## HOUSE OF ASSEMBLY

Wednesday 26 March 1980

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

### PETITION: WATER QUALITY

A petition signed by 1 602 residents of South Australia praying that the House take the necessary action to improve the quality of water available to the residents of Kavel was presented by the Hon. E. R. Goldsworthy.

Petition received.

### PETITIONS: TRADING HOURS

Petitions signed by 85 residents of South Australia, praying that the House oppose the Bill to extend trading hours for retail food stores until 6 p.m. on Saturdays, were presented by Messrs. Millhouse and Oswald.

Petitions received.

## QUESTION

**The SPEAKER:** I direct that the written answer to a question as detailed in the schedule I now table be distributed and printed in *Hansard.*

### MOTOR VEHICLE INDUSTRY

In reply to **Mr. OSWALD** (4 March).

**The Hon. JENNIFER ADAMSON:** My colleague the Minister of Consumer Affairs is aware of the statements recently made by Mr. Rowe on television. In fact, Mr. Rowe made representations to him shortly before the television interview. The Minister has also had recent discussions with the South Australian Automobile Chamber of Commerce concerning problems in the used car trade.

It is the policy of this Government that in any area where it can be clearly established that consumers are disadvantaged by unfair or dishonest trading practices and that these problems cannot be solved by consumer education or other means, legislation should be introduced to provide the necessary level of protection.

The sale of used cars is one of these areas. In 1979, for example, the Commissioner for Consumer Affairs received a total of 8 261 formal complaints, of which 868 (10·5 per cent) related to the purchase of used cars. This is by far the the largest single category of complaint (and it is interesting to note that the next largest category is the repair and servicing of motor vehicles). All States apart from Queensland and Tasmania now have legislation which is identical in concept, and strikingly similar in matters of detail, to the South Australian Act.

The Minister of Consumer Affairs is therefore most concerned at the allegation that consumers are "being ripped off by dishonest dealers under the present legislation" and agrees that this statement warrants an inquiry. He does not agree, however, that his Department employs "Gestapo-type" persecution tactics to administer the Act. Indeed, it is unlikely that dishonest dealers would survive very long if such tactics were to be used against them.

The honourable member will be pleased to know that a working party is being established to review the effectiveness of the legislation and to ensure that a proper balance is maintained between the rights and obligations of dealers and consumers. It would certainly not be appropriate to exclude the Department of Public and Consumer Affairs from this working party, as it is familiar with the practical problems of administering the legislation, but other departments will be represented on it.

### MINISTERIAL STATEMENT: SITTINGS AND BUSINESS

**The Hon. E. R. GOLDSWORTHY (Deputy Premier):** I seek leave to make a short statement.

Leave granted.

**The Hon. E. R. GOLDSWORTHY:** I wish to clarify for members the dates of sittings of the House. The Government intends the House to sit next week, 1 and 2 April. The House will then adjourn until June. We will sit again on 3, 4 and 5 June and the second week—10, 11 and 12 June. Parliament will then be prorogued.

**Mr. Millhouse:** Good Lord, it's a short session, isn't it?

**The SPEAKER:** Order!

**The Hon. D. O. Tonkin:** You have established that you are here. You are all right; it is in *Hansard.*

**The SPEAKER:** Order! The Deputy Premier sought leave to make a short Ministerial statement. I ask all members to give him an opportunity to make it short.

**The Hon. E. R. GOLDSWORTHY:** The member for Mitcham will be able to attend court sittings without the interruption of Parliament. The Government intends private members' business to conclude on Wednesday 4 June.

## QUESTION TIME

### BUILDING INDUSTRY

**Mr. BANNON:** My question is directed to the Premier. In view of the serious decline in approvals for private housing in the latest figures available to November 1979; in view of the report in the *Advertiser* of 21 March that the Swan Shepherd group had been placed in provisional liquidation; the report of today that Gold Crest Constructions Pty. Ltd. was in liquidation; and media reports that Ikos Constructions Pty. Ltd. had ceased trading, does the Premier stand by his reply to this House of 20 February that there is telling evidence that the Government's policy on economic reconstruction is beginning to having some effect, that he was cheered by signs of restored confidence which are beginning to appear in the housing and construction industry, and does he further stand by his reply on 28 February that there has been a marked upturn in confidence in the building industry, and that is one of the results for which we take credit, a total restoration of confidence in South Australia?

**The Hon. D. O. TONKIN:** I would share the Leader of the Opposition's concern, because I presume that it is concern at the stage of the industry, rather than any reflection on the Government at this stage. I also share his concern at the number of episodes to which he has referred. Certainly, they are not matters which give me, or anyone else in the community, any cause for great joy. Nevertheless, I point out to him that the matters to which he has referred are isolated occurrences, and that they are, in the case of the company which has been reported in today's paper as unfortunately having failed, matters

which do not relate to the long-term effect, but something which has been going on for some considerable time.

Although this gives cause for concern, there is still no doubt at all in the minds of industry people as a whole, the Real Estate Institute among others, that they have turned the corner and that the situation is improving. I repeat that it is a matter of great concern that individual occurrences such as this may give a reason for a rather lower level of confidence than I would like. But, there is no question in my mind that the industry itself believes that it has turned the corner. A number of reports show so. Indeed, I stand by what I have said in this House before—the real estate industry, and the established homes market particularly, has taken off, and is starting to improve considerably.

One only has to look at the number of houses now on the market, at the number of "For Sale" notices, which, in sharp contrast with the situation 12 months ago, are showing "Sold " notices on them. I think that is something that everybody in the community has noted with a great deal of pleasure. At this time 12 months ago there was an enormous number of houses on the market showing "For Sale" notices, which just kept on appearing, with no sign of movement. Indeed, that was something that concerned us all. But, at present that situation is, I think, totally reversed. It is the exception now, rather than the rule, to see a "For Sale" notice staying on a house for any length of time. "Sold" signs are appearing every day.

I refer the Leader to the latest figures issued by the Australian Bureau of Statistics on building approvals, which confirm the emerging growth trends in the South Australian construction industry and in the building and finance industry. The number of new dwellings approved in January, which is the period covered by those latest figures, was 705, which represents a 36 per cent increase over the figure a year earlier. In other words, it was 517 in January 1979.

**The Hon. R. G. Payne:** Is that in new houses or established buildings?

**The Hon. D. O. TONKIN:** It is new dwellings. This better performance was achieved by a strong growth in both private and Government housing sectors, and I believe that it reflects very much the genuine optimism and confidence expressed by industry leaders in recent months. There is every reason for concern at the single occurrences. The Leader is quite right to express that concern but, generally speaking, the figures we have seen for building approvals confirm the optimism, which I believe is tremendously important to build on. I have said many times before, and I am quite sure that the Leader of the Opposition will agree with this, that the key to this State's recovery is confidence.

That confidence, which is a very fragile and precious thing, must be maintained at all costs as long as there are fundamental reasons for the confidence to exist. That fundamental reason is there, as is exemplified by the figures.

## LEGAL AID

**Mr. SCHMIDT:** I direct my question to the Minister of Education, who represents the Attorney-General in this House. How sensitive is the Government to the need for legal aid in the Noarlunga region? Does the Government intend extending the services provided by the Legal Services Commission in that region and, if not, does the Government intend adopting some other means of expanding legal aid, such as through the Law Society? Over a period in the Noarlunga region a valuable service has been provided by the Legal Services Commission and the Law Society, both agencies working through the Noarlunga Community Information Centre. Unfortunately, some people have attempted lately to undermine the morale of those connected with this service by intimating that the Government is insensitive to the requirements of people living in that area and is cutting back the legal services provided.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr. SCHMIDT:** Thank you, Mr. Speaker, for protecting me from members on the other side who are insensitive to the services required by the people in my area. I therefore ask that the Government look carefully at this whole question and thwart the attempts of those people to undermine morale in the area.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. H. ALLISON:** Thank you, Mr. Speaker. I am quite sure that the Attorney-General will treat the matter with far less levity than members on the opposite side of the House are treating it at the moment. I shall be pleased to obtain a report from the Attorney-General and make sure that the honourable member receives it as quickly as possible.

## UNEMPLOYMENT

**The Hon. J. D. WRIGHT:** My question is directed to the Premier. In view of the reply given yesterday by the Minister of Industrial Affairs to a Question on Notice, indicating that 1 023 young people had received employment to the end of January as a result of the payroll tax incentives, and in view of the Government's statements that the true impact of the scheme really will be seen when information for subsequent months is available, will the Premier now explain why the Commonwealth Employment Service registration of unemployed juniors at the end of February shows only a $745 reduction compared with February 1979, and why the Australian Bureau of Statistics preliminary February estimates indicate only a 400 decline in unemployment among 15 to 19-year olds over the same period?

**The Hon. D. O. TONKIN:** I am grateful to the Deputy Leader for his question. I expect that he meant 745 people rather than $745 when he was referring to the reduction. I would point out to him that he has not got the figure right even then, and that the figure is 758 fewer. The C.E.S. figures are generally regarded as being less reliable than the Bureau of Statistics figures in any case, and I think it is important that we understand why. It will be just as well to put this on record. The C.E.S. figure may include people who are still registered as unemployed even after finding a job. They may also include those unemployed who do not bother to register, and there are a number of them. Further, C.E.S. figures are taken on one day of the month, whereas the Bureau of Statistics survey averages survey returns over the entire month, and that makes a very real difference, particularly during the summer months when seasonal work is available. The C.E.S. rates of unemployment are expressed as a proportion of the previous month's, not the current month's, labour force. All of these factors must be taken into account. I believe it is encouraging to note that the C.E.S. figures, in spite of all that, did confirm the trend.

The situation which the Deputy Leader has outlined, where he is making a direct comparison, is not valid. He is rather seizing on straws in this matter. Recognising the differences between the figures and the unreliability of C.E.S. as against A.B.S. figures, he should be welcoming

the figure of 785 fewer than in Feburary 1979. I think it important that we once again see that there has been a trend towards a reduction in the number of unemployed young people. The figure for January was 4 per cent lower than for a year before. The figure for December 1979 was 1·3 per cent lower than for the corresponding month a year earlier.

The aggregate of every month's registered unemployment numbers since September last year is significantly lower than for the period September to February last year. It is particularly encouraging that the rate of decrease appears to have accelerated, with more than 1 000 South Australians ceasing to be unemployed between January and February this year, and that certainly matches up with the answer given by the Minister. I believe that, if that trend continues, although the general unemployment situation is certainly nothing to be complacent or pleased about, it will significantly help the unemployment problem, particularly for young people.

## SUPERPHOSPHATE

**Mr. GUNN:** Will the Minister of Agriculture investigate the pricing policy of the Christmas Island phosphate commission with a view to examining what would appear to be grave anomalies in policy with regard to the manner in which it will affect superphosphate users in this State, particularly after 1 April, when there will be a considerable rise in the price of superphosphate? The Minister would be aware, and other members also probably would be aware, that phosphate companies in Australia have large stockpiles of rock phosphate on their premises which they have received on a consignment basis from the commission's distributors. However, those large stockpiles do not have to be paid for until the rock phosphate is actually processed into superphosphate. When this takes place, the phosphate commission will receive a considerable sum for rock phosphate already on hand. Therefore, the agricultural producers in this State, will be victimised if this practice continues. If a private company were to carry on in this manner, it probably would be subjected to an inquiry by the Consumer Affairs Branch in this State or in other States. Therefore, I ask the Minister to examine this Government instrumentality's pricing policy.

**The Hon. W. E. CHAPMAN:** I am pleased that the member for Eyre has raised this subject because, indeed, along with rural colleagues across the State, we share with him the prevailing fury surrounding the recent announcement of increased phosphate charges to apply in this State, as I understand it, to the extent of about $8 per tonne from 1 April this year. However, the position is not quite as clear as was outlined by the honourable member in his explanation. If it were to be simply a commercial exercise within this country, it is possible that greater control over the price, and particularly over the proposed increased prices, could be exercised. In this instance, Australia depends on phosphate rock from Florida, Nauru and Morocco, and a number of other countries, as well as from Christmas Island. The British Phosphate Commission has, in turn, a number of member organisations within the States of Australia to which it is bound to supply rock.

The cost of that rock, in round figures, is about $60 a tonne. With about 2 500 000 tonnes of phosphate rock required annually in Australia, and about 1 250 000 tonnes required in New Zealand, then, indeed, the commission has a tremendous amount of money involved. Phosphate rock that was delivered to Australia from the other countries I mentioned was subject to this increased price of about $13·85 per tonne as from 1 January this year, so there is some justification in the application to the Prices Justification Tribunal in recent times seeking an increase in the price of prepared fertiliser for distribution. However, I do not think that there is any justification for the system to continue as it has when such a price rise comes in the middle of a buying season. This has caused panic buying by primary producers around the State (and naturally so), as well as panic within the transport industry generally in trying to distribute this product.

This is worse than bad management: in fact, it is a disgrace that we have a commodity required by the rural industries of Australia, subjected to such an adjustment in price, causing the panic that has occurred on this occasion. I recall the announcement on 13 March that this action was pending. In the meantime, absolute chaos has been caused at fertiliser depots throughout Australia, and South Australian depots are no exception. The shipping outlets, transport operators, railway depots, etc., have been caused a tremendous amount of expense.

The representatives of fertiliser companies in this State have done everything in their power to alleviate the application of this price rise on 1 April, thereby allaying the panic that has occurred, but it has been beyond their control. It is beyond the control of the authorities in Australia. The commission has an agreement with the respective States of Australia that they shall declare all stocks on hand on the last trading day of March each year and/or prior to a proposed price rise, and that has caused this situation. I propose to take up this matter with our colleague, the Minister for Primary Industry, in Canberra. I believe it is without thought and lacking in good management for our Federal colleagues to allow this situation to occur, thus injuring the communities in each of the States in Australia that are dependent on this product. I welcome the question from the honourable member for Eyre, and I will indeed pursue the matter further, as he has requested.

## ELECTRONIC LISTENING DEVICES

**Mr. LYNN ARNOLD:** Will the Premier ask the Attorney-General to instigate an inquiry into the use in this State of electronic bugging devices, particularly those in miniaturised form? Further, can some check be made, with the co-operation of the Federal authorities if necessary, into the uses to which these devices are or can be put? Yesterday, the Premier was asked about the purchase by a former member of his own staff of devices from an Adelaide agency. The Premier's reply, honourable members will recall, was a monosyllabic "No". As the question was in four parts, his answer was somewhat unenlightening. For example, one question that was asked was whether the Premier was aware of the purchase. We can assume that he was saying he was not aware, by his "No" answer. Indeed, while I would not query that at any length, it does seem to contradict what the former staff member said on radio.

**The SPEAKER:** Order! I warn the honourable member that he is now getting perilously close to debating the question. Questions he is now referring to were answered yesterday and may not be restated. I ask him to confine his remarks to an explanation of his question only.

**Mr. LYNN ARNOLD:** I take your point, Sir, and I apologise. I was not attempting to re-ask yesterday's question; it was consequent upon information supplied by the Premier and, naturally, this is a consequent question. The point I am making is that an opinion has been expressed which will require elaboration at some stage.

Apart from that, it does appear that the possibility of bugging may no longer be in the realms of science fiction, as far as this State is concerned. Indeed, the American experience in the early part of this decade suggests likewise. Given the Government's fairly ample, and, in many cases, good record in calling inquiries, I ask the Premier whether an inquiry could be called in this instance so that investigations can be begun into electronic surveillance equipment and into the uses to which it is or can be put?

**The Hon. D. O. TONKIN:** I could reply to the honourable member's question briefly, but I think he deserves a slightly longer answer. He has hit the nail on the head when he said that his colleague yesterday asked four questions in one. I answered the most important one of them, and therefore, the others, by replying "No", because I felt that the question was so stupid as not to warrant any further attention. However, the Leader of the Opposition has apparently taken some of my advice, in as much as his own advisers are now suggesting that these funny questions should be asked by back-bench members. I mean by that, funny, in quotes.

I think the Leader is wise to do that; it was an interesting attack, and I have a fairly good idea from where it originated.

The Attorney-General and the Government generally will be constantly on the look out for evidence of any upturn in the use of electronic bugging devices. I think that that is only proper, and indeed, follows legislation in relation to tape recording which passed through this House some considerable time ago. If necessary, that legislation could be looked at to see whether it needs any strengthening in the light of the very highly expensive and sophisticated electronic devices referred to yesterday by the member for Florey.

I thought it worth looking at the question asked by the honourable member yesterday; in fact, I did not have to make inquiries because my former employee came to see me. He seemed to think that the matter had been rather blown up out of all proportion. Indeed, he confessed to having made a purchase of an electronic device—not from the supplier mentioned by the member for Florey yesterday, but from that wellknown firm, Tandy Electronics, and the purchase consisted of a small ear plug, a device which I understand costs about $1·50, the sort of thing which can be plugged into a portable radio or a tape recorder and which is used by many journalists so that they have both hands free when transcribing matter from the radio or a tape recorder.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D. O. TONKIN:** His purchase of this $1·50 sophisticated electronic device obviously has caused the Opposition some considerable concern, and he has asked me to pass on to honourable members opposite his very sincere apologies that such an action should have caused such concern.

## STATE FINANCES

**Mr. BECKER:** Is the Premier, as Treasurer, satisfied with the progress of the Revenue Account and the Loan Account budgets to date? I refer to the February statement of Revenue Account released recently which shows a surplus of income over payments of $15 200 000. The Loan Account surplus of receipts over payments for eight months ended 29 February was $13 100 000. I understand that the surplus of income at this stage must be treated with caution. It is difficult to plot accurately the movement of State revenue in view of uncertainties in relation to salaries and inflation, but it has been suggested to me that the handling of its finances by the State Government has been extremely prudent and successful, and that the Treasury finances are in a better shape than they were 12 months ago?

**The Hon. D. O. TONKIN:** I can confirm the honourable member's comments, I am pleased indeed with the way in which the State's finances are shaping up. It does, in fact, give some cause for concern that even recently in one of those Opposition bulletins that we heard about yesterday the Leader of the Opposition seems to be persisting in purveying his $40 000 000 deficit story. I find it hard to understand. I would have thought that he might have seen some reason to refrain from purveying that misleading comment.

There is a considerable surplus at the present itme but I would repeat the warning that one take that with a great deal of caution. Because of the variables which arise from time to time, it is almost impossible to compare one month in one year with that month in another year when considering the Budget progress, but it is likely that not only will we have a balanced Budget this year but that there will be a surplus. That surplus must be put into the context of the tremendous demands likely to be made on the Government over the next two or three years. Demands, as the member for Hartley will well know, can come up any time, and I hope they do come soon; demands for infra-structure in relation to Roxby Downs, for the Redcliff project, and for many other projects. Although, of course, we have Loan Council approval for the borrowing of sums in respect of Redcliff, it is necessary that we put aside funds now and be quite ready for the expenditures that will be necessary as these industrial developments build up. It would be totally unwise and improper of us not to do so.

I repeat that the State's finances are in a particularly healthy position and are a great deal healthier than they were at the corresponding time last year. I can simply say that good management and a tight rein have the appropriate effects, and they are having an effect which is becoming apparent to the people of South Australia. It will become more apparent when the people of South Australia see how well prepared this Government will be for the developments which we all hope will transpire soon.

## GRANTS COMMISSION

**The Hon. J. D. CORCORAN:** Can the Premier say whether the Commonwealth Grants Commission, in conducting this year's review of the share of each State in total income tax grants, has modified its past evaluation procedures and adopted a new approach involving examination of the natural resource endowment and the industrial and employment structure of each State (for example, whether or not it has a large mining industry) as a determinant of grants to that State? If not, if it has not modified its approach, has the Premier now changed the view which he expressed in documents which seem to have become fairly popular in this House, the bulletin that he issued in July 1979 when he was Leader of the Opposition, in which he stated:

> As for the preparation of the new Commonwealth-States tax sharing formula, the question must also be asked: Can South Australia expect a greater share of the Federal tax cake than otherwise would be the case if uranium mining were not permitted?

He went on to say:

> The answer is far from clear and the chance of substantial cuts in Commonwealth funds must be faced as a real possibility.

I wonder whether the Premier has changed his mind on that yet, if the Grants Commission has not changed its procedures.

**The Hon. D. O. TONKIN:** The answer to the first question is "No". There has been no change, although, as the member for Hartley would be aware, there is a considerable examination of relativities going on at present. That is an extremely important matter and one which could be very serious indeed for this State, particularly in regard to the effect of the railways agreement and what has been done with that money since that agreement went through. It concerns me and it certainly concerns my officers. That matter is receiving very great attention and is the subject of a great deal of hard work. Preliminary discussions on the relativities inquiry will be held between all Premiers and officers of all the States. I hope that we will be able to go to the final meeting, towards the end of the next financial year, when those relativities will be discussed and finalised, and that we will come to a satisfactory conclusion so that South Australia does not suffer from activities similar to those that transpired after that railways agreement. That is the answer to the first question.

The answer to the second question is "No", I have not changed my mind." I believe that it is important that any State should show that it is taking full advantage of its natural resources and is taking every opportunity to develop its own potential. The member for Hartley has mentioned the uranium question.

**The Hon. J. D. Corcoran:** You misunderstood me.

**The Hon. D. O. TONKIN:** That was the question that came across: have I changed my views? The answer is "No, I have not." The question I asked at the time was: could South Australia expect a greater share of tax reimbursement if, in fact, it did not allow uranium mining in greater proportion than the other States? We would not expect a share greater than that of other States if we did not develop our potential. It is symptomatic of the attitude shown by honourable members opposite, to which I referred yesterday, that they seem to think they are able to sit down and do nothing to develop our potential, to do nothing to generate our own income in this State from mining and mineral development, yet expect to get extra money from the Commonwealth to make up for their lack of activity. That will not wash with this Government in any way, because we intend to move on to develop our mining and mineral industries, to generate royalties in comparison with the West Australian, Queensland, New South Wales and Victorian Governments, which will be comparable again instead of being minuscule as compared with those other States. There will be no reason at all for South Australia to expect any lower share of tax reimbursement from the Grants Commission.

**The Hon. J. D. Corcoran:** The Grants Commission doesn't take it into account at this point.

**The Hon. D. O. TONKIN:** That is exactly the point I have been making. I would not expect it to change its attitude in the slightest possible way.

## ANIMAL LIBERATION

**Mr. BLACKER:** Is the Minister of Agriculture aware of any activities within South Australia of a group operating under the guise of an animal liberation movement? If so, is the Minister's department taking action to ensure that a fair and balanced opinion is being presented?

I have been contacted by constituents who have expressed concern at the contents of a short film shown, I believe, on Australian Broadcasting Commission television on Friday 7 March, the Friday after Parliament rose for the recent fortnight's adjournment. The film depicted a series of acts of obvious cruelty to animals and described these acts as being typical of intensive husbandry of pigs and poultry. My constituents were incensed by these claims and advised that all persons involved in animal husbandry know that no animal will grow and produce unless that animal is comfortable, free of stress and free of disease. The film tried to claim that range rearing of pigs and poultry was better, but gave no indication of disease control and growth rate. The film in question is to be shown to schoolchildren in New South Wales, and it is hoped that the Minister will not allow such a one-sided and biased report to be shown to South Australian schoolchildren.

**The Hon. W. E. CHAPMAN:** I did not see the Australian Broadcasting Commission film on 7 March as described by the member for Flinders, nor am I aware of a group known as the Animal Liberation Movement in South Australia.

**Mr. Abbott:** You're not a member of it?

**The Hon. W. E. CHAPMAN:** No fear, although I am aware of one or two other liberation movements that have popped up in South Australia in recent times; in fact, with a few members from the other side, I was present at a recent meeting of one, but I do not think the two are related. I note, however, the points made by the honourable member, and I will make inquiries, because I regard his reference to such practices within primary industry as both significant and worthy of following up, particularly if the film did reflect practices which are not consistent with general practices within the rural industry. I am disturbed at the suggestion made regarding people in this State who own animals either for production or for other purposes.

I had a similar matter recently drawn to my attention by the egg industry panel, which had been somewhat distressed about either the same or a similar movement in Victoria that was seeking to interfere with the commercial practices in that industry by throwing not red hens but red herrings across the egg industry, particularly as it involved the keeping of hens in concentrated pens. The R.S.P.C.A. in South Australia is an effective group, and if such cruelty as described by the honourable member is in fact occurring, then I would have thought that that organisation was the appropriate authority to take action. If a group is carrying on in the manner that the honourable member suggests, then every effort ought to be made to send it elsewhere because, as far as I am concerned, the practices of my colleagues in the rural industry are sound, and I know of no circumstances where cruelty of any magnitude, or indeed any real cruelty, is being practised.

If people suggest that the slaughtering of animals when they are fat and ready to kill is cruel, or that the keeping of chickens in pens in such a way that they produce the maximum number of eggs is cruel, then they want to get with the true practices of the rural industry. As far as I am concerned, my colleagues in that field are exercising good commercial sense, and I have no evidence to suggest otherwise.

I am extremely concerned that such films might be made available for distribution at school level. That element of the honourable member's question is well worth taking up by my colleague the Minister of Education because, whether or not the New South Wales Government allows that sort of film in schools, I do not mind, and it is really none of our affair. However, I think it quickly becomes our affair if it is to occur here.

I would hope that some sort of rigid film censoring took place within the public school structure of this State so that an untrue and, indeed, biased view of the situation was not made available at that level.

## STATE'S FINANCES

**Mr. BANNON:** In view of the answer given to the member for Hanson concerning the State's financial position under the Loan and revenue collections and Budget, can the Premier give the House a breakdown of the way in which those figures have improved, by analysing under which categories they have improved? At least, we know that about $20 000 000 of the sum referred to by the Premier is caused by a cut in Loan funds for public works that are not going ahead and, secondly, that a large amount of the difference is because stamp duty collections have been accelerated during the eight-month period under consideration. Can the Premier provide those details now?

**The Hon. D. O. TONKIN:** The Leader of the Opposition really does exaggerate enormously, and I wish that he would get his figures right. The $20 000 000 figure, which I think he said was surplus because public works were not proceeding, is quite ridiculous.

**Mr. Bannon:** It's $17 100 000.

**The Hon. D. O. TONKIN:** That is even more ridiculous. Nevertheless, if the Leader would—

*The Hon. E. R. Goldsworthy interjecting:*

**The Hon. D. O. TONKIN:** That is right. If the Leader wants a full breakdown, I will get it for him. The figure he has quoted is grossly exaggerated.

## MICE PLAGUE

**Mr. MATHWIN:** Can the Minister of Agriculture say what action the Government is taking to counteract the infestation of mice in certain parts of South Australia?

**The Hon. W. E. CHAPMAN:** One cannot underestimate my colleague the member for Glenelg. Indeed, he asked difficult questions in his capacity as an Opposition member and he is still on that subject. It is all very fine for some members to laugh about the mice plague at this level, but I can appreciate the concern of those people who are victims of it or of any other termite or pest plague. There is no question about it: reports have come to my attention recently showing that there is a serious mice plague in several rural communities of South Australia, particularly in the Mallee and even more particularly on Eyre Peninsula.

**The Hon. J. D. Corcoran:** You ought to set the member for Glenelg free, because he's the top cat down there.

*Members interjecting:*

**The SPEAKER:** Order! The honourable Minister.

**The Hon. W. E. CHAPMAN:** I can understand the mirth surrounding the interjections, but that does not interfere with the seriousness of the subject originally raised. The situation is that the types of household bait being used, which are based on blood coagulants, are extremely expensive, if not dangerous. Indeed, strychnine, which was used by the Vertebrate Pest Control Board to poison mice in crops and paddocks, was too dangerous to use on a large-scale basis in built-up areas.

Frankly, it is my view that, if that particular bait is used by householders in attempting to reduce these plague proportions, a tragedy could occur among young children, if not among the pets that might be owned. Householders, as I understand, have been using strychnine. I suggest that, in doing so, they place it in boxes or in such places as only mice can enter.

There is no question about the dangers that prevail in the use of that particular type of bait. It is not an easy question to answer. It is one to which we do not have the ultimate answer. Some farmers, I understand, have been burning off their stubble to reduce the numbers of mice in the fields. That is, indeed, effective, but those that escape the fire only concentrate their numbers further in and around the farm buildings and homesteads. They then move into the country townships. There is a tremendous problem with mice occurring on the West Coast. There is no direct solution to that problem other than the use of baits. I point out again the importance of taking care that, where children may have access to those baits, every caution is exercised.

Although the gestation period of mice is only a matter of a few weeks (and they breed prolifically), this season, in particular, because of the continued hot weather, they are breeding longer into the autumn than would ordinarily be the case, and the problem will not blow away; indeed, it will not wash away, either, until sufficient winter rains commence and assist with eradication. It is a matter, really, of reducing the quantity of available food. All I can suggest is that good household maintenance be exercised, so that they are not encouraged into the homes in those places, and that baits are carefully used.

One other point I would like to make (and this, again, understandably is made on behalf of the rural people in those areas) is that there is a real problem around the corner, because if the season does not break soon and farmers are required to dry seed the 1980 crop, that seed is subject to being eaten by mice in plague proportions. In those circumstances (and it is all right for members opposite to laugh about this) one can see thousands of mice out in the fields at night actually scratching up the seed out of the furrows and the plantings when the ground is still dry. That will continue to happen until the rain comes. In those circumstances (if primary producers have to reseed as a result of that happening) we will be looking to the Primary Producers Emergency Assistance Act if loan funds are required. We may be able to assist those primary producers in covering their seasonal costs to reseed.

While this matter has been received in this place with some hilarity, I treat it seriously and, indeed, officers in my department treat it seriously. Advice along the lines I have mentioned today has been circulated to affected areas. As I have said, investigations into available Loan finances are being made in case there is a call for assistance from those people who require to reseed.

## DOCUMENT THEFTS

**Mr. TRAINER:** Following that dramatisation of Steinbeck's novel *Of Mice and Men:* can the Chief Secretary yet provide the promised police report into the alleged theft of documents involved in Government proposals for higher bus fares? In response to a question I asked three weeks ago, on 5 March, the Chief Secretary told me that a report would be obtained. Has he yet obtained that report, and when will it be made public?

**The Hon. W. A. RODDA:** The report is not yet available.

## REGISTRATION FEES

**Mr. OLSEN:** Will the Premier indicate to the House what effect the increase in motor vehicle registration costs in South Australia, released yesterday by the Australian

Bureau of Statistics, will have on; first, industry, and, secondly, future employment opportunities within this State?

**The Hon. D. O. TONKIN:** The figures that came out from the bureau yesterday have been very encouraging in many areas, and the figures on new motor vehicle registrations were equally encouraging. I repeat that, of course, it is necessary to be most cautious about these matters, but there is quite definite evidence of optimism about South Australia's recovery. Once again, I do not think anyone in this House would deny that we have every reason to be pleased about that fact. There were 3 855 new vehicles registered in South Australia in February, compared to 3 455 a year earlier; in other words, an increase of 11·5 per cent at this stage.

Similarly, the number of new registrations in January exceeded the previous year's monthly figure by 8·3 per cent and the figures for December 1979 were marginally ahead of those for the corresponding month in 1978. In other words, there is a general upturn in the number of new motor vehicle registrations.

Of course, this has given some cause for optimism, but not necessarily the same cause for optimism that I would like in the employment sphere. Although the number of cars being produced, (and therefore the number being purchased) is increasing, the amount of employment resulting from that increase is not directly proportionate.

There is a need at the moment for motor car manufacturers to restructure their industries; to introduce new methods; and this problem is being tackled but is certainly taking a toll of the industry as far as employment is concerned. Nevertheless, I would say that, having discussed this matter with the South Australian manufacturers, I see every cause for optimism that employment will be maintained in the long term and that the future of the car industry in South Australia is extremely good.

## OLYMPIC GAMES

**Mr. SLATER:** Does the Premier consider that the proposed boycott of Australian athletes going to the Moscow Olympic Games imposed by the Federal Government will lead to withdrawal of Russian troops from Afghanistan? I ask the question in view of the lack of an appropriate reply to a question which I placed on notice. I asked the question:

> Does the Government support a boycott of Australian athletes attending the Moscow Olympic Games?

I received a reply, as follows:

> The Government, together with all people concerned with the preservation of freedom, condemns the Russian invasion of Afghanistan and will support any move which will lead to the withdrawal of troops from that country.

From that reply it would appear that the Premier and his Government are naive enough to believe that, if Australian athletes do not compete at the Moscow Olympics, in some way that will influence the Soviet Union to withdraw from Afghanistan. I, together with the public of South Australia, particularly the sports people, would like to know the Government's real position in this proposed discrimination against one section of the Australian community, namely, the sportsmen and women, by its Federal colleagues.

**The Hon. D. O. TONKIN:** I refrained from taking a point or order at the time the honourable member framed his question, in the expectation that he may have cared to bring forward some new matter. He has not: my answer has not changed.

## EDUCATION CUTS

**Mr. GLAZBROOK:** Can the Minister of Education give an assurance that the aims and wellbeing of schools and children in some areas will not be adversely affected by any proposed cuts in funding? My question follows receipt of a letter from a primary school in my district wherein deep concern was expressed by staff regarding the inadequacies of supplies of both equipment and buildings being experienced by a number of schools. It is a widespread belief that the Government intends to prune education funding by 3 per cent. As the Government has not made any statement to the contrary, I seek the Minister's comments.

**The Hon. H. ALLISON:** I reiterate what has been said several times previously in this House in answer to similar questions, namely, that the magnitude of any cuts that may or may not be imposed within any Government department is at present the subject of sheer speculation. The fact remains that the 3 per cent figure was quoted as a result of a departmental leak, and that 3 per cent figure was one of which the Premier advised all departments several months ago when he asked all Directors-General to investigate what impact a 3 per cent cut might have on the working of their departments, including a report on the desirability or undesirability of such a cut.

The fact is that the present Government has a better track record for the current school year than the previous Government had envisaged that that Government would have. We did say in answer to a question by the former Premier, that the present Government had allocated $308 000 more to education than was requested by the department.

**The Hon. J. D. Corcoran:** And you were wrong.

**The Hon. H. ALLISON:** Well, the former Minister keeps saying that we are wrong but the fact is that Treasury statistics, given by the very officers in whom he placed so much trust, simply confirmed that $1 900 000 was added to the former base figure, to give a figure which is still $308 000 below that which this Government allocated. I have had no evidence to the contrary. The only thing that was evident in the Treasury debate was once again one of about 10 things that were verbal or cerebral commitments.

**Mr. Abbott:** What on earth is a cerebral commitment?

**The Hon. H. ALLISON:** They were in the mental state and were never committed to paper. If they were committed to paper, the documentary evidence has been well and truly removed from the present Government archives. That does not surprise me: I have been told that the shredding machine came close to burning out just before we took over office. Quite apart from that, the fact remains that the teacher ratios under the present Government have improved in both primary and secondary schools from 19·3 students to one teacher to 19 students to one teacher in primary schools and from 12·6 students to one teacher to 12·4 students to one teacher in secondary schools. That record is not too bad when one considers that the former Government intimidated that we would be worse off under our Budget that was debated during September and October last year.

In addition, this Government has also indicated that it would review subsidies to remote and isolated children. It has already, from the beginning of this year, increased from $14 a head to $28 a head the amount of money allocated for ethnic groups, educating youngsters in language studies where a foreign language is a first subject in extra-curricula classes. They have expressed tremendous gratitude for that and have already increased the

salaries of their teachers, who were working on a shoestring budget.

More than that (I do not think this has been announced: the Government is not noisy about what it does) several weeks ago we decided that from the beginning of 1980 we would increase the free student's allowance to $30. That track record is not too bad when everyone in the countryside seems to be concerned about what this Government is currently doing in education. I would suggest that much of the current wave of scaremongering is the result of work of members of the Opposition in stirring in schools and among parents when it is quite unneccesary. It is purely speculative and nothing more than scaremongering.

---

*At 3.5 p.m., the bells having been rung:*

**The SPEAKER:** Call on the business of the day.

## RETAIL INDUSTRY PRICING

**The Hon. J. D. WRIGHT (Adelaide):** I move:

> That in the opinion of the House the Government should, as a matter of urgency, establish a Select Committee to inquire into the pricing structure and pricing practices within the retail industry in this State with particular reference to:
> *(a)* the extent to which such practices cause or may cause loss to smaller traders;
> *(b)* the extent to which such practices have caused or may cause loss of employment in that industry and other related industries;
> *(c)* the extent to which various methods of discounting are deceptive and unjust and are causing cost increases to the consumer; and
> *(d)* the extent to which such practices are part of an organised drive on the part of large retail chains to achieve monopoly control of the industry with a view to subsequently maintaining artificially high price levels.

I am moving this motion for one important and basic reason. I believe this whole business in this State is under threat. In recent weeks we have seen several examples of pressure being placed on small businesses by both the large retail distribution and manufacturing monopolies and the Government. We have seen the Minister of Industrial Affairs make a clumsy attempt to introduce legislation to extend shopping hours.

If he had not been forced by public pressure and by members of his own Caucus and Cabinet to back down, many small businesses would have been forced to compete with large shopping chains and centres by opening on Saturday afternoon. There was no consultation with small businesses or with shop assistants. Instead, the Government in a ham-fisted way, sought to act as the agent of the larger retail chains that supported it during the most recent election campaign. Fortunately, it got its fingers burnt.

Then we witnessed the bread price war and the resulting dispute, which again saw the large bakeries and supermarkets operating an unfair and inconsistent discounting policy, designed to squeeze the life out of small bakeries and delicatessen owners, particularly bakeries in country areas. It is the survival of the fittest, the law of the jungle, that members opposite hold up as their creed. However, the issue of discounting, of monopoly arrangements affecting food distribution and pricing, goes beyond the bread issue, and threatens the survival of a broad range of small retail businesses in this State.

The South Australian Mixed Business Association, representing more than 1 300 small business shopkeepers, is concerned about the future survival of its members, because of the grossly unfair competition inflicted upon them by large retailers and suppliers. We, as an Opposition, are concerned about the employment effects of a monopoly practice in South Australia. We are concerned about the extent to which these unfair pricing practices cause, or may cause, losses to small traders, and the extent to which the various methods of discounting are deceptive and unjust and are causing cost increases to the consumer.

It is quite clear, in my opinion, that the practices which are currently being used to squeeze small business outlets in South Australia are part of an organised drive by large retail chains to achieve monopoly control of the industry with a view to subsequently maintaining artificially high price levels.

In South Australia, independent food stores are dominated by one company, Associated Co-operative Wholesalers Limited, which, in any sense of the word, is a monopoly. Small business shopkeepers are naturally concerned that they have to pay greatly inflated prices, compared to the retail chains, for the same supplies and goods at the company's self-service warehouse. Naturally, they are concerned that when they visit the warehouses to purchase goods, grocery lines are not priced and so they are unable to compare their prices to those of their larger competitors. I believe this is a shocking example of what is happening.

Like the bread situation, the image of the corner shop is being undermined because of unfair competition by large retailers and suppliers operating what can only be described as a shonky arrangement at the highest level. I am sure members opposite, who profess concern for private enterprise and for small businesses, know that it is not necessary for a shopkeeper to be a member of the co-operative to obtain supplies from self-service warehouses.

However, there are considerable advantages if shopkeepers can obtain deliveries from the company's main warehouse at Kidman Park. For instance, at the self-service warehouse, goods usually cost somewhere between 10 and 20 per cent more than at the main warehouse. In addition, the small shopkeeper has to collate his goods and provide his own transport. He has to pay cash and provide his own labour, whilst bonus rebates are not available on all purchases. The larger retailer receiving his goods from the Kidman Park depot, receives bonus rebates on all purchases and can buy goods at case-lot prices on much better rates than are available to the smaller delicatessan owner.

The large retailer is provided with a service where his goods are collated and delivered. There are 30-day credit facilities for the larger accounts and seven-day facilities for most of the others. The Opposition, together with the South Australian Mixed Business Association, believes that, in view of the services provided by small shopkeepers to the community, the wholesale difference between goods available to them and the large retail chains ought to be marginal. Unfortunately, the Premier, but hopefully not all of his Party colleagues, does not share this view. In a letter dated 3 March, to the Executive Director of the South Australian Mixed Business Association, the Premier said that as Associated Co-operative Wholesalers Limited was not in breach of any legislation, there was no action that could be taken to force the price marking of goods by the co-operative. I quote from the Premier's reply as follows:

> I understand that, as the Trade Practices Commission does not propose to force price marking, it appears that the only

> way to accede to your request would be to legislate to make the price marking of goods obligatory. However, you will appreciate that it is not my Government's policy to place undue restrictions or impositions on businesses, including those of your members. It is doubted, too, whether such a move would be either practical or warranted.

If the Premier was dinkum about the ill effects of undue restrictions or impositions on business, he would ask the Minister of Corporate Affairs to direct his officers to look closely at restrictions and impositions placed on small businesses in this State by a monopoly stranglehold. The State Government, along with the Federal Government, professes to support small business and spends millions of dollars assisting the continued viability of a virile small business sector. This assistance, however, is being undermined by those companies in the food industry which, although claiming that competition is the name of their game, insist that manufacturers take up the difference of what they claim to be lower prices; in fact, as reported last week, the public sector is being conned.

Many discount supermarkets, even though they buy their produce at rates lower than those for the small deli owners, are actually selling those goods at a higher price to the consumer. So, the cost of so-called specials is borne by manufacturers rather than by the big retailers, through allowances and advertising subsidies, and despite the "loss leader" tag on some specials, rarely are they sold at less than cost price. It is quite clear that these "over and above" allowances available to the big retailers from manufacturers are having a detrimental effect on the ability to compete of small businesses which receive none of these benefits. It is particularly bad in South Australia, where one company has a monopoly grip over all independents, who can do nothing about it. That is their major complaint. I know that small business has put its case to the Caucus of the Liberal Party, because I have been informed privately about this matter.

The Liberal Party has said that it should do nothing about this matter, which I think is a shame. It ought to be controlled by Government, which should do something about it. I think that small business people, and their associations, appreciate that chain stores are able to buy supplies from manufacturers at cheaper rates than are smaller shops, because of bulk purchase discounts. But the Prices Justification Tribunal, in its report on the processed food industry, revealed that manufacturers are providing wholesalers and retailers with "over and above" volume discounts in the form of straight percentage rebates, advertising subsidies, cash awards, prizes, and sometimes even overseas trips.

So, the extra bonus arrangements for larger retailers are so complex and hidden that they make the Lockheed deal kickbacks look crude and simplistic. The South Australian Mixed Business Association contends that, if "over and above" payments were cut out by manufacturers and chain stores relied on the concessions given through bulk discounts only, then the unfair competition now evident would be reduced or even eliminated completely. Indeed, in the Prices Justification Tribunal report, the manufacturers themselves claimed that they were unhappy about these unfair practices because of the power being wielded by the big retailing companies. The situation in South Australia has got to a ridiculous state, where small shopowners sometimes find it cheaper to buy goods from larger retail stores than from associated co-operative wholesalers self-service warehouses at so-called wholesale prices.

Mr. Speaker, I think you would agree that that is preposterous. For instance, goods are being sold at prices lower by the retail concern Half-Case Warehouses, than the shop keeper can buy from his wholesale warehouse. Is it any wonder then, Mr. Speaker, that shoppers are confused when they have to pay so much more for items from the corner store than from the supermarket? Even if the small shopkeeper slashes his profits to the barest minimum, he is still caught in a disadvantaged situation over which he has no control. That is certainly not fair competition, and it is certainly not free enterprise.

I have been informed by small business people that, providing the goods that they purchase can be purchased at a reasonable price and with reasonable competition, as compared to the big outlets, they themselves would then be in a position to compete. Of course, that is a natural situation. The difficulty and a problem with this subject is the source of supply. The suppliers are not providing their goods to all and sundry on an equally competitive basis, so in those circumstances the small business has no way of competing, because small business people cannot buy at the source in the first place. If they could, they would be able to determine their own discounts and have some opportunity of surviving.

But there are still other factors to consider. The Prices Justification Tribunal report also found that, to compensate for the rather strange allowances and subsidies paid to wholesalers and retailers in respect of "Specials", manufacturers have attempted to incorporate an offsetting component in their prices. During the course of its investigations, the tribunal was also informed that co-operative or subsidised advertising is a highly profitable retailing activity.

One respondent claimed that for a typical broad page advertisement costing around $2 000 the sale of advertising space by retailers to suppliers would yield retailers many times that amount. The tribunal also noted from the retailers' response that advertising rates charged to manufacturers were being based largely on current ratecards and only in a few instances on the particular discounted rates paid by the retailers to the media.

I am sure, however, that it will be claimed that, if a wholesaler or retailer is able to extract additional payments from manufacturers, this will allow consumers to buy goods at a cheaper price. This in my view, is a simplistic approach as all manufacturing and marketing costs are embodied in the price to the consumer. If prices are cheaper to chain store customers, it is at the expense of those who choose to shop at delis and smaller outlets. They are picking up the tab, not the manufacturer.

In a submission from the South Australian Mixed Business Association, small retail outlets claimed that Associated Co-operative Wholesalers had now lost any interest it had in small shopkeepers. They said that A.C.W.'s policies, especially towards those who, because of circumstances, are compelled to pay high prices at self-service warehouses, seem to be intent on driving them out of business rather than supporting them.

The Mixed Business Association concluded that, as the co-operative buys at a common price for its empire, they believe, whether the shop is large or small, there ought to be little or no difference in wholesale prices. I support that view. I think that is a proper view, as expressed to the tribunal. Certainly, the pricing practice of Associated Co-operative Wholesalers is worthy of investigation by a Select Committee of this Parliament. Indeed, one has only to go interstate to Victoria to see a situation that is quite different because there is real competition between grocery warehouses. That is what this is about: real competition.

Withers Warehouse, for instance, will deliver $400 worth of merchandise (including cigarettes) to retailers' premises, whatever their size. Warehouses in Victoria are

bright, and better laid out, and similar products are in adjacent racks, this gives shopkeepers in Victoria the opportunity to compare prices of similar products, whereas in Adelaide the produce of individual manufacturers is placed in different locations, meaning that if a shopkeeper wants to know whether similar products are stocked, so that he can compare prices, he has to wander around the warehouse, and it is my advice that in most cases they are not shown in the warehouse.

In addition, each shopkeeper is given a price and a stock book before entering, so that he is able to compare prices immediately. Invoices are computerised, containing purchase price, description, and suggested selling price, and retailers are able to buy their produce in a fraction of the time it takes in Adelaide because of Associated Co-operative Wholesalers' outdated method of handwriting each invoice.

So, small retailers in South Australia are paying extra because of A.C.W.'s inefficiency. In contrast, goods from Victorian companies are significantly cheaper than here, and in Victoria it is the practice of self-service warehouses that prices are below normal warehouse costs, whereas in Adelaide shopkeepers using self-service outlets are penalised to the tune of some 10 to 20 per cent.

Small retailers in South Australia are therefore endeavouring to compete in a situation where the odds are seriously loaded against them. Their own co-operative requires extremely high prices for the goods they buy, and the manufacturers are subsidising large retailers with handsome co-operative advertising payments. I agree with the South Australian Mixed Business Association that it is a mockery for big business to claim that it thrives on competition when it makes sure, through complex pricing arrangements, that the risks are borne by someone else.

Many members of this House, including some of the Opposition, claim to be supporters of small business entrepreneurs. Indeed, employing, as small business does, the vast bulk of private sector workers in South Australia, the viability of small business in this State is essential for South Australia's continued prosperity.

I believe I have set out the details as submitted to me by the small business organisations of this State. I have had the opportunity on at least three occasions to discuss their problems with them. As I said earlier, I was informed that Mr. Paddick had asked for the right to address the Caucus of the Liberal Party, explaining all of these problems that I have outlined in my motion. However, he has received, quite clearly, in that letter from Mr. Tonkin, the Premier of this State, a complete rebuff to the requests made by small business.

I challenge the Liberal Party to refuse to set up a Select Committee, because I believe that small business and the Liberal Party itself are now sitting on a powder keg. Small business in this State, as I said earlier, is threatened as it has never been threatened before. I have letters in my file now coming in from country bakers right throughout South Australia who find they can no longer survive against the bigger organisations that are transferring bread and selling it in the outer-metropolitan and country areas at a figure lower than what it costs the country baker to make bread. One does not have to be a genius to understand what will happen: quite clearly, the country bakeries will close up, and many of them are closing up now. One country baker told me last week that it was not worth while even making the journey back to where he lives and where his business was because for every loaf of bread he made he was getting further into debt.

If the Liberal Party wants to accept the responsibility for that, let it do so. All one can do in Opposition is draw the Government's attention to these matters and I believe I have done that. I have related this story honestly and conscientiously as it has been told to me. The onus and the responsibility now clearly rest on the Government. If it refuses to accept that responsibility, I pity the Government because, in my view, small business will soon be at the barricades in this State. It will be forced there by economic circumstances, and big business will have trampled it into the ground. Those are not my words: they are words expressed in the representations made to me by small business in this State.

I sincerely ask the Government to consider this matter. Whether or not this motion comes from the Opposition does not really matter in the circumstances. I believe that politics should be taken out of this question completely and that the Government ought to accede to the setting up of this special investigation, changing the terms of reference if it wishes; that does not worry me at all, as long as they are consistent with the terms of reference I have suggested. We will not be hard and fast about those terms of reference, as long as they satisfy the people we are trying to represent through this motion.

I ask again that the Government consider this matter and not try to brush it off, or try to say next Wednesday, which is the last day of the sitting, "There is no time for this matter to proceed." That will not do, either. The small business associations and their members will not accept that sort of situation from the Government. I warn the Government that it is no use its saying, "We will hold this over until June, when this session of Parliament will be continued," because that is not on, either. Let me tell the Minister sitting on the front bench that it is essential that this Select Committee be set up now, not in June, July, August or September. There is an urgency about this matter, and I ask the Government to consider that urgency and support the motion.

**The SPEAKER:** Is the motion seconded?

**Mr. ABBOTT:** Yes, Sir.

**Mr. EVANS** secured the adjournment of the debate.

## PARA DISTRICTS COUNSELLING SERVICES

**Mr. HEMMINGS (Napier):** I move:

> That this House urge the Government to maintain adequate funding of the Para Districts Counselling Services to enable the continued existence of a body which has been of invaluable assistance to local residents and has been of a positive cost assistance to successive Governments.

The Elizabeth Counselling Centre agency as it was then known, was set up in 1964 to provide a small counselling service for what was then perceived to be a largely migrant population. It has since become recognised as a valuable alternative agency with an important role in connection with the delivery of welfare and health services in the Para region. Throughout the past 15 years the approach to counselling has been adapted to meet the changing needs of the community as well as the increased provision of local welfare services and legislation for the protection of families and individuals.

The initial problem-solving approach assisted people who were settling into a new city. Many of them had few family supports or local roots. Apart from homesickness and isolation, the activities of unscrupulous salesmen, handling all types of commodities from homes to pots, pans and clothing, were creating financial problems of some magnitude, calling for specialised counselling by a team of voluntary counsellors with financial backgrounds. As the community settled and more professional expertise was developed in the agency, emotional, psychological

and marital problems underlying the more superficial presenting concerns constituted the major proportion of the work. Nevertheless, the practical presenting problems were never neglected, and the financial assistance was gradually refined as legislation was brought in by the previous Labor Government to protect consumers of goods and services.

In 1969, the appointment of the first paid full-time worker as Director heralded a new era for the centre. The work was broadened to include an educational thrust; counsellor training took place within the agency; students from tertiary institutions were accepted for fieldwork placements, and members of other professional groups and agencies were provided with specialised training. A board of governors replaced the original council and the executive which had overseen the policies and work of the previously totally voluntary agency. Professional supervision of work was possible within the agency rather than from outside, and administrative procedures were refined.

The services have continued since 1975 to change in order to meet more local needs; an up-to-date approach to counselling has been adopted, and there has been a greater community development thrust with professional backing and assistance from the Director for community groups and organisations. Recent innovations include a service for people with alcohol and drug related problems through a sister from the Alcohol and Drug Addicts (Treatment) Board working at the agency two days a week. Greater accessibility for help from Hillcrest Hospital will also shortly be available, with regular attendance at the agency by social workers from that institution assisting patients on a more local level.

The premises are also being made available to many community groups for regular meetings, amongst which are Alcoholics Anonymous, Legal Services Commission divorce classes, Intellectually Retarded Services parent groups, and CYSS groups. With regard to the financial counselling services, requests to the agency on behalf of clients are seldom queried or turned down, as they are assured of the eventual liquidation of debts by those clients involved in our debt repayment scheme. In this respect, the agency has provided substantial input for both the Law Reform Commission and South Australian Consumer Affairs Department in connection with debt repayment legislation. During the past 18 months alone, using the financial counselling services, debts to the extent of $79 382 have been collected and repaid through this service, at no cost to the creditors and with an undoubted compound savings in human and financial terms to the clients of the agents.

The number of clients that the counselling service receives is staggering. Taking the last financial year, there were 938 new clients, 2 702 repeat visits, 2 863 personal callers, and 7 264 incoming telephone calls, most of which involved client's needs, and it is estimated that at least 50 per cent of these calls were direct communication with clients, at which rate total client contacts for the period amounted to 12 387. The types of problem for which the counselling service gives assistance to the people in the Para Districts are also staggering. Marital problems take up 44·12 per cent; financial problems 25·53 per cent; domestic problems 13·98 per cent; emotional and psychological problems 7·14 per cent; legal problems 4·25 per cent; medical problems 1·36 per cent, and so on.

During the past five years, the agency has adopted an explicit co-ordinated approach to the delivery of health and welfare services. This has involved the setting up of lunch-time meetings for local workers, more open communication with other agencies regarding local issues, the fostering of relationships, liaising and co-operation on behalf of clients, and consultancy for other workers. The success of this approach has been evident in the almost total disappearance of inter-agency suspicion and competitiveness, and once common duplication of effort by several agencies, to the gradual detriment of individual families or clients. I think it is fairly obvious that, in many other areas, voluntary agencies, the Department for Community Welfare and other Government bodies, there is that suspicion; the kind of voluntary agency, such as the Para District Counselling Services, is treated with suspicion elsewhere but this is not so in the Para Districts region. There is definite co-operation between the various Government departments and the counselling service.

When we look at the source of referrals, interesting trends can be observed in the list of referral sources, with increased awareness and changing attitudes to services together with the needs, policies, and vested interests of other agencies and services provided. I seek leave to have the following list of sources of referral inserted in *Hansard* without my reading it.

**The SPEAKER:** Can the honourable member indicate that it is purely statistical?

**Mr. HEMMINGS:** Yes, Sir.

Leave granted.

Source of Referral

| | 1978 per cent | 1979 per cent |
|---|---|---|
| Self | 28·96 | 33·05 |
| Government agency | 8·96 | 14·82 |
| Non-government agency | 16·05 | 8·74 |
| Friend/relative | 13·12 | 17·17 |
| Doctor/hospital | 17·50 | 9·28 |
| Schools | 8·96 | 2·88 |
| Employer | ·62 | — |
| Legal service | 2·08 | 8·42 |
| Churches | 3·13 | 1·07 |
| Police/courts | ·20 | 1·07 |
| Banks | — | ·21 |
| Finance companies | — | 1·38 |
| Armed forces | — | 1·81 |
| Media | ·42 | ·10 |

**Mr. HEMMINGS:** With all the information I have given thus far, one might perhaps wonder why I have moved this motion. Since 1979, the main source of income in relation to the director has been removed by the Federal Government in Canberra. As with most agencies of this kind, the staff operates on a voluntary basis and carries out careful financial administration. But the service that the Para Districts Counselling Service is providing needs the services of a paid full-time director. However, within the past few years, growing pressure from Canberra to adopt a more ethnic orientation has led to greater representation and negotiation regarding the needs of the largely Anglo-Saxon community in the Para districts region. Everyone is aware, I think, that in the city of Elizabeth, in the District of Munno Para, and in the city of Salisbury, there is a large Anglo-Saxon community, comprising most of the people which the counselling service represents.

In the face of changed Government policy, this has met with little success. At the end of 1979, the grant for the director's salary was withdrawn, with a consequent loss of $20 500 to the agency. While well aware of the predicament regarding the Commonwealth grant, the Department for Community Welfare cannot fund the agency completely, nor will it match anything like the short-fall of the director's salary. Despite recognition of the need for our alternative services, there is a reluctance to pick up what has previously been a Commonwealth responsibility, nor is this necessarily in the best interests of the agency. The more diversified the funding, the greater

the flexibility, and the broader is the consequent accountability. It is this accountability to consumers which has prompted an effort to obtain ongoing, secure funding from local bodies which are themselves accessible and accountable to the community from which the clientele is drawn. Desirable though this may be, it is also fraught with difficulties for the centre.

Local government has a diversity of outlook on what constitutes community welfare and a multiplicity of individual approaches in setting priorities.

Its own budgets are determined annually, and there is thus little certainty about what an agency can work on in setting its priorities for service delivery. During the past four years, consistent efforts have been made by the counselling service to get its financial auspices on to a more local base, with submissions to the three local councils (Elizabeth, Salisbury and Munno Para), and to the local agency, which collects funds for distribution to charities, the Elizabeth and Districts Foundation. The latter has commendably agreed to back the agency to the extent of $5 000 a year for the next three years.

Unfortunately, less success has been achieved with local councils. The Salisbury council, an innovative council, has its own welfare programme. It has responded to requests for donations of $3 000 over the past two years. A $10 000 donation was received from the Elizabeth council in 1978, but it was reduced to $3 000 in 1979. Subsequent approaches have now resulted in the provision of an additional $3 000, with $4 000 being made available contingent on a matching amount from the Munno Para council, whose donations, unfortunately, to date have been much less than $1 000 a year, with apparently little hope of more in the near future. Approaches made to the financial sector have, as yet, met with little other than polite refusals and glowing praise about the financial services of the centre.

In this area alone, it would appear that there are those who are very tentative in their outlook towards community responsibilities as a whole, and debt repayments in particular. Ideas in regard to debt repayment schemes will be determined only when the outcome of pending legislation at both State and Commonwealth levels is gauged.

I should like now to read from the report of the Para Districts Counselling Services Incorporated for the year ended 31 December 1979, in which the Chairman, speaking about the volunteer sector which worked so well at the Para Districts Counselling Services Incorporated, states:

> The Para Districts Counselling Service is proud of its voluntary status. This has been earned and maintained by the continued efforts of its major resource drawn from the local community in the form of voluntary workers. They are committed to assisting others and give up their time and energies to be properly trained and work effectively in a disciplined setting for this purpose.

The Para Districts Counselling Services—

**The SPEAKER:** Order! I ask honourable members not to converse in such audible terms as to distract the speaker. The honourable member for Napier.

**Mr. HEMMINGS:** Thank you, Mr. Speaker. I would like to think that the case I am putting forward for a voluntary agency such as this would receive a little more attention from members in the House. As I was saying, the Para Districts Counselling Services is valued at local, State and Commonwealth levels. Professional credibility is high, and its services are praised by clients, professionals, politicians, business executives, and other health and welfare providers. As members for the district, I have constituents coming into my office with financial troubles. The door of the Para Districts Counselling Services is always open for financial advice. Once I send a constituent in financial difficulty to see officers of the counselling service, in many cases, that is the last I see of him. These people are prepared to talk to volunteers, but not to Government employees in the Department for Community Welfare. Praise is not enough. Unless more than praise is forthcoming, the major thrust and effort within the agency will soon be forced toward maintaining its own existence, sadly, having one of two outcomes: it will become that dreaded "end in itself", with those in need receiving, at best, a token service; or it will concede defeat, close its doors, and deprive the community of its services.

It seems that, in granting money to ethnic groups, the Federal Government forgets that people of Anglo-Saxon origin are, or should be, considered eligible for grants. For an amount of $20 000 the agency can continue to provide a service to the people of the Para Districts. If that sum is not provided, and the service has to close its doors, the pressure on the resources of the State Government departments involved, such as the Department for Community Welfare, or Federal departments, such as the Department of Social Security, will increase dramatically.

Cases and submissions have been made to the Federal Government to reconsider the funding of the salary of the Director of the service. They have met with a consistent refusal. Despite the generous grants made to the Para Districts Counselling Services Incorporated by the previous Government through the Department for Community Welfare, the Health Commission, and the Department of Labour and Industry under the previous Government's SURS programme, there is a need for this Government to pick up the cost of the salary of the Director. Unless that happens, the situation will arise where there will be only one avenue in future where I can send the people who come to my office for assistance, and that will be to the Department for Community Welfare.

I know that the member for Salisbury and the member for Elizabeth use this service. People in need of assistance can be sent to this agency because we know they will get assistance. We know, too, that local doctors make full use of this service. If the counselling service has to close, the pressures placed on the medical services in the Para Districts region will increase. All we are asking for is $20 500 to be made available by the State Government. The sum is pitifully small, but if the State Government will come across with $20 500 for the Director's salary, it will know that that money is helping to provide in the region of $250 000 worth of services; that is the kind of money that will be needed to set up a service parallel to the one presently being run by volunteers. The pressures on the Department for Community Welfare at the moment are immense, due to the high rate of unemployment in my area, so I urge the House to support this motion. I also urge Government members who have been decent enough to listen to a problem which could quite possibly affect their areas in future years to put pressure on Cabinet so that the Para Districts Counselling Services Incorporated can continue to operate in the Para Districts region for the benefit of all local people.

**Mr. ABBOTT (Spence):** I second the motion moved by the member for Napier. The Para Districts Counselling Services Incorporated is an agency with a valuable role to play in connection with the delivery of welfare and health services in South Australia, particularly in the Para Districts region. It is therefore essential that adequate funding be maintained. With the present economic situation, and the high level of unemployment, there are

literally scores of problems in our community. Consequently, hundreds of families need help and assistance of the kind provided by the Para Districts Counselling Services. Demands upon the agency's financial counselling service alone continue to grow. I understand that, during the past 18 months, debts to the amount of almost $80 000 have been collected and repaid through the service, at no cost to the creditors and with an undoubted compounded saving in human and financial terms to those who have found themselves in financial difficulties.

The decision of the Federal Government to withdraw the grant for the Director's salary stands condemned. It represents a loss to the agency of $20 500 per annum, and that is a very large amount indeed. In fact, many self help groups and many of these voluntary organisations throughout the whole State operate on much less than that amount.

It is incomprehensible that a Government that has received $2 400 billion in revenue from the world parity oil pricing structure (and it is not too sure what to do with that money) should withdraw its financial commitment to a most important community service, which in this case is the Para Districts Counselling Services Incorporated.

As the member for Napier mentioned when moving his motion, the Department for Community Welfare made a grant of $25 875 to this particular agency last financial year. Under the SURS programme which has now been abolished by the present Government, an amount of $2 991·35 was granted by the Labor Government. The change in Federal Government policy places a very great financial strain on the State Government. The very same situation applied when the Federal Government axed the Australian Assistance Plan: during the financial year 1977-78 an amount of $250 000 was made available by the former State Government under the Community Welfare Grants Scheme to fund various projects that were previously funded under the Australian Assistance Plan.

The funding of that programme was cancelled by the present Federal Government as from 1 July 1977. A review was made of the effectiveness of the various programmes, and it was considered desirable by the then State Labor Government that those programmes be funded, and a similar amount was made available during the 1978-79 financial year. Those projects represented mainly the salaries of officers employed by the various organisations and, in order that the salaries of those officers could be retained, it was considered necessary to advise the organisations so that an ongoing commitment for salaries could be met.

Para Districts Counselling Services, like any other provider of services, requires adequate backing that is sufficiently secure to allow for at least a limited amount of forward planning. The expectation that voluntary agencies can be self supporting is a long dead myth. Regardless of how effectively finances are managed, the agencies inevitably depend on the State for assistance. Since 1969 the Department for Community Welfare has provided increasing assistance for this agency which, together with the grant from the Department of Immigration and small donations and fees, has just allowed them to make ends meet.

Spending cuts within Government departments are inevitably passed on to the voluntary sector. In the meantime, it is unrealistic to assume that voluntary staff do not cost the agency anything. Training is very expensive and takes time if a proficient and professional service is to be provided. I recall quite clearly the Liberal Party's election promise in regard to community welfare, and the Premier stated:

> Emphasis throughout the community welfare policy is given to enhancing the welfare role of individuals, families, self-help groups and voluntary assistance agencies as against the State.

In view of that promise, I would hope that the Premier will take action to enhance the welfare role of the Para Districts Counselling Services. The Hon. Mr. Burdett, M.L.C., when shadow Minister of Community Welfare, specifically said, in relation to voluntary agencies:

> We recognise the essential role of non-Government groups in providing welfare assistance. We place high value on helping those voluntary organisations which are prepared to help themselves in responding to community needs. We aim to strengthen those voluntary agencies which have proved their worth to the community and to review with a view to upgrading the present levels of Government support to them.
>
> We will ensure maximum government co-operation between, and discussion with, voluntary agencies, such as those working with the family, youth, the aged, single parents, child-care groups, the handicapped, the disabled, and persons otherwise disadvantaged. In addition, these groups will be required to demonstrate their need and their record of performance and to submit their priorities for assistance.

I do not think that there is any problem about Para Districts Counselling Services proving its worth in this particular field, and I would like to draw the attention of all members to some information that has been provided to me concerning the services provided. The Director was instrumental in the establishemt of the Para Districts Women's Shelter, and, among other organisations, she is an active member of the Para Districts Health Services Advisory Committee; the local C.Y.S.S. Committee, the Early Childhood Services Committee, the Para Districts Information Committee, the State Domestic Violence Committee, and the Midway Community House. She is also an executive committee member of S.A.C.O.S.S., a member of the Northern Cancer Awareness Group, and a member of the Para Districts Accommodation Committee.

Consultancy for professional workers and policy-makers in other organisations has now become an integral and important part of the work, and at the same time innovative approaches to meeting perceived needs are attempted on a low cost basis within the agency. One such innovative programme which has recently been put into action is the largely voluntary home-maker service. This aims to assist families who wish to learn parenting and home-making skills, without which many family problems are seen to develop. It is hoped that this pilot programme will lead to more people in neighbourhoods caring for each other, thus implementing a preventive, community development philosophy rather than adhering to a remedial problem-solving model. The information provided to me also states:

> The financial counselling service of this agency is now recognised as one of the finest services in the Commonwealth. It has served as a model for local and interstate welfare services and involves budgeting, credit counselling, and prorating for debt repayment, as well as simple legal and financial advice. As in other counselling cases, referrals come from statutory agencies, relatives and friends. A growing trend is seen in referrals from finance houses and credit agencies themselves as a result of the excellent credibility of our work. Demands on this service are increasing with the present economic situation. Sickness and unemployment, high pressure advertising, and social trends and standards all take their toll on the less fortunate in this community, many more of whom remain hidden have not sought our services.

I think that what I have said proves the worth of the Para Districts Counselling Services and that the organisation

would have no difficulty in proving the services that it provides to the community. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## PARA DISTRICTS HOSPITAL

Adjourned debate on motion of Mr. Hemmings:

That the House calls upon the Government to proceed as a matter of urgency with the construction of the Para Districts Hospital.

(Continued from 5 March. Page 1451.)

**Mr. LYNN ARNOLD (Salisbury):** I am pleased to have the opportunity to rise to continue the debate that was commenced by the member for Napier on 5 March, regarding the urgent need for the Para Districts Hospital. This debate in one form or another in the community has been going on for many years. The constituents of Salisbury, Elizabeth, Playford, Napier and Newland, have expressed their concern about the urgent need for improved acute hospital facilities in that community. The member for Napier and I have been involved in discussions with various people in the community, in an attempt to obtain this facility as soon as possible.

The Para Districts Hospital now appears, as a result of information provided in the local community which the member for Napier endorsed in his speech, to be in danger yet again of being deferred in terms of the provision of acute hospital facilities. The evidence has long been quite clear that the acute hospital facilities are of paramount importance. The local district has had far below its proper share of acute beds, and people residing in the local area have been forced to use hospital facilities outside the Salisbury-Elizabeth area when these facilities presently provided at the Lyell McEwin Hospital have been filled.

It is interesting to note from reading past annual reports of the Lyell McEwin Hospital the very high occupancy rate that that hospital achieves. I believe the overall figure is about 85 per cent each year. It has been suggested that there would be no real harm in deferring acute bed provision in the area, because there is over-supply in other areas in other hospitals. However, that would really mean the transporting of patients from the Salisbury-Elizabeth area to those other hospitals to use up the shortfall that exists in them. Surely, that is not an adequate health provision for patients in the northern area who need such acute bed facilities.

The plan is to provide acute beds in various stages in the Para Districts Hospital proposal: Stage I would provide 264 beds and Stage II would provide a total of all forms of beds to 507. As a result, that would liberate the Lyell McEwin Hospital for the provision of geriatric facilities, again an important need in the local community which I will deal with later.

That is not to say that any talk about expanding community health facilities in the area should not also be gone ahead with. The suggestion has been made (and I believe it may be in the minds of groups presently working in this area) that community health should be where the major efforts should be made in the northern area. I do not dispute that much work should be done in the community health area in trying to take away the need for people who have to go to hospital, but that should not be at the expense of the provision of these acute facilities because we are not talking about the provision of acute facilities in the northern region over and above what would be considered acceptable averages.

Were the northern region to be provided with acute bed accommodation far in excess of the South Australian or the Australian average it may well be reasonable to say that the work, or the start of work, should be deferred, but that is not the stage we are at at all. Studies earlier in this decade have confirmed that there is a need at this time for 264 acute beds in the Para Districts Hospital in addition to what is presently provided at the Lyell McEwin Hospital. In fact, that was confirmed by the Parliamentary Standing Committee on Public Works, which found the same need, and that was arrived at by using population projections that we already have.

If we look at the growth factor expected in the northern area in the next 15 or 16 years, we see that that need would become greater again and more beds would have to be provided. In 1976 the population of the northern region, which would largely use the Para Districts Hospital, was 196 564, and it is expected that by 1996 that population will have grown to 308 000. Even if the growth projections made for the area by the Housing Trust and other authorities are not reached, it is certainly the consensus of all authorities that there will be a population growth of some sort over that period.

The other main point that comes from this is the need for geriatric care facilities. I have had constituents coming to me recently and questioning what is going to be done to provide better geriatric care facilities within the northern region. A local community group, the Parafield Gardens Uniting Church, has been working for many years to try to fill the gap in some way. That group has recognised just how serious the problem is and have been trying for some years to attain some Commonwealth Government assistance to establish a hostel facility in the area and nursing home, and to this stage they have not been as successful as they might have hoped. At one stage it seemed as though the Housing Trust might have been able to help with the Angas Home, but that also seems not to have resulted in the positive provision of a facility.

Two particular groups in the local community have asked me to express in the strongest terms their request that a geriatric facility be provided as a matter of urgency in the local area. One of these is the task force on Ageing, which is a community group designed to bring together people concerned with the provision of better facilities for the aged, and the other one is the Salisbury Senior Citizens Group. That particular group, and the task force have both been unanimous that it is vital that geriatric facilities be provided in the area and that it is also vital that these facilities be situated at a place like the Lyell McEwin Hospital rather than somewhere else. Obviously, if it is going to be placed in the Lyell McEwin Hospital, the Para Districts Hospital must be proceeded with.

The Para Districts Hospital should be sited where it was proposed to be sited by the Parliamentary Standing Committee on Public Works, not sited in any other place. That is an important comment to make because there has been some suggestion that the site which is on the corner of Jarvis and Porter Streets may be changed to another site nearer Elizabeth Town Centre. The concern about geriatric facilities comes from a variety of areas. It is not merely because there is inadequate care at this stage for the aged in the northern area but because the aged section of the population will grow disproportionately in the years ahead in that area compared to how it will grow in the central, eastern and and western regions.

As you will be aware, Sir, the aged population within the Salisbury-Elizabeth area has, over years gone by, not been as high as in other areas of the city of Adelaide, the reason being that the suburbs are younger and the houses have been peopled by young couples with young families. As the years have gone by, those young couples have

become couples of middle years and then couples of senior years and now they are looking for facilities that were not planned for 20 or 30 years ago. I seek leave to have a table of a purely statistical nature inserted in *Hansard* without my reading it.

**The ACTING SPEAKER:** Can you assure the House that it is of a purely statistical value?

**Mr. LYNN ARNOLD:** It is.

Leave granted.

Table 13: Population 65 years and over in the Northern Metropolitan Region and the Adelaide Statistical Division

| Local Government Area | 1971 Number | 1971 Per cent of Local Government Area Population | 1976 Number | 1976 Per cent of Local Government Area Population |
|---|---|---|---|---|
| Elizabeth | 1 019 | 3·1 | 1 479 | 4·4 |
| Gawler | 854 | 15·5 | 1 009 | 16·6 |
| Munno Para | 443 | 2·2 | 664 | 3·0 |
| Salisbury | 1 135 | 2·0 | 2 061 | 2·7 |
| Tea Tree Gully | 868 | 2·5 | 1 691 | 3·0 |
| Region | 4 319 | 2·2 | 6 904 | 2·6 |
| Adelaide Statistical Division | 74 996 | 8·9 | 85 109 | 9·3 |

Source: 1971 and 1976 census.

**Mr. LYNN ARNOLD:** The table relates to the population 65 years and over for the northern metropolitan region and the Adelaide statistical division. It shows that over the two years taken, 1971 and 1976, in every one of the northern areas there has been a growth in the proportion of aged people, the percentage of the population that is over 65. The Salisbury figure shows a growth from 1 135 people over 65 years in 1971 to 2 061 in 1976, a growth from 2 per cent in the aged population in that city to 2·7 per cent. Exactly the same situation applies to Elizabeth, Munno Para, Tea Tree Gully, and Gawler, some to a lesser extent and some to a greater extent.

That indicates just what the trend is going to be. That trend should have been noticed by demographers in the Housing Trust and other areas back in the 1950's. Unfortunately, it does not seem that it was. As a result, we now face the situation that the care for the aged in that area is not anywhere as near as good as it might be. Indeed, given that increasing age structure of the population, another statistical table is also of interest and needs to be considered. It relates to nursing home and hospital accommodation for the aged in South Australia. I seek leave to have the table inserted in *Hansard* without my reading it.

Leave granted.

Table 9: Nursing Home and Hostel Accommodation for the Aged in South Australia.

| Region | Nursing bed for 1 000 pop. 65+ | Aged persons Hostel per 1 000 pop. 65+ |
|---|---|---|
| Central Eastern | 103·8 | 49·5 |
| Central Southern | 49·2 | 22·1 |
| Central Western | 33·3 | 16·8 |
| Central Northern | 22·9 | — |

Source: State Health Resource Unit, June 1978.

**Mr. LYNN ARNOLD:** That table shows quite clearly how disadvantaged the central northern district is. If one looks at the nursing bed factor of geriatric care, one can see that in the central eastern region there is a high of 103·8 beds per 1 000 of population over the age of 65. It is a very satisfactory percentage. That is the peak percentage of all the metropolitan regions of the city of Adelaide. The central northern area, however, comes out as the worst proportion, where the figure is only 22·9, a figure between one-fifth and a quarter of the figure for the central eastern region.

Those figures may appear bad enough, but they are not as bad as the figures relating to the aged persons hostels, another form of accommodation needed as well. Here again, the central eastern region comes out on top with the best percentage of 49·5 per 1 000 population over 65, but the central northern region comes a dismal low bottom, with absolutely none. That situation has to be remedied. As I have said, the most satisfactory way is to use the present facility of the Lyell McEwen Hospital and have that converted. Certainly, that hospital is well respected by many pensioners within the Salisbury and Elizabeth area.

I made a point of asking people what they felt about the service they had achieved when they went to that particular hospital. They indicated that they would be more than satisfied that that should be the place that should become a geriatric facility. Bear that in mind against the fact that it is not a hospital that is able to be upgraded any more in terms of acute bed facility. The report on the Para Districts Hospital presented to a previous Minister of Health, the Hon. Mr. Banfield, in September 1978 by the Northern Metropolitan Regional Organisation indicated the following:

> The service offered by the Lyell McEwin may fall well behind the level of service expected from a public hospital if the provision of the Para Districts Hospital was not proceeded with or if it were deferred any more.

Quite clearly, there is not a future for that hospital in terms of acute bed provision or in terms of meeting expanding needs of the community, but there is a future for it in terms of geriatric care facilities.

One other area that has been of some concern, and which the member for Napier touched upon, is the matter of the actual siting of any new proposed Para Districts Hospital. For some time now the South Australian Housing Trust has provided land at the Jarvis Road and Porter Road site. It had been assumed that naturally that was where it would be developed. Lately, however, the suggestion is being mooted that a facility should be placed closer to the Elizabeth town centre.

I wish to challenge that suggestion on the basis of community support, because the same people I have consulted in the community about the need for improved medical facilities of an acute and geriatric nature have also endorsed the fact that it should not be moved from that site. If it were to be moved closer to the Elizabeth town centre, fairly obvious traffic congestion problems would result. That centre is designed for the types of activities that take place there. I do not believe it is designed for a major medical facility over and above what is there at present.

Furthermore, it is away from the actual population growth potential for the community, certainly within the next five years and, I venture to suggest, within the next 10 years. There was a time when it was believed that the population growth within the northern region would concentrate itself in the Munno Para, Smithfield, and Evanston area. The Housing Trust was one of the major builders in that area. It has now become apparent that the

trust believes that future development on its part, and by many private developers, should take place farther south, that a conscious effort should be taken to fill in the present blank areas in terms of residential development in the city of Salisbury, particularly the western sector. There is even some suggestion for development of the southern sector of the city of Salisbury.

If that is to take place (and from the Housing Trust building programme figures given to me in answers to my Questions on Notice at various times it would seem that that is the trend) the actual population centre of the northern region will, in fact, be south of the Elizabeth town centre. Coincidentally, the Jarvis Road and Porter Road site is also south of the Elizabeth town centre and very close to the population centre I am talking about. It has other advantages in that it is easily accessible from bus facilities, relatively easily accessible from train facilities, and certainly easily accessible by car.

That must be taken into account in the planning of any hospital. Likewise, of course, the Lyell McEwin Hospital is very close to that and would have similar facilities. The placing of the hospital on Porter Road near the Lyell McEwin Hospital would enable the concentration of medical facilities within one sector of the northern region. It would enable close liaison to take place between doctors, and other staff stationed at the Lyell McEwin for geriatric purposes, and staff stationed at the Para Districts Hospital.

Indeed, in those situations where it was urgent that patients be transferred from the Lyell McEwin to a future Para Districts Hospital, the situation could not be better provided for than by the site approved by the Parliamentary Public Works Standing Committee and endorsed by this particular report. While the Elizabeth town centre is not that far away from the Lyell McEwin, this other site has already been suggested and endorsed by these other bodies. It does not seem to me to be advisable to think now about moving it to another site somewhat farther away.

The only other comment I wish to make is in regard to community health. I feel that there is an important need for community health facilities within the entire State to be bolstered. Very good work has already been done, first, at the school level in health education programmes to foster this aspect. School nurses stationed at Salisbury operating in the region are providing a very good service, and the introduction of community nurses would further foster this. While the preventive area of medicine is very important, it cannot overcome the absolute need for acute facilities. The northern region, as mentioned by my colleague, the member for Napier, is very badly serviced by acute beds, and preventive medicine should not be regarded as pre-empting that sort of development in the northern area. Indeed, it should go hand-in-hand with it.

I am very pleased to support this motion. I hope that the Government urgently considers the need of all those residents in the central northern region, and considers how essential it is that they be provided with the proper level of acute and geriatric facilities.

**Mr. EVANS** secured the adjournment of the debate.

## VICTIMS OF CRIME

Adjourned debate on motion of Mr. McRae:

That in the opinion of the House victims of crime suffering personal injuries should be compensated by a publicly funded insurance scheme similar to the Workers Compensation Act and should be otherwise assisted and rehabilitated if necessary on the basis that public moneys expended be recovered where possible from those at fault and further that a Select Committee be appointed to report on the most efficient manner of achieving that result and also to examine and report on property loss suffered by victims of crime.

(Continued from 5 March. Page 1454.)

**Mr. KENEALLY (Stuart):** It is quite often the case that the most significant measures that this House is called upon to debate arise through the medium of private members' Bills and motions. That most certainly is the case on this occasion. The motion moved by the member for Playford regarding compensation for victims of crime is a motion that I am most certainly very happy to support. I congratulate him on bringing this matter before the House and also on the very clear and concise way he articulated the argument in favour of such compensation.

I do not believe that the House needs to be convinced that compensation is necessary for victims of crime. We have such a provision on our Statute Book now. However, the honourable member asks the House whether payment of $10 000 maximum is sufficient at this time.

I would submit that it is not. I would like to pose six questions and then be given the opportunity to comment on each of those questions. First, are crimes of violence increasing? Secondly, are victims of those crimes frequently left in desperate financial circumstances through the physical and psychological damages suffered? Thirdly, is the compensation currently available to these people sufficient? Fourthly, is it reasonable to expect that the Government of the day would be sympathetic to the needs of these people? Fifthly, is it unreasonable that this Parliament should be charged with the responsibility through the agency of a Select Committee to investigate this matter? Finally, how should such a compensation scheme be funded?

There is much evidence indeed to suggest that crimes of violence are increasing within society. South Australia is no different from other societies in this respect, and unfortunately, we are faced now with the almost inevitability that crimes of this nature are on the increase. One of the most unfortunate aspects of crime, other than those aspects involving physical or mental repercussions, is the political mileage that some people in the community in South Australia have seen fit to make from this increasing crime pattern. We saw in the previous Parliament, before the change of Government (and we certainly read prior to the change of Government), much that would suggest that the then Opposition placed the prime responsibility for this increase in crime on the Government of the day. We reject that criticism completely, and unfortunately, even today it is rarely that we pick up one of our daily newspapers without seeing a report on yet another violent crime.

What distresses me is that those people in the Government Party now who were so vocal about these crimes just six or seven months ago are seemingly disinterested in the incidence of crime today. As I mentioned earlier in this session, that would seem to suggest to me, at least, that members of the Liberal Party were more interested in making petty political capital out of what is a very serious thing indeed, rather than looking at the roots of the problem and trying to do something about it. Governments do not create crime. I do not suggest that, because there has been an increase in crimes, such as rape, in South Australia in the last six months, that is the responsibility of the current Government. Of course it is not the responsibility of the current Government, nor was it the responsibility of the previous Government; but it is a responsibility of society generally.

I support the member for Playford's request that some body be set up to investigate this serious situation that is occurring in South Australia. So the answer to the first question is "Yes"; crimes of violence are increasing. It is a fact of life that we as a Parliament must be prepared to face and to investigate ways of overcoming this. The second question that I posed was whether victims of these crimes are frequently left in desperate financial circumstances through the physical and psychological effects suffered by them. Of course, the answer to that question is "Yes". Every member of this Parliament would personally know people who currently find themselves in that situation; because of the effects of a serious physical attack upon their person, they have been left with little or no earning capacity, and that is a situation that will apply for the rest of their lives, not only to the people concerned but also to their families in many cases. So there is, hand-in-hand with the increase in serious crime, an increase in the number of those people whose health has been dramatically affected by that crime.

This brings me to the third question: whether or not the compensation that is currently available to these people is sufficient. The maximum compensation available to a person who has been affected by a serious crime is $10 000. When we compare that with the compensation available to victims of industrial or road accidents, it becomes clearly evident that the sum is not sufficient: $10 000 is far from sufficient to pay people who find themselves in these unfortunate circumstances. I am not suggesting that people who are injured in an industrial accident receive sufficient compensation. There are occasions when people who have been injured in a car accident receive compensation from the court which does not undo the physical or psychological damage they have suffered but which perhaps to some extent makes their suffering and the effect it has on their families more bearable.

We have to do something about these people who in many cases are left as paraplegics and quadraplegics or who suffer other very severe physical and psychological effects as a result of these attacks upon them. It is the submission of the member for Playford, and one that I support wholeheartedly, that $10 000 is not enough and that action must be taken to increase it. The previous Government brought in this legislation in the first place and, as I recall, I think the maximum was $1 000; it was lifted to $2 000 and subsequently to $10 000. It is easy to be wise after the event, and members on this side could perhaps be criticised for believing that the Government should pay more into this fund, whereas we ourselves were in Government up until September last year. However, I suggest that that is not the case and that it ought to be the level on which this debate is carried on.

The fourth question that I pose is whether or not it is reasonable to expect the Government to be sympathetic to the needs of these people. On numerous occasions honourable members now in the Government frequently charged the Labor Administration with being sympathetic towards the criminal and having no compassion or no consideration at all for the victim. That charge was certainly made in the election propaganda leading up to the September election (propaganda from which no member of the Liberal Party dissociated himself). Members of the Liberal Party at that time led us to believe that if they were in Government that position would not obtain and that they would be more sympathetic towards the victim.

So we have every reason to believe that Government members would be sympathetic to a proposition that compensation for victims of crime be increased. It was with dismay that I heard the member for Playford say in this House that he had discussed his motion with the Chief Secretary, who said that his Government would not support this measure. I do not know why the Government does not feel obliged to support this measure. It is a proposition that fits very snugly into the policy that Government members put to the people prior to the election. The only excuse that I would be prepared to accept from Government members for not agreeing with this motion is that the Government itself intends to do something in this area. If that is the case, I hope that what it will do will be substantial.

I go on to the further proposition of whether or not this Parliament, through the agency of a Select Committee, ought to be able to make some contribution to what is a very needy area (I almost said contentious area, but it is not contentious). All members would no doubt agree with the proposition, but it depends on how the Government is prepared to implement this motion. The Government, when in another role in the House, was always anxious that Select Committees be set up to investigate matters of concern to the community so that a report could be brought back to the House on attitudes within the community: that is one of the great advantages of Select Committees. They have the opportunity to take evidence from people in the community, from concerned bodies, etc.

It was the earnest desire of the member for Playford that the House be given the opportunity to have a bipartisan approach to this measure, so that politics could be taken out of it and so that injured people could be of major concern to the House, rather than some political advantage to some members who might wish to win against the others. I ask the Government to reconsider its position, if it has decided not to support the motion.

The sixth question I pose is: how should such a compensation scheme be financed? I am unable to suggest to the House the proper form the scheme should take, believing it to be a matter that ought to be given to a Select Committee to determine. It could be, as the member for Playford has said, that a levy be applied on all South Australians, possibly through a taxation measure. There are many avenues through which the Government could raise money to cover a scheme such as that we are promoting. It was heartening to hear the Premier say today that South Australia's budgetary position was so good, because that could lead us to believe that the Treasurer was able to make funds available to such a scheme if he saw fit.

I would be surprised if the Government would now say that it was because of financial stringencies that it was unable to support such a scheme. The Government cannot have it both ways. It cannot say that the State is in a sound position and, at the same time, say that it does not have the funds to provide succour and assistance to people who have been so terribly affected by the society of which we are all part. As people in the community, we cannot deny that we have a responsibility towards these people who are so severely disadvantaged as a result of the injuries they have suffered. It is a simple fact of life that, of all people in society who suffer injuries, those who are injured as a result of serious crime are given the least protection by the community; by "the community", I mean the Government. It is something we ought to think about.

I hope that the Chief Secretary will consider the matters raised by the member for Playford and the issues I have raised in this debate, and that he will not be so definite in his attitude that the Government will not be supporting the motion. It is a worthy motion, one that has no politics in it. It was designed to help those in the community who,

at present, are least helped by the community. I leave my plea at that. It is a worthwhile motion, one on which the member for Playford should be complimented, and it should have the support of every member and of the Government.

**Mr. EVANS** secured the adjournment of the debate.

## PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on motion of Hon. R. G. Payne:

That the report of the Select Committee on the Pitjantjatjara Land Rights Bill, 1979, be adopted.

(Continued from 27 February. Page 1287.)

**Mr. GUNN (Eyre):** In continuing my remarks on the motion, I make it clear that it is my view and that of my colleagues that the Aboriginal community, particularly the Pitjantjatjara people, should be fairly treated, and should appear to be fairly treated. We must consider the needs and aspirations of those people, the Aboriginal community as a whole, together with how any legislation will affect all South Australians.

It is also relevant to the debate and to recent developments with regard to land rights to consider the role of the morning daily newspapers. At every opportunity since the announcement last month of the working party to identify sacred sites, the *Advertiser* has criticised the Government's actions. We have another example of this in this morning's paper, which repeats outright distortions and misrepresentations. In this context, it was remarkable to note that, immediately after a question was asked yesterday, it was the subject of this morning's report. The member for Mitchell left the Chamber, and the *Advertiser's* ethnic reporter (Mr. Ball), who does not normally attend Parliament, was seen to leave the press gallery. Some time later in the afternoon, the member for Mitchell was seen to hand a document to Mr. Ball. Obviously, this morning's report was the result of some orchestration between the *Advertiser* and the Opposition. This morning's report, in part, states:

> It was also later revealed that at least two members of the working party—Mr. L. J. Nayda of the S.A. Aboriginal Affairs Office and Mr. B. Lindner of Yalata Aboriginal community—had not been consulted about their appointment or tasks on the working party.

Mr. Ball well knows that Government officers have been consulting with members of the working party since December. I also want to reveal that Mr. Nayda informally approached me, before the Premier's announcement on 3 February, about the possibility of his becoming the Chairman of the working party. I regret having to reveal that, but I have been forced to do so because of the manner in which the *Advertiser* has chosen to continue its reporting on this matter, even though it has been apprised of the true situation.

There are other examples of the manner in which Mr. Ball and the *Advertiser* have not been objective in their attitudes. On occasions, the Government's point of view has been relegated to the back pages, while the views of those opposed to the Government have been given much greater prominence. Some of the outright distortions and misrepresentations have been accepted as fact in editorials published by the *Advertiser*. The paper has sought to plead the case of the Pitjantjatjara people. It has the editorial prerogative to do this, but it should be fair and objective in its assessments. It also has the responsibility to be fair. I believe that it is not being fair, because of the inflammatory and unprofessional manner in which Mr. Ball has approached his task. He travelled on a bus from Port Augusta with Pitjantjatjara representatives, and later quoted threats of violence. He has presented the Government's decisions on this matter in an arbitrary way when, in fact, they have been the subject of long and detailed consideration.

Mr. Ball's professional judgment is obviously clouded. The licence given by his newspaper has created unnecessary difficulties for all parties with a direct interest in the proper resolution of this most complex and sensitive matter. And what is the Labor Party's interest in this matter? I have already referred to the relationship of the member for Mitchell with Mr. Ball, whose reporting can hardly be designed to lead to a satisfactory solution of this matter. There have been a number of references over the past few weeks to negotiations that Mr. Hugh Hudson, as Minister of Mines and Energy, conducted with the Pitjantjatjara with a view to having the field modified. There was the action of the member for Mitchell, when, as Minister of Community Welfare, he neglected to reintroduce the Bill after the report of the Select Committee was tabled. If all that was not enough, there have been mutterings from the former Premier, Don Dunstan, that there will be violence if the Bill is not passed in its present form. Of course, there has not, in fact, been violence, and that can be attributed to the good sense of the Aborigines, their leaders and their advisers.

**Mr. Max Brown:** Where did this information come from?

**Mr. GUNN:** Obviously the member for Whyalla knows little about any subject, and I would suggest that he goes back to writing travelogues so that we can all have the benefit, because—

**Mr. Max Brown:** Why don't you be fair dinkum?

**Mr. GUNN:** This is a subject on which I have had some experience. I have been involved for a number of years in discussions with the Aborigines about this and other matters, and it is about time someone was prepared to lay the facts on the line in this place. I have taken some trouble in preparing this speech, and I intend to deliver everything I have prepared. I have a considerable amount to say, and if the honourable member wants me to go through until 6 o'clock, I intend to do so; the more he interjects the longer I am going to speak. However, I do not wish to dwell on the failings of honourable members opposite, but rather to direct my attention to the Bill. It has been hailed as granting land rights to the Pitjantjatjara people. This notion is reflected in the title. In fact, it does not do that but, rather, it would have given the Government rights, if Parliament had passed the Bill and if it had been proclaimed. Clause 12 provides:

> The Governor may, by proclamation, vest the whole or any part of the nucleus lands in Anangu Pitjantjatjaraku for an estate in fee simple.

This clause does not require the Government to do anything; it merely gives the Government a discretion to act. There is no way the Pitjantjatjara people could have forced the Government to vest lands in them. They would have had to await the Government's pleasure. Honourable members opposite will say, "But it was our policy to vest land in the Pitjantjatjara"; but was it? Let me remind honourable members opposite that at least one member of their Cabinet was pursuing a course of action that was contrary to the principles of the Bill. He was hopeful that the issue at stake in that course of action would lead to the Bill's being modified: so much for nucleus lands.

The Bill sought to create a Pitjantjatjara land tribunal to enable the Pitjantjatjara to lay claims to land adjacent to nucleus lands. Much has been made of this provision as recognition of the interest of the Aborigines in their tribal lands, but let us look at the key provisions of this part of

the Bill; let us put them under the microscope. Clause 13 (4) states:

> Where the tribunal recommends that land be vested in the Anangu Pitjantjatjaraku in pursuance of this section and any of that land that has been alienated from the Crown by grant, lease or licence, the Minister may, subject to and in accordance with the Land Acquisition Act, 1969-1972, acquire that land.

Subclause (5) of the same clause provides:

> The Governor may by proclamation vest in Anangu Pitjantjatjaraku for an estate of fee simple—
>
> *(a)* any unalienated Crown lands or
>
> *(b)* any lands acquired by the Minister under this section that should in accordance with a recommendation of the tribunal be vested in Anangu Pitjantjatjaraku.

Once again, the language falls far short of any guarantee. The tribunal could make its inquiries, which might take many months, or years, and yet the Government would not be compelled to act. The Pitjantjatjara could not compel it to act; they would still, so to speak, be out in the cold.

The reason for the discretionary approach in the first of these provisions is, of course, not to acquire pastoral properties or properties leased from the Crown, which could be a very expensive undertaking. Obviously, the previous Government was aware that if and when it did acquire properties that was going to involve the taxpayers, either of South Australia or Australia, in substantial monetary committments. And, for other obvious reasons, it might not be politically or otherwise appropriate to do so.

This Bill is a sham. It was paraded by the former Government as a major legislative proposal, presumably to maintain the former Premier's image as a pacesetter with progressive social legislation. It has created false expectations in the Aboriginal community, and in the community at large. It has created uncertainty, particularly among pastoralists and people in the North whose activities are not only legitimate but contribute considerably to the economy of South Australia. It has led to the Pitjantjatjara Aborigines being pawns in a game which, for them, is without an immediate prize. Honourable members will be aware that the Crown Solicitor has advised that the Bill is inadequate regarding the structure of "Anangu Pitjantjatjaraku" and the operation of mining and petroleum exploration Acts. I will have a bit more to say about that later.

*The Hon. R. G. Payne interjecting:*

**Mr. GUNN:** I suggest the honourable member be patient. We know he is a little teasy on this subject, but he should be a little patient. If mining does take place it is in everyone's interests that the mining and petroleum Acts control it.

**Mr. Keneally:** Are you going to give that to Mr. Ball after you finish speaking?

**Mr. GUNN:** If the honourable member for Stuart—

**The SPEAKER:** Order! I ask the honourable member for Eyre not to respond to interjections.

**Mr. GUNN:** I will certainly endeavour not to, Mr. Speaker. Before closing this part of my speech, I point out that the Government's policy is to grant a fee simple, inalienable title to the nucleus lands. It has never said it will not do that: no ifs, buts or maybe's; the Government will introduce a Bill which will put this and other matters on which it is negotiating with the Pitjantjatjara in a binding and statutory form. The member for Mitchell and his colleagues would do well to wait for this Bill, which will be based on the outcome of full and free discussions with the Pitjantjatjara people, before they continue to jump in feet first.

Let me explain those considered remarks I have just put to the House. I have been perturbed at the way in which the previous Government and the Labor Party has set out to unduly raise the expectations of the Pitjantjatjara community. They have set out to parade before the Aboriginal people as their saviours on this matter and they have deliberately set out to misinform the community at large. What are the real facts of the issue? We are aware that it was the policy of former Premier Dunstan to deliberately find social issues about which he could deliberately create an impression in the minds of the public that he was going to do great things. He always attempted to deliberately divert the attention of the people of this State from the real effect of the course of action of his Government; he deliberately set out to do that.

This is one more of those issues where he deliberately set out to divert the attention of the people of South Australia by making out that he was going to do great things for the total Aboriginal community. I believe that few people in the South Australian community understand the effects of this legislation. How many people in South Australia realise that, if the previous legislation was passed and proclaimed and put into operation, that legislation would have prevented the Aboriginal people, except the Pitjantjatara, from entering that land without a special permit? I do not believe that many people in the community understand that. Are the people of South Australia aware, under the provisions of this legislation what the definition of "nucleus lands" means? Are they aware of just how much land in South Australia could have been claimed? The definition in the Bill of "nucleus lands" is as follows:

> "nucleus lands" means the lands described in the schedule to this Act.

The Bill also states:

> "non-nucleus lands" means lands adjacent to nucleus lands.

I have been told by an eminent legal adviser that that clause would allow virtually all of South Australia to be subject to claims.

Any Government that passes legislation with that provision in it is not acting in the best interests of the Pitjantjatjara people or the total community. Let us look at the hypothetical situation if legislation had been passed into law and a claim made upon the opal field of Coober Pedy. What would that have done for race relations in South Australia? What would have happened? It would have created not only uncertainty, but also bitterness and hatred and it would have caused deep divisions within the community. It was a foolish proposition to put forward and certainly was not in the best community interests of South Australia.

**Mr. Keneally:** Do you agree with the Select Committee's report?

**Mr. GUNN:** I am very pleased that the honourable member has raised that matter because I did not sign the Select Committee's report and I would not sign it, for the reason that there were too many deficiencies in the Bill. I make no apology for saying that. I am well aware of the things that have been said been in the Aboriginal areas and I have put up with it for 10 years. I have done my best to treat the Aboriginal community fairly and squarely. I have had little problem with the Aboriginal communities but I have had a lot of trouble with some of the agitative white advisers. One has little trouble in dealing with the Aboriginal community; if one likes to take the time and talk to them, there is no problem at all, but when there are agitative politically motivated Europeans involved, that is when the trouble starts.

**Mr. Keneally:** To whom are you referring?

**Mr. GUNN:** I will leave that to the honourable member's discretion. There are a number of European people in the Aboriginal community who have done a good job. They are honest and upright citizens, but others are politically motivated.

**Mr. Slater:** You haven't told us who they are.

**Mr. GUNN:** The honourable member has never been in the area. He would not know whether it was Sunday or Monday.

**Mr. Slater:** I was on the Select Committee, though.

**Mr. GUNN:** If one looks at the executive committee of Anangu Pitjantjatjaraku which was to be set up under this legislation, one can see how defective that was, because the affairs of those people were to be entrusted to a very small group of people. In my view, it is absolutely essential that each local community in that area have at least one member on the committee. Further, people on that committee should be able to make decisions that are binding on the community. Otherwise, the committee will have no effect whatever, except if those decisions would be contrary to the legislation and to previous motions carried by that body.

Other clauses of the Bill are quite ineffective, such as clause 27, which deals with mineral royalties. It has been put to me on a number of occasions, that, if any mining takes place in any of the areas under question, there is no guarantee that the local Aboriginal community will get anything out of it whatsoever. All the royalties under the proposed legislation would be paid to the corporate body, which would be based in Alice Springs, not in South Australia. There is no guarantee whatsoever. Not only is it an unsatisfactory arrangement, but, in my view, it is quite improper.

I am hopeful that this matter can be tidied up so that at least there is a guarantee that the local communities will receive some percentage of any mining royalties that result. I do not believe that to be an unreasonable request, and it is something that should take place. My own view is that, if mining is to take place anywhere in South Australia, the only person that should have the total power of veto is the Minister of Mines of the day who has to account to this Parliament on behalf of the Government and to the people of this State. I do not beleive that it is appropriate or proper that other people should have total power of veto over mining.

Regarding certain comments that have been made, I do not believe that it would be proper for any Minister of Mines not to have total power. I believe that this is in the national interest. If one examines the legislation in the Northern Territory one can see that there is a provision whereby, in the national interests, the Minister of the day can exercise his authority. That does not mean that we should run roughshod over the local communities. I believe they are entitled to protection, and they are entitled to probably more protection than currently exists in the Mining Act, even though there is protection there. I make no apology for saying that.

There are a number of other matters in relation to the legislation which cause me concern. The member for Stuart can smile as much as he likes. If the Labor Party and those who are endeavouring to stir this issue up publicly continue with their programme, they will create other groups in the community who feel just as strongly as they do. These other people will start exercising what they believe to be their democratic rights. I believe that such an attitude will do no good whatsoever. Some of the agitator colleagues of members of the Labor Party have already set out to label this Government (and certain other groups in the community) as having no regard whatsoever for the general welfare of the Aboriginal community. That is totally untrue and cannot be substantiated.

**Mr. Keneally:** What are you talking about now?

**Mr. GUNN:** The honourable gentleman and some of his friends have endeavoured to blame the Deputy Premier and paint him as a martyr. They have endeavoured to paint all mining companies as villains and all those associated with mining companies in the same light.

**Mr. Max Brown:** Most of them are, I think, too.

**Mr. GUNN:** The honourable member for Whyalla says that most of them are. That is a very interesting interjection. It is obvious that he was at variance with the former Premier and Deputy Premier, who were attempting to get mining investment in this State. It is obvious that the member sees people like the Dow Chemical Company and the Western Mining Company as villains.

**Mr. Max Brown:** Name them all.

**Mr. GUNN:** The member for Whyalla says, "all mining companies".

**Mr. Max Brown:** I did not say that; I said—

**The SPEAKER:** Order! The honourable member for Eyre has the call, not the honourable member for Whyalla. I ask the member for Whyalla to desist in his persistent interjections.

**Mr. GUNN:** I turn to another problem in relation to this legislation, because great concern has been expressed to me by the community at Yalata in relation to how they would fare with this legislation, had it been passed in its present form. I refer to some correspondence, which I think expresses some of their concern. I received a letter from Mr. Dunstan dated 8 July 1977, as follows:

> Dear Mr. Gunn,
>
> I have a series of letters from you dated 13 May.
>
> I recently visited a number of settlements of Aborigines within your electorate at the request of the Aboriginal people of those settlements. I was accompanied by the Minister of Community Welfare, two officers from my staff, one officer from his and Mr. Piltz, an officer of the Department of Aboriginal Affairs.

We know the real meaning of that. They were there on an election campaign.

> The centres I visited were Indulkana, Everard Park, Ernabella, Fregon, Amata and Yalata.
>
> I shall let you have a further reply shortly on the matter of the water supply west of Ceduna. I have discussed this with constituents of yours while I was in the area, but I will let you have further material relating to it.
>
> As to transfer of lands to the Aboriginal Lands Trust, all groups in the north-west of the State resisted further transfers of lands to the Aboriginal Lands Trust and proposed instead that a separate Tribal Lands Trust should be established. The Presbyterian Board of Missions informed me that it would be prepared to transfer Ernabella to a Tribal Lands Trust as representing the wishes of the people on that pastoral lease.
>
> The people concerned were informed that this matter would be referred to a special working party which has been set up under the chairmanship of Mr. Chris Cox and it has commenced work. The people of Yalata indicated that they wished to retain membership of Aboriginal Lands Trust and to have the land at Yatala held by the Trust as it presently is. They also indicated they were satisfied wih arrangements to retain their tribal rights in respect of the Coffin Hill and Indulkana areas. The Government naturally acceded to the request of the Yalata people.

They were all happy about that but, unfortunately, when the legislation was introduced, that did not take place. I received from the Yalata Community Incorporated copy of a letter dated 28 August 1978, which was signed by the

Chairman of the council (Mr. Cyril Cook) and other members of his council. It states:

> Dear Mr. Dunstan,
>
> Several weeks ago we received a copy of the report of the Pitjantjatjara Land Rights Working Party.
>
> There are some words in it about the Yalata people and our land that we are not happy about. We are talking about what we call the "Maralinga Land" (Unalloted Crown Land and Unnamed Conservation Park).
>
> When you visited in May 1977 we told you that we were interested to watch what the Pitjantjatjara Council was doing in the North, that we wanted the Yalata land to stay with the Lands Trust for now, and that we wanted the Maralinga land to go to the Lands Trust so that we could get the lease for it.
>
> As we understand it, we did not tell the Working Party that we wanted the Maralinga land under the Pitjantjatjara Council at this stage. Sure, we said that the law and sacred places on that land all joined up with the sacred places further north.

They went on to explain the problems they had on previous occasions when some members of that particular community wanted to visit areas and were prevented from doing so or told they could not go, but I understand they went. They were and still are very concerned that under those recommendations, which they believe would happen if the Bill had been put into effect, areas which traditionally belong to the Yalata people may be placed under the control of people in the North-West of the State. It is my view that the land in the unnamed conservation park should be made a conservation park, but the Aboriginal communities who have traditional claims to it or have involvement in it should have unlimited access to it.

Very few people visit that area or have the ability to get into it. I am aware of the fact that the previous Labor Government was going to give the unknown conservation park away. I believe that certain of the Maralinga lands ought to be transferred to the Aboriginal Lands Trust so that it can be leased back to the people at Yalata. That is the view of the people at Yalata.

**The Hon. R. G. Payne:** It was already under way.

**Mr. GUNN:** I am surprised that the honourable member made that interjection, because many things were under way. I am amazed that the Government did not delay the election to put into effect some of—

**Mr. Keneally:** We didn't think we were going to lose.

**Mr. GUNN:** That is obvious. I want to make clear my view on these matters, because I believe they are important. I spoke earlier about some of the other sections of the community who were concerned about this legislation. On a previous occasion I referred to the views of the people at Coober Pedy where a special meeting was held to discuss this matter. I understand the voting at the meeting was virtually unanimous, with only one or two dissenting from the decision. I do not believe that they were long-term residents of the town.

I have in my possession a document which was made available to the Select Committee and which clearly points out the views of the miners at Mintabie, of which the Minister would be aware. I have referred on a previous occasion to the views expressed by the Coober Pedy Miners and Progress Association in the newspaper that ciruclates in that community. Certain supporters of the Labor Party during the last election campaign set out to label me as a villain who was opposed to the legitimate rights of the Aboriginal people, when I said it was a policy of the Liberal Party to guarantee that those people who were currently opal miners, mining in areas which are declared as special prospecting areas, will be permitted to continue.

There was a real fear in the community in those towns that, if this legislation was passed, their future could be jeopardised. I made the position clear and that was interpreted by certain of those white stirrers as meaning that I was telling the Aboriginal community that it had no rights and the miners could walk all over them. Nothing was further from the truth. If the honourable member doubts that, then he was not in a position to look at some of the comments stuck up on Government buildings in some of those areas where some of the advisers had placed certain material in relation to me. I have a long memory and will not forget what was said by some of those people. The treatment that some of us received from some of those advisers leaves a lot to be desired.

I am fully aware of the views of members opposite. At one particular reserve during the last election campaign one adviser did everything to stop me from talking to the Aboriginal community. It was clear when I arrived there that there was no way they were going to allow me to sit down and have a talk to the people. In other areas we had had useful, enjoyable and constructive discussions, but at one of the larger towns there was no way they were going to let me and my colleague have anything to say to the people.

**The Hon. E. R. Goldsworthy:** That was in your district?

**Mr. GUNN:** Yes, it was Amata. That was their version of democracy. I hope the honourable member sends a copy of this up to the person so that he can read it because I make no apology for it. I am pleased to see that my friends opposite are interested to hear what I have to say.

*Mr. Max Brown interjecting:*

**Mr. GUNN:** They could not defame the member for Whyalla if they tried, because his record in this place stands on its own, but particularly his literary merits. His writings are always read with bated breath by a large section of the community.

I believe the course of action adopted by the Government is not only fair, but it is a proper course of action on behalf of not only the Aboriginal community, but of the community at large. When a final decision is made it will be fair, just, and in the long-term interests of the community. I believe the Premier and the Government have not only been patient but they have been restrained in their attitude on this matter. They have given the Aboriginal community a considerable amount of time to discuss the matter with them. I have had the pleasure of sitting in on all the discussions, and that will continue. I personally believe the last thing certain sections of the community and members opposite wish to see is this matter resolved by the Government.

They are keen to see the situation continue so that they can use it to keep attacking the Government, because they realise that they have so little to criticise the Government about. They seize upon this emotional issue on which they think they can flog the Government, but they will not be successful, because we will reach a mutual agreement with the Aboriginal community which will give them their just rights and protect the South Australian community for its long-term benefit.

If the matter and arguments continue for a considerable time, organisations such as the United Farmers and Stockowners and others, will make even stronger statements than they have already. Other sections of the community will start to realise the long-term effects of the Dunstan Government's proposals to Parliament.

I conclude by asking the former Minister of Community Welfare why that Government did not exercise what was its right. Why did it not put this particular matter to a vote in those nine sitting days we had prior to the last election? If it was so concerned to see this legislation enacted, put

on the Statute Book, why did it not put it into effect? The real reason (and we all know this) was that it was divided on the issue. Records which had already been made available to this House and statements by the Deputy Premier clearly indicated that his predecessor was concerned about it, and was taking a course of action which would prevent the Bill from being implemented until other arrangements were made so that contracts could be tied up.

**Mr. Keneally:** You do not understand the nature of things.

**Mr. GUNN:** I do clearly understand the nature of the situation. It is clear that the Labor Party did not have the courage of its convictions. I was told during the election campaign by people in the Aboriginal communities that the Government was divided on the issue. I was told at another spot where I had a meeting with the Aboriginal community that it was suggested to them that they should hold time on this matter, particularly if oil and gas were found in the area. It would give them more bargaining power. That situation is rather interesting. I still pose the question, because there is no reason why the then Government could not have put this matter to the House. We had virtually nothing to do during those nine sitting days.

**Mr. Hamilton:** Was he a white libber?

**Mr. GUNN:** No, he was one of the Aboriginal people who has been down meeting the Government, in negotiations. I am looking forward to the Government concluding its negotiations with the Aboriginal community so that they can receive what they have been promised for a long time, and so other people with interests in the area can, in the future, negotiate with those communities on a fair and equitable basis, so that South Australia can benefit as a whole.

**Mr. CRAFTER (Norwood):** I rise to support this motion proposed by my colleague, the member for Mitchell. I hope that my contribution to the debate can be somewhat more constructive than that just made by the member for Eyre. To use the words of the Premier, "I am amazed" that he can speak on a subject no doubt so important to him, and as a former member of the Select Committee, and yet not refer once in his speech to the deliberations or the report of the Select Committee.

The honourable member explained away any reason why he should refer to the Select Committee report. I also note that throughout his speech and on the previous occasion he did not refer once, from my recollection, to the word Pitjantjatjara. I do not know whether he cannot pronounce the word or whether he will not recognise its use. I would have thought that it was significant to use that word if one had any affinity with or recognition of those people and their aspirations. He may have used the word on one or two occasions, but he used many other expressions. He did not directly refer to those people by the name they want to be known as. That has clearly been the position since this State's settlement, where those people and many other Aboriginal people throughout Australia have not been recognised by the rest of the population, either by name, by law, or indeed in many of the services that we of the white population have enjoyed.

It is clear from the speech that we have just heard from the member for Eyre that he does not represent the Pitjantjatjara people, although they do live in his district. He referred to discussions and visits to those areas on a number of occasions, and each time, from my recollection, he annexed it with "at the time of an election".

I think it is important in any debate on land rights that we look at the actual relationship of people with their land. That is the crucial issue that the Select Committee has honed in on; it was the central purpose of this measure coming before the House. Man's relationship to his land has been vital for stable communities throughout the ages. One need only look at the experience in the past 20 or 30 years of the Greater London Corporation building an enormous number of high rise tenement buildings.

The corporation discovered very quickly, after it had settled many families in those buildings, that there was a loss of relationship of tenants to the land, so quickly they developed surrounding vacant lands near those buildings, small plots where vegetables and flowers could be grown by the tenants. Immediately there was seen to be a different response from the tenants to living in those tenements.

Even in this perhaps extreme example, we can see the traditional relationship that man has with his land. One of the features of Australian society and of Australian cities is this hallowed block of land on which usually one family lives. This is a somewhat unique situation in the world, and something for which Australian society is respected and revered by people living in more populous parts of the world.

We see that legal ownership of land and control of that land is something which forms the backbone of many of the laws of this land, in particular the criminal law, in which there is a disproportionate balance with respect to protection of people's property, whether it be real or personal. Extreme penalties exist in criminal law for interference, destruction, or taking of that property.

In fact, we find much more severe penalties still remain in the law for property offences, so-called, as opposed to those which relate to persons. We have very much in our traditions and our heritage a respect for and a close affinity and close association with property. It is ironic that we want to deny that same relationship with the land to the Pitjantjatjara people in this State.

They do not have those same values, that same heritage, with respect to ownership of property. In fact, their existence, or the little that we know of it, is one of communal living, involving a vastly different relationship with the land and with the things that grow and live on the land from one we have ever experienced. The whole way in which this country was settled was one involving a different style and different values, in a way that we as a population have never really tried to come to grips with.

That is now catching up with us. There are a growing number of people in this State who realise that in fact our way of life and our values have seriously harmed the Aboriginal people who were living here when we first came. The need for the legislation in the form recommended by the Select Committee, which reported to this House some nine months ago, can be seen from a brief look at the fights by Aborigines throughout Australia. At the moment there are indeed a number of similar struggles going on in Western Australia, the Northern Territory and Queensland. The history of land rights struggles which we are experiencing here and which this Bill and the report to which it refers try to meet has been experienced in other colonies many, many years previously. The battles which we see on our television sets, set in the United States and Canada and immortalised as westerns, were battles of 150 or 200 years ago. Those in New Zealand and the African States were settled many years ago. However, we still have to face up to them and decide whether we can do it by the proper democratic means available to us, such as the passing of proper legislation in this House, or whether it is fought in other arenas with much less desirable consequences.

The 1960's and 1970's have seen the relationship of land

to Aboriginal clans more threatened or destroyed than ever before, primarily because of the thrust of mining exploration in this country. In fact, almost every dispute that exists at the moment has been brought to a head because of some proposal to mine those lands, interfere with them or destroy them in some way. The Pitjantjatjara Land Rights Bill passed in the form recommended by the Select Committee provides some rational, reasonable and fair means whereby the conflicts that exist can be sorted out in the best interests of the whole community, and it rights the very grievous wrongs that have now existed in this community for nearly 200 years. It will give a tremendous lead to other States in the Commonwealth to follow suit and to try to resolve this major constitutional issue in a fair and rational way.

I know, from the visits that I have made to Western Australia, the Northern Territory and Queensland in recent years how much the people fighting these battles look to South Australia, which is further advanced than any other State in this matter. We have seen in the 1960's and 1970's the tribes and clans, who are affected by some proposal that threatens their traditional homelands, go to the courts, rather than to the Parliaments. They have not been sympathetically heard prior to this proposal in any of the Legislatures apart from that of the Commonwealth, although the Commonwealth legislation in this respect is far less effective than that which is proposed by this measure in line with the Select Committee report.

We find that the need to go to the courts is putting the courts in a very invidious position, because they are really being asked to be the legislators with respect to land rights issues. That is a role that the courts naturally enough baulk at, although I think they have applied the law fairly; at least they have given Aborigines in Australia hope and an indication that they should continue in this way until the Parliaments decide that they will in fact grant traditional land rights. Probably one of the first of these major cases was the Gove land rights case, known as *Milirrpum v. Nabalco Proprietary Limited,* which involved a very thorough analysis of the law in order to establish traditional land rights by means of the courts. I think some reference to that case is necessary to understand the concepts that are being proposed here, so that the matter can be dealt with legislatively rather than judicially. The claims of the Aborigines in that case are basically no different from those of the Pitjantjatjara people. In that case, we read:

> The natives asserted on behalf of the native clans they represented that those clans and no others had in their several ways occupied the areas from time immemorial as of right. The natives contended, as "the doctrine of communal native title", that at common law the rights under native law or custom of native communities to land within territory acquired by the Crown, provided that those rights were intelligible and capable of recognition by the common law, were rights which persisted and must be respected by the Crown itself and by its colonizing subjects unless and until they were validly terminated.

So, that was the basis of their claim and it was brought about by the activities of Nabalco, the mining company at that time, which was coming on to their lands to mine. The court, of course, did not uphold their claim for land rights. They did, however, establish that there was such a concept known to law as a doctrine of communal native title, and I think that concept forms the basis for Legislatures to provide a law. The court said in its judgment:

> In the circumstances of the case, the natives had established a subtle and elaborate system of social rules and customs which was highly adapted to the country in which the people lived and which provided a stable order of society remarkably free from the vagaries of personal whim or influence. The system was recognised as obligatory by a definable community of Aboriginals which made ritual and economic use of the areas claimed. Accordingly, the system established was recognisable as a system of law.

Then it went on to find that it could not quite establish the precise areas that were claimed, and, therefore, it could not find for that right to be established in those circumstances. The court did consider one other thing that I think is of vital importance here, and that is the words that appear in the Letters Patent which were sent to this Province when it was founded. I think that those Letters Patent create a moral obligation for this Parliament. In the Nabalco case, the court referred to those Letters Patent, as follows:

> The letters patent of 1836 by which the province of South Australia was established and its boundaries defined, by its proviso that nothing therein contained should affect or be construed to affect "the rights of any Aboriginal natives of the said Province to the actual occupation or enjoyment in their own persons or in the persons of their descendants of any land therein now actually occupied or enjoyed by such natives".

I would have thought that there was no clearer manifestation of the rights of the Pitjantjatjara people to their land than that statement. That was intended by those who were responsible for the founding of this State to be used in the development of the State and in the allocation of the lands of this State. We know that the State was settled as a State in which no actual agriculture was taking place. Therefore, it was regarded as open slather, and the first settlers could come in and take the land. However, there was this proviso. The court considered that proviso in some detail, and it is probably the only time it has been considered judicially in some detail. It took many pages of deliberation for the court to find its way around the effect of that. It is quite a sad reflection on the extent to which the court had to go to find reasons for excluding that, but it held that this was no more than the affirmation of a principle of benevolence inserted in the Letters Patent to bestow upon it a suitably dignified status.

I think that that is a sad reflection on the instructions given in the Letters Patent to those entrusted with the founding of this State, and that is why this Parliament must now at this belated stage take notice of the Select Committee's report and implement the Bill as amended by that report. In fact, my only disagreement with the report is with the recommendation that the Act, if passed, not be entrenched. I would have thought that this was probably one of the most fundamental constitutional issues to come before the House and, just as any other major constitutional issue should be entrenched, so should this one. It was the Steele Hall Government that entrenched the major parts of our Constitution. This, I would have thought, was of greater importance than any of those provisions which were entrenched, in my opinion solely for political reasons. This matter involves moral and constitutional issues of substance and should be entrenched in our Constitution so that it can be changed only by consultation with the people of the State.

I will continue with some further comments on the doctrine of communal native title, because that is what will be created in law if this measure is passed. I quote once again from the judgment in the Nabalco case, where the judge says:

> I now come to a question of law which is the central question in the case. The plaintiffs contend that, at common law, communal occupation of land by the Aboriginal inhabitants of a territory acquired by the Crown is recognised as a legally enforceable right. It is consistent with the feudal

theory that the Crown has the ultimate or radical title to all land over which it has political sovereignty. In order to be so recognised, the Aboriginal right or custom must be such as is capable of recognition by the common law. The court must ascertain what, according to Aboriginal law and custom, is the identity of the community claiming the land; what are the limits of the land claimed; whether the interest claimed is proprietary; and the incidents of that interest. Once established, the native title owes its validity to the common law. The native title can be extinguished only by the Crown, and, on one alternative argument, only by purchase or voluntary surrender, or by forfeiture after insurrection; in the other alternative, extinguishment is possible by explicit legislation or by an Act of State.

This whole doctrine for which the plaintiffs contend may be given for convenience the name of "the doctrine of communal native title". To apply the doctrine to this case, the plaintiffs contend that their predecessors laid claim in 1788, when the subject land became part of New South Wales, to those parts of the subject land to which the plaintiff clans now lay claim. No surrender or purchase, they say, has ever taken place, and no valid legislation or Act of State has ever extinguished these rights. If, therefore, the claims of the clans are shown to be capable, in the sense described above, of recognition by the common law, they must be recognised now, with the result that the plaintiffs are entitled to the declarations which they seek against the defendants.

So, I think it can be clearly seen that there is a substantial argument, in law and morally for the people who have lived on these lands since time immemorial, that they should be the legal owners of those lands and enjoy the rights and privileges of landowners. In the same way, but for different cultural, traditional, heritage and religious reasons, they, too, have a great affinity with their land, and that affinity means the essence of their being, their civilisation and their religion. Without that land, or with that land under threat, they cannot fully be human persons.

The other interesting aspect about the Nabalco case was that the court thoroughly reviewed the granting of land rights to Aborigines in the American States, the Canadian Provinces, the Indian and African cases, and in New Zealand, where predominantly the common law applied, the same forms of settlement took place to a large extent, and where land rights existed. There were great fights to have those land rights established in many of those other countries, but they have, by and large, all now been settled. I think that there has been no more tragic statement on this issue than that made by the Premier on Sunday 3 February at 3.15 p.m. when he held a press conference and announced that, over the next three months, his Government would proceed to grant licences for mineral exploration in an area of 30 000 square kilometres of land that was the subject of the claim by the Pitjantjatjara people, and that he was forming a committee of three civil servants, not one of whom was a Pitjantjatjara or an initiated tribal man, and they would go into that area and identify the sacred sites.

We heard the apology by the member for Eyre for that decision a little earlier today, and the public knows all too well what that decision meant to the Pitjantjatjara people. I believe that, in my own experience in fighting the recent by-election, I could ascertain from the people their concern about this decision. It was clearly a political decision made in the middle of the by-election, and it could only be construed by the community that the Government thought that this was a politically desirable initiative.

In fact, I believe it has clearly proven to be a disastrous decision that the Government has taken. The public concern that has been building up against that decision and what it means to the Pitjantjatjara people will, I believe, ensure that the Pitjantjatjara people will receive the land rights for which they have been fighting and to which they are justly entitled. Just yesterday, the Minister of Aboriginal Affairs said that the operations of the working party had been deferred for a while, and that is a clear indication of how short-sighted that initiative was, and how it was really a blatant political move to divert some of the criticism that might result from the decision.

Members of that supposed committee are to be congratulated for the individual stands that they have taken to make sure that their skills and the skills of the people with whom they work are not used for political ends in this way. Many people in the community (not just those of the land rights support group) have expressed their affinity with this struggle and I believe it is a strengthening sign in our community that more and more white people are prepared to join with Aboriginals to make sure that the wrongs of the past will be remedied, and remedied justly.

I think it is important to answer some of the matters that the member for Eyre raised. The Select Committee's recommendations would not in any way create a sovereign State or create any form of apartheid, as has been said in the community at large. Those recommendations would not divest the State of South Australia of any of its minerals. They would empower the Pitjantjatjara to negotiate the amount to be received as royalties, just as any other landowner would have that right.

The proposed Bill provides for the continuation of laws of the land across the lands claimed. There would not be any different application of the laws to Pitjantjatjara lands. The Bill would not prohibit the police, Government officials, or members of Parliament from travelling across those lands at will. It would confer the same rights as any other citizen has with respect to the use of his land.

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

**Mr. BLACKER (Flinders):** I did not intend to buy into this debate. However, I think in my time in this Parliament I have never known of any members of the community who have been used to such an extent as a political football as have the Pitjantjatjara people. It is for that reason that I endeavoured to ascertain for myself some views of the Aboriginal people and their attitude to this legislation. Representing a district that has a considerable Aboriginal population, I am naturally concerned, although there are not many full-blood Pitjantjatjara people in my district.

It is right and proper that I, as a member of Parliament, should seek the advice of the Aboriginal people in my district on what they think about this proposed legislation. After all, every member of this House is going to have to decide somewhere along the line what is right and proper and what should be the appropriate thing for the Pitjantjatjara people. I contacted one of the leading Aboriginals in my area and asked him whether he would contact a group of nungas so that we could have a talk about this matter, and we did just that. That meeting took place last Wednesday on 19 March.

During this debate there has been much speculating, and the previous speaker said that the member for Eyre had been visiting and speaking with these people only at election times. No similar criticism could be made of me. I contacted one Aboriginal and asked him to choose a group of leading Aboriginals in the community with whom I could sit down and talk about the proposed legislation. At that time the only material I had available to me on this matter was the second reading explanation given by the

Hon. Mr. Sumner in the Upper House. We sat down for two hours and discussed the implications of this measure. I first asked the people how many of them were of Pitjantjatjara descent. One person believed he might be of Pitjantjatjara descent, but he did not believe he had a sufficiently close relationship to be able to claim the Pitjantjatjara rights covered under this Bill.

We then spoke about other implications. I asked them whether they believed that this measure could be of assistance to the Aboriginal people. They had been led to believe that they would get some material gain or benefit from this legislation. When I pointed out that this measure would not give them any benefits whatsoever, they adopted a completely different attitude to it. They were not aware that, being mostly full-blood Aboriginals, they would be exempt from any likely beneficial effect of royalties under this legislation.

I think that that is basically what this whole argument seems to revolve around. Not one person is denying the right of the Anangu Pitjantjatjaraku to the use of the land. I have never heard one person query that right. I think it is accepted on both sides of the House that that is a fair and reasonable request.

The previous speaker referred to wrongs of 200 years ago. I know that there were wrongs 200 years ago, and more recently than that, but that was well before my time, and what can I physically do about that? We can go a step further and ask how far each one of us can go back through the history of our own descendants, and what claim have we to the rights they had at a particular time. My great great grandfather owned a large area of land in England, but that does not give me any right whatever to that land. We must get the whole thing in perspective and see where we are going. I am not in any way questioning the desirability or what I believe is the right of the Anangu Pitjantjatjaraku people to have the use of the land in question.

I think we can all assume that minerals will be found in the areas concerned. If it were a known fact that there were no minerals and that no royalties would accrue therefrom, the whole argument would be a non-issue. But who will benefit? Will 1 500 people in Australia be the sole beneficiaries of what could be Australia's greatest wealth? Will it be the whole of the Aboriginal race? I would not be nearly so concerned if I believed that the royalties would be shared equally among the entire Aboriginal race for the improvement of their standing in the community. I could accept that all right. Should the royalties go to the whole Australian nation? We could get into many arguments over that.

The whole issue revolves around the divisiveness that this legislation would create within the Aboriginal community itself. It is not just a case of black and white, or Aboriginal people and European people. That is not the argument at all: it involves various sections within the Aboriginal community. In this case we are dealing with a group of about 1 500 people—a very small section of the Aboriginal community. The rest of the Aboriginal community will be totally exempt from any benefits that could accrue from the legislation. I told the group of Aborigines that I was speaking to, "You realise that you would not be allowed into those areas without special permit," and there was a stunned silence for a brief moment. I think that, once I had pointed that out, some realised that they would have no right of access, while others thought that at least they would be able to go up there, but they cannot even do that without obtaining permission, and naturally enough many questions would be asked.

I asked these people what they thought of the idea of a Pitjantjatjara Land Rights Bill similar to that which had been explained to them and copies of which I had given them. One of the gentlemen concerned told me straight out that he was opposed to it. I asked why, and he replied, "I cannot agree that it is in the best interests of the Pitjantjatjara community or any other section of the Aboriginal community to be placed in the position where they could become very wealthy almost overnight." He put it to me as bluntly as that. He said that there was now a core of some 1 500 people in the Pitjantjatjara community, and that the whole society was concerned about their welfare. He said, "If they become millionaires overnight, they will drink themselves to death in a few years." He said that they would be wiped totally out of existence. I am repeating the exact words of the Aboriginal people from whom I sought advice. I did not choose the Aborigines who attended that meeting. I asked one person to arrange a group to come, and I am very grateful to that one person and to the other seven for the time that they gave me in discussing this legislation with them.

I can do nothing else at this stage other than express dismay that political Parties should be using this small group of people in such a way; that does concern me. I ask the member for Norwood how many Aborigines are living in his electorate. He has been one of the leading speakers on this measure. It immediately raises the question of the Norwood by-election and the Aboriginal people who were brought in. I could go further and ask who sponsored them, who financed the trips, and so on. Those matters concern me. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Second reading.

**Mr. BANNON (Leader of the Opposition):** I move:

*That this Bill be now read a second time.*

In amending the Criminal Law Consolidation Act, this Bill gives effect to both Liberal and Labor policy as announced during the recent election campaign in providing for the Crown to have the right of appeal on the question of sentence where a defendant has been convicted on indictment. The Crown already has this right where a defendant is convicted on complaint. The Bill can be summarised by five points, as follows:

1. It provides for the Crown right of appeal against sentence.
2. That a defendant cannot have his sentence increased where he appeals against its severity. This is possible at present. For the defendant to be at risk of having his sentence increased the Crown must have lodged the appeal.
3. That the appeal is to be instituted by the Attorney-General with leave of the Full Court of the Supreme Court.
4. That the Attorney-General may refer matters of law to the Full Court after the acquittal of a defendant.
5. That the defendant acquitted is not subject to retrial on such referral; that is, it is not in the nature of an appeal which could lead to the defendant's being placed on trial again.

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, and clause 2 repeals an obsolete provision. Clause 2a was inserted by amendment in another place and allows the Attorney-General to delegate his powers under the Act. Clause 3 amends section 350 of the principal Act, which deals with the reservation of questions of law. This amendment inserts a new subsection numbered (1a), which provides that where a person is tried on information and acquitted, the court shall reserve any question of law arising out of the trial for the determination of the Full Court on the application of the Attorney-General. Other amendments to the section consequential on the insertion of the new subsection are also included in this clause.

Clause 4 effects other essentially consequential amendments to section 351 of the principal Act, which sets out certain procedural matters relating to the reservation of questions of law. These provide, *inter alia,* that the Attorney-General shall pay the taxed costs of the defendant in cases where a question of law is reserved for the Full Court on the application of the former following an acquittal, and further, that in such proceedings the Attorney-General may instruct counsel to present argument to the Full Court as might have been presented by counsel for the defendant, if the defendant does not appear.

Clause 5 amends section 352 of the principal Act, which is concerned with the right of appeal in criminal cases. The amendment inserts a new subsection numbered (2), which empowers the Attorney-General to appeal to the Full Court against sentences passed on defendants convicted on information.

Clause 6 amends section 353 of the principal Act, which sets out certain provisions relating to the determination of appeals by the Full Court. The effect of the amendment is to prevent the court from imposing a more severe sentence than that imposed in the lower court, except where the appeal is instituted by the Attorney-General.

**Mr. EVANS** secured the adjournment of the debate.

## CONSUMER CREDIT ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

## CANNED FRUITS MARKETING BILL

Returned from the Legislative Council with the following amendment:

Page 2, lines 2 to 4 (clause 4)—Leave out all words in these lines after "include" in line 2 and insert:

'—

(*c*) goods that, having regard to their characteristics, may be described as "fruit pulp", "solid pack", "pie pack", "jam", "jelly" or "conserve"; or

(*d*) goods of a kind declared by the Corporation not to be canned fruits:'

Consideration in Committee.

**The Hon. W. E. CHAPMAN:** I move:

That the Legislative Council's amendment be agreed to.

The amendment is one that we support. Members would appreciate that this Bill was supported in this place and, it was understood that it had the support of the Opposition in the Legislative Council. It is fair to say that an essential feature of the proposed marketing scheme incorporated in that Bill is that the Australian Canned Foods Corporation estimates sales of canned fruits on most profitable markets and allots quotas to the canners to produce for those markets. An average or equalised price is paid to the canners, subject to some premium conditions.

As a result of these arrangements there is reduced incentive for any individual canner to develop a new (different) product such as, say, pears in brandy, if subsequent sales of that product are included in that canner's quota, attracting only an equalised price. It is likely that canners would be more innovative in developing new products if those products were excluded from quota considerations; that is, if those products were to be declared by the Corporation not to be canned fruits.

I have been advised that, although the amendment proposed by the honourable member in the other place is not altogether consistent with the theme of the original Bill and therefore places it slightly out of kilter with the principle and complementary Commonwealth Act and also slightly out of kilter therefore with the other complementary State Acts to that Commonwealth Act, there is no problem with the destroying of the principle of those respective Acts. In all fairness to our colleague in the other place, it seems that there is merit in what he has proposed. It has received the support of the members of the Legislative Council and, after thorough discussion with the officers of my department, we have agreed to accept the amendment.

**Mr. LYNN ARNOLD:** I endorse the comments made by the Minister in this regard. We will be supporting this amendment and we are pleased the Government is supporting it. In regard to the differences in complementary legislation in other States, perhaps this could be taken as a beacon that will lead the other States to likewise introduce this rather useful but not very controversial amendment. The Opposition supports the amendment.

Motion carried.

## CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## MARKETING OF EGGS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## EGG INDUSTRY STABILISATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL

**The Hon. D. O. TONKIN (Premier and Treasurer)** obtained leave and introduced a Bill for an Act to amend the Parliamentary Salaries and Allowances Act, 1965-1978, the Constitution Act, 1934-1978, the Industries Development Act, 1941-1978, the Land Settlement Act, 1944-1978, the Public Accounts Committee Act, 1972-1978, and the Public Works Standing Committee Act, 1927-1978. Read a first time.

**The Hon. D. O. TONKIN:** I move:

*That this Bill be now read a second time.*

Its purpose is to provide a uniform scheme for the determination of allowances payable to the chairman and members of the following committees:

(*a*) the Industries Development Committee;
(*b*) the Joint Committee on Subordinate Legislation;
(*c*) the Parliamentary Committee on Land Settlement;
(*d*) the Parliamentary Standing Committee on Public Works;
(*e*) the Public Accounts Committee;
(*f*) the Select Committees of either or both Houses of Parliament.

With the exception of payments to members of the Select Committees such determinations are presently made under the Acts setting up the committees or by proclamation. (Select Committee members receive allowances pursuant to a practice arising from a Cabinet decision of the mid-1940's.) However, it is now proposed that remuneration of the presiding officers and members of these Parliamentary committees be fixed directly by the Parliamentary Salaries Tribunal. An Act in almost identical terms to the present Bill was passed early in 1978; however, for reasons of policy it was never proclaimed and was subsequently repealed by a later enactment of that year.

Clauses 1, 2 and 3 are formal. Clauses 4, 5 and 6 are concerned with the amendment of the Parliamentary Salaries and Allowances Act. Clause 4 is formal, while clause 5 amends section 5 of the principal Act by replacing subsections (1) and (2) with a single subsection empowering the Parliamentary Salaries Tribunal to determine the remuneration payable to the chairman and members of the committees set out above as well as to Ministers of the Crown and officers and members of Parliament. A consequential amendment is also made to paragraph (*a*) of subsection (3).

Clause 6 amends section 6 of the principal Act which empowers the Treasurer to convene the tribunal for the purpose of making inquiries into the remuneration and other allowances payable to Ministers of the Crown, members of Parliament, members of Parliamentary committees and the Deputy Premier. The proposed amendment will make it necessary for these inquiries to be held at least once every three years.

Clauses 7 and 8 are concerned with the amendment of the Constitution Act, under which the Joint Committee on Subordinate Legislation is set up. Clause 7 is formal. Clause 8 strikes out from section 55 of the principal Act subsections (3), (3a), (3b) and (4), under which allowances payable to the Chairman and members of the Joint Committee on Subordinate Legislation are presently determined.

Clauses 9 to 16 inclusive are concerned with the amendment of the Industries Development Act, the Land Settlement Act, the Public Accounts Committee Act and the Public Works Standing Committee Act. These Acts, in turn, set up the Industries Development Committee, the Land Settlement Committee, the Public Accounts Committee, and the Public Works Standing Committee. Clauses 9, 11, 13 and 15 are formal, while clauses 10, 12, 14 and 16 make amendments corresponding to those effected to section 55 of the Constitution Act by clause 8.

**Mr. BANNON** secured the adjournment of the debate.

## PETROLEUM ACT AMENDMENT BILL

**The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy)** obtained leave and introduced a Bill for an Act to amend the Petroleum Act, 1940-1978. Read a first time.

**The Hon. E. R. GOLDSWORTHY:** I move:

*That this Bill be now read a second time.*

It is concerned very largely with the obligations of licensees under the Petroleum Act to keep records, and to keep the Minister and the department informed about the progress of operations and the extent of petroleum reserves. The Bill formalises present practice upon these matters. It provides for the submission of annual development plans by the holders of production licences; this will facilitate more flexible planning by licensees. Amendments to section 37 of the principal Act will invest the Director-General of Mines and Energy with slightly expanded powers to obtain the kind of information that is required by Government for forward planning in relation to the management and use of energy resources. The provisions of the principal Act requiring a licensee to keep records of technical data, observations and opinions will be relegated to the regulations. The kind of records required depends largely upon the nature of mining technology as it exists from time to time. The amendment will make possible a more rapid response to technological change.

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

Leave granted.

### Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 makes a minor amendment to the definition of "petroleum". The purpose of the amendment is to make it quite clear that oil shale does not come within the definition of "petroleum" in this Act. The recovery of oil shale is to be dealt with under the provisions of the Mining Act, and not in pursuance of the Petroleum Act.

Clause 4 amends section 36 of the principal Act. The effect of the amendment is to provide for a submission of annual developmental programmes and schedules setting forth estimated rates of petroleum production. The provisions are designed to ensure flexibility in the operation of these provisions. The first schedule is to be submitted by the licensee within six months of the grant of the licence or such longer period as the Minister may allow and at least one month before the commencement of developmental works within the area comprised in the licence. Any further programme is to be submitted within one month before the commencement of the period to which the programme relates.

Clause 5 amends section 37 of the principal Act. The power to require submission of plans and information is vested in the Director-General rather than the Minister. The actual content of the information that may be required is somewhat expanded by the new paragraph *(b)* which is proposed to be inserted in subsection (2) of section 37.

Clause 6 repeals section 55 of the principal Act and enacts a new provision in its place. The present provision is rather antiquated and it is replaced by a new provision which enables regulations to stipulate the kind of records that are to be kept by licensees in future. This will enable a more rapid response to be made by the law to technological change.

**The Hon. R. G. PAYNE** secured the adjournment of the debate.

## ABORIGINAL LANDS

**The Hon. H. ALLISON (Minister of Aboriginal Affairs):** I move:

> That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, part town acres 1014 and 1015 (C.T. 448/40) and part town acre 1015 (C.T. 499/29) be vested in the Aboriginal Lands Trust and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

The land contained in certificate of title 448/140 was transferred to His Majesty King George VI by the Adelaide City Mission Inc. in 1941 as a gift to be used as a hostel or home for Aboriginal women and children with the request that the mission be allowed to continue its spiritual and social work. The balance area was purchased in 1969 to provide a play area. The property is located at Sussex Street, North Adelaide.

The Aboriginal Lands Trust has requested that the property be transferred to the trust and there is no objection to this proposal by the Department for Community Welfare.

For several years the property was used as a hostel by the Department for Community Welfare, but is vacant at present. It is the intention of the lands trust to lease the property to a suitable Aboriginal organisation to operate a hostel for Aboriginal women and children.

The Adelaide City Mission Inc. Committee of Management at a meeting held on 31 July 1978 unanimously decided that the mission would relinquish any rights it may have had relating to the gift of the property to the Government.

In accordance with section 16 of the Aboriginal Lands Trust Act, 1966-1973, the Minister of Lands has recommended that part town acres 1014 and 1015 and part town acre 1015 be vested in the trust and I ask members to support the motion.

**Mr. ABBOTT** secured the adjournment of the debate.

## WEST LAKES DEVELOPMENT ACT AMENDMENT BILL

**The Hon. W. A. RODDA (Chief Secretary)** obtained leave and introduced a Bill for an Act to amend the West Lakes Development Act, 1969-1970. Read a first time.

**The Hon. W. A. RODDA:** I move:

*That this Bill be now read a second time.*

By indenture dated 23 June 1969 between the then Premier, the Minister of Marine, and Development Finance Corporation Limited, an agreement was drawn up providing for the development of the area now known as West Lakes. The West Lakes Development Act, 1969, was passed by the South Australian Parliament to give effect to the matters agreed between the parties and contained in the indenture.

Football Park was established at West Lakes in May 1974 as a major centre for league football. The land is owned by West Lakes Limited, which is the developer of the West Lakes area, and is leased to the South Australian National Football League for a period of 99 years with a right of renewal. The lease requires the league to develop the ground as a major sporting stadium.

A dispute subsequently arose between the league and West Lakes Limited concerning the right of the former to floodlight the stadium and to use the stadium for functions other than football. As a consequence of an impasse between the two parties, a Royal Commission was appointed on 29 March 1979 to inquire into the various issues and to make recommendations thereon. The Royal Commission presented its report in July 1979. The most significant recommendations of the Royal Commission were that the stadium be floodlit in accordance with the proposals of the league, and that sporting events and spectacles, in addition to football and daylight cricket, be permitted at the stadium.

The amendments contained in the Bill comprise those necessary to enable the recommendations of the Royal Commission to be implemented. Specifically, they will authorise the league to install and operate floodlights at Football Park. They also provide a measure of statutory protection for West Lakes Limited in relation to that project. In addition, the Bill contains provisions which will facilitate the addition of certain specified adjacent lands in the vicinity of Football Park to West Lakes, and enable the making of regulations to give effect to the recommendations of the Royal Commission without the prior consent of West Lakes Limited.

Clause 1 is formal. Clause 2 amends section 2 of the principal Act, which defines certain expressions used in it, by adding three new definitions in order to simplify later provisions in the Bill. These relate to Football Park, the South Australian National Football League Incorporated and the Royal Commission into the floodlighting of Football Park. Clause 3 amends section 14 of the principal Act, which sets out a power to add land to the area known as West Lakes, by inserting a new subsection (1a).

This will enable specified adjacent lands to be added, notwithstanding that those lands are not presently held in fee simple by West Lakes Limited as would be required under the section as it stands.

Clause 4 amends section 16 of the principal Act, which deals with regulations, by adding new subsections (4a) and (4b). Subsection (4a) provides that regulations giving effect to a recommendation of the Royal Commission or relating to matters incidental to such a recommendation need not be made subject to the consent of West Lakes Limited, which would be required under the present terms of the section. The new subsection also provides for public notice of such regulations to be given in the *Gazette* and the press, to enable the public to make representations to the Minister, who is required by the proposed subsection (4b) to consider those representations.

Clause 5 enacts a new section 20, empowering the South Australian National Football League to instal floodlights at Football Park in accordance with the recommendations of the Royal Commission and to operate them at an average vertical level of illuminance over the total surface of the playing area which, at any given time, does not exceed 1 000 lux. This section also provides that West Lakes Limited shall not incur civil liability for any act or omission done or made in good faith and without

negligence in accordance with the main provision of the proposed section.

**Mr. SLATER** secured the adjournment of the debate.

## MEAT HYGIENE BILL

**The Hon. W. E. CHAPMAN (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to license slaughtering works and pet food works; to regulate the standards of hygiene and sanitation at slaughtering works and pet food works; to regulate the quality of meat, meat products, and pet food; and for other purposes. Read a first time.

**The Hon. W. E. CHAPMAN:** Honourable members will know that in November last year a Joint House Select Committee was set up to take evidence regarding the meat industry from those interested in the establishment of—

**The SPEAKER:** Order! Is the honourable Minister seeking leave to move that the Bill be read a second time?

**The Hon. W. E. CHAPMAN:** I move:

*That this Bill be now read a second time.*

**The SPEAKER:** The Minister can now proceed. In clarification, it is necessary that the Minister put a formal motion to the House that the Bill be read a second time. The Minister started to give an explanation without the Bill's being read a second time, hence the need for the formal motion to be put.

**The Hon. W. E. CHAPMAN:** Thank you, Mr. Speaker, for your explanation. It was probable that my keenness to proceed with this matter, which has been with us for some years, prompted me to make an explanation regarding the background of this Bill before going through the appropriate formalities of the House, and for that I apologise.

Honourable members are aware of the history of events that has take place since my Party came into Government last year, particularly the procedure leading up to the presentation of this Bill before the Parliament. The Government was anxious, as the whole community in South Australia is now aware, to ensure a meat hygiene standard in this State that was not only established in Statute in the interests of the community at large but established in a form that was acceptable to the industry that would, or may, be affected by such legislation, and in a form that could be implemented and policed effectively and that would provide the services required.

About 21 witnesses appeared before the Select Committee, and written submissions were also received. The exercise was useful and informative; it gave members of both Houses knowledge of the true position from those immediately associated with the meat industry in its several parts. I repeat that the co-operation of those witnesses, the staff who served the committee, permanent members of Parliament House staff, and Opposition members on the committee was appreciated. The committee's report was tabled about three weeks ago. An undertaking was given in this House at that time that the legislation to follow would be modelled on the report. I can assure the House that the Bill has been so modelled and is consistent with the Government's commitment to the public.

Consultation has taken place, and copies of the committee report, and more recently of the proposed Bill, were forwarded to all witnesses. I am pleased to report that the response from various organisations representing sectors of the industry has been tremendous, and described as such in correspondence received from a number of those people. I look forward to some comment from members of the Opposition as to the response it has received to its circulation of the report and/or its understanding of the Government's intention in this matter.

The United Farmers and Stockowners of South Australia Incorporated not only thanks and compliments the Government for its initiative and haste in getting on with the job, as promised before the last election, in particular with respect to this Bill, but also agrees with the Bill in every part and made a single request—that, in addition to what was before the organisation at that time, a consultative committee to assist and advise the proposed authority be cited in the Bill, and therefore ultimately become an integral part of the Act.

Although that request was received only a day or so ago, steps were taken, with the assistance of Parliamentary Counsel, to accede to that request and, as honourable members will know, the Bill gives the Minister the opportunity to set up a consultative committee to serve the authority as and when required. The fact that that consultative committee is cited in the Bill, and hopefully will remain, indicates how seriously the Government regards the need for a consultative committee, particularly in the early years of implementation of the Act, and it may well be permanent.

It is purposely left open-ended in so far as the actual industries to be represented on that consultative committee are not cited in any detail, or in any number, because there may well be, from time to time, a need to call on a specific industry for the purposes of advising the authority. With that in mind, it seems wise to leave out the detail and simply set the base from which action could be taken, and I believe should be taken, with respect to the appointment of a consultative industrial committee which takes on board the interests of those organisations that are directly or indirectly connected with the meat industry in this State.

For those reasons, I believe the words inserted in the Bill to cover that point are adequate. I believe, too, that, now that the message with respect to that point has been relayed back to the United Farmers and Stockowners of South Australia, it, in turn, will be totally satisfied with the work that has been done by the Government and, I add, by the Opposition members to date, with respect to the progress of this legislation.

I received a letter recently from the South Australian Meat Corporation. I have had discussions with that authority which I think we all recognise will be subject to the competition of open and free trading under the new Bill and which has also supported the action taken by the Government in this instance. It has made one or two suggestions that I would like to draw to the attention of the House. I do not think that in any instance there is a need to further amend the Bill in order to take on board its comments, but I think it is appropriate to say that the South Australian Meat Corporation has suggested that no further slaughterhouses be constructed in South Australia. I can understand its desire in that respect, and I think that, on reading the Bill carefully, members will recognise that opportunities to construct new slaughterhouses in South Australia, whilst not limited, will be tightly controlled with respect to the conditions required in those new premises.

The second point that the corporation raised referred to clause 22 of the Bill. I do not want to go through the Bill at this time. The corporation says that, rather than have licences granted automatically to existing slaughterhouse works, there should be some form of interim or provisional licence to apply. Again, I believe that that point is well covered, because, although licences will be

granted to works that have been in existence for some six months or more in the first instance, where required conditions will be put on those licences to upgrade, or whatever the authority may see as being desirable. There is a period of three years in which to bring those slaughterhouses into line with the ultimate required standards mentioned in the Bill and recognised by Samcor. I think it is only a matter of interpretation of the words there, and I am totally satisfied that, when that point is explained to the writer of the Samcor correspondence, this point will be appreciated and any fears it might have on that issue will be allayed.

Samcor raised a point regarding clause 30 involving the reinspection of meat. It is more of an observation by Samcor, bringing that to my notice and that of the Chief Inspector in the Department of Agriculture. At this stage, I can only say that reinspection of meat is a practice that has gone on between the two States (South Australia and Victoria) for far too long. It has been an expensive practice for consumers of meat in this State (and I believe in Victoria as well). I believe it is an unnecessary practice to continue. Immediately abattoirs can be approved and recognised as approved in each of the two States, an interstate agreement can be made. Progress regarding an agreement is already under way and indications given by the Minister of Agriculture in Victoria are that he favours the elimination of that practice. Accordingly, that has been cited in the report tabled in this House two or three weeks ago.

I appreciate the Samcor observations in that respect. The desire to ultimately have full-time inspection across South Australia is, of course, an ideal held by a number of people. The thought of having random meat inspection at any slaughtering premises is, therefore, in the minds of those people holding that ideal, unsatisfactory. Whatever the position is in that regard, it is simply impractical to expect full-time, on-site inspection (that is, ante and post mortem carcass inspection) in every slaughtering premises throughout the State. The sheer geography of South Australia does not lend itself to that practice proceeding. Inspection of licensed slaughterhouses in South Australia will be on the basis of random meat inspection by the inspector authorised by the authority in the form of delegated power to, where possible, the local government inspector, and carried out at that level.

In cases where local government chooses not to proceed with the responsibility of providing a licensed inspector the authority will be required to uphold that responsibility. Accordingly, if a local government fails in its duty, after being delegated such powers, to carry out effective inspection of its local slaughterhouse premises, the authority will be required to accept the responsibility and carry on.

Another point raised by Samcor regarding the branding of meat is one that is adequately covered in the Bill. Correspondence received from Mr. Sid Denton, of the Meat and Allied Trades Federation, makes several observations, all of which I believe are adequately covered in the Bill. Generally, I convey to the House his favourable comments about the action that has been taken and the consultation that has been undertaken by the Government with respect to its work on this piece of legislation.

Generally, I think that wraps up the comments I propose to make at this time, except for the detailed explanation of the Bill which has been prepared for me. As is usually the case in these circumstances, I seek leave to have the balance of the second reading explanation inserted in *Hansard* without my reading it.

**The SPEAKER:** Leave is granted on the basis that it is the totality of the document circulated.

**Remainder of Explanation of Bill**

This Bill is designed to give effect to the recommendations contained in the report of the Joint Committee on Meat Hygiene Legislation which was established on 8 November 1979. That committee was empowered by both Houses of the Parliament to inquire into and report on matters pertaining to the meat hygiene legislation as embodied in the Abattoirs and Pet Food Works Bill, 1979; the Abattoirs Act Amendment Bill, 1979; the Health Act Amendment Bill, 1979; the Local Government Act Amendment Bill, 1979; and the South Australian Meat Corporation Act Amendment Bill, 1979.

This Bill, therefore, is essentially the Abattoirs and Pet Food Works Bill, 1979, but varied in a number of respects so that it accords with the recommendations to the joint committee. Accordingly, the Bill provides for the establishment of a licensing and inspection system for all red meat slaughtering works and all pet food works in the State. It does not apply to poultry meat produced for human consumption, which it is proposed will be regulated by amendment of the Poultry Meat Industry Act, 1969-1976.

The Bill provides for the establishment of a Meat Hygiene Authority to be constituted of the Chief Inspector of Meat Hygiene, a nominee of the Minister of Health and a nominee of the Local Government Association of South Australia Incorporated. The Meat Hygiene Authority is to be responsible for licensing slaughtering works and pet food works and is to review and report to the Minister on the standards of hygiene at such works and the adequacy of meat inspection procedures.

It is proposed that the authority will be able to seek advice from a consultative committee to be known as the "Meat Hygiene Consultative Committee" which the Minister is empowered to appoint under the measure. The Bill places no restrictions on the sale of meat produced at slaughtering works that are granted abattoir licences by the authority if the meat has been passed by an inspector as fit for human consumption.

However, the Bill does provide for the imposition by the authority of licence conditions restricting the sale of meat produced by slaughtering works that are granted slaughterhouse licences. In general terms, it is intended that these conditions will be designed to restrict any expansion in slaughterhouse production of meat, but will not affect their levels of production as at the commencement of the measure. The Bill also empowers the authority to fix a maximum throughput for licensed slaughterhouses with the same purpose in mind.

As already indicated, the Meat Hygiene Authority is empowered by the Bill to grant abattoir licences, slaughterhouse licences and pet food works licences. Each such works, wherever situated in the State, will be required to meet standards of construction, plant and equipment prescribed by regulation under the measure. However, any works that is in operation at the commencement of the measure is to be automatically granted a licence, but, if it does not comply with the prescribed standards, will be required to upgrade to those standards within a period of three years from the initial grant of its licence. It should be noted that the authority is to have a discretion as to the granting of an abattoir licence in order to ensure that a slaughtering works that is in operation at the commencement of the measure, but that is significantly below the standards required for abattoir licences, may be refused an abattoir licence although it will

be entitled to a slaughterhouse licence. Slaughtering works and pet food works established after the commencement of the measure will be required, in order to obtain a licence, to meet certain criteria to the satisfaction of the authority.

The Bill provides for the appointment of inspectors, who may under the measure be meat inspectors employed in the Commonwealth Department of Primary Industry or officers of local government. This will enable the establishment of an inspection system in accordance with the joint committee's recommendations that inspections be largely carried out by Commonwealth inspectors in the case of licensed abattoirs, and by local government officers in the case of licensed slaughterhouses. The joint committee recognised that it will not be possible to provide more than random meat inspections for licensed slaughterhouses which are of low throughput or situated in remote areas. Accordingly, the Bill provides that slaughtering at licensed abattoirs must be carried out in the presence of an inspector and the meat passed and branded by an inspector before it may be sold, but that this requirement is not to apply to licensed slaughterhouses. Meat produced at any licensed slaughterhouse, however, is to be branded by the licensee so that it may be subsequently identified.

As already stated, the Bill provides for the regulation of the hygiene standards of pet food works in addition to red meat slaughtering works. This is designed to minimise the risk of human infection by consumption of pet food, by consumption of food contaminated by contact with pet food, or by contact with animals infected by unhygienic pet food. Clause 1 is formal. Clause 2 provides that different provisions of the measure may be brought into operation at different times. Clause 3 sets out the arrangement of the measure.

Clause 4 sets out the definitions of terms used in the Bill. Attention is drawn to the definition of "pet food works" which is wider than the definition of "slaughtering works" in the sense that it includes any works where pet food is produced whether or not slaughtering is carried on there.

Part II, comprising clauses 5 to 18, provides for administrative matters. Clause 5 provides for the establishment of a Meat Hygiene Authority and its incorporation. Clause 6 provides that the authority is to be constituted of the Chief Inspector of Meat Hygiene, a nominee of the Minister of Health and a nominee of the Local Government Association of South Australia, Incorporated. Clause 7 provides for the terms and conditions of office of members of the authority.

Clause 8 provides for payment of allowances and expenses to the members of the authority. Clause 9 regulates the proceedings at meetings of the authority. Clause 10 provides for the execution of documents by the authority. Clause 11 provides for the validity of acts of the authority notwithstanding a vacancy in the membership or a defect in appointment of a member. Clause 12 sets out the functions of the authority which primarily relate to the licensing of slaughtering works and pet food works. The authority is also to keep under review and report to the Minister on slaughtering for meat, meat products and pet food, standards of hygiene and meat inspection procedures.

Clause 13 provides that the authority is to be subject to the general control and direction of the Minister. Clause 14 provides for the accounts and auditing of the accounts of the authority. Clause 15 provides for the making by the authority of an annual report to the Minister and its tabling in Parliament. Clause 16 provides that the Minister may appoint a meat hygiene consultative committee to advise the authority on any matter relating to its functions or the administration of the measure.

Clause 17 provides for the appointment under the Public Service Act of staff and enables the authority to make use of officers of departments of the Public Service. Clause 18 provides for the appointment of a chief inspector and a deputy, who are both to be veterinary surgeons, and other inspectors. The clause also provides for the appointment of Commonwealth Department of Primary Industry meat inspectors as inspectors under the Act.

Part III, Division I, comprising clauses 19 to 33, deals with the licensing of red meat slaughtering works. Clause 19 defines the word "licence" for the purposes of Division I, being either an abattoir licence or a slaughterhouse licence.

Clause 20 is one of the basic provisions of the measure, prohibiting the slaughter of animals for the production for sale of meat or meat products except at a licensed abattoir or licensed slaughterhouse. The Bill does not continue the present restriction on slaughtering by primary producers and others, namely, that the occupier of any land outside a municipality or township may only slaughter animals for the production of meat for the consumption of persons resident or employed on that land. This restriction has always been anomalous in its application and instead the provision prohibits slaughter for sale.

Clause 21 regulates applications for licences. Clause 22 regulates the grant of licences in respect of slaughtering works not in operation at commencement of this measure and sets out the criteria which the chief inspector is to have regard to in determining whether or not a licence should be granted. Clause 23 provides for the automatic licensing of abattoirs in operation for not less six months preceding the day on which the division comes into operation notwithstanding that a particular works may not conform to the prescribed standards of construction, plant and equipment for licensed abattoirs or, as the case may be, licensed slaughterhouses. Subclause (2) of this clause gives the authority a discretion to refuse an abattoirs licence having regard to the standards of construction, plant and equipment of the slaughtering works in question. Subclauses (4) onwards provide for exemptions from compliance with the prescribed standards for a minimum period of 12 months up to a maximum period of three years.

Clause 24 permits the authority to attach conditions to licences. Subclause (2) makes it clear that conditions may be attached to slaughterhouse licences limiting the maximum throughput of the works or regulating the sale or supply of meat or meat products produced at the works. Clause 25 provides for review by the Minister of any refusal by the authority to grant a licence or any licence condition imposed by the authority.

Clause 26 prohibits operation of a slaughtering works if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of the works. Clause 27 provides for the renewal of licences. Clause 28 provides for the surrender, suspension and cancellation of licences. Clause 29 provides for a right of appeal to a local court of full jurisdiction against the suspension or cancellation of a licence. Clause 30 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector. Clause 31 requires the authority to keep a register of licences. Clause 32 prohibits the carrying out of alterations to an abattoir without the approval of the authority. Clause 33 provides for the recognition of abattoirs outside the State, if they are of a standard equivalent to the standard required under this measure for licensed abattoirs.

Division II of Part III, comprising clauses 34 to 47, deals with the licensing of pet food works. Clause 34 defines "licence" for the purposes of Division II. Clause 35 prohibits the operation of a pet food works unless the pet food works is licensed. Clause 36 provides for applications for licences. Clause 37 regulates the grant of licences in respect of pet food works not in operation at the commencement of this measure and sets out the criteria which the authority is to have regard to in determining whether or not a licence should be granted.

Clause 38 provides for the automatic licensing of any pet food works in operation for not less than six months preceding the day on which the division comes into operation notwithstanding that the works may not conform to the prescribed standards of construction, plant and equipment for pet food works. Subclauses (3) onwards provide for exemptions from compliance with the prescribed standards for a minimum period of 12 months up to a maximum of three years.

Clause 39 permits the authority to attach conditions to any pet food works licence. Clause 40 provides for review by the Minister of any refusal to grant a licence or licence condition imposed under this division. Clause 41 prohibits operation of any pet food works if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of that works.

Clause 42 provides for the renewal of licences. Clause 43 provides for the surrender, suspension and cancellation of licences. Clause 44 provides for a right of appeal to a local court of full jurisdiction against any suspension or cancellation of a licence under this division. Clause 45 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector. Clause 46 requires the authority to keep a register of licences. Clause 47 prohibits the carrying out of alterations to any pet food works without the approval of the authority.

Part IV of the Bill relates to the inspection, branding and sale of meat, meat products and pet food. Clause 48 provides the powers necessary for an effective system of inspection and the particular attention of honourable members is drawn to this clause. Included in this clause is the power of an inspector to dispose of any meat or poultry meat that in his opinion was derived from a diseased animal or is unfit for human consumption for any other reason and to brand meat as fit for human consumption. Clause 49 empowers an inspector to direct that steps be taken to remedy defects in a slaughtering works or pet food works that in his opinion render it insanitary or unhygienic and to order the works to close down, wholly or partially, in the meantime. Provision is made in this clause for an appeal to the Minister against such requirements of an inspector.

Clause 50 is another basic provision, in that it prohibits the slaughter of animals at licensed abattoirs unless an inspector is present at that time. Clause 51 provides that it is an offence for a person to brand meat unless he is an inspector or is acting at the direction of an inspector. Subclause (2) makes it clear that this does not apply to branding in accordance with the regulations of slaughterhouse meat, which is to be branded by the licensee for identification purposes only.

Clause 52 prohibits the sale of meat or a meat product unless it was produced at a licensed abattoir, at an interstate abattoir recognised under clause 33 or at a licensed slaughterhouse. Clause 53 prohibits the sale of meat or any meat product that is unfit for human consumption. Clause 54 prohibits the sale for human consumption of any flesh or offal produced, processed or stored at a pet food works or any product derived from such flesh or offal. Clause 55 prohibits the sale of pet food unless it was produced at a licensed pet food works. Clause 56 prohibits the sale of pet food that is unfit for consumption by pets.

Part V deals with miscellaneous matters. Clause 57 empowers the Minister to exempt any person from compliance with all or any of the provisions of the measure or to exempt a slaughtering works or pet food works from all or any of the provisions of the measure. Clause 58 makes provision for the service of documents. Clause 59 prohibits the furnishing of information, or the keeping of records containing information, that is false or misleading in a material particular. Clause 60 is an evidentiary provision. Clause 61 provides for general defences to offences created by the measure. Clause 62 provides for a summary procedure in respect of offences against the measure.

Clause 63 is the usual provision subjecting officers of bodies corporate convicted of offences to personal liability in certain circumstances. Clause 64 provides for the imposition of penalties for continuing offences. Clause 65 empowers the making of regulations.

**Mr. LYNN ARNOLD** secured the adjournment of the debate.

## ABATTOIRS ACT AMENDMENT BILL

**The Hon. W. E. CHAPMAN** (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Abattoirs Act, 1911-1973. Read a first time.

**The Hon. W. E. CHAPMAN:** I move:

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

This Bill should be read together with the Meat Hygiene Bill, 1980, which is designed to regulate all aspects of the hygiene and inspection of abattoirs within the State. The principal Act, the Abattoirs Act, 1911-1973, empowers the establishment of local boards to either operate or supervise the operation of abattoirs within areas proclaimed under the Act. At present, only the Port Pirie Abattoirs Board owns and operates an abattoir. All the other abattoirs boards essentially supervise the inspection of meat and fix slaughtering fees.

This Bill, therefore, is designed to enable the Port Pirie Abattoirs Board to continue to operate the Port Pirie Abattoir and to remove from the principal Act all provisions that do not relate to the establishment and operation of abattoirs by abattoirs boards but relate to hygiene or the inspection of meat.

Clause 1 is formal. Under this clause the principal Act, as amended by this measure, is to be referred to as the "Local Public Abattoirs Act". Clause 2 provides for the commencement of the measure. Clause 3 amends section 2 of the principal Act which sets out the headings to the Parts of the principal Act. Clause 4 amends section 3 of the principal Act by deleting all definitions that do not relate to the establishment and operation of an abattoir by an abattoirs board. Clause 5 enacts a new section that provides for the disposition of the property of abattoirs boards that would be dissolved by virtue of the proposed repeal of Part IVA of the principal Act. All the remaining clauses of the Bill effect amendments or repeals that

remove references or provisions that do not relate to the establishment of abattoirs boards or the establishment and operation of abattoirs by abattoirs boards.

**Mr. LYNN ARNOLD** secured the adjournment of the debate.

## HEALTH ACT AMENDMENT BILL

**The Hon. W. E. CHAPMAN (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Health Act, 1911-1978. Read a first time.

**The Hon. W. E. CHAPMAN:** 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 short Bill should be read together with the Meat Hygiene Bill, 1980, which provides for the establishment of a licensing and inspection system for all abattoirs and slaughterhouses established within the State. Under this Bill all those provisions of the principal Act that presently relate to the hygiene and sanitation of abattoirs and slaughterhouses will be repealed and instead those matters will be regulated under the Meat Hygiene measure.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 87 of the principal Act which regulates the construction and maintenance of cesspools by removing the reference in that section to slaughterhouses. Clause 4 repeals section 101 of the principal Act which regulates the keeping of swine or dogs at slaughterhouses. Clause 5 repeals sections 103 to 109 of the principal Act. These sections deal with the inspection of animals for slaughter and diseased animals. Clause 6 amends section 147 of the principal Act by removing those provisions empowering the making of regulations with respect to slaughtering and slaughterhouses. All these matters are to be dealt with under the Act presaged by the Meat Hygiene Bill, 1980.

**Mr. LYNN ARNOLD** secured the adjournment of the debate.

## LOCAL GOVERNMENT ACT AMENDMENT BILL

**The Hon. W. E. CHAPMAN (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1979. Read a first time.

**The Hon. W. E. CHAPMAN:** 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 short Bill deals with matters consequential to enactment of the Meat Hygiene Bill, 1980. That Bill provides for the establishment of a licensing and inspection system for all abattoirs and slaughterhouses within the State. Accordingly, this Bill provides for the repeal of all those provisions of the Local Government Act, 1934-1979, which regulate the hygiene or provide for the licensing of abattoirs or slaughterhouses.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends the arrangement section of the principal Act by deleting the heading relating to slaughterhouses. Clause 4 repeals Part XXVII of the principal Act which relates to the licensing of slaughterhouses. Clause 5 amends section 667 of the principal Act by removing powers to make by-laws relating to slaughterhouses. Clause 6 provides for the repeal of sections 871w, 871wa, 871wb, 871x and 871xa of the Local Government Act, 1934-1979, which regulate the operation of abattoirs at Whyalla. Clause 7 amends section 877 of the principal Act by removing powers of inspection by council inspectors in respect of the health and cleanliness of slaughterhouses, butcher shops and shambles. All these matters will be covered by the provisions of the proposed Meat Hygiene Act, 1980, or by the Health Act.

**Mr. LYNN ARNOLD** secured the adjournment of the debate.

## SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

**The Hon. W. E. CHAPMAN (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the South Australian Meat Corporation Act, 1936-1977. Read a first time.

**The Hon. W. E. CHAPMAN:** I move:

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

This Bill deals with matters consequential to the enactment of the Meat Hygiene Bill, 1980, which provides for the establishment of a licensing and inspection system for all abattoirs and slaughterhouses within the State. This Bill, therefore, removes from the principal Act, the South Australian Meat Corporation Act, 1936-1977, all the provisions that relate to meat hygiene and the inspection and licensing of abattoirs while leaving essentially untouched the provisions that provide for the establishment and operation of the Corporation's abattoirs. The Bill also removes all controls under the principal Act on the entry of meat into the metropolitan area.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 2 of the principal Act which sets out the arrangement of the Act by removing the reference to Part VII—Alteration of the Metropolitan Abattoirs Area which is to be repealed. Clause 4 amends the definition section, section 3 of the principal Act, by removing all definitions that do not relate to the establishment or operation of the corporation's abattoirs. All the remaining clauses effect amendments or repeals that remove references or provisions that do not relate to the establishment or operation of the corporation's abattoirs.

**Mr. LYNN ARNOLD** secured the adjournment of the debate.

## ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Second reading.

**The Hon. JENNIFER ADAMSON (Minister of Health):** 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 short Bill proposes amendments to the principal Act, the Administration and Probate Act, 1919-1978, relating to the appointment of the Public Trustee, Deputy Public Trustees and other officers. Changes in respect of this matter were proposed by a Bill that was enacted in 1978. However, the amendments relating to the office of Public Trustee contained in that amending Act have not been brought into operation. That Act proposed that the office of Public Trustee be filled by appointment of a person for a term of five years and that the most senior Deputy Public Trustee automatically have all the powers and duties of the Public Trustee while the Public Trustee is absent from his duties.

This Government has reviewed the changes provided for by the 1978 amending Act and concluded that the more usual provision for such offices to be created and filled under the Public Service Act, 1967, as amended, would be more satisfactory. Furthermore, the provision in that Act for an automatic Acting Public Trustee does not create sufficient administrative flexibility and, accordingly, this Bill proposes that the Public Trustee be empowered to delegate powers and duties to a Deputy Public Trustee or other officer appointed under the principal Act. With respect to temporary absences of the Public Trustee, the ordinary procedure for appointment of a person to act in the office would apply.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 provides for the substitution of sections 73 and 74 of the principal Act, as enacted by section 9 of the Administration and Probate Act Amendment Act, 1978. It should be noted that section 9 of that Act has not been brought into operation, but if this measure is enacted, it would then be brought into operation and simultaneously amended by the Act presaged by this Bill. New section 73, as proposed by this Bill, provides for appointment, subject to and in accordance with the provisions of the Public Service Act, 1967-1978, of a Public Trustee, one or more Deputy Public Trustees and such other officers as are required for the purposes of the Act. New section 74 provides for delegation by the Public Trustee to a Deputy Public Trustee or other officer of any of the powers or duties of the Public Trustee.

**The Hon. J. D. WRIGHT** secured the adjourment of the debate.

## CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Second reading.

**The Hon. JENNIFER ADAMSON (Minister of Health):** 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**

Under section 48 of the Consumer Transactions Act, a provision of a consumer contract, consumer credit contract, or consumer mortgage that does not comply with the requirements of the regulations relating to print size is not enforceable against the consumer. Thus the civil consequences of failure to observe these requirements can be extremely serious to a credit provider or a supplier of goods or services. Because these provisions can sometimes result in civil penalties out of proportion to the seriousness of the offence, the present Bill introduces into the principal Act a provision under which a person may obtain relief from the civil consequences of non-observance of the Act. The new provision corresponds to an identical amendment proposed to the Consumer Credit Act.

Clause 1 is formal. Clause 2 enacts new section 48a of the principal Act. This is the major amendment proposed by the Bill. The new section provides that a person may seek from the tribunal an order for relief against the consequences of contravention of, or non-compliance with, the Act. A single application can, if necessary, be made in relation to a series of acts or omissions of a similar character. New subsection (3) provides that where the tribunal is satisfied that the contravention does not warrant the consequences prescribed by the Act, it may make an order for relief against those consequences. New subsection (4) sets out criteria to which the tribunal should have regard in determining an application. New subsection (5) provides that relief may be granted upon such conditions as the Tribunal considers just. New subsection (6) confers rights of appearance in the proceedings upon the Commissioner and other persons who may be affected by an order. New subsection (7) provides that relief may be granted in respect of events that occurred before the commencement of the amending Act. New subsection (8) provides that an order will operate to the exclusion of any contrary provision of the Act. New subsection (9) provides that relief may not be granted against any criminal liability or penalty.

**The Hon. J. D. WRIGHT** secured the adjournment of the debate.

## ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1651.)

**The Hon. J. D. WRIGHT (Adelaide):** I oppose this Bill and I, together with the Opposition, join a number of authorities and major interest groups in opposing random breath testing legislation. These groups include the South Australian Police Association, the South Australian Council for Civil Liberties, the Senate Standing Committee on Social Welfare, and the Australian Law Reform Commission, undoubtedly an important group of organisations.

Essentially we believe that any move that could effectively bring down the number of fatalities caused by drinking and driving is worth consideration and support. But there is no point in bringing in legislation that has not been properly researched or proven effective to the task before it. There is no evidence anywhere in the world that random breath testing causes any reduction in road fatalities. Instead, it is a wasteful and inefficient use of already over-extended police resources and represents an unnecessary intrusion into the freedom and civil liberties of innocent people.

I am sure that the minister is well aware that it is a fundamental principle of our system of justice that there must be reasonable grounds for suspicion before the police will take action. That will not be the case with random

breath testing. Indeed, the Bill will seriously weaken this important principle of justice and could therefore erode the personal liberties of all South Australians.

Our principal point, however, is to ask: what is the use of bringing in legislation that seriously erodes the civil liberties of South Australians for a so-called deterrent that has not been proven effective anywhere it has been established? The Australian Law Reform Commission, in its 1976 report entitled "Alcohol, Drugs and Driving" found that the introduction of random breath testing was not justified. It found that the so-called deterrent effect of random or arbitrary breath testing had "simply not been established by statistical or other empirical data". Indeed, the commission concluded that random breath testing would have "a dubious deterrent effect" because the risk of apprehension would still remain remarkably low.

There is no doubt that random breath testing would be an inefficient use of police resources which could be more effectively used by the proper application of existing legislation. Indeed, test carried out by researchers on Canberra drivers in 1971-72 found that only one in every 100 drivers stopped on the roads was driving over the legal limit of 8 per cent. Significantly, Britain's Blennerhassett inquiry into drinking and driving also found that, despite a much more vigorous testing of drivers in France, at a rate eight times that of Britain's, no appreciable drop in road accidents has been recorded, and only 5·5 per cent of drivers provided a positive test.

Giving evidence before the Australian Law Reform Commission, Dr. J. M. Henderson, Director of Safety at the New South Wales Department of Motor Transport, and Director of the New South Wales Traffic Accident Research Unit, said that he was worried that with random testing liberty will have been lost in return for a countermeasure which does not work". He said that the chance of being caught under random breath testing was extremely small.

I am sure that the issue of seat belts is often put forward as being a matter where the same groups, or many of the same groups, who now oppose random tests opposed the introduction of seat belt legislation. We believe, however, that it is quite a different matter. Seat belts, unlike random breath testing, had substantial research back-up as to their effectiveness before they were introduced. The only doubtful factor concerning compulsory seat belt law was whether people would actually comply with that law.

I am aware that there were those who complained that the compulsory wearing of seat belts was an infringement of civil liberties. However, councils for civil liberties accepted that the benefits to society outweighed the loss of civil liberty. That is not the case with random breath testing, as there is no evidence that there will be a significant benefit in the reduction of road fatalities. Let me quote again from Dr. Henderson's statement to the Australian Law Reform Commission:

> We know the history of road safety is full of countermeasures which do not work but which remain because the people who proposed them are very reluctant to admit they were wrong . . . it is argued that random breath testing will so increase the perceived chance of detection that everybody will change their behaviour, but that has problems in the real world of traffic, the fact is police are now fully extended in their work in successfully apprehending people who have been drinking quite a lot, if they are genuinely going to take people at random, the best evidence we have is something like 10 times as many sober people being apprehended as drunken people.
>
> It may well be that that has an effect which spills over into drinking drivers, and they stop mixing the two activities, but the actual chance of being caught (randomly or otherwise) is extremely small. If you take into account the total number of miles driven against the number of police miles driven, you can see that the chance of being caught is perhaps thousands to one against. Therefore, whilst the present chance of detection may be high to start with, it may very quickly fall because people find the real chance of detection is actually rather small.

Dr. Henderson concluded by saying:

> We must not assume that random breath testing will solve the drink-driving problem or even make a big dent in it.

The Law Reform Commission concluded that it also seemed "inherently unlikely that random testing will act as a deterrent to problem drinkers, who make up a large proportion of drivers apprehended under the existing legislation. By removing the screening function of present laws, the introduction of random breath testing could create further obstacles in the quest for solutions for the problem drinker . . .". I hope the Government will also take note of the responsible opposition of the South Australian Police Association to random breath testing. The association is concerned about the effect of random breath testing on the image of the police because of the large numbers of innocent members of the public who will be pulled up under this legislation.

Yesterday, in this House, the Minister cited the results of Victoria's random breath testing legislation in support of his Bill. Indeed, it has been widely reported that Victoria's random breath testing legislation has contributed to a significant reduction in the fatality rate in that State. However, available statistics demonstrate that Victoria's trend towards a lower fatality rate began before random breath testing was introduced, and the statistics prove that fact. In addition, there is no information available as to whether the number of alcohol-related road deaths in Victoria is declining in proportion to the total number of road deaths, and that is an important observation as well. In these circumstances, no definite relationship can be established between random breath testing and the decline in Victorian road fatalities.

It also seems to be the case that no overall study has yet been conducted into the effectiveness of random breath testing legislation in Victoria. The only research that has been undertaken, to my knowledge, has been presented in a paper by Mr. A. P. Vulcan, Chairman of the Victorian Road Safety and Traffic Authority. However, this research relates not to normal random breath testing operations but to an intensive period between October and December 1978, when all random breath testing units were deployed in Melbourne for 100 hours a week. This campaign was accompanied by intensive publicity through the media. Not suppisingly, it was found that there was a 50 per cent reduction in fatalities during the campaign and a lesser reduction for some months after its completion.

Also, it was discovered that blood alcohol readings taken from accident victims attending hospitals during October-December showed a decline, when during this period there is usually an increase in these readings. Nevertheless, this campaign is really not proof of the general effectiveness of random breath testing. First, no statistics were kept on the reduction in alcohol-related fatalities. Secondly, it is possibly that any intensive police effort which was widely publicised, such as increased road patrols, could have had a similar effect; one cannot deny that. Thirdly, the campaign is irrelevant to the normal situation in Victoria because the police have not the resources to mount such operations with any frequency (for that matter, nor does the South Australia Police Force), and it is the effect of random breath testing on the normal situation that is the important issue we must decide here.

Let us look at the bald facts when considering the effectiveness of the Victorian legislation. In 1977 the Victorian police conducted 19 610 tests. Of that figure, only 737, or 3·8 per cent, were found to have exceeded the blood alcohol limit of ·05 per cent. The following year, in 1978, 39 000 tests were conducted, and the proportion exceeding the limit fell even further to 2·6 per cent. So, in 1977, 96·2 per cent of police man-hours given over to random breath testing was wasted, and in 1978, 97·8 per cent of police man-hours given over to random breath testing was again wasted. I believe those man-hours could be put to much better use under the current legislation.

It is not then unreasonable to suggest that the 96·2 per cent of man-hours in 1977 and 97·8 per cent man-hours in 1978 would have more effectively been used in areas of police activity beneficial to citizens, as opposed to activity which clearly infringes their rights in this State.

I agree that the Bill is not exactly the same as the Victorian legislation, and there are restrictions that are not present in that Victorian legislation. Under the Bill, the Chief Secretary will be able to authorise the police to conduct random breath testing at any location so desired. This in itself is open to abuse and offers the potential to interweave politics with the proper exercise of law enforcement. Still, I am sure that the present Chief Secretary will exercise this discretion in his customary fair and even-handed way. I am equally sure that, under the control of the present Chief Secretary, those salubrious functions at Liberal headquarters in Greenhill Road and at the Kooyonga Golf Club will be policed in exactly the same way as anywhere else. I cannot speak for the next Chief Secretary.

In many ways, of course, the Bill is an attempt to random breath testing through the back door, perhaps in a way that will appease those critics of random breath testing within the Minister's own Caucus. The *Advertiser* on 15 January reported that there was a serious split in the Liberal Party over random breath testing.

The *Advertiser* said that at least three Liberal members (one in this House and two in another place) were expected to vote against the legislation when it came before Parliament. Let us take a closer look at the Bill. Clause 5 is a further extension of police authority requiring a person to undertake a breath test. Section 47e of the present Act authorises the police to require a person to submit to a breath test if he has contravened a major moving traffic offence and is reasonably suspected by a police officer performing his duty with respect to the earlier breach to be affected by alcohol. This provision was inserted by the former Minister of Transport (Mr. Virgo) in March 1979. I am advised by Mr. Virgo that, in respect of that legislation, he was informed by the Commissioner of Police that, as far as the Police Department was concerned, that was as far as it needed to go in order to give the police the authority they required. I will be asking the Minister whether the Commissioner has changed his mind on this matter. The Bill seeks to extend this provision to include any moving traffic offence, including all those covered between sections 39 and 110 of the Act. They are very wide powers indeed.

Let us examine several of those sections by way of example. Sections 44 and 44a deal with illegal use of motor vehicles. So, under the Bill, a person could be charged under section 44 for interfering with (although not driving or using) a car and still be required to have a breath test. Yet that person, if he is not attempting to drive, could hardly be described as a danger on the road. Sections 48 to 50 of the Act deal with speed limits. As it stands now, the Act provides that, if the speed limit is exceeded by 20 km/h, the offender can be required to take a breath test, even without other due ground for suspicion that he or she is driving under the influence.

The Bill eliminates the 20 km/h provision. So, if a person exceeds the speed limit, even by 1 km/h, he or she can be required to blow into the bag. Section 108 deals with offences relating to something dropping off a vehicle on to the road. If the Bill becomes law, a person who drives a car that loses its hub cap will be liable for a breath test if asked by a particularly diligent police officer. This makes me wonder whether Government members have examined the Bill thoroughly. In other words, this new provision prescribes a form of random breath testing, even without the Chief Secretary's consent.

In conclusion, I believe that, in South Australia, our police are now fully extended in their work in successfully apprehending drinking drivers. It would not, in the Opposition's opinion, be a sensible or responsible course to weaken police effectiveness by introducing a time-wasting deterrent that may not, in fact, deter. If it can be proven that random breath testing can and does reduce road fatalities, then we must seriously consider its introduction. The carnage on our roads deserves the most serious attention. Without that evidence, however, I am forced to agree with the conclusion of the Australian Law Reform Commission that "important liberties should not be surrendered upon the basis of a hunch or as a consequence of wishful thinking".

The Opposition believes that the Government has not done its homework on this legislation. I do not believe that the Government has had time to get the requisite back-up expertise on this matter. It seems to me that the Minister has done little in the area of transport. He has been extremely quiet in that regard, although we had many promises prior to the election. The Minister can bow his head and do as he likes, but there has not been any great activity from him as far as his portfolio is concerned. Anything he has done has been of a trivial nature—one could almost describe it as trivia, without question. He is not a lazy man, but an active man, and I believe that he wanted something to do. What did he think he should do? The simplest thing to do, without very much work or back-up information, was to introduce this legislation.

Let us go through the legislation that is on the books. It is all trivia. The Government has not introduced one solid piece of legislation since the first session, when it introduced tax reforms. This is the only legislation that has been in the House. If the Minister does not know that, he has not read the back-up legislation of the past. I do not believe that the Government has in any circumstances had the time or efficiency to be able to say that this legislation will work. That is the difficulty with the legislation.

It is not the Opposition's intention to delay this legislation deliberately. There will be other Opposition speakers, and I understand that there will also be Government speakers. It is our intention to support the legislation to the second reading stage. It is not our intention at this stage to move amendments, but our position will be made clear by other speakers on this side, and in Committee we will be pursuing knowledge we require from the Minister. There are many questions which I believe the Minister will have to answer. The Opposition will be pursuing this matter in a sensible way, so that the Minister will be able to answer the necessary questions. It is not our intention to delay the legislation unduly, and will not call for a division on the second reading. I assure the Minister that there is no cause for concern as regards undue delay.

**Mr. RANDALL (Henley Beach):** I am pleased to follow the Deputy Leader in making a few comments, because I

am concerned when he calls the legislation trivia. One has only to look back to 26 February to see legislation regarding provisional licences and child restraints which the Minister introduced as part of a safety programme. Does the Opposition call that trivia? Is the Opposition not concerned for the safety of South Australians? I rise happily, as a back-bencher, to support the legislation. I have stated my position clearly from the outset. On 18 January, I released to the local media the following statement:

> I believe that most drinkers would be prepared to sacrifice their liberty in order to gain greater protection from the irresponsible motorist who still continues to drink excessively and drive as well. If the proposed form of random testing reduces the number of these drivers on the road, a drop in serious road accidents in which alcohol is a contributing factor must follow.

I believe that to be a fact. When my Party was elected to Government, people appeared to think that this matter was on the books, and a drop occurred in the number of drinking drivers on the road. When I moved through shopping centres and heard people discussing the matter in hotel bars, I began to detect a new lifestyle occurring. Wives were driving their husbands to hotels and picking them up later. A change of lifestyle began to occur in South Australia after the election because South Australians knew that the policy of the Liberal Government was to introduce this legislation. One other group who, I am sure, will support the Government's move are those who work in hospitals at weekends. One has only to go to the Royal Adelaide or Queen Elizabeth Hospital to see the innocent victims who have been involved in accidents and who have been brought into hospital carved up as a result of a lunatic who could not control his car.

Tests conducted on people who have been brought into hospitals indicate that alcohol plays a significant part in road accidents.

**Mr. Hamilton:** Why not provide buses to take people home from hotels?

**Mr. RANDALL:** Maybe that is a new trend that the people of South Australia will follow; people may travel by public transport in lieu of motor vehicles because of a fear of detection by random breath tests. Some people feared that there might be health hazards if the same bag was used for several people to blow into. I understand that a sealed unit will be handed to a motorist; that would alleviate the health hazards. The seal would be broken only at the time of testing.

One evening, I was stopped at traffic lights by the Adelaide University Research Unit and was asked to blow into a bag. I was not at all offended and was happy to be involved in this exercise to determine the number of drivers who had been drinking and driving. I did not consider this to be an infringement of my rights because I believed that it was a worthwhile exercise. Most South Australians will accept that infringement, if it is an infringement, because they know that the number of drinking drivers on the roads will be significantly reduced by this Bill.

**Mr. Keneally:** Do you have proof of that?

**Mr. RANDALL:** I will not endeavour to prove it; I know this from the grass roots level and from feed-back in the community. The Minister cited figures of the Adelaide University Research Unit. The study revealed that, in at least 28 per cent of the accidents surveyed, one or more of the active participants had been drinking. Of these accidents for which the blood alcohol content levels are known for all active participants, 29 per cent had one or more participants above ·05, 24 per cent had one or more above ·08 and 13 per cent had at least one participant above ·15. I urge the Government to lower the alcohol percentage to ·05 per cent.

If one watches the Bathurst 5000, one will see a particular car with the number 05; the driver of that car conveys in this way that he is a supporter of a low blood alcohol level for drivers. That indicates that people in the community support this measure and want to get the message across. I am disturbed that the Deupty Leader quoted from an article in the *Advertiser* of 6 March, but he did not cite a similar article on 7 March under the heading "Police angry over breath tests move". The article stated:

> Many rank-and-file police have reacted angrily to the announcement that the South Australian Police Association will oppose the introduction of random breath testing. At least one protest petition is being prepared to be sent to the Police Association executive by rank-and-file members.

This is a clear indication that the association's executive does not know what the grass roots members want. Unfortunately, that problem recurs from time to time in our community. The United Trades and Labor Council is a classic example; it forever makes decisions without reference to the rank-and-file members. I could highlight many occasions on which this has happened. The article continues:

> Some police spoke of calling for a vote of no-confidence in the association executive. The Police Association office yesterday received a number of telephone calls of protest from police and members of the public. The reaction follows the announcement yesterday that the South Australian Police Association would write to the United Trades and Labor Council to muster union opposition to proposed legislation on random breath testing expected to be introduced in State Parliament this session. The motion was passed by the association's executive committee on Tuesday.

That association has lost contact with what its members really need and desire. The United Trades and Labor Council made a decision and, perhaps from that, council members opposite received a direction to vote against this measure. Perhaps they were told to vote against this measure because it was described as a personal infringement of the rights of the motorist. That comment has been repeated time and time again, and I do not doubt that it will be heard in future.

A balanced decision must be made by responsible members of Parliament, and I believe that members will make a decision on how much infringement of liberty they are prepared to tolerate. People in the community support this Bill, and I can cite examples. An article in the *Sunday Mail* of 13 January 1980, under the caption "Druhken drivers could well be Public Arch Enemy No. 1 in South Australia this year" stated:

> According to the Chairman of the Road Safety Council of South Australia, Mr. E. W. Hender, this is part of a world-wide trend against drink-driving. Mr. Hender was commenting on a new Government proposal in England. If the proposal becomes law, high-risk offenders could lose their licences for life. "I'm all for it," says Mr. Hender, who thinks we could well do the same thing here. "Drink-drivers are murderers on the roads."

Another concerned gentleman is Mr. John Williams, Executive Officer of People for Alcohol Concern and Education. He states that more than 1 500 people are killed annually on South Australian roads, while in Britain, where there is a much larger population, there is a death toll of only 2 000. He states:

> If we want to be serious about the road toll, drink drivers should lose their licences for a minimum of five years and second offenders for life. We call on the Government to introduce these penalties.

I believe that people support the policy of random breath testing. I will not explain the technique involved, because the Minister has done so adequately, and he will answer any questions about the operation of this measure. I believe that the extension of powers is necessary where the police may have reason to believe that a person is driving under the influence of alcohol. I believe, too, that the provision allowing testing points to be set up and to be advertised occasionally throughout the year is a much needed requirement in the community. I support the Bill.

**Mr. BANNON (Leader of the Opposition):** We do not often hear from the member for Henley Beach and, in the light of his contribution, it is perhaps just as well. This is indeed a serious Bill. One of the Opposition's complaints is that this major Bill has been introduced—

**The Hon. E. R. Goldsworthy:** He's about the weakest Leader of the Opposition I've ever seen.

**The SPEAKER:** Order! The Leader of the Opposition has the call.

**Mr. BANNON:** It seems that the Deputy Premier is treating this Bill as a matter of great frivolity and is trying to score points in what should be a serious debate. He has treated the important area of mines and energy in the same way, and God help the development of this State if that area remains under his charge much longer. However, let him keep interjecting; I will ignore him from now on. This Bill is a matter of seriousness. However, we have been given virtually a mere 24 hours to consider the measure, although the Minister extended to the Opposition the courtesy of making available the provisions of the Bill at the end of last week to give us more time to examine them in order to reach a considered response.

I am not alone, as a member of the Opposition, in saying that the time allowed has been too short. Indeed, the editorial in today's *News* (not a great supporter of the Labor Party or its policies) headlined that this was a matter of indecent haste.

**Mr. Schmidt:** You do pretty well out of it.

**Mr. BANNON:** If the member for Mawson wants to interject in this way then I am afraid he will merely further trivialise the debate and follow the example of the Leader of the House.

*Members interjecting:*

**The SPEAKER:** Order! The Leader of the Opposition has the call and I ask that there be no contribution other than his.

**Mr. BANNON:** At the most recent election the then Opposition announced as one of its policies that it would be introducing to this House legislation on random breath testing. Subsequent to that, there have been press statements made by the Minister, and discussions leading to an expectation that a Bill such as this would be introduced. However, surely any honourable members with experience would realise that there is a world of difference between a general intention to introduce legislation to cover a certain subject and the actual legislation itself. What is important about this legislation is not only the general principles behind it, but also the way in which the Bill is framed, and the way in which it will be administered. Until 24 hours or so ago, the general public was not aware of the precise provisions that would be contained in this Bill.

If the member for Henley Beach, the member for Mawson, or any other member who seeks to interject and trivialise this occasion, believes that, as Parliamentarians, it is in their interests to simply pick up a Bill, scan it briefly and then vote on it, they have a hell of a lot to learn. The fact is, that legislation has a binding force on law—it imposes penalties on people. I have heard the member for Mitcham refer to this aspect of legislation. We are imposing duties, responsibilities and penalties on citizens, and the provisions in their precise form must be looked at, it is not enough simply to scrub it off by saying that the Government has said for months that it is going to introduce this legislation. It is only just now that we have seen this legislation and we have been asked to deal with it in the shortest possible time; that is not good enough.

However, as my deputy has said, we are prepared to try to accommodate the Government in this matter, but the second reading explanation did not provide sufficient information. Many aspects of the administration of this Bill were described to the press outside this House, not to us in the Parliament when it was introduced. There are a number of other matters we will be exploring in the Committee stages.

The member for Henley Beach has spoken in support of the legislation. Unfortunately, he took considerable time off to make statements such as that the Opposition was not concerned with a safety programme for the citizens of South Australia. That is absolute nonsense. It is an irresponsible statement for him to make. I am surprised that a member from a marginal district, where the electors are finely balanced between supporters of the Opposition and supporters of the Government, can make that jibe that the Opposition is not concerned about the safety of our citizens in this State. We are, we have demonstrated that, and I will attend any meeting the member wants to call in his district where we can debate whether we on the opposite side are concerned about safety.

It is the Opposition's concept of public safety that determines our attitude to this Bill. I have gone on record, as have my colleagues, as saying that, if it can be demonstrated that this Bill will make a substantial and important improvement to the road safety record in this State, it would have our support. The fact is that that evidence is not available. The member for Henley Beach offered nothing in evidence, except cheap jibes about the Opposition not being concerned about the safety of citizens. It is time he stopped that.

He made a jibe about the Trades and Labor Council and the Police Association and their attitudes. Then he presented what he said was evidence in support of his proposal. The evidence he quoted I think bears directly on the reason why we oppose this Bill. He quoted Mr. Hender, a man of great experience in the road safety area, commenting on legislation in Britain which would increase penalties for drink driving.

He also quoted, with approval, Mr. John Williams, who is a leading temperance advocate, and a man whose views I respect and whose public campaigns I respect because of the way he goes about them. He again commented that he felt the penalties for drunken driving should be increased. I point out to the member for Henley Beach that that is not the Bill before the House. This is not a Bill about penalties for drink drivers. If, indeed, we were talking about penalties, we would be looking at other sections of the criminal law. What we have before us is a Bill to introduce random breath testing, which has nothing to do with penalties.

Indeed, as a result of the breath testing, penalties may be levied in certain cases, but there is no convincing or compelling evidence that this will have any effect at all. What Mr. Hender and Mr. Williams were talking about was not random breath testing; it was legislation of a fairly Draconian kind dealing with drunk drivers. Let the Government introduce something along those lines, and we will consider it with open minds. If we believe it can be effective (and I am certainly strongly opposed to any permissiveness in relation to drinking and driving), we will

consider it with approval. That is not what is before us at the moment.

The fact is that no strong evidence has been introduced. There are certain civil liberty issues involved in this matter that we see and, as my deputy has said, in some areas the law must override civil liberties. The seat belt legislation is a classic example, but, as he pointed out at some length, the seat belt legislation was thoroughly researched and its effectiveness was known and tested. Therefore, that intrusion on the civil liberties of people could be justified.

**Mr. Millhouse:** Hear, hear!

**Mr. BANNON:** The member for Mitcham said "Hear, hear!" He has in this House many times spoken as a champion of civil liberties and stressed that, if one cuts down the liberty of the individual, one must be sure the countervailing benefit for the community is great enough to justify that. We on this side of the House say that the benefit is not great enough. Let me move to the second point. Apart from the point about evidence, of effectiveness, Victoria is the only real area that has been looked at and the evidence is inconclusive. Indeed, over a period of time it may prove to be more conclusive and we on this side would say by all means, if that proves so, bring this legislation before us. What happens in the interim?

It has been said by some that, if we do not take action now, even though the evidence is uncertain, more deaths and more accidents may result that otherwise could have been prevented. I suggest that the amount of police effort and energy that will be directed into enforcing this legislation and doing these random breath tests on selected roads could be far better spent on known and tested methods of road safety. Considerable resources will be needed to enforce this legislation.

There has been talk of about 38 000 tests, or something of that order, conducted in Victoria. If we put all that police effort and energy into some of the more obvious examples of law enforcement and ability to detect drunken driving, I think we would find that there would be far better results. My deputy has adduced evidence from overseas sources to support that, so there are better ways of using our resources. There are hazards on the roads that may well be removed and minimised. There are education programmes which, if we put one-tenth of the resources of police effort required to enforce this legislation into them, might yield effective and better results.

We are not suggesting there should be any diminution of effort by the Government to try to stop drink driving. What we are suggesting is that this particular effort is misdirected and wasteful of resources. The third point is the matter of police powers. I think we in South Australia are quite proud of the fact that our police have high standing and reputation with the public, that by and large they are accepted as being fair and honest in their enforcement of the law. Obviously, there are exceptions, and it is to the credit of our police force that, where those incidents occur, they move actively and directly to ensure that such incidents are stopped.

I am not trying to glorify or glamorise the police. I am only saying that in South Australia they have a very high reputation and they do a good job. To put on to them this sort of power, which could be annoying or irritating or create an adverse public reaction will in fact make their job much harder to do in other areas. I think that that is something that must always be remembered. If we give more power to the police, more power of an arbitrary nature or a random nature such as this, we are possibly diminishing their effectiveness in other areas, indeed, their effectiveness in the area of controlling the road traffic toll.

I do not dismiss the Police Association as being out of touch with its members or accuse it of arrogating to itself opinions that are not really held by the police as a whole. I think the Police Association and its executive are composed of responsible and experienced policemen, men who are actively involved in police work and who have a skilled staff working for them in the Police Association office. If I wanted to hear the opinion of the police, that would be the first group to which I would turn. Their opinion supports completely the remarks that I have made just now.

I think that attitude ought to be taken account of fully, because we must be jealous of the reputation and the effectiveness of our Police Force in South Australia and must not heap on them a function such as this, which, without achieving much, would wreak odium for them. Finally, I am concerned about the blurring aspect of administration of this measure, as far too little is spelt out in the legislation as to exactly how the Act will be applied. As I said earlier, the Minister has made more statements about how it will work in practice outside the House than he has made in the House in his second reading explanation.

Again, the member for Mitcham has always said that the Act should spell out as much as possible and leave as little as possible to regulation. Regulations are necessary for flexibility, but by and large the major points of administration of laws such as this ought to be contained in the Act. Of course, they are not. What is even more disturbing is that the Act continually refers to the Chief Secretary as the operative Minister in this area. I think it is most important that, if that is so, the Chief Secretary ought to be here in this Chamber with the Minister of Transport so that he can answer questions during the Committee stage and contribute to the second reading debate, telling us his views about how he would like to see this Act administered.

He is the key operative. It is all very well to say that this is a transport matter because it involves the driving of motor vehicles. Ultimately, as the Act makes clear, its administration will lie with the Chief Secretary, and as Minister in charge of Police, he will be in contact with the Commissioner of Police about the powers under this Act. Where is he, and why is he not here to contribute to this debate? I sincerely hope that, if he will not speak at the second reading stage, he will be here to answer questions during the Committee stage so that the administration of the Act in relation to the police powers will be covered, not just the transport aspect.

I do not wish to detain the House much longer, as there is a number of speakers on this side of the House who have important contributions to make. However, I wanted to put on record my views and the reasons why I fully support the remarks made by the Deputy Leader in opposing this legislation in the manner and the form in which it has been put before us today.

**Mr. MILLHOUSE (Mitcham):** Of course this Bill contains infringements of the liberty of the subject, and of course it will cause inconvenience to motorists and others when it is being administered. There is no doubt about that. On the other hand, the scourge of death and injury of the road is so great that I believe that we are justified in supporting this Bill. That is a matter of judgment. We can argue it until the cows come home and ne're the twain shall meet. Each one of us has to make up his mind on this, but in my view the scourge of the road is so great and the toll of death and injury is so appalling that we are justified in taking this step to infringe personal liberties and cause inconvenience to people, in the hope (and it is no more than a hope at the present time) that it will do something to reduce the toll on the roads.

It is well known that alcohol plays a part in more than half of the road accidents that are recorded in this State. That fact often does not come to the surface but is under the surface and when inquiries are made, as they are by the University of Adelaide Accident Unit, and so on, it is found that alcohol plays a part in more than half of the accidents on the road. I believe that this is so and that reinforces what I have said. I believe that we are justified in looking at anything that may reduce death and injury through motor traffic accidents and that we are justified in passing this legislation.

I must say that I would go even further than this. I have advocated random breath testing for a long time, and I said so in our policy speech. I had a resolution in the last session about it and I put it on the Notice Paper again for this session. I would, if I could, enforce the dictum by law that if you drive don't drink and if you drink don't drive. I believe that two should be kept absolutely separate, but we cannot get to that stage, and we must take smaller steps, this being one of them.

The Leader of the Opposition seemed to be appealing to me during his speech. I do not know whether he thought he would change my mind or not. I agreed with a lot of the things he said but I disagree with his conclusion. He talked a good deal about seat belts. I was the one who in this Chamber first introduced the provision for the installation of seat belts in motor cars and I fought for two or three sessions before I got it through. Then, when I was Deputy Leader of the Opposition, I introduced the Bill which made provision for the compulsory use of seat belts, and that was supported by the then Minister of Transport (The Hon. Mr. Virgo), to whom the Deputy Leader of the Opposition has referred. The Bill passed and at that time we had exactly the same arguments as we are having tonight.

That measure, I believe, was also justified, although it was an infringement of civil liberties. The Deputy Leader made a very moderate speech on this, but he said towards the end of his speech that the scourge on the road is dreadful, or words to that effect. If we are serious about it, we must do something about the matter. It may be that this Bill does nothing at all, and is a complete failure. I say to the Labor Party that I would far rather try it out and repeal it later if it does not work than wait for Victoria or some other State to prove it for us. We can always go back on this if it does not work, but in the meantime if we simply wait for someone else to prove it for us (and I made an interjection to this effect during the Leader of the Opposition's speech), I think the Labor Party would take a lot of convincing that it was right. If we simply wait for that, in the meantime people are being killed through drunken driving. Nothing is permanent here and it can always be undone if it does not work or if it causes too much inconvenience to people.

Indeed, that is one of the dangers of this Bill and I suspect that a main reason for the police not liking the prospect of random breath testing is that they will bear the brunt of the unpopularity. I think the Government will bear some of the brunt in a general way, but the police will have to administer the Act and, of course, that will not make them popular. If, in fact, the police do not administer this with courtesy and people are greatly inconvenienced, it will have been a failure, so there is a very heavy responsibility on the police to administer it properly. It may well be that, because of that sort of thing, the community will revolt against it and, as I have said, it will be a failure.

Those are the points that appeal to me most, but I would remind my friends, if I have any in the Labor Party, of the fact that just 12 months ago I told them (and I was right) that what the then Minister introduced into this House was tantamount to random breath testing, and we did not get the agonising from the members of the Labor Party then about civil liberties, and so on.

They were only too happy to go ahead and do that, but there is no doubt that the law as it stands now gives power to the police to test randomly if they want to. Let us look and see what the law is at the moment.

**The Hon. J. D. Wright:** Civil liberties agree—

**Mr. MILLHOUSE:** I do not mind whether they agree or not, the fact is the powers given to the police by the previous Labor Government about 12 months ago amounted to random breath testing and everyone in the Labor Party knows it.

*Mr. O'Neill interjecting:*

**Mr. MILLHOUSE:** Well, this clot—where does O'Neill come from? The member for Florey may not know it. I now know why the Labor Party lost the election, if he was in charge of the campaign. Let me remind members of what the law is now, as it was fashioned by the Labor Party. The Act provides:

> Where a member of the police force believes upon reasonable grounds that any person, while driving a motor vehicle or attemping to put a motor vehicle in motion—
>
> *(a)* Has committed a prescribed offence—
>
> that member of the police force may, subject to subsection (2) of this section, require that person to submit to an alcotest or breath analysis, or both.

While the Minister said last year that only serious offences were enumerated in subsection (1)*(a)*, that was wrong and he knew it was wrong, because included amongst those offences was the most trivial offence in the Road Traffic Act, one which it is said every motorist commits when he leaves his front gate and goes even a quarter of a mile: that is, careless driving dealt with in section 45. All of us are guilty of careless driving at some time when we drive a motor car on a journey and all a police officer has to say now to a person is, "I believe you have been guilty of careless driving. Pull over, I am going to give you a test."

That is the law at the moment. That was brought in by the Labor Party last year, yet here, I suspect simply because the Government has brought in random breath testing now, the Labor Party has reversed its form and is saying what a dreadful thing it is. There was no question for any Labor member last year in the debate on this matter of civil liberties, yet that provision is an infringement of civil liberties. It puts the motorist absolutely at the mercy of the police officer.

That is the position, if they want to administer that law. I said as much in the debate and there was not a peep out of anyone, because everyone knew I was right. There was no denial of it and the Bill passed, I think, unanimously. Therefore, I suggest the Labor Party is protesting rather too much on this matter and it does it no credit if it is doing it simply for political purposes.

I want to say one or two things about the Bill itself. The Leader of the Opposition (I am sure with his tongue in his cheek, because he has the ability to size up the Bill within 24 hours) said that the Labor Party had not had enough time to assess the Bill. One only has to read it, it only takes any sane person a few minutes to read through, and there are sufficient of them in the Labor Party. The former Attorney-General, the member for Elizabeth, could have had his say, if he wanted to, to size up the Bill.

There are a couple of matters about the Bill that I think require a little attention. The first is a policy matter. I agree with the Leader of the Opposition about the Chief Secretary. He is the channel of communication with the Police Force, but on a matter like this I should have thought the Minister of Transport, who has introduced the

Bill and who is in charge of it, would be a far more appropriate Minister than the Chief Secretary. If it is intended that there should be an advertisement of where and when the police are going to operate, that is an absurd provision, in my view. I know that the Minister, because he has told me this, hopes that that will make people particularly careful on that particular day and in that particular area, and so it will, I suppose.

However, no-one knows where and when the tests are to be carried out. If they are on a continuous basis, I would have thought as a matter of common sense that that would make all motorists more careful all the time, and that is what we should be trying to do. If I may say so, the Bill does not really achieve even that object, because one of the defects in it (and I am surprised that the Deputy Leader or even the Leader did not pick this up and mention it) is that it merely refers to a road. It says, this is in 47d(a)(1):

> The Commissioner of Police may with the prior approval of the Chief Secretary authorise members of the Police Force to conduct breath tests in relation to persons driving motor vehicles, during a day—

that is all right, I suppose: a day is a period of 24 hours—

> on a road specified by the Commissioner and approved by the Chief Secretary.

There is no restriction on that road to any particular district. Is the Port Road, for example, the Port Road at Hindmarsh, Port Adelaide, or anywhere in between? Where is South Road going to be? Will it be near Darlington or down at Reynella, Aldinga, or Victor Harbor, where the road goes? The Main North is another one.

**Mr. Schmidt:** That is the previous argument.

**Mr. MILLHOUSE:** The dear boy, wherever he comes from! I have not got to know these members, they do not speak very much.

*Members interjecting:*

**The SPEAKER:** Order! the honourable member for Mawson is out of order by interjecting.

**Mr. MILLHOUSE:** The honourable member for Mawson has completely missed the point. It is probably my fault for not putting it over properly. I do not believe there should be any advertising but the intention of the Government is to specify time and place. All I am suggesting to the Minister (and I thought I was being helpful but apparently the member for Mawson did not realise that) is that there is no restriction of district on a road. Whistler Avenue, Unley Park, where I live, is easy; it is only a quarter of a mile long. There are no problems about that. They will not catch many of us, because we are all law-abiding citizens.

**The Hon. M. M. Wilson:** Cyclists are exempt.

**Mr. MILLHOUSE:** The Minister talked about cycling; one of the things I am more afraid of when I am riding (and I rode out to the electoral office at dinner time tonight) is some drunken clot coming along behind me and cleaning me up on the bike by swerving into the gutter, where I normally ride. That is one of the fears I have got. Maybe that colours my feeling on this. If the Minister does want effectively to do what he says he wants to do, I think that some amendment is required there to specify the suburb or whatever it may be.

Those are the only points I wish to make on the Bill. It does restrict civil liberties, but in my view we are amply justified in doing it. As for the nonsense about it being introduced with indecent haste, I was accused of the same thing the other day on another Bill. That is simply the argument of someone who wants to oppose it but knows he has not got any good arguments for opposition.

**The Hon. PETER DUNCAN (Elizabeth):** I rise to oppose this Bill at the second reading stage. I do so with some concern about the measure. In Government I was opposed to this measure as was the Government itself. It has been put to us on a number of occasions that we should introduce a measure of this type and we resisted that pressure, because we did not believe that any evidence had been produced to us that would convince us that the infringements of civil liberties that is involved in this particular measure would be worth while for the results that were to be produced.

I have looked very carefully through the second reading speech of the Minister. I have not been able to see any evidence produced in the second reading speech, or for that matter in the debates at large in the Parliament tonight, that cause me to change my mind on this particular question. In fact, if we look at the second reading speech given by the Minister, we see that he said, referring to the road toll, a matter on which every member of the House, I believe, has grave cause for concern:

> In the light of this situation and the increasing community awareness of it, the Government has decided to alter the law relating to breath testing in the way proposed in this legislation.

That is as close as he got to presenting any evidence about the matter. He said that he was indeed concerned about the road toll, and the Government had decided to take this drastic measure. It is a drastic measure, because it flies in the face of the normally accepted principle that all people are equal before the law. What it in effect does is to set up one man to act in judgment on another.

One man is allowed to detain another person merely on the whim of the first person, the police officer. I believe that there are real dangers in that situation and that an invasion of a person's rights is involved in this matter—a serious invasion of a person's rights for this Parliament to approve of. I believe that insufficient evidence has been produced to justify this drastic measure.

I think that if one looks at the Minister's second reading explanation one sees that he has relied heavily on the report which was undertaken by Mr. A. P. Dulcan, Chairman of the Road Safety Traffic Authority, in Victoria, into what extent had random breath testing controlled drink-driving deaths and injuries. I read that report, which I obtained from the Parliamentary Library, with great care to see what evidence there was which could, in scientific terms, have justified this measure.

When I read the second reading explanation, I assumed that that report provided all the answers. However, I was shocked when I read the report and found that particular document does not provide scientific proof or justification for this measure. What it does is state clearly that the survey and study which was done was done at a time when there was a major police blitz throughout the entire metropolitan area of Melbourne.

That blitz did not relate only to random breath analysis; it related also to police on road activity throughout the metropolitan area. I think it significant that the study does not relate to the normal random breath testing operations but to a specific period of time when there was saturation random breath testing and police operations in Melbourne between October and December 1978. All of the random breath testing units in Victoria were deployed in Melbourne for 100 hours per week each. This campaign was accompanied by intensive publicity through the media throughout the entire period.

Therefore, it is hardly surprising that there was a reduction in road fatalities during the period of the campaign, but that is hardly proof of the general effectiveness of random breath testing. First, no statistics

were kept on the reduction in alcohol-related fatalities during the period. That is a significant aspect of the matter, one that the Minister failed to mention. No statistics were kept as to any increased reduction or variation in alcohol-related fatalities. So, I do not believe that we can rely on that report to give us any encouragement or, for that matter, to give us any real feeling that the situation has changed sufficiently to warrant this drastic step.

Continuing concern is expressed about the road toll, and I am sure that everyone is concerned over the situation with nearly 300 people being killed in South Australia each year. Understandably, every member bears responsibility for that. I suppose that it is within our power to take drastic steps to reduce dramatically that road toll. I suppose that we could ban motor vehicles. It is within our power, not that anyone realistically political would suggest that, but it is within our power. If we really wanted to reduce the road toll, that would be one of the range of possibilities. We should be realistic about where the road toll has been going.

I will quote statistics from the Bureau of Census and Statistics for a 10-year period from 1968-1978. These show that, in 1968 in South Australia, 64 people were killed per 100 000 registered motor vehicles. Ten years later, after a long period of stable Labor Government in this State, we had achieved a significant reduction. The figures for 1978 were 43 deaths per 100 000 registered vehicles. So, in ratio terms, there had been a one-third reduction in the number of deaths on the road in South Australia when related to the number of registered vehicles. I suppose that one could also look at the situation in relation to the number of kilometres being driven. The average number of kilometres being driven these days compared to 10 years ago is much higher. Cars are faster and more efficient, and people travel around the State more than they did in 1968. Again, if one looks at the statistics on a kilometres travelled basis, one would again find that there are far fewer deaths now than there were then.

I do not want to go on for my full time, if I can avoid it. There are matters that ought to be raised in Committee, but there are some issues which ought to be dealt with briefly. First, the member for Mitcham took some glee in attacking the Labor Party tonight.

**Mr. O'Neill:** He's gone home now.

**The Hon. PETER DUNCAN:** Having put in his fivepence worth, he has departed the Chamber and the precincts. Nonetheless, I will make a couple of points about the issues he raised. He said that, when the Labor Party was in Government, it introduced legislation which broadened the ambit of the provisions of the Road Traffic Act dealing with the offence of the ·08 and that we had, in effect, introduced random testing. His words were, "We have had random breath testing since last year," in effect. If we have had, as the member claims, why has there not been any significant change in the road toll as a result of that? I do not think that he can have it both ways. Either he accepts the fact that we have had random testing (which I do not—I think it is a ridiculous fallacy that he has put before the House) or the opposite must apply.

I think that the amendments that went through the Parliament last year were as far as we should go. The police now have wide powers to deal with the question of driving under the influence and driving with alcohol in the blood, when one compares the powers we normally give to the police. I do not think that there is any real difficulty with the police policing the law as it is at present. The Police Association certainly does not think so, and even the comments I have heard from the Police Department do not indicate that it is having any difficulty in policing the law as it stands at present.

What is going to be the impact of this legislation? I believe that it may well turn out to be a gross waste of police resources or, alternatively, we will have the Commissioner trotting to the Premier, as has happened from time to time, seeking another 100 or so officers. Given the present Government's refusal to increase manpower, I imagine that that sort of request will not be received very favourably. The result could well be that the effect of this legislation will be a gross waste of existing police resources.

At least at present, all police breath analyser units and police officers allocated to road traffic work are involved in detecting the most serious cases of driving under the influence and exceeding ·08. Once random breath analysis is introduced, the police will spend many hours in simply testing innocent citizens who are travelling from point A to point B and who have not taken alcohol but are simply driving motor vehicles. Victorian statistics quoted by the Deputy Leader of the Opposition indicate that about 98 per cent of all those who drive vehicles and who are pulled up at road blocks—

**Mr. O'Neill:** That's what they will be.

**The Hon. PETER DUNCAN:** That is right. We are looking at checkpoint Charlie. That sort of thing will have to be implemented. Innocent motorists may be travelling along say, Park Terrace, Gilberton; they will see a person flashing a light and a sign saying "Police Road block—pull over". People will be required to blow into a bag and, I am told (because of the short time that is available for the debate I was only able to telephone a couple of people in Victoria) that the average delay to a person is 10 minutes, not because it takes that long for a police officer to actually conduct the tests but because of the fact that inevitably road blocks will be undermanned and there will be a resulting bank-up of cars.

**Mr. Whitten:** It will be more than 10 minutes.

**The Hon. PETER DUNCAN:** In some circumstances it may be, but I am told that the average delay is 10 minutes. The people of this State are confronted with that situation, and nothing in the Bill indicates that that situation is not proposed. There is nothing in the Bill to stop the Chief Secretary and the Police Commissioner from simply determining an annual schedule of dates, times and places that could run on a five-day week or a seven-day week, year in and year out. Notwithstanding the fact that the Minister will probably say that that will not happen, the problem is that, because of administrative convenience, the stage will be reached where the Police Department will not want to run back and forwards to the Chief Secretary every time this measure is to be implemented; it may be considered more convenient that a schedule be provided with running approval for the carrying out of random breath tests. That situation will occur.

The practice is undesirable and is one which the Police Association and many police officers do not relish; they do not want to get into that situation. What will this measure do to police public relations? The sad thing is that it may well drive a wedge further between police officers and the community. One can imagine the whinges and complaints that will come forth from members of the community who innocently travel from one point to another and who will be pulled over and checked in this way. It is no good the Government's saying that people will merely be asked to blow into a bag; I remind the House that, if a citizen, without protection of a law of this sort, was to force another citizen to blow into a bag, this action would be considered a serious assault and a criminal offence. The

police will be given the power to do this. This is a disquieting and unfortunate situation.

This measure is not justifiable at this stage. I do not close the door to this type of measure; perhaps in future some proof can be produced to demonstrate that the infringement of civil liberties, which is inevitably indicated in this measure, is justified. Perhaps it is possible to produce that proof, but it certainly has not been produced to this Parliament to date, and to my knowledge this proof has not been in evidence anywhere in the world. I understand that random breath test laws apply in the Canadian province of Alberta. I have been unable to find evidence in the Parliamentary Library (but one would not expect to find this type of evidence in the library, anyway) to indicate the efficacy of the law in Alberta. The tragedy is that the member for Henley Beach and the member for Mitcham suggested that, if the law is shown to be ineffective in 12 or 18 months, it can be repealed. Being realistic, I indicate that all members of the House know that this type of law passes into the Statute Books and, once operative, it is tremendously difficult to change the law to remove this kind of provision.

It is highly unlikely that once this measure becomes law we will see any Bill put before Parliament to restore to the citizens the rights that this Parliament may vote away from them. Members can challenge that statement if they like, but I believe that the argument that is put in relation to other road traffic issues will be cited in this instance. It will be difficult to demonstrate the efficacy of this Bill. The Minister and other supporters of the Bill will tell us that it is part of a package deal that will be introduced to try to cut back the road toll. We are unlikely to see real proof that this measure is effective, but will simply receive the bland assertion that it is part of the Government's assault on the road toll. It is unfortunate that this Bill will be passed before we have had time to assess its consequences and to examine the evidence of the Victorian situation. It is worth noting the political context of how the law came into being in Victoria; the Victorian Bill was introduced as part of an election campaign promise by the Hamer Government in 1975 and was passed in 1976. At that time, the Victorian road toll was the highest of any State in Australia and became an election issue. In the heat of an election, the Government, which had been in power for many years in Victoria and therefore had to take all of the responsibility, sought any suggestions, as part of an election campaign, to counter the criticism falling on its head because of the high road toll.

This was one of a number of measures proposed. It passed into law and there was a bit of deja vu in this because it was introduced in the Victorian Parliament and banged through very quickly, and the same thing is happening here. If it was not banged through it was certainly guillotined through the Victorian Parliament, because the Victorian debates clearly indicate that that was the case. In those circumstances, I think that we are unwise to be proceeding with this measure at this time. It ought to be possible without much difficulty, if the Government is committed to this measure, to undertake some studies of the Victorian situation to get some concrete evidence on what impact and effect this measure has had, because I believe the tragedy of it will be that it will be introduced in South Australia, if the Government has its way, with a great flourish and a lot of publicity, and the community at large will think that it is dangerous to be driving around these days and will leave their cars at home. That feeling will last for a short period and, afterwards, they will go back to their usual driving patterns.

There has been considerable evidence relating to this matter in other areas. For example, when seat belt legislation was first introduced (and I have seen police statistics on this) the number of persons wearing seat belts was quite high. After a period of time, and after the initial impact had worn off, the police found that the number of people wearing seat belts had reduced to about 60 per cent or 65 per cent. I think we are going to find the same thing here. Initially, it will make an impact for a short period, and then people will go back to the same situation—all of this at great cost to the citizens of South Australia who drive motor vehicles.

I happened to be a person who drinks, but I do not drive when I have been drinking. There are other members in the Chamber, and in the community, who do not drink at all. I have spoken to a number of them and pointed out to them just exactly what this legislation means in terms of what will happen on that particular night when they are apprehended by the police and required to blow into the bag. Quite a number of people have expressed grave concern about this matter. Some people in the community are under the misapprehension that what this involves is the police simply flagging people down, asking whether they have been drinking and, if they have not, letting them go on their way, and those who have been drinking will be pulled over to the side of the road and given a breathalyser test. That misapprehension is widespread in the community. When I explain to people that everybody who is pulled over will be required to blow into a bag, they are a lot less enthusiastic about it than they have been previously.

I think one of the speakers earlier tonight mentioned something about the attitude of the community to this matter. I would like to refer to the public opinion poll reported in the Law Reform Commission Report No. 4 on alcohol, drugs and driving. I imagine this may have been a public opinion poll conducted in the Australian Capital Territory. The report, which does not give details about where the poll was conducted, states:

> The result of the poll showed that 57·5 per cent of the total sample of 1 125 were in favour of such random tests. Thirty-nine per cent opposed random tests and 3·5 per cent did not know.

I think that that is indicative of the fact that this is not a situation where the community at large, by an overwhelming majority, has decided to hand over this particular civil liberty and to lay themselves open to the possibility of being forced to undertake breath tests. I think that we would be on much firmer ground if we reached that stage.

The member for Mitcham referred to the question of the Adelaide In Depth Accident Study carried out by the Road Research Unit of the University of Adelaide. He said that 50 per cent of accidents were alcohol-related. I make the point that the study revealed, according to the Minister's second reading explanation, that in at least 28 per cent of accidents surveyed at least one or more of those involved had been drinking. I am not criticising the member for Mitcham, because I think he misunderstood that, but I think the record ought to be put straight on that.

**The Hon. M. M. Wilson:** It is a pretty high percentage.

**The Hon. PETER DUNCAN:** Indeed it is, there is no question about that. I do not deny that. I am not nit-picking, I am just setting the record straight. In all the circumstances, and this is the point I base my case on, I do not think the Minister has put any proof before the House tonight, nor have I seen proof elsewhere that satisfies me that we should, as a Parliament, be responsible for infringing on citizens' rights to the extent involved in this Bill. I rest my argument on that point. If there had been

some proof to the contrary that satisfied me, I would have been happy to support this measure, because I believe that any measure we can reasonably take to try to reduce the road death toll is worth while, but we have to balance that against the infringement of civil liberties. In my case, and in the case of the Opposition, I do not believe the evidence before us tips the scales in this measure.

**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. BLACKER (Flinders):** I support the Bill. I do so for a very fundamental reason: that is, that the road carnage we have experienced over the past few years must be of great concern to each and every one of us. I detect, from the speeches made by members of the Opposition this evening, that they have not fully appreciated or comprehended the seriousness of the road toll situation. If we had a major fire or flood in this State and 10 or 12 lives were lost, that would be a major calamity for the State; there would be appeals and the public would be so concerned about it that it would almost become a historical event. Just because we have an almost one-a-day death, our society has become so complacent that it is very disturbing and of some concern to me.

I go one step further and say that, if any deaths occurred in our State as a result of the use of uranium, then the public outcry would be absolutely tremendous. Yet, with 300 deaths a year, we seem to accept this sort of complacency as a fact of life. It is that attitude taken by the Opposition which I deplore. I admit that this is a restriction of civil liberties, but any law is a restriction of civil liberties. In a society such as the one to which we have become accustomed, we must appreciate that those laws are for the protection of people. I do not like restrictions, but by the same token I do not like road deaths. If for example, almost weekly a member of a family of someone in this Chamber were to be involved in a serious accident and either killed or maimed, then this House would soon do something about that.

Members would not be here arguing over trivialities, which is the case at the moment. If individual members were personally involved in the loss of a member of their family, then we would see immediate action taken by this House, and not just the waffling on that is occurring tonight.

The Leader of the Opposition made the comment concerning putting more resources into identification and apprehension of the drink driver. I would have thought that that is exactly what we are doing. Random breath testing is not just a case of going out on the road and stopping everyone. It is a slight broadening on the present law to enable a police officer to apprehend—to stop and question a motorist if he has some reason to believe that that motorist is not operating a vehicle properly.

**Mr. Max Brown:** He can do that now.

**Mr. BLACKER:** Yes, so rather than a massive change of the law, as has been suggested, it will provide just that slight expansion of the present law, enabling a police officer to take action if he sees a car swerving down the road, a wheel spin or anything of that nature and he has reason to suspect the driver.

The legislation also gives authority to advertise, so to speak. Random breath testing will occur on certain roads at certain times. It has been pointed out here tonight that the element of surprise will be removed. If any citizen of South Australia is apprehended under this legislation, then it is that person's own fault, because the law-enforcing officer will have advertised where he is going to be. If the location has been advertised and a citizen who is under the influence of alcohol or an innocent driver who has not been drinking is on that particular road, then such a driver must expect the breath testing unit to be there.

On that basis I do not think it is an infringement of civil liberties. A driver can avoid going on that road if he so desires; no doubt those who have been drinking will do that, so we begin to wonder just how effective the legislation will be. The choice is a very simple one, and I think it is a case of whether we accept that there is an infringement of civil liberty or whether we are bold enough to at least take some action to remedy the carnage and the deaths occurring on our roads. I for one do not believe that we, as responsible citizens, can stand by and haggle over legislation such as this which is attempting to improve the roads system. It has been said tonight that we do not have any guarantee that it will be successful, but at least it is an honest attempt, and to that extent it must be supported. If the legislation prevented one of my family from being killed as a result of a road accident, then obviously it would be worth while and worthy of the full support of this House.

**Mr. WHITTEN (Price):** I oppose the Bill, as do other speakers on this side of the House. I believe that I am in good counsel, not only with my colleagues but also the Council for Civil Liberties, the Police Association, and the Trades and Labor Council of South Australia.

**Mr. Schmidt:** What about the rank-and-file people?

**The DEPUTY SPEAKER:** Order!

**Mr. WHITTEN:** I will answer that interjection, Mr. Deputy Speaker. The Trades and Labor Council represents many more people than do the member for Mawson and many of his colleagues. It is a very powerful body that represents people in the correct and proper manner, and they are the rank-and-file people that he has mentioned. The Police Association does not want the legislation introduced, either, because it knows that the image of the police will be tarnished. We have great respect for our police officers in South Australia. But the police know that, if this sort of legislation is brought in and enforced, the police's image will be tarnished, and I am sure that they do not want that.

In his second reading explanation the Minister said:

It is one of several actions being taken by the Government to deal with the road toll, as we promised to do during the last election campaign . . . Indeed, because the Government has a mandate for this from the people for this policy . . .

If the Government has a mandate for this policy, I am sure that there are many other policies it should be implementing before this one. On the front page of a recent teachers' journal the statement was made that there were 14 items that the Government had promised and that not one of those items had been implemented by it. Australia had a Prime Minister elected on a policy of curing inflation and of giving jobs to every person who wished to work, so I am sure that the Minister is on very very soft ground when he talks about having a mandate and saying that this is one of the things that must be implemented. I do not believe that he has a mandate to do this sort of thing.

The Government maintains that random breath testing is justified. The present legislation, which I do not think needs any boosting, gives the police sufficient powers to counteract drink driving if they so wish. The situation, as I see it, is that road blocks will be set up and, contrary to what the member for Flinders has said, I do not know that

the Minister has said anything about advertising that testing will occur. There is no such provision in the Bill that the location of random breath testing shall be advertised. All that will happen is that the Minister will get authority from the Chief Secretary to set up the equipment on a particular road on a particular day, and the general public will not be notified which road it is to be.

The locations will not be advertised in the press, because that would be ridiculous: anyone with half a brain would not travel on the given road on the given day if they had been drinking. I am also one of those persons who likes a beer, perhaps one or two. When I have had a few drinks I make sure that I am not driving my vehicle, because I value my licence too much. I might also say to the Minister of Transport that I have never had a blot on my record as far as my driving licence is concerned, and I hope that I never will. The provisions of the present Act are wide enough to enable the police to apprehend any person; for example, if a driver fails to stop after a serious accident, or any accident for that matter, I believe that he should be given a breath-analyser test.

But the main thing I am concerned about is the infringement of civil liberties and the time wasting, as well as the position concerning police officers. Certainly, police officers do not want their situation or their image to be any worse than it is. As the member for Mitcham said, the police at present do not have to prove at any time that a man is guilty of careless driving. They have only to say, "I thought that he was driving in a careless manner." So that enables the police to pull the driver up; he blows into the bag, and that is it. But there are sufficient powers at present, and no extra powers are needed.

The previous Minister of Transport, when introducing an amendment to this Act, said that that measure would—

> . . . empower a police officer to require a breath analyser test where he has reasonable grounds to believe that a serious driving offence has been committed. At present such power exists only when an accident has occurred or there has been some indication of impairment of driving ability. The Bill sets out a list of those driving offences that are clearly of a serious and not merely technical nature.

I do not believe motorists should be able to be pulled up if they merely happen to deviate a little and cross the white line, but that is now what the Minister intends. Any suggestion of any technical offence whatsoever or for any reason at all, the police will be saying, "Pull up and blow in a bag." That is an infringement of civil liberties as I see it. I do not wish to delay the House, because there are many other speakers, but I do want to refer to one other point the Minister made when he introduced the Bill, namely:

> The Chief Secretary will be empowered to authorise the police on specific occasions, at specific locations, to require any person driving a motor vehicle to submit to testing.

There is nothing there that I can see that provides any of the safeguards that the member for Flinders mentioned, such as advertising and letting people know just what road is involved and what day testing will occur so that they may take the relevant precautions. I oppose the Bill.

**Mr. SCHMIDT (Mawson):** I support the Bill. On this occasion I commend the member for Mitcham for what I thought was in some areas a rather eloquent speech. Tonight we have once again seen the Opposition members' principles bend like a sapling tree in a turbulent storm. We have heard them support hastily drafted Bills in the past, and now, suddenly, they claim this one is a hastily drafted Bill. Yet we have heard the Leader himself say that they were given a draft Bill at the end of last week. Members opposite have had time to look at it, as the member for Mitcham has pointed out. I should hope there were some sufficiently astute members opposite with the ability to assess the Bill in the time they had available.

The Leader of the Opposition in this afternoon's newspaper has again revealed his immaturity as a leader and also the immature principles of his Party. We have again seen the Opposition attempting to sensationalise, scaremonger and promote Draconianism. We see all of this in a sort of blanket to try to cover up what they will eventually support themselves, as they have indicated they will, although they try to put up a shroud in front of it before they do so. We have also heard from the Opposition many half-truths. The Deputy Leader spoke about the Police Association and, as the member for Henley Beach said, the Deputy Leader was very loath to say that it was the rank-and-file people themselves who got up and spoke out against the association. We have also seen many other occasions and there was a prime example of it during the last election when the rank-and-file people have not been listened to; it was only those at the top of the association or the unions who were listened to, and where did that get them? They are sitting on the Opposition benches now.

The member for Price just spoke about the image of the police being tarnished as a result of this Bill, yet if his memory were good enough he would recall that when seat belt legislation was brought in the image of the police was tarnished then. Anybody knows that, if we are going to introduce any sort of law where there is a possibility of the offender being caught, it will naturally tarnish the image of whoever the authority is that is going to invoke that law. That again is just another smokescreen on the part of the Opposition to try to shroud what is an honest attempt to do something about the carnage on our roads.

The Leader of the Opposition tonight has ignored the fact that the Minister revealed details of the Bill as far back as December last year. He also overlooks the fact that responsible people in the Public Service have carefully looked at this whole issue, have supported it and helped with the drafting of the Bill. Therefore, it is not a hastily drafted Bill. More important, as I have already indicated, the Opposition has overlooked one important thing, as it has frequently done in the past: it has overlooked what the people outside are saying. I will quote from a survey undertaken by Peter Gardner and Associates. I will read the question out that was given in a survey, as follows:

> In the next session of State Parliament the issue of random breath testing for alcohol levels will be discussed. Do you believe random breath testing should be used in this State or not?

Even though 66 per cent of the people were in favour of random breath testing, the Opposition is saying that it is an infringement of civil liberties. Again, members opposite have not listened to the people outside. If we look at the figures that I will table in a moment, they reveal that 78 per cent of females in the age group between 18 and 24 are in favour of random breath testing. If we take those figures even further, we see that there is a marked support from those married people with one child, 65 per cent of whom support random breath testing, and 68 per cent of married people with two children support it. As the number of children increases so does the percentage. These people realise what will happen to themselves and their families, as well as what will happen to the community as a whole if something is not done, and if some honest endeavour is not made to try to prevent this carnage. I seek leave to have inserted in *Hansard* a table of a purely statistical nature.

Leave granted.

SURVEY BY PETER GARDNER AND ASSOCIATES

Summary of Answers

| | For random testing | Against random testing | Unsure |
|---|---|---|---|
| | Per cent | Per cent | Per cent |
| Total | 66·1 | 29·7 | 4·2 |
| Female Total | 75·5 | 20·6 | 3·9 |
| Male Total | 56·0 | 39·9 | 4·1 |
| Married People | 67·3 | 28·0 | 4·7 |
| Single People | 59·9 | 38·7 | 1·4 |

DETAILED BREAKDOWN OF ANSWERS

M = Male F = Female

| | Total | By sex within age | | | | | | | | By marital status | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 18-24 | | 25-39 | | 40-54 | | 55 + | | Married with | | | | |
| | | M | F | M | F | M | F | M | F | 1 Ch. | 2 Ch. | 3 + Ch | 0 Ch | Single |
| For | 540 | 34 | 57 | 70 | 96 | 60 | 75 | 63 | 85 | 87 | 138 | 105 | 125 | 85 |
| Per cent | 66·1 | 45·9 | 78·1 | 55·6 | 77·4 | 59·4 | 75·8 | 63·0 | 70·8 | 65·9 | 68·0 | 67·7 | 67·6 | 59·9 |
| Against | 243 | 38 | 16 | 51 | 26 | 36 | 15 | 32 | 29 | 40 | 59 | 44 | 45 | 55 |
| Per cent | 29·7 | 51·4 | 21·9 | 40·5 | 21·0 | 35·6 | 15·2 | 32·0 | 24·2 | 30·3 | 29·1 | 28·4 | 24·3 | 38·7 |
| Unsure | 34 | 2 | 0 | 5 | 2 | 5 | 9 | 5 | 6 | 5 | 6 | 5 | 15 | 2 |
| Per cent | 4·2 | 2·7 | 0·0 | 4·0 | 1·6 | 5·0 | 9·1 | 5·0 | 5·0 | 3·8 | 3·0 | 3·9 | 8·1 | 1·4 |
| Total Answers | 817 | 74 | 73 | 126 | 124 | 101 | 99 | 100 | 120 | 132 | 203 | 155 | 185 | 142 |
| Un-answered | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| Total | 819 | 74 | 73 | 126 | 124 | 103 | 99 | 100 | 120 | 132 | 203 | 157 | 185 | 142 |

**Mr. SCHMIDT:** We have also heard the Opposition make great mileage out of what it claims will be wasted man-hours or wasted resources. I am appalled to hear that sort of attitude. Do members opposite put no value other than a monetary value on the lives of people in our society? What value would they put on the lives of their families? Do they have no respect for people?

**Mr. O'Neill:** What about the 3 per cent cut?

**Mr. SCHMIDT:** That has nothing to do with it, and you know it. That reveals how selfish you are about the way you handle these things. If you had any respect for people, you would give consideration to this—

*Members interjecting:*

**The SPEAKER:** Order! I draw the honourable member's attention to the fact that there are no "you's" in this House; there are only honourable members.

**Mr. SCHMIDT:** My apologies, Mr. Speaker, but he was ramming home the point, and I could not help but use that euphemism. The member for Florey, whom we know as the muscleman, would know that he cannot muscle into this one at this stage. We have seen the member for Elizabeth use scientific evidence in a supposedly eloquent manner to again shroud the whole issue. He well knows that the whole question of drinking and alcohol is a matter of attitude. All the scientific evidence he can produce will never do anything unless we can change the attitude of the people involved. Earlier today, we heard Opposition members say that they were prepared to undermine our society through violence and other means like this.

Again, we have an example where, under the shroud of civil liberties, the Opposition is trying to undermine our society. I will quote from a man who has seen this sort of thing occur in his own country—a worthwhile man called Alexander Solzhenitsyn, who said:

> A decline in courage may be the most striking feature which an outside observer notices in the West today. The Western world has lost its civic courage, both as a whole and separately, in each country, in each government, in each political party and, of course, in the United Nations. Such a decline in courage is particularly noticeable among the ruling and intellectual elites, causing an impression of a loss of courage by the entire society.

He is quoting the so-called civil liberties by which the Opposition is trying to undermine society. The Opposition talks about the fact that the legislation will be an intrusion into civil liberties; yet it well knows that, if we as a society continually use that argument, we will undermine ourselves. If one person is caught, thereby prevented from killing someone else, is that not justifiable or does the Opposition put a price on the fact that someone's life was saved?

In conclusion, I will refer to one other aspect which the Opposition has not experienced. If Opposition members could have been in my office just prior to Christmas to see an old man come in and sit across my desk with tears in his eyes, telling me that his daughter, the mother of two young children, had been wiped out at Morphett Vale, because some irresponsible person with ·15 alcohol in his blood had caused her death. The Opposition does not respect that. By the legislation, we are trying to make a definite attempt to influence the attitude of the people in our society to be more responsible in their driving habits. I quote one last comment by Solzhenitsyn as follows:

> The defense of individual rights has reached such extremes as to make society as a whole defenseless against certain individuals. It is time, in the West, to defend not so much human rights as human obligations.

That is also our obligation.

**Mr. GUNN (Eyre):** I oppose the Bill. I make clear from the outset that I have never supported random breath testing. I intend to exercise my democratic right provided to me as a member of the Parliamentary Liberal Party by voting against the second reading if a division is called for and against the third reading if a division is called for. I have not taken this step lightly, but from discussions I have had with my constituents.

Most of those with whom I have discussed this matter are opposed to the measure. That does not mean that I am not concerned at the mounting road toll or at people who drink excessively and drive motor vehicles but I do not believe that the legislation has been adequately proved —by that I mean that this measure will prevent people driving and drinking motor vehicles.

The legislation is a gross breach of civil liberties, and I believe that a great deal of personal inconvenience will be caused when the necessary stations are established. I have no idea where they will be established, but I should hate to think what would happen to the relationship between the police and the public if one of these stations if set up on Anzac Highway at 5 p.m. on a Friday or if one was set up at Football Park or at the Adelaide Oval after an important sporting fixture had been held. I should hate to think what chaos would prevail, and I believe that the public would take strong exception to it, and that unfortunate courses of action would be taken by certain members of the public.

I also believe that the Leader of the Opposition was not accurate when he accused the Government in today's *News* of rushing the legislation through Parliament. We have known for a long time that this measure was coming before us. Those who are opposed to it must be prepared today, tomorrow or next week to show their colours on the issue.

**The Hon. J. D. Wright:** The *News* agreed with him.

**Mr. GUNN:** I am surprised that the Deputy Leader has taken the side of the *News*.

**The Hon. J. D. Wright:** I didn't take its side.

**Mr. GUNN:** I am surprised, and I cannot help but be amused. The measure has had ample time for discussion. I believe that 24 hours after the original announcement was made, most of us had made up our minds about it. If there were certain areas of the legislation about which we were concerned, we did our homework and made a decision on the matter. This matter has been widely canvassed in the community, and I believe that Parliament will have to review it again in the near future if the measure is passed by both Houses.

I do not believe that the legislation will achieve the desired effect, but I appreciate the problems facing the Government. The Minister and the Government are being sincere in their attempts to do something about the mounting road toll, but we must understand one thing: unfortunately, as long as we have motor vehicles on the road, there will be accidents, foolish people driving fast, and people doing foolish things.

I do not believe we should be penalised or put the public to tremendous inconvenience because of the actions of a few irresponsible people. The law has substantial penalties for people who break the law or who drink and drive. In my view, they are adequate penalties. The police have all the necessary powers to apprehend and arrest a person if they have the slightest suspicion that he or she is drunk and driving or is trying to drive a motor vehicle.

As the member for Mitcham pointed out, we virtually have that provision now. I do not believe that this legislation will reduce the road toll. There are adequate requirements in the law for the police to station themselves near hotels, and if they suspect that a person has been drinking excessively, they can require that person to take a test. I do not think that any of us objects to that provision. I object to this provision and intend to exercise my right as a member, and I am prepared to take the consequences.

**Mr. O'Neill:** What consequences?

**Mr. GUNN:** I am prepared to accept the will of my constituents if they are unhappy with me on this matter. It is only proper that I make my position clear on this matter. My colleagues have been aware for a considerable time of my views on this matter. I have not made any public statements about the matter, because I do not believe that that would be proper. I have not set out to obtain any publicity on this matter whatsoever. I oppose the Bill.

**Mr. HAMILTON (Albert Park):** In opposing the Bill, first, I congratulate the member for Eyre on his courage in expressing the views as he believes them to be of his constituents. It seems strange for me to be agreeing with him, but I am of a similar view that the police have sufficient powers.

Those powers that currently exist empower a police officer to requre a person to take a breathalyser test if the officer has reasonable grounds to believe that a serious driving offence has been committed. We have heard tonight about the manner in which police can request a motorist to submit to those requirements.

However, I believe that this Bill was somewhat hastily introduced, in that we are looking at the end of the problem instead of the beginning of the problem. If the Government had been sincere, it would have implemented an intensive education programme through the media, in hotels and clubs, advising people who partake of alcohol about the risks that they currently run under the provisions of the law.

Moreover, the Government should have considered the provision of breathalyser bags in hotel bars, whereby those people who partake of alcohol in hotels can test themselves to see whether their blood alcohol level is over the prescribed limit. In that way, people would be aware of the dangers of driving a motor car after they leave the hotel; the opportunity would be provided for them to ascertain whether they are over the limit.

The member for Mawson was somewhat emotional in his statements relating to parents whose children are killed. Few members in this House have not experienced similar situations, and one can sympathise with people who have experienced this kind of grief. Members on this side are not unsympathetic to the problems of drink driving. I believe that the Government should have examined the problem in relation to hotels and clubs, but nothing has been heard about this.

If, after this kind of programme was implemented, it had been found that the desired results were not achieved (and I believe that such results would come only after a two or three year intensive programme, not after a temporary programme), the matter could have been reconsidered. It is an infringement of civil liberties.

The setting up of roadblocks is an infringement of civil liberties. Every person who drives a car will be required to be subject to a breath test. As my Leader stated, in Victoria, of the 38 000 people tested, 2 per cent yielded positive results. The member for Henley Beach referred to an article in the *Advertiser* of 7 March, but in his union bashing role (the honourable member bites the hand that has fed him for so many years), he did not give all of the details. He cited the opposition of some member of the Police Association to breath tests, but he did not say, as is stated in the article:

The Police Association Secretary, Mr. G. Martin, said

> yesterday the association executive was opposed only to discriminate breath testing.
>
> The executive felt there was adequate provision in the proposed legislation to allow police to ask drivers to submit to breath tests.
>
> Under the proposed legislation, police would have power to breath test any driver committing a road-traffic breach.
>
> "However, the executive is against the amendments which would allow police to set up target areas and ask every driver passing through to submit to a test," Mr. Martin said.

The honourable member omitted to quote the following important statement:

> He said the motion on the issue had come from the floor of the meeting, had been seconded and passed. No-one had spoken against it.

I believe that the money that will necessarily be used for random breath tests could be diverted to other areas. The police have sufficient powers to apprehend any member of the public and force them to take a breathalyser test. The money that the Government has obviously already committed to the breathalyser testing programme could be directed towards the education programme that I outlined previously. I oppose the Bill.

**Mr. LEWIS (Mallee):** I support the Bill. In doing so, I point out some of the difficulties that arise in consideration of this kind of measure in its proper social context. However, before doing so, let me answer some of the more unfortunate remarks made by the member for Price. The honourable member referred to the fact that the police image may be tarnished as a consequence of the necessity for police officers to enforce this measure in the event that the Bill is passed (and it will certainly be passed). That idea is nonsense, because if this were so, no law would be passed in this place, because we would not want any police officer to tarnish his public image in enforcement of the law.

The honourable member also mentioned that he values his driver's licence. He said that because of that fact, he does not drink and drive. He admits that the association of drink driving is not good and by his statement showed the psychological implications that that threat has to his simple mind. Perhaps he values his licence too much. I think his comment was a reflection on his own capacity to determine principle as against expediency.

Where are his principles? It should be, and always should have been, a matter of principle that he did not drink and drive. Surely that is the proper position. This would have been a worthier reason for the member for Price to give in support of his concern. The most recent edition of the Management Bulletin of the Australian Institute of Management (of which I am a member) cited comments in regard to this problem. The editor, Peter Lyons, stated:

> No problem is so big or complicated that it cannot be run away from.

He was quoting Charley Brown.

**Mr. Millhouse:** Who is Charley Brown?

**Mr. LEWIS:** The honourable member obviously does not read social comments. It is not the member for Whyalla.

**Mr. Millhouse:** Is it somebody we can rely on?

An honourable member: It's peanuts.

**Mr. LEWIS:** It is peanuts indeed. That is an appropriate retort to the inquiry put to me.

**Mr. Millhouse:** I don't know what he is talking about.

**Mr. LEWIS:** No doubt the loudest voices that deny such a problem exists will be those that are using the most energy to cover up that problem. I think that that is exactly what the Opposition is doing tonight; there is a problem there and members opposite have attempted to cover up by crying so much in their beer that it is going to be difficult for them to distinguish between the two. There are problems, quite apart from the Opposition members' problems in coming to terms with their principles and their attitudes to this Bill, in this community that generate people's reliance on alcohol, quite apart from those other people who drink for the sheer social pleasure of doing so. We need to address ourselves to those people.

Drug and alcohol dependence in industry and commerce are simply wasting real energy, and that is something this country could well do without. That is part of the problem to which we are addressing ourselves tonight. We are trying to dissuade people from drinking and driving. We are not looking at the root cause of their drinking, or at whether there is any other way in which we might be able to do this in addition to dissuading them from drinking and driving motor cars by simply subjecting them to random breath tests. I support this as one of many steps that need to be taken.

Road deaths are social wounds, and this Bill, if honourable members like, is the tincture of iodine on these wounds. It is not a pleasant thing to apply it, but it is, nonetheless, necessary to ensure that we can immediately get some healing of that wound. We also need to look at ways in which we can prevent the recurrence of that wound. The way we can do that is by removing an element, or elements, from the event from which the wound can result. I refer particularly to the fact that there are road deaths and that they are in large part shown to be associated with alcohol consumption.

*Members interjecting:*

**Mr. LEWIS:** I will readily accept that they are also elements of the problem.

**Mr. Max Brown:** You can't do anything about those?

**Mr. LEWIS:** This is one measure and one cannot introduce them all at once. What we can do, in theory at least, is look at the possibility of removing the motor car from the event, removing drink from the event, or removing the necessity to drive after drinking, or at least at that time. I want to address myself to the element of people avoiding driving and drinking. I want to pay my respects to a colleague of mine, a good friend, Mr. John Haddaway, who addressed himself to this problem in his Master's thesis for planning. I intend to quote from that thesis in the course of my remarks over the next few minutes.

I think it is unfortunate that a feature of the urban infrastructure that has received little attention from the planners is the hotel. While papers have been written and theories advanced on the location, size, distribution and inter-relationship of such things as local and district shopping centres, regional centres, areas for detached dwellings, areas for multiple dwellings, and areas for high density living, little attention has been paid to one of the historically important aspects of the community—the hotel.

The relatively new profession of planning developed in an era when there were few changes in the licensing laws and seems to have accepted the distribution of hotels as something outside its concern. That could be due to several reasons, including the issue of the hotels being highly motive in some sections of the community, and the overall subject being complex and a field in which many interests are firmly entrenched. It seems ironic that hotels built today are, at the insistence of the statutory planner, provided with large car-parking areas for the comfort of patrons of the hotel. Yet, apparently completely divorced in the public mind, we have this greater concern the road toll with assurances from those involved in its control that

many accidents on the road have alcohol as a contributing factor.

At the present time society is content to continue the current pattern of hotel construction, while it seeks methods of ensuring persons affected by alcohol are detected while driving a motor vehicle. It seems that there has been no attempt to attack what is regarded as a problem at its source by determining what is wrong with the present pattern of alcohol consumption and then finding ways of changing those patterns without using methods such as prohibition, which have shown to be failures in the past.

I point out that random breath testing is not prohibition; it is compliance by coercion (and that is something the Opposition knows a lot about). Before our society reached its high state of mobility, those persons who desired access to hotels could, presumably, achieve such access and the commercial interests involved assured those facilities could be reached with whatever mode of transport was available.

Commercial interests are now dependent on the motor vehicle for access to hotels, and society tends to support this view. In developing areas of the metropolitan area of Adelaide, we find hotels spaced at possibly three to four kilometres centres, while in the older areas they are present cheek by jowl in the main streets, and are more effective in terms of reducing the road toll—a desirable situation, I am sure. Can we expect that persons wishing to visit the establishments in these newer areas will walk? Can we afford the costs of ensuring that they will walk? Can we afford the costs of their not walking?

Indeed, in terms of lives, we know from the very beginnings of this colony that one of the very first Acts passed by the South Australian Parliament in May 1837 was an Act for the granting of licences regulating the sale of wine, beer and spiritous liquors, and for the prevention of drunkenness and the promotion of good order in public houses. That was passed on 2 February, coincidentally Governor Hindmarsh issued the first licence under that Act in May. Since that time—

*Members interjecting:*

**The SPEAKER:** Order! There is too much audible commenting.

**Mr. LEWIS:** There have been periods during the development of our history when the development of hotels boomed, when there were some 67 000 residents. There were more than 300 hotels in South Australia in the 1880's. However, the way is now open for hotels to relocate and resume some of the role that they previously held. This has not happened to any appreciable extent, possibly because of the entrenched habits and inflexible thinking at all levels.

I think strict control of new licences, economies of scale of large hotels, and the associated costs of moving have meant that there has not been a significant relocation of hotels to distribute them more evenly in the metropolitan area. This is shown in the distribution of hotels. If anybody would like to see the information, I would be happy to show it to them. There are presently 238 hotels in the Adelaide metropolitan area. Of those, 69 are located in the central city area. I heard the member for Elizabeth say earlier that he was concerned about the location of hotels in his district. If he were to consult Mr. Haddaway's thesis, he would discover how many there are and where they are located.

The ratio in Elizabeth is one hotel per 8 000 people. There is one for every 7 400 in Salisbury, and in Adelaide, if we discount half of the 25 hotels which are grouped tightly in the main commercial centre, we find that there are about one to every 2 900.

**Mr. Trainer:** Can you give me figures for Ascot Park?

**Mr. LEWIS:** Yes, if you would like to come and see me afterwards. In Enfield, Prospect, and the town of Walkerville, there is a ratio of one to every 6 500. You will notice that that is an older area, as are the areas of Woodville, West Torrens, Henley and Grange, Hindmarsh and Thebarton, where the ratio is one to 4 300 persons.

**Mr. O'Neill:** What about Mallee? Do you ever go there?

**Mr. LEWIS:** Mallee happens to have three times as many hotels per capita as any other State district and there are fewer offences for drunken driving in Mallee than in any other district.

The resulting proportion in Glenelg, Brighton and Marion is one hotel for every 6 500 people, because in those locations there has been a substantial development of urban areas over a rural population that was there before. In Glenelg, in particular, the ratio is one for every 2 200 people, in Brighton it is one for every 7 300, and in Marion the ratio is one for every 11 300.

**Mr. Whitten:** What about Port Adelaide?

**Mr. LEWIS:** I gave those figures earlier, if you had listened. What we need to know is the number of beer taps per capita and the number of car parks per capita in each of those local government areas, because then I think we would be coming to the nub of the problem. We would then begin to understand social behaviour patterns that affect whether people drink or drive and we would begin to understand the relationship between the size of each hotel and the size of its car park and the number of offences that are inevitably going to be committed, where such is the case that one licence can service, and be expected to service, such large population numbers. Members should reflect upon the distribution of hotels in Adelaide. That distribution does not reflect upon the present distribution of population.

**Mr. O'Neill:** Are you saying that there are too many, or not enough?

**Mr. LEWIS:** They are poorly distributed. While there are several types of hotels, the normal suburban hotel is characterised by its remote setting surrounded by a large car park. Older hotels have been forced to conform to this pattern by the areas they must serve, while the new hotels have already been designed in this manner.

In 1966 Mr. Justice Sangster, the Royal Commissioner appointed to investigate the Licensing Act in South Australia, added to the terms of reference which he initially undertook and he did so by announcing that he:

> . . . would enquire into and report whether it should be an offence for a person whilst having any, and, if so, what, blood alcohol concentration to drive or be in charge of a motor vehicle, and whether there should be any and, if so, what, compulsory subjection to breathalyser or other tests of blood alcohol concentration.

Unfortunately, his report shows that this approach was not even considered to be worthy of pursuing when he set out his method of inquiry into the types of licences.

**Mr. O'Neill:** What are you quoting from?

**Mr. LEWIS:** If you would bother to listen you will learn. He concluded by saying:

> . . . and then ascertain how the existing outlets could be utilised or adopted with a minimum of disruption, economic waste, on or creation of new outlets.

In justification of this, the commission found that:

> . . . broadly speaking the existing liquor outlets in South Australia are either suitable and adequate or can, without any serious disruption or economic waste, be adapted to provide not only the needs and convenience of the public that they now provide . . . but also those additional facilities which I have satisfied myself should be made available.

The apparent reasons for dismissing the possibility of redistribution from the outset are not given, and I think that is unfortunate. It would have made our objective analysis of the problem to which we are addressing ourselves through legislation far more effective had it been possible and done at that time. Generally the law has been conservative and has been a major influence in creating the major distribution patterns (and that is what I am complaining of) that exist today The conservative nature of the laws is most obvious in the involved procedures which have been used from time to time in the introduction of new hotels or the removal of existing licences to another site. The Royal Commission of 1966 eased many restrictions and improved the procedure for establishment or the removal.

The changes, however, were not sufficiently radical to promote a new distribution pattern and the methods used for the issue of licences makes spontaneous redistribution most unlikely. I think that is regrettable. Local option polls are generally a failure in my judgment in bringing about a rational redistribution. They were apparently introduced to bring about a reduction in the numbers of licences, and at first achieved that aim, whether you agree with that or not. The conservative nature of the electorate ensures that little change takes place, but there are definite signs towards the end of this system, and an increase in the number of hotels now desired has brought that about.

The present system of centralised special licensing authorities accessible to any citizens having cause for any objection, but with the responsibility of considering the overall community, seems to be the most satisfactory system by this process of consultation, if guidelines on the desirable number of persons per hotel, or optimum spacing of hotels, can be set down. It is in the formulation of these guidelines that I believe planners must participate. If the decision is left in the hands of licensing authorities legal and commercial factors will continue to dominate, with the danger of individual applications being considered out of context of the needs of the total urban area.

The major effect a planner can have, and has had, upon spacial distribution of hotels in Adelaide is in the formulation and administration of zoning regulations. Little has been done to study the place of the hotel in the urban network, and what has been done has been directed at the control of the effort of hotels on the neighbouring area by promoting restrictions on the existing forms of hotels rather than by the investigation of the possibility of new types of liquor outlets which would serve our purposes socially and would solve the problem that we are addressing ourselves to tonight more effectively.

I shall conclude my remarks by saying that more detailed knowledge of the effects of hotel distribution upon the patron's behaviour pattern and the subsequent formulation of optimum patterns from the point of view of the user is of high priority. Designs of small tavern hotels, using techniques, other than perimiter parking to insulate surrounding land should also be researched, in addition to the factors that I have already mentioned. Having formulated the aims of redistribution, the economics of the controlling agency could be pursued and alternative control philosophies developed.

I believe the skills necessary for these investigations to further solve the problem that we now face are best provided by planners. I trust that, whilst in this instance we seek by applying a tincture to the wound, we will also have the opportunity in this House in the near future to consider the way in which we might remove some of the elements and the association of elements which are responsible for producing the problem we are addressing ourselves to.

**Mr. O'NEILL (Florey):** Before trying to bring the debate back to the Bill, I would like to say for the benefit of the member of Mitcham (he has gone again), who seems to be a little in doubt as to just who I am, that I am the member for Florey, and I can understand that he may not recognise me, because he spends very little time in the House. However, I would have thought our mountebank Premier would know who I was. He seemed to have a lapse of memory this afternoon, but that is becoming more and more apparent the longer he goes on. Nevertheless, the thing that concerns me about this Bill is that I see some aspects of what goes on in the industrial arena concerning problems of safety and the attitude that is adopted by employers and their representatives in trying to solve these problems, namely, trying to hang everything on the individual, trying to solve safety problems by putting the onus on the employee to wear helmets, goggles, respirators, aprons, gloves and a great deal of other paraphernalia, rather than the industry taking some steps to get rid of the hazards.

What is proposed here is Draconian, because it has been quite clearly indicated already that some fairly effective legislation exists for the control of the problems that we are discussing, namely, of driving under the influence, and it is a fact that, while there are some limitations placed on the police in exercising their powers, quite often powers are used when not strictly in the legal sense applicable. If the driver has not enough nous to get legal advice or to complain, then he just pleads guilty or goes to court in ignorance and is found guilty, whereas in fact he should challenge the charge, and he may find that it was not valid, because the police had acted in excess of the prescriptions of the law.

But it concerns me somewhat that we have reached a situation where it is proposed that there will be this so-called random breath testing. It is quite clear from what has already been said that it will not be random testing at all, but that a prescription will be laid down that steps will be taken to facilitate the operations of the Police Force, given the restricted amount of funding that is available under this Government. A schedule or programme could be drawn up for any time from a month to 12 months or two years to operate this measure. I think that the Minister almost let it slip the other night: I got the impression that he used the words "road blocks" in respect of the method of implementing this type of operation.

I commend one Government member for his courage in getting up and speaking because, while it is often alleged that members on the Government side always vote on a conscience basis, I think it has been made quite clear over recent months that they are subject to just as strict a requirement within their Parliamentary Party as are other Parties. Nevertheless, he had the courage to get up and point that out. I have no illusions about the word "liberal"; as I have said in the House before, it is a misnomer. We are facing from this side an extremely conservative Government. There may be members in it who are genuine small "l" liberals, but they are in a minority. We are facing an extremely conservative Government, which quite clearly—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M. M. WILSON:** I rise on a point of order. The member for Florey accused the member for Mallee of straying from the Bill. I draw your attention, Mr. Speaker, to the fact that the honourable member is talking about whether the Liberal Party is conservative or otherwise. I

fail to see what that has to do with the Bill.

**The SPEAKER:** I do not uphold the point of order, although I appreciate that the use of a great deal of material this evening by members on both sides has been rather irrelevant. It has become the practice of the House for irrelevancy to prevail. It is an aspect with which I am not particularly happy and one which I will be addressing to the Standing Orders Committee in the very near future. I make that comment because I believe that, whilst the purport of the honourable Minister's point of order is correct, the practice of this House does not allow me on this occasion to accept his point of order. However, I would ask all members to address themselves to the subject at hand and not to stray, particularly when they may have stated at the commencement of their speech that it was necessary to get back to the reason for the Bill.

**Mr. O'NEILL:** I thank you for your ruling, Sir. I think what I am saying is extremely relevant, although maybe the Minister cannot see it. He might be one of the small "l" liberal members of the Liberal Party, but the conservative attitude of course is quite clearly distinguishable in this Bill. There is no attempt to do what the member for Mallee suggested in one of his more lucid moments, and that is to look at some of the associated problems, or some of the reasons why this situation arises. But an attempt is made to attack the individual who happens to succumb to some of the many temptations that are placed in his way. I think it is very relevant that we look at the Government's attitude to the contributing factors.

It is quite clear that, whether or not the Minister accepts it as being related to the Bill, one of the things that is definitely related to it is the need to improve the public transport system of the city, a job that the Labor Party was getting on with when it was in Government, and doing a great job. One of the problems of course contributing greatly to the carnage on the road in the north-east sector is the lack of an efficient transport system. We could have now had, in the process of construction, for the benefit of the State, an L.R.T. system which would have reduced the need for the number of motor vehicles that are on the roads at present to be there. Consequently, people could have gone out to do their evening's drinking, if they so desired, in the comfort of a modern high-speed electric transport system.

But, of course, there has been all this procrastination and all this talk about an O'Bahn system. I think the first time the Minister heard the word he thought it was an Irish bus conductor. Those of us who know are aware that Mercedes-Benz threw him a handful of gear before the last election and said this is a good one to try on; we are nasty because we lost the contract for the buses and Volvo got it.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr. O'NEILL:** One of the contributing factors is the lack of a decent public transport system. I agree also with the member for Mallee that there is a problem in the distribution of drinking houses around the city, and I for one would like to see us getting away from these huge beer barns that have been built over the years and getting back to a sensible situation where people can have an establishment in their neighbourhood to which they can walk, which as in many overseas countries provides a convivial atmosphere in a small establishment where people can have a few drinks and not be bothered with the problems of negotiating the way home in a motor vehicle.

Mention was made by the member for Mitcham about the need to introduce this legislation, to implement it over a period, and, if necessary, to repeal it. There was talk earlier of the seat belt legislation, which was introduced some years ago. I can go further than that, but not back to the beginning. Nevertheless, members may recall the iniquitous "move-on" provision that was introduced some years ago. The original idea was to take care of "cockatoos" who were keeping nit for S.P. bookmakers. Members may also recall the iniquitous use to which it was put to harass ordinary citizens on the street when just standing around and minding their own business. As I heard it put at one time by a proponent of it, it was necessary so that a police officer who might be standing near and who might see a long-haired lout with a grin on his face and know that he was thinking nasty things about the Police Force could order the person to move on. If the person did not obey the move-on order, the officer would arrest him. The man might be thinking about his mother-in-law, nothing to do with the Police Force. The move-on provision was an iniquitous provision which was introduced by an ultra-conservative Government and which was finally removed.

**Mr. Mathwin:** What's your mother-in-law got to do with it?

**Mr. O'NEILL:** I have a nice mother-in-law, but I do not know about you. Other provisions should be considered before we place any more infringements on the liberties of ordinary citizens. The member for Mallee showed remarkable perspicacity tonight; he mentioned the need to reduce the provisions for hotel parking. That, in itself, would have the effect of removing many vehicles from the vicinity of hotels. The matter of public transport comes into it again in as much as, rather than increasing fares on public transport, as we know is the Government's intention (it got caught out badly around the time of the Norwood by-election), we should be looking at the costs that have been spoken of at great length by the Government tonight and weigh them up in the balance to assist the economics of providing public transport at a nominal cost, as is done in many other countries, or extending the Bee-line bus service to certain suburban areas so that we can have free transport that would reduce the need for motor vehicles to be on the road.

Many aspects could be considered in respect of the problem of keeping people off the road. I had intended to say much about the fallacy of random breath testing and its efficacy in reducing the road toll. The way in which people throw statistics around is sometimes amazing, as the Government had shown tonight. One of the conclusions that could be drawn from the statistical evidence presented is that a person is safer driving a car when blind drunk than is a sober person, because the more a person has had to drink the less likely he is to be killed. That is a lot of rubbish.

I am prepared to wait for the Minister to advance his reasons for the need for the legislation. He may be able to convince me that it is not, as I believe, a gimmick he has come up with. The Government threw everything into the ring prior to the last election in order to try to win it; it did win, and it is now stuck with the problem of honouring its own promises. It has honoured a few, mostly in respect of taxes which benefit people far removed from the area of this legislation. One can rest assured that the barricades will not be going up on the road leading out of the Mount Osmond Golf Club or at Burnside or at Tusmore; they will more likely be in my district or down at Port Adelaide or Ascot Park.

It is a tribute to the leadership of the South Australian Police Association that it has seen the dangers in the legislation and has tried to warn the Government. The association took it to the Trades and Labor Council and, regardless of what the Government thinks about the council, I was present at the executive meeting which

discussed the legislation and I heard the debate that ensued. I can say that that debate was much more intelligent than were the propositions that have been advanced by some Government members tonight. The decision was not immediate, and not all people in Trades Hall automatically opposed the proposition, but the collective decision was that they should support the association in opposing the legislation. The animosity of the member for Henley Beach towards the trade union movement is well known, as has been said by other members tonight and, from his remarks, also towards the Police Association. He is so knowledgeable in the affairs of the trade union movement that he did not know why he did not have a ticket in his union any more.

**The DEPUTY SPEAKER:** Order! The honourable member is straying somewhat from the matter before the House. He should link up his remarks, or I will rule him out of order.

**Mr. O'NEILL:** I was replying to some of the points that had been made.

*Mr. Mathwin interjecting:*

**The DEPUTY SPEAKER:** Order! I call the honourable member for Glenelg to order.

**Mr. O'NEILL:** I was replying to some of the points raised by the member for Henley Beach.

**Mr. Peterson:** He's not worth replying to.

**Mr. O'NEILL:** I will take that advice. We will hear the Minister when replying to this debate, and I shall be pleased to hear his answers to some of the questions the Opposition will put to him in Committee. He may be able to convince us that the proposition is worthy of support but, as I said earlier, it appears to me that he is trying to fulfil a gimmicky promise that was made before the election.

Regardless of the effects the legislation will have on South Australian society, I am concerned more with its ramifications in the future, because I can see that, once it is implemented as law, it will never be repealed. It will possibly be converted into some kind of revenue-raising proposition, because we know that the Government is becoming desperate to drag money in from wherever it can get it. Whilst the Minister may have all the best intentions in the world, we cannot say that of the Treasurer, who will grab money from wherever he can get it. Given that scenario for the future, it is a very dangerous proposition that we are considering.

**Mr. EVANS (Fisher):** This is a subject to which I have addressed myself many times since I have been a member, namely, the problem of road accidents and alcohol as a contributing factor in those accidents, together with the cost to society. I do not want to go back over all the arguments tonight because of the time factor, but I will make one or two points that need to be made because of my personal convictions.

**Mr. Keneally:** What personal convictions?

**Mr. EVANS:** The honourable member may use that term if he likes, as did the member for Florey, but I will make the point and leave it at that. Individual rights have been spoken of, and it has been said that we are interfering with individuals driving along the road whom the police might stop and ask to take a test. That is not likely to happen, as we all know, unless an individual has attracted the notice of the police by carrying out certain actions.

**Mr. Keneally:** That is the trouble.

**Mr. EVANS:** Yes, and it is also the case on most occasions. The Government has included in the Bill more offences for which a person can be stopped. Random breath testing is provided for. Like the member for Mitcham, I would not care if the law provided that police officers could stop any person anywhere at any time to carry out that test, as they do to check driving licences. I have been stopped many times and asked to produce my driving licence, even though I have committed no offence. Police officers check drivers' licences, and this does not interfere with a driver's rights.

The rights of the person who does not drink alcohol to excess are also affected. Some people may comply with many laws, but may be stoned; in that case, the car is like a loaded shotgun, especially if it is driven in a crowded street. If a person's judgment goes astray, a major accident occurs and someone suffers. I spoke against seat belt legislation and about swimming pool legislation. This Bill is different. A swimming pool may be located on private property; if the owner of a pool has no children, and has acted within his rights in erecting a swimming pool for his own use, the swimming pool legislation provided protection for neighbouring children, who may fall into a pool.

The seat belt legislation was introduced because deaths and accidents, especially accidents resulting in a person's becoming a paraplegic or a quadraplegic (in which case hospitalisation for some time is required) were a burden on the public purse. That argument was used in this House. Yet, an individual was forced to protect himself by wearing a seat belt. The previous Labor Government introduced that Bill and argued for its implementation.

In this case, the Government asks for support to protect people who drink and drive. The lives and families of other people are involved. That is the difference. Where is the conscience of the Labor Party in Opposition? The Opposition should consider the Bills that it introduced in the past. The cost of alcohol in terms of lives in our society is great. Future generations will look back and say that we destroyed more than 10 000 people in this State alone, most of them under the age of 25. Not all of those people would have committed a driving offence; some of them would have been sober and would have been affected by someone else who was affected by alcohol and who ploughed into their car. We must take action now.

The member for Flinders said that, if a disease was taking the lives of 300 people in this State, something would be done about it. Compared to the number of people who are put into wheelchairs, hospitals and institutions because of drink driving, 300 lives are insignificant. Some people would say that they would accept death before being placed in a wheelchair as a quadraplegic or a vegetable for an unknown time. Some honourable members are not concerned about that.

**Mr. Hamilton:** That is rubbish.

**Mr. EVANS:** It is not rubbish. If we strictly control those who drink and drive, we know that there will be some reduction in the road toll. We all know that many people have already changed their attitude to drinking and driving. People in the community hire buses to go to a party. Many people who regularly dine together decide who will be the sober driver, whereas in the past this practice would not have been followed. Society has begun to realise that drink driving is a problem. However, a certain element in our society will not realise this.

I am the President of two large licensed clubs and I know that a law of this kind will affect the revenue of those clubs. The member for Mallee talked about hotels, bottle shops and licensed premises where people buy liquor, either to drink at home or in other places, and he said that the amount of alcohol sold had increased over the years. I know that this law may affect the revenue of such places and may affect attitudes towards licensed drinking places. If there is an acceptance by society of this law, only good will come of it.

Honourable members have become more conscious of the drink-driving problem, and we all know that some members decide not to drive after they have been drinking, because it is known that the law is tougher now than it was 10 or 15 years ago. When this law is implemented, the chances of apprehension will be greater, and that will stop people from making irresponsible decisions while under the influence of alcohol. As a Parliament, we should ensure that this Bill is passed for the good of our fellow citizens.

As the member for Mitcham said, there is a degree of infringement of rights, in that people will be stopped on the side of the road and asked to take a test. The same applies to T.B. X-rays; in this regard, there was no protest from the society. This infringement was accepted for the sake of public health. Alcohol is one of the biggest problems in our society, and alcohol dependency is one of the worst diseases that people can suffer. It we allow alcohol to be associated with the driving of a motor vehicle, we are putting a weapon into the hands of a person who does not have the ability to carry out effective control of that vehicle. The police shall have the right to stop any person to see if he is driving in a condition that is unsafe in regard to other road users.

Children or passengers of a vehicle may be affected and their rights and privileges should be protected. I hope that the Labor Party, in Opposition, will realise the folly of its opposing the Bill. The Bill should pass through the second reading stage, and further discussion can take place in Committee. I hope society realises that this sort of Bill is necessary for the protection of the rights of those who act within the law. I support the Bill.

**Mr. KENEALLY (Stuart):** I oppose the Bill and, because many other members have spoken on this measure, I can add very little at this stage. I do not propose to take up the time of the House to any great extent. I do not question the motives of the Minister or the Government in their bringing forward this Bill; I believe that the Government has the best of motives. I think that the Government sincerely believes that this measure will reduce the number of serious road accidents that people in this State suffer.

Unfortunately, Government back-benchers who have spoken to this measure have reflected on members of the Opposition at every opportunity. The member for Mawson went further and suggested that anybody who opposed this Bill was in favour of letting people run riot on the road, and he said that if any member of this House had a person in their family killed in a road accident, that member would know exactly what the member for Mawson was talking about. I can tell the honourable member that a member of the Keneally family was killed at Port Augusta on Saturday, but I have not changed my attitude at all.

The outbursts of the member for Henley Beach did absolutely nothing to help the debate. On a matter as serious as this, I do not think members should be trying to score political points off each other, so I will get back to the matter I mentioned originally, I believe the Minister is sincere. I also believe that it is the responsibility of the Minister and the Government to prove to this House and to those people who are not sure that this legislation is needed that, if implemented, it will be effective. That is the burden of proof that rests fairly and squarely on the Government and the Minister.

The member for Mitcham said we could try this out, that it just might have the effect of reducing accidents in South Australia. That is not the basis on which Governments can legislate. Any number of things might, by chance, have an effect upon community attitudes, but that is not good enough. The Government has to be convinced, when it brings a measure of this nature before the House, that it will work. It needs to have the facts and figures behind it to be able to prove to people that it will work. Unfortunately, the Minister, to this stage, has not been able to do that.

The charge has been made that the Labor Party, when in Opposition, was not concerned about road accidents in South Australia. Who do new members of the Government think introduced the current legislation that some members have said is tantamount to random breath testing anyway? It was not the current Government, it was the Opposition, when in Government, that introduced that legislation. That clearly indicates that the Opposition is concerned about what happens on the roads. I ask honourable members who have spoken in this debate where, when we discussed this matter not more than 12 months ago, was the amendment moved by the Liberal Party to have random breath testing introduced in South Australia. What has happened between then and now that they are so totally convinced that this is the only measure that can be effective, yet 12 months ago when the matter was being discussed in this House they did not move to have random breath testing introduced? Members opposite can reflect upon Opposition members as much as they wish, but that is the test of how genuine members opposite are. If they were genuine and believed this was the only measure that would be effective, they would have done something about it 12 months ago.

Why did we not have the amendment to the legislation that the Labor Party brought in 12 months ago? We were told by the police that the law, as it stood, did not give them power to require people to come out from their vehicles to take a breath test, that those people in the community who understood that could refuse to take a breath test, and that lawyers who were awake to that fact could use it as a tool to get their clients off. That was the reason that the police asked the previous Government to have a look at random breath testing, or to make the legislation better so that the police could enforce it if they felt people were driving under the influence of drink.

We had a look at the legislation, took evidence from people and took notice of public opinion. I was a member of the committee that the former Minister set up to consider this issue. We certainly looked at random breath testing and whether or not that was the answer, and we came down with the considered view that it was not. What we did was strengthen the legislation to allow the police to apprehend a motorist if, in fact, a relatively serious offence had been committed, or was thought to have been committed, against the Road Traffic Act.

The Minister as much as admitted that in his second reading explanation, when he said that the current legislation and his attempt to strengthen it was not in any real sense random testing since it related only to drivers who had drawn attention to themselves by the nature of their driving. One of the problems of extending that to give the police power to apprehend anybody is the very nature of that power. The police, in the main, are very good citizens; no-one denies that. We have a very good Police Force, and we are proud of it, but that does not mean that every policeman who wears a uniform in South Australia might not take advantage of that particular law.

I happen to live in a small country town where everybody is close to everybody else. That means that they are close to the Police Force as well. I can assure honourable members here that I have received numerous complaints about police officers harassing motorists in the township for no good reason. Whether or not those

allegations have been substantiated is another thing. I have taken up the matter with the Police Superintendent and Sergeant of Police; suffice for me to say that they take those complaints seriously.

That was the matter that we concerned ourselves about: the infringement of the civil liberties of ordinary citizens. A person may be driving home from work or whenever, and a policeman might take it into his head to pull this citizen over to check whether or not they were drinking when, as I said, the circumstances of an offence against the Road Traffic Act had not occurred.

We were rightly worried about this matter. The Police Department was also worried, because we were in contact with the Commissioner of Police at that time. That legislation was introduced to Parliament and passed unanimously in this House. No-one objected to it then. I want to know what has happened between that date and now to convince the Government that the existing legislation is not working.

**Mr. Evans:** People are still being killed.

**Mr. KENEALLY:** Of course people are still having accidents. They will continue to have accidents if we have random breath testing, unfortunate as that may be. If the member for Fisher is so stupid as to suggest that will not happen, that surprises me because normally he does show a modicum of intelligence (although I am not suggesting that his contribution to this debate would have proved my statement to be correct).

I want to know, and I think the Minister has to be able to tell the House, what has happened in the past 12 months that has changed his and his Party's view so dramatically? What has changed the views of the authorities so dramatically? What has rendered the existing legislation inadequate to overcome the problem that exists?

It is clear that all members are concerned about deaths on the road. All members are concerned about drink driving, and would like a perfect society in which no-one engaged in drink driving. I can make that statement with great confidence. I do not believe that the debate should have been reduced to level at which members on one side of the House were suggesting to members on the other side that one Party was less concerned about drink driving than the other. All members are concerned about drink driving but, if the Government is going to change the law to affect the civil liberties of people within society, the Government must be able to prove that there is a good reason to change the law.

That is a simple proposition: it is not up to the Opposition to prove that the amendment is not effective. Surely the Government must prove to the Opposition, to Parliament and to the people of South Australia that what it is going to do is likely to be effective.

I will have no truck at all with the member for Mitcham's proposition that we will try anything and, if it works, that is great; if it does not work, we can change it later. That proposition is not worthy of the member for Mitcham. If that is the level of debate on which he hangs his support, I hope that it is not the level that the Minister will reach in his reply.

I can say clearly on behalf of the Opposition that, if sufficient evidence is forthcoming to prove that this legislation will work, the Minister has a good chance of getting the Opposition's support. The member for Fisher says that it is clear that the electorate at large wants this legislation. I think that only one State, Victoria, has implemented it, and there is no indication that the electorate at large wants this legislation implemented, otherwise it would be the unanimous choice of State Governments in Australia to pass it.

They have not done that for a very good reason, namely, that the civil libertarians, the South Australian Police Association, the Senate Standing Committee and the Australian Law Reform Commission (all bodies on which I do not think any member here would care to reflect), have adopted the same attitude as that of the Opposition. I do not think that anyone would charge these bodies with being irresponsible, having no concern about the carnage on the roads, and not caring about our brothers. Of course that is not the case.

**Mr. Lewis:** You don't care about your sisters, too.

**Mr. KENEALLY:** I will not respond to that interjection, because I do not want the debate to the trivialised. The time that I have spent is enough to express my views on this matter, as most of the things I wish to express have been said already. I must say that I was distressed to hear that some members in this House think that this is a petty political issue, that it is not of much concern to the people of South Australia and to the House. I trust that further contributions to this debate will be carried on in a tone that is more appropriate to a matter of importance such as this.

**Mr. BECKER (Hanson):** I am amazed at some of the contributions that have come from members opposite this evening, particularly from the member for Florey, who said that this Bill was a gimmick and that it would raise revenue for the Government. Let me assure the Opposition that it is simply not that type of legislation, nor has it ever been considered to be such. It is an honest and sincere attempt to save lives on our roads, and to save the people of this community from being maimed. It is about time members of the Opposition and those in the community who oppose this legislation woke up to a few hard facts of life. One-third of road deaths are due to drink driving.

*Mr. Keneally interjecting:*

**Mr. BECKER:** I can tell the member for Stuart that I am taking a risk in speaking in this debate tonight, because about an hour and a half ago may wife received a threatening phone call saying that if I voted for this legislation I would be got at.

**Mr. Hemmings:** Don't get emotional.

**Mr. BECKER:** The member for Napier has never made a reasonable contribution in this House during the time he has been here. I can assure him that his Party and certain other people have whipped up emotions in the community, and now we are being subjected to threats. It is not on, and I am not going to take it from the member for Napier, or anybody else.

**Mr. Hemmings:** The Gallup poll showed that 75 per cent of people approved of it, so what are you saying?

**Mr. BECKER:** Yes, but some people unfortunately listen to the stupid things that you and members of your Party supporters are peddling around hotels—get at this one and that one because it is his fault, and so on. Don't try those tactics with me. You can do that down at the Trades Hall any time you like, but you will not scare me off. You only make me more determined that it will go through. After listening to some of the speeches of Opposition members, it appears that the Labor Party is split wide open at the moment because of the way it has handled most of the debates. It is obvious that the Leader of the Opposition is having difficulty controlling members.

This is a very serious matter; it is an honest attempt to protect the people who use our roads. That is what it is all about, and it is about time some of the people in the community woke up to a few facts. So concerned have I been about this matter for some years that I wrote to the General Manager of the State Government Insurance Commission. I thought that at long last I should get in

black and white the situation regarding drunk driving. I was advised by letter dated 22 January 1980, as follows:

> Alcohol Related Accidents.
>
> As requested we detail below the commission's attitude to claims arising from accidents where a drink-driving offence is proven:
>
> (1) The S.G.I.C. Motor Policy does not cover:
>
> Loss, damage or liability and/or reimbursement for damage and/or injury or death caused whilst the vehicle—
>
> *(a)* is being driven by or is in charge of any person
>
> (i) under the influence of any drug or of intoxicating liquor or
>
> (ii) in whose blood the percentage of alcohol is ·08 or more grams per 100 millilitres of blood as indicated by analysis of the person's breath or blood.
>
> Provided that this exclusion would not apply—
>
> (i) if there are any relevant statutory provisions to the contrary, or
>
> (ii) if the insured proves that he did not consent to the vehicle being driven by or being in charge of the person when such person was so affected.

Regarding compulsory third party, the letter states that, in the event of injury, provision is made in the relevant Act for the insurer to reserve rights and attempts to recover from the offender (person driving under the influence). The compensation payable to the injured person is not affected.

That in itself can have a serious effect on anyone who drives a motor vehicle and who, it has been proven, has exceeded the blood alcohol level. Such a person could be up for thousands of dollars. No-one has ever considered the insurance point of view previously.

In this Bill, we are trying to protect people from themselves. Many good citizens have had to face tens of thousands of dollars worth of claims against them because they have exceeded the blood alcohol limit when driving a motor vehicle. The State Government Insurance Commission has had to provide $180 000 000 to cover outstanding claims under the compulsory third party policies that it carries. That in itself must indicate the seriousness of road crashes, especially when one considers that one-third of road deaths in accidents are contributed to by drink driving.

Let us have a look at the other attitude, and refer to the people concerned in this issue. I now refer to what Mr. Connelly, the Chief Executive Officer of the South Australian Branch of the Australian Hotels Association, was reported to have said in the January 1980 issue of the *Hotel Gazette*. The report states:

> Irresponsible behaviour on our roads could not be tolerated at any time, the Australian Hotels Association (S.A. Branch) Chief Executive Officer, Mr. W. F. Connelly, said. All members of the community who used the roads, whether by motor vehicle, motor cycle, push bike or on foot, had a duty to society to conduct themselves correctly to ensure the safety of others.
>
> Mr. Connelly said one of the worst forms of irresponsible behaviour was drunk driving. "Society at large condemns this—and rightly so. So does the A.H.A. It has been mindful of the problem over the years and has been involved in a number of safety campaigns and promotions urging common sense," he said.

So, let us remember that the A.H.A. has put in many hotels signs warning people not to over-indulge.

The Minister's attitude in this matter is totally responsible. There is no question of drivers who are travelling along a given road having to form long queues. The number of drivers to be stopped will be only that which the police can handle. The activity is a psychological one, and it is intended to have an effect on drivers' behaviour rather than being a punitive one. It will be done sparingly and achieve the desired effect. It will not be done during the daytime, and it is not out to get the workers who want to go to a hotel after work before going home to dinner.

I cannot see what honourable members opposite are frightened about. The member for Stuart asked why we did not raise the issue previously. Efforts were being made by the former Government to try to do something about the South Australian road toll and, unfortunately, while this may have had a minor effect, it was not entirely effective. The Government is to be congratulated on showing the courage and initiative that it has shown to protect the people.

**Mr. HEMMINGS (Napier):** We have just had a typical emotional outburst from the aspiring Minister of Health, the member for Hanson, on this matter. I should like in this debate to break new ground. Government members are criticising Opposition members because they oppose the Bill.

They are saying that we are not concerned with the carnage on the road, but I would like tonight to promote an argument that we are being very hypocritical in our approach to the problems of alcohol in our community. First, I would like to quote from a newspaper which does not usually support our cause, a newspaper which usually supports the Government's cause. That is the Murdoch *News*. I understand speakers on our side tonight have mentioned it, and I think it is pertinent that what the *News* in its editorial tonight said about this Bill be recorded in *Hansard*. Under the heading of "Indecent haste", it states:

> Random breath testing could be justified if there was clear, convincing proof of it being a positive tool in the saving of lives. Experience where it has been introduced, as in Victoria, provides no such evidence. Therefore the other principal consideration about such a measure—that it is a gross infringement of civil liberties of the citizen and widely resented as such—should be the determining factor. Yet despite this and despite the doubts and opposition its plans have aroused, the State Government is going ahead with its random testing scheme. Not only that, it is bent on rushing the measure through Parliament with indecent haste.
>
> Scrutiny—There are the most serious reservations about the proposal itself. And there is no justification whatsoever for trying to force it through. The whole point of having a Parliament is to give thorough and considered scrutiny to proposed changes in the law. There can be no doubt that this is a Bill which warrants such scrutiny—even if it does lead to misgiving by some of the Government's own supporters. The Minister has said his Bill would have defined and limited application. But it would be establishing a practice which could easily become more widespread and which is open to abuse. Rapid passage of this measure would be a disservice to the people of South Australia.

This is what the Opposition has been continually speaking about tonight. There is no evidence that random breath testing has produced the desired effect. Of course, the Minister in his second reading explanation produced figures to show that the death toll in Victoria has come down, but there is nothing to prove that random breath testing has resulted in that reduction in the road toll. The Minister has not clearly defined where, when and how the Bill will operate. Perhaps when we are in the Committee stages we will be able to extract from the Minister exactly how and when the Government will be using this

legislation to reduce the road toll as far as drink driving is concerned.

I do not want to be seen as being cynical about the Government's intention, but I am tempted to believe that, as in the previous legislation, where we dealt with the emergency rationing of fuel, this measure has been rushed into this Parliament so that the people of South Australia can see this Government as a strong Government, a Government prepared to protect the rights of the citizens of this State.

I think that is the reason why this legislation is being pushed through with such indecent haste. Although I should not mention it, the member for Hanson said that we were speaking on behalf of the drinkers in the hotels and on behalf of Trades Hall. Even members on the Government side would not go along with that. As usual, the member for Hanson is flying kites.

I want to talk about the hypocrisy of our society in relation to the abuse of alcohol. The Bill deals with the problem of drink driving, and no-one would deny that, in some cases, drink driving has been the cause of accidents and deaths on our roads. However, I want to turn to other aspects of how alcohol affects the community and how the community reacts. There is not one company which produces alcohol, whether it be beer, wine or spirits, that does not put across the message that to drink alcohol is good: if a person drinks a certain brand of spirits, he will get on; if he drinks a certain brand of spirits, he will make it with the opposite sex; if he drinks alcohol, he will become a successful businessman; if he drinks a certain type of wine, the party will be a winner. Not one member from the Government side has mentioned the matter of advertising; all they talk about is drink driving. Suddenly, Government members are concerned about drink driving. They are not concerned about advertising, what we see on television, and what we read in the media promoting sales of alcohol at reduced prices, and so on.

They are trying to lay the blame on the people who drink, and we on this side condemn those people, too, but we do not think that that goes far enough. We cannot tackle the problem in one area. I thought that, for once, the member for Mallee was going to say something sensible, but I soon realised that I was wrong. He said we should be looking at the wider aspects, but then he waffled on. No Government member has condemned the people who advertise, who promote the sale of alcohol. I hope that, when he replies, the Minister might make some comment on his own views on the direct promotion of the drinking of alcohol.

For the financial year ended 1978, the Federal Government, from customs and excise duty on alcohol, collected $1 101 000 000.

Have Government members criticised the fact that Governments use alcohol as a means of raising revenue? Not one of them. All Government members talked about were the people who go out and drink and who suffer the consequences of the breathalyser.

Let us have a look at motor vehicle design as well. Motor vehicle manufacturers have conned us over the past 10 years into believing that they are producing vehicles designed to protect the driver. I made an interjection to the member for Hanson when he was saying that the road carnage is purely and simply the result of drink driving. There is no evidence to prove that the random breath tests for drink driving have reduced the road toll. The Opposition has made the point that the biggest contributing factor to deaths on the road is speed and bad design of motor vehicles. Over the years, motor vehicle manufacturers have produced cars with more powerful engines designed for greater speeds, yet nothing has been said about that tonight. I see that the member for Todd has at last woken up. Perhaps he will make a contribution to the debate. The gauge used in the manufacture of cars has been progressively reduced over the years. A vehicle produced in 1980, even with all the design experience that the motor manufacturers have gained over the years, is less safe than is a vehicle produced in the 1950's or 1960's. Vehicles produced in the early 1970's can still maintain their speed, but the actual exterior is less safe than is the requirement of its engine. The member for Todd, who is an expert on motor vehicle design, will obviously make a contribution tonight and refute what I have said. Let us now look at the regulations dealing with the actual permission to build hotels in this State today.

**The SPEAKER:** Order! I trust that the honourable member will link his remarks with the clauses of the Bill.

**Mr. HEMMINGS:** Yes, Sir, I will. What I am saying is that, if we are talking about reducing the rate of road deaths caused by drink, I think that the building of hotels is playing a valid part. I can speak from experience of the city of Elizabeth where I live, which is a new city and where over the past few years new hotels have been erected. One of the main criteria for the building of those hotels is to provide adequate off-street parking. What are we doing? One cannot build a hotel unless adequate off-street parking is provided. Two hotels have been built in recent years in my area in which off-street parking has been provided as a result of local government regulations, and this has created a hazard.

**The Hon. M. M. Wilson:** When you were Mayor, you sacked the Town Clerk.

**Mr. HEMMINGS:** That is rather amusing. I do not usually answer interjections, especially those from the Minister. The Minister told the House yesterday that this was a serious problem which the entire House had to consider seriously. He now says that, when I was the Mayor of the City of Elizabeth, we sacked the Town Clerk.

That shows exactly how the Minister feels about this Bill. The Minister is being very flippant, and is not really worried. He wants simply to be seen as a strong Minister introducing this Bill, so that the people of South Australia can say that the Tonkin Government is strong. In his second reading explanation the Minister said that he was really concerned about this issue; perhaps that is because he has heard some of the things that Opposition members have said. It is important that if we have regulations saying that we must have adequate off-street parking, which in effect encourages people to drive their cars to a hotel; we should be looking at that aspect of hotel trading as well as random breathalyser testing. Perhaps the Minister will look at that area and it can be discussed in Committee.

Members opposite have not really canvassed alcohol's cost to society. Let us examine the cost in relation to sickness; death; the breakdown of family life; and the disolution of marriages. Government members should look at those aspects as well, because the Government will not solve these problems by sending squads of police along different roads at different prescribed times in an attempt to trap these people. Members of Parliament in this State, in other States, and in the Federal Parliament must look at the whole cost to society brought about by alcohol.

I do not know whether any more Government members will participate in this debate, but we have already heard a rather emotional argument that if this Bill is passed tonight our problems will be solved. However, I do not believe that our problems will be solved. I see two problems with this Bill, the first of which relates to random breath testing, which I will not argue is an infringement of civil liberties. If random breath testing is necessary in certain

areas, one must weigh the fact that civil liberties are being infringed and we must live with that type of decision. However, I should like the House to consider the other aspect of this Bill relating to the widening of the powers given to the police and whether they should have power to force a motorist to take a breathalyser test.

It has been well canvassed in this House that such power could lead to a widespread abuse of police powers. Opposition members who represent country areas have said that the police sometimes make a practice of picking on certain members of the community whether they drive a certain type of motor vehicle or dress in a certain way. That is what is happening with the present legislation. If we widen these powers, we will also widen the powers of the police to abuse the system. The Minister should look at this area. The previous Labor Government, when it passed recent amendments to this Act, clearly recognised this, and went as far as the Commissioner of Police requested.

If the area is made wide open, and that, for any infringment of that section of the Act, the police can demand that citizens of this State undertake a breathalyser test, a situation may result whereby the police can be seen not as protectors of the interests of this State but as abusers of people's interests. I am sure that the Minister recognises that this is a serious matter, and he should examine this aspect of the Bill. No amendments will be moved by the Opposition, but, if the Bill is passed, and it is hoped that the two defectors about whom we have heard will cross the floor later—

**Mr. O'Neill:** Intelligent men.

**Mr. HEMMINGS:** Yes, they are intelligent men. One defector has just walked into the Chamber. If the Bill is defeated and the Minister reintroduces it later, I hope that he will take these comments to heart and examine the powers of the police in regard to breathalyser tests. I referred previously to the cost to society. We are being cynical and levelling our criticism of the death toll on the roads purely and simply at alcohol.

On the one hand, alcohol is promoted, but on the other hand, controlling legislation has been introduced in Victoria, and tonight in South Australia; this is a hypocritical attitude. I hope that the Minister of Transport will consult with the incumbent Minister of Health with a view to setting up an education programme, funded by the Minister of Health, so that people will be educated about the problems of alcohol that result from the public, in effect, being told that it is fashionable to drink alcohol. It may be possible, over a five-year period, to reduce the death toll resulting from the use of alcohol, not only on the roads but in other areas.

Relevant information can be obtained from the library. Opposition members have been told to make full use of the library, and I suggest that members opposite, before they vote tonight, rush to the library to read a book called *Alcohol in Australia,* published by the Commonwealth Department of Health in 1979. It is clearly stated therein that road deaths due to alcohol are far fewer in number than deaths caused by alcohol in other forms. We all know that one bed in five in Australian hospitals is occupied by a patient with alcohol related problems. Has anything been said about this by members opposite? Nothing has been said.

**The Hon. M. M. Wilson:** Are you saying that alcohol does not cause a lot of road deaths?

**Mr. HEMMINGS:** I know that you, Sir will be cross with me for answering the Minister's interjection. No-one on this side has denied that drink-driving causes road deaths. However, we are saying that the emphasis being placed by the Government on the problem is narrowed down to this problem. All the speakers on the Government side have not brought up the other problems of alcohol. They accept that it is right that we can have advertising in the media and on television to promote the sale of alcohol. That is a part of their scene. Some of the questions that the member for Elizabeth brought up are important. Is the Chief Secretary in consultation with the Commissioner? Will he have across-the-board random testing or will he resort to using it in the areas where the working man lives? Will he go to those areas where the more wealthy and affluent of our society live? The Minister has not told us that. Will the Chief Secretary be here tonight when we go into Committee? Is the Chief Secretary, who is going to implement the legislation, going to be here to answer questions when we go into Committee? I very much doubt it.

We will have a situation in which the Minister of Transport answers the questions that are asked in Committee, and we will have another Minister implementing the Act. Is it going to be a carte blanche thing? Is it going to be an area where the Minister says to the Commissioner, "Give us 52 weeks of a programme", or will the Chief Secretary look into areas where we know that accidents are happening? They are the kinds of things that we need to know, yet there has been no indication that the Chief Secretary will be here tonight when we go into Committee. Are we going to have to rely on the Minister of Transport, who I am sure has not consulted the Chief Secretary on this aspect? The Minister smiles and nods. Can this House be assured that the legislation is not going to be directed towards a certain section of our community? I suspect that it will be.

**Mr. Becker:** Rubbish!

**Mr. HEMMINGS:** We always hear "Rubbish" from the side—

**The SPEAKER:** The honourable member for Hanson is interjecting out of his seat, and that will not be tolerated by the Chair.

**Mr. HEMMINGS:** Thank you, Sir. They are the kinds of thing that we will need to know when we go into Committee. How will this Act be used? We should know who is going to decide in consultation with whom. Will the legislation be directed at certain sections of our community and will certain sections of the community become immune? I think they will, as do other Opposition members. It is up to the Minister in Committee to give some really frank answers. He has a good reputation in this House for giving frank answers, and I hope that he will do so and call on the Chief Secretary to sit alongside him—

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

**Mr. ASHENDEN (Todd):** I should like briefly to explain why I am going to support this Bill. Obviously, most of the points that I was going to make have already been made by speakers on one side or the other. However, I should like to raise two or three points that have already been discussed tonight.

I accept the word of members opposite who have assured us that they are sincere in their belief that they would like to do something about the road toll.

However, when we have to put up with an Opposition member, as we have this evening, determined to fill his whole 30 minutes with anything but that which is related to the Bill, I sometimes feel that that sort of thing stretches our credulity a little.

I should like to take up some of the points that have been made this evening to explain why I must support the Bill. One point that has been stressed tonight is the infringement of civil liberties. I accept that this can be seen

to be a very real point in relation to this Bill. The Leader of the Opposition obviously feels strongly about this, and he says that, if he could be assured that there was value in it (in other words, if the infringement of a person's civil liberty was overcome by a gain to the public in general or outweighed it), he would accept the Bill.

This Bill does that very thing, because what value do we place on a human life, or on saving a human being from being crippled for the rest of his life? If any measure has a chance of doing that, there is value in it. I therefore believe that if we can bring down legislation that attempts to control the drinking driver, and if that legislation saves just one life, in my opinion, the value is there and the so-called infringement of civil liberties is overcome by that very real human-term value.

The member for Elizabeth stated that he would like to see proof that this legislation will work but the member for Mitcham brought out a very telling point when he said "Look, let us not sit back and wait for someone else to prove it. Let us bring in this legislation to see whether we can, in fact, prove that this is a good piece of legislation and will have the desired effect."

The member for Stuart took a similar line to the member for Elizabeth, but, if we are going to sit back and wait, which is what I interpreted the member for Stuart as saying, namely "Let us get it proved before we do anything", and if everybody says that, then nothing will be done. We are a responsible Parliament and as part of our responsibility we must sometimes bite the bullet. We ought sometimes to take some action even if we do not have proof of the success thereof from elsewhere. Let us see whether we can come up with an action that will provide us with proof one way or the other. That is the sort of thing that we should do.

Most of us have said tonight that we are concerned about the effect of alcohol and driving in the community. If we can do something, just a small thing, to help overcome these problems, we are doing the right thing. That is the main reason why I am supporting this Bill.

My final point is that no-one seems to complain when the police pull a vehicle over because they believe, or are led to believe, that vehicle is defective. It can be pulled over and checked, and no-one complains about that infringement of civil liberties.

Often the police will stop a vehicle that is not defective, check it, and it goes on its way. I know that has happened to one or two people in my district because they have told me so, but there has been no complaint about infringement of civil liberties. Therefore, why not let the police have the power to stop a defective driver, a potentially defective driver or a driver who the police believe could be in such a state that he is a danger on the road. I see no difference between the two.

*An honourable member interjecting:*

**Mr. ASHENDEN:** The police will not stop everyone. It will be a random thing and this Bill will give them this right at either a random test point. Also, it broadens the time at which they can stop a driver if they believe—

**The Hon. J. D. Wright:** They don't have to believe any thing; they can believe in God, and stop him. That's all they have to believe.

**Mr. ASHENDEN:** The point is that I believe that any action that can be taken to overcome the difficulties caused on the roads by drinking drivers must be a good thing.

*Members interjecting:*

**The SPEAKER:** Order! This is not Question Time.

**Mr. ASHENDEN:** This legislation has to do with random breath testing, and I am devoting all my attention to that aspect only. I can say only that what the Government is attempting is to reduce the effect of the drinking driver and, if there is any chance that this legislation will work, let us give it a chance. We must do that sort of thing if we are to bring about more responsibility on the road. If this Bill is brought in people will pay more heed to the amount of alcohol they drink before they drive.

**Mr. PETERSON (Semaphore):** With due regard to your previous comments, Mr. Speaker, I will attempt to use only relevant material and, having due regard to the hour, I will be as brief as possible. We have heard many comments about the effects of the Bill. I refer to some of the points raised in the second reading explanation. The Minister states:

> This legislation reflects this Government's concern for the loss of life and the injury that occurs on the roads of South Australia. It is one of several actions being taken by the Government to deal with the road toll, as we promised to do during the last election campaign . . . we are now proceeding to carry out our promise and this legislation embodies one of them. This one in particular we promised because of our deep concern about the drink-driving problem. Indeed, because the Government has a mandate from the people for this policy, we present this Bill to the House.

The Bill does not reflect any great concern for reducing death and injury on the roads, and it seems that the mandate claimed is based on surveys about full random testing. To quote one type of test, I refer to a survey undertaken by Peter Gardner and Associates, which asked the following question:

> In the next session of State Parliament the issue of random breath testing for alcohol levels will be discussed. Do you believe random breath testing should be used in this State or not?

First, 66·1 per cent of those questioned were in favour of random testing. All references in that exercise related to full random testing and I assume, and most people assume, that that situation is in force in Victoria. Candidly, if this Bill is based on that assumption, the Government has let its supporters down. The type of testing proposed is not the same as that referred to in the survey. In his explanation the Minister also states:

> This is clearly not a completely random form of testing but is a selective testing that the Government believes will help in deterring drink-driving and, therefore, will save lives.

The Bill does not meet those terms. The Minister also states:

> There are two major aspects to the Bill. One is to insert a clause allowing a police officer to require an alcotest from anyone committing an offence against the Act of which driving a motor vehicle is an element.

Again, I do not see how that improves the existing Act. All those remedies are available now. Perhaps the situation will be further explained in Committee. The Minister states:

> The second aspect of the Bill is to allow the possibility of a somewhat wider form of breath testing than has hitherto been possible.

There is no doubt it has done that but, again, I would like that to be defined later.

I must comment now on what has been said and what I think of what has been said. There can be no doubt about the effect of drinking and driving and the problem that these activities create in society today. No honourable member could refute that. Many references have been made to hotels, but hotels are not the only place where people drink, and that point has been raised as well.

Anybody who has been to barbecues or parties and had a few drinks would realise that not everything can be

blamed on hotels. The effect of the current laws has been felt by the community and by operators of hotels. If one speaks to the manager of a hotel or a barman one finds that people have changed their drinking habits. Existing laws are starting to have an effect on people; it is a long-term process. It was stated earlier this evening that the effects are being felt now.

Other comments were made about the decline in the relationship between the public and the police should this type of testing be introduced. I think that that would be an automatic effect of this legislation. Obviously a test at say, 7.30 a.m., would not be effective, so that tests are most likely to be carried out during the evening when people are going out or on their way home. At that time of the night they will have deadlines to meet and places to be, so naturally that time will be the most disrupting and aggravating for them.

The biggest single factor that destroys the Bill is that, if drivers who have been drinking are aware of where and when the testing will take place, I do not think that anyone would expect them to drive in the vicinity of that testing station. I suggest that the provision will be ineffective, and that this Bill is a token effort to satisfy some election promises. I oppose the Bill, because I believe it achieves nothing.

**Mr. LANGLEY (Unley):** I, too, oppose the Bill. I am surprised tonight to find that members opposite now intend to support this Bill. There has been a change of attitude somewhere. Members opposite have had their say in the press, but, now it looks as though what was proposed will not come to fruition. This situation has happened to the Party opposite on many occasions. It happened in the Upper House with regard to another matter only recently. The attitude is that, if one does not toe the line, one knows what happens next time when the plebiscite comes along. That is what has happened on this occasion. Members opposite, although not named, let it be known that they would oppose the Government legislation, but they have changed their minds.

On many occasions when the Labor Party was in Government, Liberal members complained that legislation was too rushed; we heard the same thing over and over again. I would like to place on record what members said when in Opposition (and it will not be long before they are there again). What the Government has done on this occasion will not go down with the public.

Of course, too many accidents occur, but they are not always caused by drink-driving. Most accidents are caused by speeding. Press reports often state that speed is the cause of accidents which contribute to the road toll in this State. At present, I understand that the road toll is below the figure for the same stage last year. The introduction of this legislation is thus inopportune; it is not required. More cars are likely to be using the roads, and cars are getting faster all the time. Speed thus causes many accidents.

Mr. Speaker, during the course of the many speeches in this House there has been an attitude towards civil liberties. I have a letter from a Mr. Michael Steele, who is President of the organisation in question, and his letter covers this position concerning this Bill before the House quite adequately, and also it is a matter of concern to people that believe in civil liberties. I think civil liberties of people are being taken away from them. This letter states:

> *Random Breath Tests:* The proposed legislation covers breath testing in two distinct areas:
>
> 1. The police will have power to test any person if they have committed any breach of the Road Traffic Act.
> 2. At specified times and at specified places, the police will randomly test any motorist regardless of whether that motorist has committed a breach of the Road Traffic Act.

Tonight the honourable member for Fisher stated that on many occasions (this is in *Hansard*) he had been asked by the police to show his licence. I have just asked members in this place how many times, and I find that very few members have been asked by the police to show their licence more than once. I challenge the honourable member for Fisher that that is correct. So, Sir, it is quite inadequate for a person to get up in this House and absolutely tell an untruth in this matter. I will challenge the Opposition members about how many times have they been asked to show their licences during their driving periods. I do not want to go right through the whole of this material because the fact is that certain sections of it are almost exactly the same. I would like to quote this part:

> Both propositions are clearly an infringement of citizens' liberties. This much was admitted by the Minister in a discussion on "Nationwide" on 25 March 1980:
>
> We believe that where a government proposes legislation which clearly infringes civil liberties, the onus should be on the Government to show beyond doubt that the proposed legislation is so beneficial to the citizenry as to outweigh the breach of their liberties.
>
> If this proposition is accepted the potential advantage of the legislation must be examined.
>
> The Minister has indicated that the legislation is less Draconian than the Victorian legislation as to random breath testing and that the reason for that is that it is not an attempt to "trap" motorists but an attempt to deter motorists from driving whilst in any way affected by alcohol.

Well, I cannot see what can possibly happen if motorists are not going to be trapped. I hope the Minister, in the Committee stage, will tell members what is going to happen if police are not going to trap people during the course of the road block and things like that. There must be a reason. The only time I can remember road blocks being used was when the police decided to have people show their driving licence, and I think that was many years ago on Sir Lewis Cohen Avenue. I can only see that there will be a road block and people will be asked to stop, and then there will be many people who do not drink, and most likely a very small percentage that would be gained by this. I add further:

> The only means of testing the efficacy of such legislation as to its deterrent value is to look at statistical figures available in Victoria where random breath testing legislation has been in existence since 1 July 1976.
>
> No figures are available for 1976, but the Police Department annual report in 1977 and 1978 provide the following figures:
>
> 1. 1977—19 610 random tests were performed with 737 positive results—3·8 per cent.

The letter goes on to state that in 1978 more than 39 000 random tests were performed, with a 2·2 per cent positive response. The letter continues:

> These statistics can be interpreted in two ways:
>
> 1. That random breath testing is so effective that only a minuscule proportion of the population risks driving whilst having the prescribed amount of alcohol in the blood, or
>
> 2. That random breath testing is an enormous waste of police man hours and the taxpayers' money.

The letter states that it is not an unreasonable proposition to suggest that the 96·2 per cent of man hours in 1977 and the 97·8 per cent of man hours in 1978 would have been more effectively used in areas of police activity beneficial to the citizenry, as opposed to activity which clearly infringes the rights of the citizenry. The letter continues:

> It is further worth considering that in Victoria the

prescribed blood alcohol level is 0·05. In South Australia it is 0·08. It is reasonable to assume that some proportion of the 3·8 per cent and 2·2 per cent positive responses in Victoria were within the range of 0·05 and 0·08. Accordingly, it can be properly suggested that the positive responses likely to be gained in South Australia would be less than the positive responses gained in Victoria.

If the Minister has decided on action along lines similar to what has happened in Victoria, we will find that it is not worth while. The letter further states:

At the very best in Victoria it can be said that the legislation is effective only in the smallest degree where the police actively and persistently make use of their power. In Victoria the police on occasions advise motorists where random testing will occur. On the whole, however, such a warning is not given. Random breath testing can occur at any time and anywhere within the Melbourne metropolitan area.

Whether or not this will happen, perhaps the Minister will be able to tell us in Committee. The letter continues:

This situation differs markedly from the proposed legislation in South Australia. In South Australia there will be advance warning, and the random breath testing will not be actively pursued by the police except in pre-ordained places and times. It can reasonably be expected that there will be no change in the number of accidents in South Australia because of the very nature of the proposed legislation. It follows therefore that the facilities of the police in making use of the legislation will be wasted.

I believe that that has been the case in Victoria. I do not wish to quote the rest of the letter, but at the moment I see no reason why we should change the existing legislation. I think the police have adequate powers now, and I cannot see why this legislation should be before us.

The member for Mallee is a jovial fellow, and he said that members on this side were crying in their hair. Several of us, including the member for Stuart and two or three others, have no time to do that. We have cohesion in our Party, but we know that four or five members opposite were going to vote against this measure until suddenly they got the message.

I can assure the Government that there are no worries in the Opposition Party, because we get together, and we have great cohesion. Government members can laugh about that, but one reads more stories about the Liberal Party than about the Labor Party. Many Government members are looking for the leadership, but they will be here for only three years.

**The SPEAKER:** Order! The honourable member must come back to the Bill.

**Mr. LANGLEY:** I am sorry, Sir. There was laughter from the Government members, because they thought that what I said was not true. The member for Mallee referred to car parks in hotels. He should know something about the Local Government Act these days. When anyone builds anything these days, off-street parking must be provided. How would Woolworths and other larger concerns survive if they did not provide car parks? They must cater for the needs of their clientele. A commerical concern could hardly survive nowadays if it did not provide a car park. A hotel car park is little different from a large store's car park. The member for Henley Beach referred to the fact that more women are driving nowdays, but he did not say anything about how this increase had been brought about. Many families today have two cars. I wish that my wife could drive, but she cannot, and does not want to.

**The Hon. W. E. Chapman:** You wouldn't be able to teach her if you tried.

**Mr. LANGLEY:** In common with the Minister, I could probably afford to have her take lessons. My wife would not want me to teach her how to drive. Most people say that it is better for an outsider to teach a family member how to drive, the same as they might say that someone else might be able to teach the Minister on certain angles. I should make a speech like the one Sir Donald Bradman made the other day. The member for Henley Beach gets stuck into the unions and the Labor Party.

**The SPEAKER:** Order! The honourable member must please come back to the Bill, as he promised he would do.

**Mr. LANGLEY:** I am only answering what the member for Henley Beach said during his speech, because I specially listened to him. I am sure that the legislation will be of no benefit to the people of this State. This is another area in which the police will have more work to do. No-one is more grateful to the police of this State than I am. The legislation will not be of benefit to the Government, either, because it will lose more friends than it will gain as a result.

**Mr. SLATER (Gilles):** I do not intend to speak at length at this hour of the morning, but there are certain points that I want to place on the public record.

**Mr. Millhouse:** Do you think it will be all over the front page of tomorrow's *Advertiser?*

**Mr. SLATER:** I doubt that.

**Mr. Millhouse:** You said you wanted to put it on public record.

**Mr. SLATER:** Yes, and it is *Hansard* to which I am referring. We do not rely on the *Advertiser* but *Hansard* is our public record in this place. I have grave doubts as to the effectiveness of the legislation in reducing the road toll in this State. What concerns me mostly about the Bill (even though I admit, as the Minister said in his second reading explanation, that it is not as severe a form of random breath testing as is used in Victoria) is that the public will be required to submit to a breathalyser test on a certain road on a certain day proclaimed by the Minister.

I am not quite sure whether it is intended to give the public prior notice in regard to the proclaimed road on a proclaimed day or in what manner the proclamation will be made to the public. If it is done in that way it would be rather ludicrous, because any person who has consumed alcohol in the area on a proclaimed day, would certainly avoid a proclaimed road if he was warned. Those persons who had not consumed any alcohol, and indeed they might not drink at all, would have to submit to a breathalyser test to prove their sobriety if they travelled down a proclaimed road on a proclaimed day. It is these people who do not drink alcohol who I believe will be resentful at being inconvenienced.

*Mr. Randall interjecting:*

**Mr. SLATER:** You have had your turn, please let me have mine. The longer you interrupt, the longer it will take. I did promise to be brief. As I said, these people will be subjected to inconvenience and the rather demeaning experience of having to blow into a breathalyser unit, even though they might never have consumed alcohol in their life.

It is true that drinking and driving is a very great community problem, but I do not believe that anybody knows the real answer. This measure does not tackle the problem at its real source. We are faced with the problem that the consumption of alcohol is socially acceptable and that most persons in the community have a driver's licence and drive motor vehicles. That is a combination of two dangerous factors. There are may people who, even when they are sober, are dangerous drivers because of their basic personalities. In fact, I wonder how a lot of people obtain their drivers' licences. When these people consume alcohol we are faced with a danger to the public at large

and I admit that that is a problem.

I do not believe that the introduction of limited random breathalyser tests will really solve this problem. I am sure that the Minister will agree that this measure is not the ultimate solution. This Bill goes part of the way, but unfortunately it does not fit in with the general public consensus. Several organisations have expressed their opposition to random breathalyser tests, including the Police Association, the Trades and Labor Council and civil liberty organisations. I join with those bodies in expressing my opposition to the Bill in its present form. The former Government introduced increased penalties for first, second and third offences in regard to driving under the influence of alcohol. Those increased penalties were a deterrent to problem drinkers for a short while. This Bill is mainly directed to those problem drinkers. However, no matter what legislation is introduced or what penalties are provided, those people will still offend.

These people take the chance of getting caught. They are problem people and, unfortunately they are alcoholics. We need to tackle the problems of the individual. Many people continue to drive after the first offence and take the risk of committing a second offence and, in many instances, a third offence. It is not just and reasonable that every person who drives on a particular road on a particular day should be subject to a breathalyser test. I do not support the Bill in its present form; it does not attack the real root cause of the problem of drink driving.

The Government and the police will find the Bill difficult to administer, and additional burdens will be placed on the community. For those reasons, I oppose the Bill at the second reading stage.

**Mr. TRAINER (Ascot Park):** I will try to be brief and not too boring at this hour of the morning. I was disappointed by the contributions of some Government members. Some of their remarks have been inane, fatuous and boring. Some have been so soporific that they have put the member for Morphett to sleep. It is no wonder that he has earned the title of the member for Sleepy Hollow! I will also try to avoid any excess levity, although it was with a little levity that I was unable, when the member for Fisher mentioned his convictions, to resist asking how many convictions he had.

Despite what has been said previously by members opposite, members on this side share the concern of the Minister regarding the road toll. Several members on the Government side have taken the opportunity to castigate the Opposition and have implied that we are not concerned about the road toll. In a very strange contribution, the member for Mawson suggested that any criticism of the Bill that came from the Opposition was tantamount to some sort of socialist plot to undermine society, and he quoted Solzhenitsyn, which is a strange authority to bring in to a breathalyser Bill. I wonder whether the honourable member includes in this socialist plot to undermine society honourable members like the member for Eyre, who spoke with some criticism of this Bill earlier. Does the member for Mawson include other Liberals who oppose this Bill either in this House or in the Chamber of horrors next door?

I am not a total abstainer from alcohol, but I make clear that I am not very far from that status. I do not have a taste for alcohol; I do not feel any need for the crutch that alcohol supplies for some people. However, in society it is sometimes very difficult to avoid alcoholic drinks. One can easily give offence to another person in a social situation. Those members who have spent some time in the refreshment room might have noticed that, during the six months or so that I have been in this House, I have rarely touched alcoholic liquor, not because of religious convictions but on philosophical grounds. In those six months, I might have had a total of two, three, or perhaps four drinks and perhaps, once or twice, wine with a meal. Apart from that, I am close to being a total abstainer.

I share the concern already expressed by some honourable members regarding the social impact of the alcohol trade, and the member for Fisher commented on this fact. The member for Napier made strong comments about the importance of this overall trade that lies behind the problem that the Government believes it will alleviate with this Bill. The alcohol trade can wreck families, fill hospital beds, etc., but, as the member for Napier pointed out, we have heard nothing from the Government side regarding the real source of the problem—the place of alcohol in our society. The fact that the Government is trying to alleviate one of the symptoms (the impact on the road toll) is very much like the classical situation where a lot of people fall down a cliff because there is no fence at the top of it; the solution to that problem is not the construction of a first-aid station at the bottom of the cliff.

I think it indicates something about our social attitudes that alcohol (which is a drug, as is any chemical substance which alters the operation of the human body) is accepted. I think it is indicative of our hyprocisy that we give knighthoods to people who run breweries and gaol sentences to people who peddle other drugs on the street or in back alleys. I share the concern that has been expressed by the member for Mallee with respect to the proliferation of these large marketing outlets in suburban hotels with their huge car parks. I was interested to hear the honourable member say that his electorate had three times the average number of hotels per capita anywhere else but the lowest rate of drink-driving offences. That may imply a need for the Chief Secretary to expand police patrols in that area. I share the concern that the member for Mallee expressed about the suburban hotel trade and the attendant car parks.

We have this contradiction where the drunk-driver in many aspects is looked upon as some sort of social or moral leper, and probably justly so. Yet, at the same time, the large proportion of the drinking arrangements in our society are set up in such a way that the majority of the people who drink in suburban hotels will be driven to the site where the drinking takes place by someone who himself is probably going to be drinking as well. These outlets for the breweries have a lot to answer for in respect of the road toll, which presents an undeniable problem. Members on this side have not attempted to minimise the size of the problem. The road toll has declined slightly over the last few years but it is still totally unacceptable. What the Opposition asks is whether the proposal that has come from the Minister is a satisfactory solution to the problem. Would any benefits that would flow from this Bill not be outweighed by either the civil liberties issue or the public resentment that innocent citizens would have towards the police particularly since in application, to obtain the maximum effect, arrangements will be carried out at busy times when people would resent being held up?

I will not dwell on the civil liberties issue, as it has already been well covered by speakers on this side. However, I will comment on public respect for the police. The days of there being a lot of community acceptance of members of the Police Force, when we had the friendly officer on the neighbourhood beat, have gone. Police now tend to be insulated from the public in patrol cars, driving around in what is the biggest single cause of their estrangement from the community, namely, the motor car. Police unfortunately, are seen now by the public less and less as being their protection from crime and more and

more as a nuisance or narks to the motorist. This is unfortunate and unfair but it has come about as a result of the police being given, as part of their role, more and more traffic duties. Suggestions have occasionally been made that the Police Force should be separated and split so that its criminal detection functions are completely separated from its traffic control functions. If we were to think of reversing the situation and of adding something on, we could imagine the situation if the police had to carry the odium that parking inspectors have to carry. If the traffic role was separated from the criminal detection role, it would be an improvement, at least for that half of the force that was not unlucky enough to have the traffic role. The Police Force's existing function with respect to traffic control has lowered its public esteem.

This legislation will only estrange them still further from some of the public. We have to consider whether the social costs outweigh the social benefits. We are taking a leap in the dark to a large extent in respect of what benefits may flow from this Bill, however well intentioned the Government may be (and I am generous enough to give it the benefit of the doubt, despite what one or two Opposition members have said). I will assume, for the sake of argument, that the Government has the best of intentions with this Bill. Certainly, as other members have pointed out, the experience in Victoria, after enactment of similar legislation a few years ago, cannot be interpreted with any precision. We are also inadequately informed about any of the details regarding the application of this legislation should it be passed by the House. Possibly, the Chief Secretary may tell members in Committee of his role with respect to clause 4 and whether times and places will be adequately publicised where breathalyser activities will take place or whether, in any case, drivers will, after a while, be fully aware of the likely spots such as outside hotels and functions such as the Schutzenfest, and so on.

I should like also to raise a point to which a couple of Opposition members have referred. I ask whether the festivities of the upper echelon of society, such as yacht squadron or hunt club celebrations, are likely to attract the same police attention with the breathalyser unit as may events in working-class areas where alcohol is consumed.

If drivers do know, either by announcement or by logic, where random testing will occur, then "random breath testing" is a misnomer, and it would be predictable breath testing. Whether this degree of breath testing predictability would actually be of benefit in terms of deterrent is unclear. Whether any such deterrent to drinking drivers is of sufficient social benefit to outweigh the social costs in terms of civil liberties and a further diminution of badly needed public esteem for the Police Force is even vaguer. In all conscience, and along with the rest of the Opposition, I cannot support this Bill as it stands.

**The Hon. M. M. WILSON (Minister of Transport):** Obviously, because of the hour, it would not be considerate of me to deal with all the points raised by the Opposition at this time. No doubt we can canvass many of them in the Committee, as the Opposition has promised. I look forward to that. I want to canvass two or three points that have been made because they are general philosophical points, and points of principle that must be answered in this debate.

First, I refer to part of the contribution made by the member for Napier, who brought to the attention of the House the question of various ancillary items surrounding the use of alochol by the community. He referred to the advertising of alochol on television, the speed of motor cars, which must be taken into acount when looking at fatality or injury figures, and the construction of cars. I do not know whether he mentioned the state of roads, road engineering, or one or two other things. The honourable member castigated Government members because we did not canvass these issues. I point out to the member for Napier that we did not canvass those issues because they were not pertinent to the clauses of the Bill. Of course those things have an effect on the road toll; of course they have an effect on injuries sustained on the road; and of course action has to be taken in those areas. But, we are dealing with the Road Traffic Act Amendment Bill.

I refer to the contribution by the member for Stuart, who asked what had happened in the past 12 months to make the former Opposition, which is now in Government, introduce this Bill. I think that is the import of what the honourable member said.

**Mr. Keneally:** Why did the then Opposition change its mind?

**The Hon. M. M. WILSON:** The Government has introduced this Bill because it is determined to do what it can to alleviate the road toll in this State. Of course, the former Government was concerned about the road toll. Opposition members cannot say that the Government is accusing the Opposition of not being concerned about the road toll, because it is not saying that.

Of course, the present Opposition was concerned about the road toll when it was in Government. However, about last March or April (I cannot remember the exact date) the Premier called a top-level conference to ascertain what the then Labor Government could do to alleviate the road toll. The member for Hartley, who was the then Premier, was extremely concerned at the road toll figures that had eventuated at that time of the year, and his concern was shared by all members of the community.

The Premier called a top-level conference, consisting of, I think, the Minister of Transport (my predecessor) and the Commissioner of Police. Certainly it was an extremely high-level conference, and one or two other people whom I cannot remember may have attended. The members of that conference deliberated for some time and came up with one recommendation only, namely, that another $1 000 000 should be provided for the Police Force.

The Deputy Leader of the Opposition was then a member of Cabinet, and he can correct me if I am wrong. An extra $1 000 000 was to be provided for the Police Force for extra road patrols. That was an admirable suggestion, with which this Government continued in the last Budget. However, that was the only suggestion that the former Government came up with.

This Government is determined (and was determined before it became the Government) to take positive steps to alleviate the tremendous social problem that we face in this State. I refer to the Liberal Party health policy, which was released to the people of this State before the last election in September and which received much publicity. Under the heading "Road toll", the Liberal Party policy states:

> In accepting the challenge to fight the road toll we will support strong measures and penalties against offenders. Continuous education campaigns will be implemented. As a positive initiative we will implement random breath testing, as has been done so successfully in Victoria following the procedures adopted in Victoria. We believe that such a stern new law will deter irresponsible citizens from driving when affected by alcohol. It will prevent injuries and save lives.

I refer also to the heading of the road safety section of the Liberal Party transport policy, which was also released by me, as shadow Minister, before the September election, as follows:

> The appalling road fatality rate must be stopped. To do so requires strong Government action, even if it is electorally unpopular.

One does not often get such a phrase in an election policy statement, but that is what the Liberal Party at that time, even before it was in Government, was saying to the people. It said that it was going to take strong measures to alleviate the road toll, and that it would do so even if it was electorally unpopular. We did not take that phrase out and say it after we were elected to Government: we said it before the election, so that the people would know for whom they were voting and the policies for which they were voting at that stage.

The people elected the Liberal Party to Government and since then, certainly I, as Minister of Transport, have tried to implement the policies of the Liberal Party that were put before the people at that election. The Deupty Leader knows that we have already dealt with two of the measures, and this is the third one. The Opposition has accused the Government of undue haste in introducing this Bill.

When I announced in December, between Christmas and New Year, that we were to introduce this session of Parliament a Bill to bring in random breath testing I made quite plain in that announcement (and it received a lot of publicity) what the provisions of the Bill were to be. In fact, this is the Road Traffic Act Amendment Bill (No. 1) and was meant to be introduced much earlier in the session. The reason that it has not been introduced earlier is that consultative processes have had to take their course.

It is essential; the Government has promised to introduce it in this session, and it is not being introduced with undue haste. The people are well aware of the provisions contained in the Bill, and so is the Opposition. Although, I must agree that the Deputy Leader did not receive a copy of the Bill until last Thursday, he has had enough time to consider it. In fact, the Caucus and his Party did not decide on the attitude that it would take until the last couple of days. The point is that the Government has not pushed this Bill through with undue haste. The community has been aware of this matter; indeed, I have had deputations and many letters and submissions put to me during the past three months on this measure.

Reference has been made in the debate to the Victorian situation. I will not canvass the whole of that debate, but a lot of the Victorian figures were used. I admit that I used some of the Victorian figures in my second reading explanation. I may say that, if we are to judge this Bill on statistics alone, we will be incapable of making the judgment, because many of the statistics require a subjective answer by the person who is trying to make that judgment.

It is impossible, and members opposite know it is impossible, to say categorically how many lives will be saved by a piece of legislation such as this. I have a letter from the Hon. Lindsay Thompson, Minister for Police and Emergency Services, that I received on 21 March. It is a long letter. I will not read the first two paragraphs (members are welcome to see the contents), because they only set out the statistical information that has already been given, some by myself and some by the Deputy Leader. The letter concludes:

> The level of the community's perceived risk [this is the Victorian situation] of detection by police while a person is committing a drink-driving offence as measured by the results obtained from a series of questionnaire surveys conducted by the authority, significantly increased in December 1978 from the level measured in June 1976, the latter being the period immediately before the introduction of the Motor Car Breath Testing Stations Act 1976. From the commencement of the legislation on 1 July 1976 to 29 February 1980, 161 404 persons have been requested to undergo preliminary breath testing pursuant to the legislation. Such tests indicated the presence of alcohol in 3 150 drivers, of whom 2 127 subsequently registered a blood alcohol concentration in excess of the statutory limit of 0·05.

Who can honestly say with certainty that, in the case of those 2 127 people, because of apprehension, lives were not saved? It must be a statistical probability that lives were saved by that action. I do not believe that there is any way that that can be gainsayed.

The letter continues:

> Whilst the blood alcohol concentration of only a relatively small proportion of drivers who were tested (currently 1·5 per cent) exceeded the legal limit, the Government is of the view that a major benefit of the legislation results from its deterrent effects, in that it reminds drivers of the risk of detection and thus influences their drink-driving behaviour. This view is supported by the preliminary results of the latest evaluation being conducted by the Road Safety and Traffic Authority.
>
> It is considered that the deterrent effects have been enhanced by several multi-media advertising campaigns conducted by that authority, in essence, the campaigns such as "Don't blow your licence" and the alcohol awareness campaigns aimed to inform the public of the effects of driving whilst under the influence of alcohol, the risk of detection by police and the heavy penalties involved if convicted.

The final paragraph states:

> There has been little adverse reaction to the operation of breath-testing stations in Victoria over the last three years, and in fact there is every reason to believe that the operation of the system, together with the conduct of the campaigns mentioned previously, has had a beneficial impact on the community's behaviour and attitudes in respect of drink driving.

That letter refers to the deterrent effect of the campaign. This is one of the most important facets of this Bill, because it is the publicity value, the deterrent effect of this Bill, that will have the greatest effect on the road toll.

I am will not say to members opposite that this Bill is the panacea, the answer to the road toll. At no stage has the Government ever pretended that one Bill of this nature, one isolated Bill (as the honourable member for Napier called it), will be the total answer to the road toll, but it is a genuine attempt by this Government to do something about this tremendous problem which costs this community so much in human lives and in fact so much in financial cost too, because I believe the cost to the community is about $100 000 000 a year.

Let me give an example of the deterrent effect that legislation such as this can have. When I announced this legislation in the last week of December 1979, members opposite will realise it received a lot of publicity, and indeed it was designed to have that very effect. What we were trying to achieve with that publicity was the saving of lives, especially on new year's eve. At the same time as we announced that legislation, members will recall that certain advertisements went on television. One of them had two glasses crashing, trying to convince poeple that they should not drink and drive. The figures for the compulsory blood tests of road accident victims for January were 25 per cent down on December.

**The Hon. J. D. Wright:** Positive results or examinations?

**The Hon. M. M. WILSON:** Positive results. Indeed the same position applies to February. The Chairman of the Road Safety Council tells me that the road fatalities for the year are already down by 30 deaths. I am not saying that this is purely as a result of this legislation. Everyone must know that a multitudinous number of things have effects

on road accidents, one being the long spell of dry weather. I make no pretence about that.

**The Hon. R. G. Payne:** Visibility.

**The Hon. M. M. WILSON:** Indeed. Rain can cause more accidents. I am not saying that the announcment of this legislation was solely responsible, but there is no doubt in my mind that it had an effect. Another effect it had was on the Schutzenfest. Members will have read in the paper that after the Schutzenfest, which was in early January, following soon after that announcement, the organisers took home many kegs full rather than empty.

I believe that showed a very responsible attitude on the part of the public. I believe that the publicity value of the legislation such as this cannot be underestimated. What is important is that the reduction in road fatalities and in the number of road accident victims found with alcohol in their blood will not necessarily continue at that rate.

Honourable members know human nature. The rate could rise again, and it is necessary to have legislation such as this to maintain that reduction into the year and into the future. That is what we want to do, and one of the ways in which we will do it is by advertising in the paper that random tests will be carried out on a certain day or a certain weekend. We have not gone into the details of the text, but it will be to the effect that the public is notified that the South Australian Police Force will be conducting random tests on such and such a weekend.

Honourable members opposite will say that that will have the effect of causing people to be careful only on that weekend, but that in itself is an achievement. A percentage of those people will drive past the random testing station, and most of them will not be stopped, but sufficient people will see the advertisement and perhaps its effect will continue on in their future driving habits. If members of this House ignore that facet of the legislation, they are making a serious mistake.

I have spoken to representatives of the South Australian Police Association, which is a responsible body. The representatives came to see me, at my request, and we had a long discussion. The main concern of the association was the potential damage to the image of the Police Force, not the basic fact of random testing.

**The Hon. R. G. Payne:** Any damage to the image could spread right across the whole area.

**The Hon. M. M. WILSON:** I accept that, but our Police Force has a fine image. Members opposite have said that tonight, and I agree. We must keep in mind, however, that, if legislation is necessary for the public good and for the future health of our citizens, we cannot allow the matter of the image of an enforcement body to prevent that legislation from becoming law. No Government in its right mind, if it is doing its job—

**The Hon. R. G. Payne:** You could make them less effective because of that image.

**The Hon. M. M. WILSON:** We can talk about that in Committee. I believe that the image of the South Australian Police Force is good enough to withstand that. We must realise that 66 per cent of the population, according to the latest poll, both men and women, were in favour of random testing, and I do not believe that those people will take it out on the image of the Police Force.

**The Hon. J. D. Wright:** But that was a garbage poll being done in Eyre.

**The Hon. M. M. WILSON:** The honourable member can say what he likes about Eyre, but the poll has been quoted tonight. I want to touch on the matter of civil liberties, and then we can deal with the other matters in Committee. Of course this legislation is an infringement of civil liberties, and of course the seat belt legislation was such an infringement. The Road Traffic Act, much of which was brought into effect by the previous Government, is an infringement of civil liberties. I have never denied that. This legislation takes the infringement of civil liberties a little further and, as a Liberal, I do not relish that at all.

The greatest possible infringement of civil liberties is to drive your car on the road with your wife and family in it and be smashed into by another vehicle being driven by someone under the influence of alcohol. We must balance one against the other. The Leader of the Opposition said that today and on radio several weeks ago. The difference between this side of the House and the other side is about where that balance is. On which side of the scales will we come down? I exhort the House to come down on this side of the legislation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Commissioner of Police may authorise breath tests."

**The Hon. R. G. PAYNE:** This clause proposes to insert a definition of breath test into the parent Act. I spent some time during the debate trying to reason out why this is occurring, because definitions already exist for "alcotest" and "breath analysis" in the Act. Those terms are continued, if we examine the whole amending Act before us, in the placement in the parent Act, should the Bill pass, of new section 47e. We still have the terms "alcotest" and "breath analysis" continuing in the Act and referred to specifically by those terms in the Act, yet we find that we are asked to approve the insertion of the new definition.

I seek from the Minister any information he may have before him on why it is necessary to do this. I am not imputing to him any sinister motive. It must be an unusual way of doing it. It may be that it is easier to use the term "breath test" than "alcotest" or "breath analysis". That is possibly one of the reasons, and it is the only one I have been able to come up with.

**Mr. Millhouse:** They can use either the alcotest equipment or the breath analysis.

**The Hon. R. G. PAYNE:** That may well be so. They are referred to specifically, and I see no reason why they should not be used in any of the amending clauses, to which we are, technically, unable to refer at this time.

**The Hon. M. M. WILSON:** I apologise to the Committee for not having the exact detail on this matter. I understand that it is the result of a court decision, and it was decided to bring legal clarity into the situation. It will allow the three definitions to be incorporated in the Act. One realises the difference is that an alcotest can also mean a breath test. I cannot give the honourable member any more detailed information, but I will obtain it for him if he would like the specific court case and details of it.

**The Hon. R. G. PAYNE:** It would not have been necessary for me to raise this matter if the Minister's second reading explanation had not been so brief.

The second reading speech by the Minister simply says that clause 3 amends section 47a of the principal Act by inserting a definition of breath test. That leads me to attempt to elicit information as to why that form has been used. The explanation given by the Minister is reasonably satisfactory at this stage.

Clause passed.

Clause 4—"Enactment of section 47da of principal Act."

**Mr. MILLHOUSE:** I mentioned this clause in the second reading debate, and pointed out that subclause (1) merely refers to a road, and that could be 100 miles long, or 100 yards long. I do not agree with the nonsense about

advertising and giving warnings as to when the random breath testing will take place. I believe it should be a continuous process and that the motorist should be prepared to expect it at any time and at any place. Leaving that aside, if the Minister genuinely wants to give some definite advertisement about the time and place of such testing, then this clause is not sufficient to do that. If the Minister is not genuine, this is merely window dressing. As has been mentioned, testing could take place on the Main North Road, the Main South Road or Port Road. There is no limit as to the precise site on the road. Has the Minister delibertely done that? If the Minister wants to achieve the object he has stated, I believe it would have been appropriate to specify the locality, besides saying "on the road".

**The Hon. M. M. WILSON:** This clause really refers to the approval of the Chief Secretary to allow the police to set up their testing stations on a road on a specified day. The clause does not state that that will be the wording of the advertisement.

**Mr. Millhouse:** Obviously the two go together.

**The Hon. M. M. WILSON:** As a result of discussions between myself, the Chief Secretary and the Police Commissioner, the Government will advertise to the public that the police will conduct random testing on a particular day.

**Mr. Millhouse:** How specific will the advertisement be as to the locality?

**The Hon. M. M. WILSON:** At the moment the Government does not envisage informing the public of the locality. The advertisement will say that random testing will be carried out on a particular day or weekend.

**Mr. Millhouse:** Why does the Chief Secretary have to know about it?

**The Hon. M. M. WILSON:** Members opposite have mentioned the police tonight. The Government was concerned that the police should not have the powers that they have in Victoria to set up random testing stations wherever they wish without any Government control. Obviously the member for Mitcham is one of those persons, and there are many on this side of the House, who would like to see full random testing. If that were the case, the police would be given power to set up test stations wherever they believed they were necessary. However, the Government does not believe that it should proceed in that way at this stage. Instead, the Government will introduce this Bill, see how the public react to it, and judge its effect on the road toll and injury figures. In a nutshell, that is the Government's purpose. I deeply resent the remarks that have been made by some honourable members opposite who have suggested that these test stations could be placed in what they have called working class areas to the advantage of areas on the other side of town—wherever that may be.

That suggestion is disgraceful. There have been discussions between the Chief Secretary, me and the Commissioner, and it has been made quite plain in those discussions that the locales of testing stations will be suggested by the Commissioner to the Chief Secretary on the basis of road accident figures. Obviously, this is the only possible way that it can be done. This measure will be implemented in areas where there is likely to be, or where there is, a proven need to make the public aware of danger.

**The Hon. J. D. WRIGHT:** As I understand clause 4, the power of determination will rest completely with the Chief Secretary in consultation with the Police Commissioner. Why is the Chief Secretary not in the House to explain his philosophy about this matter and to explain what he intends to do? It is proper that he should be here. This is one of the few occasions that I can recall on which the power in a Bill has been passed to another Minister.

It is not right that the Minister of Transport be questioned about what is in the mind of the Chief Secretary, but if the Minister of Transport wants to answer on behalf of the Chief Secretary, I suppose we will have to accept that, but it is not good enough. The Chief Secretary should be in the House to answer questions about this part of the Bill. We should not be denied this right, but I suppose that we cannot literally drag the Chief Secretary into the House. Is it the Government's intention that the Chief Secretary be questioned about the methods that he will use?

**Mr. HEMMINGS:** I canvassed this point in the second reading stage. The Minister has carriage of the Bill, but clause 4 deals only with the Chief Secretary's power in consultation with the Police Commissioner. The Minister has stated that he resents the fact that suggestions have been made from this side that the power to carry out random tests will perhaps be directed more to the working-class areas, as he put it. This House must know whether that is the case. The Deputy Leader's point is valid; the Minister has carriage of the Bill, but the Chief Secretary will implement it. It is important that the Chief Secretary be here to answer questions dealing with this aspect, because everyone is aware that clause 4 is the clause that we are most interested in.

If the Chief Secretary can be dragged into the House, I fear that he may act as he did last night—he chose to answer no questions from this side of the House. This matter is important and I urge the Minister of Transport to bring the Chief Secretary into the House so that he can answer questions about how he will implement the Bill.

**The Hon. R. G. PAYNE:** Can the Minister say what discussions were held on the procedure outlined in relation to the Commisioner? Can he give details of its origin and suggest the areas in which prior approval of the Chief Secretary in relation to this clause was considered? I would be interested to know of any relevant discussions held with the Police Commissioner and the Chief Secretary, and to ascertain whether they were joint discussions, with all three parties present, or separate discussions.

**The Hon. M. M. WILSON:** The member for Napier has answered the question about the Chief Secretary. I have the carriage of the Bill and I am responsible in this Chamber for it, and will continue to be so. I can assure the honourable member that any information the Chief Secretary has about the application of this Bill I also have. Members opposite may be able to catch me out on a point or two, but that is only normal. Any decisions taken with the police on the implementation of this Bill have been taken in my presence. The other question raised by the member for Mitchell concerned the dates of consultation with the police. In the words of Mr. Bob Hawke, I can give a scenario. On becoming the Minister I immediately sent a copy of the Liberal Party policy to the Road Traffic Board and instructed it to prepare a document or a brief on random breath testing. The board sent me the documents which had been presented to Mr. Virgo, my predecessor, and the then Premier, the member for Hartley. Those documents make interesting reading but I have no intention of releasing any of that information to the Committee. I received this submission from the Road Traffic Board, and I then had drafted a submission that was put to Cabinet. However, I am not going to tell members what happened then, other than to say that I was instructed to take up certain details with the Commissioner of Police, which I did. At this stage the Chief Secretary had not come into the picture at all. It would have been somewhere around the end of November by the

time we got to that stage. After that it was realised that, although we had the legislative framework, we had no administrative details, which is what the member for Mitchell is interested in. We then had a joint meeting between the Commissioner, the Chief Secretary and myself, and we went through some of the administrative details, which members have accused me of releasing to the press and not releasing to this Committee. That is where the documents came from, and that is about all that I can tell the member for Mitchell. We also had a meeting with Chief Superintendent Bruce Furler and, I think, Assistant Commissioner Giles. They were both present at a subsequent meeting, representing the Commissioner, who was unable to be there.

**The Hon. J. D. WRIGHT:** In his final remarks during the second reading debate the Minister said that the only thing the Labor Government ever did about safety on roads was allocate a further $1 000 000 to the Police Department.

**The Hon. M. M. Wilson:** I said the only thing coming from that conference.

**The Hon. J. D. WRIGHT:** I remind the Minister that during the February session of Parliament in 1979 the then Minister of Transport (Hon. G. T. Virgo) introduced legislation described by members of the Liberal Party as "verging on random breath testing", so there was certainly other action taken apart from the allocation of the $1 000 000. I understand that each speaker on this side is limited to three attempts at questioning, is that correct?

**The CHAIRMAN:** Yes, under Standing Order 422.

**The Hon. J. D. WRIGHT:** Will the Minister ask the Chief Secretary how often it is proposed that these tests be held? I am reliably informed that the Police Commissioner has said that he is satisfied that legislation enacted last year is sufficient for the police to carry out their duties efficiently. Was the Police Commissioner satisfied with the previous legislation? What is his attitude towards this legislation? If his attitude has changed, why has it changed?

**The Hon. M. M. WILSON:** I must reiterate that I did not say that that was the only action the former Government took on road safety. I said that, as a result of the top level conference on road safety, chaired by the then Premier, the only recommendation to come out of that meeting was the provision of another $1 000 000 for the Police Force. One recalls that members opposite have already agreed to the provision of child safety restraints and probationary licences. I did not say it was the only thing the former Government had done.

As to the frequency of these testing days, as we may call them, the Premier announced in the media two or three weeks ago that it would be about six days a year. I have said publicly that it will be six to 10 days a year, and I can give members an assurance that it will be no more than that. In other words, we will be looking at once every couple of months. Obviously, it would be at high risk times, such as the festive season, when there is more chance of accidents. I believe that Thursday, Friday and Saturday nights are bad times, so they would be likely times, too, I expect.

This is the detail that we have not gone into. I expect that the Commissioner would recommend to the Chief Secretary that testing would be conducted mainly on those nights, because testing would be mainly done at night. As I do not know the Commissioner of Police well, or whether he has changed his mind—

**The Hon. J. D. Wright:** You have had consultations with him.

**The Hon. M. M. WILSON:** Indeed I have, and, as far as I can see (and I must get this exact as I do not wish to mislead the honourable member) he is happy about the legislation. He would have been satisfied with just the second half of the Bill dealing with extending the powers of the police, but is happy with the random testing provision as well. That is what he said to me. If he had a different view 12 months ago, perhaps it has been changed by the rise in the road toll that we have encountered in the past 12 months.

**Mr. O'NEILL:** As it seems that the Chief Secretary will not appear—

**The CHAIRMAN:** Order! There is nothing to require the presence of the Chief Secretary. The Minister of Transport is in charge of the legislation.

**Mr. O'NEILL:** Can the Minister tell the Committee whether the *modus operandi* will involve road blocks at which all motorists will be stopped? The Minister referred to concern from this side of the House about where most of the testing will be done. Deos he recall the police blitz in the early 1960's on the so-called defective motor vehicles? I certainly can, and it was not people driving later model cars that may or may not have been defective who bore the brunt of that attack but ordinary working people who were unfortunate enough to operate older model cars, and they were put off the road in droves. I was driving an old commercial vehicle that should have been put on the scrap heap but, because it was a commercial vehicle, no attempt was made at any time to stop me carrying out my employment.

There is real concern about the operation of these provisions. It is not just an over-reaction from the Opposition in respect of working-class areas. In the past, well-meaning legislation of this type has been used to the detriment of a certain section in society. So there is a strong possibility that this legislation could react against certain areas more than others. If the provision is intended to operate on a road-block system, how does the Minister envisage that it will be carried out without causing inconvenience and undue delay:

**The Hon. M. M. WILSON:** Is the member for Florey saying that if this legislation passes into law, the police, because there is a Liberal Government in office, will set up these testing stations in Labor voting areas? Is that what he is saying?

**Mr. O'Neill:** No, I am not.

**The Hon. M. M. WILSON:** What is the honourable member saying? This is about the fourth time tonight that that allegation has been made.

**Mr. O'Neill:** I made no allegation.

**The Hon. H. Allison:** He is implying that working class people cannot have nice cars too. Mine is a 1970 model.

**The Hon. M. M. WILSON:** Well the honourable member is a working man, is he not?

**The CHAIRMAN:** Order!

**Mr. O'Neill:** I am sorry you misunderstood the question.

**The Hon. M. M. WILSON:** I am getting a bit sick of it.

**Mr. O'Neill:** You have totally misunderstood what I have meant.

**The Hon. R. G. Payne:** He said that on some occasions well meaning legislation has acted to the detriment of a certain group in society.

**The Hon. M. M. WILSON:** I cannot tell you this off the top of my head, but is the honourable member saying that there are locations in working people's areas where there is a higher accident rate?

**The Hon. R. G. Payne:** Try the South Road, for example, where my electorate is.

**The Hon. M. M. WILSON:** I know about the South Road, and I know about the Main North Road, too.

**The Hon. R. G. Payne:** South Road carries more traffic

than any other undivided road, so there is the answer.

**The Hon. M. M. WILSON:** If there is a location in Mitchell District that is a high accident-prone area and where it has been found that intoxicated drivers may be prevalent, I suppose that they would set up a random breath-testing station. I do not know; the Commissioner of Police has all the facts, maps, diagrams, facts and figures at his finger tips. However, regarding legislation of which I am in charge, there would be no deliberate policy of setting up random test stations in any particular area. It would have to be done on the basis of statistical information. This is really the only fair way for it to be done.

Regarding the way in which it will be done, in the discussions that have been put to use it appears that the police will have a random test unit. The police will set up that unit at specified locations on the road.

**The Hon. J. D. Wright:** Only one unit per road?

**The Hon. M. M. WILSON:** Yes, only one unit. The van (which will contain the breathalyser, not the alcotester will pull up by the roadside and will be lit by some form of floodlight. There will be a roadblock situation, and the police will flag down motorists as they pass that location.

**The Hon. J. D. Wright:** Each car?

**The Hon. M. M. WILSON:** No. Not each car will be stopped. Perhaps it will be one in four cars or perhaps one in five; it will be a very low profile operation.

**The Hon. R. G. Payne:** It suffers from the same defect that radar has, in that people claim that others were going faster than they were but the others were not stopped.

**The Hon. M. M. WILSON:** I realise that, and that is unfortunate, and it upsets people. I suppose if one wants to be honest that this could be called selective random breath testing. If a person is stopped by the police he will be asked to take an alcotest; he will be asked to breath into the bag and, if the crystals turn the requisite colour, it shows, as a prima facie case, that they have a blood alcohol content of around the legal limit. Then, the person will be asked to wait and then take a breathalyser test in the van. Those persons will be very much inconvenienced, because they will have to wait 20 minutes before taking the breathalyser test.

If the alcotest reading is negative, they are on their way. What we want to avoid is a long bank up of cars, and we hope that, if there is nothing positive on the alcotest, people should not be inconvenienced for more than, say, three or four minutes at the very longest. It is a low-profile operation. The member for Mitcham would say that that is not good enough, and that we should have more of these vans, but we intend to have only two or three at the most. Three would be our maximum, because we are conscious of the cost of this legislation, something the Deputy Leader will ask me about very soon, I imagine.

**The Hon. J. D. Wright:** Expressly.

**The Hon. M. M. WILSON:** He is saving it up. As I explained before, the deterrent value of this legislation is as important as the legislation itself.

**Mr. SLATER:** Is it envisaged that prior notice will be given to the public of the day on which the test will be conducted? In reply to another question, the Minister has indicated that testing will be conducted only at specific times of the year, when it is more likely that people will be indulging in activities associated with the consumption of alcohol.

**The Hon. M. M. WILSON:** We will advertise in the press, although I do not know the exact form of the advertisement (that detail has to be arranged). We will advertise to the public that the police will be carrying out random testing on such-and-such a day.

**Mr. O'Neill:** On a particular road?

**The Hon. M. M. WILSON:** No, on such-and-such a day.

**Mr. Hamilton:** What do you mean by "day".

**The Hon. M. M. WILSON:** Well, say 25 May.

**Mr. Hamilton:** I am not trying to be funny; what I am saying—

**The CHAIRMAN:** Order! I think the honourable member should seek the information when he gets the call.

**Mr. ABBOTT:** What is the position in relation to roads on which there is more than one lane or one carriageway? Is it intended to concentrate on one lane, or will the motorists be flagged down from any lane? For example, the Anzac Highway has three of four carriageways, both on the up and down track.

**The Hon. M. M. WILSON:** The motorists will be flagged down from any lane. It would be patently unfair to take everyone from the inside lane, which would be the most convenient. They would be flagged down from any lane. Obviously, in the interests of safety the police would have to be very careful how they did it. They would have to wait for breaks in the traffic, and so on. It is a difficult problem; I am not trying to hide that.

**Mr. HEMMINGS:** In his second reading explanation the Minister quoted the figures from Victoria. I was rather concerned that a short while ago he said he was not aware of the figures relating to the areas in which there would be a high incidence of drink-driving problems, and I think he said that the Commissioner of Police would be aware of those areas.

I am concerned that the Minister has not consulted the Chief Secretary or the Commissioner of Police about areas in which there is a high incidence of drink-driving problems. That has a bearing on where random tests will be carried out, and it relates back to the claim made by members on this side that it could be to the detriment of certain sections of society.

The carrying out of random testing obviously would involve an increased number of officers in the breathalyser squad, and those officers must be trained. Does the Minister expect an increase in the numbers of the squad? Country areas, such as Mount Gambier, Kangaroo Island, Port Augusta, Whyalla, Port Pirie, and the Riverland, will have to be covered, as well as increased activity in the metropolitan area. Has either the Chief Secretary or the Minister considered the increased staff that might be needed to carry out those tests? Much has been said by the Government about increased numbers in the Police Force, but the Minister has said nothing to indicate that we will need additional officers to carry out this testing.

I think the Chief Secretary should be sitting alongside the Minister to advise him. The Minister has mentioned prescribed days. Is he saying that the areas being policed will be in the metropolitan area, or on Kangaroo Island, or at Mount Gambier? What increases does the Minister expect in the Police Force in relation to this activity?

**The Hon. J. D. WRIGHT:** The Minister has said that three breathalyser units will be operating. On the day on which the Chief Secretary and the Commissioner of Police choose to advertise, will all three units be in operation so that more than one road will be involved on the one day? What is the expected cost? In the debate on the Victorian legislation, Mr. Hamilton said that after each usage the plastic tube in the top was changed for hygienic reasons. He said that it took only a matter of seconds and cost about 10c, whereas it cost between 90c and $1 every time the alcotester was used.

Can the Minister obtain for me information on how much the actual test will cost each time it is taken, together with the overall cost to the department? I imagine that the Police Department will have to bear the extra costs involved. How many officers will be employed in each

unit?

**The Hon. M. M. WILSON:** The member for Napier may be disturbed that I do not have at my fingertips the exact details of where all accidents in the metropolian area occur. Obviously, I know the danger areas, but I do not carry a map around in my hip pocket. Regarding the increase in personnel in the breathalyser squad, the Commissioner agrees that no extra staff will be taken on for this purpose. Whether there will be a transference of officers from one section to another is completely at his discretion, and the Government would not interfere. We would not want to see police efficiency suffer, and we will be keeping a close eye on the matter. No actual wages element need be taken into account in any final costing under present departmental estimates.

The anticipated cost in the first year would be about $24 000, mainly for vans and any extra equipment needed. From my discussions with Superintendent Furler, I understand that that would be the maximum. I asked him to do it as carefully and in as detailed a way as he could. I suspected that the Deputy Leader would be asking me that question, because of the questions he asked on the probationary licence legislation. He has caught me out on how much each test would cost, but I will obtain that information for him as soon as possible. There will be more than one road on one testing day—one might be in the country and two in the city, or vice versa.

**The Hon. J. D. Wright:** That's maximised by the number of officers?

**The Hon. M. M. WILSON:** Exactly. There will be four or five police officers per unit, including, from what Superintendent Furler told me, the monitors.

**The Hon. R. G. PAYNE:** In referring to television advertisements, the Minister referred to the one with two glasses meeting and to the one showing how easy it is to loose a licence by pouring a glass and having it slipping away from you. I congratulate the Minister or whoever was responsible for the two advertisements.

I believe there is probably a lot of mileage—no pun intended—in trying to gain some reduction in the road toll by using that approach. Both of those TV segments had a nice choice between a psychological approach and a shock element, while each one was a little different from the other. I mention that to indicate that the Opposition's approach is constructive. I believe those TV segments had more of an effect than the Minister allowed for. Those advertisements have been mentioned to me many times, but random breath testing has not been mentioned as much in the same context.

I ask the Minister to explain how subclause (1) will work. According to that subclause, the Commissioner of Police may, with the Chief Secretary authorise people and cause something to happen. It has been made clear that the Minister of Transport is running this whole show, and I do not quarrel with that, because the Minister is entitled to do that. However, in fairness to the Opposition, the Government should indicate what will actually happen. Has the Minister of Transport a plan to set aside a certain number of days when random testing will occur, or will it be left to the Commissoner of Police to propose a certain number of days and locations that will be channelled through the Chief Secretary to the Minister of Transport? I could be nasty and argue that the wording of the subclause is quite erroneous because it should read that the Police Commissioner may, with the prior approval of the Chief Secretary and the authorisation of the Minister of Transport do these things.

**The Hon. M. M. WILSON:** I thank the member for Mitchell for his comments about the television advertisements, because I am very proud of them. Just before Christmas the Premier said to me, "I really think we need to inaugurate a fairly concentrated campaign and we need something imaginative; go and do it." I then got my press secretary and the Chairman of the Road Safety Council together and we found that the Road Safety Council had a lot of road safety advertisements from all over the world. We ran the advertisements through a video monitor and found that some were far too drastic and cruel.

However, one Latin American advertisement, which had a background speech in Portugese, depicted two glasses crashing together at the end of the advertisement with a sound of braking cars. My press secretary and I both said that was what we wanted to finish the advertisements off and that then we would borrow bits and pieces. I am not sure of the position in relation to the copyright laws but all these advertisements are granted by countries to other countries in the interests of road safety. We also used some of the Tasmanian ones. My press secretary then put the advertisements together in about 24 hours. It was actually my press secretary's driving licence that was used in the advertisement that showed the beer being poured over a licence. As I have said, I am very proud of those advertisements and I am very grateful to the television stations which, although the Government payed for a good deal of the advertisements, gave us a lot of free time. I believe the campaign was a very good combined effort.

The honourable member is quite right; I believe that the effect was significant. The method of obtaining this authorisation has not been decided in detail because the Bill will not be proclaimed within the next couple of weeks but will be projected into the future, if it is passed. The Road Traffic Board contains not only the Commissioner of Highways as Chairman but also the Commissioner of Police and the Chairman of the Road Safety Council. Those three people are important to all safety legislation. As the Road Traffic Board administers the Road Traffic Act, I imagine that the impetus will come from that board as to times of the year or days on which random testing should take place. However, the Road Safety Committee may be involved. Honourable members may be confused about the various safety organisations. The Road Safety Committee is high-powered and makes recommendations to the Government about legislation. It is not the same as the Road Safety Council.

**Mr. Trainer:** Why not call it the road safety legislation committee?

**The Hon. M. M. WILSON:** The member for Ascot Park may see his suggestion come into being. I imagine that the impetus as to the times over year or days on which random testing should take place will be recommended by the Road Traffic Board and the actual locations will be recommended by the Commissioner of Police. The Commissioner of Police will approach the Chief Secretary with the recommendations of the Road Traffic Board. Because the recommendations will go from the Road Traffic Board, which is one of my agencies, it will go through me.

The detail has not been decided, but some methods have been discussed informally with the Chief Secretary. This matter has not been discussed with the Commissioner of Police.

**Mr. HEMMINGS:** I refer to the undue delay or inconvenience that may be caused to those affected; some 10 minutes ago the Minister, when he explained the situation that may occur on any road, said that people could be delayed for up to 20 minutes.

**The Hon. M. M. Wilson:** Or longer.

**Mr. HEMMINGS:** I hope that the Minister will treat my question seriously because I know that we are sometimes accused at a late hour of trying to prolong questions.

*Members interjecting:*

**Mr. HEMMINGS:** Mr. Chairman, I hope that members opposite will remain quiet.

**The CHAIRMAN:** Order! The Chair will ensure that the honourable member is given the opportunity to put his point.

**Mr. HEMMINGS:** Thank you, Mr. Chairman. There was a lot of noise from the other side.

**The CHAIRMAN:** The honourable member for Napier must not refer to interjections.

**Mr. HEMMINGS:** In the second reading stage, I said that 75 per cent of the public are in favour of this Bill; the Minister, when he made his final speech, quoted the figure of 66 per cent. I think it is accepted that the majority of the South Australian public is in favour of this kind of Bill. The Minister would agree that, if members of the public were hampered in a journey by 20 minutes or more, some backlash could occur. A person who may be on an emergency journey may be hampered.

What areas are covered in this clause where the police could give, in effect, safe passage through to members of the public? It is an important part of this clause. Are the police being given the power to stop anyone that they want to? Can a person say, "I need to proceed as quickly as possible"? Are the police being given the power to allow that person to proceed? How does the Minister see the public reaction when they may have to wait 20 or 30 minutes to blow into a bag? The Minister needs to look at this area. Have he, the Chief Secretary and the Police Commissioner all looked at that area?

**The Hon. M. M. WILSON:** I give the member for Napier 10 out of 10 for not giving up. The public will have to wait 20 minutes or longer at a van only if the alcotest shows that they have a reading greater than ·08. In that case they should not complain. The only delay will be for those people who take an alcotest which shows them to be above the legal limit. They will have to wait 20 minutes or so to take the breathalyser; otherwise, the result cannot be admitted in the court.

**Mr. Hemmings:** What if I was a doctor?

**The Hon. M. M. WILSON:** The police will have the same powers as they have now. If the member for Napier was a doctor and was in a hurry to deliver a child, the police would let him through if he was able to convince them that he had a genuine reason to be let through.

**Mr. HAMILTON:** In relation to shift workers and employees involved in public transport, what would be the position if an employee turned up late for work? What proof would he have to provide to his employer, and would he be docked? The term "day" could interpreted three ways. Should a day be taken as 24 hours? It is not spelt out in the Bill and could be misinterpreted as being between 9 a.m. and 5 p.m., which is the normal working day.

**The Hon. M. M. WILSON:** As to the honourable member's colleagues, the trade unionists, as far as workers on public transport are concerned, they will be the same as any other workers in any other industry.

I will make a decision about what happens to public transport workers if they are caught by a random test station when the time comes and the matter is referred to me by the State Transport Authority. I have not even thought about that yet. I will be giving the matter consideration, as no doubt, will all employers. What happens at present when someone is detained in a compulsory licence check? Perhaps the honourable member can tell me that. If a test is going to take place on any given day, it will be between 12.1 a.m. and 12 midnight.

**Mr. TRAINER:** What is the method of selecting which cars are going to be picked out at the road block? The Minister hinted earlier that every third or fourth car might be selected, or that some other method might be used. What exactly will be the method of selecting these cars at random? Is it going to be strictly at random, or will it be done on some sort of numerical basis? I think the suggestion was that the police could, for example, pick out every third, fourth or fifth car, which seems to be a fairer basis than to leave selection to the capricious judgment of an officer who could quite easily ignore someone who looked the "gentleman" in the Mercedes-Benz and prefer someone who was a more stereotype blue-collar figure.

**Mr. KENEALLY:** I will follow up the question asked by the member for Ascot Park. I do not believe that, if Parliament is going to pass this legislation, it ought to leave the method of selecting these cars and the drivers who are going to be picked up by the random breath test to authorities other than the Parliament. I think we ought to look carefully at what the method will be. There is no way in the world I would be prepared to accept the system suggested by the Minister that every third, fourth or fifth car be picked out because, with the best will in the world, if that is going to be the system, the Mercedes-Benz that has been mentioned, with the driver in the business suit, will get through. There is no doubt that if you are a criminal in South Australia it is best to be dressed in a suit and tie with your hair cut short, because if you walk down the street nobody will worry about you. You can be the most law-abiding citizen in the world, but if you have long hair and a beard, and walk down the street wearing jeans and a t-shirt, you are immediately under suspicion. That is a fact of life. The same thing applies to cars. I believe that Parliament should say that the cars ought to be selected in blocks: perhaps five or 10 cars would come along and be stopped, processed, and then another group would be stopped. To select them as they come along at the whim of the officer in charge leaves absolutely no doubt that if you look slightly suspect you will be stopped (a lot of law-abiding citizens look slightly suspect, whereas the overwhelming majority of cunning criminals look like law-abiding citizens, so the police will be stopping the innocent and letting the guilty go through). I am genuine about this; this is not a matter that ought to be left to another authority. If we are going to pass this legislation here, we ought to say what method is to be used by the policing authority.

There should be no opportunity for a selective system to be used or for discrimination to take place. Earlier today a Government member stated in relation to another matter that not only should justice be done: it should be seen to be done. That will not be the case if the police are selective in whom they stop to test.

**Mr. O'NEILL:** Regarding the Minister's previous answer, I was not imputing any unfair action to him. I point out that, during the blitz on defective vehicles in the 1960's, the less affluent people in society copped the brunt of that blitz. How accurate is the alcotester? What are the chances of people below the prescribed level being detained for lengthy periods? Does the Minister remember the situation applying when radar was first introduced to catch speeding motorists and a motorist contested and won a case which led the then Playford Government to overcome the problem by passing legislation which provided that if a machine had been checked within a fortnight it was deemed to be accurate, which meant that as long as a machine had been tested the police could book anyone, no matter what speed he was travelling?

I am concerned that people could be held up for a considerable time awaiting a breathalyser test when there

should be no legal reason for their journey being impeded at all. Also, I am concerned that as this exercise will take place on six to 10 days a year, it will be some sort of lottery at the check point. We will not know exactly who will be involved and it will not be a particularly effective programme in getting drunk drivers off the road.

**The Hon. M. M. WILSON:** Selection will be by that method which the police can most safely carry out in the traffic conditions prevailing at the time. Obviously blocks of five would be an admirable way of doing it, if it was the safest way. For those members concerned, I will obtain a statement from the police that will set out exactly how they intend to do it. Much will depend on prevailing conditions.

I must make plain to the honourable member for Stuart particularly that, when I said that every fourth car would be stopped, I did not necessarily mean that they would count the cars off and take the fourth. It would depend on two things, the first of which is, how many people they can handle quickly at once. It will be a sort of public relations exercise, and it will be in their interests to move people through as quickly as possible. The second aspect will depend on the prevailing traffic conditions. I will obtain that information for the honourable members concerned.

The member for Florey made a very good point when he asked the question about delay and the accuracy of the alcotester, which is very important. The police have to use that alcotest so that their margin of error is such that a person who looks like he might be at the prescribed level on the alcotest, and is in fact under it, is not detained. Once again, I shall have to obtain the exact details for the honourable member. However, it is an important question, because we do not want people who are not at the prescribed limit being stopped.

**Mr. O'Neill:** They will be stopped, but you do not want them delayed.

**The Hon. M. M. WILSON:** "Delayed" would be the correct word. If they are above the ·08 limit, they deserve to be delayed.

**Mr. WHITTEN:** I understood the Minister to say earlier in the discussion on this clause that these units would be used not more than six to 10 times per year. He said that three vans would be required. Does the Minister intend to use those three vans on each of those six to 10 occasions, or will those three vans be used collectively on those same days?

**Mr. TRAINER:** My question follows the one that has been raised by the member for Price. If these vans are to be used on about 10 days per year, how will the equipment in them be used during the rest of the year? Will the units serve as back-up facilities around the metropolitan area checking on motorists who have been picked up for drink driving by other methods of detection?

**The Hon. M. M. WILSON:** The answer to the member for Ascot Park is "Yes". The units will be used for the normal breathalyser testing techniques. Although they will not be able to use the vans, they will be able to use the equipment for normal breathalyser testing.

In answer to the member for Price, the three vans will be used on each day. I cannot say that they will all be used on every day, as one may be out for repairs, for instance, but, obviously, the police would want to maximise their use on each of these days. As I have said, some will be in the country and some in the city.

**Mr. HAMILTON:** I refer again to the matter of shiftworkers because I consider that to be very important. In relation to those employees who arrive at work late, unless there is some proof, it could be that an employee's immediate superior officer will dock him the time.

That would be most unfortunate and most unfair to the employee concerned. However, in relation to the random testing, I can visualise a situation where one of these poor unfortunates, at, say, about 2 a.m. on his way to work could be pulled up by police with a random breathalyser unit. He could then leave that scene and, because he transgressed over a white line, could be pulled up again, thereby arriving at work three-quarters of an hour late. Knowing some of the Government departments as I do, the employee would have a difficult time explaining the reasons for his late arrival at work, unless he could produce to his employer some docket or evidence as to the reasons why he was late.

**The Hon. M. M. WILSON:** Did I understand the honourable member correctly when he said that a person would be pulled up at a random test station?

**Mr. Hamilton:** Yes.

**The Hon. M. M. WILSON:** That would take about two minutes.

**Mr. Hamilton:** Thereafter, he could be pulled over by a police car for transgressing over a line.

**The Hon. M. M. WILSON:** That might cost such a person five minutes. This could happen, but I cannot give the honourable member an assurance it will not happen. It is likely to happen to any one of us.

**Mr. Hamilton:** I am seeking to protect a shift worker in the early hours in the morning.

**The Hon. M. M. WILSON:** I can only provide a shift worker with protection in relation to my own department. I cannot give an undertaking for any other Minister. I have said that I will have a look at the matter.

The Committee divided on the clause:

Ayes (24)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Millhouse, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson (teller).

Noes (20)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pair—Aye—Mr. Wotton. No—Mr. McRae.

Majority of 4 for the Ayes.

Clause thus passed.

Clause 5—"Police may require alcotest or breath analysis."

**The Hon. R. G. PAYNE:** The first part of the clause should be described as widening the ambit under which action can be taken in relation to offences committed. Will the Minister say whether that originated from an approach to him by the Commissioner of Police, or did it originate from action by his Party?

**The Hon. J. D. WRIGHT:** I wish to place on record my feelings about this clause, which is probably the most Draconian provision in the Bill. I know that the principal part of the legislation is in clause 4, but clause 5 widens the powers of the police beyond those provided by the then Labor Government in February of last year. I believe the police then were given sufficient power to do everything that was necessary.

**The Hon. W. E. Chapman:** Don't you trust them?

**The Hon. J. D. WRIGHT:** Well, it is on record that the Commissioner said at that time to the Government that he was getting all he required to police the regulations and to see that people were dealt with as necessary. I do not know what more the Minister wants; surely that is sufficient. The clause is Draconian, it goes too far, and I place on record my objection to it. We will divide the Committee on this clause.

**Mr. KENEALLY:** I oppose the clause which, as the Deputy Leader says, is the most difficult clause to come to

terms with. The existing legislation gives the police extremely wide powers to stop people and require them to blow into the breathalyser. I do not know why it is necessary to extend the powers to allow the police to apprehend alleged traffic offenders on any account whatever.

Undoubtedly this provision will not be well accepted in the community after it has been in practice for a little while. The police need to have, as part of the regulations under which they work, just cause to stop people, and the community must realise this. When the community understands that people can be stopped for any little thing and be required to blow into the breathalyser, the job of the police will be made much more difficult. The Committee should not underestimate the difficulties that will be forthcoming. Community reaction will be much greater.

**Mr. Mathwin:** What about the law now?

**Mr. KENEALLY:** Under the existing Act, before the police stop anyone there needs to be a serious breach of the traffic regulations or the police need to have good reason to suspect such a serious breach of the regulations. Despite what I might have said earlier, in most cases I have respect for the judgment of the Police Force on this score. The overwhelming majority of police officers would stop a motorist only if they thought there was good reason to believe that an offence had been committed. Under this clause, the grounds for stopping motorists are much wider, and I believe that it will be the cause of conflict between the community and the force.

**The Hon. M. M. WILSON:** In answer to the member for Mitchell, the suggestion originated from the police. In answer to the member for Stuart and to the Deputy Leader, when a person is stopped under this clause and is asked to take an alcotest, he has been stopped because he has committed an offence against the Road Traffic Act. Many of these offences are probably committed by most of us some time during a week's driving. Many offences not in the existing legislation should be included, and the Government is firm in its resolve on this matter.

**The Hon. J. D. Wright:** It's holus bolus.

**The Hon. M. M. WILSON:** It is any mobile offence of which the driving of a motor vehicle is an element.

**The Hon. R. G. Payne:** Standing ones, too, because interfering with a motor vehicle is included.

**The Hon. M. M. WILSON:** When the driving of a motor vehicle is an element.

**Mr. HEMMINGS:** A certain element in our Police Force and in the forces in other States and other countries will abuse the power given. Opposition members, particularly the member for Stuart, said that in country towns even now under the existing legislation certain members of the force use their existing powers to harass certain members of the public.

*Members interjecting:*

**Mr. HEMMINGS:** I remind honourable members opposite that they should listen, because the members interjecting are those who have not made a contribution.

**The ACTING CHAIRMAN:** Order! I ask the honourable member to ignore interjections and please speak to the clause.

**Mr. HEMMINGS:** Thank you, Mr. Acting Chairman. I was looking for your support, but I was not getting it.

**The ACTING CHAIRMAN:** Order! The Chair will give the support the honourable member needs. I ask again that the honourable member speak to the clause.

**Mr. Mathwin:** Stop reflecting on the Chair.

**The ACTING CHAIRMAN:** Order!

**Mr. HEMMINGS:** I realise that it is getting very late and we are all very tired, but this particular clause is more important than the previous clause, which provoked so much discussion. In effect, this clause gives complete power to members of the Police Force, and it must be recognised that there will be abuses of power.

**Mr. Lewis:** They don't all think like you.

**The ACTING CHAIRMAN:** Order!

**Mr. HEMMINGS:** Thank you, Mr. Deputy Chairman. I will ignore the member for Mallee for what he is. We could have a situation where some members of the Police Force who continually harass members of the public, particularly younger members of the public—

*Members interjecting:*

**The ACTING CHAIRMAN:** Order! I ask honourable members to please refrain from interjecting.

**Mr. HEMMINGS:** I can keep talking for as long as I like.

**The ACTING CHAIRMAN:** You have already displayed that tonight. Will the honourable member please speak to the clause.

**Mr. HEMMINGS:** As long as interjections continue from members opposite, I will prolong my remarks to this particular clause.

**Mr. Mathwin:** Jealousy will get you nowhere, young fellow.

**The ACTING CHAIRMAN:** Order! I ask the honourable member for Napier to resume his seat. The time is getting on and continual interjections are delaying the business of the committee. I ask all honourable members to concentrate on the business at hand.

**Mr. HEMMINGS:** There have been abuses of the existing legislation by members of the Police Force. If the Police Force is given complete power it will only lead to a clash between the community and the force, and situations will arise that will be even more apparent to members of the community. I am aware of instances in my own electorate where the police wait for hotels to close at 10 o'clock picking up people. At the moment the police can only rely on the existing legislation. Surely the Minister realises that under Part III of this Act (and the Minister said earlier that most members of this place commit offences under that Part when we drive on the roads) if we give that power to the South Australian Police Force it will give the force power to pick up any members of the public and force them to submit to a breathalyser test.

The Minister may say that, if a person is not guilty of any offence, there is nothing to worry about. I have not mentioned infringements of civil liberties, but this clause is an infringement. Police will have power to stop any motorist at any time of the day, and that is an infringement of rights.

**Mr. KENEALLY:** Obviously, the Minister is content that he has adequately answered the questions raised about this clause; I am not sure that that is the case. I referred to problems that would arise if these wider powers were given to the police. I do not believe that police officers want this power. It is important for police to have a good relationship with the South Australian community so that they can exercise the powers that they already have for the benefit of the people. I do not want anyone to think that members on this side believe that police officers do not play an important role: they do. On occasions, everyone would be delighted to see a person in blue close by.

Police need regulations or parameters under which they can work and which are easily understood by the public at large. When they are able to act *carte blanche* as provided by this clause, there is confusion; the public becomes confused as to when, and in what circumstances, police officers are able to apprehend. That is not a good thing. If, as has been said consistently, the existing law allows police

officers to apprehend a motorist who offends or a motorist who police believe has contravened the Road Traffic Act, why should the powers be further broadened? I know that the Opposition is insisting on this point, so much so that it may be thought that we have it in for the Police Force. That is not the case.

Some police officers may become over-zealous, particularly towards the end of a shift, and may apprehend a person. That suggestion is unworthy. However, this clause could lead to the conflict that I mentioned earlier. The Minister has not commented one way or another. He should tell the Committee whether he has discussed with the Police Commissioner and senior police officers whether police officers want these wider powers. Are we to believe that the Commissioner has told the Government that the Police Force accepts the amending of the Act as provided by clause 5, or has the Government asked the Police Force whether it minds the Act being amended in such a way?

I would be surprised if the Commissioner had approached the Government seeking wider powers. I can understand the Government's saying that the force will have wider powers. The Commissioner and senior officers might have accepted the clause because it might have been felt that they could live with the powers, which need not be interpreted in a way different from that applying now. If the police approached the Government to seek wider powers, a different interpretation would be forthcoming. Will the Minister say what happened?

**The Hon. M. M. WILSON:** This will confirm what I told the member for Mitchell. I have here the docket which was a report given to me by the Chairman of the Road Traffic Board, which states in part:

> The Commissioner of Police therefore submitted to the board—

that is, the Road Traffic Board—

> in September 1978, that a further clause be added to 47*(e)* as follows: "Where the driver committed an offence against the Act of which the driving of a motor vehicle is an element." The board supported this proposal and it was referred to the Minister of Transport.

That is, my predecessor—

> The additional clause was not acceptable to the Government, as it was seen as akin to random breath testing. An alternative to the list of prescribed offences was agreed to and a subsequent amendment to the Act came into effect on 1 April 1979.

It was requested by the Commissioner of Police at the time when the Opposition was in Government. This Government has accepted the request or the recommendation of the Road Traffic Board for the reason that it wishes to try to save lives. This may be regarded as Draconian. It may be regarded as the most Draconian part of the legislation, but it is probably regarded as the least Draconian of breathalyser legislation in the Commonwealth, including Canberra, Victoria and the Northern Territory. That is the reason why we have bought it in.

**The Hon. PETER DUNCAN:** I rise on a point of order, Mr. Acting Chairman. The Minister has quoted from an official document and I ask that the document be tabled pursuant to the traditions of the House of Commons as set out in Erskine May.

**The ACTING CHAIRMAN** (Mr. Russack): I do not think that the Minister has to table the document but it is left to his discretion. He has quoted from the document and it is left to the Minister to table it.

**The Hon. PETER DUNCAN:** I rise on a further point of order, Mr. Acting Chairman. I believe, from discussions that I had with the Clerk only the week before last, that quite clearly Erskine May does require that, where a document is quoted from, it must be tabled.

**The ACTING CHAIRMAN:** Through a discussion I cannot see that that would give the authority for the decision from the Chair. If the honourable member has the relevant Standing Order with the relevant authority, I would be pleased for him to quote it. I ask the honourable member for Elizabeth to resume his seat. Was the Minister quoting from a docket?

**The Hon. M. M. WILSON:** I was quoting from a communication from the Chairman of the Road Traffic Board to myself.

**The ACTING CHAIRMAN:** It is not a docket; it is a communication and is not required to be tabled.

**The Hon. PETER DUNCAN:** I rise on a further point of order, Mr. Acting Chairman. The Minister stood up in the Chamber, held up a docket and said that he was quoting from the docket. He has now put it under the desk but he cannot fob the matter off like that. He has quoted from the docket and the matter, according to Erskine May, must now be put in the official records.

**The ACTING CHAIRMAN:** I did not observe whether or not it was a docket. Therefore I ask the Minister to give the assurance as to whether or not it is a docket. If it is a docket, it is to be tabled; if it was just a communication, it does not.

**The Hon. PETER DUNCAN:** He just referred to it in front of our very eyes.

**The Hon. M. M. WILSON:** Surely you do not expect the whole lot to be tabled? It is a separate piece of correspondence.

**The Hon. PETER DUNCAN:** Yes. It is only separate now. When the Minister quoted from it in the House—

**The ACTING CHAIRMAN:** Order! I ask the honourable member for Elizabeth to remain seated. I ask the honourable Minister to give an assurance.

**The Hon. M. M. WILSON:** I will table the thing from which I quoted and which is a communication from the Chairman of the Road Traffic Board to myself on the question of breath analysis tests.

**The ACTING CHAIRMAN:** Order! I must ask the Minister whether it is a docket.

**The Hon. M. M. WILSON:** It is on a departmental file, if that is what is meant.

**The ACTING CHAIRMAN:** The practice of the House is that, if it is a docket or part of a docket, the whole docket must be tabled if it was quoted from. I ask the Minister to table the whole docket.

**The Hon. D. O. TONKIN:** On a point of order, Mr. Acting Chairman. I make the point that the Minister obviously wants to use the docket a great deal more. I would like to make certain that this ruling is not meant in any way to stop him using the docket in the normal debate on the matters before the Chair. That is obviously what the intention of the Opposition has been.

**The ACTING CHAIRMAN:** Order! The position is that the honourable Minister can continue reading from the docket and, when he has concluded, the docket will be tabled.

**Mr. Bannon:** We were just concerned—

**The ACTING CHAIRMAN:** Order! The honourable member for Stuart.

**Mr. KENEALLY:** The answer that the Minister gave to my last question is not entirely satisfactory. He pointed out to the Committee that this action by the Government was in response to a recommendation made in 1978, I think, by the Road Traffic Board, that this amendment should be made to the legislation. The previous Government did not accept that recommendation and came up with a compromise that was accepted by the police, the Road Traffic Board and all the authorities

concerned. Has the Liberal Party, since it has been in Government, spoken to the Police Department to ascertain whether or not the existing legislation is adequate or whether it has just got a docket, seen that the recommendation was made in 1978, and implemented that original recommendation without checking with the authorities to see whether the position of the previous Government was, in fact, adequate.

That is the question the Minister has not answered. Commenting on the stupid little by-play when the Premier took a point of order that was not a point of order, in case he is reported in *Hansard* I point out to any reader of *Hansard* that before the Premier took that point of order—

**The ACTING CHAIRMAN:** Order! I ask the honourable member to speak to the clause and not comment on other incidents that have occurred in this Chamber this evening. In that way the honourable member could be speaking against a decision of the Chair.

**Mr. KENEALLY:** I would not reflect on a decision of the Chair, Sir, because the decisions of the Chair tonight have been admirable.

**The ACTING CHAIRMAN:** Order! I ask the honourable member to speak to the clause.

**Mr. KENEALLY:** I had finished speaking to the clause, anyway.

**Mr. HEMMINGS:** The Minister has been both frank and co-operative in both the second reading debate and in Committee. Perhaps through his inexperience—

**The ACTING CHAIRMAN:** Order! I ask the honourable member to speak to the clause before the Chair.

**Mr. HEMMINGS:** I refer to the Minister's relectance to answer the question asked by the member for Stuart. I would have thought that you, Mr. Acting Chairman, would give me the opportunity to explain why I support the member for Stuart. On a point of order that you upheld, Mr. Acting Chairman—

**The ACTING CHAIRMAN:** Order! The honourable member will be seated. He is now reviewing certain incidents that have taken place in Committee tonight. I ask the honourable member to speak directly to the clause.

**Mr. HEMMINGS:** The Minister is not even listening.

**The ACTING CHAIRMAN:** Order! The honourable member will speak through the Chair concerning the clause. Whether or not the Minister is listening is irrelevant.

**Mr. HEMMINGS:** Thank you, Sir. I have just found out that it is irrelevant whether or not the Minister is listening. In legislating to widen the powers of the police under Part III of the Act, did the Minister have consultations with the Police Commissioner, or is his action based on a communication given in 1978 by the Road Traffic Board which has been the subject of discussion tonight and which has been described as the infamous docket that eventually had to be tabled in this Chamber?

**Mr. MATHWIN:** I support the clause. I am surprised to hear so much concern from members opposite because this Bill will give the police a little more leeway in their duties. When the Labor Party was in Government, it gave to inspectors and trade union officials powers that were far greater than the police were ever able to carry out. The Labor Government allowed inspectors to go into houses, to force entrance, go into bedrooms—

**Mr. WHITTEN:** On a point of order, the member for Glenelg is talking about breaking into houses, and I am sure that there is nothing in this clause relating to breaking into houses.

**The ACTING CHAIRMAN:** I cannot uphold the point of order, but I will listen carefully to what the member for Glenelg is saying.

**Mr. MATHWIN:** My remarks relate to the clause about which it has been stated that the police will take great advantage of the extra leeway being given to them. In fact, a number of members have said that the police will take advantage of certain people. I liken this to the powers given to inspectors to demand entrance to houses and to demand to see the books of any organisation or any shop that they choose to enter. Under the previous Government, people had no right to stop them. Those people had powers greater than any given to a police officer, yet the Opposition tonight has been talking about the powers of the police, and the fact that they have been given extra powers by means of this clause. It is obvious that they are doing this just to spend more time here.

Opposition Members have had great co-operation, as the member for Napier has said, from the Minister in charge of the Bill, so much so that they are embarrassed about the situation in which they now find themselves. It is about time that the Opposition realised the situation, that is, that powers given to the police in this Bill will be used correctly and that the aim of the legislation is to counteract this horrible situation of accidents, killing and carnage on the roads. The police must be given this power to select vehicles, and as the Minister said, every third or fourth driver will be required to take a test. Surely there is nothing wrong with that.

**The Hon. PETER DUNCAN:** On a point of order, Mr. Acting Chairman, I think the Committee would appreciate it if you could point out to the member for Glenelg that we have already passed the clause which he is debating at present. In fact, we are now dealing with clause 5, which does not refer at all to the random breath test, to the stopping of motor vehicles or to the carrying out of that type of practice at all.

**The ACTING CHAIRMAN:** I do not uphold the point of order, but I ask the honourable member to speak to the clause. Clause 5 is the clause before the Chair.

**Mr. MATHWIN:** It is all very well for the leader of the left wing in the Labor Party to get up here and split his bib open at this time of the night. We are talking about the police requiring a person to submit to a breath analysis. Obviously, the member for Elizabeth has been asleep for the last three or four hours while this Bill has been debated. All I am saying is that the Opposition must realise that the police have to be given this power to carry out their duties correctly.

**The Hon. R. G. PAYNE:** I have for some time been going through the wide range of offences contained in Part III, including the very minor offence of leaving one's private driveway to enter upon a road. Failure to do such a minor thing could result in its being classified as an offence. Before members laugh, I point out that one morning when I was leaving my own home in a quiet suburban street, not unlike that described by the member for Mitcham, the next-door neighbour was leaving his driveway, when a police car came down the road and promptly booked him for not having looked properly before reversing from his driveway. There was no collision. I point out these things can happen.

Does the Minister envisage a wider application of testing by means of the alcotest or the subsequent other test if that is warranted, because of the widening of the ambit contained in this Bill, or have the police maintained that their position under the old reasonable suspicion provision was not sufficiently clear to them?

**The Hon. M. M. WILSON:** The subjective nature of the old measure was very very difficult. In fact, another recent court case threw that into doubt once again. This is intended to make it more specific and to remove the

subjective nature, or the subjective judgment, that was required by the police officers concerned. That is really all that is intended with the thing.

**The Hon. PETER DUNCAN:** I do not see how this clause goes any distance at all to removing the subjective nature of the clause because the section as amended will provide as follows:

> Where a member of the police force believes upon reasonable grounds that any person, while driving a motor vehicle or attempting to put a motor vehicle in motion—
> *(a)* has behaved in a manner that indicates that his ability to drive the motor vehicle is impaired; or
> *(aa)* has committed an offence against any provision of Part III of this Act of which the driving of a motor vehicle is an element;
> or
> *(b)* has been involved in an accident;

That is still a subjective test, and it is as subjective now as it ever was. It is simply a matter of a judging now an offence under Part III, of which the driving of a motor vehicle is an element, as against the existing paragraph *(aa)*, which lists in some detail the offences that are sought to be used as the limb for which the police officer concerned is to exercise his discretion, or upon which he is to exercise his discretion. It is still as subjective as ever, and it is certainly not an objective test at all.

**The Hon. M. M. WILSON:** I thought this had been a good debate until the last few minutes, when the incident occurred when I was quoting from a document to give the member for Mitchell or the member for Stuart a fair and straight answer to the question that was asked. I am extremely disappointed at the action of the member for Elizabeth. He has forced me to table a Government docket. I am disappointed because, before that, I said that there was information that I could have used in this debate which would have been to the disadvantage of the Labor Party. It is not of momentous import, but it is important enough. Although I did not put it in those words, I said that I would not use that information because I did not believe that I should use departmental files for that purpose. In fact, that docket shows that the former Premier had suggested to my predecessor that the Labor Government should introduce a form of random breath testing in the first quarter of 1980.

**The Hon. J. D. Wright:** A former Premier?

**The Hon. M. M. WILSON:** Yes, Mr. Corcoran suggested to my predecessor that a form of random breath testing should be implemented before 1980. The document is tabled, so honourable members can look at it. The relevant clause states:

> If, therefore, we are serious about reducing the road toll we should, I think, give consideration to bringing in what would undoubtedly be an unpopular measure. This should only be done on the basis of a three-month trial, by which time it would probably be possible to convince the public that the experiment should continue in view of the result.

**The Hon. R. G. Payne:** He said, "I think".

**The Hon. M. M. WILSON:** That is right. That is the sort of attitude I would expect from the member for Hartley. It is the decent way he would do a thing like that. I am not detracting from that.

**The Hon. R. G. Payne:** It would have gone through the same processes within our Party.

**The Hon. M. M. WILSON:** I understand that, and I am making the point, which I deliberately did not make earlier. The memorandum continues:

> I suggest that such an experiment would need to be carried out by other than police officers, so that the Police Force would not be blamed, as they allegedly fear. Would you like to think about this for the first quarter of 1980?

I am not saying that it had been to the Party or to Caucus, but it was a memorandum from the former Premier to my predecessor.

The Committee divided on the clause:

Ayes (23)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson (teller).

Noes (20)—Messrs. Abbott, Lynn Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pair—Aye—Mr. Wotton. No—Mr. McRae.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 6—"Evidence, etc."

**The Hon. PETER DUNCAN:** I am interested to know why the normal practice when giving these certificates has not been complied with in relation to this clause. I refer specifically to the certificate in new subsection (3c) as follows:

> A certificate purporting to be signed by the Commissioner of Police and to certify—
> *(a)* that he authorised members of the Police Force to conduct breath tests in relation to persons driving motor vehicles during a day and on a road stated therein;
> *(b)* that he gave the authorisation with the prior approval of the Chief Secretary.

It is normal in circumstances where these types of evidentiary certificates are granted to have them granted by the person who has done the authorising, rather than for them to be approved simply on what is, in effect, hearsay. I know that the Commissioner would know of his own information that the Chief Secretary had given the certificate, but I wonder why the Government or the Minister chose simply to put the certificate in the name of the Commissioner rather than have a certificate from the Commissioner and one from the Chief Secretary, since both the Ministerial officer and the departmental head are involved. One would expect that, if the authorisation is to be given by the Minister and the Commissioner, the most senior officer would have signed any certificate; presumably the Chief Secretary is the most senior officer.

**The Hon. M. M. WILSON:** I was not aware of the vagaries of evidence required, but I will obtain a report for the honourable member on this matter.

Clause passed.

Title passed.

**The CHAIRMAN:** Will the honourable Minister of Transport table the appropriate document?

**The Hon. M. M. WILSON** laid on the table Premier's Department Docket No. 642 of 1979 on the subject of Random Breathalyser Tests.

*The Hon. E. R. Goldsworthy interjecting:*

**The SPEAKER:** Order! It might be late in the evening, but I call the honourable Deputy Premier's attention to the fact that the processes of the House require the attention of all members when a report is to be given by the Chairman of Committees.

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

*That this Bill be now read a third time.*

The House divided on the third reading:

Ayes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy,

Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson (teller).

Noes (21)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Gunn, Hamilton, Hemmings, Hopgood, Keneally, Langley, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pair—Aye—Mr. Wotton. No—Mr. McRae.

Majority of 1 for the Ayes.

Third reading thus carried.

## ENVIRONMENTAL PROTECTION COUNCIL ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

*There being a disturbance in the House:*

**The SPEAKER:** Order! The Chair would appreciate quiet from both sides of this House. The Hon. Minister of Agriculture has no need to defy the Chair; I warn him, and the member of the Opposition who is conversing while the Speaker is on his feet.

## SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

**The SPEAKER:** The Legislative Council draws the attention of the House of Assembly to clause 8, printed in erased type, which clause, being a money clause, cannot originate from the Legislative Council, but which is deemed necessary to the Bill.

## DANGEROUS SUBSTANCES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## ROAD TRAFFIC ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 12 (clause 3)—Leave out "subsection" and insert "subsections".

No. 2. Page 1 (clause 3)—After line 18 insert subsection as follows:

(2a) The maximum speed to be indicated by signs placed on a road in pursuance of this section shall be—

(*a*) in relation to a portion of a road on which works are in progress—a speed not exceeding 60 kilometres an hour; or

(*b*) in relation to a portion of a road on which men are working—a speed not exceeding 25 kilometres an hour.

Consideration in Committee.

*Amendments Nos. 1 and 2:*

**The Hon. M. M. WILSON:** I move:

That the Legislative Council's amendments Nos. 1 and 2 be agreed to.

These amendments clarify completely the situation concerning the positioning of signs adjacent to roadworks, especially where men are working.

They bring in the Government's intention, which was not explicit in the original drafting. This will mean that a vehicle passing roadworks where men are working will not be allowed to exceed the speed of 25 km/h. It will also give the power for additional signs showing roadworks in progress where a speed not exceeding 60 km/h can be allocated, which would mean that in the country a vehicle travelling at 110 km/h would be forced to slow down to 60 km/h before passing roadworks, where it would have to travel at 25 km/h.

**The Hon. J. D. WRIGHT:** I have had an opportunity to examine the amendment. I recall that during the original debate on the Bill, I moved an amendment that was very similar in substance. Unfortunately, I think that at that stage the Minister did not quite understand what I was trying to do. However, he was good enough to come to me later, after he had the opportunity of examining *Hansard*, and told me that he was giving consideration to my amendment. At the later stage he indicated to me that he would be recommending this to his people in the Legislative Council.

I believe that, in all probability, the amendment as it now stands is an improvement on what I was trying to do. In essence, there will be a slowing down to 60 km/h within the work site area and a slowing down to 25 km/h where the men are actually working. I was concerned that the safety of the men working on the roads would be endangered. I believe that it is almost certain that motorists were going to be allowed to move freely at any speed they desired where men were working and that loss of life would occur. I believe that sufficient loss of life has occurred on the roads to suggest that an amendment like this ought to be accepted. The Opposition is quite content to accept the amendment. I pay a tribute to the Minister on this. He told me he would consider it, and he has come up with a sensible proposition.

Motion carried.

## HIGHWAYS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## JUSTICES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## CREDIT UNIONS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## COMPANIES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## MEAT HYGIENE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1751.)

**Mr. LYNN ARNOLD (Salisbury):** I am pleased to see that this Bill has finally made it to this stage. There will be, I am sure, quite a lot of debate on this matter as there are various opinions that people want to express. As was pointed out by the Minister at another stage, the support the Opposition gives to this Bill is substantial. Indeed, the Opposition and the Government have worked well together in this matter at the Select Committee stage, and also in the stages of discussing the various provisions of the Bill.

There will be some amendments, and I believe some of those amendments have been tabled. There are two standing in my name and one standing in the name of the Minister. They will be dealt with in the Committee stages at greater length. Recapping the aspect of the Select Committee that gave rise to the Bill presently before the House, I remind members that this is, in fact, the outgrowth of many years work and concern in the community. The Parliament was asked to consider this matter and to appoint a Select Committee as a result of the urgent need for some sort of setting of standards for slaughtering premises in this State, concern felt not only by those associated with the slaughtering premises themselves but by consumers.

The Select Committee was appointed shortly after the election and has come up with this report. The report has, likewise, speedily led to the introduction of the Bill before the House, plus the other enabling Bills we will be discussing later today. There are various recommendations in the Select Committee report. I draw attention to page 5 and the 11 recommendations that appear there. Not all those recommendations are embodied in the legislation that we are now discussing. Partly, the reason for that is that some of those recommendations are designed to be in the nature of instructions to the South Australian Meat Hygiene Authority that is proposed to be established by the Bill. I think, however, it will be important for members who are discussing this Bill to raise those recommendations even though they are not directly referred to in the meat hygiene authority.

The Bill that is before us now will create what will be known as the South Australian Meat Hygiene Authority. That authority will be charged with the responsibility of looking after slaughtering premises, or supervising slaughtering premises, and with the inspection of meat at those slaughtering premises within this State. It will also have certain rights to seek to control trade from interstate and, indeed, this is a particularly important aspect for abattoirs in this State, particularly those in the South East that are affected by competition from interstate traders.

The recommendation that a meat hygiene authority be established goes further than previously proposed legislation that the former Government was considering. The former Government was considering appointing a chief inspector who would have some sort of authority over slaughtering premises, both slaughter houses and abattoirs within South Australia. The decision to expand that office from one person into a meat hygiene authority is a good decision that the Opposition supports.

It is a necessary decision, given the fact that the Bill now has a wider ambit than the previous legislation had. While the previous legislation could appropriately have come within the sphere of one person, it is not appropriate that this new legislation, being somewhat extended, should come within the sphere of one person. Members will note from the Bill that the authority will consist of a chief inspector, who was referred to in the previous legislation and who will now become the Chairman of the authority, and also an officer of the Public Service of the State appointed by the Minister upon the nomination of the Minister of Health. It will also consist of a person nominated by the Local Government Association. At first, this may sound unusual, as to why an outside non-State governmental person or nominee should be included on the committee, and I imagine that another member will be addressing the House on that matter.

For many years it was felt that local government had played a vital role in meat inspection in one form or another in various areas in South Australia. Therefore, it was only logical that local government should be consulted now, given the fact it will be relied upon to provide inspection facilities in certain types of slaughtering facilities in the years ahead. Consequently, it was felt that local government should be included on the authority. The option is given to the Government to have some further control over that nomination, because the association is expected to provide three names from which the Minister can choose the appointee.

The Minister's power of selection is protected in that way. In the event that the association refuses or neglects to provide those three nominees, then the Minister has the power to make a nomination in any event. In addition, the Minister indicated in his second reading explanation this afternoon that provision has been made to include the Meat Hygiene Consultative Committee within the Bill itself. Initially this had not been proposed; it had been proposed as one of the recommendations of the Select Committee and was more or less a recommendation to the authority when it was established.

However, after approaches from the community, the Minister has decided to include the committee in the Bill. The Opposition does not oppose it because it is a reasonable inclusion. Comment needs to be made on how the consultative committee is viewed and about what exactly it is supposed to be doing.

In looking at what it is supposed to be doing, members need to look at the formation of the committee. Members of the Select Committee, of whom I was one, believed that the consultative committee should provide the authority with information of a broad nature relating to meat processing in its various aspects.

Therefore it will be essential that it gives recognition to the following sorts of areas: the growers of meat products, namely, farmers; the processors, both as employers and employees who are involved in meat processing; likewise, it was believed that consideration should be given to the consumer end—

*The Hon. W. E. Chapman interjecting:*

**Mr. LYNN ARNOLD:** As the Minister points out, it was lamentable that we did not see more consumer interests as witnesses to the committee. I believe that they are concerned in their own right; perhaps the information did not reach their good offices, but I am sure we will see their interest at a later stage.

Maybe they felt their particular work was not in the formation of the legislation but rather in its performance once it was actually passed by Parliament. Be that as it may, it was my understanding that they are the sorts of areas of expertise that should be taken into account in the formation of a consultative committee. As the Minister said, the consultative committee would not be viewed necessarily as being made up of the same proportion of those particular areas at all times. The consultative committee is designed to be an aid to the Meat Hygiene Authority, not an encumbrance to it. It was our

understanding that within the first two years it would have basically the nature or character that would allow the hygiene authority to draw on advice as to how the new regulations for slaughterhouses and abattoirs could be put into effect. The consultative committee, if still operating, may have a different aspect to it at a later time, involving, for example, an aspect of promotion of meat hygiene from the slaughterhouse. Therefore, for that reason the Bill is not prescriptive into exactly which persons should make up its formation. I note here that in many ways the legislation is derived from similar legislation that appears in Victoria, although of course there are some substantial differences, one of which appears in the consultative committee and Meat Hygiene Authority structure. The Victorians decided in their wisdom some years ago to establish one board, which has a fairly large number of members and, as a result, it does not have a consultative committee because it views the one board of large size as being both an authority with the capacity to act in its own right, plus being its own consultative committee. There are eight members on that board, and we felt that that number of members was too many for a meat hygiene authority in this State to work efficiently, that the efficient administration work could well be done by three people and that it should not be encumbered by a greater number of people who could well serve a more useful purpose on a consultative committee where deliberations could go at greater length into the effects of various proposals.

The other recommendation that is implicitly embodied in all the legislation that is before the House today, including this Bill, is that the Select Committee regarded that the whole State should be regarded as a free trading area for inspected meat from licensed abattoirs. Naturally, this is supported by us; it is an extension of the provisions of the previous proposed legislation, and we believe that the consumers, producers and processors within this State will welcome that. We noted that the South Australian Meat Corporation was also quite pleased to welcome this proposal, given that certain safeguards were undertaken to ensure that hygienic standards were met for meat being sold from licensed abattoirs into the Adelaide metropolitan area.

Indeed, their concern that it should be the aim of the Government to promote the sale of hygienic meat for human consumption to all citizens in this State, and that it should attempt to do that by whatever means possible, was shared by the Select Committee. This Bill attempts to take into account the many practical realities of the meat production and distribution with in this State, while at the same time taking into account the maximisation of the provision of hygienic safe meat for all citizens within the State.

The decision to move from the previous system of abattoir areas into the one trade area resulted from anomalies and illogicalities brought about by the previous system. There was certainly a great deal of concern expressed to the Select Committee (and indeed I know it was expressed to the previous Government and expressed in the community generally) about the need to at least substantially alter the previous abattoir areas system, which resulted in many cases in local State producers being able to trade into Adelaide or oher abattoirs areas beyond certain quotas, while interstate producers had a free rein, an obvious discrimination against South Australian producers to the benefit of interstate producers. This provision overcomes that.

One of the major aspects here is the decision to provide for slaughterhouses, for slaughterhouse-killed meat to be restricted and for certain means of control on the way in which slaughterhouses operate. The system creates two divisions, namely, the abattoirs and the slaughterhouses, and tries to set down exactly the differences in their operation.

Implicit in the Bill are again recommendations from the Select Committee for the authority to consider. The Select Committee considered that the Bill should not contain too many specific details but rather that these should be noted, first, in the debates in Parliament and, secondly, in the report itself. Therefore, as members will notice, the Bill does not actually state the number of sheep equivalent units to be permitted per year for a slaughterhouse. It was considered to be within the realm of the authority to nominate that figure. However, the committee did come to a tentative figure of 5 000 sheep equivalent units per year, considering that to be a reasonable figure. It is necessary to make that statement here, because various other figures have been suggested at one time or another, and some idea needs to be given to potential slaughterhouse developers or operators as to whether they have to examine the possibility of shifting from a slaughterhouse operation to a licensed abattoir operation.

Obviously, in considering that the committee had to take into account that certain factors come into play that make that figure subject to variation. We were faced with the prospect of one slaughterhouse already within South Australia that could maintain a slaughterhouse-type operation rather than a licensed abattoir operation, and yet be marginally above the figure about which we spoke. That was an example of why we left it out of the Act and left it to the authority to show the flexibility and the reasonableness in dealing with that type of application.

At one stage, the committee had looked at the possibility of the authority's setting not an annual figure of 5 000 units per year but indeed a figure on a weekly basis of some 100 units. We were faced in that instance with the problem that those slaughterhouses providing tourist areas would not be able adequately to cope with that type of limitation. If they were to process a maximum of 100 units a week it might well be adequate for the bulk of the year, but it might be totally inadequate when tourist traffic peaked in the town and they were suddenly called upon to provide 150 to 160 sheep equivalent units for the week. The decision therefore to recommend to the authority an annual figure rather than a weekly figure embodies that logical change.

Perhaps it would be useful to refer to the differences that we anticipated in licensed abattoirs with licensed slaughterhouses, because the one factor that seemed to show up at times in Victoria after we inspected the situation there was that there seemed to be a very vague borderline between what was a slaughterhouse and what was a licensed abattoir. Certainly, it could have been identified to us that a slaughterhouse is a place that has a certain throughput in the Victorian terms. A slaughterhouse has certainly restricted sale outlets or certain geographical constraints on the sale of its output. But beyond that, given that slaughterhouses within Victoria had meat inspection, the borderline between a slaughterhouse and a licensed abattoir was indeed quite vague.

The situation in this State is somewhat different. We do not have a relatively small number of slaughterhouses compared to licensed abattoirs, as in Victoria. We have the reverse: a substantial number of slaughterhouses operating throughout the State. Many of them operate on very small through-put levels, and indeed that is what we had to take into account, the somewhat different situation. Therefore it would have been inappropriate for the Select Committee to recommend to this House, and it would have been inappropriate for this Bill to have attempted to duplicate in those aspects, the Victorian legislation,

because we had to take into account the different demography and geography of this State.

Therefore, it is not proposed that in general slaughterhouses should be subject to inspection of all meat processed, either ante mortem or post mortem. It has not been suggested necessarily that they should be restricted to the same sort of sale limitation as in Victoria. However, it is expected that every slaughterhouse will be subject to random meat inspection, post mortem or ante mortem, depending on what is happening when the inspector appears. Likewise, the authority would have the power to control the output and the distribution of meat produced from the slaughterhouses, whether it be within certain geographical confines, to a retail outlet owned by the slaughterhouse owner, or whatever.

The reason for that difference is that we have to take account of the realities, of slaughterhouses that presently exist in outlying communities that would not be able to sustain the costs needed to finance an inspection service to provide for inspection at the post mortem or ante mortem level. It would be essential, therefore, that they be allowed to operate without that type of constant inspection demand, the fear being that, if they were not allowed to operate in that way, we would merely be encouraging the proliferation of gum-tree operators, because, slaughterhouses would find it uneconomic in the outlying areas of the State to meet these requirements. They would close down, and many of the people in those areas would get their meat from the proverbial gum-tree slaughterhouse.

We felt it was essential that the effect of the Act should be practical ways of improving meat hygiene in the State, rather than impractical ways of enforcing regulations that are in fact totally unenforceable. However, we were of the opinion, and we would hope that the South Australian Meat Hygiene Authority would be of like opinion, that, where it was practicable that meat inspection on a post mortem or ante mortem basis could occur at a slaughterhouse, it should occur. The suggestion was made that, if there was a slaughterhouse within 10 or 20 miles of a licensed abattoir that was being serviced by a meat inspector, it might not be unreasonable for the authority to expect that inspector to pay visits on the days of kill to the slaughterhouse and to do some sort of post mortem inspection, or even an ante mortem inspection of the animals to be slaughtered.

That again is within the realm of the Meat hygiene Authority, as we saw it, to show flexibility, and in many ways flexibility was a key word in our deliberations. We felt that, whatever the requirements may be regarding meat inspection, it was essential that there be improved general hygiene standards at both slaughterhouses and abattoirs, and indeed improved construction standards. Whilst it is natural that a slaughterhouse would be regarded as having a smaller size then would an abattoir, that does not mean that it need have a lesser or poorer construction standard.

Indeed, the construction standards that we anticipated for slaughterhouses would be substantially the same in principle as for those applying to abattoirs. Members will know about this, because they appear in the appendices to the Select Committee's report, and the licensing of those standards would be the same. Inspectors would be expected to show the same rigorousness with regard to construction standards of slaughterhouses as they would be towards those of abattoirs. There are areas that need improvement at the present stage within slaughterhouses and abattoirs in South Australia.

The question we had to face was how could the effects of the Select Committee's recommendations be brought in as early as possible without too much disruption to this State's meat industry. It would be unreasonable, for example, for Parliament, on proclamation of this Bill, when passed, to insist immediately on standards as set down in the appendices to be met from the day of proclamation. We obviously felt that slaughterhouses and abattoirs which presently operate in this State had to be given time to make the necessary improvements, and that the authority was the logical body to supervise those improvements and to set the scale of time and the nature of the work that ought to be done. Therefore, it was not the anticipation of the Select Committee (and I do not believe that it is the anticipation of the Bill in the way in which it is framed) that any of the presently operating slaughterhouses and abattoirs needed to cease operation on proclamation of the Bill.

Indeed, the Bill provides that any slaughter works that have been in operation for six months shall be entitled to a licence from the South Australian Meat Hygiene Authority, when established. Albeit, that that licence may well be conditional on certain improvements being made within a certain time scale, it is nevertheless automatically assumed that no operator presently operating up to six months before proclamation can be excluded from operation by virtue of his perhaps failing to meet the requirements set down. There will then be the question of how quickly those standards as set within the legislation are expected to be met. In going to Victoria, we faced the interesting information that the Victorian authorities found a five-year period as being a reasonable time in which to allow many of the slaughterhouses or licensed abattoirs to do their upgrading. We felt that, in certain circumstances, that might be an excessive time and that we might look at an optimum of two years, going up to a maximum of four or five years, again within the flexibility of the South Australian meat hygiene authority.

If the optimum lower figure was not suggested, some operators might attempt to operate without improving their standards as long as possible, to the greatest economic benefit to themselves and, consequently, the greatest economic disadvantage to those slaughterhouses that were trying to make the necessary changes in proper order and at a proper pace.

However, the committee did not believe that that was a proper way for business to be conducted. The authority has control over the inspection not only of construction standards at abattoirs and slaughterhouses, but also over inspectors who inspect the meat to be killed or has already been killed and is in the process of being dressed. It is not anticipated that the inspectorate, which is established by the authority, should be entirely staffed by people from within the authority. It was anticipated that the inspectorate should be made up of people from other areas. It was felt that the present system of using Department of Primary Industry inspectors from the Federal Government seconded to the State Government should continue for licensed abattoirs.

It was also felt that in many areas inspectors of slaughterhouses should be those health inspectors presently employed by local government association members throughout the State, because they are trained to do that job. A further reason why it was thought to be important that the Local Government Association should be involved was that the major work of inspectors at slaughterhouses will not involve the inspection of meat on a regular daily or weekly basis, but will primarily involve the regular inspection of the upgrading programmes of slaughterhouses throughout the State; a programme that will be substantially achieved in five years. In other words, it would be quite uneconomic for the authority to consider appointing its own inspectors to constantly monitor that

upgrading programme through the next five years, only to find that five years later it had substantially less work to do, because it would be limited purely to the random inspection of meat processing and meat dressing from time to time.

Where health inspectors are presently appointed by councils it is logical that in most cases they should be used. However, the Meat Hygiene Authority having the full control of those inspectors, if it became dissatisfied with the way that work was being done, would then obviously have to resume that work within its operations. The Select Committee had confidence in most of the local government organisations within the State to be able adequately and satisfactorily to perform those functions, and I support that.

Several matters contained in the Select Committee recommendations are not contained in this Bill. Some of those matters are merely questions for the future, because the committee did not feel that it had enough time to look at certain areas without further delaying the recommendations that the committee felt were very important to the industry. The Government should not delay the implementation of this Bill, because the community should receive its benefits as quickly as possible. One aspect outlined in the Select Committee's report that is not contained in this Bill related to game meat, its category, how it is treated for human consumption, and where it is slaughtered, processed, and distributed. Another aspect touched upon in the Select Committee report in some detail, but which is not adequately dealt with in the Bill, is the question of the abolition of reinspection.

The Bill clearly anticipates some form of reinspection in various areas. For example, under clause 4 a meat inspection depot is referred to. That has one primary purpose—to be a place where meat can be reinspected. As a result of other implications of the Bill, it is also a place where meat from interstate can be reinspected. Clause 12 *(e)* implies the continuation of reinspection procedures, and similarly clause 48 *(c)* implies that the inspector may direct any vehicle in or which there is any meat or meat product to a meat inspection depot for the purpose of inspecting the meat or meat product. Clause 65 *(t)* provides that regulations can be set for the payment and recovery of fees in respect of inspections and branding of meat or containers holding meat or meat products by inspectors. That enables the levying of fees for reinspection.

The Select Committee was clearly against reinspection fees or a reinspection service. That matter will be dealt with by other members of the Opposition, and I imagine that Government members will also indicate how illogical and ridiculous is this inspection service in trying to achieve these aims. Some form of notification should be given in the Bill that that reinspection system will terminate at some stage. The recommendation of the Select Committee should no longer be implied but should be stated in the Bill. It is important that it be stated because of other references in the Bill that imply the continuation of the reinspection service unless otherwise contradicted. That is the reason for one of the amendments that I will move.

Members of the Select Committee know that negotiations were taking place between the South Australian and Victorian Governments. I understand that those negotiations are still taking place, and I hope that an early conclusion is reached. If things do not go as speedily as possible, provisions should be included in the Bill so that by the time of proclamation it can be shown that it is the opinion of this Parliament that reinspection fees and reinspection services of meat on a compulsory basis are unnecessary and not in the best interests of the trade. The random reinspection of meat can be allowed. The Meat Hygiene Authority, on a random basis, must make calls to inspect meat that has been delivered over a distance, and the Bill allows for that, even without the amendment.

If a supplier or a wholesaler takes delivery of meat from interstate, he should still be able to call on the Meat Hygiene Authority to reinspect that meat to his own satisfaction, upon payment of a fee. He cannot expect that service to be provided without payment of a fee. This is still provided in the Bill, even without the amendment. Beyond those two specific areas, reinspection is unnecessary, because little can be achieved in the reinspection of meat delivered from interstate. Once the viscera has been removed from the carcass, little else can be achieved by the reinspection process.

**The Hon. W. E. Chapman:** At that stage they call it a look and a sniff.

**Mr. LYNN ARNOLD:** As the Minister mentioned, the inspection can be done quickly by just opening the door and smelling the contents therein. I commend the attitude of my fellow members on the Select Committee and the stated attitude of the Minister that he, too, regards reinspection as unnecessary and the charge of reinspection fees as being illogical and should be withdrawn. When the amendment in my name is moved I look forward to the comments that he will make to confirm the opinion stated by him to us on previous occasions.

The other aspect that needs to be mentioned is that it will continue to be an offence for meat to be slaughtered in other than proper premises for the slaughtering of meat, namely, slaughterhouses or abattoirs. It will be noticed that this Bill provides for harsher penalties than were previously the case. I believe that the penalties have increased some sixfold, and this is an important aspect. If the Bill is to have some teeth, there must be a grave penalty for a person who slaughters an animal without using proper facilities and then present that meat for human consumption.

We are trying to wipe out the gumtree slaughterhouses which, to the surprise of many people in the community and some members in this House, seem to be supplying meat to even the outer confines of metropolitan Adelaide. That raises the question of the wholesomeness or otherwise and the desirability of what is termed "country-killed meat". Certainly, there are many examples of country-killed meat that are premium high-grade quality. My observations on this Select Committee and, I believe, those of my fellow members on that committee are that there are also examples of country-killed meat that ranked very poorly and were of a low grade indeed.

In fact, I mentioned in my brief comments when addressing the House on the introduction of this Select Committee report an example of a slaughterhouse that we saw. Evidence was produced to us that that slaughterhouse was not unique in its lack of quality and product control, to use a technical term for a place most untechnical in its operations. That was not unusual for some premises within the State. We believe that this Bill will protect the slaughterhouses that are attempting to do the right thing and it will demand of the slaughterhouses that are not doing the right thing that they upgrade and improve their facilities within as short a space of time as practicable, as well as giving them reasonable opportunity to do so.

It was certainly inherent in my philosophy on this matter and, I beleive, in the Select Committee itself that we felt that meat provided for South Australian consumers should come from licensed abattoirs, not necessarily from slaughterhouses. We accepted the realities of the situation and of geography and demography in South Australia. Therefore, slaughterhouses will exist and they will need to

be protected in that way. I stand to be challenged, but I do not believe that it was the anticipation of the Select Committee or of this Bill that slaughterhouses should proliferate. One of the big dangers that could take place is the proliferation of slaughterhouses throughout the State.

Operators may decide that it is better that they set up their own slaughterhouse, provide their own retail premises, and circumvent the need to have to go to licensed abattoirs, where they presently do so. I repeat "where they presently do so" because our aim was to protect those slaughterhouses that tend to operate in total isolation from the licensed abattoirs situation. It would be, I believe, a great pity for the structure of the meat industry in this State if slaughterhouses were to proliferate in the environs of Adelaide, supplying retail outlets within the metropolitan area of Adelaide and thus undermining the effect of proper licensed abattoirs that have to meet the cost of full-time meat inspection, larger construction costs, etc.

However, I am confident that that will not happen. I am confident that the standards that will be set, that we recommend to the South Australian Meat Hygiene Authority be set for construction of slaughterhouses, will mean that there will not be the proliferation in the number of slaughterhouses. The cost of building a new slaughterhouse will be relatively high because we are expecting of slaughterhouses the same kind of construction standards as we expect of licensed abattoirs. That is only right if we are to provide the consumer with the best quality meat. We were discussing estimates of costs and asked witnesses how much they anticipated a slaughterhouse would cost to build if it met these types of standards. In no way was any attempt made to pre-empt decisions of this House in that regard.

Various figures were suggested, the minimum sum tending to be about $120 000, which we felt would be a figure that many butcher shops would not feel was a viable one to invest in a slaughterhouse premises to provide their own meat rather than get their meat from licensed abattoirs, which may be geographically closer to their premises. However, I suppose it will be a case of seeing how, in fact, the South Australia Meat Hygiene Authority operates over the years ahead, and of taking a look at this situation five years from now, and seeing whether, in fact, there has been an increase in the number of slaughterhouses.

The experience in Victoria, which as I said before is only partly relevant to this State, suggests that there may be a decrease in the number of slaughterhouses, both because some slaughterhouses may decide voluntarily, not compulsorily, that they do not want to continue in operation at all. They may decide that they do not want to continue in operation at all. They may decide that the cost of upgrading is just not worth meeting and that they can more economically achieve their meat supplies from other sources. Alternatively, in Victoria, and I believe this situation will be the same here, some slaughterhouses will feel that their operation is of such a size or potential size that they can upgrade to a licensed abattoir status and therefore enjoy the free trading characteristics that licensed abattoirs will have throughout the State, which they do not presently enjoy.

**The Hon. W. E. Chapman:** Slaughterhouses have full-time inspection over there, though.

**Mr. LYNN ARNOLD:** Yes. It will be interesting to see whether that projection is correct and if in five years from now we see a reduction in the number of slaughterhouses. There will never, I speculate, be as much of a reduction in this State because of the geographical dispersion of the population. There will always be the isolated communities that can only support meat processing works of the size of a slaughterhouse, and that situation will continue. The amendments that are listed in my name relate, first, to clause 11, on page 7. It is the clause to give members of the Meat Hygiene Authority—

**The SPEAKER:** Order! The honourable member will have the opportunity to address himself to amendments during the Committee stage, but may not discuss them at this juncture.

**Mr. LYNN ARNOLD:** I was not attempting to debate them, I was only attempting to indicate that that is the direction we are looking in, so that members had some forewarning. The other one I made some reference to concerns reinspection, but we will address ourselves to those matters in the Committee stage. There may be other matters that members on this side, and members on the Government side, may wish to raise during the Committee stages of the Bill. I know that there are members of the Opposition who wish to make comments about the Meat Hygiene Authority.

As I return to the point I started out with, it is the outgrowth of work into meat processing that has been going on for some years now—much awaited work. It is the derivation of legislation that was proposed by the previous Government. This Bill goes further. The Opposition supports the fact that it tightens up some situations and makes more rigorous demands in many ways upon the meat processing industry, demands that we believe can only benefit the community in this State.

In his second reading explanation the Minister made some reference to community response that he had received to the Select Committee report, and he speculated about what response members of the Opposition had received. I cannot speak for other members of the Opposition in detail about that, because I have not consulted with them at length on this matter, but I have received some comment from the community in my area about the Select Committee report and the proposed legislation. I find that all the comments I have had directed to me by people in my area are favourable to the proposals made in the Select Committee's recommendations. People believe that the recommendations are sound, even if in some cases the recommendations may require them to make certain changes.

People still seem to believe that these changes are for the better of the industry and, from the comments that I have heard generally, that seems to be the attitude in the community. It would have been most unfortunate if, after the many deliberations of the Select Committee, if after the detailed consideration, the hearing of witnesses and the inspections, this report had caused a large degree of concern and flurry in the community, because the Select Committee was an attempt to do exactly the opposite.

It attempted to provide satisfaction for the community by easing the concern that exists in many areas. Many slaughterhouses in the community, for example, have been concerned for a long time about the state of limbo in which they have been in. They have been conerned about the lack of clear guidelines about what sort of developments and improvements they should undertake.

This Bill and the Select Committee's report attempt to provide those clear guidelines. The selection of members of the committee will be an interesting future matter. The appointment of the chief inspector will be an interesting and important appointment. In the original legislation the chief inspector had all the power for the implementation of the Bill but now has a supervisory power over the authority. Nevertheless, he still has substantial power as Chairman of the authoriy. The appointment of the Minister of Health is also an interesting innovation.

**The Hon. W. E. Chapman:** It is in the recommendations.

**Mr. LYNN ARNOLD:** It is; I am not saying that it is not. It is interesting because it acknowledges that meat for human consumption should not remain totally within the sphere of agriculture; for example, it obviously has health implications. Therefore, the provision of a health person on the authority is most useful. I have already touched on the Local Government Association member.

I do not wish to speak at any greater length because I do know that other members want to speak and I do not want to pre-empt the things that they may wish to say, but I would like to carry on to an example that I referred to earlier in dealing with the Select Committee report some weeks ago about the necessity for the stricter arrangements for slaughterhouses to be brought into force.

I want to talk about that type of situation because it puts into better perspective why these changes are necessary. Sometimes in reading the intense legalese of a document one can miss what is really being sought.

I previously referred to the slaughterhouse that we visited that had very unsanitary killing conditions. I left out one or two points. I made mention of how animals were killed in the same room where the lairage took place and that the dressing of the carcass took place very close to the actual killing. What I did not mention at the time relates to the washing down of the carcass. The people at the place that we inspected believed that it was quite hygienic to use a big bucket full of water that had been sitting there all day. That bucket contained a rather unsavoury looking rag that had been used for each carcass; it had been dragged out, wiped over the carcass and then thrown back into the bucket again ready for the next carcass. All this was taking place in the same room as the lairage and the place where the skin and fleece were removed.

Naturally, we visited that slaughter house about mid-morning and by then the bucket of water was becoming very dirty and was of a very poor quality. I believe that natural concern could have been expressed about the hygiene standards that were thereby being met. But an interesting point about the matter is that an argument was suggested that that, in fact, was the best way to wash down the carcass. A person suggested that an alternative method, such as using a spray jet of water under strong pressure, would be damaging to the carcass and that therefore it should not be used. I believe that that particular decision to use a rag indicates how necessary it is that a meat hygiene authority be able to set definitive standards as to what should be done. What we saw was obviously not a hygienic means of washing down carcasses. However, at the same time, the person making the point as to how much better it was, did have some point that strong pressure washing was not satisfactory. His suggestion came about not because of hygienic reasons but due to maintaining the keeping quality of the carcass.

The meat hygiene authority, I presume, would look at this question, for example, and decide on a method of washing down carcasses and perhaps could suggest that, at least, there should be some form of soft water pressure to clean them down. Therefore, on that matter alone this slaughterhouse would have had to immediately change its methods of operation. Such areas could be improved overnight. It would not take a slaughterhouse five years to improve from a rag to a hose. I imagine that a hose could be paid for the next time the owner received money from his wholesaler.

That is a way in which the necessity for a hygiene authority to set definitive standards is indicated. Without attempting to denigrate local government as a whole, because I believe it does have a very vital role to play in this area, but by way of example, I point out that it still needs to be under the oversight and control of the South Australian Meat Hygiene Authority. I refer to any task that the authority undertakes to monitor the meat industry in this State. This particular slaughterhouse I have mentioned can be quoted as an example, because a member of the district council involved, within which the slaughterhouse is operated, was present on the day that we inspected the works. While this was not usual during the day of our inspection (many local government officers came around to many of the other places that we inspected) this one establishment showed that some (and I suggest a minority) local government officers so charged, do not necessarily fulfil their functions adequately.

This particular person appeared to me (and I do not think I would be contradicted by other members of the committee) to be nothing more than an apologist with bad operational methods that were being used by that particular slaughterhouse. He, for example, saw nothing wrong with the dirty rag method. He saw nothing wrong with the lairage of animals in the same room where they were slaughtered. He saw nothing wrong with the flow of blood and stomach contents in to a pit in the room next door, where it appeared to have sat for some considerable length of time. He saw nothing wrong with the condition of the outside stock yards. He saw nothing wrong with the flyscreen doors that had interesting mesh patterns consisting of basically small mesh and then occasionally very large holes. He saw nothing wrong with the fact that doors into the premises were not being kept constantly closed.

The only thing where he did take issue, or find something worth complaining about in our presence, was the state of the offal disposal bag, which I touched on before, where the drums were rusting, of very poor quality and decayed; drying blood had drained on to the loading bag and had caked, and it appeared as though it had not been cleaned for a long time. At that particular point he, too, had had enough, and he, too, decided that some comment should be made. The local government officers involved in this work have to be under the supervision and control of the South Australian Meat Hygiene Authority. They do have to come within the power of the Meat Hygiene Authority.

So in that particular instance, it may be that the Meat Hygiene Authority would say, "We do not believe the way in which you are operating is satisfactory or good enough; either provide a better service or we will have to put someone in your place." Suggestions that were put to give a greater role of independence perhaps to the local government authority in that regard would not have been of benefit to consumers generally in this State.

The Opposition supports the principle of the Bill, and it supports the recommendations of the Select Committee. However, as I mentioned, there are some amendments that we will move in Committee which will require some further comment. I also believe that there is further comment to be made by members on both sides, but in general I support the principle of the Bill.

**Mr. OLSEN** secured the adjournment of the debate.

## ADJOURNMENT

At 4.59 a.m. the House adjourned until Thursday 27 March at 2 p.m.