25—

Line 31—Leave out "provide for" and insert "empowering councils to require".

Lines 32 and 33—Leave out "the regulations" and insert "any such requirement".

These amendments solve the problems that have been referred to by the member for Millicent. They do not affect greatly the operation of the Bill; in fact, I believe that they greatly improve it. As the member for Millicent has explained why the Opposition is putting forward these amendments, I will not say any more about them.

The Hon. J. D. CORCORAN: The amendments are not acceptable to the Government. The reason for that is obvious, as they would have a limiting effect on the power of ordering the clearing of firebreaks by councils. It is considered desirable that provisions should exit to make regulations conferring general powers concerning firebreaks. It is pointed out that any such regulation would be subject, as I have said before, to the scrutiny of Parliament. The purpose of the clause is to put in regulations existing section 100 of the Bush Fires Act. This will not necessarily compel people to plough firebreaks, but it will afford protection to people who have created firebreaks. That is a worthwhile provision and I would not support any amendment that would weaken it, which is what the member for Eyre's amendments would do.

Amendments negatived; clause passed.

Clause 68 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (CAPITAL PUNISHMENT ABOLITION) BILL

Adjourned debate on second reading.

(Continued from November 4. Page 1937.)

Dr. EASTICK (Light): When similar legislation has been before the House previously I have not supported it. I have adopted that attitude because I do not support the taking of the life of persons who have had the death sentence placed on them except when that action is associated with attacks on members of the Police Force or wardens or acts against young children. I believe what I have just said is consistent with what I have said before. My attitude is not always popular with all sections of the community but I have acknowledged my opinion in the past and I do so today.

Mr. CHAPMAN (Alexandra): I oppose the abolition of capital punishment. I realise that most of the arguments for its retention are based upon the claim that simply having the death penalty on the Statute Book acts as a deterrent. If that deterrent effect is the main factor on which arguments are based, I cannot support it as being an effective one. I do not believe that having the death penalty on the Statute Book is a deterrent of any significance. Unless the death penalty is implemented in cases where it must be implemented, the real effect of the law is negated. I wish to refer to a few reports that I believe are a fair coverage of the beliefs held in relation to this subject.

The first article is from *Keesing's Contemporary Archives.* The signing of the United Nations Charter in 1945 embraced a number of countries across the world. Indeed, there is considerable reference to the capital punishment issue in a report published by the United Nations on behalf of those many countries. During the introduction of that report reference was made to the death penalty, as follows:

. . . Whilst the imposition of the death penalty for reasons of vengeance or revenge finds few if any advocates, and the notion of a premeditated judicial killing is generally abhorred, retributive justice and necessity in the public interest are still considerations which hold considerable sway.

The report went on to refer to the new forms of terror and violence that are continually emerging and growing in the community. I do not intend to comment at length on the various forms of terror and violence in the community at present or what we might expect in the future, because I believe that the member for Mitcham largely based his argument on those issues. The next article which appeared in *Keesing's Contemporary Archives* dated April 16, 1973, referred to the death penalty again, as follows:

The death penalty would still appear therefore to be regarded by a considerable number of Governments as an efficient or at least an acceptable way of getting rid of certain types of problems—whatever the experts may have to say about the lack of deterrent effect of this penalty. Moreover, it seems clear that in most cases Governments satisfy public opinion by using this sentence.

The same article stated that two out of the six States of Australia had abolished the capital punishment law. In Mexico, 29 out of the 32 States and territories have abolished that law, as have 13 States out of the 50 States in the United States of America. The State of Alabama has since reintroduced the capital punishment law. I will not list all the members of the United Nations that have retained the capital punishment law. I think the important fact is that for it to be effective in the real sense in the case of malicious and premeditated murder the law should be upheld. A report in the *Advertiser* of February 20 stated:

The South Australian Police Commissioner (Mr. H. H. Salisbury) believes in the death penalty for people who commit "beastly murders".

He did not mince his words on that occasion. We all have various terms we use to describe the types of murder and crime in relation to a person taking the life of another. That is an example of a responsible man in our community who supports the death penalty. He believes it should be applied by means other than hanging but, irrespective of whether a lethal dose of gas or another method is used, the principle is embodied in his reported remarks. I have obtained reports from many sources, and a wide range of people substantiate my belief. The *News* of April 1, 1975, contained the following report about a murderer:

A prisoner under sentence of death says he would rather hang than rot for the rest of his life in gaol.

The report referred to the prisoner's attitude towards facing life imprisonment. That raises the interesting point of whether it is really in the interests of a convicted person to be locked away for life imprisonment or for the term of his natural life. I believe that is death in another sense. With the greatest respect to the prison officers and others who care for prisoners in this country, I believe the swiftest and most effective way in cases where persons are so convicted the death penalty should be applied. In the United States of America the Supreme Court has opened the way for 13 of its 50 States to be able to execute people convicted of murder.

President Ford called for the death penalty for sabotage, murder, espionage and treason. It is in that category of beastly murder, as described by Mr. Salisbury, that the law should be retained and the penalty should be applied. I do not intend to cite individual cases, but there have been instances where it would have been in the public interest and in the interests of the families so concerned for convicted people in this State to have had their lives taken because of the vicious attacks they had made on others. Recently, I have read several books in order to prepare my case for retaining the death penalty. Many publications on this subject are available, and I suggest that most of those that I have read have been biased towards the abolition. I have had drawn to my attention Barry Jones's publication *The Penalty is Death.* That book presented the case for abolition and the case for retention. I believe that the adolition case presented by Barry Jones was thorough and strong, but concerning the case for retention, whilst on the one hand he gave reasons why the law should be retained, he tended to negate the effectiveness of those provisions. In my opinion that volume by the learned gentleman tends to be biased from cover to cover. A seven point extract with which I have been furnished could well sum up the situation, as follows:

1. God enjoins us to take "an eye for an eye and a tooth for a tooth". Unpleasant though the consequences may be this obligation is a cornerstone of the moral law. It is the only punishment which is just.

I support that opinion concerning the crimes that have been described so far in my remarks. The extract continues:

2. Execution is the only penalty by which a murderer can expiate his crime.
3. A reasonable scale of justice demands that crimes should be punished proportionately; that is, that the punishment should fit the crime. Clearly execution is the punishment which best fits the crime of murder. If the extreme penalty is abolished for extreme crime then the notion of proportionate punishment is undermined.
4. Execution is more humane than committing a man to prison for many years of his life.
5. Execution is cheaper to the State than the expense of keeping a prisoner in gaol for many years.
6. Public opinion demands the death penalty—just ask anyone in the street for their opinion of a fitting punishment for the murderer of their family.
7. The death penalty deters some potential murderers. There is no definitive proof anywhere that the death penalty is not a deterrent.

Whilst there is no real evidence that the death penalty is a deterrent, it is fair to accept that, by its place and its implementation in our statute law, it will act and has acted as a deterrent. It is clear from surveys that have been made and the reports that we have received that the public demand in this State, in this country, and in most countries of the world (most that are members of the United Nations) is that this penalty should be retained.

Another relevant point refers to the deterrent element. If a person knew that, as a result of committing an offence (for example, thieving), automatically he would be punished by losing the hand involved in the theft, I suggest that the crime of thieving would almost totally be eliminated. If, by the same token, a person who murders lost his or her head automatically, the deterrent factor would be upheld, if not in all indeed in most cases. I believe that if the fictional theory is carried through, a deterrent is only effective when it is implemented.

It is unfortunate that if the figures that support the case for abolition in this State are based on the fact that the law is only feared on the books and has not been implemented, then it has a misleading and ill-founded effect on this argument The previous Attorney-General (Mr. King) was outspoken during debates on this issue in 1971, in supporting the abolition of the death penalty. In reply to his support for abolition at that time and indeed later, a letter to the Editor published in the *Advertiser* of May 3, 1975, signed by Rev. F. W. Noack of Swan Reach, described fairly how Mr. King at that time was far off the mark. The letter states:

The Attorney-General (Mr. King) was reported (*Advertiser*, 25/4/75) as claiming that "experience has shown there is no increase in the murder rate when the abolition of capital punishment occurs". This is false. In the United States between 1935 and 1940, when capital punishment was used, while the population increased, the annual murder rate decreased from 10 587 to 8 329.

In the 1950's the use of the death penalty declined, and by 1968 the number of murders for the year had risen to 12 500. By 1973, the annual murder rate had increased to 19 510.

During the years that Mr. King has helped to commute the death penalty, there has been alarming increases in crimes of violence here. Does he consider, too. that "it is a farce" to retain the Ten Commandments because they are so often disobeyed?

I do not intend to pursue that line at length, because I would be far out of my depth. I think I have made clear without reservations my support for retaining capital punishment in this State. Where it has been established that murder has been committeed, the law should be thereafter upheld and should be implemented and fairly applied.

Mr. RODDA (Victoria): I oppose the Bill. The Attorney-General may be surprised, but if he had read *Hansard* at the time when I first became a member in 1965, and a similar measure had been introduced by the then Attorney-General, now the Premier, he would realise that I also opposed a similar Bill then. Parliament has been asked to approve this measure. The member for Alexandra stressed that, since there has been a leavening in measures that seem to be on the side of the offender, violence and the number of murders have increased. I am sorry to say that this Government seems to lean heavily on the side of the person who commits the crime, and the victim is no more than a footprint in the sands of time. I was interested in what the Minister said when introducing this measure in his second reading explanation where he quoted Koester and Rolph (page 459 of *Hansard*) as an outline of the ghastly last moments of the person being hanged. The Attorney went into all the gruesome details of what is a terrible last minute. We should not forget what the victim has gone through, which is often far worse. The victim is quite often a defenceless woman who has been strangled. There are far too many cases where this has happened, or where a young child has been raped and the evidence destroyed. Surely this Parliament and society have a debt to see that the evil-doer is brought to book. If the murderer has to pay for his crime in this archaic manner, as the member for Alexandra said, it fits the crime. Perhaps we do not have the intestinal fortitude to go through with this.

One honourable member (I think the member for Tea Tree Gully) spoke of hanging an innocent man, and this is a real worry. I was a Minister for a short time in 1970 when we had to consider the evidence of two fairly gruesome murders. I hold certain views; Cabinet is a majority. We have had some mystifying and unsolved disappearances of children, and I refer to the Beaumont children who disappeared from Glenelg in 1966. Nothing has been heard about those children since. Three years ago two little girls went to the Adelaide Oval and disappeared. Children do not just disappear; obviously someone in this community walks away with these children knowing full well that if he is caught there is this commuting of the death penalty. Parliament has a duty to see to it that this legislation is retained.

I agree with the member for Mitcham who spoke about the deterrent aspect of this matter. Those who want to abolish capital punishment say that hanging is not a deterrent. I doubt that. A friend of mine, who is a criminologist, made a study of this. He has spoken to many criminals in this State and from the Eastern States. He said that hardened criminals from the Eastern States were deterred from coming to South Australia because they knew that they risked their own necks if they shot down a policeman or a night watchman doing his job.

The Government in South Australia has become too soft on criminals. My friend told me that, at least 10 years ago, the interstate or international criminal who came to South Australia was always mindful that in this State there was a rope at the end of a misdeed that took a life, and that that was a deterrent. I agree with the member for Mitcham that hanging is a deterrent. The Attorney spoke of the trauma experienced by a person who meets this end, but the courts consider these matters carefully before a person is found guilty, and Cabinet has the power to commute the sentence imposed by the court. There are safeguards and, as I believe that this legislation should stay on the Statute Books, I support its retention very strongly.

Mr. COUMBE (Torrens): This is an important and serious subject, one that I would not wish to see rushed through Parliament without due debate. I am glad of the opportunity for this debate. This is a subject that can become very emotive and, as it affects many people, it should receive the full consideration of this Parliament. Unfortunately, past debates on this subject have raised much emotion and animosity. To date, this debate has been of a high standard. I read with interest the Attorney's explanation in which he quoted a number of authorities to support his case. I hope that the rest of the debate will continue in the same manner. The argument between retentionists and abolitionists are regurgitated from time to time. These arguments never have been and probably never will be resolved completely.

It is true that throughout our community and throughout our various districts it is difficult to find a consensus of opinion because of the mixed feeling about this matter (possibly based on background or culture). One can easily be swayed by different groups to whom one speaks on this subject. The arguments seem to be channelled into predictable and consistent categories. As a Liberal, I am able to express a personal view, if I so wish, and am

free to vote as I think correct. I intend to do that. On balance, I shall support the Bill, although admittedly with some reservations.

I have participated in previous debates on this subject, and probably one which exercised my mind greatly was the debate at the time of the Stuart case, a *cause celebre* at the time. Then, we had the 1971 debate. On both occasions I opposed the abolition of the death penalty. I have reasoned this through, and in the past two weeks I have read widely to refresh my memory on previous reading. I will support the Bill, although I will make certain suggestions. The subject is a serious one, because it is so terminal. There is no redress; once the penalty has been carried out there are no grounds for appeal. We must be quite serious about what we are doing, and we must decide accordingly.

Mr. Vandepeer: The victim wouldn't be worried about it.

Mr. COUMBE: He would be beyond recall and care. However, other people might have serious thoughts about it. Most of the arguments of the retentionists come down on the questions of retribution, deterrence, and (to use the Gilbert and Sullivan quote from the *Mikado*) the fact that the punishment should fit the crime. In the past, I have used those arguments. Retribution, in effect, is the Old Testament teaching, or the theory of Moses, when an eye for an eye and a tooth for a tooth was the principle of the law. Until recently, that situation was in vogue here. Retribution, as such, is rapidly going out of date, but the community must be protected. Certainly, we must punish those who offend against the law and society. Society must be protected, and that is a matter in which I am especially interested. Society at present is not being protected sufficiently against some offenders.

The matter of deterrence has been argued many times, and one can cite authorities for and against: like a two-armed lawyer, on the one hand and on the other. On reading the debates and the authorities, I believe that the deterrent effect is simply not involved to the extent that previously prevailed. That is a factual statement. Certainly, some new elements have come into our crime calendar of recent years—for instance, terrorism and hijacking. We are faced with growing violence. This is especially so in the United Kingdom, where some of the latest trends, especially in sexual crimes and horrifying bashings and muggings, seem to be similar to those in the United States, especially in Washington and New York City.

I am aware of the cogent comments of Mr. Salisbury, the Commissioner of Police, as cited by the member for Alexandra. We have the ludicrous position evident in the United States with Gary Gilmore, who elected to be executed by firing squad in Utah. Such extremes have been reached that, if the execution is carried out by firing squad, of the five men firing the lethal weapons one will have a weapon with a blank cartridge, so that it will not be known who fires the shot that will kill the man. Either a man should be executed or he should not. A ludicrous position has been reached in the U.S.A. I have followed with some interest cases put to the U.S.A. Supreme Court from the courts of the individual States and the recent decisions which have handed back to the States the option of carrying out the ultimate penalty.

I have read many reports and debates from the United Kingdom, and some interesting cases and commissions have been cited. Honourable members are able to read some of those reports in the Parliamentary Library. Everyone would know of Silverman, M.P., whose life work in the House of Commons was devoted to the abolition of the death penalty. He was laughed at, but eventually succeeded. I am not sure whether or not that was a good thing in those days, or whether it is at present. What has swayed me is not the emotional side of the arguments canvassed by other members but the practical and legal position as I see it in South Australia.

I have always taken the view that it is a bad law or principle which cannot be or will not be implemented. My argument hinges on that. The present law provides that the death penalty shall apply unless commuted by a decision of Executive Council. No execution has taken place in South Australia since the early 1960's. I recall, without relish, my experience as a Cabinet Minister in having to read through the trial proceedings, which I assume is still the practice in Cabinet and which certainly was the practice when I was a member of the Hall Government. I did not shirk my duty. Since the last execution in the early 1960's, all Governments, whether Labor or Liberal, have commuted death sentences. That is an inescapable historic fact: no South Australian Government has authorised or carried out a death sentence. The law on the Statute Book provides that crimes punishable by death shall be so punished unless the death sentence is commuted by Government decision.

I venture to say that it will be many years before any Government, Labor or Liberal, is game to authorise and carry out the death penalty. I say that advisedly, from my experience and from watching Governments operate. Whatever members may care to say, I doubt very much whether, if the law stands on the Statute Book, any Government will be game to carry out the law. It is a bad law that cannot be carried out, and it is upon this linchpin that my argument hinges. I am supporting the Bill.

Mr. Goldsworthy: It could be required in the future.

Mr. COUMBE: The honourable member is correct. If it were required in the future, it could be introduced. On the principle of practicality and on the question of law, it is a bad law if it cannot or will not be carried out. If the honourable member were in Government tomorrow (and I say this advisedly), I doubt whether the Government of which he was then a member would be game enough to carry out the death penalty.

Mr. Goldsworthy: It could be different in years to come.

Mr. COUMBE: It could de different in five years or in 10 years. What is the position throughout Australia? The member for Goyder quoted from a report in the *Bulletin* of July, 1976, written by Dr. Emery Barcs, who stated:

> In Australia, capital punishment has been totally abolished in Federal territories—

so capital punishment has been abolished in the A.C.T., the Northern Territory, and in any other territories of the Commonwealth—

> as well as in Queensland, Victoria, and Tasmania. Treason and piracy carry the death sentence in New South Wales—

members will note that murder does not carry the death sentence in New South Wales—

> murder and piracy in South Australia, and treason, piracy, attempted piracy and wilful murder in Western Australia. However, legal experts I have interviewed seem to agree that chances of the execution of any criminal, for whatever reason, have become rather remote in the three Australian States with limited retention of capital punishment.

That quote agrees with what I have been saying. Reverting to the practical and legal point of view, we can see, from

a study of history of recent years in the legal area, that the States and, certainly, the Commonwealth are moving away from the death penalty in the legislation they have been enacting. The Federal Government has done so in relation to its own territories. It is a bad law if it cannot be, or is unlikely to be, implemented; that is the position as it now stands. I go along with the statements that have been made that the Government, and possibly this Parliament, and possibly through it the courts, may be handling the whole question in a somewhat kid-glove manner. I believe that the Government is becoming somewhat soft on the question of penalty. We are discussing the merit or otherwise of removing the death penalty and, if the Bill is passed, at one stroke it will remove the death penalty.

What will we have in its place? We have the existing penalties applying to commutation, and this provision disturbs me, because I believe that, if we abolish the death penalty, it would therefore be logical to examine the other penalties that apply to a convict who has been found guilty and decide whether those penalties are realistic, too severe or too soft. I believe that a case could be made out that, in some instances, they are too lenient, especially if we are abolishing the death penalty. I want members to recall that, since we debated this matter last in 1971, corporal punishment has been removed from the Statute Book, and this brings the Bill into a slightly different aspect. I do not intend to debate the question of corporal punishment, but we must remember, in looking at penalties, that we are looking at this aspect in a somewhat different light from the light in which it was looked at previously.

If we abolish the death penalty, we should examine the question of sterner penalties regarding the term of imprisonment, because I believe that, in some cases, the parole provisions are too lenient. I am not sure whether the matter is *sub judice,* but the case of Rupert Max Stuart comes readily to my mind in this instance. He has broken his parole conditions several times since being released on parole. I and, no doubt, other members have visited various correctional institutions in South Australia from time to time and have met with or spoken to convicted murderers. Although, in the main, they are sent down (to use the vernacular) for 20 years or for life, because of good behaviour and other factors they are usually released after 11 years or 12 years, or sometimes even sooner. That practice, to my mind, should be re-examined closely. I am aware that provisions exist in some circumstances so that a person may never be released but, if we are considering removing the death penalty (and we have some heinous and disgusting crimes at times), I believe that it is obligatory on this Parliament, and through it on the Attorney-General, to re-examine the imprisonment penalties that are applied, particularly to some types of crime.

I firmly believe that, although we should not be unduly retributive and although we must look to the rehabilitation side of the question, society must be protected. Some men are released from life imprisonment terms far too soon. Members would agree with me that life imprisonment is a deterrent, that the community must be protected, and that the community as a whole is shocked at times when people see convicted murderers, who have been charged with distasteful and disgusting crimes, being released after 11 years or 12 years. Some member said recently in the House that South Australia, because of its parole system, seemed to release prisoners at an earlier stage of their life sentence than did any other Australian State.

Mr. Mathwin: There's no such thing as a life term, is there?

Mr. COUMBE: Imprisonment for the term of one's natural life has gone. One used to think of life imprisonment as being for 20 years at least, depending on the age and condition of the convicted person. It was expected to be about 20 years, and conditions, such as hard labour, were sometimes applied. I make my plea to the Attorney that the community deserves to be protected, and that some hideous crimes that are not murder are committed almost daily. Considerable violence is taking place, and some of the acts of vandalism now taking place are absolutely staggering. I believe that there is an obligation on the Attorney-General to re-examine the question of penalties. The Parole Board is releasing prisoners far too soon. The case of Rupert Max Stuart is a case in point. Not only his case but also a motion dealing with the abolition of capital punishment was dealt with in 1964 by the then member for Norwood, now the Premier of this State. Stuart has broken his parole several times since he was first released.

Members have canvassed the question of whether or not the death penalty should carry with it certain conditions, that is, whether it should apply in some cases and not in others and whether or not it should apply when a murder is committed against a certain type of person. I am not too certain about that aspect. Basically, I believe that the death penalty should either be carried out or should not be carried out. That is how I will feel about the death penalty until I am convinced to the contrary.

I have given this matter much thought. Previously I opposed abolishing the death penalty. After much reasoning I pose the question that it really comes down to a legal and practical matter. If I can divorce completely the argument from all the emotional aspects, in essence it comes down to the fact that we have a bad law which, under present practice, is not being carried out by this and recent Governments, as each case considered is commuted.

If I were to use a crystal ball to look into the next decade I could not see any Government in South Australia being game enough to carry out the death penalty as it now stands. I am not a seer, and I am not being unduly sentimental or gloomy. I am merely considering the matter from a practical point of view. Nothing would stop the death penalty being reinserted in the Act at any time. Those who oppose the Bill are arguing that, whilst the death penalty remains, it will act as a deterrent. Advisedly I say that it is not acting as a deterrent, which deeply worries me, because all Governments are simply commuting cases where the death penalty is imposed. With those comments, I believe that I have approached this subject with the seriousness it deserves.

Mr. VANDEPEER (Millicent): I oppose the Bill, even though hanging is completely abhorrent to me. It should be considered whether a new type of death penalty could be introduced. The Americans have systems other than hanging that are not quite so brutal or primitive. I wish to make clear that I do not believe in hanging or in the eye for an eye and a tooth for a tooth principle. However, there are in our society extreme cases where execution is necessary. I agree with the member for Torrens that many commuted sentences are much too light. It is ludicrous in our modern society to commute a sentence of execution to a sentence of, in the extreme, seven years in gaol. I cannot see the reason for this policy. In the first instance we say, "He is guilty of murder and, therefore, the penalty is death," but we then commute the sentence and, in some cases, in seven to 10 years that person is free in our

society. That situation is rather ludicrous, and I join the member for Torrens in his appeal to the Attorney to consider that situation closely.

The member for Tea Tree Gully expressed concern for the family of the person executed. I very much sympathise with that family, but that sympathy is more than balanced by my feelings for the family of the victim. Although I do not wish to bring forward names, I cannot help but remember Rupert Max Stuart's case, where my feelings are much more for the family of the victim than they are for the family of the prisoner. The argument raised by the member for Tea Tree Gully on that matter is not strong and cannot be substantiated.

In extreme cases of murder, execution is still relevant and should still be carried out. I support most of the remarks made by my colleagues, but I wish to deal further with terrorist organisations and what is happening in our community and the world regarding terrorists or desperadoes. These people are not worried about their own lives and commit acts of robbery, violence or reprisal by execution, such as occurred in the Munich massacre where Israeli athletes were murdered. These terrorists are extremely desperate. With the modern technology that will be available to virtually anyone in future, terrorism could become worse. It is a subject about which I am greatly concerned. Advances in science will be available to everyone.

We know from experience gained in previous wars that, if one wished to kill an enemy general or enemy diplomat or to rescue someone and used enough resources in the project, that aim could be carried out successfully. That is what terrorist organisations have learned. With advances in technology these operations are easier to carry out successfully. The availability of high powered, accurate rifles, radar detection equipment and radio equipment makes this type of operation more likely to be successful. When this sort of technology is placed in the hands of people who are complete desperadoes who do not worry about their own lives, they can create an extremely difficult situation.

It would be virtually impossible to keep terrorists in our Australian gaols if members of the terrorist organisation concerned wished to rescue them. In that situation I could not ask our gaol staff to risk their lives keeping terrorists in custody. It would not be fair to ask those people to do that, and I say the quicker the execution order is carried out on terrorists the better it will be for our wardens because we will then be offering them protection. If we do not follow that course of action I believe we would not be protecting our security forces, and if we keep that policy up before long we will not have a security force at all.

I believe capital punishment laws should remain on our Statute Book, even though the terrorist activities have not yet reached this country. I do not see why these laws should not remain on the Statute Book, because I do not think they do any harm. I believe it would have been hard to justify carrying out the execution of murderers in our recent past. It is quite possible that in the future terrorists will be able to use nuclear weapons to carry out their will. If we reach that stage within the next 20 years I am sure we will be wishing we still had capital punishment on our Statute Book, so that it could be carried out immediately. I oppose the Bill, and I hope the Attorney-General will consider what we have said because I believe, in the extreme situations that could develop in the future in relation to terrorist organisations, the protection of our Police Force and our security forces will lie on the shoulders of the Attorney-General.

Mr. BECKER (Hanson): I oppose the Bill. I have worked in an industry where many young people put their lives in jeopardy handling large sums of money for their employer. I once interviewed a young bank officer in Queensland who had been shot. When he opened the door of his office after hours, he was brushed aside by a person intending to rob the bank, the gun discharged and the bank officer was shot in the chest. He subsequently lost a lung, but he was lucky to survive. There is no doubt in my mind that if any person is willing to take up arms and use them in a robbery with violence (whether it be against a bank officer, a person at a Totalizator Agency Board office or a supermarket assistant), all of whom handle large sums of public money, they should be prepared to take the consequences.

I believe the law of capital punishment should remain on the Statute Book. I do not believe any person in the course of his employment should be subjected to risk, but if we remove this law from the Statute Book it will be open slather. The position is bad enough now, but I believe the law acts to some degree as a deterrent. Those who are prepared to take up arms in the act of robbery with violence, or for any other reason, take a calculated risk. The capital punishment law should remain for offences against the police, against juveniles and for all sorts of reasons. I will be parochial, but as a bank manager it was always my fear that my staff would be the victims of an armed hold up. We had drill training for such an event, and I can assure the House that in such an event I would not have mucked around; if my staff was in danger, I would have retaliated and taken the consequences.

I do not believe anyone in this community should have his life put in jeopardy because someone has made an emotional issue out of this matter throughout the years. This subject has been brought up from time to time, particularly when this Government gets into a political jam; it then uses this issue of capital punishment to try to denigrate the Opposition because it knows some of us have the courage of our convictions to say, if a person is prepared to take another person's life, hang him.

The Hon. PETER DUNCAN (Attorney-General): I join other members, the Deputy Leader of the Opposition and the member for Torrens particularly, in thanking honourable members for the way in which this debate has been conducted. I think only in a few comments of the last speaker did the debate reach what might be described as a Party political level. It is not often that the Deputy Leader and I conduct our debates in this House in such a way, and I thank him and the other members of the Opposition for their contributions because I believe this was a debate of high standard. It is well known that people hold views on this matter with great conviction, and I think it can be fairly said that most members who have contributed to this debate (whether for the Bill or against it) have made their contribution from the best of motives. Therefore, I think the debate has been of high standard.

The member for Torrens mentioned increased penalties. I expect the fourth report of the Mitchell committee will be published early next year. That report deals with the question of the substantive criminal law, part of which is the matter of penalties. When that report is received by the Government I intend at the earliest possible time to implement those recommendations that conform with the Government's policy. My views on this matter have been well canvassed and they are on record for all to see. I thank all members for the way in which this debate has been conducted.

The House divided on the second reading:

Ayes (28)—Messrs. Abbott, Boundy, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Coumbe, Duncan (teller), Dunstan, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Nankivell, Olson, Payne, Simmons, Slater, Tonkin, Virgo, Wells, Whitten, and Wright.

Noes (16)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Chapman, Eastick, Goldsworthy, Gunn, Mathwin (teller), Millhouse, Rodda, Russack, Vandepeer, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Venning.

Majority of 12 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Abolition of capital punishment."

Mr. MILLHOUSE: To me the three elements in any punishment are reformation, retribution, and deterrence. Two elements, reformation and deterrence, have been given prominence, but it is wrong for us to reject the element of retribution. It is not what we think should be the elements of a penalty but what they are. However, today retribution is an aspect that is not emphasised but is minimised. I believe that in our society there seems to be a new kind of crime that requires capital punishment: the crime of terrorism that leads to murder. What I am afraid will happen is that there may be at some time in some place (and I pray that it will not be in this State, although it could happen here as easily as it could happen elsewhere) some terrorism that will lead either to a murder or mass murders. Those responsible will be caught and those who catch them will say, "We'll not let these bastards live, let's finish the thing now."

There will be a great impulse amongst people to take the law into their own hands and despatch the apparent wrong-doers without a trial, because people will not be willing to accept that there is no retributive element in punishment and will be meting out retribution on behalf of society, knowing that if it is not done then it will not be done at all. I am not saying that I agree that that should be so, but it is an obvious danger that, by ignoring common sense and human nature and abolishing capital punishment, we are inviting people at some time or place to emphasise for themselves the retributive element in penalty and take the law into their own hands. If that happens in relation to a terrorist crime, or any other crime, the community is worse off than if there is provision in due course for capital punishment to be imposed.

One of the arguments against capital punishment is that a mistake can be made and that people can be wrongly hanged. It is far more likely that innocent people will be murdered because of their supposed guilt and implication in a crime than that after a trial that will happen. I point this out because it is one element in the whole matter that has not been emphasised so far, and I do not believe that in any practical sense there is an answer to that. People may say that theoretically it will never happen or that it is wicked and dreadful, but we know how people feel when a crime has been committed. We know their resentment and hatred of the apparent wrongdoer and, sooner or later, if there is no provision in our law for capital punishment, this will happen: people will take the law into their own hands and, in fact, lynch or in some other way execute wrongly—

Mr. Jennings: You're condoning that then, are you?

Mr. MILLHOUSE: God help me, I did not say that I was condoning it. Why does not the member for Ross Smith listen to what I say instead of trying to make clever interjections?

The CHAIRMAN: Order! Interjections are out of order.

Mr. MILLHOUSE: So they are; certainly silly interjections like that. Sometimes I welcome and enjoy interjections from the honourable member, but that was not one of his good ones. I am saying that this will happen, whether we like it or not. I do not say that I like it, but it is the sort of thing that we are encouraging to happen at some time (in other words, complete lawlessness) because of the abolition of this form of penalty.

Mr. GOLDSWORTHY: I support what the member for Mitcham has said. I said in the second reading debate that probably a policy of commutation at present would reflect public opinion in South Australia, although I am far from sure of that, as no statistics are available to substantiate that statement. I remind members of the experience in England where attempts have been made without success to reinstitute the death penalty, even though public opinion polls indicate that between 75 per cent and 85 per cent of the people believe that the death penalty should be reinstated. They are experiencing in Great Britain wanton acts of terrorism, with indiscriminate killings of men, women and children, and we can see that public opinion has hardened. The death penalty is not reinstituted, because when Bills are brought into the House of Commons they are defeated by about 100 votes.

With the increase in terrorism around the world, countries such as Israel are talking about reintroducing the death penalty, but they are experiencing much difficulty in doing so. If we have a law and the power to commute the penalty, we should not wipe that off. I agree with the argument that the time may come when we will find it difficult to have this law reintroduced, if it is removed from the Statute Book.

Mr. EVANS: I disagree with the sentiments expressed by the Deputy Leader and the member for Mitcham. They say that if a group or an individual carries out a terrorist act and kills persons because there is no death penalty, other people might kill them as a retributive act. However, if the feeling is that strong among those who are the captors, regardless of what is on the Statute Book, they will carry out the act of assassination (or whatever term one wishes to use for it). I do not believe those persons will stop and say that they will trust the courts to sentence the offenders to death. I do not believe the courts can ever be certain to bring that about, as various statements have already proved. Those capturing the alleged offenders will not be concerned about what is on the Statute Book, if they are so deeply incensed that they want to make sure those persons die.

I do not believe that that will happen. I do not believe that we have an attitude in our society that persons who are in official positions policing our laws are likely to take the law into their own hands. Those persons may kill people while protecting themselves, and so they should. I would take the same action if I had to protect myself or my family from an aggressor who was armed. I do not support the Deputy Leader or the member for Mitcham in saying that people will take the law into their own hands.

Mr. Goldsworthy: I didn't say that.

Mr. EVANS: The Deputy Leader said he supported the member for Mitcham and that was the main point

he was making. I apologise to the Deputy Leader if he did not support that part of the member for Mitcham's comments, but it was the member for Mitcham's main point, and I do not support what he said.

The Committee divided on the clause:

Ayes (28)—Messrs. Abbott, Boundy, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Coumbe, Duncan (teller), Dunstan, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Nankivell, Olson, Payne, Simmons, Slater, Tonkin, Virgo, Wells, Whitten, and Wright.

Noes (16)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Chapman, Eastick, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Rodda, Russack, Vandepeer, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Venning.

Majority of 12 for the Ayes.

Clause thus passed.

Remaining clauses (5 to 26) and title passed.

The Hon. PETER DUNCAN (Attorney-General) moved:

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (28)—Messrs. Abbott, Boundy, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Coumbe, Duncan (teller), Dunstan, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Nankivell, Olson, Payne, Simmons, Slater, Tonkin, Virgo, Wells, Whitten, and Wright.

Noes (16)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Chapman, Eastick, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Rodda, Russack, Vandepeer, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Venning.

Majority of 12 for the Ayes.

Third reading thus carried.

INDUSTRIAL SAFETY, HEALTH AND WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 12. Page 613.)

Mr. DEAN BROWN (Davenport): I support the Bill, although I will move a few amendments. Basically, the Bill is a Committee Bill, and I believe that we should discuss its clauses in Committee. However, I will make certain comments before the Bill goes into Committee. It is a hybrid Bill in that it deals with several different issues under the existing Act. At the outset, I say that it is an extremely important Bill, because we have recently debated the workmen's compensation legislation. Notice has come to the House of the increase in the number of accidents, the increase in severity of certain accidents, and the increase in the number of claims as a result of some accidents, although the overall number of accidents reported during the past 12 months has declined from 87 000 to 84 000. Safety is always important, because, if there is an accident, it invariably results in a human tragedy.

The Minister has given interesting information on the problems faced by people in being rehabilitated after an accident. The best way of overcoming the difficulties in the Workmen's Compensation Act is to prevent the accident from occurring. Therefore, the amendments to this Act are vital, and, although I endorse them wholeheartedly, I give notice of amendments that I will move in Committee. The Bill basically has four or five purposes, the first of which deals with the definition of "employer", the effect of which is to widen the definition of "worker" so that it encompasses not only people who work for the principal contractor but also subcontractors or self-employed persons. This means that the self-employed person or the subcontractor, for the purposes of safety, will come under the principal contractor. I disagree with that provision, because certain provisions in the Act make it difficult for the principal contractor to carry this out in relation to subcontractors. I believe that the responsibility for safety must lie with the person's employer or, if self-employed, on his own attention. Certain standards must apply on any site but, when it comes to individual workers, the responsibility must lie with the employer. Therefore, I should like to see the Government amendment rejected so that an employer would be made responsible only for his own men.

The second provision of the Bill deals with increases in penalties under the principal Act. In most cases (and there are many clauses that deal with this matter), the penalties are increased from $200 to $500. In some cases, they are increased from $500 to $1 000, and, where an employee removes the safety guard from a machine, the penalty is increased from $10 to $20. I will comment briefly on the inconsistency of the increases. I understand that the increases are supposed to be in line with increases that have taken place in the consumer price index since the Act was last amended. However, it is interesting to note that all the increases are not consistent: in some cases, the increase is 100 per cent, whereas in other cases the increase is 150 per cent. Therefore, I will move to amend the Bill so that all the increases are consistent.

The present penalty for an employee who removes a safety guard from a machine is only $20, which, I believe, is a small penalty, particularly considering the financial penalty that could be imposed on the employer if an injury resulted. I think that a more appropriate penalty would be $200 or more. That would not be unreasonable, considering some of the other high penalties. It is not an accident for an employee to remove a safety guard; it is a conscious decision or action by him, and against his own safety. However, I am willing to accept $20 for the time being, because it is in line with the other increases.

I believe that the Minister should give some attention to whether or not the penalty should be increased. Two large South Australian employers have already complained to me about the habit their employees have of removing safety guards. Although they point out their responsibilities, the employees continue to remove the guards every time they are replaced, thus placing a considerable onus on the employer, who may be fined for not having the appropriate guards in place. The Minister should study this provision to see whether the penalties should not be increased. Obviously, a $20 fine is small, and, if a guard allows a worker on piece-work to increase his rate, even paying the fine may be rewarded by a larger pay packet to him.

The third part of the Bill deals with clause 17, the requirement that an employer must give notice to an employee of his general policy on safety, health and welfare. I believe that, as the Bill now stands, that would be an unreasonable obligation to impose on any employer. Clause 17 provides:

(*c*) prepare and bring to the notice of workers employed or engaged in that industry or in or on those premises or on or in connection with that work a written statement of his general policy with respect to the health, welfare and safety of those workers and the organisation and arrangements for the time being in force for carrying out that policy.;

I believe that that provision is far too general. First, what constitutes a general policy on safety, health, and welfare? My view is that the employer could simply

post the statement on a notice board stating that all employees must at all times carry out the requirements of the Act; that could be a general policy for that company. I understand that the Government has adopted this proposal from the English legislation, which also talks about a general policy. However, in giving employers an indication of what is required, the English provision asks for much more. I therefore intend to move to amend that provision to make it more meaningful. It needs to be more specific. The employer should not be obliged to bring to the attention of all other persons on his premises the safety regulations applying to his company. People unrelated to that employer could come to his premises for a short time, and this could impose difficulties on that employer. A truck driver, who could spend three hours at two different plants during the course of a day, would, each time he went to a different plant, have to be told what was the general policy of that plant regarding safety, health and welfare.

The Bill also deals with the board, the composition of which will be increased from 7 to 10 members. I have no objection to that. I intend to ask the Minister questions about several minor amendments during the Committee stage. Regarding clause 21, perhaps the Minister could say why it has been necessary to increase the period during which a prosecution can be made under the Act from six months to 12 months? Is it because six months has been found to be too short a period? If the Act has been breached, the employer or the person breaching the Act should immediately be made aware of his breach of the Act and his prosecution should proceed immediately, too, if it is to proceed. It would be most unfortunate if a person were prosecuted 12 months after breaching the Act. I support the Bill into the Committee stage and look forward to the Government's co-operation in accepting at least some of the amendments that the Opposition will put forward.

Mr. COUMBE (Torrens): I support the Bill. It introduces amendments which, from experience gained since the introduction of the original measure in 1972, have been found necessary. I had the privilege of being a member of the Select Committee that considered the safety, health and welfare of the work force in South Australia. It was a rather unique Select Committee, because it sat for 12 months. The sittings of the Committee were extended three times, indicating the seriousness and the importance which members of this House attached to the question of safety in the work force and the conditions under which they operate. This Bill arose after being separated from the old Industrial Code. The member for Davenport referred to several clauses of the Bill. Basically, it gives more teeth to the safety aspect of the Labour and Industry Department. The board is being expanded to give more representation. The amendments contained in the Bill are quite important, especially those in clause 17. On other clauses of the Bill the Opposition will seek the Minister's guidance, especially regarding the definitions contained in clause 3. In essence, what we are doing is remedial work on the 1972 Act and, as such, I support the Bill.

Mr. WELLS (Florey): I support the Bill, which is of great magnitude. It is pleasing to see that members of the Opposition support the Bill, although they have said that, during the Committee stage, they will move amendments. It is to the Opposition's credit that it has indicated its support for the measure.

Mr. Goldsworthy: We oppose legislation only for good reason.

Mr. WELLS: That is debatable. A Bill of this magnitude is of great importance not only to the employee but also to the employer. It will imbue employers with much confidence. We have been told that productivity is a major factor in the recovery of the economy of this country. Productivity is increased when the work force is content. When safety measures are provided by legislation for the work force it becomes content and satisfied and will work with greater confidence. No doubt that greater confidence will lead to increased productivity. With those few precise and apt words, I support the Bill.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I thank the Opposition for supporting the Bill in principle. As the member for Davenport has said, it is a Committee Bill. It is during that stage that I imagine that the majority of the debate will ensue and the member for Davenport will unfold the story relating to the amendments he intends to move. The member for Davenport, in the second reading debate, challenged the Government to accept some of the Opposition's amendments. There is no need for him to throw out such a challenge to the Government. If the honourable member would cast his mind back to last week to the Workmen's Compensation Act Amendment Bill, he would remember that the Government is always willing to examine amendments that are reasonable, sensible and sound.

Mr. Dean Brown: They all were.

The Hon. J. D. WRIGHT: That is the sort of nonsense we must put up with. The Government has a different view. If the Government can be convinced by arguments put forward in support of amendments, it will accept them. All we know at the moment is what those amendments will be, and it is my intention to consider them. It is my clear intention to give them every consideration if any sort of argument can be sustained.

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

The Hon. J. D. WRIGHT: I made the point before the adjournment that the Government was anxious and willing to examine in detail the amendments to be moved by the member for Davenport. First, we need to understand the explanations. I agree that this is a Committee Bill, and that there is no need to waste the time of the House at this stage. I close by saying that we will listen to the member for Davenport in support of his amendments.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. DEAN BROWN: I move:

Page 2, lines 7 to 9—Leave out all words after "contract of employment".

I move this amendment in order to make the subcontractor realise that the employer and the person concerned should have full responsibility for safety. I am sure the Minister would agree that it is imperative that absolute responsibility be placed on the employer and not on some imputed employer because of a contract being undertaken at that stage. In other words, at any one time the employee would know exactly who his employer is in terms of safety, health and welfare. I give as an example a large industrial site with many subcontractors operating there. As I understand it, through this definition of worker, it would

create the situation that the person responsible for undertaking the requirements under the principal Act, if this Bill were passed in its existing form, would be the principal contractor and not the employer-subcontractor.

That is unfortunate, because the further one becomes removed from the employee, the less chance there is that safety will be taken care of in an adequate manner. Also, it only relates to the definition of worker; it does not affect the premises. As I understand, the Act will apply exactly the same conditions to ensure suitable safety standards on any specific site. Therefore, I think it appropriate that this amendment should be passed, as it puts the onus on to the one and only employer and not on some other person to be responsible for the appropriate safety.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): The first and probably one of the most valid points I make in reply to the honourable member is that before the Industrial Safety, Health and Welfare Act coming into operation, the proposition that we are now referring to was covered by the Construction Safety Act, 1967, which provided:

Workman means any person working for reward whether as an employee contractor or subcontractor.

This Bill intends to ensure that the contractor is now covered, as he was previously covered. I will not try to explain what happened in the changeover from one Act to another and why that did occur, because I do not know. It could have been a drafting error, a mistake in the conference, or whatever. Before the present legislation operated these people were covered. I suggest that the effect of passing this amendment would leave certain employees in the industry, whether they are contractors or not, or labour-only contractors, outside of the provisions of the Act. I do not think that is appropriate, and I think that we are not giving correct regard to the safety, life and limb of these people by this amendment.

I also refer to the fact that my Director was present at the International Labor Organisation conference in Geneva this year, and there was a strong expression of opinion that these people ought to be covered. To be consistent with the propositions that were discussed and finalised there, the proper action would be to accept the Government's proposal and not that of the honourable member. The other important facet of the coverage we want to extend with this amendment is that the building industry and the forestry industry are virtually inundated with the contract system. I am sure that the honourable member, if he were to give consideration to this situation, would agree that it is improper to leave those people, particularly where they are so prevalent (and irrespective of whether they are prevalent or not) outside the protection of this Act. In those industries there is a strong element of a contract system being worked, and it is for that reason that we consider that protection ought to be guaranteed to them. In those circumstances, I oppose the amendment.

Mr. DEAN BROWN: I cannot accept the case put forward by the Minister. I do not believe that there is restriction in the use of this Act in any way whatsoever by not accepting this amendment. The Act is already clearly defined under special sections, and industrial premises, the worker, the employee, and the employer would clearly be covered. In certain sections of the Act it is not necessary to include this definition of worker. It is against the best interests of the worker to include the definition, which the Minister is trying to apply here. He has quoted the case where there are many subcontractors. Surely the requirement there is clearly covered in the definition of an employer or of the industrial premises involved. I see no way that the subcontractors would escape the provisions of this Act. They would escape one or two relevant clauses, and I am not sure that that is a bad thing. For instance, clauses 30 and 31 refer to a worker and to a worker's safety representative. If there are 20 employers, why is it necessary for those people to appoint a representative. I am assured by people who have carefully examined this Act, people who are almost fanatics in terms of safety, that they would like to see responsibilities placed on the principal employers. I again urge the Minister to accept the amendment.

Amendment negatived; clause passed.

Clauses 4 to 6 passed.

Clause 7—"Duties and powers of board."

Mr. DEAN BROWN: I move:

Page 3—
Line 12—Leave out "Five" and insert "Four".
Line 16—Leave out "Five" and insert "Four".

When considering these amendments I examined the increase in the consumer price index. The Minister has admitted that he thought the consumer price index increase was about 100 per cent. The increase in the amount shown is 150 per cent. From the figures for the consumer price index from 1972 until now the increase was about 65 per cent. I was willing to accept a 100 per cent increase, provided the Minister was consistent throughout, but I would not accept that certain sections relating to the employer be increased by 150 per cent and other sections relating to employees increased by 100 per cent. I ask the Minister to be consistent and to accept these amendments.

The Hon. J. D. WRIGHT: I cannot accept the amendment which, in my view, pre-supposes Parliament can fix maximum penalties precisely. I have given much consideration to the penalties, and they will act as a deterrent rather than placing a penalty on an employer who commits an offence. I would rather have the penalty higher to encourage the employer to take care and caution and to obey the Act. I hope that is the case, but because of the number of prosecutions I wonder whether employers bother to read the Act, let alone understand it. If one follows the argument of the member for Davenport and uses the consumer price index then I give as an example that under the old Industrial Code, introduced into South Australia in 1920 (although I have not gone back that far), in 1939 we had an average wage of $9·18 a week. The penalty incurred in that fore-runner to this Act was $40, on average.

Today's average wage is $130 and, if one concludes that calculation, the penalties ought to be $700. One can find all sorts of figures to support one's own argument. I say that neither are conclusive figures and one ought not to take much notice of them. I do not see this as a great penalty; it is merely a nominal penalty for obstructing members of the Industrial Safety, Health and Welfare Board. If we do not have some control over employers obstructing these people, I am not sure where this will finish. They ought to be given the right to move in and about factories and various work places to examine the situation. If they are going to be prevented in this way, I do not think the penalty is sufficient. I reject the amendment.

Mr. DEAN BROWN: If the Minister is rational in his thinking, will he make sure all the increases are the same, instead of increasing some amounts more than others?

Amendment negatived; clause passed.

Clause 8—"Powers of entry etc., of inspectors."

Mr. DEAN BROWN: I move:

Page 3—
Line 20—Leave out "Five" and insert "Four".
Line 24—Leave out "Five" and insert "Four".

Exactly the same arguments apply here, and I would appreciate an answer by the Minister to my previous question.

The Hon. J. D. WRIGHT: I rely on my previous argument, which I thought had some merit, if one were to base the argument on figures. In reply to the question asked by the member for Davenport, I suggest that the penalty set in the first instance in the matter he is referring to is a penalty which was thought to be probably sufficient to impose on a working man, who after all depends only on his income to provide for his family. In these circumstances, $20 to him would be much more than the $200 originally decided on for the employer. I have decided that there should be an increase of 100 per cent in the penalty and, while it is not as high as the 150 per cent quoted in relation to the $500 penalty for employers, I think it is a sufficient penalty to impose upon any worker who may neglect to carry out some of the obligations he has under this Act. That penalty should not be increased.

Amendments negatived; clause passed.

Clause 9 passed.

Clause 10—"Obligation on inspectors, etc."

Mr. DEAN BROWN: I move:

Page 3, line 31—Leave out "five" and insert "four".

Again, the same arguments apply, and again I am waiting for an answer from the Minister.

Amendment negatived; clause passed.

Clause 11—"Industrial premises not to be erected without approval."

Mr. DEAN BROWN: I move:

Page 3, line 34—Leave out "Five" and insert "Four".

Again, the same arguments apply, and again I am still waiting for an answer from the Minister.

Amendment negatived; clause passed.

Clauses 12 to 14 passed.

Clause 15—"Work injuries."

Mr. DEAN BROWN: I move:

Page 4, line 29—Leave out "five" and insert "four".

The effect of this amendment is again to reduce the penalty from $500 to $400.

Amendment negatived; clause passed.

Clause 16—"Reports of certain accidents."

Mr. DEAN BROWN: I move:

Page 5, line 6—Leave out "five" and insert "four".

Again, the effect is to reduce the penalty from $500 to $400.

Amendment negatived; clause passed.

Clause 17—"Duty of employers, etc."

Mr. DEAN BROWN: There are, in effect, three amendments.

The CHAIRMAN: Order! The first amendment is to leave out all words in lines 8 to 19.

Mr. DEAN BROWN: If that amendment is defeated, must new clause 17a lapse? Would it be appropriate at this stage to speak about new clause 17a?

The CHAIRMAN: At this stage, the Chair does not consider that it would lapse.

Mr. DEAN BROWN: Will I still be able to speak about new clause 17a, if this amendment is defeated?

The Hon. J. D. WRIGHT: On a point of order, are we discussing the penalty only in this clause? There are several amendments to this clause.

The CHAIRMAN: Order! "Lines 8 to 19—Leave out all words in these lines" is the amendment that should be before the Chair.

Mr. DEAN BROWN: I move:

Page 5, lines 8 to 19—Leave out all words in these lines.

It still concerns me that, if that amendment is defeated, it will not be possible for me to move new clause 17a, because that new clause, as I understand it, should take the place of those appropriate lines. Therefore, I request permission at least to speak about new clause 17a.

The CHAIRMAN: The honourable member has an opportunity now to speak to anything relevant to lines 8 to 19.

The Hon. J. D. WRIGHT: Could I indicate something that might clear up the situation? The honourable member is concerned that, if the first part of his amendment is defeated, he cannot go on with the third part. If we are referring to new clause 17a, I indicate to the Committee that I am pleased to accept it: the honourable member knows that. He has been told about it by my Director and this new clause is acceptable to the Government. It is a proposition that was worked out in my office, so I see no concern about it. However, I make clear to the Committee that the part concerning the penalty is not acceptable to the Government. As far as we are concerned, it must remain at $500.

The CHAIRMAN: Order! I have already said that clause 17, page 5, lines 8 to 19, is the amendment before the Chair, and I want the member and the Minister to vote on it one way or the other. New clause 17a is not relevant to the matter before the Chair. If it were, the member and the Minister could speak to it; they both know that.

Mr. DEAN BROWN: My reason for moving to insert the new clause 17a comes back to some of the problems caused by the broad definition of "worker". As redefined, that word would mean that any employer or principal contractor would have to bring to the attention of every worker on the site the policy of the company on safety, welfare and health, and that information also would have to be given to workers employed by subcontractors. To require that would be meaningless, because, despite the fact that the employer may bring his policy to the attention of employees of subcontractors, they would not have to take notice of it. Further, there could be difficulties in regard to a person coming on to the site and leaving after a short time. The employer would have to wave the instruction in front of that person, who might leave after only an hour, so the whole exercise would be a waste.

The Hon. J. D. WRIGHT: I should like a ruling. If this amendment is carried, what is the position regarding the penalty provided in the clause?

The CHAIRMAN: The committee has not yet considered the penalty.

Amendment carried.

Mr. DEAN BROWN: I move:

Page 5, line 22—Leave out "Five" and insert "Four".

I do not think this will affect the Minister's amendment to clause 17a. My reasons are the same as applied to the previous amendments.

Amendment negatived; clause as amended passed.

New clause 17a—"Policy statements."

Mr. DEAN BROWN: I move:

After clause 17 insert new clause as follows:

17a. The following section is enacted and inserted in the principal Act immediately after section 29 thereof:

29a (1) Every prescribed employer shall—

(*a*) prepare and, as often as may be appropriate, revise a written statement setting out with reasonable particularity, the arrangements for the time being in operation to maintain the safety and health at work of his employees;

and

(*b*) take all reasonable steps to bring the contents of that statement to the notice of his employees.

Penalty: Four hundred dollars.

(2) In this section "prescribed employer" means an employer who employs ten or more workers in an industry in any industrial premises or on any construction work.

Every employer must make available a meaningful statement of the company's policy on safety and welfare. However, the new clause would make the matter clearer. The Bill requires a general policy on health, welfare and safety of the workers. That could be a one-line statement that employees were to abide by the Act. It would be meaningless and would not help the employees to become safety conscious. The employer should prepare and, as often as may be appropriate, revise a written statement in terms of the new provision. In addition, the employer is required by the new clause to take all reasonable steps to bring the contents of that statement to the notice of his employees. Some companies already hand out a general introductory booklet to new employees normally accompanying a statement of company safety procedures.

I commend that idea to all employers as a way to make employees feel part of the organisation and become safety conscious. It is also an important way to make sure that the employees understand the company's rules on safety procedure. I would like employers to go further and give a general policy statement on all matters relating to employment in the company. I do not believe that that should be brought in through legislation, but all employers should accept it as a responsibility to their employees.

We have provided that an employer with fewer than 10 employees will be exempt. In a small shop, employees would know the employer personally, and would know the safety standards, regulations, and other rules laid down. In the past this Parliament has paid little attention to the burden on most small businesses, which are faced with an avalanche of legislation imposing difficult conditions, although none of the conditions is too big to be overcome. A small shop owner may have from one to three employees for two or three hours a week, and he would have to prepare a written statement, but he might not even have a typewriter. It would be easy for him to tell the employees the rules.

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

To amend the new clause by leaving out "Four" in paragraph (*b*) of new section 29a (1) and inserting "Five".

With that amendment, the Government will accept the new clause. It is an improvement, giving protection to the small employers who previously would have been covered under the Government's proposal. It could have placed an encumbrance on them. It has also been brought to our attention, following the drafting of the Bill, that the United Kingdom Act was amended to allow employers with five or fewer employees to be exempted, and we got this idea from that. Any encouragement we give to employers to determine a policy should be given, and we are always pleased to consider amendments moved by the Opposition.

Amendment carried; new clause as amended inserted.

Clause 18—"Duty of workers."

Mr. DEAN BROWN: I move:

Page 5, line 24—Leave out "Twenty" and insert "Fifty".

I have moved this amendment because the Minister has rejected my earlier amendments concerning the penalty imposed. I did not intend to move this amendment because I hoped the Minister would accept my earlier amendments. The penalty under this provision should be increased from $10 to $50. I suggest this increase not because of the increase in the consumer price index (the index has not increased by 500 per cent) but because a penalty is imposed in respect of a breach of section 30 of the principal Act, which provides:

A worker shall not by any act or omission render less effective any action taken by a person for the purposes of giving effect to section 29 of this Act.

That means that, if a worker in any way renders less effective safety actions by an employer, he is liable to a penalty. For example, a worker may decide to remove a safety guard on a pressing machine in order to allow him to increase the rate of pressings and earn greater income. Section 29 of the Act, in dealing with the requirement imposed on the employer, provides:

Every employer in any industry, every occupier of industrial premises and every constructor in relation to any construction work shall—

(*a*) do all things as are necessary to ensure that the provisions of this Act are complied with;

and

(*b*) take all reasonable precautions to ensure the health and safety of workers employed or engaged in that industry or in or on those premises or on or in connection with that work.

The penalty imposed on that employer or occupier of industrial premises, or the constructor, is now $500. The penalty of $500 is imposed on the employer if he does not take necessary action under the Act, but the penalty imposed on the employee under this Bill is only $20 for making less effective or redundant action taken by the employer. That is a complete imbalance. Even a penalty of $50 would be small in such circumstances. We are not dealing with an accidental omission, because the Act would not apply in such a case; we are dealing with a deliberate action by the employee to remove a safeguard or render useless some other safety procedure.

The Hon. J. D. WRIGHT: I oppose the amendment, and I reiterate reasons I gave earlier in the debate. I would be surprised if anyone could produce evidence of any worker's wilfully removing a framework, guard, or ladder, or some other safety measure that would endanger his life, safety, or health in any way. I do not believe that would apply, and it is not a strong argument. We are dealing with the wilful removal of such protection. True, there may be instances of neglect and carelessness, and I have seen that myself. Indeed, I have seen trade union officials and inspectors asking employees to put on a hat or wear safety boots, but such conduct by employees represents neglect rather than wilful action. I have never had reported to me a case of wilful non-observance of the Act in order to obtain further production. Surely, no-one would be so insane as to believe that an employee would endanger his own life by wilfully disobeying the provisions of this Act.

If the honourable member is willing to alter his amendment to provide for the same percentage increase in penalties on the employee as has been imposed in the provision dealing with employers. I would not object to that, and the penalty would thus be increased from $10 to $25. Certainly, the Government will not accept a much higher percentage increase in this case than the increase imposed

on employers. I do not subscribe in any circumstances to the reasons put forward by the member for Davenport. An employee's health and welfare are his most valuable assets. I am willing to be consistent and accept a similar percentage increase.

Dr. TONKIN (Leader of the Opposition): I am surprised that the Minister is not aware of (and I suggest that he talks to his departmental Director about this) that there are instances in which employees deliberately remove some technical equipment, whether it be a machine guard, or protecting eye wear, or some other item of protective clothing.

Dr. Eastick: What about the use of ear muffs at Adelaide Airport?

Dr. TONKIN: True, I have seen them worn around the neck of employees. I need refer only to my basic profession because I know of the number of eye injuries that have occurred and will continue to occur, even where a factory is providing eye protection. It is always in those instances that the worker has not bothered to put on his protective goggles for just that one small job. Those injuries, although often slight, can be serious. In referring to eye injuries, I point out that we have had much difficulty in the past, as officers of the Minister's department know, in persuading workers to wear any eye protection at all. I am talking now of between 10 and 15 years ago when, indeed, it was considered to be sissy to wear eye protection; it was not the done thing. It took on average two or three tragic accidents in each sphere before workmen saw the good sense of wearing protection generally and maintaining guards on machinery. We should not even be considering penalties, because people should be sensible, adult, reasonable, and have enough sense of self-protection to want to use guards on machines and wear eye protection.

The sad fact is that, as a cross section of the community, we are not all grown up or responsible, so we have to insert these penalties. I take the Minister's point of view because, if we were to increase penalties by the same percentages, $25 would be a reasonable sum. This is one occasion on which we should forget the percentage increase and decide what will do most for those working in the factories under these conditions and what will be an incentive to do the right thing. We should try to ensure that they wear their goggles and avail themselves of the protection available to them. Three categories of people are involved: first, there are those who are sensible and who will wear protective clothing and for whom it would not matter whether there was no penalty or a $300 penalty, as they would still wear it because it made good sense. Secondly, there are those who are forgetful. There is not much we can do about them; their memory must be jogged. Thirdly, there are those who are irresponsible, and just will not protect themselves. Fortunately, they are in a small minority. The people who are really going to be helped are in the small minority; they either wilfully cannot be bothered or they are forgetful.

We simply must include a significant penalty to remind them. I believe that a $50 fine would be much better and, if the Minister is unwilling to accept that, I am prepared to move another amendment, if possible, for the $25 that he has suggested. I suggest that the Minister consult with his officers and think seriously about this matter, because the difference between $25 and $50 could provide the incentive and reminding power: something to keep the whole matter before the average worker. One $50 fine would probably be sufficient to ensure that the average worker did not forget again. Yes, it would come out of the worker's own pocket, and that could provide the important incentive. Thank you for your remark, Mr. Chairman.

The CHAIRMAN: The Chair does not take part in debate. I was only making a passing remark to the officer at the table. The honourable Leader has good hearing.

Dr. TONKIN: I am sure that you are entirely correct in this respect, Mr. Chairman. The sum of $50 from a worker's pocket could well make the difference and provide the reminding power and the incentive to wear and use that protection. I am sure that the Minister would agree with me, if he had seen some of the tragedies I have seen, that the $50 could be well spent. Whether it is $25 or $50 could mean a great deal to many people.

Mr. DEAN BROWN: The Minister said that he did not know of any cases of workers deliberately or wilfully removing safety guards from machines. If I produced evidence, will he undertake to increase the fine to at least $50? I can guarantee producing evidence of employees in a large metal-pressing shop in South Australia deliberately removing the safety guards. I have had a lengthy discussion with the safety officer involved, who is concerned. The guards are put back on a weekly basis, and the employees continue to remove them. I said earlier that the workers could increase production by removing the guards, which were a major inconvenience to them.

The Hon. J. D. Wright: Were they reported under the Act and fined?

Mr. DEAN BROWN: I do not know.

The Hon. J. D. Wright: They should have been. Could you follow that up?

Mr. DEAN BROWN: The inspectors may not have been down there to see the case. I have received a letter from the safety officer involved in another company. He would not be involved in paying a fine to any employer, but is there to ensure that safety standards are carried out. He recommends a $200 fine. He said that he could cite cases where employees failed to wear protective clothing. The increase would serve as a deterrent to employees who often disregarded safety regulations.

Mr. Max Brown: If an employee doesn't wear safety equipment, is it a sackable offence?

Mr. DEAN BROWN: I did not raise the matter of sacking employees. I am asking for the penalty to be increased to $100 if I can produce this evidence. Whether it is a sackable offence is for the employer to decide. An injured employee may make a claim of possibly $20 000 under workmen's compensation provisions and, irrespective of where the blame lies for the injury, the employer must face the cost of recovering the workmen's compensation through increased premiums and the claim made against the insurance company. Employees may deliberately remove the safety guards, injury may be caused, and the employer may be faced with a possible $10 000, $15 000 or $20 000 claim under workmen's compensation.

Mr. Whitten: Why would they remove the safety guards?

Mr. DEAN BROWN: Because, if on piece-work, they can increase production, and that argument was put to me by the safety officers involved.

Mr. Whitten: Where is piece-work worked?

Mr. DEAN BROWN: It is worked in many places. I put that argument to the Minister. I am astounded that so many Government members who claim to have been trade union representatives concerned about employees seem to know so little about what goes on in a press shop.

Mr. Whitten: Have you been in one?

Mr. DEAN BROWN: I have been in dozens of them. It is on the press shop floors where one sees cases such as this. It is a pity that some of the Government members who simply vote on these matters do not take an interest in what really goes on and in what causes some of our industrial accidents.

Mr. HARRISON: I support the Minister in his opposition to the amendment. Certain items of safety equipment are provided to employees to use. For example, when a certain type of glasses were worn, they proved to be unsatisfactory, with the result that the men would not wear them. In most instances the glasses are of a type that has a shield on the side, with the result that they fog up.

The men have suggested that the sides of the glasses should be perforated, so that air can get through, thereby preventing glasses from fogging up. However, members opposite want to impose a penalty on such men, who know that these glasses are disadvantageous. Regarding the question of safety equipment being removed, I suggest that sometimes it may be removed if it is detrimental to the safe working of machinery. I therefore support the Minister's attitude. Sometimes, the big leather aprons that men are asked to wear weigh the men down, with the result that the men are overtired by the end of the day. The men have suggested other types of safety equipment to prevent injury from acids. Members opposite are suggesting that employees should be penalised because they will not wear satisfactory equipment. Employees have suggested to employers the type of equipment that should be provided. I support the Minister's attitude.

The Hon. J. D. WRIGHT: The member for Davenport has produced one swallow, but one swallow does not make a summer. The honourable member has challenged me to increase the penalty to $50 if he can produce evidence of one case—

Mr. Dean Brown: Two.

The Hon. J. D. WRIGHT: Two. It is peculiar that these cases are not reported to me. I have checked with my officers; I was challenged to do so by the Leader. I am informed that we have had one instance of this sort of conduct. In these circumstances surely we are not going to argue about increasing the penalty by the percentage suggested. If the suggestion was for the added protection of the worker, I would certainly support it, but that is not the argument. Members opposite are arguing that this sort of thing is happening often and that, therefore, we ought to be increasing the penalty. To the best of my knowledge, the board concerned with industrial safety, health and welfare has not had to consider these complaints. If the employers are concerned about deliberate misconduct by employees, they ought to take up the matter with the board. If that board provides me with a report giving sufficient evidence that employees are neglecting their own safety, obviously we would be willing to take whatever action is necessary.

Dr. TONKIN: I move:

That the amendment be amended by striking out "fifty" and inserting "twenty-five".

The situation, as outlined by the Minister, is rather simplistic, and I guess there is not much we can do. He has obviously been guided, as he should be. There are obviously many instances that are not reported to his department, and I do not suppose there is any reason why they should be. It is the medical practitioners who see the results, and the results show more than the reports do. If accidents are not reported, I guess the fine is not all that important, but I still believe that it ought to be provided for. I understand that my amendment would be acceptable to the Minister, and I am grateful that he has at least come this far. The whole matter should be carefully reconsidered.

Mr. Millhouse: You are going to increase it by only $5 after all this debate!

Dr. TONKIN: That is as far as the Minister will go. Even an increase from $20 to $25 is worth while. It ought to be $50, but $25 is better than $20. We are dealing with people's lives, their limbs, their vision and, indeed, their entire future. It is therefore worth while imposing a heavier penalty.

Dr. Tonkin's amendment carried; Mr. Dean Brown's amendment as amended carried.

Clause as amended passed.

Clause 19—"Workers' safety representative."

Mr. DEAN BROWN moved:

Page 5, line 27—Leave out "Five" and insert "Four".

The effect of the amendment is to change the penalty from $500 to $400.

The Hon. J. D. WRIGHT: I rely on the arguments I previously advanced.

Amendment negatived; clause passed.

Clauses 20 to 22 passed.

Clause 23—"Amendment of schedule of principal Act."

Mr. DEAN BROWN: Regarding types of equipment, can the Minister explain what is now required in connection with workers' safety representatives as regards the inspection of amusement devices?

The Hon. J. D. WRIGHT: I cannot at present give that information to the honourable member, but I will get it for him.

Mr. DEAN BROWN: Can the Minister also give similar information as regards refrigeration equipment and traffic controls?

The Hon. J. D. WRIGHT: Yes.

Clause passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from November 10. Page 2069.)

Mr. RUSSACK (Gouger): We on this side of the House support the second reading of the Bill. I would like to comment on some aspects. As with many other Bills that have come to the House recently, it is mainly a Committee Bill, having some 127 clauses. In his second reading explanation the Minister said that the purpose of these amendments is threefold: first, there is the consideration of drink-driving offences, which are rather comprehensive. There are some steep increases in penalty there. Secondly, there is the substitution of the notion of mass for the existing notion of weight. Thirdly, there are sundry substantive amendments proposed in the Bill.

I made some inquiries to satisfy myself concerning the change from the word "weight" to "mass", as mentioned in clause 3, which states:

Section 4 of the principal Act is amended by striking out the word "Weight" and inserting in lieu thereof the word "Mass".

In section 4 there are various definitions of gross combination and mass, gross combination mass limit, gross vehicle mass, and gross vehicle mass limit. I understand that mass is the amount of matter in a particular body

whereas weight is a measurement of force. Mass never varies whereas weight can vary by distance from the centre of the earth. That is the metric expert's interpretation of why this particular definition should be altered from weight to mass.

We come then to the additional members to be appointed to the Road Traffic Board. Before going to that point, I direct attention to the interpretation of unladen mass:

"Unladen mass" in relation to a vehicle means the mass of the vehicle without any load other than the petrol, oil, tools, prescribed accessories, or prescribed equipment carried (either habitually or intermittently) on the vehicle.

In the debate on an amendment to the Motor Vehicles Act there was concern directed towards this particular definition. I draw attention to this matter tonight. These are the words in brackets:

Either habitually or intermittently.

The word "intermittently" is the one which gives me some concern, particularly in view of stock hurdles that are used only occasionally. As far as this Act is concerned, it does not have the same impact as it did in the Motor Vehicles Act.

There are to be two additional members of the Road Traffic Board. The Bill provides for one, as follows:

A person who has, in the opinion of the Minister, extensive knowledge and experience in the field of road safety, nominated by the Minister.

The second would be:

A person who has, in the opinion of the Minister, extensive knowledge and experience in the field of motor vehicle safety, nominated by the Minister.

There would be approval of appointments such as those. It is obvious that the Government is endeavouring to introduce into the Road Traffic Board more expertise because of public concern about road safety and concern about the carnage on the roads. Therefore, there will be two members of the board who will have particular expertise in road safety and as regards the safety characteristics of motor vehicles.

We come then to the instruments for determining mass. At one time there was only the weighbridge which could be used to determine, as we then knew it, the weight of a vehicle or of what was being carried. Now there are other devices and this clause brings this up to date and includes the instruments for determining the mass of a vehicle. Under the Bill there are various penalties that have been repealed. Where they have been repealed, clause 120 will cover all those contraventions where there is no penalty. Subclause (2) of that clause provides:

A person who is guilty of an offence against this Act for which no penalty is specifically provided shall be liable to a penalty not exceeding three hundred dollars.

For instance, the present penalty for not securing a seat belt when a car is in forward motion is $20. That will be repealed and clause 120 will be applicable. This means that the magistrate, or whoever is responsible for determining penalty, will have the opportunity of determining a penalty of anything up to $300. This applies to many of the sections of the principal Act where the penalty in this Bill will replace those penalties.

The major aspects of my speech concern the penalty for driving under the influence, for reckless and dangerous driving, and for driving while having a prescribed concentration of alcohol in the blood. It seems ironic that in one week the Government introduced a measure to amend the Licensing Act to extend the hours of trading and the accessibility of intoxicating liquor and in the next week it brings in a measure to penalise drastically those who take advantage of the extended hours. If this is not contradictory, I do not know what is. That is the situation we have here. Members of the public concerned with the road toll would consider that there must be some action taken to prevent driving under the influence.

I would like to state a few points about the road accident situation in Australia in 1975. I refer to the report by an expert group on road safety to the Australian Minister for Transport. In the section headed "The Road User", it states:

To date modifications to the vehicle and to the road system have proven both simpler and more cost-effective in reducing the incidence and severity of accidents than have attempts to change road user behaviour. Nevertheless the potential improvements in road safety to be gained from successfully modifying road user behaviour are considerable, particularly in the area of drinking and driving. The realisation of this potential depends on both a sustained research effort and the implementation and careful evaluation of bold new approaches.

Under the next heading "Alcohol and drugs" it states:

Excessive use of alcohol is the most important single contributing factor in road accidents, particularly the more severe accidents. The steps already taken to reduce the magnitude of the problem have been insufficient and ineffective. A major co-ordinated effort to improve the efficacy of existing measures and to develop and implement new measures is urgently needed.

Under the next heading "Fatal accidents" we see the following:

Australian studies have consistently found that about half of all drivers killed have blood alcohol levels of ·05 per cent or greater. In single vehicle accidents the proportion is of the order of 70 per cent. Moreover, more than one-third of the former and more than half of the latter have levels of ·15 per cent or greater.

That ·15 per cent is significant, because penalties are now being provided in respect of those who have, after being tested, a blood alcohol content of ·15 per cent. Also, from that report comes these essential points:

Alcohol is the most important single contributing factor in road accidents. Counter measures should include (*a*) education of the general public; (*b*) more stringent legal sanctions, including enforced therapy for recidivists; and (*c*) increased police action. Australian studies have consistently found that about half of all drivers killed have blood alcohol levels of ·05 per cent or greater . . . it may reasonably be inferred that drivers affected by alcohol have been responsible for the deaths of other perfectly sober drivers. If this is so, it would probably follow that alcohol has contributed, in the widest sense, to more than half the number of driver-deaths.

In Europe the countries that have possibly the highest penalties are Sweden and Denmark. If convicted of drunken driving, a person with a blood alcohol content in excess of 0·1 per cent is sent to gaol for 21 days or longer, depending on his degree of drunkenness. He is permitted to make suitable arrangements so that the prison sentence does not seriously disrupt his life. For instance, he may go to gaol in his annual holidays provided he completes his sentence within six months of the conviction. According to the severity of his drunkenness and the effectiveness of his driving, he also loses his licence for up to 18 months. For a second offence he undergoes a longer gaol term and, for any further offence, he will lose his licence for five years and may lose it permanently.

The penalties in this Bill for driving under the influence and for driving with the prescribed concentration of alcohol in the blood are comparable to those applying in the other States. It has been necessary, no doubt, in other States to increase penalties for driving under the influence and driving over the prescribed blood alcohol content. We concur in the penalties in the Bill, accepting that they are strict and have been increased steeply. In South Australia, in 1973-74, there were 1 832 cases of driving under the

influence. In 1974-75 that number had increased to 2 365. For exceeding ·08 per cent in 1973-74, there were 1 572 apprehensions, and in 1974-75 there were 2 806. There was a big increase in the number of people charged with these offences in those two years. It was not possible to obtain any figures for 1975-76. Because of the statistics that I have related and because of the concern in Australia about the frequency of driving under the influence and driving with more than the prescribed blood alcohol content, it is necessary for this drastic action to be taken.

Clause 23 refers to compulsory blood tests. I noticed in the report of the committee to which I have referred that South Australia was commended for having included certain provisions in our principal Act, and the taking of compulsory blood tests following an accident involves one of those provisions. One thing that concerns me (it has been mentioned in this House a number of times, and I bring it forward again because I believe it is appropriate and pertinent to the Bill) involves section 47 (*i*) of the principal Act, whereby a hospital means "any institution at which medical care or attention is provided for injured persons, declared by regulation to be a hospital for the purpose of this section". In the regulation applicable to this section, only 11 hospitals have been declared as hospitals where these tests are to be carried out. They are: Queen Elizabeth Hospital, Royal Adelaide Hospital, Modbury Hospital, Lyell McEwin Hospital, and Flinders Medical Centre since March of this year (all in the metropolitan area); and in the country areas, Mount Gambier, Port Augusta, Port Lincoln, Port Pirie, Whyalla and Wallaroo Hospitals. I urge the Minister to expedite the designation of further hospitals. I think I saw it in print somewhere that soon a number of hospitals were to be declared. Perhaps the Minister could say something about that in his reply.

Medical officers and other people in the country are concerned about the very few hospitals where a blood test can be taken. Wallaroo Hospital is the only appropriate hospital in the whole of Yorke Peninsula. This is an important point and I urge the Minister that as soon as possible the regulations be amended so that more hospitals will be designated as hospitals where compulsory blood tests can be taken, particularly following a serious car accident involving drink. I notice, too, that sections 63, 80 and 89 of the principal Act are amended to provide that drivers of vehicles must give way to a train, tram or bus either approaching or at an intersection. Apparently, this was a weakness in the principal Act, which is now being rectified.

Sections 144 and 145 of the principal Act are repealed. They contained penalties for overloading and also the Minister could consider exemptions, but under the Bill the Minister will not be able to approve exemptions: that will be done by the board. Also, there is an omission in section 141 of the principal Act (it is not dealt with in this Bill) which refers to various argicultural implements, where "argicultural machine" means a machine other than a tractor used for cultivating land, or sowing, handling or harvesting crops; but many agricultural implements have been omitted from that section. I ask that at some time consideration be given to the inclusion of such equipment as grain bulk bins, chaff-cutting implements, spraying implements, etc., which obviously have been omitted from that section. Clause 97 (*l*) provides:

Where a vehicle that does not comply with a requirement of this section is driven on a road, the owner and the driver of the vehicle shall each be guilty of an offence and liable to a penalty of (*a*) not less than $2 and not more than $10 for every 50 kilograms of the first tonne of the mass carried in excess of the permitted maximum; and (*b*) not less than $10 and not more than $20 for every 50 kilograms thereafter; and

Paragraph (*m*) provides:

by inserting after subsection (7) the following subsection:
(8) The board may, by instrument in writing, delegate (or revoke a delegation of) its powers to grant an exemption under this section, but any such delegation shall not derogate from the powers of the board to act under this section itself.

Under this clause, the owner and the driver of a vehicle shall each be guilty of an offence and liable to a penalty. In my opinion, that is a little tough on the owner. For instance, an owner could be in Adelaide and the driver could be in Melbourne, and the owner has no control over what the driver is doing in Melbourne: he may be coerced, persuaded or pressured by a client to put just that extra weight or mass on the vehicle so that he can get the whole load on.

I realise that I cannot speak on amendments but I consider that these penalties have been increased drastically. For instance, the penalty for the first tonne over weight in the principal Act was 50c to $4; the new penalty is between $2 and $10, which means that the person could be fined somewhere between $40 and $200 a tonne. Then, in weights exceeding that first tonne, the penalty is not less than $10 (whereas the principal Act now provides for $4) or more than $20 ($10 in the Act at present). This means that, for the second tonne over weight, a transporter could be fined between $200 and $400. In my opinion and in the opinion of others involved, this is a very steep increase. I see this as a situation where circumstances may have a certain effect. For instance, I have been told by those experienced in the transport business that a load can move from one position on a vehicle to another. One administrator claims that this has happened frequently, particularly between Port Pirie and Whyalla, where a load has shifted during transit. However, I have an amendment on file, and I will speak more to that clause in Committee.

Section 151 of the principal Act, concerning permits, is repealed. I suppose this is covered by the clause to which I have just been speaking, clause 147. I need say no more about that because I mentioned it just now, where the approval of the Minister for exemption has now gone to the board. Clause 120, to which I referred earlier, covers all those sections of the Act where the penalty has been repealed. In many cases (in fact, in all cases), the penalty has been increased considerably, in some cases up to $300. Clause 124 provides:

The following section is enacted and inserted in the principal Act immediately after section 169 thereof:

169a. Where, pursuant to this Act or any other Act, a court orders that a convicted person be disqualified from holding or obtaining a driver's licence, the court may, if it is satisfied that reasonable cause exists for so doing, order that the disqualification shall take effect from a day or hour subsequent to the making of the order.

I understand that this provision has been inserted so that a person who has been apprehended, found guilty, and given a penalty, can drive his or her motor vehicle from the court to a parking place to be kept there while the period of disqualification is in operation. Many matters will be discussed in Committee, and essentially it is a Committee measure. In the main, we agree with the Bill, although some clauses are not acceptable. We support the second reading.

Dr. TONKIN (Leader of the Opposition): I congratulate the member for Gouger, who has taken much trouble, in his usual way, to analyse the Bill in detail. I do not intend

to say much on the detail, but certain matters must be touched upon. It is a three-part Bill. The concept of substituting "mass" for "weight" has been dealt with effectively. Obviously, the question of alcohol and driving must be considered carefully.

I think honourable members will agree that most of the Bill consists of increased penalties, and it is entirely proper for a matter that affects the every day life of people and, indeed, their death. The penalties must be brought into line with present values and must reflect the severity of the offence. The matter of alcohol and driving is debated in this House with monotonous regularity; indeed alcohol has been a matter of concern ever since the motor car came on the road. Even before then, in the days of horse-drawn vehicles, alcohol played a part in accidents, but it was not recognised then as being a major cause of accidents. Only in the past eight to 10 years has the role of alcohol been admitted.

The big increase in the number of motor car registrations and, therefore, the big increase in the number of cars on the road has made alcohol a bigger contributing factor to accidents. Its importance has been multiplied by geometric progression rather than arithmetic progression. Whereas people used to believe that there was much traffic on the road but there was room for error, there is no room for error on the roads now, whether in the city or in the country. The defensive driving technique of looking for the gap or the escape route is now difficult to apply. In fact, it is almost impossible at times to find escape routes on the main highways out of Adelaide.

The whole point about alcohol and driving comes back to community and individual responsibility. The member for Gouger has mentioned the paradox of extending hotel trading hours and then increasing the penalty for driving under the influence. The whole long and short of this problem is that there is still abroad in the community a belief "This cannot apply to me," and, "I can take my liquor." People believe that, when they have drunk liquor, they can still control their cars much better than anyone else can. Unfortunately, the more some people partake of alcohol the more capable they think they are of driving, and they are less susceptible to reason. It is a social problem, a problem of community acceptance and personal responsibility. If we were all reasonable people and all had a highly developed sense of what was right and wrong and a sense of responsibility to our fellow man, we would not need any penalties at all.

Mr. Evans: We would not need any laws.

Dr. TONKIN: That is probably fair enough. However, we have not that sense of responsibility. Alcohol has a propensity to blunt awareness of responsibilities. We are faced with a difficult situation. The road toll is escalating, and the figures for this year are not reassuring. We are faced with a strong connection with blood-alcohol levels and with taking stringent measures and drastic action. We would not want to control the number of cars on the road, and we are faced with the problem of whether we should introduce random breathalyser testing, as has been done in other States and countries. That is an invasion of personal privacy that I would resent. However, if it becomes absolutely essential, we will have to put up with it, but I do not like the principle behind it. If we can avoid doing it, it should be avoided.

If the alternative measures we are taking now are not successful, we may have to face up to the difficulties that random breathalyser testing will bring. It may well bring the results that we are not getting now, but it has many difficulties, and I have spoken to so many police officers on whose shoulders the burden would fall that I am convinced that it is not the right thing to do at present. This brings us to the matter of increasing penalties, as the Bill does, and I thoroughly support these moves. If people do not have that individual sense of responsibility to other people on the roads and if they do not abstain voluntarily so that they can drive safely, they must be given an incentive. The best way to do that is not only by fining them or threatening them with a gaol sentence, but by withdrawing their licence for a significant period, not just for a week or a month. We have seen the period of suspension of licences increase from six months to 18 months and then to three years. The provision is sensible.

The day may come when we have to tell recidivists that they are not able to drive a motor vehicle on the road and that their licence will be taken from them for life. I cannot see any other way out of the difficulty. Unfortunately, chronic alcoholics are ill; they are totally dependent on alcohol and cannot help themselves. If they are not able to be cured of their chronic alcholism, they should not be allowed to drive a motor vehicle. I refer in some detail to the decision made to put a dividing line at a blood-alcohol level of ·15 grams. I am sure that the Minister will be able to help me in this matter, because I should like to hear why a figure of ·15 was chosen.

I favour having two categories of offence, certainly no more, but I cannot understand why someone who is driving with a blood-alcohol level of ·14 grams deserves a lesser penalty than a person receives who is driving with a ·15 content; it is an empirical figure. I suppose we could say ·08 was a figure taken out of the air, because there has to be an average figure at which a penalty will apply. I do not disagree with the figure of ·08. We hear that that figure should be reduced to ·05, as though by doing that we will reduce the number of accidents. Most authorities would agree that it would not have the slightest effect and would not achieve anything, because people driving with a level of ·05, if they are chronic alcoholics, are likely to perform reasonably well because the alcohol is circulating in their blood stream, until they are faced with a critical emergency when they will not be able to cope with the situation. Their reflexes will not work properly.

I think ·08 is fair enough, but now we have introduced a figure of ·15. From my experience anyone with a blood alcohol level of ·15 grams is doing well if he can put a motor vehicle in motion and steer it straight for more than about 50 metres.

Mr. Boundy: The effect of this is to make it almost respectable.

Dr. TONKIN: I have not considered it in that way, but I suppose it does. I am not strongly against that, but I am curious to know why ·15 has been introduced, or is it a copy of legislation from another State?

Mr. Russack: Western Australia has it.

Dr. TONKIN: Yes. As it is not worth reducing the level from ·08 to ·05, it is not worth putting in ·15, because it would be better to have a higher penalty for the two offences applying to all driving offences over a level of ·08, because I cannot differentiate between offences committed at a level over ·08 and those committed at a level of over ·15. To me they are equally culpable and blameworthy.

Mr. Allison: You could still kill someone.

Dr. TONKIN: Of course you could with either blood-alcohol level in cases of driving under the influence.

Mr. Abbott: Or without any alcohol.

Dr. TONKIN: Of course. I would prefer that the maximum penalty in relation to the ·15 level should apply to all offences over ·08. I hope the Minister will keep this aspect in mind, because I am sure that he is conscious of the fact, and that, if we do not achieve the results we seek, he will consider lifting the entire range, deleting the dividing mark, into that upper limit. I hold no truck with people who drink and drive. Probably all of us have been guilty of doing that at some time and, in retrospect, it is a frightening experience. I am referring to the time when perhaps I was not as aware of the problems as I am now. Most of us do not repeat the experience, because when we wake in the morning we wonder how we managed. I can remember once breaking into a cold sweat and wondering what I might have done.

It seems to me that we have to crack down on alcohol and driving by the provisions of this Bill. I have expressed my concern that the penalties are not high enough: there should be higher penalties and random breathalyser testing. One other factor that has to be considered is that there are not enough facilities available for blood-alcohol estimates. It is a tricky examination and procedure, and needs great skill to obtain an accurate reading. A specially trained technician or a biochemist must be available, but it is not easy to provide these facilities. However, driving under the influence of alcohol, road safety, and the road toll have become so important that it warrants placing trained people in country centres, far more than applies at present, so that accurate estimates can be made without any chance of their being queried or challenged. If this were done, we could get a better estimate of what is going on and have a better chance of deterring people from drinking and driving. Ultimately, the responsibility comes back to every individual, and it is something that no-one can walk away from. Anyone who drinks must realise that he must not drive, but until we get that attitude accepted generally throughout the community there will be accidents and people will be killed. I support the legislation.

The Hon. G. T. VIRGO (Minister of Transport) moved:

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

Motion carried.

Dr. EASTICK (Light): In his second reading explanation the Minister said, "I think all of us agree that the increasing problem of drinking drivers must be attacked with courage and firm resolve." I have not heard one person here or outside who has disagreed with that comment. However, I am concerned at the alterations contained in clauses 19, 21, and 23, because each clause contains the following provision or the like:

Notwithstanding any other Act, a court shall not reduce or mitigate the minimum amount of any fine or the minimum period of imprisonment or disqualification prescribed in subsection (1) of this section except as follows: in the case of a first offence, the court may, if it is satisfied by evidence given on oath that the offence is trifling, order a period of disqualification that is less than the prescribed minimum period but not less than 14 days.

That provision occurs in each of the three clauses to which I have referred. This prostitutes the courage that the Minister said the Government and members should accept. What is trifling in respect of an action in relation to alcohol and driving? I have referred to the dictionary to find out specifically what "trifling" means. It is stated that a trifling error, a trifling direction, or a trifling circumstance, etc., is an unimportant circumstance or error, or whatever. I do not accept that any action by a person in respect of a motor vehicle and alcohol that is likely to cause distress or a problem to another person can be trifling.

Certainly, the statistical detail provided by the member for Gouger indicates clearly, as does the other available evidence, that the percentage of motor vehicle accidents with an element of alcohol involvement is far greater on a percentage basis than those in which alcohol is not involved. Alcohol induces an impairment of ability and, with its use, there is a greater risk of some damage arising; there is a greater risk of bodily damage and loss of life. I do not refer to the statistical detail in any greater measure than has already been done, other than to say that this Parliament should examine closely the inclusion of that provision in these three clauses.

This provision prostitutes this House and this Parliament if we accept a watering down (even of this nature), of legislation that we all accept is responsible and necessary. I will have more to say about that in due course. I refer to the Minister's second reading explanation regarding clause 125, as follows:

Clause 125 repeals a section of the Act that presently gives the Commissioner of Police and the Registrar of Motor Vehicles power to lay a complaint if either of them is satisfied that a person is likely to cause danger to the public by reason of "intemperance in the consumption of alcoholic liquor". This power is never used and in any event there are adequate similar powers under the Motor Vehicles Act.

Are these other provisions of the Motor Vehicles Act being used? If they are not being used, a problem associated with the proper administration of this measure exists. Clearly, there are instances, which any member could relate, concerning intemperance in the consumption of alcohol by persons constantly using a motor vehicle. If this provision is not functioning in removing from the public scene those people who are involving themselves in intemperance, we should be fortifying the original section 171, which this clause seeks to remove. Section 171, whose side heading is "Disqualification of addicts to liquor or drugs," provides:

If a court of summary jurisdiction presided over by a special magistrate, on complaint duly laid by the Commissioner of Police or by the Registrar of Motor Vehicles, is satisfied that a person is by reason of intemperance in the consumption of alcoholic liquor or by reason of the habitual use of drugs, likely to cause danger to the public if he drives a motor vehicle on roads, the court may order that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

In his reply, will the Minister indicate whether those other provisions in the Motor Vehicles Act are being used? Not only are we justifiably worried about the massive increases in drink-driving (and the report of the Commissioner of Police substantiates that point), but we are increasingly worried about problems in relation to drug addiction.

Indeed, the Government has seen fit (and I laud its action) to announce the establishment of a Royal Commission to inquire into all aspects of drugs, drugtaking, and the effects of drugs. At present there is a problem of people who are known addicts and who should be disqualified from holding a licence. I want to ensure that, on repealing section 171, we are not leaving the way open for persons who should be off the road to continue to drive.

In respect of penalties associated with drink-driving charges, I totally accept the concept of minimum-maximum provisions in legislation. Such provisions existed in those sections of the Act we are repealing and substituting with new provisions, but not to the same extent

as is contained in the Bill. I believe that in all fields, not only in those directly associated with the Road Traffic Act, Parliament should clearly indicate to the courts what it expects and what it intends. We can best do that by including minimum-maximum provisions, and I have nothing further to add in this regard.

The member for Gouger spoke of the marked increase in the penalties that will apply to persons convicted in relation to overweight vehicles. Clearly, the increase from 50c to $2 minimum is a 400 per cent increase, whereas further up the scale only a 250 per cent increase in the size of the penalties is provided for. If the Government's attitude is as was outlined by the Minister of Labour and Industry earlier this evening, that there should be relativity in increases in penalties, there is a problem in that respect in this Bill. The member for Gouger will take up this matter at a later stage.

From the quick exercise I have undertaken on the basis that a vehicle was one tonne overweight, the increase will be from a minimum of $10 and a previous maximum of about $80 to a minimum of $40 and a maximum that could be $200. We find that, beyond that point, on the lower scale there has been a 250 per cent increase in the cost of the extra 50 kilograms beyond the one tonne, whereas at the higher end of the scale there has been only a two-fold increase. That is more realistic than the figure that will apply in cases up to the one-tonne overload.

I believe that, if the Government is to be consistent (particularly if it demands that we accept the "trifling" provisions to which I have already referred), overloading within the first one-tonne range should be considered as a lesser evil than cases above the one-tonne range. I suggest that, in due course, the House will want to accept amendments that the member for Gouger will move. I support the Bill because it is 99 per cent valuable for the State but, unfortunately, the 1 per cent I have highlighted as being deficient almost completely destroys in my mind the other virtues and values in the Bill.

Mr. ARNOLD (Chaffey): I support the Bill, the full aspects of which have been adequately covered by the member for Gouger and other Opposition speakers. However, I will make my position clear and will refer mainly to the key feature of the Bill, namely, the increased penalties for drink-driving offences. If we are genuine about these offences, the mounting road toll, and our efforts to reduce it, we have no alternative other than to increase penalties for drink-driving offences. Undoubtedly most members at some time have offended against the Act. Whether or not they have been apprehended is another matter, but most of us at some time could have been convicted had we been apprehended at the relevant time. The member for Gouger said how ironic it was that only a week or two ago we were debating provisions to extend hotel trading hours, whereas this evening we are debating legislation to increase the penalties for drink-driving offences.

While the member for Gouger made a real point about this, I do not believe there is a great deal of significance in it, because I believe that the person who will offend by driving under the influence will already offend under existing hotel trading hours. More flexible trading hours would probably not increase the problem; what we must do is to increase the penalty for the driver who offends. After all, many drivers do not necessarily consume their alcohol in hotels or clubs. I believe that provisions in the Bill will go a long way towards improving the situation in relation to drink-driving offences. We have a fundamental responsibility, above all else, with regard to driving offences, namely, to protect the innocent party. We often find that the person who is seriously injured or killed is not the person who has consumed excessive alcohol but the person who has had absolutely nothing to drink.

Mr. Mathwin: The innocent person.

Mr. ARNOLD: Yes. Whether that is because the person who has had a certain amount to drink is in a more relaxed state when the impact occurs, I do not know. Time and time again, unfortunately, it is the innocent party who is killed or permanently injured, and the offending driver often gets off scotfree. Unfortunately, under the regulations relating to which Government hospitals are authorised to conduct blood-alcohol tests, in many areas of the State offending drivers are not apprehended, because of the lack of facilities to conduct the test. The Leader raised this matter. I believe that, if we are to make the legislation really workable, there must be compulsory blood-alcohol testing of all drivers involved in accidents in which injuries are sustained. Although I support the legislation, I hope that the Minister and the Government will seriously consider compulsory blood testing of all drivers involved in accidents in which injuries occur.

Mr. MATHWIN (Glenelg): I support the Bill, because it upgrades penalties for drink-driving offences, among other things. In his second reading explanation, the Minister said that most of the penalties in the Act were set 15 years ago, and that penalties for drink-driving offences had not been increased since 1967. Obviously, we must at least keep abreast with inflation. That is one point. However, I think that the most important matter is the one the Minister dealt with next. He said that the proposed increases were long overdue and that the penalties for drink-driving offences were to be made more stringent, particularly regarding disqualification of the licence holder.

The Minister's second reading explanation did not explain very much about the Bill. However, he later went on to explain the clauses more fully. Surely all members are worried about the shocking increase in this type of offence, and it is imperative that strong action be taken to solve this terrible problem. Alcohol is absorbed very quickly into the blood stream and travels to all parts of the body, including the brain. It is similar to an anaesthetic in that it slows a person down. Many believe that alcohol spurs them on to greater things, but from the facts available, it seems that it slows one down. Alcohol affects judgment, particularly where a person is in charge of a lethal weapon such as a car or a motor cycle. It is easy to murder someone with such a weapon when judgment is affected in that way. It can affect the vision of people and their co-ordination. This is sufficient evidence for us to take strong action to arrest this situation.

It has been found in many instances that, the more serious the crash, the greater the chance of alcohol being a contributing factor. In the figures for drivers killed in single-vehicle crashes, about 75 per cent have been found to have a blood-alcohol concentration of over ·10 per cent. If one tries to assess the nature of drink and its effect, and of how much alcohol is present in the blood stream, a general method of doing so is to work out each standard-size drink of beer, which is about 10 grams. Each 10 grams will raise the blood-alcohol concentration by about ·01 per cent. This gives an idea of the impact of just what drink does and of the effects on the normal person.

In the case of fortified sherry, the equivalent would be two fluid ounces. The same would apply with vermouth. With spirits, it would be about 30 millilitres (one fluid ounce). A table wine would be three fluid ounces, or 90 millilitres. Those figures give an idea of the effect on a normal person. This differs, as we know, with different people.

The Minister, in his explanation, dealt with the provisions changing the word "weight" into a metric measurement—mass. That makes it simple to understand, especially for those who have not learned metrics at school. When we read what scientists say about mass we see that scientists could not be satisfied with a system of units in which mass and force were measured in the same terms. Scientists say:

The mass, or quantity of matter, in a pound of butter is the same wherever you take it. The force of gravity pulling it vertically downwards, however, whether measured by the extension of a spring from which the butter hangs, or by the rate of increase of downward velocity if you let it go, is not everywhere the same. It is half a per cent greater in London, for example, than it is either on the equator or in an aeroplane ten miles above London. Farther out in space the discrepancy is still greater.

This explains the theory of mass simply for people who want some idea of what scientists are talking about. We are introducing this into our legislation and that simple explanation of mass must be a revelation to some of the members of this House. We have a simple change from weight to mass, which makes it easy to understand.

Mr. Max Brown: Could you start again?

Mr. MATHWIN: I could: I could go on to the Mass of the church and in different churches. That is another area we can explore. The member for Ross Smith might be able to help us.

Mr. Coumbe: Would you agree that mass is incompressible?

Mr. MATHWIN: That is another argument we can go into. However, I have explained to the House the great difference between weight and mass. I am sure members are all clear on that matter. The other matter to which I make reference is clause 19. I am pleased to see that we have a minimum penalty that the Minister has seen fit to introduce. I agree entirely with him on that. Clause 19 states:

For a first offence—disqualification from holding or obtaining a driver's licence for such period, being not less than six months, as the court thinks fit, and a fine of not less than one hundred and fifty dollars and not more than five hundred dollars:

For a subsequent offence—disqualification from holding or obtaining a driver's licence for such period, being not less than one year, as the court thinks fit, and—

(i) a fine of not less than one hundred and fifty dollars and not more than five hundred dollars;

or

(ii) imprisonment for not more than three months.;

I agree with the Minister on those matters and similarly with the other subclause, which also deals with imprisonment. It states:

Notwithstanding any other Act, the minimum amount of any fine and the minimum period of imprisonment or disqualification prescribed in subsection (1) of this section shall not be reduced or mitigated except as follows:

In the case of a first offence, the court may, if it is satisfied by evidence given on oath that the offence is trifling, order a period of disqualification that is less than six months but not less than one month.

Again the Minister has put a minimum in there, and I entirely agree with him. Clause 20, which deals with reckless and dangerous driving, or driving under the influence of alcohol or a drug, states:

(*a*) for a first offence—disqualification from holding or obtaining a driver's licence for such period, being not less than six months, as the court thinks fit.

Again, I agree entirely with the Minister. He goes on to provide for a fine of not less than $300 on that matter. The clause continues:

(*b*) for a second offence—disqualification from holding or obtaining a driver's licence for such period, being not less than one year, as the court thinks fit, and imprisonment for not less than two months and not more than six months;

and

(*c*) for a subsequent offence—disqualification from holding or obtaining a driver's licence for such period, being not less than three years, as the court thinks fit, and imprisonment for not less than four months and not more than one year.

For the second offence or more, we have the severe penalty of losing one's licence for a period of not less than three years. I again entirely agree with the Minister. In clause 21 there is a minimum laid down again and also the penalty for the second offence, and so on. New section 47b(2a), dealing with driving while having a prescribed concentration of alcohol in the blood, provides that, for a first offence, the court may, if it is satisfied by evidence given on oath that the offence is trifling, order a period of disqualification that is less than the minimum period but not less than 14 days. Again, the Minister has wisely provided for minimum penalties.

When the Minister replies to the second reading debate, I should like him to explain further the repeal of section 171 of the principal Act; the member for Light dealt with this matter. I support the Bill. In some respects it could go further, but at least it is a step in the right direction. There is certainly a great need for this type of legislation. Perhaps the penalties could have been even heavier.

Mr. GUNN (Eyre): The remarks of most members have centred on clause 22, dealing with drivers affected by alcohol. One of the great problems in this connection is that many people who go to hotels are not aware of the effects of various quantities of alcohol. Further, they are not aware that one has to consume only a small quantity of alcohol to risk being apprehended and successfully prosecuted. The penalties for driving under the influence of alcohol or driving with a blood alcohol content exceeding 0·08 per cent should be prominently displayed in hotels, not to affect the business of publicans but to acquaint people with the consequences of driving while intoxicated. There should be publicity concerning the consumption of alcohol that would render a motorist liable to prosecution. I refer now to a pamphlet entitled *The facts about drinking and driving* produced by the Commonwealth Transport Department in co-operation with the traffic and road safety authorities of the Australian States and Territories. I hope the Minister will ensure that this excellent pamphlet is circulated widely in the community. Perhaps it could be issued to people when they renew their driving licences. The pamphlet states, amongst other things:

4. How long does it take for the BAC to reach its peak?

Blood alcohol concentration starts to rise with the first drink and continues to rise for 30 to 40 minutes after the last drink. It takes this time for all the alcohol to be absorbed into the bloodstream and to produce the peak BAC.

5. What is the effect of alcohol on driving performance?

At a very low BAC, a drinker may show little or no observable change in outward appearance or behaviour, but this does not mean it is safe for him to drive.

As his BAC rises, the driver's behaviour and response to traffic situations become unpredictable. His reaction time will become slower and he may not see everything he needs to see. He is less able to cope with unexpected events and is more likely to make the wrong decision in an emergency. But even then, the driver may still be unaware that his driving is getting worse.

Trained observers, such as traffic police, become very skilled in spotting signs of impaired driving. In most cases, a driver stopped by police for a breath test has done something which attracted their attention.

Many people who have consumed alcohol do not realise that their driving ability has been impaired. The pamphlet continues:

6. How quickly does the BAC fall?

Alcohol in the blood must be broken down by the liver, except for very small quantities which pass out of the body by way of breath or urine. The liver disposes of about 1½ standard drinks per hour. This means that the BAC drops by about ·015 per cent per hour. After five drinks in an hour, a BAC of ·05 per cent will take 3 to 4 hours to drop to zero.

Paragraph 9 of the pamphlet states:

Does eating affect the BAC?

No. Five standard drinks taken in one hour will produce the same BAC regardless of whether food is taken with the drink or not. The usual effect of eating, however, is to slow down the rate of drinking and to make you feel like drinking less.

The pamphlet also answers further questions. First, does body weight have any effect on the blood alcohol content? Secondly, can you tell by looking at a person whether he is fit to drive? Thirdly, what is the difference between a person whose driving is impaired and one who is intoxicated? Every driver ought to know the answers to these questions. I see that the member for Whyalla is on the front bench; I see that we have a new Minister there!

The SPEAKER: Order! I do not think there is any mention in the Bill of a new Minister.

Mr. GUNN: I realise, Mr. Speaker, that I would be wrong to deal further with that matter. For a person convicted of his first offence for driving under the influence of alcohol, the loss of his licence for six months may cause undue hardship; in some cases the penalty may deny a person his right to a livelihood where his work involves travelling around the countryside. I realise that the Minister may say that such a person is endangering the lives of others, and I accept that. However, when a person is convicted for the first time of driving under the influence of alcohol, it is unlikely that he will commit that offence again. The penalty generally brings him back to reality. I therefore believe that we ought to consider suspending people's driving licences over weekends and for recreational purposes, but people convicted for a first offence should be allowed to drive for the purpose of employment. I stress that I am not referring to people convicted of second and subsequent offences. I hope the Minister will consider this point, and I support the second reading of the Bill.

Mr. EVANS (Fisher): I support the Bill. I have supported on-the-spot breathalyser checks, and I still support them. Society will accept them and Parliament will accept them in the next five years. It will be a slow process. It could be done this evening if we wished to do so, but it will not be done this evening. We will have to wait until facts and figures prove that we should have taken action earlier. In the meantime, a few more lives may be lost or persons injured because we were not willing to take this action. I realise that it may cause difficulties for the police. Some people may argue that it interferes with an individual's rights. However, those who do not drink to excess should accept that this is a method of protecting them and their families and friends from those who drink to excess, and that this would be a responsible approach to the matter. I can see merit in our taking that action.

My main point is that there is a massive cost to society because of accidents. The value of a life has been estimated at $50 000. I know that it is difficult to place a monetary value on a person's life but, if we accept that $50 000 is the sort of sum that would be claimed for the loss of an individual's life by that person's family (I know that this depends on the age of the deceased and his responsibilities at death), we in Australia incur an annual loss of $175 000 000, merely through the loss of life on the roads. If one examines the total loss, including damage to vehicles, loss of productivity, hospitalisation (which is now reaching $200 a day a bed in public hospitals in the Eastern States), the cost of rehabilitaion of individuals to get them back into the work force or to be managers of their homes, and to enable them to be effective citizens, one sees that it is over $2 000 000 000 a year, which is close to the total Federal Budget for education. At least half of that sum can be related to alcohol's being a direct effect. So, in that area alone, alcohol is costing us at least $1 000 000 000 a year. We should think what could be done with that money if only we could slow down that process.

Some would argue that the excise on alcohol would offset this aspect. However, this is not true if one considers the total cost to society. I have referred solely to road accidents; the total cost would be much higher. I strongly support the Minister's move, which I believe is the right move. I emphasise again that the total cost to society in this respect is absolutely fantastic because we, as citizens, have not learnt to be responsible. The member for Eyre has said that we should consider individuals who depend on their driver's licence for their livelihood. If that driver's licence is so important to an individual because of his job, that person, above all others, should say, "I shall not drink and drive." We as Parliamentarians should not consider such people, in the legislation that we pass, as being separate from any other group that offends in this area. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The ACTING CHAIRMAN (Mr. Keneally): I point out that there is a clerical error in this clause. The provisions in paragraphs (*a*) and (*b*) should be transposed one to the other. I intend to effect that amendment.

Mr. RUSSACK: Paragraph (*c*) refers to prescribed accessories or prescribed equipment carried (either habitually or intermittently) on a vehicle. Would stock hurdles, bins and so on be included in "prescribed accessories or prescribed equipment carried (either habitually or intermittently)"?

The Hon. G. T. VIRGO (Minister of Transport): They would be.

Clause passed.

Clauses 5 to 9 passed.

Clause 10—"The determination of mass."

Mr. BOUNDY: Does new section 34 (1) mean that the Minister may require councils to erect, provide or maintain weighbridges, as referred to therein?

The Hon. G. T. VIRGO: No.

Mr. RUSSACK: A primary producer has asked me whether it would be possible to have his vehicle weighed, for the necessary purpose, such as for the Motor Registration Division, at roadside weighing stations.

The Hon. G. T. Virgo: For registration purposes?

Mr. RUSSACK: Yes, or for any purpose for which it is necessary to have a vehicle weighed.

The Hon. G. T. VIRGO: I imagine that a person could get a weighbridge certificate from one of these weighbridges and that that would be presentable at the Motor Registration Division. I expect that that is the case, although I would have to check it.

Mr. RUSSACK: I thank the Minister. I was asked this question by a constituent to whom at one stage approval was not given. However, if the Minister says that this is possible, I thank him.

Clause passed.

Clauses 11 to 18 passed.

Clause 19—"Reckless and dangerous driving."

Dr. EASTICK: This is the first occasion on which it is possible to seek information about the word "trifling" and its interpretation by the Government. The word appears in paragraph (*b*), which is worded slightly differently, although the import is the same, from paragraph (*b*) of clause 21 and paragraph (*b*) of clause 23. Clearly, it waters down the provisions of the penalties that shall apply to drink driving offences. Can the Minister say how the word "trifling" came to be inserted in those three places, and more particularly in paragraph (*b*) of this clause? I am inclined to seek its deletion, but that will depend on what information is available to us.

The Hon. G. T. VIRGO: One statement can cover all these cases and, hopefully, will satisfy all the queries that may be raised subsequently. Some time ago, we constituted a Road Safety Committee for the purpose of looking at matters that came up from time to time and to maintain an oversight of factors associated with the Road Traffic Act and road safety generally. That committee, at my request, set up a working party consisting of Superintendent Howie (who I think is well known to everyone), Sergeant Minagall (who probably is not quite as well known but is certainly a prominent policeman associated with the Road Traffic Division of the Police Force), Mr. Pearce (of the Royal Automobile Association), and Mr. Munro (of the Road Traffic Board). They were constituted as a committee to look at the general matter of penalties. It is their report that has now been translated into legislation. They have made the recommendations as a guide to the amounts of variation, particularly in a later clause when we shall deal with the lesser and greater amounts of the ·08 and ·15 penalties, and the like. It is on their recommendation that these things have been adopted. I do not claim any expert knowledge in this area but I acknowledge the expertise of the people on that committee, and the Government has acknowledged it and adopted its recommendation.

Mr. RUSSACK: I thank the Minister for his answer to the member for Light, but I hope that, if this provision remains in the Bill, it will be used with great discretion and not abused.

The Hon. G. T. Virgo: It is up to the court.

Mr. RUSSACK: Yes: I realise that.

Dr. EASTICK: I accept the information we have been given, although it tended to stop short of the information this Committee should be able to obtain. I do not question the value of the opinion of the people concerned, but the Minister would have to accept that, notwithstanding the recommendations that came from those people, based on some facts, undoubtedly the Minister in selling the matter, first to Cabinet and subsequently to Caucus, would have some greater knowledge of why it is necessary to water down the requirements, which is specifically what this clause does in relation to reckless and dangerous driving and subsequently in relation to driving while having the prescribed concentration of alcohol in the blood, and a little later in relation to compulsory blood tests. It is watering down in the sense that the penalties are, as in paragraph (*a*) of this clause;

for a first offence—disqualification from holding or obtaining a driver's licence for such period, being not less than six months, as the court thinks fit, and a fine of not less than $150 and not more than $500.

Then, paragraph (*b*) provides:

by inserting after subsection (2) the following subsection:

(3) Notwithstanding any other Act, the minimum amount of any fine and the minimum period of imprisonment or disqualification prescribed in subsection (1) of this section shall not be reduced or mitigated except as follows:

In the case of a first offence, the court may, if it is satisfied by evidence given on oath that the offence is trifling, order a period of disqualification that is less than six months but not less than one month.

I appreciate that offenders will not get off scotfree, but there is a significant difference between the minimum requirement of penalty under subsection (1) of six months and the opportunity now, by virtue of this mitigating clause, to reduce the disqualification to a period of not less than one month; one is 16⅔ per cent of the other.

The Hon. G. T. Virgo: Have you looked at the present legislation?

Dr. EASTICK: Such provisions do apply in the present legislation. I am not certain that I can apply them to this clause, but why is it being continued if the statement which was made by the Minister in introducing this Bill is, as I think all of us agree, to the effect that the increasing problems of drinking drivers must be attacked with courage and firm resolve? This provision in relation to reckless and dangerous driving is similar to what is contained in clauses 21 and 23. As I have said, this is the first occasion on which this point crops up, so I ask the Minister: why is it being continued as a watering down of the courage and determination that the Government says it has? Certainly, members on this side of the Chamber agree that a person does not, in relation to these serious offences, act in a way that could possibly be construed as trifling. They are actions that are dangerous to other members of the public, and I do not know how those actions can be considered as trifling.

The Hon. G. T. VIRGO: The honourable member has lost me completely. We are dealing with section 46, under which a person may be found guilty of driving a vehicle recklessly or at a speed or in a manner dangerous to the public. It is not a case of driving under the influence. The penalty that now applies for the first offence is a fine of not less than $60 and not more than $200. For the second or subsequent offence, there can be a fine or imprisonment, or both. How the honourable member can say we are watering down the present conditions escapes me. It is a toughening up of the provisions.

Dr. Eastick: But not in the mitigating provision.

The Hon. G. T. VIRGO: The court, if it feels the circumstances warrant, will be able to exercise its judgment in the application of justice. We cannot argue that

sort of thing here. Adequate penalties are included in the Bill, whereas the penalties in the Act are inadequate. We are including in section 46 provisions in line with those contained in the remaining clauses.

Dr. EASTICK: This mitigating provision is also in clauses 21 and 23, which relate to drink driving offences. If the Government genuinely wants to make a stricter and a more deliberate attempt to eliminate activities not in the best interests of the public, why is it continuing the mitigating provision? The penalty in section 46 is being eliminated and a new provision is being inserted.

The Hon. G. T. Virgo: It makes the penalties much tougher.

Dr. EASTICK: I agree, but new subsection (3) waters down those tougher penalties.

Mr. RUSSACK: There are two components in the penalty for the first offence: one is disqualification from holding or obtaining a licence for a period; and the other is a fine. For many people, disqualification is harsher but more corrective than the fine, yet the more effective penalty is being reduced. The fine cannot be reduced below $150, but the disqualification from holding or obtaining a licence for not less than six months would cause a person not to commit the offence again. Younger people may well prefer paying a fine to being disqualified from having a licence for several months. There could be another aspect: perhaps the provision allows the court to consider the fact that driving is a person's work.

Mr. McRAE: The clause is simple and there is a similar provision in the principal Act and other Acts. A case that went to the High Court shows that this consideration is merited. A person's health may depend on the availability of a vehicle to get to a medical establishment. It is a firm principle that judges consider that the mere fact that a person's occupation is affected is not sufficient ground to reduce the disqualification. However, the existing provision allows the court to have regard to the person who is sick and needs ready recourse to a hospital for himself, or his children, or his wife. In these circumstances the law cannot be made so unchangeable that it puts at risk not only the health, well-being and perhaps even the life of the person before the court but also the health, well-being and perhaps even the life of his wife and children.

Dr. Eastick: How does that make the offence trifling?

Mr. McRAE: Many times courts have said that, in this context, it is difficult to imagine what a trifling offence is, because the concept of a dangerous act being a trifling act is difficult to reconcile. The Supreme Court has suggested that, although it does not understand what Parliament was getting at, perhaps Parliament was referring to circumstances in which a man had been a good citizen for 40 years and had made one slip which, in an exercise in mercy, should be considered. This prerogative of mercy, which already exists in a slightly different form, is used rarely, but it is imperative that it be provided for, as in the case of the man aged, I think, 80 or 90, who had to have immediate recourse to medical assistance and had to go to the High Court to have the matter determined. A minimum penalty should not be imposed regardless of the cost to the victim and his family. It is a valuable protection rather than a lightening of a needed penalty.

Clause passed.

Clause 20—"Driving under the influence of intoxicating liquor or drug."

Dr. EASTICK: The member for Playford has referred to a mercy situation, but that would apply whether the person had committed one or 10 offences, and we are discussing the definition of "trifling" in relation to a first offence. This clause amends section 47 of the principal Act, and seeks to reduce the penalties provided in that section, as mitigation based on the term "trifling". The Minister has not indicated what the committee that reported to him or the Government considers to be a trifling offence, although this clause is referring to driving under the influence of intoxicating liquor or a drug. Why is there a mitigation and a reduction of penalty because an offence is considered to be trifling? How can the offence be trifling, and what does trifling mean?

The Hon. G. T. VIRGO: I do not know whether I am allowed to speak to this provision, because the honourable member is dealing with a provision that is not even in the Bill. The clause seeks only to delete the penalty, and subsection (4) remains. It has been there all the time.

Dr. Eastick: Subsection (4) is amended by the paragraph on page 5 of the Bill.

The Hon. G. T. VIRGO: I apologise. There is an increase in the existing penalty that provides for a disqualification period of less than three months but not less than 14 days. It is now within the ambit of the court, not the Minister, the Government or the Parliament, to exercise its prerogative.

Dr. Eastick: The Government and Parliament are writing it in in the first instance.

The Hon. G. T. VIRGO: We are amending a provision that gives the court the power to exercise its prerogative if, in its opinion, that prerogative ought to be exercised taking into account the trifling nature of the offence. The amendment brings that provision in line with provisions already agreed to in relation to section 46. As a result, we will have common application throughout. There is no watering down; the situation is to the contrary. The member for Gouger was correct. It deals only with the disqualification period which may be varied if the court, and no-one else, believes the offence is trifling. That is normal procedure.

Dr. EASTICK: I accept that the court makes the decision but, as this Parliament is currently making a provision to allow the court to reduce the severity of the penalty—

The Hon. G. T. Virgo: Don't you think the provision should be there?

Dr. EASTICK: No.

The Hon. G. T. Virgo: Then do something about it.

Dr. EASTICK: That is interesting. My questions concerning clause 19 were to find out what the word "trifling" meant in the Government's opinion, so I could determine whether or not to amend that clause. Because the Minister failed after my three questions to describe to the Committee what "trifling" meant in clause 19, I was prevented from seeking to amend that clause. The Minister has now invited me—

The CHAIRMAN: Order! The honourable member had the opportunity to move an amendment to clause 19, which has now been passed. We are now dealing with clause 20.

Dr. EASTICK: With due respect, Sir, I spoke three times on that clause seeking information from the Minister. I could not rise again under Standing Orders, to seek to remove the provision. The Minister has now asked me to move an amendment, but I cannot now remove the word

"trifling", which is not contained in this clause. This situation arises because in 1967 the word "trifling" was included in section 47. As I was unable to amend clause 19 and as I have lost the opportunity to maintain a consistent approach, I will not take the matter further now, by amending clause 21, in which the word "trifling" appears, but I still seek an indication of what is the Government's view of a trifling offence. It is important for the Committee to have this information.

Clause passed.

Clauses 21 and 22 passed.

Clause 23—"Compulsory blood tests."

Mr. RUSSACK: Because of the limited number of hospitals authorised to take compulsory blood tests, can the Minister say whether additional hospitals will be authorised to undertake these tests? This matter has been brought to my attention for some time by members of the medical profession in my district. When an accident occurs near Kadina, Wallaroo and Moonta, only the Wallaroo Hospital is authorised to undertake compulsory tests and, if one accident victim is taken to Moonta Hospital and another to Kadina Hospital, only the accident victim taken to Wallaroo Hospital is faced with a compulsory blood test. As confusion exists, will the number of authorised hospitals be increased?

The Hon. G. T. VIRGO: The proclamation of hospitals is a matter for the Director-General of Health and, through the Minister of Health, this matter is being actively pursued. I speak from memory in saying that I think there either has been, or is about to be, a further list of hospitals proclaimed, and we are working towards getting a much wider coverage so that every hospital capable of taking blood samples should be a hospital for that purpose. One of the difficulties is that many hospitals do not have the facilities or the medical staff necessary, in accordance with the legislation, to conduct the tests. However, where it can be done, it is being done.

Clause passed.

Clauses 24 to 96 passed.

Clause 97—"Maximum masses."

Mr. RUSSACK: I move:

Page 17—

Line 6—Leave out "two dollars" and insert "one dollar".

Line 6—Leave out "ten" and insert "eight".

Line 11—Leave out "ten" and insert "eight'.

I have moved my amendment because the penalty increases are excessive and not uniform. In relation to every 50 kg of the first tonne, the Bill increases the minimum penalty fourfold and the maximum 2½ times. For every 50 kg thereafter, the increase in the minimum penalty is 2½ times, and it has been doubled for the maximum. It is reasonable that the penalty be doubled right through; this would make it uniform. In connection with transporting stock, there would be some guesswork attached to the number of animals carried on stock transports. A person loading animals on to a transport might consider that the number of animals was within the prescribed limit but, by loading one extra animal, he could exceed the limit without realising it.

It would be difficult for a person responsible for loading animals to ascertain precisely what the load was and whether it was under or over the limit. The provision in the Bill means that, for the first tonne in excess of the prescribed mass, a person could be fined not less than $40 and not more than $200. Under my amendment, there would be a minimum of $20 and a maximum of $160 a tonne. In relation to every 50 kg thereafter, the Bill provides for a minimum penalty of $200 for an additional tonne, with a maximum of $400. Under my amendment, the penalties would be $160 as a minimum and $400 as a maximum for this excess loading.

Mr. BOUNDY: I support the amendment. Perhaps I can claim to have more knowledge of transporting stock and particularly grain than does the member for Gouger. The penalties in the Bill seem to be rather savage in relation to transporting grain. A particular volume of grain from one paddock may weigh a certain amount, but in another paddock there may be a better sample, resulting in the same volume weighing more; a farmer may not discover that until he drives to the silo. So, while penalties are necessary, the level of the penalties is savage for this type of offence. Carrying an excessive quantity of grain is not nearly as bad as carrying an excessive quantity of alcohol in one's blood. I therefore support the amendment.

The Hon. G. T. VIRGO: I appreciate the case put forward by the member for Gouger and the member for Goyder, but I cannot accept the amendment. The real basis of the case is not against the penalty but, rather, against the offence itself. People will be careful that they do not offend. The whole basis of this Bill was fairly well ventilated when we dealt with axle loads, speeds, and hours of driving. We all know that special dispensation was given to the carriage of primary produce under certain conditions. The member for Flinders did not get that dispensation in his home town because of the road dangers involved, but the member for Goyder had the full 40 per cent for the whole of his area. We are conscious that there is a 20 per cent overloading currently in the legislation.

Mr. Gunn: Isn't it 40 per cent in some cases?

The Hon. G. T. VIRGO: Yes, in some cases. In the legislation, there is a built-in 20 per cent dispensation. This means that Parliament has shown its great knowledge over and above that of the engineers who designed the vehicles! There is a penalty provision. A debate can be mounted on whether that penalty is too great or too light. However, for the Government to introduce the type of offence and for members to argue that the penalty should not be so high for a breach thereof because so many farmers can unwittingly overload is rather to destroy the provision. It seems to me that we are in an incongruous situation, in which, although the Government is increasing dramatically the penalties in every other part of the legislation, it is suddenly being asked to reduce the recommended penalty for a breach of this provision. With that sort of thought in mind, I do not think the Committee could seriously consider the amendment.

Mr. RUSSACK: Although I used illustrations concerning the transportation of stock in primary industry, my argument in support of the amendment related not only to that area but also to the general industry about which I wished to convey concern. Nothing the Minister has said has made me change my mind regarding my amendment. The Minister referred to a tolerance of 20 per cent. Is that a 20 per cent tolerance in the manufacturer's specification, or is there a 20 per cent tolerance in the gross vehicle mass limit or the gross combination mass limit in relation to that designated by the Motor Registration Division?

The Hon. G. T. Virgo: The amount designated varies.

Mr. RUSSACK: There is a 20 per cent latitude?

The Hon. G. T. Virgo: Section 147 of the Act gives you all that you want to know.

Mr. RUSSACK: In other words, if a person who is apprehended has on his vehicle details of the gross combination mass limit or the gross vehicle mass limit, and he is 20 per cent above that limit, he will not be convicted. Is that correct?

The Hon. G. T. VIRGO: Yes.

The Committee divided on the amendment:

Ayes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Rodda, Russack (teller), Tonkin, Vandepeer, Wardle, and Wotton.

Noes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Majority of two for the Noes.

Amendment thus negatived; clause passed.

Clauses 98 to 119 passed.

Clause 120—"Offences and penalties."

Mr. RUSSACK: I understand this is the clause that covers all other clauses where the penalty has been repealed. It appears that this clause provides for a maximum but no minimum penalty for any one offence. Earlier today, the member for Light said he believed there should be a minimum and a maximum penalty. In this instance, there is a terrific range from no minimum up to $300 for any one offence covered by the clauses that have been repealed. Possibly it is desirable to have a minimum as well as a maximum. It is a big range to go from $1 to $300.

Dr. EASTICK: So that there should be no misunderstanding, I was not referring to this clause when I was talking about the minimum and maximum. I agree with the minimum and maximum as applying to drink driving charges and others and, whilst I accept the general purpose of a minimum/maximum situation, the scope of the offences contained in the provision inserted by the amendment to section 164a is so wide that I could not accept the insertion of a minimum penalty here.

Clause passed.

Clauses 121 and 122 passed.

Clause 123—"Duty of court to disqualify driver for certain offences."

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

Page 21, line 37—Strike out "inserting after the item commencing 'Section 50'" and insert "striking out the item 'Section 63 (giving way at intersections and junctions)' and inserting in lieu thereof".

This amendment simply corrects a drafting error.

Amendment carried; clause as amended passed.

Clause 124—"Power to postpone commencement of disqualification."

Dr. EASTICK: I congratulate the Government on bringing in this clause. It is an area of mercy not exactly in line with the area of mercy that the member for Playford was talking about a little while ago. This problem has existed for a long time, that a person who has not expected to lose a licence or be disqualified has driven himself or herself to the court and has had to abandon the vehicle and get someone else later to take it home.

This provision will reduce undue suffering of this nature. I foresee the possibility of a person, whose wife, for example, was pregnant and about to go into confinement, having his suspension or disqualification held over until the confinement was complete. There are many ways in which the courts could exercise this discretion. It is a necessary one that has not been included in this legislation previously, and I accept it for its value.

Clause passed.

Clause 125—"Repeal of section 171 of principal Act."

Mr. RUSSACK: In the second reading explanation, we see:

Clause 125 repeals a section of the Act that presently gives the Commissioner of Police and the Registrar of Motor Vehicles power to lay a complaint if either of them is satisfied that a person is likely to cause danger to the public by reason of "intemperance in the consumption of alcoholic liquor". This power is never used and in any event there are adequate similar powers under the Motor Vehicles Act.

I think this clause is appropriate for this Bill, because it is in this legislation that driving under the influence of drink and driving with an alcohol content above ·08 is included. I refer to the Motor Vehicles Act, because that is what the second reading explanation gives as one of the reasons. Section 88 of the Motor Vehicles Act provides:

(1) If the Commissioner of Police or the Registrar suspects that any person holding a driver's licence is suffering from any disease (mental or physical) or any disability which impairs or may at any time impair his ability to drive a motor vehicle he may suspend the licence of that person for such period as he thinks proper.

(2) If the Commissioner of Police or the Registrar is subsequently satisfied that the ability—

and it goes on to state that they can then reverse their decision; but it does not specifically spell out anything about intemperance or that a person has a problem in the consumption of alcoholic liquor. For that reason, I oppose this clause. It has been conclusively proved that there is a need for increased penalties and increased attention to drink driving on the roads. I see no reason why the Commissioner of Police and the Registrar of Motor Vehicles should not have this power in this legislation.

The Committee divided on the clause:

Ayes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Noes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Rodda, Russack (teller), Tonkin, Vandepeer, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Venning.

Majority of two for the Ayes.

Clause thus passed.

Remaining clauses (126 and 127) and title passed.

The Hon. G. T. VIRGO (Minister of Transport) moved:

That this Bill be now read a third time.

Dr. EASTICK (Light): As the Bill leaves Committee, it uses the word "trifling" three times in respect of penalties. I do not believe the Minister was so obtuse

during the Committee stage that he was not aware of the question in which he was asked to identify what the Government took to be trifling offences. Earlier, I had used the term "watering down", and the Minister may have been more pleased if I had said that it diminished the severity of the penalties. Other alterations merely alter the period of time in the Act relative to "trifling".

If we are dealing with a measure that will have a deterrent effect on drink driving, reckless driving, and similar offences, we should not be simultaneously reducing the severity of penalties. I accept the value of the alterations that have been made but I am disappointed that the House has included the feature regarding a trifling offence, which is not defined for the benefit of the court. I accept that the court can make all kinds of decision on what a trifling offence is, and it has had that opportunity since 1967, when the previous such clause was inserted. However, it is the responsibility of this Parliament to indicate to the court what it believes are offences and what it believes are serious offences. For serious offences there should be a minimum penalty, not a diminution of severity of the penalty.

Bill read a third time and passed.

ADJOURNMENT

At 11.58 p.m. the House adjourned until Wednesday, November 24, at 2 p.m.