HOUSE OF ASSEMBLY

Tuesday 9 June 1981

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: SCHOOL ASSISTANTS

A petition signed by 54 residents of South Australia praying that the House urge the Government to ensure entitlement hours for school assistants are not reduced was presented by Mr Bannon.

Petition received.

PETITION: PORNOGRAPHY

A petition signed by 41 residents of South Australia praying that the House legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act was presented by Mr Blacker.

Petition received.

PETITION: SERIOUS CRIME

A petition signed by 143 residents of South Australia praying that the House urge the Government to increase the severity of penalties for serious crimes, especially rape, and grant the Police Department more power to act in such cases was presented by Mr Mathwin.

Petition received.

MINISTERIAL STATEMENT: PROGRAMME PERFORMANCE BUDGETING

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: Members will be aware of the Government's commitment to improving the financial management capacity of the public sector in South Australia through a number of important new initiatives, including an improvement in the support services for the Public Accounts Committee, the introduction of internal audits in a number of Government departments, and programme performance budgeting.

In developing programme performance budgeting in South Australia, the Government is mindful of the many reports over recent years which have recommended a move to programme budgeting to improve public sector financial management. Specific recommendations are to be found in the Coombs Royal Commission, the Wilenski Report in New South Wales, the all-Party Expenditure Committee of the House of Representatives, and South Australia's own Corbett inquiry.

As one of the first steps in the development of programme performance budgeting, supplementary budgetary papers prepared on a programme rather than a line basis were made available to the Estimates Committees during consideration of the current Budget. I am confident that these committees will have much improved programme information available to them in the 1981-1982 Budget consideration later this year.

I now propose to table a short book which outlines in a commonsense and clear way the purposes of programme performance budgeting and points the direction in which the Government intends to take this important initiative over the next few years. The Government recognises that it will not be possible to change overnight from line-item budgeting to programme budgeting, and is anxious to introduce programme performance budgeting into the existing budgeting process carefully and with attention to the particular circumstances of South Australia's administrative structure.

A most important aspect of this careful approach is to ensure that all levels of Government are quite clear about the purposes and benefits of programme performance budgeting. This book will assist such understanding within this Parliament, within Government departments, and in the wider community. More particularly, the book seeks to:

- Provide a definition which places P.P.B. within the context of the South Australian environment.
- Summarise briefly the historical development of programme budgeting approaches generally.
- Identify some very real limitations and constraints which will influence successful implementation.
- Explain some of the concepts and associated terminology being adopted in South Australia including: programme structures, programme objectives, and performance indicators.
- Discuss some key technical issues associated with programme performance budgeting, and
- Outline the broad development time table to introduce programme performance budgeting over the next two to three years in South Australia.

Finally, I take this opportunity to record the Government's appreciation of the excellent progress being made both by Treasury and other departmental officers in this demanding pioneering venture. Accordingly, I table the document.

MINISTERIAL STATEMENT: PORT PIRIE TAILINGS DAM

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. E. R. GOLDSWORTHY: Last Tuesday, I informed the House about a breach in a wall of a tailings dam at the former uranium treatment plant at Port Pirie. This occurred following an unusually high tide and strong winds the previous evening. The breach occurred in the wall of a dam containing residue from the operations of the Rare Earth Corporation between 1970 and 1972. The dams containing tailings from the treatment of uranium ore mined at Radium Hill were not affected.

Government officers became aware of the breach last Tuesday morning, and temporary repairs were completed to fill the breach by early on Tuesday afternoon. I now wish to inform the House that Cabinet, this morning, approved the spending of $50 000 to strengthen and heighten the dam wall. The wall will be strengthened by impervious clay and, on the outside, rock, and its height will be raised about one metre. The work will begin immediately.

MINISTERIAL STATEMENT: ABORIGINAL HERITAGE ACT

The Hon. D. C. WOTTON (Minister of Environment): I seek leave to make a statement.

Leave granted.

The Hon. D. C. WOTTON: Members will be aware that, during the life of the former Government, the Aboriginal Heritage Act was passed by the Parliament and received the Royal Assent. Although the Royal Assent was given on 15 March 1979, for reasons not known to his Government the Act had not been proclaimed prior to the change of Government in September that year, some six months later. Accordingly, it fell to this Government to consider the question of proclamation.

Since coming to office, the Government has sought to deal with Aboriginal matters in a sensitive way to ensure a balance between the need to preserve Aboriginal culture, on the one hand, and to encourage legitimate State development on the other. This approach is reflected in the passage of the Pitjantjatjara Land Rights Act, the granting of certain parcels of land to the Aboriginal Lands Trust, and current negotiations with that body regarding the vesting of the area known as the Maralinga lands.

It would have been a logical extension of this policy for the Government to have sought the proclamation of the Aboriginal Heritage Act, 1979. This Act provides for the protection of items of Aboriginal heritage, a perfectly proper objective, particularly as it is impossible to consider land claims in areas where land has either become allocated to particular uses or the original tribal inhabitants have long since ceased their tribal habitation of the land and dispersed.

However, examination of the Act has indicated a lack of clarity as to the definitions, scope and intent of the Act in some areas. Also, the Government believes that the Act should be amended to make it clear that registration of a site confers no proprietary interest in relation to land on which the site is situated.

Thus, any misunderstandings that might otherwise arise would be avoided. This is an important consideration, because the Act applies to freehold and leasehold land as well as unallotted Crown land. This amendment would not restrict the present rights of Aborigines to conduct tribal ceremonies and to have access to sites as provided for by section 6 of the Act and the conditions of leases granted under the Pastoral Act.

These matters are presently under consideration and it is expected that necessary amendments will be introduced in the next session of Parliament, with a view to the proclamation of the Act by the end of the year.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Industrial Affairs (Hon. D. C. Brown):

Pursuant to Statute—

i. Dangerous Substances Act, 1979-1980—Regulations—Dangerous Substances Regulations 1981.

By the Minister of Education (Hon. H. Allison):

Pursuant to Statute—

i. Corporate Affairs Commission—Report, 1979-1980.
ii. Commissioner for Consumer Affairs—Report, 1980.
iii. Consumer Affairs, Commissioner of—Report on the Residential Tenancies Act, 1979-1980.
iv. Supreme Court Act, 1935-1980—Rules of Court—Admission Rules.

By the Minister of Fisheries (Hon. W. A. Rodda):

Pursuant to Statute—

i. Fisheries Act, 1971-1980—Regulations—Managed Fisheries Regulations—Fees.
ii. Fisheries (General) Regulations—Fees.

By the Minister of Agriculture (Hon. W. E. Chapman):

Pursuant to Statute—

i. Dairy Industry Act, 1928-1974—Regulations—Penalties. Metropolitan Milk Supply Act, 1946-1980—Regulations.
ii. Metropolitan Milk Supply Act, 1946-1980—Regulations—Milk Prices.
iii. Cream Prices.

By the Minister of Environment (Hon. D. C. Wotton):

Pursuant to Statute—

i. Corporation of Tea Tree Gully—By-law No. 45—Swimming Centres.

By the Minister of Planning (Hon. D. C. Wotton):

Pursuant to Statute—

i. Planning and Development Act, 1966-1980—Outer Metropolitan Planning Area Development Plan—Corporation of Gawler Planning Regulations—Zoning.

By the Minister of Transport (Hon. M. M. Wilson):

Pursuant to Statute—

i. Motor Vehicles Act, 1959-1980—Regulations—Learner's Permits—Road Traffic Act, 1961-1981—Regulations.
ii. Liquefied Petroleum Gas Equipment—Revocation.
iii. Speed Limit Signs.

By the Minister of Health (Hon. Jennifer Adamson):

Pursuant to Statute—

i. South Australian Health Commission and Central Board of Health—Report, 1979-1980.

By the Minister of Water Resources (Hon. P. B. Arnold):

Pursuant to Statute—

Waterworks Act, 1932-1978—Regulations.
i. Currency Creek Watershed.
ii. Protection of Water Mains.

QUESTION TIME

RIVERLAND CANNERY

Mr BANNON: Can the Premier say why did the special task force appointed by the Government to examine the problems of the Riverland Fruit Producers Co-operative resign, and why did the Government, through the State Bank, appoint a receiver to run the Riverland Cannery before receiving the task force's recommendations on the future prospects of the co-operative?

The Premier will be well aware that the decision to appoint a receiver to run the cannery was made only two weeks before the special task force was due to report on its recommendations concerning the future management of the cannery. By this action I have been informed that the powers of the task force were usurped and its recommendations were pre-empted. One of the reasons given for appointing a receiver was that the trading losses incurred by the cannery amounted to $7 500 000. I have been informed that this was not correct and that the Government had received specific information from the task force that the trading loss was nearer $4 500 000. This information was never given to Parliament nor to the public. Similarly, the resignation of the task force was never made public. Perhaps the Premier can tell us why, and what were the reasons the task force gave for resigning.

The Hon. D. O. TONKIN: I think the Leader of the Opposition reads far too much into speculation. I am not prepared to answer any detailed question on the matter of the Riverland cannery at the present time because it is a matter which is still receiving a great deal of attention. I may say that it is a matter upon which I hope I will be in a

position to make a statement to the House within the next day or two. It is a matter that has caused the Government very grave concern indeed. The whole point was that the deliberations of the task force itself were overtaken by events, and the events were that the State Bank, to which a considerable sum of money was owed, felt obliged in the interests of its depositors to recommend that a receiver be appointed. The Government looked at the situation as it was presented to it by the bank and had no option but to agree that that was the only course of action that could be followed. Consultations took place with the task force at that time; it knew of the bank's recommendation and of the Government's decision and there was no question of their resigning, as I think the Leader suggests, in protest or in any other way. I would say that, throughout, the whole question of the Riverland cannery has been something of a tragedy—very much so since the decision was taken by a previous Government to enter into a most extraordinary solution of the cannery's difficulties in 1977.

Suffice it to say that the losses are still considerable and that, with the very best possible season, and with an improvement in the management techniques being used, the cannery at present is still estimated to be losing about $4 000 000 a year. For obvious reasons, a solution must be found. The Government is on record as having said that it would like to keep a cannery operating in the Riverland area, and it intends to do everything possible to make sure that that can be done. However, I must point out that there comes a time when continued losses of that magnitude are a considerable burden on the public purse, and I repeat that it is the taxpayers' money that is being used at present to subsidise those losses. Obviously, this is a matter of grave concern to the Government, and I am sure it is a matter of grave concern to the Opposition. I shall be making a statement about the matter to this House within the next day or so.

RESOURCES BOOM

Mr ASHENDEN: Is the Minister of Mines and Energy aware that the Leader of the Opposition has made further statements about the development of South Australian resources? Concern has been expressed to me about a number of statements made by the Leader of the Opposition, particularly following recent suggestions that South Australia should be declared a nuclear free zone. Much of the concern raised relates to whether the Leader's latest statement on resource development can be reconciled with action to declare South Australia a nuclear free zone.

The Hon. E. R. GOLDSWORTHY: I have read with a great deal of interest, as I think most members of this House have read, of the Leader's recent utterances in relation to resources development in South Australia. I have read also with a great deal of interest the findings and deliberations of the A.L.P. conference at the weekend. The Opposition will, of course, try to make fun of this, but the matters are of very considerable importance for the whole of South Australia. The Leader had a very bad weekend, as did anyone in the Labor Party who aspires to moderation. We heard the Leader, on his return from overseas, stating that there would be no resources boom. Since then, he has gone into print again in the same weekend newspaper, and he has rather qualified those earlier utterances and has talked about the way in which we must plan this resources boom. We must plan it carefully. These were his words:

> We must have a Government which is set up with work with private enterprise to ensure that the State enjoys industrial and manufacturing development as a spin-off from the boom.

From no boom now we have a boom, and we must work hand in hand with private enterprise. We now have a resources boom. He went on to say:

> If we are not well placed to take full and immediate advantage there will be a resources boom all right, but it will pass us by.

I agree entirely with the Leader, as the Government does, that we should be taking every action to see that it does not pass us by. Unfortunately, events at the weekend have conspired to put the Labor Party in a singularly poor position to take any advantage of any development of this nature or any development at all in South Australia, particularly in view of the statements by the member for Elizabeth in some of the resolutions to which he spoke.

Mr Millhouse: Are you going to congratulate him on becoming—

The SPEAKER: Order!

Mr Millhouse: —a delegate to the Federal Executive?

The Hon. E. R. GOLDSWORTHY: It is perfectly obvious from the votes at the weekend that the official Leader was unable to exert any influence at all on this important question—

Members interjecting:

The SPEAKER: Order!

The Hon. E. R. GOLDSWORTHY: —and that in fact the self-confessed left did not have its way; the hard left is in control. Mr Schacht describes himself—

The SPEAKER: Order! I would ask the honourable Deputy Premier to come back to the question which was put to him by the honourable member for Todd.

The Hon. E. R. GOLDSWORTHY: Certainly, Mr Speaker.

The Hon. J. D. Wright: If he wants to make an ass of himself, let him go.

The Hon. E. R. GOLDSWORTHY: I can understand the discomfiture of members opposite, because the Parliamentary Party, those who aspire to moderation, were completely rolled at the weekend.

The Hon. Peter Duncan: Just stick to Jory's text.

The Hon. E. R. GOLDSWORTHY: Mr Jory had nothing to do with the preparation of these notes; they were prepared in my office, largely by me.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: It is pertinent to the answer to this question to say that, if we are to get on with the business of resource development, we cannot take any notice of the sort of resolution that was passed, particularly with the intervention of the member for Elizabeth, in relation to multi-nationals. It is relevant to comment—

Members interjecting:

The Hon. E. R. GOLDSWORTHY: The member for Elizabeth carried the day. We have to get rid of these multi-nationals, according to the member for Elizabeth. The socialist objectives were strengthened by the deletion of words. Any moderation went out of the window.

Mr Abbott: That's irrelevant.

The Hon. E. R. GOLDSWORTHY: It is not. It is highly relevant to the resource development of this State, because if we follow the resolution through to its conclusion, we get rid of people like G.M.H., which employs about 7 500 in this State and Mitsubishi, which employs about 3 500; and we would lose 11 000 jobs that are created by these companies in the vehicle components industry. We would have to get rid of Bridgestone, and that would involve 1 500 jobs; Rubery Owen Holdings, involving 300 jobs; and British Tube Mills, as well as some of the recent developments that I outlined to the House

about a week ago in the debate on the ill-conceived no-confidence motion. At that time, I read to the House about four pages of developments that have taken place since February and, according to this resolution, we would have to get rid of most of those, as well as companies like Simpson and B.H.P., which have overseas interests. It cuts both ways. We would have to get rid of any companies in Australia that have interests overseas. That is the direction in which the A.L.P. moved at the weekend. Do not let anyone deny that the left got rolled. The hard left is in control. Mr Schacht describes himself as being to the left of the Party, but he is being replaced by Mr Duncan as spokesman for South Australia in the Federal councils of the Party.

The fact is that the resolution in relation to the nuclear-free State makes a complete nonsense of the activities of the Labor Party while in Government, among other things. The Leader now has nowhere to go, because it is no good his talking about—

The Hon. Peter Duncan interjecting:

The Hon. E. R. GOLDSWORTHY: I am trying to answer this question, and I cannot understand the interjections of the *de facto* Leader.

The SPEAKER: Order! Interjections are out of order, and the honourable Deputy Premier does not have to hear them.

The Hon. E. R. GOLDSWORTHY: It is difficult for me to make these points. The member for Elizabeth does not like it, but he is obviously revelling in his new role as *de facto* Leader. The Leader has nowhere to go in relation to the Roxby Downs project, on which he has waxed hot and cold almost daily. He cannot now advocate any policy in relation to Roxby Downs other than one that would prevent the project's going ahead.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: Let the Opposition explain. If this becomes a nuclear-free State, we will be out of any nuclear development. I can show how nonsensical the resolution is: we would have to knock down this building, because it is radioactive. People could not visit Granite Island, because that is radioactive. We would have to cut radiation out of medicine. We would have to evacuate people from Unley. The agitators have been trying to get the Unley council to declare a nuclear-free zone.

Mr. Langley: You can't evacuate me.

The Hon. E. R. GOLDSWORTHY: We know the honourable member has a certain personal following. He was an eminent sportsman, but he is about to depart the scene.

Mr Langley: Undefeated.

The Hon. E. R. GOLDSWORTHY: As a sportsman. The fact is that the average backyard in Unley has about two parts per million of uranium in its soil, which means that the average backyard has about three kilograms of uranium in its soil. Therefore, the city of Unley (using those figures) has about 60 tonnes of uranium in the soil of its backyards. We will have to evacuate Unley, if the State is to become nuclear-free. That is the sort of stupidity of this kind of resolution.

In the past some leaders in the Labor Party have at least aspired to moderation. The former Premier, who is now depicted as superman on the front of a new book, did at least aspire to moderation in relation to these matters, albeit briefly.

The Hon. D. O. Tonkin: He tried.

The Hon. E. R. GOLDSWORTHY: Yes. He went overseas to moderate the policy and while he was away the de facto Leader white-anted him on that matter. The present Leader is in an even weaker position. To give him credit, the member for Hartley did reach an agreement to allow exploration to go ahead on the vast Roxby Downs mineral deposit; he signed the letter of agreement. Also, he managed to keep his foot firmly on the neck of the member for Elizabeth, something the present Leader obviously cannot do. The decisions reached by the A.L.P. at the weekend are disastrous and would make nonsense of any statements which the Leader is making in relation to a resources boom in South Australia. It would call a halt to anything we are seeking to do to accelerate Roxby Downs development because, as I have said before, wherever I went overseas people had heard of Roxby Downs, which has given this State some world notoriety in mineral development circles and in Government circles. It is recognised as a world-class deposit and in due course it will be turned into a world-class mine, but the A.L.P. has turned its back on that.

I think anyone (it need not be only a Liberal member of Parliament) could reach the inescapable conclusion that the Leader of the Opposition had a bad weekend. He was rolled on all matters which would give some degree of moderation to the A.L.P. The A.L.P. has lurched off to the left, and the fact is that if this policy were ever implemented it would spell disaster for any resources boom or indeed any development and would mean retrogression in South Australia.

INDUSTRIAL LAW REVIEW

The Hon. J. D. WRIGHT: Will the Minister of Industrial Affairs explain why he decided, in an intemperate speech given the weekend before last, to pre-empt findings of the review of the South Australian industrial laws by Mr Frank Cawthorne? Last November, the Minister of Industrial Affairs announced that Mr Cawthorne, an Industrial Magistrate in the Industrial Court, had been appointed to carry out a review of industrial laws in this State. The Minister at that time stressed that the inquiry would be independent. However, the Minister also said that Mr Cawthorne would have the responsibility of determining how Liberal Party policy on industrial relations, as stated at the last election, should be implemented. This, quite rightly, drew an angry response from Mr Cawthorne, who stressed that his was an independent inquiry and he was free to accept wholly or partly, or reject, Government submissions. He said his job was not merely to implement Liberal Party policy and he would not have agreed to take the job if he had been asked to do that; Mr Cawthorne has made that public.

Recently, however, the Minister, according to the *Advertiser*, said that secret ballots for strike action—especially in essential services—were likely to be introduced next year by the South Australian Government. He said that he anticipated legislation would be ready early next year and, hopefully, in the February session. I understand that Mr Cawthorne has not yet reported to the Minister and is not likely to do so before the end of the year. Can the Minister explain what is the purpose of such an inquiry, if its independence is to be so compromised by the Minister's own statements?

The SPEAKER: I call upon the Minister of Industrial Affairs to answer the first stated question.

The Hon. D. C. BROWN: I can imagine that the Deputy Leader would like to try to make a mountain out of a molehill about this matter, in exactly the same way as he has done in a matter in the *News* today. Mr Cawthorne has been asked to carry out an independent review of the Industrial Conciliation and Arbitration Act and the basis of what he has to do has been spelt out clearly. Mr

Cawthorne has accepted that and has agreed to that all along the line.

I point out that it was not in a speech but at a press conference that was called last Friday week that I discussed the number of industrial disputes that were occurring in this State at that time.

As the honourable member may recall, four disputes occurred on that day, involving the prisons, the railways, maintenance people at Strathmont Hospital and court reporters. All four were strikes and all four had been called.

Mr Abbott interjecting:

The Hon. D. C. BROWN: It is a pity the honourable member does not listen to the facts rather than muttering to himself inane remarks. All four disputes involved strikes, which were not necessary. They attempted to hold the community to ransom, particularly in the case of the Strathmont strike. Members of that union had been to see me some months ago to discuss the matters involved. On 4 May, the United Trades and Labor Council wrote back to the Government accepting the basis on which maintenance would be carried out in any area where infectious diseases might be prevalant.

Without waiting for those procedures to be implemented, in fact without even knowing about them because there was apparently a breakdown in communicating information in the trade union movement, they went out on strike and, as a result, held to ransom helpless intellectually retarded people in our community. That is irresponsible. As I indicated at the press conference, the Government put forward in its last election policy the measures we would take to make sure that irresponsible strikes, especially in essential services, would not take place. Those policies have been put to Mr Cawthorne to examine. In particular, I have asked him to assess their feasibility and the way in which they should be implemented.

I believe that there should be a compulsory ballot of people voting to go on strike, especially where it affects an essential service. That should not take place by mail, as the Deputy Leader of the Opposition tried to suggest, but at the relevant meeting. A secret ballot would help prevent unnecessary strikes, especially in essential services, as occurred on that Friday. That is why I put that proposal. This Parliament ultimately decides on legislation; it is not for Mr Cawthorne to pass legislation through Parliament. I believe that this Parliament ultimately will see the wisdom of taking some steps such as those I suggest to make sure that these unnecessary strikes do not proceed and inconvenience the public greatly.

HISTORIC BUILDINGS

Mr OLSEN: Can the Minister of Environment inform the House of the Government's policy regarding preservation and/or relocation of historic buildings? I refer to the letter in yesterday's *Advertiser* regarding preservation of our built heritage, and also to a recent article in the *Australian* by a noted Adelaide architect referring to relocation of historic buildings in South Australia. Many constituents have expressed growing concern about preservation of buildings, particularly when they are closely linked to the early development of our State.

The Hon. D. C. WOTTON: I am certainly aware of the two matters to which the member for Rocky River has referred. I hope that by now the Government has made quite clear that we are particularly keen to preserve historically important buildings and that, in many cases, we believe that to relocate them could be the best way of striking a balance between conservation and development. Many factors have to be considered. Each example would have to be looked at on its merit. For instance, if the building alone is of historic value, it can be relocated with little adverse effect. On the other hand, if a building forms part of a street scene, it is important to retain the whole building or its facade in the original location. The practice of dismantling and re-erecting old buildings, which is referred to in the articles mentioned by the honourable member, is becoming more and more popular overseas.

I do not believe that the historical value of a building or that public interest is in any way lessened by the relocation of such buildings. The South Australian Heritage Act and the register reflect the increased community awareness of the need to protect those buildings and features which contribute significantly to South Australia's heritage and which should be kept for the appreciation and education of future generations.

It is important to realise that listing on the register should not be looked on as foreclosing any options which the owner may wish to consider for his building or property. South Australia possesses a very versatile structure for heritage protection. The powers of the Minister, the advice of the Heritage Committee, the services of the Department of Environment and Planning, together with measures provided for public involvement, form a very powerful combination to support conservation in South Australia. Owners of heritage items are acknowledged as possessing features which will in many cases enhance the standing of South Australia in the eyes of all Australians. So, I hope that the public of South Australia appreciates that the Government is keen to preserve historic buildings in South Australia. I certainly recognise the possibility of relocating those buildings as being a possibility of striking a balance between conservation and development.

PRISON SECURITY

Mr KENEALLY: Can the Chief Secretary say what action, if any, is the Government taking to ensure that maximum security is being maintained at the Adelaide Gaol and at Yatala and that the safety of the community is being protected? I have been informed that as the result of the current dispute within the Department of Correctional Services security at Yatala and Adelaide Gaol is non-existant and, accordingly, public safety is threatened. I have been further advised that, whereas the normal day-time roster strength for Yatala is 79 prison officers, there are only 14 chief prison officers on duty today. At Adelaide, where the normal day-time strength is 30, only nine chief prison officers are on duty. I have been informed that surveillance equipment is faulty and requires maintenance, and that serious problems with lighting makes this equipment ineffective. I have been informed that in No. 4 yard at Adelaide Gaol, where the most serious offenders are kept, there is no surveillance equipment at all. I have been further informed that untrained staff, including Deputy Directors of the Department of Correctional Services, office staff and an 18-year old employee, have been required to work in the prisons and that there have been at least three attempted escapes. Questions have been asked in the community about safety and about what the Government is doing about this very important matter.

The Hon. W. A. RODDA: The statements made by the member for Stuart are indeed very disturbing. I assure him that the department has taken all steps available to it to man the watches. I have been to the gaols, and they are

being maintained and things are running smoothly. It is most irresponsible for the honourable member to ask me to give details of numbers, because we have the responsibility of seeing to it that there is security in our prisons. I throw that back in the honourable member's face. Asking me to spell out numbers is most irresponsible. As for saying that there have been attempted escapes, last week this matter was looked at and was corrected. With regard to the honourable member's comments that the surveillance equipment has broken down, I have received no reports that it has broken down, and indeed, it is working very well. If it had not been for the surveillance equipment, there could have been very serious escapes last week. In view of the honourable member's question and the allegations he made, I will have an immediate check made on all the points that he has made.

RAPE

Mr MATHWIN: Will the Premier consider amending the maximum sentence for rape when the Criminal Law Consolidation Act is being redrafted? The Premier will know that the maximum sentence for rape, provided under that Act, is life imprisonment. He will know, too, that criminals who commit crimes where the maximum sentence is required (that is, life imprisonment) are able to have an early release, sometimes after serving as little as seven years. Likewise, the Premier will be aware that some criminals prefer indeterminate rather than determinate sentences of, say, 20 to 30 years.

The Hon. D. O. TONKIN: I thank the honourable member for his question and for the great interest he shows in these matters, and especially for the way in which he expresses his concern within the community. Life imprisonment would be seen by many people to be the maximum possible sentence for rape, but I take the point that the honourable member has made, that the fault really lies in the question of parole procedures rather than in the sentences themselves. These matters are under review by the Government, and it may be that more satisfactory procedures will be adopted when that review has been completed.

PRISONS DISPUTE

Mr MILLHOUSE: I would like to ask the Chief Secretary a question that is supplementary to that asked by the member for Stuart a few moments ago. The question is, first of all: what action, if any, does the Chief Secretary propose to take to bring to an end the unfortunate strike at Yatala? The member for Stuart, in asking his question, canvassed the situation at Yatala as I understand it to be, but neither he nor the Chief Secretary in his reply canvassed the question why these men are on strike. As I understand the position—I have not got all the detail at my fingertips—the reason is that undertakings given to them when the surveillance equipment was introduced as to staffing, and so on, have been broken by the Government. It is not over money or anything like that; it is simply because there has been either a very serious breakdown in communication or an outright breaking of an arrangement made by the Chief Secretary or on his behalf with these men, so serious that they have taken the step of going on strike. The situation outlined by the member for Stuart is alarming, and I think the Chief Secretary will find that it is substantially accurate, but that begs the question: what is going to happen to settle the strike? That is the question that I put to the Chief Secretary now, and I hope we will get some sort of straight reply—

The SPEAKER: Order!

Mr MILLHOUSE: —not a bumbling answer.

The Hon. W. A. RODDA: The honourable member wants a straight answer. Let me give him one. This matter is being looked at by the Public Service Board. It is a matter that is before the Industrial Commission. Those bodies are properly set up to arbitrate in disputes such as this. This matter is being monitored by my colleague, the Minister of Industrial Affairs, who has responsibility in this area. The officers at Port Lincoln have gone back to work, and indeed officers in a couple of other country institutions are considering going back to work. The honourable member—

Mr Abbott: You put the heavy hand on them.

The Hon. W. A. RODDA: That is all the honourable member who has just interjected thinks about: putting a heavy hand on them. This Government does not have any clauses that require membership of unions. It stands for freedom of the individual.

Mr Millhouse: Come on! Get on and answer the question.

The Hon. W. A. RODDA: The Christian gentleman need not be so impatient. If this matter is taken to its logical conclusion through the appropriate machinery set up to handle disputes, a speedy result will come from the matter that is of great concern now. It is in the capable hands—

Mr Millhouse interjecting:

The SPEAKER: Order!

The Hon. W. A. RODDA: —of the Minister of Industrial Affairs.

SUGGESTION BOX

Mr BECKER: Will the Premier say whether the Government is considering establishing suggestion boxes in Government departments as a means of encouraging communication between public servants and the Government?

The Hon. D. O. TONKIN: Yes. I would like to take this opportunity to welcome back the member for Hanson from his study tour, and I thank him for his question. I believe there is not sufficient communication between members of the Public Service and the Government, and there has not been for some considerable time. From time to time, letters are received from members of the Public Service that contain good suggestions, which the Government has, certainly in our time, acted on more than once.

The Hon. Jennifer Adamson: The Department of Tourism has a suggestion box.

The Hon. D. O. TONKIN: As my colleague says, in the Department of Tourism a number of suggestions have come forward that have been acted upon. No attempt has been made in the past to open any formal channel for the sort of suggestion that could be made, and there is no doubt that some members of the Public Service would like to make suggestions but feel that they would prefer to do so anonymously.

Mr Mathwin: Perhaps there could be a suggestion box at Trades Hall.

The Hon. D. O. TONKIN: I do not believe that a box at Trades Hall would necessarily receive anything of great importance. I am not too sure that Trades Hall and the people there are particularly anxious to help this Government in any way. I believe there is a great deal of merit in the suggestion that special boxes be placed in the State Administration Centre, for instance, and other Government office buildings for the receipt of suggestions

from officers of the Public Service, and I go further and say that the Government is not only considering the suggestion but also is looking at some form of recognitic ı for those people who make worthwhile suggestions ˇ·.nich can be operated upon and which will save the Government in terms of actual cash outlay or improved procedures. That is currently under review, and I hope that an announcement can be made in the relatively near future.

HEIGHTS SCHOOL

Mr LYNN ARNOLD: Is the Minister of Education aware of the contentions of the member for Newland, in a letter he wrote to the Minister on 12 March 1981, that the Minister's advisers might not have given serious consideration to the question of anticipated growth in student numbers at the Heights school, and does he accept or reject those contentions?

On 19 September 1980, the member for Newland wrote to the Minister to express the concern of the Heights school council at the inadequacy of the present school buildings to accommodate expected school enrolments in the 1981 year. The Minister replied on 18 November 1980 with a 2⅓-page letter. I am advised that on 12 March 1981 the member for Newland wrote again to the Minister on this matter making some specific comments on the Minister's letter of 18 November. In his letter (of which I have a copy) the member for Newland said:

> May I say at the outset that I was most disappointed with the answers given to the questions I raised. Many of the answers were either superficial, or wrong in basic facts, and I was left wondering at the seriousness with which your advisers treated my original letter.

In the course of his letter, the member for Newland also made the following five comments:

> Your letter seems to confuse the two points of 'designed school capacity' and 'desirable school capacity' ... The comments in paragraph 4 of your letter regarding the school's Planning Section are superficial and completely miss the point ... It is clear that your (the Minister's) statement that Modbury Heights continues to grow 'at a decreased rate and that growth within Wynn Vale and Redwood Park has virtually ceased' is well wide of the mark ... Your comments regarding the siting of the proposed Surrey Downs High School are wrong in fact ... The hint you give in point 1 of your letter, that adjustments to numbers can be made by adjusting zone boundaries, I believe is a most undesirable ploy.

'Ploy' was the word used. These are serious statements, making serious imputations about the effectiveness of the Minister's advisers. Indeed, there is also an implicit imputation on the Minister's own ability. This House needs to know whether the Minister accepts or rejects those contentions.

The Hon. H. ALLISON: I thank the honourable member for drawing the attention of the House to the sterling work that the member for Newland does in his district. The honourable member cannot buy support like that, I can tell him. It is quite true that the member for Newland approached me after an initial reply had been sent to him last year based upon information—

Mr Lynn Arnold: But—

The Hon. H. ALLISON: Just listen if you want the answer. Do not put your mouth in gear before your brain is engaged. The member for Newland was dissatisfied with the information which he received last year.

Mr Lynn Arnold: From you?

The Hon. H. ALLISON: Yes, it was from the Minister, because he felt that, as the local member, he was very much more in touch with what was really happening in his district and he felt that there was a much greater expansion rate immediately in the vicinity of that school than was evidenced in departmental commitments. As a responsible Minister would, I referred the request of the member for Newland back to the department and we discovered that information had come in from local government, from private enterprise, and real estate (sub-dividers) with a long-term proposition for the district, and the member for Newland, who was on the spot, had done his own canvass. He knew the developments taking place, and he knew exactly where they were. He outlined all these things in a constructive way rather than the destructive way which we seem to get from other people. I am waving my hand rather loosely, but it is in the right direction, even if it is left. As a result, the department accepted the request and the officers went back to the drawing boards. I can assure honourable members that a letter has already been sent back to the member for Newland thanking him for his tremendous interest and perception in the area, and the department is now monitoring the situation much more closely.

URANIUM

Mr LEWIS: Can the Minister of Agriculture say whether any agricultural research work and breeding programmes at the Waite Institute and elsewhere in South Australia will be scuttled if the Opposition won Government and implemented its plan, that is, its announced intention to ban the use of nuclear energy and radiation in South Australia, and also will he say whether these programmes are valuable?

The SPEAKER: In calling the honourable Minister of Agriculture to answer the question, I point out that it was a very hypothetical question and must run very close to being inadmissible.

The Hon. W. E. CHAPMAN: Sir, I appreciate your permitting the question from the member for Mallee, because I think it demonstrates clearly his concern and that of others in the agricultural research area for the statement that was made allegedly on behalf of the Opposition on the weekend.

The Deputy Premier this afternoon has outlined in a rather lengthy reply to a question the wide range of effects that such a policy would have if implemented. I share his concern, as do others on this side of the House, for the implementation of a policy of that kind, because it is true in agriculture and particularly within the ambit of our research programmes that radio-active ingredients—

Mr HAMILTON: On a point of order, Mr Speaker. I understand that you said that this could be a hypothetical question. I would remind the House that on many occasions—

The SPEAKER: Order! There is no point of order. I drew the attention of the honourable Minister, as I did all members of the House, to the fact that I was gravely concerned at the nature of the question. I then gave the call to the honourable Minister which allowed him to answer.

The Hon. W. E. CHAPMAN: I take the point that you have made twice, and it is for that reason that I am not at all venturing into the political implications of such a move should it occur. I do express concern because the total exclusion of radio-active materials from a department like mine, for example, would certainly have a detrimental effect on our plant and seed research programmes, both within the structure of the department for which I am directly responsible and within the framework of research

programmes conducted at places like Roseworthy College and Waite Institute.

It is true that in fact we require radio-activity (albeit in limited quantities and of a kind of a short life and associated with care in the keeping of it) for the purposes of stimulating genetic growth and variety within both plants and seeds. If it were not for the use of these materials over the years, we would not be able to boast in this State of a highly productive strain of a number of plants and seed varieties that we can do at this time.

It is true also that radio-active tracers are used in the soil and in fertiliser research to trace pathways of nutrients and water in the environment generally, and that radio-active materials are used for research in feed conversion, metabolism and breeding domestic animals. For those reasons alone, it is important.

The Hon. D. C. Brown: That used to be so.

The Hon. W. E. CHAPMAN: Not only is it important at this time, but obviously it was important in times gone by. It is not new, nor is it something to fear, but something which we require. As the Minister of Industrial Affairs pointed out, when he was engaged in agricultural research he used this practice even then. But it is a matter of concern, and I hope that whether or not there are further questions and answers on this subject today, the Opposition will clarify its true position in this place. It has sought to lie low and go quiet, particularly at its leadership level, on whether it is responsible for the reported statement in the press, or whether we should expect it from the member who appears to be seeking the top job in the Party. I do not mind where it comes from, but it is important that the Opposition make its stand clear today on where it stands in respect of the alleged claim of a policy involving a totally nuclear-free State of South Australia.

KNIGHTHOODS

Mr MAX BROWN: Has the Premier made approaches to Her Majesty (and I understand this would have to be through normal channels) in order to ensure that the Minister of Local Government in another place, or the Chief Secretary in this place, or both, are knighted in the next honours list? Perhaps I should add that Sir Allan Rodda might be more appropriate to me, anyway, than Sir Murray Hill.

The Hon. D. O. TONKIN: The member for Whyalla , as with every other member of the community, will have to wait and contain himself in patience until the honours list is released on, I understand, 13 June.

PAROLE BOARD

Mr BLACKER: I ask the Premier a question supplementary to that asked by the member for Glenelg. Can he explain the terms of reference of the inquiry, and the personnel involved, relating to the rape situation? Also, when will the report be available for public perusal?

The Hon. D. O. TONKIN: The review of parole procedures will come before Cabinet in due course. This matter is being co-ordinated by the Attorney-General and the Chief Secretary.

WINDANA NURSING HOME

Mr TRAINER: Did the Minister of Health mislead the House last Wednesday in reply to my question as to whether she could say whether it was correct that Federal funding had been refused for Windana Nursing Home? I have already provided the House with some of the relevant facts regarding this matter, having spoken at some length last week. The Minister's reply to my question was couched in terms that did not deny that she had received one or more copies of a letter, more or less identical to the one sent from Mr MacKellar to a Federal member of Parliament, from which I quoted part of the Federal Minister's response on his attitude to funding Windana, nor did she deny being aware of the contents of those letters. The Minister replied instead in the following terms:

> I, as the responsible Minister, have received no reply of the kind that the honourable member described to the House.

Could the Minister explain this statement, in view of the comments made later that night by Patrick O'Neill on the programme *Nationwide*, and in view of her Ministerial statement next day, that her office had indeed received a direct reply from the Hon. M. J. MacKellar two or three days before her reply to my question.

The Hon. JENNIFER ADAMSON: No, Mr Speaker.

WATER SUPPLY

Mr SCHMIDT: Can the Minister of Water Resources say what action the Government is taking to control chemicals in South Australia's reticulated water supply system which are alleged to cause cancer? A report in this afternoon's *News* states:

> Opposition health spokesman, Dr Cornwall, said THM levels up to four times that considered 'safe' by the U.S. Environment and Protection Agency had been recorded in the Tea Tree Gully-Modbury area.
>
> Dr Cornwall said a high, long-term intake of the chemical caused a dramatic increase in forms of cancer.

The Hon. P. B. ARNOLD: Members would be well aware of the statement I made at the end of last month in relation to the stepping up of trihalomethane studies within South Australia, and I think it is generally accepted that South Australia probably leads the world in this area of research. What the Hon. Dr Cornwall was referring to was the 1974 New Orleans water controversy in relation to trihalomethanes. It is interesting to note that the World Health Organisation does not place any limits or figures on the actual level of trihalomethanes, because insufficient work has been undertaken around the world at this stage. In fact, the European Economic Community had actually placed a figure in excess of 1 000 parts per billion as compared with the United States, to which the Hon. Dr Cornwall refers, which had placed a figure of 100 parts per billion.

There is a very wide and varying range in the figures that have been adopted. The reason for this is that there is no real knowledge on this subject as to the effects of trihalomethanes on humans. In fact, while South Australia has possibly the highest level in Australia of trihalomethanes in its water supply, it is interesting to note that the occurrence of cancer in the community in South Australia is below the Australian average. On the evidence available at this stage, there is no evidence whatsoever to indicate at what level trihalomethanes are cancer-causing.

It is also interesting to note that the then Minister of Works in 1978, in reply to a question asked by the member for Murray in reference to trihalomethanes, clearly indicated that there was absolutely no threat to the people in South Australia as far as the levels of trihalomethanes were concerned. In fact, he clearly indicated to the House

at that time in very strong terms that in fact the member for Murray was endeavouring to use scare tactics and to create problems in the community that did not exist. The situation has not changed; it is exactly the same as it was before. However, South Australia is leading the world in research into the study of trihalomethanes.

INGLE FARM CENTRE

Mr O'NEILL: Can the Minister of Health, representing the Minister of Community Welfare, say whether it is a fact that the department has leased from a former child care centre at Ingle Farm premises to be used as a residential home for hard-to-control male youths. If this is the case, does the former child centre acquired adjoin a Department for Community Welfare child care centre and, if it does, does the Minister think it is wise to allow such a situation to occur?

The Hon. JENNIFER ADAMSON: I shall refer the question to my colleague and ask for a report.

COMMUNITY HEALTH NURSING

Mr GLAZBROOK: Is the Minister of Health able to inform the House of any new initiatives taken in regard to the Government's stated policy of improving community health nursing? The policy of the Government, as stated before the last election, is to ensure that health services such as community nursing and domiciliary care are expanded to meet the needs and requirements of the local community. Has the Government been able to fulfil that election commitment?

The Hon. JENNIFER ADAMSON: Yes, the Government has gone a substantial way towards fulfilling that commitment, which, of course, is a commitment designed not only to improve the health of South Australians but also to enable a more cost-effective use of the health dollar. The commitment has been fulfilled to the extent that there has been a reallocation of resources of the order of $500 000 to take into the area of community nursing and domiciliary care salaries which previously resided in institutions.

When one realises that the average cost of domiciliary care per patient as identified by the Western Domiciliary Care Services is approximately $7 a week (and admittedly there would be some patients whose costs to the service would be considerably higher than that, and some who would be less) and compares that with the costs of maintaining a patient in a general medical ward at a teaching hospital, which cost is in the region of $179 a day, one can see the cost-effectiveness of the Government's actions.

As a summary of where these additional nurses are being placed, I shall mention some of their placements. Seven additional nurses have been approved for placement with the School Health Service, which, in fact, enables a far more efficient nurse-to-schoolchild ratio than existed under the previous Government, during which time the burdens on school health nurses in metropolitan and country areas were nigh on intolerable. Five of those nurses will be employed in the metropolitan region. One will be based at Maitland to provide services to Yorke Peninsula. There are half-time nurses at Waikerie and Barmera to provide improved services to Riverland schools. Two additional health nurse salaries have been made available to the Royal District Nursing Society in order to institute a pilot programme to evaluate domiciliary out-of-hours services, that is, week-end and night services, for a hospital service based at Kalyra. This is a pilot scheme that I hope, if proved to be satisfactory, can be extended.

There is an important initiative in the southern metropolitan region based at Morphett Vale where, following representations from the member for Mawson, we are trying to provide outreach nursing services at Hallett Cove, Sheidow Park and Aberfoyle Park. There will be important links with the Flinders Medical Centre, and funds have been made available for the employment of three additional nurses. The potential pool will be increased by co-ordinating the staff of the Mothers and Babies Health Association, the Royal District Nursing Society and the School Health Branch, which is already providing services in this area. The co-ordination that can be provided by that centre will enable these services to be used to the best effect.

In addition, there will be nurse positions provided at the Christies Beach Community Health Centre to provide services for Port Willunga, McLaren Vale and Willunga. Additional nurses will be provided in the central northern region around the Elizabeth area. Hospital outreach services will be provided at Jamestown, Balaklava, Peterborough, Port Broughton, Streaky Bay, and the Lower Murray hospitals. In addition, we are looking at community psychiatric nurses at Whyalla, and I hope to be able to make a provision of such services in Mount Gambier.

So, it can be seen that in the metropolitan area, in areas of particular need, and also in country areas, the Government is indeed fulfilling its commitment and, in doing so, is making far more effective the health services of South Australia.

Mr PETERSON: My question is directed to the Minister of Health and follows the reply she has just given, which does not give me too much hope. I believe that, after 31 August this year, community and private hospitals will no longer provide for section 34 patients under Commonwealth legislation. Will the Minister say what will now happen with these patients? How will they be catered for? Will the Minister guarantee that there will be no lessening of access to hospital care in this State for patients? The Minister has just outlined some increases in domiciliary care and Royal District Nursing services, but the majority of that will not serve anywhere near the area I represent and that represented by many other members. Section 34 of the Commonwealth legislation provides for Commonwealth funding for pensioner patients, and it has been applied generally in this State and in Tasmania, I believe, for sometime in community and private hospitals in cases such as family respite, where the family needs a rest from the patient and where major hospitalisation is not required. Also, it is used in the case of the last stages of terminal illness. The withdrawal of these services at the local level will isolate these patients from their families and throw a very heavy load on the very areas to which the Minister has just referred. They will have to go to public hospitals, where the charge is $179 a day. Two additional district nurses will not make much difference; they are flat out. Domiciliary care, I believe, is under a staff freeze anyway. In my opinion, the situation—

The SPEAKER: Order! The honourable member asked whether he could briefly explain the question, not give opinions in the manner in which he is now seeking to do. Also, I draw his attention to the time.

Mr PETERSON: Thank you, Sir; I stand corrected. The situation can mean only that the disadvantaged people in our community will be further disadvantaged.

The Hon. JENNIFER ADAMSON: The honourable member has raised an important matter. The commission

is consulting with hospitals which will be affected by the Commonwealth decision in order to ensure that adequate arrangements are made for those patients who will be affected. It is a complex matter, and I will be pleased to provide the honourable member with a detailed report.

At 3.12 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

FIRE BRIGADES ACT AMENDMENT BILL

The Hon. W. A. RODDA (Chief Secretary): I move:

That the time for bringing up the report of the Select Committee be extended to Thursday 23 July, and that the committee have leave to sit during the recess.

Motion carried.

HANDICAPPED PERSONS EQUAL OPPORTUNITY BILL

Second reading.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to render unlawful certain kinds of discrimination on the ground of physical impairment and to provide effective remedies against such discrimination. It seeks to promote equality of opportunity between persons with physical impairments, and other members of the community.

At the moment, it is certainly the case that discrimination does exist against persons with physical handicaps, in the sense of denial of equal opportunities. This legislation is intended to influence the general community in its attitudes towards disabled persons and to provide an administrative procedure by which handicapped persons can be assisted in practical ways. The United Nations has declared that 1981 is the Year of the Disabled. This legislation is designed to highlight the concern that exists in respect of discrimination against persons who are disabled. In 1975, the United Nations declared that disabled persons have the inherent right to respect for their human dignity whatever the origin, nature and seriousness of their handicaps and disabilities and to enjoy a decent life as normally and fully as possible. The United Nations recalled the principles of declarations in respect of human rights and stated that they should apply equally in respect of persons who are disabled. By promoting equality of opportunity for persons who are disabled, those persons will be free to develop their abilities in the most varied fields of activity and their integration into normal life will be promoted.

With these concepts in mind the Committee on the Rights of Persons with Handicaps, which was established in December 1976, prepared its report. The committee, whose Chairman is Sir Charles Bright, reported in December 1978 on the law and persons with physical handicaps. The committee's work is continuing in respect of persons with mental handicaps.

The report of the Committee on the Rights of Persons with Handicaps indicates the growing dissatisfaction existing amongst persons with physical handicaps as they have not been given the opportunity to determine their own destinies. There has been a failure to recognise that, even though a person may have serious disabilities, his aims and desires may well equate with those of the rest of the community. This is not to say that he may not have needs which are different from those of the community generally in order that he fulfil his aims and desires. By ensuring that a person who is physically handicapped has an equal opportunity at law, many of the problems that those persons presently encounter will be reduced or removed.

The method by which the Bill has implemented the report of the Committee on the Rights of Persons with Handicaps has been to establish a Commissioner and a tribunal who are responsible for the administration of the Act. The Commissioner is given broad powers by which it is hoped that the situations which persons with physical handicaps face may become known and be dealt with in such a way that those persons will be able to participate more fully in the economic and social life of the community.

The Bill makes discrimination against a person unlawful when, because of his physical impairment, he is treated less favourably in certain circumstances than other persons who do not have that impairment. The Bill refers specifically to discrimination in the areas of employment, education and the provision of goods, services and accommodation.

The Bill makes certain exceptions to the principles embodied in it, namely, remuneration, charitable organisations set up for persons with a particular class of handicap, and special arrangements made for assisting persons with handicaps. This last exception will provide encouragement to persons to initiate affirmative programmes to advance the position of persons with handicaps. The matter of insurance and superannuation has generally raised special problems for persons with handicaps. The Bill has made provision in these areas.

The enforcement of the Act is to be by the application of non-discrimination orders and the provision of personal remedies, particularly compensation for loss. There will be an appeal from the decision of the tribunal to the Supreme Court.

The Government has made every attempt in the preparation of this Bill to consider those views of persons who have shown interest in the report on the law and persons with handicaps and those who will be affected by the operation of this legislation. It did so at every level. The Government itself examined the manner in which it would be affected by such legislation and how it could operate more effectively to avoid discrimination against persons with physical handicaps. In addition, the Government sought the views of a very wide range of persons and organisations, and representatives of the Government have met with the representatives of particular organisations in an attempt to explain the legislation and understand the particular problems which those persons consider they will face if they are to give persons with physical handicaps an equal opportunity. After meeting with those persons a number of significant changes were made to the legislation as originally drafted.

I introduce this Bill to the Parliament with the intention of leaving it on the table for further comment with a view to proceeding with the Bill in the June sittings of the Parliament. My intention in so doing is to enable the community as well as the Parliament to familiarise itself with the intentions of the Government in respect of

equality of opportunity for persons with physical impairments.

Clauses 1 and 2 of the Bill are formal. Clause 3 sets out the arrangement of the Act. Clause 4 provides the necessary definitions. Clause 5 provides that the Crown is bound by this Act. Clause 6 provides that the Commissioner of Equal Opportunity under the Sex Discrimination Act is responsible to the Minister for the general administration of this Act. Clause 7 requires the Commissioner to take positive action to encourage the community to adopt a better and more-informed attitutde towards persons with physical impairments.

Clause 7a empowers the Commissioner to advise any person on any matter arising under the Act. Any such advice must be given in writing, as later in the Bill a defence is provided for a person who acts on the advice of the Commissioner. For this same reason it is made quite clear that the Commissioner may decline to furnish advice in any particular case. Subclause (2) provides that the Commissioner has a special responsibility for handicapped persons, that is, persons who, as a result of their physical impairments, have difficulty in participating in the life of the community. The Commissioner is to generally assist such persons, and to play a vital role in educating the community in ways in which handicapped persons may be helped to overcome their problems.

Clause 8 gives the Commissioner the power to delegate. Clause 9 requires the Commissioner to present an annual report to the Minister which will be submitted to Parliament. Clause 10 sets up the Handicapped Persons Discrimination Tribunal, which will be chaired by a judge, or an experienced legal practitioner. One member is to be a handicapped person. Clause 11 provides that tribunal members will be appointed for terms of office of not more than three years. Clauses 12 to 18 are the standard machinery provisions for a tribunal that exercises a judicial function.

Clause 18a gives the tribunal the power to conciliate in any matter before the tribunal. Clause 19 provides for the appointment of a Registrar. Clause 20 sets out the crtieria for determining what is discriminatory behaviour in relation to persons with physical impairments. Subsection (4) makes it clear that a blind person is discriminated against when the discrimination is based on the fact that he has a guide dog. Subsection (5) makes it clear that this Act does not deal with the question of the accessibility of buildings to handicapped persons. (It is proposed to deal with that problem by way of amendments to the Building Act).

Clause 21 sets out the criteria for determining what is victimisation under this Act. Clause 21a makes it clear that an employer, principal or partnership does not contravene this Act where a person is discriminated against on the basis that, as a result of his physical impairment, he is unable to do the work reasonably required of him adequately and without endangering himself or others, or that he would not be able to respond adequately to emergencies that might within reason arise.

Clause 22 provides that discrimination by employers is unlawful.

Clause 23 renders discrimination by principals against their agents, or prospective agents, unlawful. Clause 24 similarly renders discrimination by principals against contract workers unlawful. Clause 25 provides that discrimination by a partnership against partners, or prospective partners, is unlawful. Clause 27 provides that associations must not discriminate against members, or prospective members. Clause 28 provides that bodies that are responsible for licensing or registering persons for the purpose of carrying out a trade or profession must not discriminate against those persons, unless a person would not, as a result of his impairment, be able to practise the profession, or carry out the trade, adequately or safely.

Clause 29 makes it unlawful for an employment agency to discriminate against clients, or prospective clients. Clause 30 renders discrimination by educational authorities unlawful.

Clause 31 provides that persons who supply goods or certain services must not discriminate against persons with physical impairments. Subsection (3) exempts a supplier of services where it is his normal practice to exercise a skill only in relation to a particular class of persons. Subsection (4) exempts a supplier of services where the person with a physical impairment requires the services to be performed in a particular manner. In such a case, if the supplier cannot reasonably perform the service in that special manner, he can refuse to provide the service, or if it is reasonable to do so, to provide it in the special manner, but on more onerous terms.

Clause 32 makes it unlawful to discriminate against a person in relation to accommodation. Clause 33 makes it unlawful to impose a condition or requirement whereby a blind person is to be separated from his guide dog. A person who imposes such a condition or requirement is, in addition to civil liability under this Act, guilty of an offence and liable to a penalty not exceeding $1 000.

Clause 34 makes it unlawful for a person to commit an act of victimisation. Clause 35 provides that a person who causes or aids another to contravene this Act is jointly and severally liable with that other person in respect of any liability under this Act. Clause 36 makes employers and principals jointly and severally liable with their employees and agents where the latter contravene this Act. An employer or principal is not so liable where he took reasonable precautions to prevent such a contravention. Clause 37 makes it clear that this Act does not deal with discriminatory rates of pay.

Clause 38 makes it clear that where a person takes special steps to assist a particular handicapped person (that is, so-called 'benign discrimination') he does not contravene this Act. Clause 39 provides that this Act does not affect charities set up for the purpose of persons with a particular class of physical impairment. Clause 40 provides a similar exemption in respect of any scheme or undertaking for the benefit of persons with a particular class of physical impairment. For example, it is not unlawful for a school run for blind persons to refuse to accept students who are not blind but who have a different physical impairment.

Clause 41 provides that a person does not contravene this Act where he discriminates against a person because that person requires special assistance or equipment that cannot reasonably be provided. Clause 42 exempts discrimination in relation to insurance and superannuation where the discrimination is based on reasonable actuarial or statistical data and is reasonable in view of that data and any other relevant factors, or where such data is not available.

Clause 43 provides that this Act does not derogate from other Acts and regulations, and that the latter prevail over this Act in the case of conflict. Clause 44 provides that the tribunal may grant exemptions from this Act for periods up to three years. Clause 45 provides that the tribunal may conduct inquiries into discriminatory behaviour on the application of the Minister. The tribunal may make non-discrimination orders. A person who contravenes such an order is guilty of an offence and liable to a penalty not exceeding $2 000. Clause 46 provides that a person who feels he has been discriminated against or victimised may lodge a complaint with the Commissioner.

Clause 47 obliges the Commissioner to attempt to resolve complaints by conciliation. If conciliation is not appropriate or fails, he must refer the complaint to the tribunal. Where the Commissioner declines to entertain a complaint, the complainant may require him to refer the matter to the tribunal. Clause 48 provides that the tribunal, after hearing a complaint, may order compensation for any loss suffered by the complainant, may order the respondent to do, or not to do, certain things, or may dismiss the complaint. A person who contravenes such an order is guilty of an offence and liable to a penalty not exceeding $2 000. Clause 49 requires the tribunal to state its reasons for any decision in writing.

Clause 50 gives an aggrieved party the right to appeal to a local court of full jurisdiction against an order of the tribunal. Clause 51 provides that contraventions of this Act attract no sanctions or penalties other than those provided in the Act. Clause 52 prohibits discriminatory advertisements. Clause 53 provides an offence of molesting, insulting or hindering the Commissioner or his officers in the exercise of their powers or duties under the Act. Clause 54 provides that offences under the Act are to be dealt with in a summary manner.

Clause 54a provides a defence to any proceedings under this Act (civil or criminal) where a person acts on written advice given to him by the Commissioner. Machinery is provided for seeking a declaration from the tribunal as to whether the advice given by the Commissioner is correct. If the person to whom the advice was given acts on it to the detriment of another before the determination of an application for such a declaration, then the defence will be available to him if the advice turns out to be correct, but not if the advice is declared to be incorrect.

Clause 55 provides that a person who has been dismissed from employment is not prevented by this Act from taking proceedings under the Industrial Conciliation and Arbitration Act in respect of the dismissal. However, a person cannot obtain a determination from both the Industrial Court and the tribunal in relation to dismissal on the ground of his physical impairment. Clause 56 provides a regulation-making power.

Mr McRAE secured the adjournment of the debate.

LEGAL PRACTITIONERS BILL

Second reading.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This is a Bill to replace the existing Legal Practitioners Act. It deals with the practice of the law, the combined trust account and other related accounts, claims against the guarantee fund, investigations, inquiries and disciplinary proceedings and the position of public notaries. The preparation of this legislation was at the instigation of the Law Society of South Australia itself. It, together with the Government, has concern that the provisions of the existing legislation for the regulations and discipline of the profession do not effect the trends and practices which exist in other States and overseas.

The Bill is designed to promote sound regulation of the practice of the law and to ensure the accountability of the profession to the public. This is achieved by maintaining strict requirements for the admission and enrolment of legal practitioners and the issuing of practising certificates.

The Bill maintains the requirment that a person must hold a practising certificate before he may practise the law. The legislation however provides that not only can natural persons practise the law in partnership with one another but also may form a company to do so. There are safeguards provided in the Bill to regulate legal practice by companies.

The Bill preserves strict compliance with respect to trust accounts and audit of those accounts and provides that the Attorney-General or the society may at any time appoint a competent inspector to examine accounts and audits to ensure that they are properly maintained.

At the request of the Law Society, provision has been made for the introduction of a professional indemnity insurance scheme which will be compulsory for all persons who intend to practise the law with the exception of persons in the employ of the Crown. This insurance has been compulsory in most Canadian Provinces for several years, for solicitors in the United Kingdom, and since 1978 for solicitors in Victoria and Queensland. Interstate and elsewhere Law Societies are seeking similar legislation. The framework for the scheme which the Law Society is seeking to introduce is in general terms, based on that currently operating in the United Kingdom, Victoria and Queensland. The master policy scheme provides for the Law Society acting on behalf of all practitioners required to be insured under the scheme to enter into an agreement with underwriters to provide insurance cover. The initial contract is normally for a period of 12 months with two automatic renewals for 12 months. The premiums in the two succeeding years are subject to indexation in accordance with the formula set out in the policy. At the expiration of the three-year period, it would be necessary to renegotiate the contract. It is in the public interest that the scheme be compulsory in order that cover will always be available to meet claims against practitioners.

By revision of the provisions relating to the combined trust account and other related accounts it is envisaged that there will be a marked increase in the amount gleaned from those accounts; those moneys being directed principally towards the provision of legal services and to the guarantee fund against which claims are made on the default of a practitioner.

There has been substantial revision of the investigative provisions in the legislation. The Bill establishes a Legal Practitioners Complaints Committee, which will be constituted of seven members appointed by the Governor of whom three shall be persons nominated by the Attorney-General (of whom one shall be a legal practitioner and two shall be persons who are not legal practitioners) and four persons nominated by the society (at least one of whom at the time of his nomination shall be a practitioner of not more than seven years standing and at least one shall be a person who is not a legal practitioner). That committee will be served by a Secretary, whose job it will be to perform such functions as are delegated to him by the committee. The functions of the committee are to receive, consider and investigate complaints of unprofessional conduct against legal practitioners, to attempt to conciliate any matter capable of resolution by conciliation, admonish a practitioner against whom a complaint has been made where appropriate and lay charges of unprofessional conduct before a disciplinary tribunal where appropriate. By providing the complaints committee with the services of a Secretary who will carry out much of the investigation for

the committee, it is hoped that the investigation and resolution of complaints will be expedited.

Where a charge has been laid against a legal practitioner the Legal Practitioners Disciplinary Tribunal will consider the matter. The charge must involve an allegation of unprofessional conduct. The tribunal will be empowered by this legislation to deal with the guilty legal practitioner by reprimanding him, ordering him to pay a fine not exceeding $5 000, suspending his right to practise as a legal practitioner for a period not exceeding three months or on certain conditions (provided that those conditions do not apply for a period exceeding six months) recommend that the practitioner be dealt with by the Supreme Court, or where the tribunal is dealing with a former legal practitioner order him to pay a fine not exceeding $5 000.

The power of the Supreme Court to deal with legal practitioners who are alleged to have been guilty of unprofessional conduct is not limited. It may reprimand the legal practitioner, suspend him from practice, require him to practise on certain conditions, strike him from the roll of legal practitioners or it may exercise its inherent jurisdiction or make any other order as it considers just.

This Bill introduces a further arm of accountability for legal practitioners. A lay observer will be appointed by the Attorney-General to oversee the functions of the complaints committee and the disciplinary tribunal and is empowered to report to the Attorney-General in respect of any matter of which he is aware. The lay observer has operated efficiently in Victoria, and it is hoped that by providing this additional safeguard the legal profession will maintain its present responsible attitude to the welfare of its clients.

I consider that by the enthusiastic approach of the Law Society to a review of its legislation, awareness of public accountability being kept foremost, this Bill will fulfil the expectations of the community in that regard as well as serving the purpose of proper regulation of legal practice.

Clauses 1, 2 and 3 are formal. Clause 4 is a saving provision. Clause 5 contains definitions required for the purposes of the new Act. Clause 6 deals with the division of the profession. It provides that the Supreme Court may on the application of the society make a division of the profession between barristers and solicitors and that the judges of the Supreme Court may make rules for the purposes of giving effect to such a division of the profession. This section corresponds to an existing provision of the Legal Practitioners Act.

Clause 7 provides for the continuance of the society and sets out its general powers. Clause 8 deals with the officers and employees of the society. Clause 9 establishes the council of the society and provides for its membership. Clause 10 is a saving provision. Clause 11 provides that the council shall have the management of the affairs of the society and provides for delegation by the council. Clause 12 deals with minutes of proceedings of the society.

Clause 13 provides that the society may appoint legal practitioners to represent it in various forms of legal proceedings in which the society may be interested. Clause 14 empowers the society to make rules. Clause 15 deals with the admission of legal practitioners. A person who is of good character, is a resident of Australia, and has complied with the relevant rules for admission to the profession laid down by the judges of the Supreme Court, or who has been exempted from compliance with those rules is entitled to be admitted and enrolled as a barrister and solicitor of the Supreme Court.

Clause 16 deals with the issue of practising certificates. A practising certificate may be issued to a natural person who has been admitted and enrolled as a legal practitioner under the preceding provision or it may be issued to a company that has a memorandum and articles complying with certain stipulations. Those stipulations in general terms are as follows: 'The sole object of the company must be to practise the profession of law. The directors of the company must be natural persons who are legal practitioners holding current practising certificates (but where there are only two directors one of the directors may be a prescribed relative of the other director who is a legal practitioner). No share issued by the company is to be held beneficially otherwise than by a legal practitioner or a prescribed relative of a legal practitioner who is a director or employee of the company. The total voting rights exercisable at a meeting of members of the company must be held by legal practitioners who are directors or employees of the company. No director of the company may without the approval of the Supreme Court be a director of any other company that holds a practising certificate. Certain provisions relating to the redemption and transfer of shares held by members or former members of the company must also be included in the memorandum and articles. Putative spouses are included in the definition of "prescribed relative". Where any of the stipulations contained in the memorandum and articles of association is not complied with, the company must report the matter to the Supreme Court and the court is empowered to give directions to secure compliance. If the court's directions are not complied with, the practising certificate of the company is automatically suspended'.

Clause 17 deals with an application for a practising certificate by a legal practitioner who has allowed his certificate to lapse.

Clause 18 deals with the term of a practising certificate. Clause 19 provides that before a practising certificate is issued a legal practitioner must produce evidence to the satisfaction of the Supreme Court that he will be insured during the term of the practising certificate against liabilities that may be incurred during the course of his practice. Clause 20 provides for the keeping of a register of practising certificates.

Clause 21 deals with entitlement to practise the profession of the law. It provides that no person is to practise the profession of the law or to hold himself out as entitled to carry on that practice unless he is duly admitted and enrolled under the Act or in the case of a company holds the practising certificate as required by the Act. A penalty of $5 000 is prescribed. Subclause (2) sets out with greater particularity what is meant by the expression 'practising the profession of the law'. Subclause (3) sets out a number of instances in which a person is not to be regarded as contravening the prohibition prescribed by this clause. These exceptions are self-explanatory.

Clause 22 deals with practising the profession of the law while under suspension or contravening an order of the tribunal or the Supreme Court under which the right to practise the profession of the law is made conditional. Clause 23 deals with certain forms of improper representations relating to legal practice. Clause 24 deals with returns that are to be furnished by companies holding practising certificates. Clause 25 provides that a company that is a legal practitioner is not to practise the profession of the law in partnership unless it has been authorised to do so by the Supreme Court.

Clause 26 limits the number of employees of a company that practises the profession of the law. Clauses 27 and 28 provide that where a company that practises as a legal practitioner incurs civil or criminal liability that liability shall attach also to the directors. Clause 29 deals with alterations to the memorandum or articles of association of a company that practises as a legal practitioner. Clause 30 exempts such a company from Division III of Part VI

and from Part IX of the Companies Act. These provisions deal with accounts and audit and with official management.

Clause 31 provides for the payment of trust moneys into a trust account. Clause 32 protects a bank by providing that a bank shall not be regarded as being effected by notice of any specific trust to which trust moneys may be subject. This provision does not however limit a bank's liability for negligence. Clause 33 requires annual audit of trust accounts by an approved auditor.

Clause 34 provides for the appointment of an inspector to examine trust accounts. The appointment may be made by the Attorney-General or the society. The inspector is to furnish a confidential report to the Attorney-General or the society (as the case may require) on his examination. A copy of the report is also to be sent to the legal practitioner concerned. Clause 35 deals with the powers of an auditor or inspector employed or appointed under the trust account provisions. Clause 36 requires a bank to report any deficiency in the trust account of a legal practitioner. Clause 37 deals with the obligation of confidentiality which is to be observed by an auditor or inspector employed or appointed under the trust account provisions.

Clause 38 empowers the Governor to make regulations supplementing the provisions of the principal Act in relation to the keeping, auditing and inspection of trust accounts. Clause 39 provides that the Supreme Court may, notwithstanding any lien on legal papers, order a legal practitioner to deliver up papers held on behalf of a client or former client. An order under the new provision may be made on such terms and conditions as the Supreme Court thinks fit. Clause 40 enables a legal practitioner in certain circumstances to continue to act on behalf of a client who has become of unsound mind.

Clause 41 deals with recovery of legal costs. It requires the legal practitioner to furnish an account specifying the total amount of the costs and describing the work to which the costs relate. The client may request the legal practitioner to provide him with a detailed statement of how that amount is made up.

Clause 42 provides for taxation of bills of legal costs in the Supreme Court. Clause 43 provides that a bill for legal costs may be taxed whether it relates to business of a litigous nature or not. Clause 44 empowers the society to appoint a supervisor to supervise the payment of moneys from the trust account of a legal practitioner.

Clause 45 empowers the society to appoint a manager, who will be able to take over to some extent the business of a legal practitioner where the legal practitioner has died or is incapable of attending properly to his practice, where serious irregularities have occurred in the course of his practice, or in various other circumstances. Clause 46 provides for an appeal against the appointment of a supervisor or manager. Clause 47 empowers a supervisor or manager to apply to the Supreme Court for directions in relation to any matter affecting his duties or functions.

Clause 48 deals with remuneration of supervisors or managers.

Clause 49 deals with legal practice by bankrupts. The right to practise the profession of law by a bankrupt is subject to the approval of the Supreme Court, and the Supreme Court may impose appropriate conditions on legal practice by such a person. Clause 50 provides for the personal representative of a deceased legal practitioner to be able to carry on his practice for a limited period. Similar provisions apply in relation to the trustee in bankruptcy of a legal practitioner, and a receiver or liquidator appointed in respect of a company that is a legal practitioner.

Clause 51 deals with right of audience before courts and tribunals. It provides that the Attorney-General, the Solicitor-General and the Crown Solicitor of the State or of the Commonwealth have a right of audience before any court or tribunal established under the law of the State. Similar rights are exercisable by any legal practitioner acting on the instructions of the Attorney-General or the Crown Solicitor of the State or the Commonwealth, a legal practitioner employed in the Department of Corporate Affairs and acting in the course of that employment, a legal practitioner employed by the Legal Services Commission and acting in the course of that employment, a legal practitioner who is practising the profession of law as a principal or legal practitioner who is in the full-time employment of any such legal practitioner, and a legal practitioner employed by the society. Subclause (2) provides that, where a legal practitioner who is an employee appears as counsel or solicitor before a court or tribunal, any undertaking given by the legal practitioner in the course of the proceedings shall be binding on the employer.

Clause 52 provides that the society may enter into arrangements with authorised insurers providing for a general scheme under which legal practitioners will be insured to the extent provided in the scheme against liabilities arising in the course of professional practice. Clause 53 deals with the deposit of a proportion of the balance of a legal practitioner's trust account in the combined trust account. Clause 54 deals with the investment of the moneys deposited. Clause 55 provides a statutory immunity in respect of the deposit and investment of trust moneys. Clause 56 provides for the maintenance of the statutory interest account. This is the account to which interest arising from investment of the combined trust account is to be paid. This clause provides for the payment of a proportion of these moneys to the Legal Services Commission and the remainder to the guarantee fund.

Clause 57 establishes the guarantee fund and provides for payments from the guarantee fund. Clause 58 requires the society to keep proper accounts and to have them audited periodically. Clause 59 empowers the society to borrow moneys for the purposes of Part IV. Clause 60 provides for the making of claims against the guarantee fund by a person who has suffered loss as a result of fiduciary or professional default by a legal practitioner. Such claims of course will not relate to liabilities covered under the professional indemnity insurance scheme to which I have earlier adverted.

Clause 61 provides that such claims will be barred within a specified period fixed by notice published by the society. Clause 62 empowers the society to require the production of documents relevant to the determination of a claim under Part V. Clause 63 deals with the determination of claims by the society.

Clause 64 provides for the payment of claims out of the guarantee fund.

Clause 65 subrogates the society to the rights of the claimant who has been paid out under the new Part. Clause 66 provides that in certain circumstances a legal practitioner who has suffered loss as a result of a fiduciary or professional default committed by a partner, clerk or employee may make a claim against the guarantee fund. Clause 67 empowers the society to ensure the guarantee fund against claims under Part V. Clause 68 provides for the establishment of a Legal Practitioners Complaints Committee. The committee is to consist of seven members appointed by the Governor of whom three are to be appointed on the nomination of the Attorney-General and four upon the nomination of the society. At least three of the members must be non-legal practitioners.

Clause 69 deals with the conditions upon which members hold office.

Clause 70 deals with quorum and procedures of the committee. Clause 71 deals with the validity of acts of the committee and immunity of its members. Clause 72 provides for the appointment of a Secretary to the committee by the society with the approval of the Attorney-General. Clause 73 imposes an obligation of confidentiality on members of the committee and on persons employed or engaged on work related to the affairs of the committe.

Clause 74 sets out the functions of the committee. These are to receive, consider and investigate complaints of unprofessional conduct against legal practitioners; where the subject matter of a complaint is capable of resolution by conciliation, to attempt to resolve the matter by conciliation; where in the opinion of the committee a complaint may adequately be dealt with by admonishing the legal practitioner, to admonish the legal practitioner accordingly; or to lay charges of unprofessional conduct before the tribunal. Subclause (2) provides that the committee may engage such persons as it thinks fit to assist it in performing its functions.

Clause 75 provides for delegation of power by the committee. However, the committee is not to delegate its power to admonish or lay charges. Clause 76 empowers the committee to conduct investigations on its own motion or at the direction of the Attorney-General or the society. It invests the committee with certain powers necessary for the purposes of such an investigation. Clause 77 provides for the committee to report on any investigation that has revealed evidence of unprofessional conduct. However, a report need not be made where the subject matter of a complaint has been successfully resolved by conciliation. Clause 78 establishes the Legal Practitioners Disciplinary Tribunal. There are to be 12 members of the tribunal appointed by the Governor on the nomination of the Chief Justice. One member of the tribunal is to be appointed to be Chairman of the tribunal and another member is to be appointed as Deputy Chairman.

Clause 79 deals with the conditions on which members of the tribunal shall hold office. Clause 80 provides for the constitution of a tribunal in relation to specific proceedings. It provides that the tribunal is to consist of a panel of three of its members chosen by the Chairman to constitute the tribunal for the purposes of those proceedings. The clause also deals with various incidental matters affecting the constitution of the tribunal and its procedures. Clause 81 is a saving provision and provides for immunity of the members of a tribunal in respect of their official functions.

Clause 82 sets out the procedure for laying complaints of unprofessional conduct against legal practitioners and provides for the powers of the tribunal after conducting such an inquiry. Those powers are as follows:

The tribunal may reprimand the legal practitioner; it may order him to pay a fine not exceeding $5 000; it may suspend his right to practise the profession of the law; it may order that the right to practise the profession of the law shall be subject to specified conditions for a period not exceeding six months; and it may recommend the commencement of disciplinary proceedings in the Supreme Court.

In relation to a former legal practitioner the tribunal may impose a fine of up to $5 000. The tribunal is to transmit the evidence taken on an inquiry together with a memorandum of its findings to the Attorney-General and the society and, where the charge was laid by the committee, to the committee. Clause 83 deals with notice of inquiries to be given by the tribunal. Clause 84 sets out the procedural powers of the tribunal upon an inquiry.

Clause 85 deals with orders for costs in relation to proceedings before the tribunal and deals with the recovery of a fine or costs ordered by the tribunal. Clause 86 provides for an appeal against actions and orders of the tribunal. Clause 87 provides for suspension of an order of the tribunal pending appeal. Clause 88 provides for the making of rules dealing with the procedure of the tribunal.

Clause 89 provides for disciplinary proceedings before the Supreme Court. It should be observed that this provision is in addition to and does not derogate from the inherent jurisdiction of the Supreme Court to discipline legal practitioners. The clause deals with the case where the tribunal recommends that disciplinary proceedings be commenced against the legal practitioner in the Supreme Court. In such a case the Attorney-General or the society may institute such proceedings. The Supreme Court is empowered in any such proceedings to reprimand the legal practitioner, to suspend him from practice, to provide that his right to continue to practice is to be subject to specified conditions, or to order that the name of the legal practitioner be struck off the roll of legal practitioners. The court may of course make other incidental or ancillary orders, including orders for costs of the proceedings before the court and the tribunal.

Clause 90 deals with the appointment of lay observers by the Attorney-General. These observers will be entitled to attend meetings of the Legal Practitioners Complaints Committee and the tribunal and they will report to the Attorney-General on any aspect of those proceedings. A complainant in proceedings before either body may make representations to the lay observer if he is not satisfied with the proceedings or the decision resulting from the proceedings. Clause 91 deals with the admission of public notaries. Clause 92 provides for the keeping of a roll of public notaries.

Clause 93 deals with the powers of the Supreme Court to strike the name of a notary from the roll. Clause 94 makes it an offence for a person to act as a notary without being duly admitted and enrolled as such. Clause 95 provides for the Treasurer in each year to pay to the society a prescribed proportion of practising certificate fees for the purpose of maintaining and improving the society's library and also for the purpose of providing a subvention to the guarantee fund. Under subclause (2) the Treasurer is on the recommendation of the Attorney-General to make contributions towards costs arising under Part VI. Clause 96 deals with bringing proceedings for an offence against the new Act. Clause 97 is a regulation-making power.

Mr McRAE secured the adjournment of the debate.

PLANNING BILL

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

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 3811.)

Mr BANNON (Leader of the Opposition): This measure is simple and straightforward, and I do not think it requires much debate. As outlined in the second reading

explanation, the salary of the South Australian Governor, which is separate from the allowance that he receives, has been fixed at $20 000 per annum since 1 July 1974. I suppose in the past the question of a salary for the Governor has not been one of great importance. When the tradition obtained of appointing military officers from Britain to the position of Governor, there were various pensions and other emoluments attached to their position which made the question of salary one of no great consequence. Additionally, I suppose, the type of people who would have been considered for the position of Governor in those days would be individuals of private means. I was going to say that they would have been men of private means, but I reflected that that might be sexist. On further reflection, however, it would not be, because that was precisely the way in which the position was viewed. In fact, we still have not had a female Governor in this State.

Mr Millhouse: Are you suggesting one?

Mr BANNON: It may be that the time is not far distant when we will have one, but when one talks of men of independent means in the past the term 'men' is used advisedly.

Now, however, the whole concept of the Governor and the Governor's role has changed. Unfortunately, at the national level it has changed for the worst. The Governor-General, prior to the action taken by the then Governor-General Sir John Kerr, was seen as part of our constitutional process, subject to the advice of his Ministers, those Ministers and the Prime Minister who had the confidence of Parliament. That Governor-General usurped powers which legally could be established as being his but which by custom, practice and usage, definitely were not. That was a grave situation. This has never occurred in this State, and I hope it never will. I think there has been some degree of uniformity of thinking between the Parties on both sides of this House that the Governor should not be embroiled in those political situations. This is of particular importance, because I do not think there has been a period of our constitutional history when a Government formed by members of my Party in this Lower House has had a majority in another place.

Mr Millhouse: And it's never likely to have one, either.

Mr BANNON: Such a majority is difficult to achieve, as the honourable member points out; in the case of what he calls his Party, and perhaps one could say it is, that likelihood is even further away. The point is worth making that, in that situation, where at least those on one side of politics have not found it possible to have a majority in the Upper House, there are occasions when constitutional matters, deadlock provisions, need to be enacted, and constitutional questions arise.

I believe it is very important that the community has a general confidence in the Governor and his role. It certainly means that we no longer have to look for a particular type of Colonial Governor of the old days. It is widely recognised that it is desirable to have people born in Australia and that we can look across a wide range of society in terms of appointment of a Governor. I for one believe that, in such an appointment, there should be some modicum of consultation between both sides of politics. I do not believe that that should be formalised, nor do I believe it should derogate from the right of the Government of the day to make an appointment it believes fit. As some matter of courtesy, however, perhaps some consultations should take place, and whether or not that has occurred in the past is not an issue. I am putting a personal view about the way in which this could be done.

That we are now looking across a wide range of the community in regard to the appointment of a Governor suggests that the question of the means of the Governor must become irrelevant in the sense that anyone undertaking the job, whether or not he has a private income, should expect some reasonable emolument for the job. It is an important constitutional position. No tribunal fixes the Governor's wages and salaries. There seems to have been some general acceptance of the level of the allowance, and by virtue of indexation it has been regularly adjusted. This has not occurred with the salary component, and this Bill seeks to do that. To that extent, we support the Bill, but I query the basis on which the adjustment is made. According to the second reading explanation, if one uses the calculation of the value of $1 as at 1 July 1974 translated into current values, one can see the result is a little over 100 per cent higher, that is, $2.03 as at 31 December 1980.

On the basis of that, one would have thought the Government's Bill would provide for an increase from $20 000 ot $40 000, adjustable on an indexed basis from then. In fact, the Government has chosen the figure of $30 000, and there is no suggestion in the second reading explanation why that adjustment was made rather than for the full indexation allowance. The House deserves a fuller explanation as to the basis of fixation. I do not believe we should go back to the $20 000 as fixed in 1974, but if we are looking at its adjustment, we must have more reasons than have been given. With those remarks, I indicate the Opposition's support for the Bill.

Mr MILLHOUSE (Mitcham): I do not know whether the implication behind the Leader's speech is that the present man is underpaid and will be underpaid at $30 000 a year for what he does: in my view, he will not be underpaid and, indeed, he is not underpaid now. We must remember that he gets what has been described to me as the best land in South Australia free, and the $20 000 salary that he is paid is really something over and above, something that he can spend on himself.

The Hon. D. O. TONKIN: I rise on a point of order. I suggest that, while the office of the Governor is covered in this Bill, there is no provision whatever for any discussion about the present incumbent of that office.

The SPEAKER: I uphold the point of order. The honourable member for Mitcham will be perfectly clear on the Standing Order that indicates the propriety with which such matters are dealt in this place and in the other place.

Mr MILLHOUSE: With the utmost deference to you, Mr Speaker, I do not believe I have gone beyond what is allowed by Standing Orders in what I have said. I certainly do not withdraw anything I have said, but I may say that, in my view, that Standing Order is anachronistic and should be changed.

The SPEAKER: Order! The honourable member for Mitcham will appreciate that the Chair interprets the Standing Orders that are the property of the House. While that Standing Order remains, the Chair requires complete consideration of its terms.

Mr MILLHOUSE: You have had, I suggest, Mr Speaker, the greatest respect in what I have said in regard to this Bill. I do not propose (and you, Mr Speaker, may be relieved to hear this) to say any more on that matter, but I want to say a few things about the speech made by the Leader of the Opposition. I did not intend to speak on this Bill until the Leader spoke. It seems to me he has begged a lot of questions. He had a tilt at what he called 'Colonial Governors'. In my view, the Governors who have served in this State in my time, whether or not they have been Englishmen (and I make the present exception), have been very good indeed. They have given

very good service. In my view, there is nothing wrong with a serviceman, whether he happens to be an Englishman, a Scotsman, an Irishman, or an Australian. The services are extremely good training for what is required in the job of Governor or Governor-General, and it reflects rather more on the Leader than on the incumbents of the post that he said what he did.

The Leader also said (and I must agree with him) that the present fashion is to have an Australian in that position. I believe that we should get the best man for the position whether he is an Australian or whether he comes from some other Commonwealth country, not necessarily the United Kingdom.

Mr Bannon: What about the best woman?

Mr MILLHOUSE: If the Leader wants to try to pretend that his Party is no longer sexist, I will accept his prompt and say that there is no logical reason why we should not have a woman Governor, although I can think of a number of practical reasons. We should have the best man for the job, whether he comes from Australia or somewhere else. The Leader said something about Sir John Kerr, and I remind him that Sir John Kerr is an Australian and was appointed by the Labor Government.

An honourable member: Don't make it hurt more.

Mr MILLHOUSE: That was one of the saving graces of 1975. As the Leader knows, I share his view on what happened in 1975: I regard it as completely wrong and as a tragedy in constitutional affairs in this country.

The SPEAKER: Order! The honourable member must come back to the clauses of the Bill, which deal with the Governor, not the Governor-General.

Mr MILLHOUSE: With respect, Mr Speaker, I was only following the Leader, who was allowed to say these things.

The SPEAKER: Order! The Leader did not dwell on the subject.

Mr MILLHOUSE: I do not propose to dwell on it either, Sir.

The SPEAKER: I know.

Mr MILLHOUSE: I merely pointed out that Sir John Kerr is an Australian and was a Labor Party appointee, which was one of the few saving graces of 1975. If he had been an Englishman appointed by a Liberal Government, the situation would have been exacerbated. It was the Labor Party's mistake, no-one else's.

The last point I make following the Leader is in regard to the question of consultation. It would be a very good idea if there was consultation on these matters between the Leaders of various Parties represented in this Parliament. As far as I know, there has been only one occasion on which there was consultation, and that was in the early days of 1968, when the then Dunstan Government lost the election but was still in office. The outgoing Governor, Sir Edric Bastyan, obliged the then Premier to consult with the Leader of the Opposition, Steele Hall. That is the only occasion on which there has ever been consultation, to the best of my knowledge. There has been no consultation in regard to recent appointments.

The less said about those appointments the better, as you oblige me, Mr Speaker. Consultation would be a good idea, but the Party at present led by the Leader of the Opposition has never willingly initiated consultation, and I would be glad to know from the Premier, if he replies to the second reading debate, what he thinks of the idea.

The Hon. D. O. TONKIN (Premier and Treasurer): I thank honourable members for their attention to this Bill. The only matter which I wish to raise briefly is the matter of consultation. As the member for Mitcham has so rightly pointed out the only reason for the consultation when it did occur was the imminent change of Government. It would have been quite unthinkable that one Government should in fact nominate and make an appointment when it may have been technically in Government but it had no power to do so.

Mr Bannon: It got an overwhelming popular vote, too.

The Hon. D. O. TONKIN: Yes, but I also believe that the Constitution must be complied with on all occasions, and there was no question whatever of the election being null and void or anything else. There is no question that consultation should occur on this occasion. The simple reason is that this Government does not intend to leave office in the foreseeable future.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Salary of the Governor.'

Mr BANNON: I again ask the basis on which the figure of $30 000 was determined for this Bill rather than the c.p.i.

The Hon. D. O. TONKIN: The Leader is entirely correct. If we had taken an escalation of the 1974 figure of $20 000, the true figure would have been nearer $40 000. Nevertheless, first, the salary is tax free, so it is worth a great deal more in gross terms. Secondly, without any application of the indexation principle it was expected to stand for the term of the appointment. In other words, that means it would have been taken at that level, expecting it to be still applicable at the end of the five-year term.

Mr Millhouse: Why is that?

The Hon. D. O. TONKIN: Because, as I understand it, that was the way it was determined. Now that the matter of indexation has been incorporated, it is believed that the sum will escalate in accordance with the c.p.i. and will keep pace with the changes. In other words, it will be a smooth progression from now on instead of being one arrived at in stages.

Clause passed.

Title passed.

Bill read a third time and passed.

GOVERNOR'S PENSIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 3811.)

Mr BANNON (Leader of the Opposition): In a sense, this is a companion Bill to the one we have just passed. It certainly deals with the Governor and, in this case, the present incumbent's desire as expressed by the Premier to take a long furlough of six months at the end of his term. That term expires in September next year. It is understood from the Bill that His Excellency will take his leave in March, and by so doing, in effect, will not be returning to duty during that time.

The Bill goes much further than providing a way of paying the Governor and applying his pension six months earlier than would normally apply. The feature which I think requires the closest examination is that which allows the Government to make an appointment of a successor immediately the current Governor commences his furlough. It perhaps can be read from the Bill, but needs to be spelt out in the reply or Committee stage, precisely how the Government sees this provision working both with the present incumbent and in the future.

It appears that the current situation is that by some sort of gentleman's agreement there is a six-month period in which the Governor can effectively take leave as a kind of

long service leave or furlough. In previous days it was clearly furlough as originally conceived. Long service leave as an industrial condition is one which is almost peculiar to Australia, and it had its origin in the colonial service and the way in which leave was arranged whereby public servants could periodically go back to Britain and take a period of extended leave, that leave including the time taken travelling to and fro by sea. From that general concept of furlough we moved to long service leave as we have it in various awards and conditions in Australia today, and it is something which is unique to this country and has its origins in that colonial practice.

That colonial practice has been followed right through by Governors. It appears in the past that this furlough would take place mid-term, but since the appointment of Australian Governors the practice has arisen whereby that furlough is taken at the end of their term, rather like many people take long service leave in industry. It is not that the practice at the State level is one which is of great duration. We have in fact had only four Australian Governors appointed; we had Sir James Harrison, who died in office; Sir Mark Oliphant, who served a full term as Governor and took the six months furlough; Sir Douglas Nicholls, who had an unfortunately brief Governorship, whose term was terminated by ill health, and who did not serve his full term; and now currently we have His Excellency Mr Keith Seaman. There has not been much precedent in this State, and I presume that, when practice is talked of, the practice of Australians who are Governors, the Premier is also going beyond this State and into the experience of other jurisdictions. All that is quite in order, and there is certainly no problem on the Opposition's side with that aspect of the Bill.

In relation to the appointment of the successor, I think the Government owes the House a somewhat fuller explanation than is given in the second reading speech as to why it considers this to be a necessary provision. After all, as I understand it, if during the period of furlough there was some special or particular reason for the Governor to return to duty (let us say a constitutional crisis that it was felt the Lieutenant-Governor should not have carriage of, or anything of that nature or, indeed, the request of the Government of the day, who after all has the discretion, and it has the opinion that His Excellency's services are needed in person), the Government can make the request for him to break off his holiday and come back on duty. All of that could occur under this Bill without the final provision, which is that a new Governor can be appointed (the office is vacant, in effect) immediately afterwards. I do not think sufficient explanation has been given as to why that particular provision should be necessary.

I note in passing that there is also no real reference as to how or why the present Governor has made the decision which presumably is embodied in this Bill. I would appreciate some sort of assurance that these arrangements have been fully discussed with him.

It is a fact that, with the exception of those Governors whose terms were unfortunately terminated for various reasons, and apart from Sir Mark Oliphant, Governors did serve two terms as a matter of course.

Mr Millhouse: No, it was an extension.

Mr BANNON: Yes, Sir Willoughby Norrie, Sir Robert George, and Sir Edric Bastyan all carried on. There is a precedent for an extension of a term or another term if this is felt necessary or desirable. I note that when Sir Mark Oliphant retired a pension scheme was introduced, and it was said from Government House, going back to 1976, that the Governor had indicated he would not be seeking an extension to his present term. So, it was his wish that he finish at the end of that term. There has been no real indication of that or any real explanation as to why the appointment of a new Governor should be brought forward six months.

Discussion has occurred over the question of the propriety of appointment of the Governor and whether there should be consultation. As this is a new debate, let me put on record again a personal opinion—that without derogating from the ultimate right of the Government of the day to make that appointment, I believe it should be a matter of practice that at least some consultation should take place, bearing in mind, particularly since 1975, the sensitivity of the post of the Governor. I do not want to get a Pavlovian response that this was never done in the past or, as the member for Mitcham will say, 'Your Government never did it under previous Premiers.'

Members interjecting:

Mr BANNON: Thank you very much. That may well be right. I take note of that. I am expressing my personal views on this and, as I say, without derogating from any Government's right at any time to make that ultimate decision. But I think it is something that the Government ought to look at, particularly in view of what it is doing here, because, in the normal course of events, the present Governor's term would expire at about the time that this Government's life would expire also—that is, in the normal course of a three-year term, although I agree we have not had many of them in this State over the past 10 years or so.

Mr Millhouse: Whose fault is that?

Mr BANNON: Certainly, it has been the result of the circumstances that I spoke about in particular. Let us not forget 1975, when the Government was stood over by the Upper House when it was refusing to pass an important railways agreement. But let us not go into those constitutional crises, but let us say that in the normal course of a three-year term the Government's term would expire about September. Under the Constitution it can prolong its term of office a further six months or so. No doubt, the present Government will be very keen to seize at least another few months of time in which to try somehow to rescue the parlous situation the State is in and save its skin. Unfortunately, it will not have won that time. Nonetheless, the Government has that flexibility.

I think it is fair to say that from about September onwards no-one could criticise the Government for going to the people, as the term has expired. So, that is something that I think we should bear in mind. By bringing that appointment back to March, as this Bill does, the Government is taking the appointment of a new Governor right out of that area of what I would call sensitivity, and placing it, if you like, beyond doubt that it is in the lifetime of the Government's term. I think the Premier should address himself to that point in his response and try to explain to us clearly and concisely why he feels it necessary to have this power to appoint the Governor six months before his term of office officially expires.

Mr MILLHOUSE (Mitcham): Even after the difficult weekend which the Leader of the Opposition has obviously had, I did not think he was quite as dumb as I thought he was during the earlier part of his speech. It is perfectly obvious that the real reason for this Bill is to allow the present Liberal Government to appoint a new Governor as far away as it can from (and I will use a neutral term) a chance of a change of Government. Otherwise, we will be back in the 1968 position, or something very like it. Let there be no dissembling about it. That is undoubtedly the real reason why this Bill is being brought in. It means that, in fact, the term for a

Governor is 4½ years, and it allows the present Government, apart from any consultation (and I would bet we do not get it), an unfettered choice.

I would have thought that the Leader of the Opposition could come out with that quite as directly as I have, because you do not have to be even as intelligent as I am to see that. That is the real reason for it. I certainly, in the present circumstances, do not quarrel with that. The shorter the term the better, in my view. I do not oppose the Bill. The Government can make it shorter still if it likes, and I will be happier than I am now with the present arrangements. Let me remind the Leader of the Opposition that in the past there has been, by custom, a five-year term. There has been during that five years a six-month furlough in England. Incidentally, six months after five years is pretty good going, but the Leader has explained the reasons for that. Then there was, as a rule, if the man had been a success as a Governor, tacked on to it a two-year extension, making it a seven-year period in office in all. It was generally felt (and I am certainly harking back to what I heard a former Premier say) that after seven years most Governors have been to most places at least once, and really there was nothing much more for them to do in a State like South Australia, so it was a good idea to have someone else. I think that is a good idea. I am glad that on this occasion there does not seem to have been even a suggestion of an extension of two years.

The SPEAKER: Order!

Mr MILLHOUSE: What is wrong with saying that?

The SPEAKER: Order! The Chair will make those decisions. I ask the honourable member for Mitcham not to test his luck.

Mr MILLHOUSE: Sir, I know that the Chair is in charge, but surely Standing Orders give members some rights and, so long as one remains within the spirit and the letter of the Standing Order, no possible exception can be taken, even by your exalted person. I know you are a bit sensitive that I may say something because of what I have said in other places in the past. I do not repent on anything I have said. I am not going to transgress. I never transgress knowingly in this place.

Mr Becker: Oh!

Mr MILLHOUSE: I welcome the member for Hanson back from his holiday overseas. He is trying to make his presence felt. I did not even miss him last week when he was away from the place.

Mr Becker: Were you here?

Mr MILLHOUSE: I was here every day last week. I think I took part in the debates.

Mr GUNN: I rise on a point of order. The honourable member for Mitcham is in no way relating his remarks to the Bill before the House, which relates to the Governor. I understand that the member for Hanson has nothing to do with the Governor.

The SPEAKER: Order! I uphold the point of order, but in so doing I indicate to any member who incites another member while on his feet that it makes it very difficult for the Chair to bring the member necessarily immediately back to his point. I ask the honourable member for Mitcham to come back to the Bill:

Mr MILLHOUSE: I accept with the utmost respect that what you have said is that, if the member for Hanson has nothing to do with the present Governor, he shows more sense than I thought. Let me go on to the next point.

An honourable member: Would you like to be Governor?

Mr MILLHOUSE: I would make a very good one, I am sure.

The SPEAKER: Order!

Mr MILLHOUSE: I would have to find someone to recommend me, that is the trouble. The Labor Party is almost openly now a republican Party, and it is rather quaint to hear the Leader of the Opposition speaking as he did this afternoon with some apparent concern for the office of Governor, because it is notorious now that the majority of Labor members in this Parliament are republicans. Let me remind them that one of the prices we pay for having local men in this job is that we have to pay them a pension. In the old days, when we had Englishmen, the British Government paid the lot. It even paid for A.D.C.s to come out here and we did not even have to pay for that. Even when Sir James Harrison was the Governor we did not have to pay, A.D.C.s were still supplied.

Let me remind members that we have had some very well known A.D.C.s of impeccable lineage, indeed. Who would have thought 25 or 30 years ago that one of them would sire a Queen of England.

The SPEAKER: Order! I draw the honourable member's attention to the fact that we are considering the Governor's Pension Bill, which has nothing at all to do with aides. I would ask the honourable member to come quickly back to the point.

Mr MILLHOUSE: I have made the point about republicanism and all I was going to say was that, heaven forfend (because I am a Royalist, and I make no secret of that), if we ever do go to a republican form a Government it will mean even more expense and not the benefits that we have now from our present system. Let my friends in the Labor Party chew that over and I hope come to a more favourable conclusion on it.

There is only one final point that I want to make on this Bill, namely, that one of the advantages (and I am not now linking this to any particular incumbent of the office of Governor, so please relax) we have had in the past when a Governor took furlough was that it allowed the Lieutenant-Governor a time to exercise the functions of the office. Indeed, one of the Chief Justices, Sir Mellis Napier, as Lieutenant-Governor (and he remained Lieutenant-Governor after he was appointed Chief Justice) spent more time exercising that office than any Governor, a period which came to something well over eight years in all.

This Bill means, and this is one of the disadvantages of it, that we will not have, as we might otherwise have had, the benefit of Sir Walter Crocker, the Lieutenant-Governor, being resident at Government House and exercising the functions of the office. Personally, I regret that, because I believe that Sir Walter Crocker, and I speak with very great respect to him, is an outstanding South Australian. He has the dignity, the intellect and in every way the background to exercise the functions of Governor. We will lose the opportunity to have him do so during the period of furlough, that is, unless by some happy chance he were to be appointed to the job by Her Majesty the Queen. That is a minus which has not been mentioned before, and perhaps no-one else would mention it, but I must say that in the past few years, on those fleeting occasions when he has exercised the functions of the office, I have been very pleased indeed to see him there.

The Hon. D. O. TONKIN (Premier and Treasurer): I would also like to pay tribute to Sir Walter Crocker, the Lieutenant-Governor.

Mr Millhouse: Pity you didn't do it in the second reading explanation.

The Hon. D. O. TONKIN: Only because it was not basically the subject of the legislation. Now that the member for Mitcham has transgressed in that way, I am

sure I can have the indulgence of the Chair to add my tribute to the work that has been done by Sir Walter Crocker.

I must point out to the Leader of the Opposition that the Government has no problem at all about accepting the constitutional provision for its term in office, and it will do so with pleasure. If we do go for 3½ years plus, which is perfectly constitutional, I can only say that it might make up in some small measure for the number of two-year Parliaments which have been inflicted on us by the Labor Party.

With regard to the specific questions raised by the Leader of the Opposition, there has been full consultation with His Excellency the Governor on the matters raised. The difficulty that arises with the period, which may be six months or five, or whatever, is that there are no set rules for the allocation of funds for expenses to the different households and, although the present arrangement is a rather messy one, it is a matter of allocating a proportion of the expenses to the Lieutenant-Governor for the running of the house and at the same time having a proportion of those expenses to enable the Governor, if he is still appointed, but on furlough, to have the benefit of those expenses. This legislation is designed to do away with that need. It will clarify the issue. There will be no need for any division of expenses and, as members opposite have pointed out, it will make it possible to bring about a continuity of appointment. In other words, it will be possible to appoint a successor to His Excellency in a proper time after he leaves his active duty without all the messy financial arrangements which otherwise have to be made. I believe it is important to have this continuity. I think that the situation whereby a Governor completes his 4½ years, and then proceeds to go on leave, and then returns to active duty for a week, simply to hand over, really does not aid the situation in any way at all. That is the situation we are trying to avoid by bringing in this legislation.

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

BUSINESS FRANCHISE (TOBACCO) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 3 June. Page 3810.)

Mr BANNON (Leader of the Opposition): The Government, as has been canvassed in this House in the last week or so in particular, is facing a major financial crisis. It is having enormous problems in balancing its books, its budgetary estimates have blown out wildly over this financial year, and it has proved to have made many mistakes, both in calculations relating to formulating its Budget and in its expectations of what will happen in this State's economy over the current financial year.

It is part of the rescue operation to which attention has been drawn that we have this measure before us. Normally, one would expect to find an increase of this kind coupled with the budgetary provisions at the time when the Premier introduces his Budget for the financial year, but it is being introduced at this stage as an emergency measure because of the parlous financial situation in which the Government finds itself. In an attempt to justify this extraordinary action, the Premier gave what he called a brief outline of the likely Budget outcome in a speech to the Estimates and, in the second reading explanation of this Bill, referred to what he called the difficult Budget situation facing the Government. In this, of course, he returned to the theme that we have been hearing for the past few weeks, which is that of trying to blame anyone else but the Government itself and its financial forecasts and calculations.

Two points are singled out in the second reading explanation. The first is the substantial wage increases that have occurred in 1980-1981. As has been said previously, those wage increases were indeed substantial but could clearly have been foreseen by any analysis of wage movements in both the public and private sectors throughout Australia in the 1979-1980 financial year. By and large, those wage increases which occurred in South Australia and which had an impact on the Budget were flow-ons or catch-ups of something that had occurred earlier elsewhere in Australia. Some of the decisions came out before the Budget had been introduced. So, the Government's miscalculation on the extent of the provision needed for wage increases certainly was very wrong, and it was wrong because the Government apparently could not follow the trend of wage increases throughout Australia and make the sort of calculation that anyone with even a rudimentary knowledge of our industrial scene could have made.

I stress 'apparently', because I think the real reason was that the calculations were made. I would be surprised if they were not. I am sure that, just because there was a change of Government, the quality of advice received by the Government from its public servants has not deteriorated. The morale of the Public Service has deteriorated very sharply indeed, but I imagine the officers in these areas would be attempting to give that realistic advice that they had given to earlier Governments. It is apparent because the Government knew what was going to happen and chose to hide it at the time of the last Budget, to try to make the Budget result look very much better at the time, and it was hoping that something would turn up during the year to reduce the position. That has not turned up; it has turned down, and that is why we are faced with an emergency measure of this sort.

The second reason was reduced Commonwealth Government support, particularly in the area of personal income tax sharing. We are facing a very stark future in relation to our share of Commonwealth revenue. We have seen the dreadful impact of the Fraser Government's cuts in support for the States. Again, that is something that this Government could easily have anticipated at the time of framing the last Budget. In the Federal election of October last year, the Premier himself was welcoming, on behalf of South Australia, the very programmes that Prime Minister Fraser has been implementing. He has quickly forgotten that in recent months and, since the Premiers Conference, has discovered the Prime Minister to be callous and uncaring, and that what he is doing is detrimental to South Australia. But the Prime Minister is doing nothing that he did not say he was going to do. There is no surprise in what happened at the Premiers Conference this year, but the Premier last year urged us to support that Prime Minister and that policy, knowing full well that that would be its effect. He cannot bleat now that it has caused him to reshape his Budget and recast his financial forecasts and that it has got South Australia into terrible trouble. He knew months ago that that would be the end result of Fraser policies applied to South Australia. Of course there has been reduced Commonwealth support, and of course that is hurting this State, and the Premier is at last starting to complain about it. Let us not forget that he actively contributed to the election of the Government that is doing those things to this State and his objections now are very hollow in the light of that.

The Premier has boasted throughout that his is a low-tax

Government, that in all respects he is attempting to lower the burden of taxation on people. That is something that any Government should strive to do where it is responsible to do so, but in that equation he has left out that large area of State revenue, of State taxes, related to specific provisions such as water, sewerage and transport—in other words, the area of State charges. This measure is not one dealing with State charges. It is clearly a State tax, a tax on a particular commodity, and it is the first time that the Premier has grasped the nettle of the problems of his revenue policies—not his tax policies. He has faced up to the need to do something about a specific tax: indeed, to increase that tax. So we add this tax increase to those lists of more than 40 charges that have been increased in order to raise revenue in some way to rescue the parlous financial position of this Government.

We are facing an extraordinarily difficult year in 1981-1982 when the impact of the Fraser cuts will be felt in South Australia. This measure is clearly an attempt to get in early and to try to create legislation for some extra revenue which will be in the hands of the Treasury as quickly as possible. It stands as a clear admission of the failure of the Government's financial policies, a clear indictment of the programme foisted on us and supported in this State. It is a clear example of the way in which its financial incompetence has been matched by the sheer impracticability of its programme, which is aimed to reduce revenue and yet somehow maintain or even improve in the light of its election promises the various services we have come to expect. The Government's bankruptcy of ideas and action is being shown up very starkly in the financial bankruptcy that is staring us in the face.

The Opposition will support this measure, although reluctantly. Members on this side recognise the parlous position revenue is in in South Australia, and it is not our intention to plunge the State further down the financial drain than it is already. We realise that this will be yet another imposition on the people of this State, but against that it may help to preserve some of the services—education, hospital and other services—which are so important in this State and which are under enormous threat because of the dreadful way in which this Government has managed its finances.

Regrettably, the Premier says, the Government has little choice but to look at the income side of its Budget also. Responsibly, it should have been looking at the income side of the Budget throughout its term of office instead of being totally reckless with it, as it has done from its first and successive Budgets. This measure increases taxes, as the Minister of Transport quite rightly points out, and as such cuts directly across the rhetoric of the Premier. It is an admission of the failure of the Government's economic policy.

I would like the Premier to explain a statement made in the second reading explanation that the Government is aware that by this action some operators could take advantage of the situation and make a windfall gain at the expense of the consumer. The Premier expressed some hope that this windfall gain would not occur. On past experience, he said he believed this would not happen in this State. I sincerely hope he is right. I would like the Premier to outline precisely what sort of gain he is talking about and what measures he has in mind to prevent this situation if an attempt is made to make this gain. It may be that this situation has not arisen in the past, but the Government should be ready to prevent its occurrence. With reluctance, we support this measure.

Mr SLATER (Gilles): As the Leader has pointed out, this financial measure will increase the amount of tax payable on tobacco products from 10 per cent to 12½ per cent. The only reason given by the Premier, both publicly and in his second reading explanation, is that it will reduce the expected deficit for 1981-1982, and it is expected the measure will bring in additional revenue of about $3 000 000 in a full year. It is interesting to look at the remarks made by members of the then Opposition (now the Government) in 1974 when the tobacco franchise legislation came before the House. The then Leader of the Opposition, Dr Eastick (page 2238 of *Hansard* of 26 November 1974), stated:

> I oppose the Bill, which is another result of the Socialist doctrinaire policy that seeks to make peasants of more and more of the population because, as of old, they are being robbed of their income in the name of State taxes and are becoming like serfs bonded to the Labor Party hierarchy and its 1984 dictators.

The Deputy Leader at that time was Mr Coumbe, the member for Torrens. He also expressed his opposition, but I will not comment on his remarks, because he is not now in the House.

Mr Millhouse: Or likely to be again.

Mr SLATER: True. The member for Hanson said:

> I support the remarks made by the Leader and the Deputy Leader in opposing the legislation. There is only one way the legislation can be described: namely, a miserable, lousy inflationary tax on the people of the State, who enjoy little pleasure today. By introducing this legislation, the Government has reached the bottom of the barrel by taxing men and women who enjoy smoking.

I notice that the member for Hanson has been conspicuously silent today. I know he has been away on holidays, as the member for Mitcham has described it, but, nevertheless, he has an opportunity to participate in the debate and support the remarks he made in 1974 when the legislation was first introduced. It may also be worth while considering the comments made by the member for Glenelg, who said:

> I oppose the Bill for several reasons, mainly because, again, it has a crack at the little people, including pensioners and others who have little enough to enjoy now. Members would be aware of my opinion about smoking and cigarettes, particularly in relation to the legislation I introduced previously. Nevertheless, I sympathise with people who find that they cannot stop smoking because they are addicts of tobacco and nicotine.

The member for Glenelg has made no comment about the increase in the amount of taxation proposed in this Bill. The then member for Kavel (now the Deputy Premier) stated:

> It will be an even sorrier day if the States are forced more and more into the consumer-taxing field.

The member for Eyre also expressed his opposition to the Bill at that time; he was more obsessed with clause 8 of the Bill in regard to inspectors. He claimed that there were too many inspectors in different fields and he was worried about the tobacco products taxation inspector. Perhaps the most important remarks were those of the then member for Bragg (the present Premier), who said:

> I do not support the Bill. I believe that the Government has introduced it with a fair degree of insight into what might be the reactions to it. I think the Government hopes that, by believing that non-smokers would not care one way or the other about what were the provisions of the Bill, it might avoid the censure of at least one section of the community.

I wonder whether the Premier remembers the remarks he made at that time, because he has increased the amount of taxation that will be payable for tobacco products. There is no doubt that the increase is passed on to the consumer.

Those people in the community, like me, who indulge in smoking will find that they will be penalised. The return to the Government will be $3 000 000 a year.

Mr Millhouse: A damn good thing too.

Mr SLATER: I know that the member for Mitcham and some other members of this House believe that cigarette smoking is a harmful practice but, nevertheless, the individual has a choice. The same position can apply to many other situations: a person has a free choice. It is noticeable that none of the Opposition members who spoke in 1974 has said anything about this Bill. From the Premier's remarks, it would appear that the only reason the Bill has been introduced is to obtain greater revenue for the Government. We know that State Governments have to raise revenue and endeavour to balance the Budget in some way. There is no doubt that the Government has failed to do so this year and is looking at increasing difficulties in 1981-1982. This Bill is one little way in which the Government can obtain revenue from a section of the community.

We know that Governments raise a lot of revenue from the habits of people, such as smoking. Other people have instincts in regard to gambling, and we all know that Governments raise considerable revenue from that source. In addition, both Federal and State Governments raise considerable revenue from those people who indulge in drinking alcohol. Governments have severely taxed those forms of activity quite considerably over the past few years.

I am not happy about this Bill. As the Leader said, the Opposition reluctantly supports it. The Government came to office with an election promise to do away with gift duty, succession duty and land tax. Those measures assisted one section of the community substantially—the more affluent members of the society. I recall the Premier, when Leader of the Opposition, strongly supporting, both publicly and in this House, the Californian tax situation that was described as Proposition 13.

That was a shift of the taxation burden from one section of the community to another. I believe this exercise can be put into that category. The Government has done away with taxes which I suppose would represent about $20 000 0000 income in a financial year to support their supporters who are the more affluent members of this community, but it is still prepared to tax the ordinary persons in the community to recoup that amount in an attempt to try to balance the Budget. As we say, we reluctantly support the Bill, which we see as being an indication that greater increases will occur in this field in the future.

Mr MILLHOUSE (Mitcham): It is a sad reflection on the importance which the Government gives to this debate that during the whole of the time that the member for Gilles was speaking there was not one Minister in the House. The Premier is in charge of this Bill. This is the first time I can ever remember a debate in this House when no Minister has been in charge of the House. We see the member for Hanson sitting out of his seat and in the Premier's seat.

The ACTING SPEAKER (Mr Russack): Order! I ask the honourable member for Mitcham to relate his remarks to the Bill.

Mr MILLHOUSE: Sir, I am relating them to the Bill, all right. This is an important matter and we have not had one Minister here. I see a couple here now, but the member for Hanson has no more standing in this place than has any other member on this side to sit at the front bench and pretend he is a Minister, let alone to sit in the Premier's spot. He may have thought he graced it, but he was completely ineffectual, as he would have been if he were a Minister.

The ACTING SPEAKER: Order! I ask the honourable member to come back to the Bill.

Mr MILLHOUSE: I have made the point effectively because the Minister of Transport has hurried in and is sitting on the front bench and the Premier has come in and is sitting in the Parliamentary Draftsman's little enclave.

The ACTING SPEAKER: I ask the honourable member for Mitcham to comment on the matters pertaining to the Bill.

Mr MILLHOUSE: Right, I will certainly do that, having dealt with that first matter quite effectively. I would not care if the percentage on sales of tobacco went up by far more than it has. All we are going to do in this Bill is to increase the licence fee payable from 10 per cent of sales to 12½ per cent of sales. If it went up to 25 per cent or 50 per cent of sales, I would not care because it would do something—

Mr Slater: You are selfish.

Mr MILLHOUSE: I am not selfish. The member for Gilles knows full well that the worst health scourge in our community that is preventable is the smoking of cigarettes and the use of tobacco. The honourable member knows that as well as any member in this place knows that, and it is not saying much for his own strength of will that he has not been able to give up the habit himself.

If this were to be used as one way to discourage people from smoking tobacco, then it would be very worth while and it may be that the $3 000 000 that the Government hopes to reef off the consumer by this licence tax via the shopkeeper will do something in that regard, but I doubt it, and it is not nearly enough. Of course, the problem about doing this is that the Government then becomes more dependent on this as a source of revenue and less anxious to discourage the smoking of tobacco in other ways. That is the Catch 22 position. We are in that position in relation to alcohol, which is a Federal problem, and we are in it to the extent of this particular Act with tobacco. That is the problem.

I can see in future, if ever the time comes when the Minister of Health plucks up her courage (and she has not had enough yet) to suggest that something be done about the cigarettes labelling legislation, that the Under Treasurer will say that the Government gets X million dollars from the licence fees and if there is to be no advertising of tobacco in future the Government will be likely to get less money as a result. That is a problem, but as a straight-out disincentive to smoking, then I have nothing but support for the Bill.

As I say, it is a disincentive to smoking. It was rather strange to hear the Leader of the Opposition, who is a non-smoker, and who takes care of himself physically, not making the point. I thought he might have made the point himself, but he did not. I suppose he has had too bad a weekend to have had much time to think about these things, but there it is. We all know that a greater disincentive to smoking would be the banning of advertising. A few weeks ago, I heard a person who was brought out by the Health Commission speaking at a gathering on this point, and the first step to take in discouraging people from smoking is to ban advertising of tobacco, and not to put a tax on like this. This mealy-mouthed Government will not even take that step, yet it could, as I have written to the Minister of Health.

I must say, in all fairness, in looking at the two Acts, as I have been doing in the past few minutes (the Cigarettes Labelling Act, 1971-1972, and the Cigarettes Labelling Act Amendment Act, 1975), I think my interpretation of them is a bit mixed up. Be that as it may, the point has

been made to the Minister of Health that she ought to take steps to ban the advertising of tobacco but, now, if she does and the Government takes that step, it is likely to put in jeopardy the amount of extra money it will get under this Bill, because demand, we hope, would thereby go down a bit. Here she is, the little lady, maybe she will say something.

The ACTING SPEAKER: Order! I ask the honourable member to refer to the Minister as the Minister of Health.

Mr MILLHOUSE: Well, Sir, you obviously knew I was referring to the Minister of Health. I invite the Minister of Health, who is now in cabal with the Premier, to say something in this debate and to tell us whether she does propose to take any action with regard to the Cigarettes Labelling Act and what her views may be on the effect that this Bill will have on her being able to do so. I bet she does not. She is probably just passing through the Chamber like a bird of transit. Those are the points I make in so far as this will discourage the use of tobacco, I think it is a good thing. In so far as it will—

Mr Slater: People will still smoke.

Mr MILLHOUSE: I hope there will be some elasticity of demand, and some people when it costs a bit more will smoke a bit less. That is one of the laws of economics, as I understand it. I am glad to see the Minister of Health in her seat and, if she is going to speak on this matter, then I will yield to her.

The ACTING SPEAKER: Order! I have allowed the honourable member quite a bit of latitude in his remarks, and I ask him to come back to the Bill.

Mr MILLHOUSE: I wanted to see whether I could get the Minister of Health to the party. In so far as this will discourage the smoking of tobacco, I think the Bill is a good thing, but in so far as it will make it more difficult for the Government to ban advertising, because that will mean a reduction in smoking, I think the Bill is a bad thing.

The Hon. D. O. TONKIN (Premier and Treasurer): I do not propose to answer anything which the member for Mitcham said, because he did not say anything worth answering, basically. I would point out to him and to other people who might think that the Government gains additional revenue by this Bill, that it costs about $10 000 000 at the Royal Adelaide Hospital alone each year to deal with smoking-related diseases.

Mr Millhouse: Why don't you ban the advertising of tobacco?

The Hon. D. O. TONKIN: It seems to me that the honourable member for Mitcham, who is doing the best he can to make up for the fact that he is so seldom here by being active today on almost every subject, has not contributed anything to this debate at all. I will go back now to the few remarks made by the Leader of the Opposition. It seems to me that I have heard them all before—in a no-confidence motion and again in a debate on the Supplementary Estimates, and we have heard them all paraded out here again. He misses one rather important point, and that does not say a good deal for his acumen. He says that the increase in this franchise tax is a rescue operation in order to make the present year's Budget look better. If he had only looked at the Bill he would have found that it does not come into operation until August, which really makes a nonsense of what he has been saying. Yes, we certainly will be under pressure next year to the extent of some $30 000 000 less than we expected to get under the previous Grants Commission formula.

Mr Bannon: You asked for it.

The Hon. D. O. TONKIN: Yes, and I will continue to support the Federal Government (although I do not agree with it on everything, as everyone knows) because, if the Australian Labor Party were in office Federally, God help Australia and South Australia. We would see a total take-over. We have seen its policies, once again brought forward this weekend, of higher taxation, wealth tax, and succession duties (we will see what is going to happen to them). We will see shorter working hours, getting rid of the multi-nationals, destruction of all these jobs in South Australia. I suppose the only thing he can think of is to increase the size of the public sector and the size of the taxes to pay for it. There is no question but that the Labor Party has become a one-line Party and that that line is to increase taxes until it hurts.

Not only will we be $30 000 000 down on the tax reimbursement scheme but the relativities inquiry, which has now been completed, which we expect to receive in a few days time and which will take a good deal of time to look at, examine and to decide what we will do, is going to cost this State a great deal more money. We are likely to lose a considerable sum of money as a result of the relativities agreement because, when the country railways were handed over by a Labor Government to the Commonwealth (and we passed the railways agreement Act in this House), there was no, I repeat 'no', agreement, contract or document of any legal standing relating to the financial agreements. There was only a gentleman's agreement between the Premier of the day, Mr Dunstan, and the Prime Minister of the day, Mr Whitlam, who certainly knew how to pull the wool over the Premier's eyes at the time.

There is no doubt that we will be under extreme pressure. How much pressure there is will be seen when the report of the relativities review is released. But the blame for any short-fall and difficulty which this State will have will lie fairly and squarely at the feet of a former Government, which was so unbusinesslike as not to insist on a binding agreement between the Commonwealth and the State. I will say no more about that at the moment, but we are likely to hear a great deal more about it in the weeks to come. I have never seen anything more scandalous in my life.

The Leader of the Opposition said, 'How on earth could some operators take advantage of the situation and gain a windfall?' I would have thought that even the Leader of the Opposition would know that there could be some people who would be tempted to sell at higher prices goods which they had bought at a lower price. I am amazed that he has not thought of that. We have already made the point that on past experience it has not happened in this State, and the general feeling is that the great majority of retailers are far more honest than the Leader obviously gives them credit for. We will monitor that situation, but on past experience we believe that it will not happen again, either. That is all I have to say. The matter of health is something we could debate at some length, but I do not think that this is an appropriate time to do so.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 3 June. Page 3812.)

The Hon. PETER DUNCAN (Elizabeth): This is only a small Bill which, as the Minister pointed out, deals with

two matters: one is the question of introducing a system that will enable number plates in South Australia to have the State's apparent new slogan 'The Festival State' emblazoned on them. That is a minor matter, on which I do not want to delay the House. It is one of those things that if we were in Parliament we would have been pressed by public servants and others to do for the prestige of the State, and I suppose that we would have acceded to those sorts of pressures. In terms of any practical value to this State, I think it would be about as useful as an ashtray on a motor bike. I do not think that there is any particular value in putting slogans on number plates. However, the Government has apparently made this decision, and we will not oppose it.

One thing that is rather unfortunate about that move is that the Government has taken this opportunity to impose what amounts to a monopoly in the provision of number plates in South Australia, apart from the special number plates provided as personalised plates. As I understand it, from now on the Government will, by contract with one private organisation or another, provide all the number plates. As the Minister has pointed out, that is so in other States of Australia. When I came to South Australia to live in 1965, I was amazed to find that number plates were issued by a variety of private firms and that one could make one's own number plates provided that they complied with certain specifications.

I thought at the time that it was an interesting little quirk of history that South Australia had continued with this system which was very much part of the earlier days of motoring, in a sense. If one has a look at some antique vehicles, one can often see that the registered number has been painted straight on to the body work. This practice is now going out the door. I am not going to lament it greatly, but this may be one of the things where we may be falling into line with the other States for no particular reason.

The matter of more consequence, of course, is the question of amending the definition of 'premium' or 'insurance premium', and the intention is, as the Minister says, to 'allow the gradual phasing in of new third party insurance premiums'. I find one thing particularly interesting about this proposal, namely, that in the second reading explanation there is an admission that the Government has power to implement these increases in relation to the S.G.I.C. at the present time. That is a view of the law with which I concur, but it is not one that the Acting Minister of Transport, Mr Brown had when these increases were announced while the Minister was overseas. He said on that occasion that the Government was gravely concerned by the new premiums. He also said some other interesting things. The press report states:

> The Government wants urgent talks with Mr Justice Sangster to discuss the proposed premiums. Mr Brown said yesterday the Government was gravely concerned at the large overall rise and the effect of some vehicle reclassifications. 'While the committee is not subject to Cabinet or Ministerial authority, I will ask the committee to reconsider the more serious aspects of the new proposals,' he said. The Government was concerned with the committee's new definition of the radius of the metropolitan area.

He went on to talk about various other things. At that time he said that the Government had no power to act, but the facts of the matter are somewhat different. The State Government Insurance Commission Act has the following provision at section 3 (3):

> In the exercise and discharge of its powers, duties, functions and authorities, the Commission shall, except for the purposes of section 16—

which is not relevant to this argument—

> of this Act, be subject to the control and directions of the Government of the State acting through the Minister; but no such direction shall be inconsistent with this Act.

Quite clearly, that gives the Government power to direct the S.G.I.C. as to matters such as premiums, and I do not think the Minister now has any argument about that, because he has made the statement quite clearly that the Government proposes to implement the policy (the policy of the staged increases) by instruction to the S.G.I.C. No doubt that would be by using the provision of the S.G.I.C. Act to which I referred. But, as I say, the Acting Minister at the time when these increases were first imposed did not believe that the Government had any power at all to act, and I think that it is an interesting contradiction that has now developed.

In so far as the increases themselves are concerned, the Minister now says that they appear to be eminently fair and reasonable. I take exception to that. I think that some of the increases that have been proposed are arbitrary and unfair, particularly in the way that they have affected some particular categories. For example, for a bus carrying more than 16 passengers, the third party premium rises from $67 to $850. When considering those sorts of figures, I understand why the Government would be anxious to stage the increases. I do not disagree that the third party premiums in this State should be pitched at a level which will make the provision of third party insurance viable for the S.G.I.C., but I do think that in applying some of these premiums the Third Party Premiums Committee has not taken into account anomalies, and I think that is something that needs to be looked at. A number of anomalies have been pointed out, and I think the member for Florey will deal with some of these in a few moments.

In particular, it is very difficult for the Opposition to argue the toss about premiums, because we have not been provided with the information that was available to Mr Justice Sangster's committee, and therefore we are not able to make judgments as to the overall level of premiums. I do not see any reason why that information should not be made public in the current circumstances, those circumstances being that only S.G.I.C. is providing this type of insurance at the present time. I suppose the argument from S.G.I.C. would go something like this: it does not want the information released, because, if the information was available to other companies, it would enable them to hop back into the business at any time on the basis of S.G.I.C.'s own actuarial information. That may be, but I would have thought a better way of dealing with that would be to provide by law that this insurance was to be provided by S.G.I.C. alone, and that would overcome any fears of that sort.

Mr Millhouse: What's the purpose of that? What's good about third party business? They were all making a loss on it. Why do you want to keep people out? Is it because you are a socialist?

The Hon. PETER DUNCAN: No, I simply want to have the actuarial information available so we will be in a position—

Mr Millhouse: Why try to keep the monopoly for the S.G.I.C.?

The Hon. PETER DUNCAN: No doubt the honourable member will have an opportunity to speak in a few minutes.

Mr Millhouse: You can't answer that one.

The SPEAKER: Order!

The Hon. PETER DUNCAN: What I am saying is that I well know the sort of argument that S.G.I.C. will put up against the release of this actuarial information. All I am saying is that I think it is more important to release the actuarial information than to accept that sort of argument,

and, if it is necessary for S.G.I.C. to be protected in their business secrets, one way of doing it, I suggest, is simply to provide that the *de facto* situation that exists at the present time could be provided for in legislation.

Mr Millhouse: What is the point of doing this?

The Hon. PETER DUNCAN: If the honourable member wants to argue, he will have the opportunity to do that in a few moments. One, therefore, is in some difficulty in arguing as to the actual level of the premiums. However, I certainly have no reason to reflect on Mr Justice Sangster in his capacity as the Chairman of this committee.

The Hon. M. M. Wilson: I should hope not. Your Government appointed him.

Mr Millhouse: I appointed him.

The Hon. PETER DUNCAN: That is right. The Minister has not been around quite long enough to keep up with these things. However, what I want to say about the increases is that I think the way that it was done (behind closed doors, as it were) is very undesirable. This committee has a whole range of representatives—everyone that no doubt it was thought by those in power should be consulted on such matters, except, I would suggest, the public. The public is not fully represented and aware of all the facts and circumstances about the levels of these premiums. I think that the reason for that is that the information is not made available. If one has any doubt about that, one needs only to look at the outcry in recent times in relation to these premiums.

It is quite clear that the public had no idea of the likelihood of increases or of the potential magnitude of them, and many people received a great shock. Certainly, this has led to a much greater public awareness in this whole area, but that still has not provided the information for the public which is available within the Government service and which I believe should be made available. I hope that the Minister will take the opportunity that this debate has provided for him to take such steps as may be necessary to ensure that that actuarial information is made available in the future. Many anomalies have been brought to my attention, and they will be dealt with by the member for Florey. In my view, they should be corrected. There may be work being undertaken in the Government to try to do that, but certainly there is a need for a much more rational system or a perceived more rational system to apply in his area.

The only other point I want to make in this debate—and I intend to be brief—is that it appears that the Government is intending to encourage private insurance companies to get back into the third party business. If that is so, I would be one who would urge caution, because I believe there is, as the member for Mitcham has already indicated, no profit to be made out of that business. The only way in which an insurance company could profit out of that business would be the way in which some have operated in the past. I will not name any companies, because I am not sure of the exact names, some of which, I believe, were quite deliberately chosen because they were similar to those of old-established and reputable firms. I will not go into the names of firms, but a series of firms has been providing both third party and comprehensive insurance throughout the 1970s. They came on the scene with a bang, advertised widely, discounted premiums, undercut the general level of premiums within the industry, obtained lots of business, and then suddenly they went—bankrupt, into liquidation, or whatever.

Of course, the directors of those firms in most cases were not held liable for their misdemeanours and sins. In most cases they paid themselves very healthy directors' fees while this had been going on. They had been shovelling off the moneys of the insured clients into all sorts of private ventures, and the results we all know. Many people were disadvanted as a result, and in fact a similar example occurred recently in relation to workers compensation with the Palmdale organisation.

Mr Millhouse: Palmdale was not—

The Hon. PETER DUNCAN: In any event, the point I am making—and I draw the Minister's attention to this—is that I believe that any firms that offer third party insurance, because it is third party insurance, should not only be seen as companies of substance elsewhere in Australia but also as companies of some substance in South Australia. If they are companies of substance within the State, there is some chance of ensuring that they carry out their obligations. I would be gravely concerned if lesser known and possibly less reputable private companies started offering third party insurance. I know that the Act provides that they must be approved insurers, and so on, but unless that power is exercised with great discretion real problems can emerge. We have had them in the past, we have got rid of them, fortunately, and we do not want to see them again. The Opposition supports the Bill.

Mr O'NEILL (Florey): In indicating my support for the Bill, I want to raise a few points in view of the number of complaints I have had from motor-cycle owners in relation to the amounts provided for in the increased premiums. I realise that the Government has had some second thoughts in the matter, and I understand that no premium now will be raised by more than 50 per cent. Nevertheless, there is, in the opinion of a number of my constituents who own motor-cycles and members of the Federation of Australian Motor Cyclists and the Motor Cycle Riders Association, a deep concern about the amount that it costs to register a machine of more than 250cc capacity. The amount was considered quite high before the increase, when it stood at $141 per annum, but the recommendation of the committee was that it should be $263. I think everyone in this Chamber and everyone in Adelaide would be aware of what happened when this news got out. There was a rally in the city of some 5 000 disgruntled motor cyclists, and a number of spokesmen, including the Acting Minister of Transport, were invited to speak. I understand that a number of points were made at the meeting and, as a result, I imagine, of the impact of the meeting on the Acting Minister, he had some discussions with the committee about its having a further look at the sums with a view to reducing the charges.

It was pointed out by my colleague that it appears from the Act that there is no need for the Minister to consult a committee; in fact, if he does not want a committee, he need not have one. Nevertheless, as the result of that, there was an alteration which reduced the amount to the figures I have quoted. I have received a letter from the Public Relations Officer of the Auto Cycle Union of Australia, wherein he claims that statistics are available to indicate that motor cyclists are responsible for fewer than half the accidents in which they are involved. Motor cyclists, in the opinion of these organisations, are held responsible for accidents and damages incurred when in fact they are not at fault. They would like to see a situation prevailing where the overall risks of being on the road are taken into account, and some more equitable system of pay-out rather than the reliance upon the interpretation of the evidence put forward by a judge used to arrive at a compensation arrangement.

In fact, it leads me to believe there is merit in the proposition that we should have some form of no-fault claim to replace the inequitable system that exists at present. The matter has been canvassed both at State and

national level. A system that produces some sort of weekly compensation on an on-going basis, with provision for a lump-sum payment for certain considerations arising out of injuries and property loss, would be much more effective than our depending on the ability of a lawyer and the interpretation of evidence by a judge, whereby some people receive a huge pay-out that makes headlines in the newspaper, but most people usually suffer a heavy financial penalty.

Mr Millhouse: I don't think that's really justified.

Mr O'NEILL: The honourable member, as my colleague stated, will have his turn in the debate; I will not presume to argue the law with him. The member for Mitcham is a lawyer and spends a lot of his time in court. I am concerned that a lot of people who go to court finish up paying a large sum in legal fees, quite often for advice that is not to their best advantage. They come away with a lump-sum payment that lasts for about five or six months. They are then reliant on social service payments for the rest of their life.

The motor cyclists who approached me are concerned, as I am sure the Minister is concerned, about the cost of premiums that they are forced to pay to get large machines on the road. There is a technical debate about whether machines of 250cc and under are as safe or less safe than larger machines. Motor cyclists are also confronted with the problems created by Government departments (and I do not say this is the fault of the present Government only); for example, the Highways Department uses plastic road markers, which are extremely dangerous to motor cyclists. Other members may have seen motor cyclists, who have driven up to an intersection on a wet day and attempted to pull up in an orderly manner, fall off their bikes because there is a big piece of slippery plastic on the road. I am sure technological means would be available to obviate that danger. If a motor cyclist is hurt, he becomes a statistic, which is taken into account in shaping the premium that he has to pay for riding his motor cycle. He is being penalised by a heavy premium for falling into a trap that was set by the State Government. The situation is very complex and I make no claims to have the solution. Motor cycle riders of machines over 250cc capacity have a case for some reconsideration of the premiums that are charged with a view to spreading the costs of their insurance across a broader section of the motoring public.

Mr WHITTEN (Price): I believe people have a right to have slogan number plates, and the Government has a right to introduce them: I have no qualms about that. This Bill has been introduced mainly as a result of public opinion and probably because of the demonstrations that were arranged by the motor cycle brigade some months ago. I am pleased that the Minister has taken some notice of public opinion in this case and has allowed for lower premiums, but how are those premiums to be paid and who is to be responsible for their payment?

I understand that the composition of the premiums committee is to be a judge, the Public Actuary, three people from the insurance industry and three members of the public. That committee will have access to the full facts, and I am disappointed that the full facts about how premiums are to be arrived at have not been made available to the House. It appears that private insurers will be able to enter this field. A fee will be set, which may be lower than the committee considers is fair and reasonable. Does the Government intend to subsidise private insurers? Private insurers should not enter this field, because they proved some time ago that they were not capable of operating. I am afraid that some companies will enter the field—

The Hon. M. M. Wilson: Why would they enter the field now when they did not do so before?

Mr WHITTEN: I have already said why: the Government might have some way of subsidising them.

Mr Millhouse: Come on!

Mr WHITTEN: The member for Mitcham may be more trusting than I am.

The Hon. M. M. Wilson: You do not trust me, but the member for Mitcham does.

Mr WHITTEN: I am surprised to hear that: the member for Mitcham does not trust anyone. Will the Minister assure the House that private insurance companies will not enter the field, compete by offering lower premiums, build up a bank, and get out again? The Minister would know that some companies in the insurance field have done that in the past, particularly in regard to motor vehicle registrations. A lot of people who have had accidents have been left holding the baby, and the matter has been brought back to the fund that insurers set up. I would like to be satisfied that insurance companies will not enter the field with lower fees for policies that they do not intend to honour, and that the Government will not have to subsidise them. Will the Minister say whether the premiums committee has brought down a recommendation that a certain premium is fair and equitable? Does the Government intend to put S.G.I.C. in a position in which it will lose money? I support the Bill.

Mr MILLHOUSE (Mitcham): If what S.G.I.C. has said through the Third Party Premiums Committee is correct, of course it will lose money, if it does not charge the full premium recommended by the committee. The committee said that that premium had to be charged if S.G.I.C. was to come out on the right side of the ledger. Let there be no misunderstanding by the member for Price. The Government is putting down the premium, and the general taxpayer will eventually have to subsidise S.G.I.C. for its losses in this field. What the Government proposes to do is to spread the liability for third party motor vehicle risks not amongst motorists but amongst the whole community.

Mr Lewis: Nonsense!

Mr MILLHOUSE: I think the Minister will tell me that I am correct. What else can it be? The member for Mallee is renowned in this place for jumping in with both feet when he does not know what he is talking about and he has just done it again. Let me go through it again, for the benefit of the member for Mallee; I do not know if I can get through to him, but I will try. The Third Party Premiums Committee came up with a figure and said, bearing in mind that the S.G.I.C. is the only organisation giving third party bodily injury cover, these are the premiums that must be charged if there is to be no loss in this field of insurance.

Mr Lewis: Have you examined the probability?

Mr MILLHOUSE: For heavens sake, listen to me. The Government, because there has been an outcry, has said that these figures are too high, and the Minister has said in his speech that they will have to come in gradually. In other words, the S.G.I.C. is going to be directed not to charge the maximum recommended by the committee, the figure which the committee said is necessary not to make a loss. Therefore, it follows irresistably that the S.G.I.C. must make a loss under the figures which the Government will direct it to charge. It may pick it up from other forms of insurance such as burglary or even third party property damage, although that is not a very profitable line now. If it does not, it means the general taxpayer will be paying the S.G.I.C. to make up for its loss in this field. In other words, we will all be subsidising the motor—

Mr Whitten: Are you saying it is a type of socialism?

Mr MILLHOUSE: Of course it is; there is no doubt about that, but it depends on what you mean by socialism. That is what will happen and perhaps the member for Mallee could have a private chat with the Minister about it, who can then put him right about a few things, if he will not accept them from me.

The fear of the member for Price is that shonky companies will come into this field and try to make some money. That is extremely unlikely. First, they have to be approved, but I said when the S.G.I.C. was first established that the most significant result of setting it up would in due course be that it would have to carry all this kind of insurance, and that has happened in less than 10 years. That was obvious from the time the S.G.I.C. was set up. It has not been for a long time a profitable form of insurance. When I was in amalgamated practice the firm of which I was a partner acted for Edward Lumley, which represented Lloyds of London. At that time, 20 or more companies were involved in this kind of insurance, and Lumley was the biggest because it was linked to the R.A.A. There is no doubt that it went out of this type of insurance because it did not pay. Mercantile Mutual—all of them went out one by one because it was not paying and the S.G.I.C. was left, as I prophesised it would be when it was set up, to carry the baby. That is the position we have now.

There is no attraction at present, unless these Third Party Premium Committee figures have been cooked. A lot of people have said they have been but we cannot check them, and I agree with the member for Elizabeth on this point. I do not know the figures on which they have been based. Unless these figures have been cooked, there is no incentive to any other show to come into this field of insurance at all; they all shun it like the plague; they were glad to get out of it. I do not think the member for Price need worry too much about that.

I agree with a great deal of what was said by the member for Elizabeth, and I think everything that was said by the member for Florey. I think he restricted his remarks to the big motor bikes of 250cc and larger.

The Hon. Peter Duncan interjecting:

Mr MILLHOUSE: Very frequently we agree. It is only when the member for Elizabeth becomes extreme and doctrinaire that we part company. After all, he has had the inestimable advantage of legal training and naturally he is nearly always right. Let me come back to the Bill. There is still a great deal of annoyance and perturbation in the community about the premiums that are to be fixed and the fact that we cannot get behind the figures that are fixed to find the calculations. I have been invited to another rally of motor-bike people on Sunday week at Glenelg to discuss this matter.

Mr Lewis: Can you ride a motor bike?

Mr MILLHOUSE: No, I do not ride. As it is not a Saturday morning when I usually work in my electorate office, I will be able to attend. That is why I have not been at the other rallies, although I was invited to them. This is a Sunday morning and I propose to go down and say a few good things on the subject. The member for Mallee no doubt will be impressed if he comes along, so maybe he will. Their beef is that they still do not know how the Government figures have been arrived at. I part company with the member for Elizabeth only when he says that the S.G.I.C. may complain that it will give its competitors, of whom there are none, some advantage if they know the figures, and therefore they should be protected from that by being given a monopoly. I do not believe in monopolies. If any other crowd wants to come in and make a go of it they should be allowed to but I do not think they will. I do believe we should know the figures.

After all one of the phrases we have heard parroted by members of the Liberal Party before the last election, (they have gone quiet on it now) was open Government and if ever there was a need for open Government it is in this field, where people are being slugged. The member for Elizabeth quoted a case of a premium of $67 being increased to $850, and people do not know why. Where is the justice in that? I entirely agree that these figures should be made public.

In my view this part of the Bill was unnecessary. I wrote to the Minister some time ago and told him that the Government is not now under obligation to accept the recommendations of the Third Party Premiums Committee. Section 129 (1) of the Motor Vehicles Act provides:

> Upon the recommendation of the Minister the Governor may appoint a committee to inquire into and determine from time to time what premiums in respect of insurance under this Part are fair and reasonable.

It does not refer to what will be paid but to what is fair and reasonable. That is the job of the committee to determine.

The Hon. M. M. Wilson: Was that your Bill?

Mr MILLHOUSE: No; I was a member of the Government when Mr Justice Sangster (then Mr A. K. Sangster, Q.C.) was appointed Chairman of the committee. I do not think we drew this. This looks as though it came in in its present form in 1971, so it was a Labor amendment. It says that all the committee had to do was determine what is fair and reasonable, not what should be charged.

Mr Whitten: There is no need to set up a committee at all.

Mr MILLHOUSE: No, that is what has annoyed me in the last few months about the duck-shoving of the Government. It may be because the Minister of Transport was on his holiday riding the O'Bahn in Essen and if he was here to attend to his duties instead of leaving it to Dean Brown—

The SPEAKER: Order! The honourable member will realise that reference to honourable members is not by the honourable member's name but is by his electorate or his portfolio as Minister.

Mr MILLHOUSE: —or the Minister of Industrial Affairs. If the substantive Minister had not been away on his junket overseas then maybe there would not have been the prevarication we have seen. In fact, the Government has hidden behind the committee when neither in law nor morally should it have done so, nor needed it have done so. We now have this Bill which brings in, given that situation, quite a neat little way out of it by making the maximum premiums and not fixed premiums.

That was quite a smart little move. I just wonder who worked it out. I certainly had not thought of it before it was announced. I would like to have had the credit for it because it is a good little ploy. However, it was quite unnecessary because the committee does not have the power to fix premiums; it is merely advisory. It is for the Government, as section 129 (1) *(a)* shows, to decide whether it will accept it or not. The Government chose to pretend that it was bound by it and made a lot of tut-tutting. The Minister of Industrial Affairs, then the acting Minister of Transport, waited on His Honour about the matter, and so on, and issued statements, and that was that. It is all unnecessary, in my view, but we have got it and that is the position.

Let me come to this other silly little provision in the Bill about these idiotic number plates. I think it is more serious than the member for Elizabeth said. It is an absurd slogan

because every State has a festival. I understand that it is the Adelaide Festival of Arts, not the South Australian Festival of Arts. It is one of the few achievements of this Government, so I suppose we should not derogate from it.

I believe that it is quite wrong to give a monopoly in number plates or anything else. This is what this Bill is doing. As I understand it, after the end of this month, when one registers a car or when one gets a new registration number for a secondhand car, one has to use number plates supplied by the Registrar of Motor Vehicles.

The Hon. Peter Duncan: Unless you want to pay a premium and have personalised plates.

Mr MILLHOUSE: That is another $50 or $60. I can remember a letter in the *Advertiser.* Most letters in the *Advertiser* except mine are pretty nonsensical, but this one had some sense in it. It said it would be far better to give the money to charity than to spend money on what is a bit of vanity. I agree with that. I have no intention of getting personalised number plates. I am thinking of buying a new car; I have had the big one since 1968.

The Hon. M. M. Wilson: The Mini Moke?

Mr MILLHOUSE: That is beginning to show signs of wear and tear.

The Hon. M. M. Wilson: Is it still purple?

Mr MILLHOUSE: Yes.

The SPEAKER: Order! The honourable member for Mitcham does not need assistance in coming to the point.

Mr MILLHOUSE: I had better tell the Minister in charge of the Bill that it is still painted in the same colours it had when it was used by the Premier's daughter, when he was an active member of the Liberal Movement.

The Hon. D. J. Hopgood: What about the Minister?

Mr MILLHOUSE: No doubt the Minister rode in it, too, as did the Premier, from time to time. They used to park it proudly outside Parliament House before they tried to stamp on the privilege of members. But, that is another matter. That means I will have to get my number plates from the Registrar of Motor Vehicles. Not only do I object to this as a matter of principle but I well remember, about 12 years ago when we were in office, some grave suspicions of unfairness in the supply of number plates in this State because, if I remember correctly, at that time some such system then applied. In some way one supplier seemed to have tied up the market. I forget how it was.

The Hon. M. M. Wilson: I think there was a cartel.

Mr MILLHOUSE: It was something like that, and was regarded as very undesirable. Now we are doing the same thing by legislation. Not one Liberal, these private enterprise competitive people, has said a word about it. I bet that they will not; they are too cowed to do so. It is not a good thing to give a monopoly, even in the supply of number plates. We have had experience in this State of why it is not a good thing to give a monopoly or allow a cartel to organise the supply of number plates. But not a squeak do we have from these people on the Government side.

In my view, it is not a very good provision. It is not, in the circumstances, worth my while opposing it. However, I do tell members that this is against their principles about which they prate when it suits them. It has practical difficulties and may lead to objectionable practices, as it has in the past. I say that about that provision, and I have said all that I want to about the premiums. I do not know what the answer is to the premiums problem. Obviously, with awards on damages going up and up (and it is no good blaming the Supreme Court, as it is ruled eventually by the High Court and the High Court has made some damned funny decisions on this)—

The Hon. M. M. Wilson: About a month ago, wasn't it?

Mr MILLHOUSE: Yes. So they have to follow suit. I know that in some cases it is done quite unwillingly. However, if damages go up and up, somebody has to pay for them, and the only person who can pay is the motorist or, as this Bill will make it, indirectly, the general public.

The Hon. M. M. WILSON (Minister of Transport): As the member for Mitcham knows, regarding number plates, about which he asked me a question in the House before I left on my tour overseas, the Government called for tenders for the supply of the new number plate. We thought that was the best and fairest way to get the best price for the people. I understand that the number plates will be sold for $4 a pair. They are a very attractive design. A certain tenderer won the contract, and I believe that he has subcontracted, so that at least two of the original people involved in supplying number plates are still involved. South Australians will receive these excellent number plates at $4 a pair, and that is not dear, on today's prices.

The honourable member for Mitcham said that in his position section 129 is not mandatory, and the member for Elizabeth referred to a section in the S.G.I.C. legislation. The opinion of the member for Mitcham is supported by eminent jurists in this State. If this was the case, we would not need this Bill. I am advised (and who am I, a mere pharmacist, to argue with counsel, such as the honourable member for Mitcham) by Crown Law that it is wise, in the circumstances, to introduce this amendment. That is why the Minister of Industrial Affairs, when handling this matter, said that the Government was bound by the legislation to accept the recommendations of the Third Party Premiums Committee, because he was advised, as I was advised when I returned, that section 129 was mandatory.

We know that lawyers disagree in interpretations. I accept that; it happens all the time. Obviously, the Government to be safe had to proceed with this legislation. That is why my colleague said at the time the decision of that committee was finding. All he could do was to see His Honour, the Chairman, Mr Justice Sangster, and discuss the matter with him, and refer other matters to the Third Party Premiums Committee for later consideration.

Indeed, His Honour told me that they will look at the definition of metropolitan area, which involves the anomaly concerning bus proprietors, with a rise in premiums to $850, as well as other matters. The Government, according to the best advice available to it at that time, believed that it could not interfere with the decision of that committee, chaired by one of the recognised world experts in third party insurance and damages claims, Mr Justice Sangster.

Mr Millhouse: I have never heard that before.

The Hon. M. M. WILSON: The member for Mitcham may not have heard that, but from information I have received His Honour is recognised as a world expert in this field.

The Hon. Peter Duncan: Whereabouts?

The Hon. M. M. WILSON: I do not believe that is pertinent to this debate. I pay His Honour the compliment of being expert in the field, and, indeed, the Government has no quarrel with the ability of the Third Party Premiums Committee. This applies notwithstanding which Government set up the Third Party Premiums Committee. I thought it was a Labor Government that set it up, but I am astounded to find that the member for Mitcham was actually in office after the premiums committee was set up and that he, in fact, appointed the present Chairman. The Government does not resile from the fact that it has a

responsibility to the people to see that the premiums are cushioned, to see that they are what the community should pay, rather than there being a determination based on actuarial information and on the results of damages claims before the courts, which, of course, with the incredible rise in damages awards, as the member for Mitcham has pointed out, have escalated beyond belief.

Mr Millhouse: Incidentally, have you laid their determination before Parliament? You are under an obligation to do so pursuant to subsection (6) of section 129. I don't think you have, have you?

The Hon. M. M. WILSON: I am grateful for the honourable member's advice. The question is that the Government had this determination put before it by the Third Party Premiums Committee.

Mr Millhouse: But has it been laid before Parliament?

The Hon. M. M. WILSON: I will discuss that with the honourable member in Committee.

Mr Millhouse: The Act states that 'The Minister shall lay its determination before Parliament.'

The Hon. M. M. WILSON: The enormous increases in damages awards have caused this very large increase in the determination by the Third Party Premiums Committee, and because of that the Government had no alternative but to proceed with this legislation to cushion the effect of the rises.

The member for Florey spoke very sincerely about the Federation of Australian Motor Cyclists and the Motor Cycle Riders Association, both of which I have had contact with ever since I became a Minister. I have found that they are both responsible bodies and are led very responsibly as well. Indeed, the Government accepted a submission from them quite recently that the front number plate on motor cycles should no longer be mandatory, because of the danger that the front number plate could cause in an accident, especially to a pedestrian. We accepted that submission, and that requirement has now been removed. Indeed, the Government has consulted with those bodies on many occasions and will continue to consult with them.

As the member for Florey realises, premiums for motor cycles over 250cc increased from $141 to $263. By this measure that will be reduced by some $51, to $212. I believe that is just and right. I want to point out to the member for Florey that the increases in particular categories (and let us talk about motor cyclists) are based on the damages claims relating to motor cyclists. The actuarial information which is presented to the Third Party Premiums Committee consists of information of the particular damages awards made by the courts.

Mr Slater: Motor cycle related accidents?

The Hon. M. M. WILSON: Relating to that category, of course, and the contributory negligence that is involved. That is the basis on which the Third Party Premiums Committee makes its determinations. The member for Florey said it would be better if we had a no fault scheme. I will not argue with him on that; I am trying to work on a no fault scheme at the moment, but bear in mind also that the no fault scheme will not necessarily alleviate the burden on motor cyclists, although the premiums will not jump in the future to the extent that they have done recently. They will be indexed, but whether there will be a great reduction in the category of motor cycles over 250cc I could not say at this stage. That will be a matter for discussion at a later date if legislation comes forward on the no fault scheme. I sincerely hope that is possible.

Finally, the member for Elizabeth has asked (and I think the member for Mitcham has supported him) that the information on which the Third Party Premiums Committee based its determination be made available to the public. I will have to look at that question, and I take it on notice. Certainly, I have made arrangements for the motor cycle people to see His Honour Justice Sangster, so he can explain to them how the determination was made. I would be very happy to arrange a similar meeting for any member of this House, and I know His Honour will be only too pleased to co-operate. However, whether the mass of actuarial information should be made available to the public is a question that I will have to take on notice. I thank members opposite for their support of the Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 4 June. Page 3917.)

The Hon. PETER DUNCAN (Elizabeth): First, I indicate that the Opposition will be supporting the measure. When this Bill was before Parliament last time, I and others on this side spoke against it. I think it is important that we should go into some of the history of this matter so that the Parliament can get some understanding of it and so that just what has transpired in relation to the so-called random breath test legislation can be placed on record.

As honourable members will recall, when the Bill was before this House some 18 months ago, or at least 12 months ago, the Labor Party, the Opposition on that occasion, sought to set up a Select Committee to look into all aspects of this question. In fact, it was unsuccessful in this House in doing that. It was our concern over a number of issues in relation to random breath testing, and particularly the randomness of it, that caused us to take this attitude, and that is why we wanted to have a closer scrutiny. A Select Committee would have enabled that.

Unfortunately, at the time the Minister or the Government was too intransigent and refused our request. I think that was regrettable, because it means that members on this side in this place have not had an opportunity to consider these matters much more closely and to form an opinion on the basis of evidence put before a committee, and so on. We have had to rely on advice from our colleagues in another place. I have now been convinced, although still with some reservations, by the Hon. Mr Sumner, the Hon. Mr Bruce, and the Hon. Mr Blevins that this measure should be supported, particularly in view of the fact that it will now have a sunset clause providing that it will be in existence for three years from the date of its proclamation. Then, if the measure and the intentions of the Bill are to be continued, new legislation will be required at that time. In those circumstances, we on this side, with some reservations, but in the spirit of the Parliamentary system, a Select Committee having considered the matter and having recommended unanimously, and these matters having been considered in great detail by that committee, believe that the legislation should be supported and should go on the Statute Book for a trial period.

Having said that, I want to make it clear that the Opposition does not see random breath testing in any way as a panacea or a solution to the problems of either the road toll generally or, more specifically, the problem of driving and drinking. Opposition members believe that there are many other measures which could be taken to dramatically improve the quite disastrous road toll situation.

Dr Billard: Can you give any examples?

The Hon. PETER DUNCAN: One very clear example, which I believe deserves the support of all members in this House, is the need for the Federal Government

particularly and the State Government to a lesser extent to reduce the excise on low-alcohol beer. This would encourage people who drink in hotels to drink cheaper beer. When I was Attorney-General, I was given figures of the cost of producing a glass of beer. They are probably out of date now, but I recall being told at that time that the actual cost to the brewing company of producing a glass of beer was something less than 2c. It may be 5c now. If the price of low-alcohol beer were reduced drastically, so that a comparison between full strength and low-alcohol beer was patently obvious to the drinker making the choice, I believe there would be much less drunken driving. That is a direct policy matter which the Federal Liberal Government can take up at any time of its choosing.

Mr Mathwin: Do you think real beer drinkers would go for the diet beer?

The Hon. PETER DUNCAN: I frequently drink it myself.

Mr Mathwin: But you are not a heavy drinker.

The Hon. PETER DUNCAN: I take that as a compliment; some of my colleagues have had other things to say about my habits. I quite often drink low-alcohol beer. It has amazed me for years that it was not possible in Australia to produce such quality low-alcohol beers as have been produced in some of the Scandinavian countries.

Mr Mathwin: It's a bit sweet.

The Hon. PETER DUNCAN: It has been said many times that the good brew produced by Southwark is a bit sweet as compared with other beers throughout Australia, but that is not a great deterrent to people. I believe that that is an important step that could be and should be taken by the Government. I think it would assist in dramatically lowering the amount of drink driving on our roads in this State.

I would venture the opinion that the overwhelming amount of regular drunken driving that occurs in this State is related to people who drink socially as part of a lifestyle pattern. They have a number of beers after work and then drive home. It is not the sort of problem that is sometimes referred to where people, particularly young people, go to a party and get intoxicated on wine or spirits, or some heavier beverage. I believe the vast bulk of driving under the influence is the sort of drinking habit that I first mentioned. The honourable member wanted a suggestion, and I suggest that that is what could be done. To some extent it could be done at a State level, although the effects would not be so great. If it is done at a State level, I suggest the only way of getting a sufficient difference in the price of full strength as compared with low-alcohol beer would be to allow the publicans to make substantially more profit, for example, on full-strength beer than on the sale of low-alcohol beer. That may be unpalatable to this Government.

There is one example of the way that I think things could go. There are other examples of ways in which the road toll could be improved. More particularly, I think there is a need for a full-scale inquiry into the road toll and road fatalities in this State. I am not saying that the situation has been getting any worse. As we all know, it has been marginally improving over the past few years, and it was very encouraging to see the headline in this evening's paper that, for the first time since 1968, there have been no deaths on South Australian roads at the weekend. It is an encouraging sign, but it is not nearly good enough, as we all know.

The Hon. M. M. Wilson: It's probably the publicity we got in the *News* last week.

The Hon. PETER DUNCAN: That may have been the case.

Mr Millhouse: I thought the *News* seemed to be against random breath testing.

The Hon. M. M. Wilson: Did you get that impression?

Mr Millhouse: Yes, that's the impression I got.

The SPEAKER: Order! Other honourable members will be able to give us the benefit of their impressions at a later stage.

The Hon. PETER DUNCAN: I think the Minister is suggesting, with some justification, that, because of the enormous power of the Murdoch press in this State, by raising this issue it was able to influence people's habits over the last few days and there might have been less driving under the influence over the last weekend than previously. That brings me to a quite important point with which I want to deal.

If one studies the figures relating to the impact of the various initiatives that have been taken to try to contain the road toll over many years, one finds that most of them are initially successful; however, their power and influence on the drivers and the community diminishes. When imprisonment for driving under the influence was first introduced, people were acutely aware of the penalty with which they were confronted and were much more cautious about driving under the influence. Slowly, the penalty slipped from their mind, and an increase in driving under the influence offences occurred again. When seat belt legislation was first introduced, by and large the community accepted the decision and most people wore seat belts. I notice that more and more people seem to be getting into the habit of throwing the seat belt over their shoulder and not doing it up.

Mr Mathwin: That makes it easier to get out, doesn't it?

The Hon. PETER DUNCAN: The honourable member may have views that are different from mine about that. I recognise it as an example of the sort of thing I am talking about. When we introduced the system of points demerits, there was some initial impact. When we introduced radar (which makes life difficult), there was a significant impact, but astute drivers would have noticed in recent times that motorists seem to have found their own way to fight back against radar. One often sees flashing lights from cars in the vicinity of radar sets these days, which seems to indicate that motorists have found a code of warning each other of the presence of these devices, and their effectiveness has been reduced somewhat.

I have also noticed that the police seem to concentrate heavily on well-divided roads. When I asked the previous Minister why Port Road and Main North Road were receiving more than a fair amount of attention from radar, I was told not that there was a particular problem on those two roads but that it was more effective to use radar on divided roads because the method of motorists indicating presence of radar with flashing headlights was less effective. One must accept that the police have a job to do. In those circumstances, I can reluctantly understand why there seems to be a concentration of radar in the northern and north-western suburbs.

Mr Mathwin: They are placed along Anzac Highway.

The Hon. PETER DUNCAN: No doubt Anzac Highway is in the same situation. I will deal with only one other matter in the second reading stage. I have not dealt in detail with the clauses of the Bill or its substance, but there has been plenty of debate on this subject and I do not intend to delay the House, although other honourable members may do so. I believe that the decision, quite clearly, has been made in another place and there is little purpose in our having a long debate about the matter now.

I am concerned about the situation that will exist in the courts as a result of the abolition of the imprisonment penalty. When people attend a court of summary

jurisdiction on the same day, those who were apprehended or charged under the old legislation will find that they are confronted with a mandatory sentence of imprisonment, but those who are dealt with under this legislation will find that they receive community work orders only. I am sure that there will be feelings of considerable injustice, and the Minister should look at that situation very closely.

Mr Millhouse: What would you do?

The Hon. PETER DUNCAN: I do not necessarily want to speak about that in the House. I have had a discussion with the Minister. Action can be taken to alleviate the situation to some extent, and action should be taken. If this matter is not dealt with, it will come to the attention of every member of this House, because the ordinary person in the community who does not appreciate the finer legal points will believe, with some justification, that he has been treated with great injustice when he stands in the court and is sent to gaol while other people, being dealt with on that day under the new legislation, will not be imprisoned. That situation must be dealt with. It is a mechanical problem that could be handled by the Minister by making appropriate amendments to this Bill.

People who stand side by side in a court on a particular day should not receive different sentences for what would appear to them to be and which, in effect, is the same crime. The Minister must consider that situation. I intend to move an amendment in Committee to encourage the Government to set up a full inquiry into the road toll, road fatalities, and the relationship between the road toll and drink driving.

Mr Millhouse: For those of us who read the *Advertiser*, that comes as no surprise.

The Hon. PETER DUNCAN: Indeed, it does not, and on behalf of the Opposition I am particularly pleased that we are taking this initiative, because most people in the community will readily concede that, when so many people are being killed, maimed and injured on our roads, and because there has been no inquiry in a long time, an inquiry is long overdue. No-one can disagree with that. This initiative is very worthwhile, and I hope the Government will take it up.

I look forward to a thorough investigation. Even the Select Committee commented that in our community the basic information about such matters is not as good as it could be. Some statistics that should be available are not available. Such a committee could, with the necessary research back-up, get together the relevant information and present this Parliament with a blueprint of steps that could be taken to ensure that we deal as effectively as possible with this shocking problem.

Mr Mathwin: I asked that question when I was in Opposition, and I never received an answer.

The Hon. PETER DUNCAN: I do not recall the honourable member's calling for an inquiry. I am not saying that the honourable member did not ask a question: I am saying that he did not take the initiative to call for a full-scale inquiry. This is a worthwhile suggestion that should be treated seriously by all members of this Parliament. There is no doubt that we (and I do not for a moment say that this relates only to the present Government), as members of this House, have been quite remiss in the way in which we have treated the road toll. This Parliament is a reflection of the community and members are rather like the community at large.

We have been far too *blase* about the road toll in the past. A few stalwarts from the Road Safety Council and other people have attempted to bring this matter to the community's attention, but by and large this problem has not been treated seriously by the community.

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

The Hon. PETER DUNCAN: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

The Hon. D. C. WOTTON (Minister of Planning) obtained leave and introduced a Bill for an Act to amend the Planning and Development Act, 1966-1981. Read a first time.

The Hon. D. C. WOTTON: I move:

That this Bill be now read a second time.

This Bill is designed to enable the making of regulations under the Planning and Development Act which will give effect to the recommendations of the 'Report of the Inquiry into the Boundary of the Hills Face Zone of the Metropolitan Planning Area'. The inquiry was conducted by Judge Roder of the Planning Appeal Board and was initiated by the previous Government in 1979. It was established to determine whether the boundary of the Hills Face Zone required adjustment in order to: 'remove and/or avoid anomalous situations affecting both matters of the subdivision and the use of particular parcels of land and provide in such instances for the more rational development of such land, in such a manner that the existing area of the Hills Face Zone is not significantly altered'.

The terms of reference went on to state that:

> . . . in making recommendation of any desirable changes in the boundary of the Hills Face Zone, consideration is to be given to:
>
> 1. appropriate conditions to be applied;
> 2. availability of services;
> 3. visibility of the area in question from the Adelaide plains; and
> 4. individual hardship.

Judge Roder submitted his report to the Government for its consideration in September 1980. The recommendations of the report were accepted in January of this year, and the report was then released for public inspection.

During the course of the inquiry, Judge Roder received 112 submissions from the public and the report made recommendations in respect of 35 of these. The inquiry recommended the addition of approximately 167 hectares to the zone and the exclusion of about 19 hectares. The areas which have been recommended for change are small and spread almost the length of the zone, from Sellicks Hill in the south to Gawler in the north and represent only corrections to anomalies in the boundary.

It was originally envisaged, and it was further recommended in the report of the inquiry, that an amendment to the Planning and Development Act be drafted to give effect to the recommendations of the inquiry. The most appropriate way to effect the required change is through an amendment which creates the power to make regulations which amend the Hills Face Zone Planning Regulations 1971, and which explicitly take account of and provide for the individual recommendations made by Judge Roder. It is not appropriate that these changes, which reflect in detail individual circumstances, be made in the Act.

The regulations envisaged by the Bill are currently being drafted. They will include a schedule in the form of a set of maps which accurately redefine the zone in line with Judge Roder's recommendations. The maps will also be brought up to date in terms of metrication and adjustment of some road definitions. It is envisaged that the regulations will be prepared and will come into force by the end of July. I

seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts a definition of 'Hills Face Zone' in the interpretation provision of the principal Act. This will replace three separate definitions of 'Hills Face Zone' which appear throughout the Act and will provide the necessary definition for new section 45c inserted by clause 4.

Clause 3 strikes out subsection (6) of section 45b of the principal Act. This subsection provides a definition of 'Hills Face Zone' and the amendment is consequential on the amendment made by clause 2. Clause 4 inserts new section 45c into the principal Act. Subsection (1) provides two definitions. Subsection (2) of the new section will enable the Governor to make regulations for the purpose of implementing the recommendations of the inquiry into the boundaries of the Hills Face Zone. Paragraph *(a)* will allow redefinition of the boundaries of the Hills Face Zone and the zoning of any land excluded from that zone. Paragraph *(b)* and subsection (3) will enable land to be exempted from the provisions of the principal Act or regulations made under it for the purpose of implementing the recommendations of the inquiry. Subsection (4) makes it clear that the Governor can act under this section without first receiving a recommendation from the authority or a council as is required by section 36 (1) of the principal Act before the making of other regulations under the principal Act.

Clauses 5 and 6 are consequential on the redefinition of 'Hills Face Zone' made by clause 2 of the Bill.

Mr KENEALLY secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading (resumed on motion).

(Continued from page 4055.)

The Hon. PETER DUNCAN (Elizabeth): Before the dinner adjournment, I was mentioning the final matter with which I wish to deal, and that is the problem I see involving the public, in that many members of the public who appear in court in the interregnum between the introduction of this Bill and the phasing out of the penalties under the old legislation will in fact feel that they have been dealt with harshly and unjustly by the courts, if not the Government, because of the fact that on the same day some people will appear in Magistrates Courts to answer charges of driving under the influence and other related charges under this legislation and, under the old legislation, will receive terms of imprisonment. However, others being dealt with under the new legislation will receive the penalty under the new legislation—a community work order or one of the other penalties.

I think that in the layman's mind this will be seen as a grave injustice. I think it is possible to overcome this and I hope the Government will take this suggestion on board and see what steps can be taken. It has been put to me that a decision in the Supreme Court last week by Mr Justice Jacobs would in fact overcome this problem, but I do not believe that that is likely to be the case in a matter where the magistrate in fact has no discretion at all. I can well believe that in matters of discretion the Supreme Court and the magistrates, in dealing with these matters, would take note of the Government's intention as demonstrated in this new piece of legislation, and would take account of the views of Parliament, but I certainly do not think that that would affect the situation where there is a mandatory penalty of imprisonment.

In those circumstances, I think this is quite a serious matter that needs to be dealt with. I think Government members can well understand that if, on a particular day, two persons appear, for example, in the Ceduna Magistrates Court both charged with driving under the influence, one of them having been apprehended by the police during this week, and another apprehended in two or three weeks after the new legislation comes in. By the time the circuit court comes to Ceduna, they will both be dealt with on the one day. Because of the luck of the draw, in a sense, one will either get a community work order or some other penalty under the new legislation. The other one will be dealt with under the old legislation, and will receive mandatory imprisonment. I think that is an undesirable situation that should be dealt with if at all possible.

Mr Mathwin: How would you get away from the cut-off point?

The Hon. PETER DUNCAN: I think there has to be a cut-off point. I have spoken to the Minister about this. I do not want to go into the details now; there are some problems with it. However, I put the argument before the Parliament, and I think members can see there is this difficulty. I hope that, in another place, it may be possible to deal with it.

There are other matters, of course, that I could go into in relation to this legislation, but it has been very thoroughly canvassed in the Parliament. It has had the benefit of the best of the Parliamentary system, a Select Committee having been held for the purpose of considering it. In those circumstances, I think everything that can be said has been said, and particularly in light of the fact that the Bill now has a sunset clause and will expire in three years time. That ensures that we will have the opportunity for a further debate then. In those circumstances, I indicate that the Opposition will be supporting the measure.

Mr EVANS (Fisher): I support the proposition for random breath tests. I do not accept that it is an interference with our rights, or any greater interference than was the provision that we should wear a seat belt in a motor vehicle. At that time, I stated clearly that I accepted the proposition that one should be compelled to have seat belts fitted in the vehicle, but that the decision of wearing it should be left to the individual. This provision does not go as far as that provision in relation to interfering with individuals' rights. This provision will make sure that people who have a driving licence realise that it is a privilege and not a right and, for that privilege, there are certain conditions they must abide by in their driving habits.

I had one very strong concern (and the member for Elizabeth referred to this), and that is that I have been advised by the company that sells the alcotest unit within this State that it will not sell it to a private individual. It will sell it only to the Police Department or a Government department. I believe that is a very bad practice. In our motor vehicles, there are meters which show the number of kilometres an hour we are travelling. We take a gamble whether our car is fitted with the original standard tyres, or whether they are over-sized. If people fit over-sized tyres to a vehicle, they will find that actual speed at which they are travelling will be greater than what is recorded on their speedometer, or a speedometer could be inaccurate.

At least it gives us an indication of whether we are going close to or in fact breaking the law and we have some knowledge of how close we are going to breaking the law. We can say the same about indicators or lights on a vehicle. By walking around the vehicle and inspecting it, one can see whether they are working or not. If motorists cannot buy an alcotest unit, they cannot test whether they are over the limit. This Parliament must object to someone saying they will produce the unit and sell it within the State, within the country, but that no private individual can buy it. If that practice continues, Parliament must do what it can about it, by changing laws or making a law that it should be sold, or the Government should take action by buying the units and then making them available to the public at the price it costs the Government to buy and handle those units.

Mr. Millhouse: Surely you can't say you can force a person to sell goods if he doesn't want to sell them?

Mr EVANS: I am saying if that company has a world-wide policy that it does not want to sell them, we will have to find a way of getting some unit that will achieve the same result. We should make available within society a unit that an individual can use to assess whether he is likely to be over the limit. He takes the gamble whether he can use the unit properly, or whether the unit is fully effective and accurate; at least it gives him an indication. As a Parliament, for us to say that we are not concerned about that aspect as the member for Mitcham suggests he is not concerned, is an irresponsible attitude to take. I believe if we put a vote to members of the general public, they would all say that, if there is such a device available for individuals to use so they can drive responsibly, in all probability knowing they are not breaking the law, then we should do all in our power to make it available. I have raised the matter with the Minister, and I hope the Minister will take it up in whatever way he can.

I understand the argument that the company may use. I contacted the agent in Adelaide. The key person in the sales area was not available, because he was away for a couple of days. I know the company is concerned. I had not been told the exact circumstances, but I take it would be in this area. If it sells the units and says people can test their alcohol content with the unit and the person is subsequently apprehended, or the unit is found to be defective, the company believes there will be claims against it for selling defective units, or selling a unit that was not accurate enough for the individual to use as an argument against a charge.

We all know that if one drinks alchol the reading immediately after one will be high. In some cases, if one waits 20 minutes or so, the reading may come up again to that of say 10 minutes after one had the drink. Those are the sorts of problems the individual has to learn to understand. My argument is that at least the alcotest unit is an indicator for the individual to be able to use. If the agents in this State want some form of protection against those sorts of claims the Parliament has to look at whether there is a way of protecting the company from any claims in that area. For us to suggest that the individual can have no opportunity to make an assessment of his situation, except asking another individual to tell him how he looks, or how his speech is, or what his reactions are in relation to responding to any particular question or request, is unfair. Members know that this unit is available, and is not expensive. I believe the Government can buy that unit for about $11 to $12. Many people in this community would pay $20 for such a unit. Many clubs and hotels might stock them and make them available for individuals if they wanted to use them. My concern is supporting the Bill is that that is one area we must really tackle as a Government, and as Parliamentarians and, if necessary, as a Parliament.

The member for Elizabeth made the point earlier about low alcohol beer. In that regard, I support him 100 per cent. Through our Federal representatives, we should all work towards the goal of having the excise on low alcohol content beer reduced to the lowest point, so that people who wish to drink low alcohol beer can do so. I make this qualification: I do not believe it is always the amount of alcohol in any particular liquid that affects how much a person will drink. In most cases, it is the company they are in, or the amount of dollars they have in their pockets. If we lower the price substantially (and I support that argument), we may find in the long term that it does not make a greater amount of difference, because they might spend, say $10 to achieve a similar consumption of alcohol, and end up in a similar condition. That is all I wish to say, but I point out to the Minister in the strongest terms that I object to the alcotest unit being available to Government departments but not to individuals. I believe that is a very unfair practice. I support the Bill.

Mr MILLHOUSE (Mitcham): Those of us who are interested in the Labor Party have watched with fascinated interest the contortions through which that Party has passed on this subject. Up until last Wednesday, Labor members of Parliament had been fanatical, as I recall the debate in this place in the last session, in their opposition to random breath testing. Nothing was bad enough to say about it. It was expected that that was the attitude they would take, despite the Select Committee report, in the Legislative Council last week. They had a problem in that some of their own members had been on the Select Committee and had been convinced by the evidence that there should be random breath testing, but many people thought that that would be pushed aside, because of the very strong view that the Party had taken.

To our surprise, and pleasure in my case, they did an about-face as a party and tamely supported the Bill. Then the clever fellows in the newspapers realised that the matter was on the agenda for their State convention over last weekend, and there was great speculation as to what was going to happen. There could not have been any better example of the way in which Labor members of Parliament are puppets on a string than the speculation that went on in the latter part of last week about whether they would be made to change their attitude on this Bill; whether they would be embarrassed in this place when it came back, or what was going to happen.

Since I did not have the doubtful pleasure of being present, I can only guess the intense lobbying that must have been going on by members of Parliament who are members of the Labor Party, praying their brethren not to put this embarrassment on them by making them change their minds and making them look even more foolish than they already did in any case. There could be no better example of the fact that Labor members of Parliament are not free agents. Luckily they have come down the right way, in my view.

Mr Bannon interjecting:

Mr MILLHOUSE: I have stated my view, and I can tell the Leader of the Opposition that it did not really matter what his Party did on this matter. Even if it had voted against it last week in the Legislative Council, it would have passed, because Lance Milne and I as Democrats were supporting it, and we are supporting it, and have made it clear that we support it. So, it was all merely a pleasant, amusing, academic exercise in relation to this Bill. Nevertheless, it is a very good example, and I hope the people of South Australia will not forget the way in

which Labor members are tied hand and foot, whether they like it or not, to decisions that are made by bodies outside this Parliament. As I say, it was academic because the Bill was going to pass anyway. It had the Democrats' support.

The face saver (and that is all it is) of a thorough inquiry into the causes of traffic accidents is just in the same category. In this country we have had inquiries *ad nauseam* into what are the causes of accidents. I remember a few years ago that the Senate, for some reason (it has really got nothing to do with the Senate), laboured long and brought forth a very good report on this subject. What is the point of doing another one, except to try to save the face of Labor members in this place? The way in which the member for Elizabeth debated this Bill showed his embarrassment, and the way in which those few Labor members who were here to support him were quiet showed their embarrassment at what has happened. Nevertheless, the Bill is going through and that is the main thing, because in my view this Bill is long overdue. I wish the Government had brought it in straight away, as promised before the last election and, heaven knows, it has kept few enough of its undertakings made before the election. If the Government had got on to this one earlier, it probably could have saved some lives in South Australia, lives lost because of the Government's prevarication and dilly-dallying.

I have made no secret of my view on this matter. I remember the Minister saying last time that he knew I wanted to get on with it straight away, and I did. There are many people in this Parliament on both sides who must take responsibility for the delay, and therefore probably for the deaths that have occurred.

The Hon. D. O. Tonkin interjecting:

Mr MILLHOUSE: I turn now to the opposition to this Bill, which has come from a number of sources. This should appeal rather more to the Premier, although I must say that, looking at him now, he looks just like those photographs in the advertisement in last week's *News* and *Advertiser*—I fear he is getting a bit red in the face. There has been opposition from the liquor industry; we have had opposition from the *News*, for reasons we are not immediately obvious to me; and we have had opposition from the civil liberties people. I received a letter from them today. In my view, all that opposition can be well answered. There is no doubt that the liquor industry simply wants to preseve the hotel trade, the liquor trade, and it is perfectly frank about this. This is what is says in its latest journal, which I received only at dinner time tonight:

> All possible steps to combat the introduction in South Australia of random breath tests are to be taken by the Australian Hotels Association, S.A. Branch. This was decided at a recent meeting of the A.H.A. Council. The council has expressed grave concern for the future of hotels if the tests were introduced. They decided it was desirable that the campaign include co-operation with other sections of the liquor industry. The threat also should include a programme of alerting the public in the organising of petitions.

All it wants is to be able to sell more beer. That has been the main thrust of its campaign. So far as the *News* is concerned, we had almost a week of it last week, and one of the articles that I read was published on Tuesday and is by Geoff de Luca, their police roundsman.

The Hon. Jennifer Adamson interjecting:

Mr. MILLHOUSE: It is a pathetic story. Children were crying and he was pulled in, but what was his reading? It was 0.11. Damn it all, he should not have been on the road. That gave the whole of the opposition of the *News* away. All it wanted to do, for reasons not clear to me, was to allow people to drive when they have had too much to drink. I cannot condone that for a moment.

As for the civil liberties crowd (and I normally am pretty sympathetic to them), I had a letter from Michael Davis saying in part:

> Random breath testing is a gross invasion of the right of the sober, law-abiding citizen to go about his or her business on the roads without being hindered. This legislation is an unprecedented and unwarranted extension of police powers which will involve a significant diversion of police resources at great extra cost to the community.

So it may be an invasion of the liberty of the sober, law-abiding citizen—that is bad luck. What we are after is to catch the people who are not sober, law-abiding citizens, and this is one quite effective way of doing it. The letter continues as follows:

> It has not been satisfactorily proven—

whatever that may mean—

> that random breath tests will result in a significant long-term reduction in road casualities in South Australia.

In my opinion, it is one way in which we will get down the road toll in this State. I am quite happy to accept the invasion of civil liberties if it is going to reduce the road toll in this State. I think I said before when I spoke on this matter that I am more than happy to accept that theoretical invasion of civil liberties both to myself and to others rather than have some drunken sot of a driver driving up my back as I am riding home on my bike, like that damn bus of the Minister's, or worse still, that sort of thing happening to my children. Not one of us, if confronted with that choice, would say 'Oh well, we mustn't invade people's civil liberties.' Of course, the whole thing is absurd.

I do not say for a moment that this is the only cause of road traffic accidents. Of course, it is not. Speed, carelessness, unsafe cars, unsafe roads, all those things and many others are causes of road traffic accidents. However, they are far greater causes of road traffic accidents when they are mixed with grog. We all know that that is so. I have no hesitation whatever in supporting this legislation, and the sooner it comes into effect, the better.

The only other thing I want to mention is the point made by the member for Fisher a few moments ago, and that concerns the question of the alcotest. I have had a number of approaches in the past week or so about the alcotest and also about the fairness of people who want to test out their own sobriety before driving being able to do it. It has been put to me that it is no good putting up some common tester in a pub or in a club because people, out of bravado, are unlikely to use it. They will boast that they are all right, or that they do not need to use it, or they may be afraid that people will laugh at them, or something. It has been put to me that there should be available to people something so that they can test themselves privately; perhaps they could go out to the loo or even sit in a motor car, where they cannot be laughed at by their friends or others. There is just nothing available to do this, so far as I can tell. I understand that one of the shops, Harris Scarfe, had some contraption, but it was very inaccurate and it has now been 'remaindered' at about a tenth of its original cost.

The only thing available that I have been able to discover is the alcotest, the thing which the police use. What the member for Fisher said is quite right. I have confirmed it myself. I have spoken to the wife of the chap who is the South Australian representative of Drager Australia. It is company policy for these things not to be sold except to the police, or for academic purposes, for research and so on. It is absurd for the member for Fisher to say that we will legislate to make them sell or give them some protection. We cannot do that. For that to come

from a member of a free enterprise Party is extraordinary. To say that we will make people sell their products if they do not want to do so is an extraordinary breach of the principles of private enterprise, I would have thought, but there must be some way around this, because I believe strongly that people should be able to test themselves.

The Hon. M. M. Wilson: What about the legal question? Do you think that could be overcome all right?

Mr MILLHOUSE: I would not have thought there was very much in that at all. It may be a consideration that should be looked at, but I would not have thought there was anything in it. If Drager is not prepared to make the product available, my hope is that very soon some reliable testing equipment will become available. If there are any entrepreneurs with some initiative around the place, there soon will be, and we will be able to use it. I would like to do it occasionally. I do not drink much, but sometimes I have a drink and I would like to be able to test myself before I drive. I know the problems and the excuse that if you blow into the bag immediately you leave the pub or have your last drink it will read high, but surely that is a fault on the right side.

Mr Slater: That's even better.

Mr MILLHOUSE: It is even better, as the member for Gilles said. In my view, there are no satisfactory reasons for the policy, but it is the company's policy and it is entitled to it. I would like to know from the Minister what he thinks about it. One chap who spoke to me this morning about this tried to ring the Minister. He got on to the Minister's office and, to use his own expression, some very abrupt chap in the Minister's office told him that he could get around it quite easily by not drinking if he drove. That was a very unhelpful comment on the part of some fellow in the Minister's office. He might have a word with him.

The Hon. M. M. Wilson: I was in Cabinet.

Mr MILLHOUSE: That may be so, but apparently that is how the Minister's staff answer the telephone when he is in Cabinet. I would like to hear the Minister's view on whether he thinks that anything can be done to make available to the public in South Australia some sort of testing equipment, perhaps the alcotest which the police use. I know the police are quite happy with the present situation and would prefer that people could not use the same equipment. I would brush that aside, but it is not the police but the company itself which is preventing the sale of the equipment. I would like to know the Minister's views. Apart from that, the sooner we get this operating the better.

I have tried to construe the Bill in relation to penalties only in the last hour or so. The member for Elizabeth talked a bit about penalties, but rather on the question of people being in the same court at the same time and being punished differently because of the cut-off period. If one looks at the penalty provisions which are being substituted, they are extremely complex, and extremely difficult to find one's way around. I can only hope that they are all right. They probably are, although we will find some faults which we would not find even if we looked for a couple of hours tonight. One thing that is strange is how driving in a manner dangerous can ever be considered trifling. By definition it is a very serious offence, but that has been put in. That is only one thing I had picked up, however, and there may be no substance in it.

We are taking the penalty clauses rather on faith than on anything else. One last point I make relates to the legal profession. Making imprisonment optional and not mandatory for this offence will greatly increase the number of brief fees paid to members of the legal profession because, if people think there is a chance that they will avoid going to gaol, they will fight a thing or get someone to come and make a good plea for them, whereas now, when it is mandatory, in many cases it is not worth the effort. But who am I to complain about that?

The Hon. JENNIFER ADAMSON (Minister of Health): It is unusual, if not unprecedented, for a member of the Government to speak to a Bill introduced by another Minister, but this Bill—

Mr Millhouse: I wouldn't say that.

The Hon. JENNIFER ADAMSON: It is unusual; there is no question about that. This legislation, whilst it has been introduced by the Minister of Transport and comes in the form of an amendment to the Road Traffic Act, is legislation which has a profound bearing on my portfolio in so far as it is in the health services that the effects of road crashes are seen and felt. It is the health services and the health Budget that bear the financial brunt of road crashes, road accidents, and the role that alcohol plays in road accidents. It is for this reason that I have chosen to enter the debate. I support the Bill with great conviction, and I wish, with all the force at my command, to bring to the House some statistics and information which highlight the need for the Bill and for its passage through this House.

I was interested to hear the member for Mitcham supporting the Bill with such enthusiasm and saying that the Australian Democrats are right behind it. It is interesting to note that it was the Hon. Lance Milne who was instrumental in having the original Bill, introduced by the Government at the first and earliest opportunity, referred to a Select Committee, and this has resulted in the delay which the member for Mitcham deplores. I think perhaps he has conveniently chosen to overlook the action of his colleague in another place, action which has in effect delayed the legislation and possibly cost some lives. We shall never know.

The member for Mitcham said that the legislation is long overdue. As I said, the Government acted with all speed. The Minister of Transport introduced the Bill at the earliest opportunity. It is interesting to look at the Baume Report, which is a report of the Senate Standing Committee on Social Welfare, published in 1977, and which refers to the time it has taken for legislation of this kind to be considered by the Parliaments of Australia. The report states:

> There is even a tendency to believe that the direct relationship between drinking, motor vehicle crashes, and road fatalities is something of quite recent origin, though the problem was identified as a major one at least as early as 1959.

It is more than 20 years since Parliaments in Australia have had scientific evidence linking alcohol to road accidents, and it is indeed surprising that such a long time has been allowed to elapse before legislation of the kind now before us was introduced into this House. In his 'Review of Australian Research and Action on Alcohol and Traffic Safety' published in 1977, Dr Basil Hetzel reached the following conclusion:

> It is not possible to separate the problem of alcohol and road safety from the problem of alcohol consumption itself.

And yet even the research that demonstrated as early as 1959 the link between alcohol and road trauma was by no means the first indication of this problem. Certainly, if the link had been proven when the motor car was introduced, our Statute Book would look very different now; of that I have no doubt. Even now, I think we still have some way to go before we enact legislation to ensure the necessary protection of people travelling the roads from those who have been drinking.

It is interesting to look at an editorial which appeared in a journal known as the *Quarterly Journal of Inebriety*, which I can only assume is the opposite of sobriety. In 1904, that journal stated:

> We have received a communication containing a history of 25 fatal accidents occurring to automobile wagons. 15 persons occupying these wagons were killed outright, 5 more died 2 days later . . . a careful inquiry showed that in nineteen of these accidents the drivers had used spirits within an hour or more of the disaster. The other six drivers were all moderate drinkers, but it was not ascertained whether they had used spirits preceding the accidents.

The problem relating to alcohol and driving was apparent as long ago as 1904 and, since then, each year more and more people have been driving cars and more and more people have been getting behind the wheel following consumption of alcohol. The figures are horrendous. The May 1980 report of the House of Representatives Standing Committee on Road Safety reported the following:

> In 1979, 3 506 people were killed in road crashes in Australia. At least one-third of all adults killed, that is about 1 000 people in 1979, would have had significant concentrations of alcohol in their blood. Furthermore, many of those unaffected by alcohol would have been killed in crashes involving a driver who was affected by alcohol. Research suggests that alcohol is a factor in 50 per cent of crashes involving a fatality.
>
> In 1977, over 91 600 people were injured in more than 67 500 reported road crashes in Australia. In some 34 per cent of all road crashes resulting in personal injury, at least one driver, rider or pedestrian would have had a significant blood alcohol content.
>
> A survey completed in Adelaide in March and April 1979 has shown that overall, 8.4 per cent of drivers surveyed had been drinking—2.6 per cent of drivers had a blood alcohol content exceeding 0.05 gms/100 ml and 1.6 per cent exceeding 0.08 gms/100 ml. In the period 9 p.m. to 3 a.m. on Thursday, Friday and Saturday nights 28.9 per cent had been drinking—16.1 per cent had a blood alcohol content exceeding 0.05 gms/100 ml and 11.7 per cent exceeded 0.08 gms/100 ml.

I propose to outline some of the costs in economic terms incurred in our hospitals as a result of road accidents involving alcohol—the cold hard statistics that must be seen in the context of human beings who are left behind to mourn those who are killed. To those sections of the media that have been promoting opposition to this Bill, I would recommend the report that appeared in the *Advertiser* on Thursday 18 December 1980 under the heading 'It's no season for rejoicing in Casualty', which quoted medical officers from the Royal Adelaide Hospital, one of whom, in relation to the approaching Christmas period stated:

> There will be people coming in here with horrible mutilations. People with head injuries are probably the worst. Someone is wheeled in unconscious, but otherwise it looks as though there's nothing wrong with him. An hour later he's dead because all his brain tissue is torn. The link between alcohol and road accidents is beyond doubt, and angers the doctors who have to sew up the results of Christmas drink-driving.

That comment could be extended to drink-driving throughout the year. It was further stated:

> 'People are always driving their cars or motorcycles into stationary objects like trees and telegraph poles because they are affected by alcohol,' Dr Malycha says.
>
> 'There is no excuse—there is nothing to explain these crashes but a combination of high speed and alcohol.
>
> 'What is most upsetting is the innocent victim—the family in the other vehicle or the pedestrian—who is on the receiving end of drink-driving.'
>
> A high proportion of Christmas road victims are young men under 24 who have been drinking late at night. There is usually more than one of them in the car.
>
> One of the greatest tragedies is the number of these young people who suffer serious brain damage.
>
> 'They are the forgotten victims,' Dr Malycha says.
>
> 'They are the ones who just sit around the Morris Wards, or if they go home can't do anything but urinate in the hallway.
>
> 'They are often better off dead.
>
> 'Their personalities are completely changed and they no longer think like you or me.
>
> 'Their families can only put up with them for a while before they can't stand it any more.'

That is one graphic example of the kind of report that should be taken into account by every person who has any doubt about this Bill. The Bill we are debating is designed to avert that tragedy, and there is sufficient evidence from other places where such legislation has been introduced and operating for some time to demonstrate that it can be effective in averting tragedy.

Honourable members may recall a series of articles written for the *Australian* by Queensland journalist Hugh Lunn the summer before last under the heading 'Death by car'. Mr Lunn attempted to arouse the anger that I believe is the necessary emotion to engender action in this field by pointing out not only the statistics but also the actual human facts and feelings behind road deaths. He recorded the death of a young girl named Joanne Lewis who was killed by a drunken driver in Queensland. The article in the 16-17 February issue of the *Australian* stated:

> The doctor who examined her body found that she had a number of bruises over the abdomen. There was blood in the lining of the brain and the brain cavities, and the back of the brain was bruised. Her skull was dislocated from the neck.
>
> This girl, who a few minutes before had been charging around the squash court, had one vertebrae compressing the upper spinal cord. Her lungs had multiple bruises and the right lung was torn—as was her aorta. Three left ribs were fractured. The doctor said her death could have been caused by any one of these injuries.

Yet Joanne Lewis's blood alcohol reading was nil: the blood alcohol level of the person who was driving the car that killed her was well above the limit. Had this legislation been operating at the time, it is arguable whether that young girl would have died. We should be considering, and I know that the Minister has considered, the deterrent and preventive effect that this Bill will have. I will now outline some of the costs to the South Australian Health system of alcohol associated road accidents.

The South Australian Health Commission's submission to the Select Committee set out to identify and quantify the costs to the health system of accidents where alcohol is involved. These costs have many components. These include: property damage to the vehicles, private property, and public property (service poles, roads, etc.); medical expenses for those injured and treated by their doctor—including costs of pharmaceuticals, etc.; hospital costs, both for inpatients (that is, those admitted to hospital) and outpatients (treatment at casualty and any follow-up outpatient visits); ambulance costs; rehabilitation expenses for persons whose injuries require rehabilitation before they can return to work, etc.; loss of earnings for employed persons as a result of accident; loss to the community by persons being killed in road accidents; cost of supporting families of those injured and killed; and the cost to the police to investigate and report on road accidents.

Many of these costs are not recorded in a way which clearly allows us to be specific and to aggregate them. Nevertheless, the Health Commission has provided in its evidence conservative estimates of the likely cost to the health system of alcohol-associated accidents. Only some of the cost components were included in the analysis and the available data refers to 1979, where possible, although data from previous years is used where necessary.

In estimating medical expenses, the commission acknowledges that this is a difficult component to measure, since it includes visits to the G.P., the cost of prescriptions and any other pharmaceuticals. In 1979, 2 180 persons were injured in accidents in South Australia and treated by a doctor. If the average cost for each person was $20, which is a very conservative estimate, the cost to the health system of visits to the doctor was $44 000.

Next, we come to hospital expenses, which are of two types: the cost of hospitalisation for casualties admitted to hospital and the cost of casualty room treatment of casualties. The Health Commission study indicated that casualties admitted to hospital from accidents and with a known alcohol involvement accounted for $1 400 000, or 23 per cent of hospitalisation costs. The study also indicated that accident casualties treated at a hospital, but not admitted, with a known alcohol involvement accounted for $32 000, or 13 per cent of hospital treatment costs. The study also indicated that casualties from accidents with a known alcohol involvement accounted for $1 440 000, or 23 per cent of hospital costs.

The rehabilitation costs are considerable and, again, these estimates are very conservative. Rehabilitation of road accident casualties can occur in private clinics at Commonwealth centres, in the State in the hospital system, and in the regional rehabilitation centres. The only component that the Health Commission could estimate was the regional rehabilitation centres. Even then, it is difficult to determine the proportion of work of these centres that results from road accidents but an analysis of records suggest that about 15 per cent of the workload results from vehicle accidents. In 1978-1979 this would represent approximately $100 000.

The commission then went on to analyse the cost of all road accidents and the cost of injuries in accidents where blood alcohol was known to be positive. The total estimated cost of treating vehicle accident injuries in South Australia was approximately $6 500 000 in 1979. As I have said, I have narrowed down the cost components and given them a very conservative rating, as did the Health Commission. Therefore, we can regard that $6 500 000 as a very conservative estimate indeed.

The cost of injuries in accidents where blood alcohol content was known to be positive was approximately $1 500 000. It will be interesting indeed to look at these figures in three years time, when this legislation has had an effective chance of operating, and see whether there is a reduction, which, indeed, we could hope and expect. The estimate of insurance costs in relation to accidents involving a known elevated blood alcohol content is approximately $2 750 000.

The impact of random breath testing has been assessed in other places. The most impressive evidence of its value is given by Cameron, M. H., Strang, P. M., Vulcan, A. P., in 'Evaluation of a Period of Intensified Random Breath Testing in Victoria', a paper which was delivered at the Pan-Pacific Conference on Drugs and Alcohol in 1980. These scientists argued that the introduction of random breath testing has resulted in a 5 per cent reduction in casualty accidents and a 7 per cent reduction in accidents resulting in hospitalisation or death.

A period of intensified random breath testing in 1979 involving two weeks of intensified testing in particular areas of the city, so that the whole Melbourne metropolitan areas was covered over seven weeks, resulted in a 54 per cent reduction in fatalities over seven weeks, and a 25 per cent reduction in serious hospitalisation or death accidents over that testing period. If one accumulates in human terms the individuals who were referred to in that *Advertiser* article and in the article by Hugh Lunn, and considers the human effects of a 25 per cent reduction, the avoidance of death and injury, on those grounds alone one could say this legislation is more than worth while and should, indeed, have been introduced earlier.

Concerning some of those who oppose this legislation and have expressed their view in the media, I want to talk about the employment opportunities that could be lost as a result of its introduction and about attitudes to police which they believe will deteriorate. As far as employment opportunities go, I think it is worth considering what sort of a climate we want to create in order to create employment opportunities. If we can do so only at the cost of death and mayhem on the roads, then I think we would all reject that option.

As far as the image of the police goes, I think that was answered very effectively by the Acting Commissioner, Mr J. B. Giles, in the *News* of 6 March 1980 in an article which, interestingly enough, was written by Mr Geoff de Luca, who was also the author of the article which appeared in last week's *News* opposing the legislation. Mr Giles had this to say:

> The principal duty of police is to protect life. The proposed legislation is designed for that express purpose. I cannot conceive that the performance of a duty to that end is likely to create an unfavourable image for police. In any event, if the duty is carried out with courtesy and efficiency, it seems to me that it would be most unlikely that the police image would suffer.

Mr Giles went on to say that he believed the experience of random testing in Victoria had not indicated any deterioration of the police standing in the community.

The arguments put forward by the civil libertarians can be more than satisfactorily answered. Civil liberty is and has always been measured against the right of the individual to pursue his or her own course of action without adversely affecting similar rights of other people in the community. These civil liberties arguments need to be weighed up very carefully indeed when considering random breath testing legislation. The balance of benefits which is expected to flow to the community and which, indeed, has been demonstrated in Victoria would to my mind more than outweigh any disadvantages which some might classify as such in being called to the side of the road. It has already been expressed in another place that such a proposition does not differ markedly from the procedures which we accept without question in airports when we and our luggage are searched in the interests of the security of the whole community.

There are plenty of examples in health legislation which have existed for many years and which can restrict a person's movements legally if a person is likely to be a danger to others. Probably the most notable example is the tuberculosis provision in the Health Act which requires people suffering from tuberculosis to be identified and treated. There are other examples to do with infectious and notifiable diseases and infestations mentioned in the Health Act. There is in the Act power to prevent the spread of disease.

In other words, there are plenty of precedents which are analagous perhaps to the seat belt legislation in so far as legislators have identified that if, in effect, protection is to

be given to the community from a threat which has demonstrated to be serious, then legislation is required to ensure that people co-operate to this end. It is true that education should go hand in hand with legislative policy, and I am pleased to inform the House that some months ago I contacted the Minister of Transport and the Chief Secretary to ask whether both their departments would be willing to co-operate with the Health Promotion Unit of the South Australian Health Commission to devise an intensive campaign, similar in its structure to the campaign on immunisation, which would be designed to reduce the road toll in certain key periods throughout the year. That campaign is in its initial planning stages, and it represents the kind of educative and informative campaign which should reinforce the success of this legislation.

I congratulate those members of the Select Committee who participated in the studies which have resulted in this legislation. I particularly congratulate the Minister for his resolve in proceeding with the legislation against opposition from various quarters. I commend the legislation to the House and I believe that, in years to come, future generations will look back on this legislation and regard it as reformist legislation in both the health and transport fields.

Mr LEWIS (Mallee): On page 1767 in *Hansard* of 26 March 1980, the remarks that I made in relation to this matter can be found, and I said then, as I say now, that I support the Bill, although not without some concern and reservation. It surprises me, as much as it surprised other speakers from this side of the House, to find that the Labor Party over recent days has found it necessary to re-examine its position and do a back-flip. That is what it has done.

On the occasion on which I last spoke on this measure, I referred to a number of factors related to the remark attributed to Dr Hetzel and quoted by the Minister of Health, namely, 'It is not possible to separate alcohol and road safety from the consumption of alcohol itself.' I support the validity of that remark and relate it not only to the consequence of this measure, but also to the broader implications of Government responsibility in this area. It is not good enough for us to expect that a reduction in the cost that results from the consumption of alcohol and then driving and expect that that is all that is necessary. It must go further than that. We must examine the other elements that go to make up the event of loss of health through injury, or loss of life as a consequence of a collision that has occurred on the road, where a party or parties involved in the collision, in control of the vehicles or objects involved in that collision, had consumed alcohol.

That relates to the manner in which alcohol is consumed, in the main consumed in hotels, so we must look at, amongst other things, the number of beer taps per head of population in given different regions and the way in which those beer taps are distributed within that population. As I said at that time, the spatial distribution of hotels and the particular design of those hotels have a lot to do with the drinking habits which have been accepted as the norm in society today and which are, as Dr Hetzel has found, in a large part responsible for the road toll and other associated health costs that result therefrom. This measure goes some distance, surely, in removing some of the elements from the probability of those events occurring, but it does not remove sufficient of them. Those of us who know anything about statistics at all know that the error learning model of the human mind will mean that there will need to be continuing blitzes from time to time if this measure is to have any long-term consequences. The gains which the Minister of Health referred to were gains achieved in the short-term. They were not gains, and have not been shown to be gains, which can be achieved in the long-run. I say not that they cannot be achieved, but that it is not shown that they will be achieved.

The remarks I made on the previous occasion related to the research work done by somebody who is neither a medico nor a road traffic engineer, but is rather a planner. I refer to Mr John Haddaway and it was his Master's thesis in planning from which I quoted extensively. I related my remarks to those two factors, namely, the spatial distribution of hotels throughout the community they serve and, if you like, the space between the beer taps. Supermarkets hotels exacerbate this problem. They encourage people to drive long distances to get to the hotel where the bar and the tap can be found. Then, if there were sufficient taps there to ensure that poor consumption habits were not acquired, it would assist in reducing the level of inebriation which results from attendance and consumption in those places before having the last one for the road, either heading to the casualty department or home.

Mr Slater: Do you support prohibition?

Mr LEWIS: I do not support prohibition; nor do I support the operation of the Licensing Court. I want further to endorse the remarks made by the member for Fisher, since I think it deplorable that the alcotest unit is not available for people to use generally in order to find out just how their established drinking habits affect their blood alcohol levels, to know whether, in fact, they do exceed the limit and that they have been fortunate enough to avoid or avert any disaster in the past.

It is merely a matter of probability whether there will or will not be a collision in volving a vehicle driven by somebody who has consumed sufficient alcohol to lift its level in the blood to over 0.08. It is not a matter related to individual judgment; it is a matter of probability. Every individual, in any given set of circumstances, has the same probability of collision. Many people go through life driving on occasions when they are drunk, more frequently or less frequently, maybe, but not having a collision whilst they are drunk. That does not alter the fact that they substantially enhance the probability of having a collision (a so-called accident) when they have consumed too much alcohol. It is not really an accident, when we analyse the true meaning of that word. It is has nothing to do whatever with the individual's skill; it has everything to do with chance.

I would like also to support what the member for Fisher had to say and what also, in one of his rare moments of sane argument and logical appraisal of the situation, the member for Mitcham had to say about the necessity, presumably, to encourage the reduction of excise imposed by the Commonwealth Government on low-alcohol beer. It is different, but I personally find it more to my taste, and I think it is merely a matter of taste in any case. The price incentive ought to be the incentive that everybody is encouraged to consider, if they will consider nothing else. It is the price of life we are considering in endorsing this measure. So the price of a drink, if it were cheaper and more likely to eliminate the unfortunate consequences of a collision on the road, ought to be the mechanism by which people are encouraged to consume less alcohol in the same volume of drink.

The member for Mitcham pointed out that the penalties were not clear to him, but then not much is clear to him. On a previous occasion he did not know that Schultz was the name of an author of a cartoon comic strip, a social commentary, called Peanuts. He wondered whether or not in the previous debate in which we both participated whether he could rely on Peanuts. He certainly can.

The DEPUTY SPEAKER: I hope the honourable member will link up his remarks.

Mr LEWIS: Penalties for drivers with a blood alcohol content over 0.08 are substantially varied in this new measure. Imprisonment as a penalty has been removed for a first offence for a reading of less than 0.15. However, licence disqualification is increased from one to three months with a fine of between $200 and $500. For a first offence for a driver with a reading of over 0.15 there is to be six months disqualification of licence and a fine of between $400 and $600. For the second offence for a driver with a reading of 0.08 to 0.15 there is six to 12 months disqualification of licence and a fine of between $500 and $800. I do not know whether the member for Mitcham can remember all this, but I am sure that he will be able to read it tomorrow in the pulls, and thereafter in the record. For a second offence for a driver with a reading of over 0.15 the penalty entails a licence disqualification increased from one year to three years and a fine of between $600 and $1 000. For a subsequent offence for a driver with a reading of less than 0.15 per cent the penalty is to be a licence disqualification of 2 years and a fine of between $600 and $1 000. For a subsequent offence of a driver with a reading of 0.15 or more there will be a three-year disqualification of licence and a fine of between $600 and $1 000.

It should also be well known that the Bill has a sunset clause in it, and for that reason I further endorse the measure. It will enable us to determine objectively whether the legislation ought to be continued in three years time. We will be able to make that objective decision by analysing the statistics which will be collected in the period from the passing of this measure until the 3 year period expires. This matter is related also to the Motor Vehicles Act Amendment Bill and to the way in which that Bill is to be changed to encourage holders of learners permits and probationary licence holders to consider their personal responsibility in relation to the consumption of alcohol. In that instance, of course, the critical level will be 0.05 per cent, since it is desirable to encourage young people (who have a higher level of affluence these days than previously) to acquire the habits of driving and not drinking, or alternatively drinking and not driving.

Other matters which concern me sufficiently to comment in this debate relate to the fact that the consumption of alcohol and driving are definitely health hazards where they go hand in hand. However, previously Opposition members, whilst finding that not difficult to support, in fact opposed that principle because of the infringement, as they put it, on a number of occasions, of civil liberties. Nonetheless, the Opposition finds it acceptable to oppose uranium mining. Also, they believed that people in the liquor and other allied industries, unionists, would lose their jobs. They found support for the unionists and opposed the measure on those grounds.

Equally, they could claim that the measure is doing hospital employees out of work since there will be fewer casualties to work with, and that some doctors will be denied a measure of income because they will not have injured people to treat. If we were to look at that single issue of employment as being an important consideration as to whether or not we will support the measure, then we would have to consider that aspect. I find no difficulty in my conscience whatever in saying—so much the better, if this means putting nurses and doctors out of work. Every nurse and every doctor I have spoken to has no compunction about supporting this measure.

The argument referred to by the Minister of Health that the police would find the job of conducting random breath tests as odious I regard as ridiculous, if it is to be presented as an argument against passing this measure. I do not have any difficulty whatever with my conscience in asking the police to conduct random breath tests, equally as much as I have no difficulty with my conscience in asking the police to apprehend thieves, murderers and drug pushers or any other kind of criminal who threatens the welfare, good health, and comfort of any citizens.

Mr Keneally: Liberal members of Parliament seemed to be described fairly accurately there.

Mr LEWIS: I shall ignore the inanities that I sometimes have the misfortune to hear from members opposite.

The DEPUTY SPEAKER: Order! The honourable member is aware that all interjections are out of order.

Mr LEWIS: Yes. I was alluding to the fact that I must ignore them. I hope that the Bill has a speedy passage and that the Government finds time to consider those other measures that I believe should be examined, as they will further reduce that part of the road toll which is related to the consumption of alcohol.

Mr PETERSON (Semaphore): It is a little hard to follow a speaker who does not believe that alcohol has some effect on the death rate on our roads. I find that very hard to comprehend. I hope that I have not misunderstood, but I cannot see how anyone could take that stance. With regard to youth drinking, the Senate Standing Committee on Social Welfare, states:

> Alcohol among the young is increasing dramatically and as many as 10 per cent of school children between the ages of 12 and 17 get very drunk at least once a month.

I would suggest that, if members what to see youths drinking, which is a problem, there are many instances to be seen in places around the city, not that I frequent these places, but I have been told that this is where they go. With the new affluence, as the previous speaker said, they are spending $4 or $5 on a drink and they are there on Friday and Saturday nights, so that is a problem.

This is an issue that has generated massive (and I think that 'massive' is the right word) reaction from sections of our community, sections of industry and certain sections of the media. Not one of those areas of vocal resistance has to my knowledge denied the initial effect of random breath testing. Not one has said that it has not worked initially. I take it that their silence on this matter is indicating that at least it works and that it does decrease the road toll initially. It may have only a short term effect but, as the previous speaker said, it is not known just what the long term effects will be.

It is also a statement of fact that the hard-core drunk driver is not deterred. Yet, all the parties concerned, both in this House and outside, have stated that the drunk driver is the one who must be identified and somehow found in our society, and on our roads and rehabilitated. I cannot think of a better way to find him. I do not know of any other way. If he cannot be found under the system we have now, how does one find him? I think random breath testing is the only means to at least identify the person and try to help him.

There have been objections to the Bill on the grounds of civil liberties, but I believe that the sunset legislation provision means that, if it is bad legislation and if it does not work, if it fails over the years, then in three years it is ended. I suppose, to look on the worst side, a three-year term is the period for which we have to put up with our Parliament. If we can put up with a Parliament for three years, we can put up with this legislation.

I should like to consider the response of the media. I was more than a little surprised at the reaction from the *News* and its strong stance. It is surprising to me that every member of the reporting staff on the *News* took the same

stance. On the law of probability that was raised earlier, that seemed odd; they were all against the legislation.

Mr Keneally: I think they like to work.

Mr PETERSON: That may be right. The attitude of the *News* was interesting, especially in comparison with the other daily newspaper in this State which, from my reading, seemed to have reports both for and against the legislation. It is disturbing, but there is nothing we can do about it. In the cases cited in the newspapers there were plenty of 'experts' to quote from, and they were supported by many statements, such as, 'There are better ways of using the resources to the same end, that is, cutting the ghastly road toll.' No-one tonight has denied that the road toll in this country, and particularly in this State, is ghastly. In all of the cases put in the newspapers, and other forms of media, not one person who had been affected by a drink driver was interviewed or commented. No-one ever took the other side of the question.

One of the experts quoted in the *News* was an Western Australian scientist, a Mr Yow, who said that Australian statistics linking alcohol with road accidents were misleading and biased. By a quirk of fate, another Western Australian authority, Dr W. Laurie, of the Forensic Division of the State Health Laboratory Services at Nedlands, Western Australia, had a report in the Medical Journal of Australia for March. Under the heading 'Alcohol and the road toll', the report states:

> The road toll has been described as a mounting stream of senseless deaths. In Australia this has become a flood: here, as everywhere, alcohol is involved in at least half of all fatal accidents.
>
> No mere costing can ever justify the deep lasting tragedy of traffic accidents, but even a cold accounting shows a dismal picture. From Federal Government statistics the Federal income from alcohol sales is now over $1 000 million annually. However, the cost in killed, injured, material damage and so on has been estimated at $2 000 million annually.

He makes another point, as follows:

> The general impression is that the majority of individuals caught driving with a 'too-high' blood alcohol level are citizens, normally law abiding, who, at an office party or similar function, have taken 'one over eight'. This is quite wrong. These so-called 'social drinkers' form only a tiny minority of intoxicated drivers. The true situation is that, while about one-third of the culprits are young drivers, inexperienced both in drinking and driving, the crux of the problem lies with the remaining 60 p.c. of drivers. These are repeat offenders: 'recidivists'.

There is a case where one expert says that the figures are wrong and another has put his own construction on it. A report in the *Advertiser* on 18 March this year shows that even the breweries must be aware of some problems with drink in the community. Under the headline '$220 000 given for research into drink problems', the report states:

> A South Australian doctor is among 26 scientists and researchers awarded a total of more than $220 000 to investigate the social and health aspects of drinking.

The grant was made by Australian Associated Brewers, and part of the research is on the effect of alcohol on the driver. Another report by a Victorian journalist relates to random breath testing and whether it works, and this was his comment:

> There seems little doubt that Victoria's drink-driving laws, the most stringent in the country, and other road safety features are having the desired effect. The road toll is being cut. Lives are being saved. The 1980 figures show that the fatality rate has fallen from 8.1 per cent deaths for each 10 000 vehicles in 1970 to 3.1 per cent in 1980. This was the lowest of any Australian State and compared favourably with figures from the US, Britain and Sweden. Last year Victoria had its lowest road toll for 20 years.

So I think it is working. There are counter-opinions about the statistics, and even the breweries are aware that there are problems.

Arguments have been put forward relating to the risk of unemployment in the liquor industry. This has been borne out in the Victorian experience. The reaction of hotels, restaurants, and clubs in South Australia is valid, and there is no doubt in my mind that, at least in the initial stages, the trades will be affected. I have no idea how to equate jobs lost with lives saved, but in my opinion lives will be saved, and I think it is worth it, although I say to the Minister that that probably means the onset of another round of approaches for Sunday trading to make up for the losses in the six-day week.

The *Advertiser* generally supported the legislation, although I noticed a report on 9 June by Paul Lloyd, indicating that there may have been other reasons for the legislation. The report states:

> Those who were serious about reducing the toll might apply more energy to areas other than cheap vote-catching. Incidentally, money could play a role. The State has a deficit. If 40 drinking drivers were now being pulled in each day, that would mean a revenue of some $4 000 000 a year, less administrative costs. A politician might find attractive the introduction of a system which it is claimed will detect and convict more drinking drivers, even if it does cost what is reported to be an extra $1 000 000 a year to operate. Is it the function of the police and the courts to be collectors of indirect taxes?

We should look at that aspect, although I do not believe that of our current Government, whatever its faults.

The police have expressed concern about the effect on their relationship with the public, and it has been suggested by other sources that the existing legislation gives the right to apply tests when there is no need to do so. The police are worried that the application of random breath tests will affect the esteem of our Police Force with the public. In my opinion, our police are held in higher esteem than is the Victoria Police Force, and there seems to have been no markedly adverse effect in that State. One report made that statement. In my opinion, to supply all police officers with exposed revolvers will do more to affect their esteem in the eyes of the public than will any application of a law designed to save lives.

The Australian Medical Association has circularised all members of Parliament with a press release supporting the legislation and urging the introduction of random breath tests. That is one more group of people in our society that believe that there are some benefits in the Bill. In a Gallup poll in 1979, 79 per cent of the people polled in this State agreed that we should have legislation and supported the concept of random breath testing.

As I am not party to any Party information on the Bill, I decided to assess the feeling in my district. I put out some posters and did a letter-box drop of all hotels and about 1 000 homes requesting an opinion in regard to random breath tests. The Port Adelaide court handles over half of the drunken driving cases in this State, I am told: all of the other courts as a group handle less cases than the Port Adelaide court. I believe that that statement is accurate.

If there was to be any serious public reaction to this Bill, it would come from the district that I represent. I can work only on the census I received back. It is my job to represent the people in my district, and their opinion was overwhelmingly in support of this Bill. Those people who know that they drink and drive resisted the Bill but, generally, there was support.

The view of those people who are most likely to be

affected is borne out by an article in the newspaper which states:

> A senior police officer most involved, Chief Inspector Jack Thomas of the Breath Analysis Branch, has gone on record as saying that it is the modest social drinker who is most alive to the legislation and its penalties.

That is the person who has a drink after work or at the end of the week and drives home. That kind of person is well aware of the problem, and is frightened by it. The article continues:

> The homicidal fool, the person with the real drinking problem, is much less likely to be deterred. He, rarely she, is more likely to get behind the wheel thinking he can beat the odds.

The sensible people in the community are aware of the benefits and support the Bill: it is the other category of person that has to be identified and helped. It has been said previously that random breath tests represent only part of the answer, and I agree wholeheartedly with that.

An article in the *Advertiser* of 21 May under the heading 'Police drink blitz nets 119' shows that there is still a problem in relation to drink-driving and states:

> Drink driving was still prevalent on South Australian roads, the police traffic director, Senior Chief Superintendent M. H. Stanford, said yesterday.
>
> He said police had charged 119 drivers with drink-driving offences during a Statewide blitz between April 30 and May 7.
>
> 'The clear indication of these figures is that drink-driving is still prevalent on our roads,' Chief Superintendent Stanford said.
>
> In the blitz, 85 drivers had been charged with having a blood-alcohol level exceeding .08 and 34 with driving under the influence.
>
> Another six had been charged with refusing to undergo a breath test.
>
> Of the drivers charged, 24 had been involved in accidents.

I suggest that that indicates that, if a person has been drinking, the odds are more likely that he will be involved in an accident.

I refer now to the quality of our drivers, which is an aspect that we tend to overlook. When we drive a car, we think it is luck and not a matter of skill that we avoid accidents; we tend to disregard the risks of driving when we are not fully competent. In regard to testing procedures for drivers, an article under the heading 'Learner drivers to get more time' states:

> The Government has changed its regulations relating to learner permits. The permits, which previously expired after three months, have now been extended to six months.
>
> Experience has shown that for many drivers three months is not long enough to become proficient enough to pass a driving test. In fact some learner drivers need several permits. Government figures show to June 30 last, 6 905 people obtained learner permits for the first time.

I wish to make the following point, as stated in the article:

> Significantly, however, 4 485 learners needed a second permit, 2 110 required a third and 1 320 needed between four and nine permits. Nine permits at 3 months a time probably adds up to one of the longest driving lessons of all times—27 months.

Mr Speaker, if it takes 27 months to get a licence, there must be something wrong with you or the system.

Mr Randall: Are you reflecting on the Speaker?

Mr PETERSON: I am sorry, Mr Speaker: I did not mean to reflect on the Chamber. I apologise if I did reflect. An article of 23 March 1981 under the heading 'Licence test failure "nearly half",' states:

> Nearly half the people who sit for written driving tests in South Australia fail—and the main reason is that they haven't done their homework.
>
> 'Many people tend to have a look at the rules on the way to work,' a Transport Department senior licence examiner, Mr Tony Potts, said yesterday. 'But you must study if you want to pass,' he said.
>
> Last year an average of about 6 500 people sat for the written test each month, and only about 3 500 of those passed.

Under our system, a person can come back and keep trying until he gets a licence.

Mr Slater: There's no psychological test.

Mr PETERSON: He can go back and have another go. A member of this House raised this matter in May. The member for Ascot Park was quoted in the *Advertiser* of 26 May 1981 as urging tests for over 40-year-old drivers. He suggested a routine practical retest for all licensed drivers when they turn 40, which makes sense. The press report stated:

> . . . many people on the roads today got their licences back in the 1950's or the early 60's when only a written examination at age 16 was involved.
>
> The Chairman of the South Australia Road Safety Council, Mr E. W. Hender, said the proposal to test every driver who turned 40 was 'quite a good one' from a road safety viewpoint.

In the same article, it was stated that the Minister of Transport, Mr Wilson had said he would look at the proposal if Mr Trainer wrote to him about it. I hope Mr Trainer did that, because that shows a problem in the system. A person can obtain a licence relatively easily here compared with conditions in some other States. There is no test once a person obtains a licence. South Australian drivers may not necessarily be the best drivers in Australia.

There is absolutely no doubt that alcohol is a problem in our community, and I do not say that as a wowser, because I enjoy a sip, and I do not deny anyone else the right to have a drink. We have done nothing to try to make low-alcohol beverages more attractive. These beverages should be promoted and, if the price was right and if they were promoted in the same way as other drinks are promoted, with many hundreds of thousands of dollars, they would become popular and people would drink them. There is no doubt that that would help in relation to the drink-driving rate.

There have been calls previously for a reduction in taxes. I know that people do not generally support everything that Mr John Williams put forward. He is the Executive Officer of the People for Alcohol Concern and Education, and he makes a valid point of view which must be considered. His association would like to see beer, wine and spirits taxed according to alcohol content. This comes back to the concept of making low-alcohol beverages more attractive to the public. Mr Williams states:

> Excise won't cover the health and social costs caused by alcohol. Studies around the world have shown every dollar gained in alcohol excise costs the community about $5 in these areas.

That has been covered by figures quoted previously today by the Minister of Health and other speakers, so there are problems.

The highest beer excise taxes in the world are paid by Australians. That has been reported many times in the papers, and nobody denies that. That has not stopped people from drinking and driving, and I do not think that that tax is designed to stop people from drinking and driving. That is not the concept of any legislation. It is to do it sensibly and not 'drink-drive', which is the problem. Of course, the highest taxes in the world have not reduced the road toll in this country, so cost is not a factor in beer

at the alcohol level that now prevails. It is the alcohol in the beer that is the problem.

There are things that have not been done in this country. My concept, as opposed to other opinions put forward here this evening, is that we should have more accessible drinking places. I personally prefer the tavern-type drinking establishment so that you do not have to drive 20 miles to get there. There is no car park at such places. If you want to get there, you have to walk, have your drink and walk home. That would have to reduce very much the social drinker who has one too many, or the person who has one drink too many in convivial company after work, or at the weekend after the football, or whatever it is. He can walk there, have a drink and walk on home. It must take him off the roads.

There are things we must look at: the promotion of low-alcohol beer, which I have covered, easier access to a walking distance drinking establishment, and perhaps we could get somewhere. I heard what the member for Mitcham had to say about investigation committees earlier in the debate. He may be right. They may have been set up *ad nausea*, but we are in particular situation now in this State where there is no doubt that this legislation will pass and we will have random breath tests. I think every speaker I have heard in the House today and this evening stated that it was only part of the answer. Random breath testing in isolation will not have a great effect. If it saves one life, it is worth it, but it is only a start towards looking at reasonable and sensible ways of attacking the problem.

There have been criticisms about our road system, people saying that is not adequate.

Mr Slater: It's the best in Australia.

Mr PETERSON: We have good roads. I am not a road engineer; I am not a transport engineer, and I do not know what the dynamics are of a curve if you drive a car around it. I think these are the things that drivers should be taught, for instance. I saw a programme on television the other night about an advanced driving school which is teaching drivers about the dynamics of driving a car around a bend. I guarantee that there would not be 5 per cent of the drivers in this State who have ever undertaken that sort of driving. I hope I am wrong: I hope it is 10 per cent or 15 per cent. I wish it was everybody. Our drivers need some sort of education.

I think low-alcohol liquor really has to be looked at by the Government. I am not sure what it can do in isolation as a State Government, but it must do something. We just cannot have random breath testing in isolation. I believe we will defeat its purpose if we leave it in isolation.

In the Victorian article to which I referred earlier, the reporter, who is talking about the concept of the overall attack upon the drunk driver or the problem of the road toll, said:

> There has also been the introduction of low alcohol beer, and a huge media campaign against drink-driving using well-known figures such as Mike Willesee, Olivia Newton-John, Vincent Price and other leading Australian media personalities.
>
> Further, during the past decade millions of dollars have been spent on driver education, upgrading of roads, building freeways and improved in-built safety features in cars.
>
> To single out any of these innovations as having a greater effect on the road toll than another is folly. Logically, all have contributed to some degree.

That is the point I make: everything we do now can only help to reduce the toll. We have done nothing constructive for years.

I support this legislation because I believe there is good in it, but I believe it is only part of what we need to do. I hope we can use this legislation to help solve the dreadful road toll which we have and which we have come to accept as part of life and part of the price that we must pay in this, the age of the car. We have accepted death and mutilation that goes with the motor car, and we must do something about it. We are on the brink of being able to do it, but it needs a sensible approach to the problem and assessment and work on the findings of whatever studies are undertaken to analyse the situation.

Mr BLACKER (Flinders): When a similar Bill was introduced into the House in March 1980, I supported the proposal then before the House. Since that time, the measure passed the House of Assembly. It was referred to the Legislative Council, which then referred it to a Select Committee. I believe that Select Committee report was somewhat stronger in its recommendations than was the original Bill before the House.

I am very pleased to see that all political Parties and members of the House are supporting the proposal now before the House. I believe that a very large majority of rank and file people in the community see merit in this type of legislation. They do not particularly want it, but they see a need there and that we should have something to try to correct some of the misuse of the road that we have. There are many more people who have some reservations about it, more from the point of view that it may affect civil liberties. Over and above all of that, they can still see that need, and therefore they are still supportive of it.

I must say that there has been only one person who has actually contacted me in direct opposition to the Bill. I say 'one person' in the terms of an individual within my electorate. I have had representations, as all members have, from organised campaigns emanating from the metropolitan area, but within my electorate only one person really opposed it. He brought to my attention an article which appeared in the *News* and which was headed 'We don't want breath tests, the police say again'. It was making reference to the South Australian Police Association in their opposition to random breath testing. Mr Martin, who is the Secretary of that association, said:

> Contrary to what was claimed in some Government quarters, selective breath testing in Victoria had not been successful in reducing the road toll.

That particular statement has been challenged and rechallenged. It has been thrown about in the political circles from all directions, but I think, over all of that, there is still the firm belief by the majority of people that there is sufficient evidence of a kind which would demonstrate that it is worth while to try this type of legislation.

I then received, as I assume other members did, a report from the A.M.A. signifying its support for random breath testing. That association's media statement is as follows:

> Other opponents of random breath testing have suggested that these are an infringement of an individual's civil liberties. This is nonsense, as the person who drinks and then drives is clearly infringing the civil liberties of every other person on the road by creating a potentially dangerous situation.
>
> We also realise that some objections have been raised by the police. However, we see their duty as protecting the innocent road user and believe that their popularity, if they are afraid of their image, is best assured by doing just that.

I think that answers the statement made by the South Australian Police Association in stating that, if the police stand up for the innocent road user, then surely their credibility will be enhanced.

I do not think it would be right, if I did not at least acknowledge, that when the present Government went to

the polls in 1979, one of its major policy statements was that it would introduce random breath testing. That has been challenged. It has certainly been challenged in my own electorate, but I took the liberty of checking with the policy papers of the Liberal Party prior to the last election and it is there for anybody to see—a clear undeniable statement that the Liberal Party in Government would introduce random breath testing. I see this measure as an extension of that election commitment.

I believe that driving on our roads is a privilege and not a right; in other words, every South Australian and, for that matter, every Australian should deem it to be a privilege to be allowed to use the road and, therefore, should show respect for other road users, pedestrians and the like. To that extent, I think we should perhaps draw a parallel, even though it be to the extreme with requirements in relation to a pilot's licence. No pilot shall endeavour to take to the air, I think, unless he has had at least 12 hours (it might be 15 hours) free from any consumption of alcohol. Whilst I accept that there are probably greater risks involved in flying, there is a very great similarity between flying and driving when it comes to the controlling of the machine that the individual is endeavouring to operate. The requirements for flying are rigid, and we could carry this argument right through to the ultimate extreme and say that maybe similar standards should be set for drivers. I venture to say that, if we did, we would have far fewer accidents on our roads, and would have a better safety record than we now have. Whilst this legislation does not suggest that type of thing, it is one small step towards the objective of making our roads somewhat safer.

My attitude is somewhat hardened because I spent several months in the Royal Adelaide Hospital and many of my ward mates were victims of road accidents. I think that, if anyone who has some doubts as to civil liberty went to the casualty ward of the Royal Adelaide Hospital and saw some of the results of alcohol-related accidents, his views would perhaps be altered.

Mr Lewis: And down to the cemetery.

Mr BLACKER: I accept that interjection. We would not have to go to the Royal Adelaide Hospital to see the results: we could go to the cemetery. Unfortunately, that is a statement of fact, and we wish it were not the case. It has been suggested during the debate that the alcotest type of instrument that is used for random breath testing is not available to the average citizen. I accept the argument that possibly it should be available. I also accept that some problems are associated with that argument, but I do welcome the day, and hopefully it is not too far away, when a similar test will also be available to detect drug influence in the same way as alcohol influence, because it is well known that, although a person might have had only one glass of beer, if he is on medication or has taken an illicit drug, the compounding effect of those two influencing mediums is such that that person is incapable of controlling a vehicle reasonably. I am led to believe that such an instrument for testing for other drugs is not yet available, but I do hope that when such a machine is available, and it is as versatile as the alcotest machine is now, it could easily be adapted to this type of legislation, because one is just as serious and dangerous as the other.

There is another aspect which I think needs to be brought before the House. Under the Road Traffic Act, section 47b clearly states:

> A person shall not—
>
> (*a*) drive a motor vehicle, or
>
> (*b*) attempt to put a motor vehicle in motion while there is present in his blood the prescribed concentration of alcohol as defined in section 47a of this Act.

That is a definite statement of fact, that a person shall not drive whilst he has an alcohol content of more than the prescribed limit—in this case 0.08 for a regular driver and 0.05 as proposed in this legislation. Anyone who has any fears about this legislation is knowingly in breach of this Act. Any person who is not in breach of the Act has nothing to fear. Opposition to it can come only from people who travel on the roads not only knowing that they may be over 0.08 but also knowing that they are in direct breach of this Act. They have absolutely no right to be on the road, let alone the right not to be challenged as to their blood alcohol content.

Much has been said about the campaign which appeared in the *News*. I believe it was stated on television during one evening programme that much of that campaign can be related to the fact that the Acting Editor at the time was also the editor of the *Hotel Gazette*, the official publication of the Australian Hotels Association, and obviously working in the interests of that association. I believe that one can understand the type of campaign which was waged.

The legislation will come up for review within the three-year period, and a correct assessment can be made. I hope that, during the three-year period when the legislation is in effect, detailed statistics will be collected so that an assessment can be made of its merits or otherwise. I support this legislation in the belief that, if it serves no other purpose other than to save one person a year from being a serious cripple, or save one death in a year, it is fully justified. I believe that, whilst it is an infringement of civil liberties to be asked to pull over to the side of the road, it is an even greater infringement of civil liberties if I or any one of my family should happen to be hit by a person who is in definite breach of the law. For that reason, I support the second reading.

Mr MATHWIN (Glenelg): I support this Bill. I think every member of this House would be concerned about the carnage on our roads and about the effects of over-indulgence in alcohol and its associated problems. I mean not only in relation to driving vehicles, but also generally relating to the problems caused throughout the community.

Accidents on roads must be stopped. This measure is one way in which we can counteract the very great problem we have in regard to the accident rate relative to alcohol. I am pleased that the legislation will be reviewed after three years of operation, as that gives us a chance to assess the situation. The Minister has said that the statistics will be kept, and that will give us an opportunity to reassess the situation. In the American term, this is sunset legislation.

Generally, parts of the Bill have been canvassed, particularly by the member for Elizabeth and the member for Fisher. Another aspect that concerns me greatly relates to clause 4, which deals with the offence of driving under the influence in connection with community service orders, reckless driving and the like. I am aware that there is to be an increase in the minimum time for the suspension of a driver's licence, and that fines have been increased from $150 to $300 minimum to a maximum of $600. I agree with these provisions, but I refer particularly to the Minister's words in his second reading explanation when he said:

> In future no gaol sentences will apply to breathalyser-related offences and even driving under the influence offences. Gaol will only be an option rather than mandatory.

This is where the Minister and I part company concerning what I believe is needed. I believe that the mandatory gaol sentence is important. There has been some argument on

the matter and the committee brought down a report to say that the greatest deterrent would be the loss of licence. While I agree that loss of licence certainly means a lot to most people, I believe that the biggest deterrent is for a person to be slapped in gaol, with his freedom taken away from him. Apart from a person's loss of freedom, I think that for the average person in society—

Mr Slater: A lot of people are not criminals, you know.

Mr MATHWIN: I know that. I maintain that a drunken person driving a vehicle down a road has more potential for killing people than someone walking down there with a single barrel shotgun, because a driver who is drunk can wipe out an entire family very simply. Therefore, no excuse for these people that the member for Gilles can offer me is sufficient. I am not an abstainer; I enjoy a social drink with anybody. I suppose that in my life (and I am quite young, as you realise) I have been close to 0.08—I may have been past it at times. I have been at my funny best at times at certain parties when maybe I have been trying to be the life of the party, having been given some encouragement from certain quarters. However, that is quite apart from the discussion we are now having. I can be flexible, and I am willing to give ground to a certain extent in relation to first offenders. I tend to favour the German system, which is fairly lenient with first offenders. I can understand that point of view, and I would be willing to bend that far.

However, I believe that after the first offence, when the offender commits a second offence and further offences, then it ought to be mandatory that such a person's freedom be taken away. Obviously, the member for Gilles and other members are concerned about the housing of some of these people in institutions such as Yatala, where there are hardened criminals. A man would be a fool to say that he agreed with that type of situation. However, there is accommodation available in South Australia that could be adapted for the use of this type of offender. (I will be benevolent and call them 'offenders', instead of criminals.) There are places where these people could be housed if they are second, third or subsequent offenders. Of course in those circumstances they need treatment, and pretty good treatment at that.

It concerns me greatly that the mandatory provision for imprisonment has been removed in relation to second and subsequent offences. I think that is a step in the wrong direction. My argument is that the main deterrent for a good, honest type of citizen is loss of freedom, coupled with the effects on themselves and others and the loss of pride that such a sentence involves for the offender and his family. I believe that it is a shocker that people know that for a second or subsequent offence for drunk driving they will be put away and will lose their freedom. They deserve it. Should they get to the stage where they are always drunk, in a permanent drunken stupor and continue to drive a vehicle, then there must be places for such people to receive proper treatment for what amounts to a sickness.

Indeed, there are places available in South Australia which could be used for this purpose. Because of my travels with the Public Works Committee I know that accommodation is available. There is accommodation at the Glenside Hospital; there is a whole area there which is empty where these people could be looked after. They are very good buildings and I think it would be quite wrong to knock them down. Those buildings could be used for holding this type of offender. I believe that it is important that the Government look at that situation of providing accommodation for people of this type. In the Minister's second reading explanation, he went on to say:

> Provision is made in line with the committee's report for the first and second offenders to be compelled to attend suitable lectures, unless the court deems it impractical.

Again, this provision is not mandatory. I believe it should be made mandatory that such a facility be made available for people to go to learn something to their advantage. If such people do not know the rules and regulations and do not realise what the law is and do not realise their follies, then it must be drummed into them that they are breaking the law, that they are a menace to society and could kill anyone in South Australia if they happen to be in the way, because a car can be a lethal weapon—it can get rid of a lot of people in one hit.

Referring to the Select Committee, the Minister went on to say:

> The Government fully agrees with the Select Committee about the importance of adequate data being collected to make the review in three years time a useful one, and therefore the Road Accident Research Unit of the University of Adelaide has devised a three-year programme to evaluate the impact of random breathtesting

That is a step in the right direction, an imperative step. I am a great believer in statistics.

Mr Gunn: Vital statistics?

Mr MATHWIN: The honourable member should not get me away from the subject.

The Hon. J. D. Wright: I wish you would get back to it.

Mr MATHWIN: It is all right for the Deputy Leader to bounce in and sit on the front bench. He thinks this is all rubbish. I am sorry for him, and I am quite serious about the situation and the problem in South Australia. I go no further, because the Deputy Leader is a friend of mine and I do not want to hurt him. Getting back to statistics, it is important, for a number of reasons, that statistics should be kept. I have said in this place over the years that we should keep statistics on many things, one being the incidence of drunken driving among juveniles. As a member of the then Opposition, many times I asked members of the previous Government for statistics on drunken driving among juveniles, but they were always refused, by the previous Minister for Community Welfare, the one who was demoted, before he left office, by the honourable member who took his place, the member for Spence, and even by his counterpart, the then Chief Secretary, now retired.

The Hon. J. D. Wright: Who are you trying to say was demoted?

Mr MATHWIN: The member for Mitchell, who was the reigning man in the Community Welfare Department. He got too hot to handle, so he was removed.

The Hon. J. D. Wright: He was promoted.

Mr MATHWIN: The honourable member can call it what he wishes. From my observation, and from the mess that honourable member made of his portfolio, I would say he was demoted. If he was not, he should have been. The Minister also said:

> As well, the Research Unit will use police accident reports and records to derive information on the number of accidents involving alcohol and the cost effectiveness of the use of police resources in detecting offences by both random and non-random methods.

Again, this is a step in the right direction and worthy of the endorsement in this House of members from both sides, including the Deputy Leader and me. During my long wait for the call, I picked up a book which was sent to me some time ago and opened it, quite by accident, at a report from Poland, where I looked at maladjusted people and criminals. By chance, I opened the report at page 482.

Mr Slater: Is it in Polish or English?

Mr MATHWIN: It is in English, but I can supply it to the honourable member in Polish if he is so clever. Under

a heading, 'Young Alcoholics sent for Compulsory Treatment,' the report states:

> Under the terms of the Inebriates Act, 1969 (Art. 13), habitual alcoholics who by their behaviour lead to the breakdown of family life, who demoralise persons under age, who constitute a public danger—

those are these people, the drivers—

> or who regularly commit breaches of the peace may be forced to go for medical treatment.

Many of these young people are under or about the age of 25 years. The report states:

> There is a great need for increasing the number of sobering-up rooms—

another aspect that could relate to offenders under this Bill (one of the great problems in Poland is alcohol)—

> for very intoxicated persons, who should be treated as sick persons, as patients in hospital. It would also be most useful to arrange the 'sobering-up rooms' in such a way that some of the patients could be kept there for a few days for medical and psychological examination and for 'detoxication' treatment.

I believe that that is something we, as a Government, can learn, and indeed we are talking about the problems of drunken driving. I am concerned about second and subsequent offenders. I have registered my concern with the Minister and with the Parliament, and I shall be happy to support the Bill. I would be surprised if, after three years, there was not a need to reinsert the mandatory sentence for second and subsequent offenders.

The Hon. M. M. WILSON (Minister of Transport): I move:

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

Motion carried.

Mr SLATER (Gilles): I want to make only a brief contribution to the debate. We are dealing with a situation which indicates clearly the double standard in our society. Quite effectively and quite consistently, through its advertising and marketing, society encourages indulgence in alcohol. The member for Semaphore made a point about young people who go to hotels and discotheques, where there is definite encouragement for them to drink alcohol.

Our society encourages the consumption of alcohol, and yet we have difficulty in assessing whether this Bill really gets to the basis of the problem. We should approach it from two directions. First, we should act in regard to society's attitude to the consumption of alcohol, which is a very serious problem not only in relation to driving but also to society itself. I am concerned that in the future alcohol consumption will become a more serious problem, because, from remarks I have heard and articles I have read, I believe that people are getting into the habit of consuming alcohol at an earlier age. Our society encourages consumption of alcohol through the system under which we live. I do not want to convey the impression that I am a teetotaller: I enjoy a social drink, but at the same time one must discipline oneself.

A person must take the responsibility not only in regard to driving a motor vehicle but also to ensure that he does not indulge in regular excessive consumption of alcohol. Alcohol consumption is a social problem and we should attack it independently of this Bill. There is no doubt that alcohol combined with driving a car cannot be condoned. We must balance the welfare of the community against the irresponsibility of the person who drinks and drives and who puts people in the community in jeopardy.

We must consider the ability of a person to drive in the first place. Many accidents are related to alcohol consumption, but a lot of accidents are caused by people who are not under the influence of, or who have not consumed, alcohol. Those accidents are related to the attitude of the driver, and in that situation there is a double standard. Licences are issued to people when they become 16 years of age. There is a form of driving test. Since I received my licence, I do not recall being retested. We must consider that situation.

An important factor that is never considered is the psychological ability of a person to drive a car. I believe that many people in the community are irresponsible by nature, whether or not they have been drinking alcohol, A lot of accidents are caused by a person's attitude to his fellow man. One sees the effects of impatience on the roads every day, whether or not a person is affected by alcohol. We should recall all of the situations that affect the community generally, not only the drink-driving question in isolation. We should consider the problem related to alcohol consumption generally and not drink-driving in isolation. Perhaps a collective approach, as was done in the Select Committee, can be adopted. The Bill alone will not be the answer to the problem. We are dealing with a palliative rather than a cure and we must go further. This Bill may be a start. I hope it is effective in regard to reducing road fatalities and accidents. I have reservations about whether the Bill will do this, but for the sake of the community I hope I am wrong.

We must look at the deeper community problem, not only alcohol and driving combined. Many road accidents are caused by irresponsible people who have over-indulged in alcohol, but possibly just as many accidents are caused by those who have not imbibed alcohol but who are not psychologically attuned to driving a motor vehicle. We must consider all aspects, not the Bill in isolation. I support the Bill with some reservations.

Mr GUNN (Eyre): I have listened attentively for a long time. One of the things I have learned is that when there is to be a short debate on a matter, the opposite normally occurs, and that has been the case tonight.

The Hon. J. D. Wright: Why don't you make a contribution to the short debate?

Mr GUNN: If the Deputy Leader would be a little patient—

The Hon. J. D. Wright: I mean sit down.

Mr GUNN: If the Leader was a little patient, he would hear what I have to say. I will be consistent with the action I espoused when this measure was last debated, unlike the Deputy Leader and some of his colleagues, who appear to have done a few somersaults. Let me make clear from the outset that I am unhappy about many of the provisions of the Bill. I crossed the floor and voted against the second reading on the last occasion a Bill of this type was before the House. It has been my practice since being a member to oppose minimum penalties. I realise that this Government did not provide for minimum penalties in the Act. When the opportunity arises, minimum penalties should be struck out of this Bill and out of all legislation. That is point number one in my opposition to the measure.

Regarding its implementation and how it will affect the people of this State, I refer to the media campaign that has been conducted in relation to this matter. People have been critical of the *News* for the stand it has taken. I believe that that newspaper has caused a great deal of thought to be given to this matter and has provoked a lot of discussion in the community, which is a good thing. This matter should be discussed at great length in the community. I have been approached, as have all members, by the Uniting Church. I received a letter from that body today and I appreciate the point of view expressed. The

Uniting Church is entitled to its point of view to approach members of Parliament.

I have also received a letter from the Council for Civil Liberties, and if anything sums up my point of view it is that document which all members received. Let me make clear to the Government that nothing I can say or do can prevent this Bill being put on the Statute Book. I am disappointed that my democratic friends on the other side of the House (who claim to be democrats) have not stood up and fought for some of the principles I thought they espoused. The member for Mitcham has absented himself from the Chamber, having made a lot of noise today.

How will the police implement the Bill? Will random breath testing stations be set up outside football grounds on a Saturday afternoon and outside country meetings? Will that sort of arrangement be put into effect? If it is, I shall be strong in my criticism. I do not advocate that people should break the law, because that would be irresponsible. Every person who drives a car has a responsibility to the community, and he should exercise that responsibility. I am concerned about the effects that the Bill will have on the standing of the police in the community, and I am concerned that this Bill will not solve the problems it sets out to solve.

I was interested to read the article which appeared in the *Hotel Gazette*. I realise it could be a particular item which supports the course of action they are advocating. I realise that some people could say they have a vested interest. I believe that that organisation has a responsibility to make sure that the people who frequent hotels, their patrons, are fully aware of the penalties which will be prescribed for people who drive while affected by alcohol. I sincerely hope that they have displayed in the hotels notices similar to those which advise people who are under the age of 18, or those in relation to illegal bookmaking. I sincerely hope that they will conduct an education campaign to make people fully aware of this legislation, because I believe that, unfortunately, there is a large number of people in the community who are not aware of the amount of alcohol one can consume before one has a reading over 0.08.

I agree with those who have advocated a lower excise on low-alcohol beer. I believe that would be a positive step in helping to solve the problem. I am concerned that a large number of police will be tied up implementing this policy. Over the last 18 months, I have repeatedly made representations to the Chief Secretary to have policemen stationed in various parts of my electorate. That has been virtually impossible, because I have been told that there are not enough police officers available, yet large numbers of police will be made available to enforce and implement this legislation. I sincerely hope that it is not at the expense of providing regular police surveillance in isolated communities within my electorate which have been making representations for a long time.

I have sat in this House for a considerable period, and I recall that on one occasion the now *de facto* Leader of the Labor Party, the member for Elizabeth, introduced legislation extending hotel trading. In the same afternoon, the former Minister of Transport brought in legislation increasing the penalties for driving under the influence. I always thought that was rather peculiar legislative day when we had two Ministers who appeared to be in complete contradiction.

I still have the fears that I expressed when the matter was previously debated. I realise that the legislation will expire in three years time. I shall look closely at the reports which I understand are to be laid before this House in relation to the effect that the Bill has on the road toll. I am concerned like everyone else is. I am also concerned about the effect it will have on the social life of those isolated rural communities I have in my electorate.

The last time I voted against this legislation, I think only two people criticised me for my course of action. Many people have said that they believed the course of action I took was a reasonable one. I want to be consistent in relation to the course of action I have previously taken, but I am also concerned about the effects of this legislation. I applaud the Government's desire to reduce the road toll. My only argument concerns the methods that will be used. Fortunately, I am a member of the Liberal Party, a Party which allows its members to exercise their rights and to speak as they desire.

Mr Langley interjecting:

Mr GUNN: Unlike the honourable member for Unley, I have exercised that right. I accept full responsibility for what I have had to say. I have my doubts about the Bill. I am violently opposed to many of the penalties, because I consider them undesirable.

The Hon. J. D. Wright: Tell use whether you would consider voting against the Bill if it would affect the passage of the Bill?

Mr GUNN: On the previous occasion, I voted against it.

The Hon. J. D. Wright: It had no effect on the passage of the Bill, though.

Mr GUNN: If my vote would affect any of the amendments, I would support them. If my vote would affect the Bill, I would allow it to be discussed in Committee, but if I had the chance I would defeat it on the third reading.

Mr Langley: But you can't speak in Committee.

Mr GUNN: It is difficult to get through to the member for Unley. It is getting late and it is well past his bedtime, but just for his benefit I will explain it briefly. I would not vote against the second reading. I would allow the Bill to be debated in Committee with a view to supporting the amendments, which I hope would put in an acceptable form. If that did not take place, I would vote against the third reading. I have made my position quite clear.

The Hon. J. D. Wright: I referred to stopping the passage of the Bill.

Mr GUNN: I explained it to the honourable member. If he has not understood, I suggest he get a hearing aid. I have spoken longer than I wished. The hour is late, and I am pleased to have had the opportunity to make a few comments.

Mr LANGLEY (Unley): I opposed the Bill previously before the House. I am not in a position at the present time to say whether or not I oppose the Bill. If ever the Government of the day has allowed something to happen in another place when the business was taken out of the Minister's hands in this place, I can assure honourable members that is something unusual. It just shows there is a divided opinion on the side of the Liberal Party, which is now in Government.

We have just heard the honourable member for Eyre speak. We are not sure of his position. If he speaks in Committee, that will be all right. I would like to see it. That does not alter the fact that the Government was in a lot of trouble concerning this Bill. The motion for the Select Committee was moved by Labor members in the Upper House. If that had not happened, I am pretty sure that this Bill would have been laid aside or there would have been a conference. There is no doubt about that. As a matter of fact, the Chairman of that committee is away overseas. He did not worry too much about it, I am sure. I do not think he knew which way it was going to go.

The member for Eyre spoke about hotel hours. I do not think any person in this State has really been opposed to

that legislation. It has been part and parcel of life, the same as other things brought in by a Labor Government which gave the people the freedom to know what they wanted to do. I refer to State lotteries, which have helped the Hospital Fund considerably.

I think everbody knows that this Bill will be passed, but there is still in the minds of many members opposite doubt about whether it is good or bad. It can be abolished if it does not turn out as they think it should. I had four calls and they have all been against random tests. Of course, we have seen more than four letters from different people, some who have vested interests and others who have not.

I was interested in the comments of the Minister of Health, who said that a doctor had referred to a person who would be better off dead. We will get a Ministerial statement tomorrow afternoon and it will be twisted as usual, but that is exactly what the Minister said. I do not misunderstand the Minister. She misunderstands me, because some of her attributes, as far as I am concerned, are not very good. Members opposite should go out door-knocking in Unley to find out. When a doctor talks like that, he may have shares in a funeral parlour. It is shocking.

During the debate tonight, the *News*, of which I am a great friend, showed its colours. It tries to rule the State, but it is out of step, as it is in most cases. However, people have gone against the *News* on this occasion. We have had letters from civil liberties people, churches, and many other people, concerning this matter. We all have questions asked of us, and we are told what we should do.

As has been mentioned, it appears that after 12 months we will receive a report. As the honourable member for Eyre has mentioned, it will be very interesting to country members to see where these breathalysers will be situated. Most bad accidents are on country roads, and they are caused by speeding. There is no doubt about it. Will the Minister guarantee that the equipment used and the placement of the breathalysers will be divided equally between the country and city?

Mr Randall: The first should go to Unley.

Mr LANGLEY: The honourable member has the opportunity to interject for the last 12 months of his tenure in the House. Most times he does not know what he is talking about. I am not out; I am undefeated. People in country towns will be concerned. They will know who voted for and who voted against the legislation, and they will also know that it will affect their lives. Even with the tests that have been carried out in Victoria, there is no basis for the figures at the present time, and we will most probably be looking for them in the future. A lot of hearsay is involved.

We have had a Select Committee. It has come down with an excellent finding, but I still think that many people in the this House and in the Upper House are not sure about what will happen in the future as a result of this legislation. I am prepared at this stage to give it a go and see whether it will be successful or not. I hope that at the end of 12 months we will be told where these units have been placed. I agree that drink has caused accidents on many occasions, but I also think it has been proved that many accidents have also been caused by young people speeding, mostly in country areas.

Mr Russack: Probably city drivers, though.

Mr LANGLEY: I never check on where they come from. When certain streets were closed in Unley, everybody was against that, but, as it has turned out, there has not been one accident on Duthy Street since then.

Mr Randall: They cannot find it, that is why.

Mr LANGLEY: It has been very successful. The honourable member would not know. If he came to Unley for door-knocking, he would possibly find out. I have never investigated where they have come from, but I am sure that most of them have been people from or near the country. At this stage, I support the Bill, and I am looking forward to hearing about the amendments. I hope the legislation is successful. I am sure that many members of the Opposition are not sure that this legislation will be successful.

The Hon. M. M. WILSON (Minister of Transport): I want to begin by mentioning the media campaign which has surrounded this legislation, and honourable members who have spoken have all mentioned it in passing. I do not want to spend very long on it, but I want to say that the media campaign waged by News Limited has helped considerably in the passage of this legislation, despite the virulent opposition to the issue. I also believe, although no-one will ever be able to prove this, that it has probably saved some lives, because the publicity given to random breath testing by the *News* in particular has, I believe, had an effect already. This is borne out by what happened in January 1980, when, as honourable members will recall, I announced that the Government was going to introduce random breath testing between Christmas and New Year's Day. I remember that well, because we had to open up the State Administration Building to get the press in. Indeed, I am sure that the publicity flowing from that and the publicity flowing from the imaginative advertisements on television had an effect on the road toll for the next ensuing two or three months, because at the end of February we introduced the legislation, so there was continual publicity. That, of course, is the most important part of this legislation and the previous legislation. It is the publicity that will surround it that will make the difference, so I say to News Limited 'Thank you very much,' because I believe it has saved at least one or two lives. We will never know, but it is significant (and we cannot put too much emphasis on it) that the June long weekend that has just passed is the first long weekend since 1968 when we have been free from road fatalities.

The member for Elizabeth, the member for Semaphore, and the member for Gilles made much play about the fact that this legislation should not be a be-all and end-all of road safety legislation for methods to reduce the road toll. Among other things, they mentioned a lowering of the excise on low-alcohol beer; they said we should be looking at road structures, safety in automobiles, compulsory driving tests, and many other things. No-one accepts for one minute that the introduction of random breath testing on its own is an answer to the road toll. It is not meant to be a panacea. I want to outline for the benefit of members what the Government has done since it came into office as regards road safety. It will be evident to members when they hear that the Government does not regard this as the be-all and end-all, nor does it regard it as a panacea.

The Government came to office with an election policy in relation to transport that placed road safety as the highest priority. What the Government has done since coming into office is to introduce provisional or probationary licences—we promised that in the election policy and we have introduced it. We promised that we would introduce compulsory restraints on children in motor vehicles, and we have done that. Also, we promised that we would introduce random breath testing, and we have now introduced that. In fact, we introduced it within five months of coming into Government. Other members have recounted the history of the events of that piece of legislation. In the final event, the fact that it was referred to a Select Committee has brought about a much better piece of legislation; I certainly admit that. However, it has

also caused a delay and I take this opportunity to remind the member for Mitcham, as he has already been reminded by the Minister of Health, that the reason for that delay lies at the feet of the Australian Democrats because it was they who were responsible for the delay in the legislation. Having said that, I admit that it is a much better piece of legislation than that which I introduced into this place in February and March 1980.

It has been said that one of the problems with this type of legislation is that it has initial effect for a few years—maybe only two years, who can say—and then the influence of the legislation falls away as people become more immune to the penalties and to the publicity surrounding drink-driving. In fact, that may well be so. Of course, the benefit is that it saves lives and, if it saves one life, I will be more than satisfied.

We have taken great pains to see that the legislation is monitored correctly. The member for Semaphore had much to say about monitoring the legislation and the research that needed to go into that. Because of the close co-operation between the Select Committee and my department (we supplied the support services for the Select Committee and much information on request), we have arranged for the first time in the world a before-and-after study of the effects of random breath testing legislation. My department found $78 000 for the Road Accident Research Unit at the University of Adelaide headed by Dr McLean, and already he has complied voluminous statistics. Some members may have noticed gentlemen in white coats standing on corners. The other day I thought I was going to be asked if I would stop and answer some questions, but I was not. Their testing has been going on for some months. The legislation will come into effect and will be proclaimed, and when the random breath testing starts they will accumulate more statistics, do more surveys and will, no doubt, ask for more money. In fact, I shall be pleased to recommend that the Government provide that money. It is a very imaginative programme.

Mr Keneally: Your record of getting money out of the Government isn't good in the areas of recreation and the Stuart Highway. Need I say any more?

The DEPUTY SPEAKER: I suggest to the member for Stuart that he not continue with the rest of his remarks or he might not see the rest of the debate.

Mr Keneally interjecting:

The DEPUTY SPEAKER: Order! I warn the honourable member for Stuart.

The Hon. M. M. WILSON: No doubt, Sir, you would like me to answer the member for Stuart concerning the Stuart Highway, but not at this stage. I look forward to getting the usual question about the Stuart Highway from the member for Stuart, which I have not yet received.

Several members have suggested the use of alcotest bags and whether they should be made available to the public, and everyone who mentioned it was in favour of something being done. The member for Mitcham took issue with the member for Fisher because he said that we could not force the firm to supply them to the public if it did not want to. For those members who were not present, I can inform them that the firm who supplies the alcotest bags to the police voluntarily restricts that supply to the Police Force only and does not supply them to any other agency or to anybody else. The reason is that the firm says the alcotest bags need to be used under the supervision of an experienced person because it is a screening device only, and therefore a person not using it properly can get an inaccurate result. If a person got an inaccurate result with a reading lower than 0.08 and then drove his car and was picked up at a random test station and found to have more than 0.08, then the firm fears the legal difficulties that could arise from such an incident.

Mr Slater: How do the police then justify its accuracy?

The Hon. M. M. WILSON: The member for Gilles should realise that the alcotest is a screening device for the police as well, because they then use the breathalyser. Suppose that a person was at a hotel and in a bar where these alcotests were available for around $1.50 each and he tested himself on it and registered a reading of less than 0.08 . He decided he would be all right to drive home, but was picked up by the police. The police test could be found to vary slightly from the earlier test, because they are only a screening device.

Mr Lynn Arnold: What if the police one registers the same reading?

The Hon. M. M. WILSON: If the police test registers the same, then they are all right, but the point is that the manufacturers of the alcotest say that the instrument itself cannot be used as a legal basis. So, it could be used as a screening test only, and, if it showed more than 0.08, the person would go on to the breathalyser, which is the accurate reading and the only thing on which a person can be charged.

Mr Lynn Arnold: It could inaccurately screen out some drivers who are in fact over 0.08.

The Hon. M. M. WILSON: It depends on the degree of accuracy, and that is why it is used only as a screening device. I believe, although I am not quite sure what it is, that the police allow a safety margin. In conclusion, I pay a tribute to the members of the Select Committee, because their report is one of the best reports we have seen in this Parliament, certainly in the time I have been here.

Members interjecting:

The Hon. M. M. WILSON: I appreciate the comments of members opposite. Modesty forbids my commenting on that, but I believe that the Select Committee was extremely responsible. I know the amount of work that was put in in collecting the evidence and the amount of thought that was given to the report. I congratulate the Chairman, the Hon. Martin Cameron, on the amount of work that he did personally and on his liaison with me and the Government in providing assistance. I always found that, when the Hon. Mr Cameron came to see me to get help for the Select Committee, my department's funds were lighter when he left. But never mind; it is an extremely worthy effort. I congratulate the members of the Select Committee, and I believe they deserve the gratitude of all members of this Parliament.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Commissioner of Police may authorise breath tests.'

The Hon. PETER DUNCAN: I move:

Page 6, after line 34—Insert subsection as follows:

(6a) The Minister shall cause an inquiry to be conducted during the period of three years from the date of commencement of this section into the causes of road accidents and the effectiveness of road safety measures in reducing the incidence of road accidents and death or injury resulting from road accidents, with particular reference to—

(a) the relationship between the consumption of alcohol and road accidents;

(b) the relationship between speed and road accidents;

(c) the effectiveness of breath testing conducted pursuant to this section in reducing the

incidence of road accidents and death or injury resulting from road accidents.

(6b) The inquiry shall include an examination of the social consequences of road accidents and road safety measures, including their effect on employment.

(6c) The person conducting the inquiry shall have power to make such recommendations as he thinks fit.

(6d) An interim report of the findings and any recommendations arising out of the inquiry shall be made to the Minister as soon as practicable after the expiration of eighteen months from the date of commencement of this section and a final report shall be made as soon as practicable after the expiration of three years from that date.

(6e) The Minister shall cause each report of the inquiry to be laid before each House of Parliament as soon as practicable after his receipt of the report.

Lines 35 and 36—Leave out 'and (6)' and insert 'to (6e)'

The Opposition believes that an inquiry into road safety is long overdue and that nothing but good would come from such a wide-ranging inquiry. The Minister has conceded this evening that the Select Committee investigation into the narrow area of the random breath test legislation that we are now debating was very beneficial, and I cannot but believe that an inquiry of the sort proposed by the amendment would have equal if not much greater benefits for South Australian society than would the Select Committee set up in the Upper House. I believe that this amendment should then be supported by members. One great attraction to the Minister is the fact that the proposal does not hold up anything. It would enable a wide-ranging inquiry to take place over the next couple of years. It does not delay any legislation or any proposals that the Government has before the Parliament or otherwise, and it would provide the data base on which rational, proper and correct decisions could be made as to the future of our road laws and road safety measures, looking towards the end of this century.

I do not know whether the Minister will support this proposal. I presume that probably he will reject it, as it has come from the Opposition, but I firmly believe that if it is not taken up tonight it will not be very long before a similar proposal is adopted. Whether it is adopted by this Government or whether it must wait until 1983 for the incoming Labor Government to implement the proposal remains to be seen, but the more I think about this, the more I believe that each and every member of this place would agree that the development of road safety measures in this State has been, over the past few years, basically on an *ad hoc* basis. This Government came in promising random breath testing and one or two other things the Minister mentioned earlier, and so into the Statute Book go such proposals.

When the Labor Party returns to Government, if this Minister has not undertaken such an inquiry, most certainly it will undertake an inquiry of this sort to ensure that we get a rational basis for future legislative action and other action in the road safety area. Members on this side believe that this sort of inquiry is long overdue. When one thinks about the way in which road safety legislation has developed and the way in which various pieces of safety legislation and measures have been introduced, there is an initial period during which they have considerable effect, but what is open to some doubt is their effectiveness after the initial impact has worn off. It would be quite interesting to know what benefit some of the road laws are having. Some of the measures we have introduced over the years may be out of date, superseded in their benefit, if indeed they had any benefit at all.

In drawing my amendment, I drew it deliberately to ensure that the Minister's hands were not tied in terms of the type of inquiry. It does not demand a Royal Commission. It uses the term 'the person conducting the inquiry', so that the Minister could have the sort of inquiry that he felt disposed to conduct. Where there is reference to 'the person conducting the inquiry', in legislation in this State the singular means the plural. If he were disposed to appoint an inquiry consisting of more than one person, then this amendment most certainly would allow that.

There have been widespread expressions of concern about the road toll. No-one has suggested that the Bill before us provides a panacea for the road toll and the problems of drink-driving. This amendment would allow for a wide-ranging inquiry, hopefully public participation, and it would ensure that a report be brought down on a proper data base that would provide a blueprint for road safety measures and road safety legislation for the rest of the century. The Government would be doing the people of this State, the drivers, pedestrians and passengers who use our roads, an enormous service if it accepted the amendment and set up such an inquiry, because, as I have said, its report would provide a blueprint for road safety measures for the rest of the century.

Mr. SLATER: I support the amendment. The Minister, during the second reading debate, stated that this measure would not be the be-all and end-all of road safety. By accepting the amendment, we have everything to gain and nothing to lose. The Minister said, 'If one life is saved, the exercise will be worth while.' I made the point in the second reading stage that we should look at both the drink-driving aspect of the Bill and also the general alcohol consumption aspect. The inquiry would give the opportunity to study the relationship between the consumption of alcohol and road accidents and other relationships in relation to speed and road accidents. I support the amendment, and I trust the Minister will see fit to give it every consideration.

Mr McRAE: I have listened to most of the debate on this measure and I have not yet spoken. I support the amendment. There is not one person in this place tonight who has spoken with the total conviction that what he said was necessarily right. Every member I have heard speak today on this measure has qualified his or her remarks in some way. It follows as a matter of inexorable logic that, if that is the case, there is the best of causes, with everything to be gained and nothing to be lost, for the sort of inquiry that this amendment seeks.

As the member for Elizabeth pointed out, this amendment is worded in such a flexible way that it does not cast any burden on the Government of the day. I know the Minister acknowledges, as we all acknowledge, that there are problems enough with the Bill, some of which will emerge further in the Committee stage as we look at the complexities about penalties and people being dealt with in the courts. This amendment provides an opportunity for all members to act honestly in saying, 'None of us knows any simple answer in this whole area, and the only way to get to the answer is to have some kind of independent inquiry.' Surely the proposition put forward is as reasonable a request as has ever been made on such an important topic by any Opposition. I urge the Committee to accept the amendment.

The Hon. M. M. WILSON: I remember in about April or May, perhaps June, of 1979, the then Premier (now the member for Hartley), the Minister of Transport (Mr Virgo), the Commissioner of Police and one or two other people (but I cannot remember whom) called an urgent top-level conference to consider what means the then Government should take to reduce the road toll. This was no wide-ranging inquiry but a conference to consider what

the Government should do. The recommendation of the conference, as I remember, was that the Government should find another $1 000 000 to increase police road patrols. I have nothing against that. This Government continued the practice when it came into office. That was the only recommendation to come from the conference.

Mr Slater: It was hastily concerned.

The Hon. M. M. WILSON: There was no wide-ranging inquiry: there was only a hastily convened conference. The member for Elizabeth stated that most road safety legislation is *ad hoc.*

The Hon. Peter Duncan: I said its development was *ad hoc.*

The Hon. M. M. WILSON: Yes. In other words, he said that legislation was not introduced within an overall plan of road safety. As I have explained, this Government's road safety legislation has been introduced in accordance with a plan. As well as the two Acts that are now in force and this Bill, the Government promised before the election that it would bring together the road safety agencies. We have already formed a Department of Road Safety and Motor Transport to consider particularly those matters that the member for Gilles mentioned. The Government's approach had not been *ad hoc* in relation to road safety legislation. I will not belabour the point, but I believe that this amendment is a face-saver for members opposite after the weekend's events. Nevertheless, I do not doubt that the member for Elizabeth is sincere in what he is trying to do. There is no question that this amendment is a direct result of the weekend A.L.P. conference. Finally, I point out that the Select Committee is to meet again to review this Bill and related legislation within the time frame that the member for Elizabeth provided in his amendment. There is no reason why the Select Committee cannot have its terms of reference broadened to include the other matters mentioned. That would probably bring about an expert inquiry, because the committee has already proven its competence. I believe it will bring down a report that will serve the purpose that the member for Elizabeth intends with this amendment. The Government rejects the amendment for those reasons.

The Hon. PETER DUNCAN: Do I understand the Minister to indicate that the Government would support the expansion of the terms of reference of the Select Committee?

The Hon. M. M. WILSON: I am prepared to discuss that with my colleagues in the Upper House (it is an Upper House Select Committee). I would be very happy to discuss that with them.

The Hon. PETER DUNCAN: I am disappointed in the Minister's reaction to the proposed amendment. I make no secret of the fact that the idea for this amendment arose out of discussions concerning this matter within the Labor Party and at the Labor Party conference. Just because that was the source of the idea does not mean it is not a good idea, and the more I have thought about this matter, the more I have become convinced. In fact, I am surprised that in Government we did not think of the need for such an inquiry and I am surprised that the matter has not been raised by others, because I do believe, quite sincerely, that the development of the road safety laws and measures that apply in this State has been on an *ad hoc* basis.

I accept what the Minister says about the fact that he has had a plan. Certainly, he has had a plan which has been related to the Liberal Party's policy promises during the last election, but as we all basically know a policy document is a bunch of good ideas and a box of stationery. That is about the level of it; you get a lot of ideas together. The last election was brought on rather hastily and the effect of that was that the Liberal Party was caught off-guard, and had to throw its policies together fairly quickly.

Whilst I readily accept the fact that its legislation on road safety has been a systematic introduction of its policy, I would ask the Minister on what data base these decisions were made. I ask that rhetorically at this stage, then I do not think there is much doubt that the data base was pretty flimsy. We do not know the real impact of all of our road safety legislation and measures in this State. Some of them might be quite redundant. The Premier is very keen to talk about legislation that is superfluous, redundant or out of date, etc. I have no doubt that, if I took the trouble to look through the Road Traffic Act and the Motor Vehicles Act, and particularly the regulations, there would be a pile of measures that are now superseded, redundant, out of time, as far as their impact is concerned. I believe that we do need this sort of inquiry to review in a logical and rational fashion the whole of our road safety legislation.

We have heard the Minister's views. I am disappointed that the Minister is not taking up this idea and that he cannot see the need for such an inquiry. He has been unable to give the Committee an assurance that he will support the idea of extending the terms of reference of the Select Committee in another place. All I can say is that this amendment contains a proposal, an idea, the time for which has now come and, if this Government does not set up such an inquiry, I have no doubt that the incoming Labor Government in 1983 will set up such an inquiry, because I believe, when giving it consideration, that such an inquiry is long overdue. I think that the concern the community has, by and large, about road safety would indicate endorsement for this sort of proposal. I have expresssed my disappointment about the Minister's attitude. I believe that this sort of inquiry could only have been of great benefit to the State. Inevitably, it will be held, and the report of such a committee will provide a blueprint for road safety measures in South Australia to the end of the century.

Mr McRAE: I, too, am disappointed with the response, and I am sure we can get better. I think the origin of any idea has nothing to do with its value. The origin of the idea has no shame; it was fully made public and the value of the idea is self-evident. While my colleagues and I would not be fully satisfied, I would feel happier if the Government would simply indicate, through its Minister, that favourable consideration would be given to including in extended terms of reference of the Select Committee the sort of inquiry that the Opposition is now seeking.

The Hon. M. M. WILSON: I have said I will consider the terms of reference of the Select Committee and discuss it with my colleagues in the Government. I cannot give any more indication than that at this stage. I am certainly prepared to give that assurance.

The Committee divided on the amendment:

Ayes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan (teller), Hamilton, Hopgood, Keneally, Langley, McRae, O'Neill, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Goldsworthy, Lewis, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson (teller), and Wotton.

Pairs—Ayes—Messrs Corcoran, Hemmings, and Payne. Noes—Messrs Allison, Glazbrook, and Mathwin.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr PETERSON: This legislation was originally

introduced last year, and the Minister was reported as saying that breath tests would be applied for only six to 10 days each year and that the public would be notified of the days on which the tests would be undertaken. As this Bill is now in a different form, I have not been able to see any indication of the frequency of the tests or of whether any notification in this respect is to be given. Will the Minister tell the Committee what the position is?

The Hon. M. M. WILSON: A lot of details have to be worked out between the Chief Secretary, the Commissioner of Police and myself in this respect. In fact, no notification will be given. That was made quite clear. The Select Committee's report recommends against notification being given of the location. That position was included in the previous Bill because it was deliberately designed to be less Draconian than this measure in an endeavour to get it passed. However, it did not work, and we are now back with more Draconian legislation than we had before. No notice will be given, and the Commissioner of Police will be able to set up random breath test stations wherever he sees fit.

Mr EVANS: This seems to be the only clause on which I can raise this matter. New section 47da provides that the Commissioner of Police may authorise members of the Police Force to conduct breath tests in relation to persons driving motor vehicles on a part of the road and during a day specified by the Commissioner. If the Commissioner of Police cannot authorise a police officer to give a breath test to a person who seeks to have one before entering his motor vehicle, and a police car happens to be in or adjacent to the hotel car park, is the Commissioner of Police likely to authorise an individual's request of the police for such a test before entering his vehicle? If not, will the Minister give the Committee a guarantee that he will do all in his power to ensure that equipment which is available for sale and which gives an individual an opportunity of assessing whether he is likely to be over the limit will be made available for the general public to buy, instead of the present ridiculous situation that obtains because of a certain agent's attitude to the sale of such commodities?

The Hon. M. M. WILSON: I give the honourable member and the Committee an assurance that, as soon as this legislation is proclaimed, I will negotiate with the Chief Secretary and the Commissioner of Police to see what can be done regarding the vexed question of this equipment not being made available to the public. The honourable member's point is very important, and I will certainly see what can be done for him.

Mr HAMILTON: I understand that radar units are set up following a study made by the Police Department of the location of accidents. Does the Government intend to do likewise with random breath testing stations and single out those areas where accidents occur?

The Hon. M. M. WILSON: I suppose that if the police are doing it the Government is responsible, but it is better for something like this to be kept at arm's length from the Government unless an injustice is seen to be done, when obviously the Government must step in and correct the position. For instance, if breathalyser stations or radar units were more frequent in some areas than others, residents may have cause to complain if the Government had direct control over the allocation of those units. As we envisage the operation of the legislation, the Commissioner of Police will decide, on the basis of statistical information available to him, where the units should be placed. Random breath testing stations will usually be operating at night, because that is the time when most people drink and drive —probably Thursday, Friday or Saturday nights.

Mr Keneally: At Port Adelaide or—

The Hon. M. M. WILSON: That is the very point I was trying to make, and I hope that my explanation satisfies the member for Albert Park that there should be no political control, if I can put it that way, concerning the location of those units; it should be determined by the Commissioner of Police.

Mr HAMILTON: Does the Government intend to put on special buses to cater for the needs of those people who attend Barossa festivals and other festivals in South Australia where there is a large consumption of liquor? One can imagine the number of people who could be picked up by random breath testing if the Commissioner decided to have a blitz in such areas. Many could have been caught by random breath testing stations if they had been located along the roads in that area.

The Hon. M. M. WILSON: I would hope that the organisers would arrange for special buses or trains (possibly the member for Albert Park would be keener if they used trains) to transport people attending such festivals. I do not see that it is the responsibility of the Government to provide such a service gratis, if that is what he means.

Mr Keneally interjecting:

The CHAIRMAN: Order!

The Hon. M. M. WILSON: We are getting into the realms of speculation, and members opposite know that I cannot answer such questions, nor do I intend to speculate on what happens at the Cornish festival or at Port Augusta. I think the answer is obvious.

Clause passed.

Remaining clauses (9 to 13) and title passed.

Bill read a third time and passed.

SUPPLY BILL (No. 1)

Returned from the Legislative Council without amendment.

ARCHITECTS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

DOG CONTROL ACT AMENDMENT BILL (No. 2)

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

(Second reading debate adjourned on 4 June. Page 3918.)

Bill read a second time and taken through Committee without amendment.

The Hon. M. M. WILSON (Minister of Transport): I move:

That this Bill be now read a third time.

The Hon. PETER DUNCAN: As the Bill has come out of Committee, I think it deserves our support.

Bill read a third time and passed.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 3 June. Page 3811.)

The Hon. D. J. HOPGOOD (Baudin): This is a fairly straightforward measure, which has the Opposition's

support. However, I wish to raise one or two matters with the Minister. First, I will explain, purely for the record, that the Bill adds 13 species of mammals, 22 species of birds and eight species of reptiles to the eighth schedule to the National Parks and Wildlife Act, which is a schedule of rare species.

The Hon. E. R. Goldsworthy interjecting:

The Hon. D. J. HOPGOOD: I will leave that research to the Deputy Premier. When the Act was introduced in 1972, there was a schedule which did not differentiate between birds, animals and reptiles and which included a limited number of species.

This schedule was expanded in 1974 in an amendment to the Act, and the list was split as between mammals, birds and reptiles, and now that list is to be further expanded. To come to statistics, in 1972 the schedule included a list of 39 species, in 1974 that was extended to 49 mammals, 16 birds and two reptiles, and in the Bill before us it is envisaged that the number of mammals listed will be expanded to 62, the number of birds to 38, and the number of reptiles to 10.

It is interesting to look back to the debate in 1974 when the main concern of honourable members opposite seems to have been the introduction of a prohibition on the killing of poisonous snakes, except where it could be shown that they were in the act of attacking a person or in some other way were a menace. There were those honourable members opposite who were particularly concerned about this measure. As a matter of fact the present Chief Secretary, in his contribution to the debate, explicitly lent his support to the creationists as opposed to the evolutionists in that fundamental debate on biology, when he said, on page 2331 of *Hansard* on 27 November:

> Because of its part in the early days of creation, the snake was forced to crawl on its belly for the rest of its life, and we have seen other reptiles doing that kind of thing.

It seemed to me that there were those other members of his Party who considered that the snake should continue to be punished for that antediluvian sin by continuing to be fair game for anyone who wanted to pick up a piece of stick or a lump of metal, to quote a weapon dear to the heart of the member for Eyre, if an earlier debate in this House on another matter is to be relied upon.

The list is an interesting one, both for what it includes and what it leaves out. If M. J. Tyler in the *Status of Endangered Australian Wildlife* is any sort of judge, there appear to be some omissions—for example, the eastern rat kangaroo and the musk rat kangaroo. Also, it would appear that there are some inclusions of species which are most probably extinct. The Tasmanian tiger is probably extinct. Tyler, in the same book, suggests that, as the tiger ranged through a wide variety of habitats originally and really did not favour the deep scrub very much, it is probably a romantic notion that there are remnants of that population in the deep scrub of south-western Tasmania.

The Hon. D. O. Tonkin: Do you think the Tantanoola tiger should be put on the list?

The Hon. D. J. HOPGOOD: No. I am making the point about those species that are extinct—although, of course, the Tantanoola tiger is not extinct; because it was an Assyrian wolf, it was not indigenous to Australia, and is not relevant to the Bill or the debate. There are probably those species that are unfortunately extinct, although they have been included on this list. There are others, but I will not go into that level of detail at this time.

One thing that I find interesting is that there has been no amendment to the list of threatened species, which is the ninth schedule of the Act, and I am hoping that the Minister may be able to explain to me at some appropriate time the real basis of the distinction made by his department and, I guess, by his fellow Ministers of the Environment, since we know that the origin of this amendment was a meeting of Environment Ministers around the country. I refer to the distinction which is made between on the one hand rare and on the other hand threatened species. In considering this matter the layman would see our indigenous fauna as lying along a continuum between on the one hand those species that are common, those that are rare, those that are threatened, and finally those that are extinct, there being a sort of slide along that continuum from one end to the other which legislation like this seeks to slow down or arrest completely. However, the Act would suggest otherwise. The Act suggests that, in fact, those species which are rare are considered as being closer to extinction than those that are threatened because, if one reads the Act closely, one finds that there is no machinery for exempting the rare species from the general prohibitive sections of the total scheme of legislation, whereas the 1974 amendment, which is really the basis for all this, makes no such provision for the threatened species.

The threatened species—if my reading of the parent Act and the amendment is correct—could be subject to a proclamation which would exempt them from the general protection within the Act, whereas there is no way that the Minister can recommend to the Government, and the Government can recommend to His Excellency, that such exemption be provided for the rare species. I can assume only that in fact, within the general thinking of the people who drew up the original Act, it is the rare species that are regarded as closer to extinction than are the threatened species. That seems to be a rather peculiar use of verbiage. The Minister is certainly not to blame for it. The Hon. G. R. Broomhill introduced the original legislation and the amendment in 1974, and I have read the *Hansard* report at that time. There is no mention or any justification of the introduction of a separate schedule at that time from the Minister, nor was it commented upon in debate. Let me underline the point I have made with the quotation from the book to which I referred earlier edited by M. J. Tyler in which he is talking about New Zealand birds (the reference of course is to Australasia, not just Australia), and he talks about forms in danger of being extinct. He goes on to say:

> Any list of endangered or extinct birds must to some extend be subjective. Table 5 divides the species or subspecies into four categories—
>
> *(a)* probably already extinct;
>
> *(b)* endangered...
>
> *(c)* rare...
>
> *(d)* vulnerable...

That is a further sophistication of the continuum that I mentioned earlier, but with the substitution of 'endangered' for 'threatened' which occurs in our scheme of legislation. It would seem to follow the general, rather simplistic layman's approach which I had mentioned.

That being the case, I am not suggesting that the Minister should seek leave at this stage to alter the verbiage in the Act, but I hope this matter can be cleared up because it seems to be a little confusing to the layman. Perhaps we will see later some legislation which may have the effect of amending the ninth schedule of the Act in addition to what we are doing right now.

Surely all persons of goodwill regret the decimation of our indigenous fauna, which has occurred since the occupation of this continent by European man. We are aware of the major agencies that have been at work in this: they are the deliberate hunting of the species; for example, the lyre bird for its plumage, the marine mammals for their oil, and I am glad to see that three marine mammals are

now listed.

The second agency is the destruction of habitat, and I referred to that matter in the speech I made to the Parliament a little less than a week ago. The third agency is the introduction of exotic species, mainly from Europe, that have become feral animals and have destroyed eggs or the young of our native fauna. In particular, I refer to the rat, the cat and the goat, the latter having a more devastating effect on the habitat than the young of our indigenous species. Whatever can be done to prevent the extinction of those species should be done.

I do not imagine that Ministers of Environment around Australia will in any way pretend that, with this minor amendment to the legislation, very much is being done to prevent the slide into extinction of these species. Nevertheless, it is important that it be done, and for that reason the Opposition will support the Bill through this Chamber without further delay.

Mr GUNN (Eyre): I know that the Minister has given great attention to this measure and he will be in a position to explain in some detail how these rare species obtained their scientific names. Can the Minister tell the House the manner in which the scientific name of the black striped snake was arrived at? Most people would have difficulty, if they disturbed such a snake, ascertaining whether it was a rare species. How would one identify the species? As one who has never been very friendly with snakes—

The Hon. W. A. Rodda: Or mongooses.

Mr GUNN: I will leave the Chief Secretary to explain about mongooses. What action can a law-abiding citizen take if he walks on one of these black striped snakes or a broad headed snake? Is one permitted to dispose of these reptiles? People usually try to put as much distance between themselves and the snake, until they can obtain a suitable weapon. What action should a person take? I leave the answer to the good judgment of the Minister.

The Hon. D. C. WOTTON (Minister of Environment): I want to clear up a couple of anomalies that have been brought up by members on both sides. As the honourable member opposite stated, a number of problems are associated with the present Act. This fact was recognised by the previous Government and it is certainly recognised by the present Government. I am pleased to be able to inform the House that the Government is carrying out an investigation into the legislation to significantly—

Members interjecting:

The SPEAKER: Order! I am sure the Minister does not need the assistance he is currently not getting.

The Hon. D. C. WOTTON: I can assure you, Mr Speaker, that I am not getting much assistance.

We are in the process of looking very closely at the present legislation, and the necessity to amend it has been recognised. I doubt that there is very much more I need say in this debate. I thank the Opposition for its support. As I have said, when we are in a position to bring the amendments relating to this legislation into the House, I will look forward to the Opposition's support then.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 June. Page 3914.)

Mr SLATER (Gilles): This Bill is necessary consequent on the Statutes Amendment (Valuation of Land) Act, which was considered in this Parliament earlier this year. The legislation has an effect on local government and changes to the Local Government Act are necessary. One wonders why they did not occur at that time; no doubt it was an oversight. The Bill seeks to amend section 5 of the principal Act by inserting after subsection (7) the following new subsection:

> (8) Notwithstanding changes in the meaning of the terms 'annual value' and 'land value' effected by the Statutes Amendment (Valuation of Land) Act, 1981, an assessment of annual value or land value made before the commencement of that amending Act, and in accordance with the definitions then in force, shall be regarded as a valid assessment of annual value or land value (as the case may be) for the purposes of this Act, as amended by that amending Act.

The Bill also seeks to amend section 178 of the principal Act by inserting after subsection (1) the following new subsection:

> (1a) When a council exercises its powers under subsection (1) to adopt an assessment based on annual values, it may, if it thinks fit, convert that assessment into an assessment based on capital values by multiplying the annual value of each property assessed by twenty.

The Opposition supports the Bill.

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

ADJOURNMENT

At 11.35 p.m. the House adjourned until Wednesday 10 June at 2 p.m.