HOUSE OF ASSEMBLY

Thursday 25 February 1982

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

QUESTION TIME

The SPEAKER: I advise that, in the absence of the Premier, the Deputy Premier will take any questions; in the absence of the Chief Secretary, the Minister of Industrial Affairs will take any questions; and in the absence of the Minister of Transport, the Minister of Industrial Affairs will take any questions.

CLEAN AIR BILL

The Hon. D. J. HOPGOOD: Will the Minister of Environment and Planning be introducing a Bill for a Clean Air Act in this session of Parliament and, if not, why not? Ever since this Government came to office, the Minister has been promising that a Bill for a Clean Air Act will be introduced. Following the reorganisation of his department recently, a division of that department deals with pollution of air and water, and also with noise pollution. In the area of air pollution, the only teeth the Minister has available to him is a set of regulations under the Minister of Health. In view of the numerous assurances given over the last two years I ask that question of the Minister.

The Hon. D. C. WOTTON: I am not prepared to give any commitment as to when the legislation will be introduced, certainly in regard to this session, considering that we have only three more sitting weeks. As the honourable member will appreciate, there has been a considerable amount of consultation in regard to clean air legislation, which is absolutely necessary, with all people involved in this type of legislation.

Members interjecting:

The Hon. D. C. WOTTON: It is all very well for members opposite to say that I told them that a year ago. What action did the Opposition take in the 10 years that it was in office? Wide consultation has taken place: I would imagine that the member for Baudin would appreciate that. When that is complete, the Bill will be drafted in its final form and will go to Cabinet; a decision will be made at that stage. I am not prepared to make a commitment in regard to this session.

MUMPS VACCINE

Mr MATHWIN: Will the Minister of Health consider placing the inoculation for mumps on the free list? The Minister will be aware that the injection for protection from measles is already on the free list. At present a combined inoculation is given against mumps and measles. That has advantages to the housewife and mother, as well as to the infant who receives it. If the mother takes advantage of the combined inoculation she has to pay for the full inoculation of measles and mumps. Will the Minister investigate the matter?

The Hon. JENNIFER ADAMSON: The honourable member may not be aware that, although inoculations are provided free through local boards of health, the free provision of serum comes via the Commonwealth Serum Laboratories, through the Commonwealth Government. Although the Commonwealth Government has for some time provided measles vaccine free of charge to the States, it has as yet made no decision about the free supply of mumps vaccine or about the joint vaccine which gives the child two immunisations in one injection. The South Australian Health Commission has made representations to the Commonwealth asking that mumps vaccine be made available free of charge. I will certainly endorse those requests by writing to the Commonwealth Minister of Health, impressing upon him the importance of mumps vaccine being made available free. I am firmly convinced that the campaign that we conducted last year in respect of German measles (rubella) and the need for other immunisation was a great success. We need to maintain the momentum of that campaign. The provision of free mumps vaccine will go a long way to assisting that.

ON-THE-SPOT FINES

Mr CRAFTER: Will the Minister of Education, representing the Attorney-General, say whether the Government will order that the so-called on-the-spot fine notices be reprinted to state clearly that there is absolutly no compulsion on a person charged with an offence to pay the fine stipulated within the time stated on the notice and that, if a person so charged chooses, he may wait until summonsed, if indeed he is summonsed at all, and make submissions to a duly constituted court, whether he pleads guilty or not guilty in respect of penalty in that matter?

As have many other members, I have received a deluge of complaints from constituents about on-the-spot fines. No constitutent whom I have interviewed has understood that he has the right to ignore the notice that was completed by the police officer at the time of the offence, wait until he receives a summons, then plead either guilty or not guilty at the time of the hearing of that offence, and, if he wishes to plead guilty, to make submissions to the court in respect to the penalty that is appropriate in those circumstances. I understand that the penalties that are printed on those notices are the maximum penalties for those several hundred offences that can be committed and charged in that way. There appears to be great confusion and, in my estimation, that confusion can mean—

The SPEAKER: Order! The honourable member is now going far beyond an explanation, and is commenting.

Mr CRAFTER: Thank you, Mr Speaker. It has been put to me that that confusion can have a detrimental result in regard to many thousands of people who are charged in this way.

The Hon. H. ALLISON: I will be pleased to bring down a considered reply from the Attorney-General.

SCOTT BONNAR

Mr OLSEN: Following the presentation of an export award to the Scott Bonnar company, manufacturers of lawn mowing equipment in Adelade, will the Minister of Industrial Affairs indicate what future development the company envisages for its South Australian operation and how the agencies of the Minister's department, such as the Small Business Advisory Bureau, intend to encourage similar development and expansion throughout the State?

The Hon. D. C. BROWN: Yes, I would be delighted to comment on what is now a very optimistic outlook at Scott Bonnar, a very wellknown South Australian company. The Leader of the Opposition and the Deputy Leader should listen, because, as Mr Gloom and Mr Doom, they are the two people who keep saying that South Australian companies

are laying off people, reducing their work force and having a very unsuccessful time here.

The Hon. R. G. Payne: You are saying Scott Bonnar is a South Australian company?

The Hon. D. C. BROWN: It has a plant in South Australia.

The Hon. R. G. Payne: Does Electrolux have a plant in South Australia?

The SPEAKER: Order!

The Hon. D. C. BROWN: I will cover the points raised by members opposite. Scott Bonnar was taken over by the Rover group, from Brisbane, in 1980. In fact, there is a report of that take-over in the *Advertiser* of Tuesday 7 October 1980.

The Hon. R. G. Payne: You just happen to have it handy.

The Hon. D. C. BROWN: Yes, I just happen to have it handy, and it is interesting. This is a wellknown South Australian company, quoted by the Leader of the Opposition as being taken over by the Rover group, which in turn is owned by United Packaging, of Brisbane. Shortly after that, the company decided to relocate its manufacturing and assembly line for domestic rotary lawnmowers from Adelaide to Brisbane. I went to the company's premises last week to present an export award. This company was one of five South Australian companies that were successful in winning export awards. In 1980, only 20 export awards were presented for the whole of Australia, and of those South Australia took five, as well as four of the 11 design awards for the whole of Australia, plus the apprentice of the year award for the whole of Australia.

Mr Lewis: Outstanding!

The Hon. D. C. BROWN: It is outstanding. It is interesting to see the success that has been achieved by Scott Bonnar in relation to overseas markets. While I was at the plant I saw the tremendous scope the company is achieving in making industrial mowers and exporting them to overseas countries, including Britain, which is one new major market that has now been captured.

The significant feature is that, having moved the domestic rotary mower line from Adelaide to Brisbane, the company has now decided to relocate that line back here in South Australia. It has done so because the line was far more successful and a far more efficient operation in South Australia. I think it is worth noting that the management of the company stressed the fact (and the Manager himself is a Brisbane person) that South Australia has far better component suppliers for an industry such as the lawn mower industry than has virtually any other State. The Manager stressed the high quality of the work, the very efficient operations that the company has and the low cost.

He said, as a Brisbane man, that his company would have naturally looked to Melbourne and Sydney for those component suppliers, but having now come to Adelaide he realised that some of the best suppliers in Australia are located here. Basically, that is the reason why, having made a mistake as a company, it has admitted that mistake and decided to relocate that domestic rotary lawn mower operation, so that all domestic Scott Bonnar rotary mowers will now be made in South Australia. This morning, together with the member for Ascot Park, I visited another very successful South Australian company, Baker Hydraulics Pty Ltd, at Edwardstown. I went there to launch that company's new factory there. In 1977 the company employed approximately 40 people; it now employs 89 people. Basically, it produces hydraulic cylinders and, in fact, it is now the biggest manufacturer of hydraulic cylinders in the whole of Australia.

The Chairman, Mr Ferris, who comes from Sydney and is involved in a number of companies in Sydney, told me this morning—and the member for Ascot Park was there throughout and witnessed what he said—that he has now become a firm supporter of industry in South Australia and acknowledges the superior advantages of South Australia as a manufacturing State compared with other States.

The Hon. R. G. Payne: Why didn't you listen when we told you that in 1979?

The Hon. D. C. BROWN: One of the prime reasons is that this State has now had returned to it many of the advantages that give this State the edge, and it has pushed ahead wholeheartedly with projects like the standardisation of the railway gauge. At long last the State has a Government that appreciates the private sector, instead of a Government that tries to screw the private sector as the previous Government did. I think it is fair to say that it was particularly former Premier Dunstan who scared private enterprise out of its wits and out of this State with ideas of revolutionary legislation and concepts such as industrial democracy.

The Hon. J. D. Wright: You must be desperate to raise this, because it's just crap.

The Hon. D. C. BROWN: I find it interesting that the Deputy Leader of the Opposition should describe the success of these companies as 'crap'.

The Hon. J. D. Wright interjecting:

The Hon. D. C. BROWN: That is exactly what you interjected across the House.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham.

Mr MILLHOUSE: I take a point of order. I do not think that that word ought to be flung about in the Chamber—

Members interjecting:

The SPEAKER: Order!

Mr MILLHOUSE: —and I ask that you forbid the use of that word in the Chamber and punish those members who were flinging it about.

Members interjecting:

The SPEAKER: Order! I am of the genuine belief that words of that nature are best left in places other than this Chamber. I would ask the Minister not to repeat the term and, indeed, to show that he recognises that it was a transgression on the decorum of this Chamber by withdrawing it.

The Hon. D. C. BROWN: Certainly, Mr Speaker, I am only too pleased to withdraw it, and I am sorry that I ever picked up the interjection from the Deputy Leader of the Opposition.

The SPEAKER: Order!

The Hon. D. C. BROWN: The other matter that I highlight is the tremendous efforts being made by the Small Business Advisory Bureau in assisting small businesses in this State. Baker Hydraulics Pty Ltd is a classic case of a small company that can be so successful. I am delighted to tell the member for Rocky River that the Small Business Advisory Bureau will be meeting in Kadina on 26 March—

Mr Millhouse: Kadina!

The Hon. D. C. BROWN: Yes.

Members interjecting:

The SPEAKER: Order!

The Hon. D. C. BROWN: It is the first regional meeting for the council and will be held from 2 until 5 p.m.

Mr Keneally: Is this a leadership answer?

The SPEAKER: Order! I would remind members, particularly those on my left, that they are denying their Leader the opportunity to be called. The Minister of Industrial Affairs could, I believe, come to a quick end to his answer.

The Hon. D. C. BROWN: Mr Speaker, I am delighted to say that from 2 to 5 p.m. on the date to which I have referred the Small Business Advisory Bureau will be holding a seminar to assist local small businesses in their planning, marketing, financing and other problems so that they are able to take advantage of new opportunities. That evening

in the town there will be a special dinner at which the subject of small businesses, their success and potential in this State will be discussed. I certainly ask all members of the House to bring to the attention of any small businesses within their electorate the tremendous resources available within Government to assist those small businesses, because the experience of Scott Bonnar and Baker Hydraulics Pty Ltd clearly shows that those companies can succeed and do so very well in this State.

MOTION FOR ADJOURNMENT: ON-THE-SPOT FINES

The SPEAKER: I have received the following letter from the Leader of the Opposition, dated 25 February 1982:

I wish to advise that when the House meets today, Thursday 25 February 1982, I shall move that the House at its rising adjourn to 2 p.m. on Friday 26 February for the purpose of debating the following matter of urgency:

The misleading of the Parliament and people of South Australia by the Government, and the Attorney-General in particular, on the question of on-the-spot fines.

Yours sincerely,
(Signed) John Bannon
Leader of the Opposition

I ask those members who support the Leader's letter to rise in their place.

Opposition members having risen:

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

That the House at its rising adjourn to 2 p.m. on Friday 26 February for the purpose of debating the following matter of urgency:

The misleading of the Parliament and people of South Australia by the Government, and the Attorney-General in particular, on the question of on-the-spot fines.

This motion is introduced today in this Chamber because the Opposition has just received information which throws considerable doubt on the Government's motivation in introducing on-the-spot fines, a matter of current public controversy, in the way and at the time that it did.

This is the first opportunity we have had to inform the House and the public and, although it is regrettable that the Premier is not present, the fact is that the decision which is the subject of this debate was made by Cabinet. Cabinet collectively had before it the information that I am about to put before this House, and it agreed to the legislation being introduced. I think it is quite proper, therefore, to act immediately and call on the Government to explain its position in the light of those facts that I am about to reveal.

As a matter of background I point out that we raise this matter knowing of the quite considerable resentment by the motoring and cycling public of the way this system has been operating since it came into force in January. It is a matter of increasing controversy and involves problems with both the public and the police. A question just asked by my colleague the member for Norwood indicates the sort of concern that is being voiced by members of Parliament. The matter has been raised on previous occasions by my colleagues the member for Albert Park and the member for Stuart, both of whom are in receipt of information and complaints from the public. So it is a matter of grave public concern, and the Government's motives and reasons for introducing this scheme become very relevant indeed.

The Opposition, at the time the legislation was introduced in February last year, supported the scheme, but we supported it with reservations. These were reservations strongly stated by, in particular, my colleague in another place where the legislation was introduced. We supported it, because we accepted the reasons that the Government gave for it. We also recognised the fact that the Government had a mandate because it had made it a prime election policy at the previous election, and that we would have then had to have very strong reason indeed to oppose it.

However, we said at the time that we had grave reservations and that it would be very important to see how this scheme worked in practice before Parliament should finally judge whether or not it should continue. The reasons which the Government gave us and for which we agreed to give it support with reservations were that the legislation, the on-the-spot fine system, would provide a member of the public with a simple means of expiating an offence to which he or she was prepared to plead 'Guilty' without the need to have court proceedings. It would be an advantage to a member of the public. It would also free police from tedious and lengthy court attendances and form filling, and it would make the levying of a penalty as simple as possible.

We did not know then what the Attorney-General and the rest of Cabinet knew: what we know today and what influenced the Government to implement this legislation in its present form. We know that, although the Government undoubtedly considered the likelihood of substantial savings in court and police time, as well as in associated administrative matters, although no doubt it was concerned about the convenience of the public, it had been plainly advised that revenue to the Treasury would leap.

As we would suspect of any Government that is in the kind of financial mess that the Tonkin Government has got itself into, this was a very powerful argument indeed. It was an argument that respresented, on the information given to Cabinet, an increase in revenue of $5 000 000. The information which we have, which has been denied to the public of this State (which should have had it) and which has certainly been denied to the Parliament, which was debating the matter, is contained in the report of the working party appointed by the Government after it came to office and in a minute that was the basis for Cabinet's adoption of the scheme.

I refer to the relevant passages of that document and, first, to the working party, which was established on 15 October 1979 and which comprised four persons who were to investigate, including making estimates of savings or increases of costs and/or manpower, and the desirability of a scheme whereby a person may have an option to expiate an offence, relating to vehicles or traffic, of a relatively minor nature by paying a predetermined amount by way of penalty, and to make appropriate recommendations concerning the nature, method and implementation and the extent of such a scheme if it is considered desirable and feasible. That report was presented in March 1980 and, after outlining the existing scheme and the problems contained in it, the committee, on page 4 of its report, said:

The benefits of the proposed system will be maximised if as many offences as possible are included, and it would be feasible to include most minor offences under the Road Traffic Act and regulations, and some minor offences under the Motor Vehicles Act.

There is the first point: as many offences as possible would be involved. There are 180 of them, some of quite an extraordinary nature, which will be dealt with by my colleague the member for Stuart in just a moment. The report went on to look at the legal aspects of the scheme, and, under the heading 'Potential benefits of the proposed system', the report stated:

One of the major benefits of the proposed system is that it would result in a significant improvement in the effectiveness of police.

Of course, we knew that, and that was the argument that was stated by the Government. The report continues:

Interstate experience indicates that the number of offences reported could be expected to double.

There is a very interesting statement indeed. A lot of speculation has taken place over what the effect of on-the-spot fines will be in terms of the number of offences. Here it is quite clearly stated in this report that they could be expected to double. After exploring the implementation of staff and manpower savings, the following passage on page 11, under the heading 'Effect on Government Revenue' (which I suggest has been suppressed from all public debate and consideration), appears:

A sample of the fines and fees imposed by the Adelaide Magistrates Court indicates that the fines and fees presently imposed would be approximately the same as the proposed expiation fees. It is anticipated that the number of traffic offences reported will increase from the present level of 94 000 per year to 188 000 per year, a 100 per cent increase. It is estimated that 175 000 matters or 93 per cent will be handled by the new system. During the 1978-79 financial year the total amount received by the courts in fees and fines was $7 900 000. Unfortunately, this figure includes all offences and no detailed breakdown is available. It is conservatively estimated—

I stress conservatively—

that 65 per cent of the fees and fines would have been for traffic offences.Therefore, the proposed system would result in an increase in revenue of approximately $5 100 000 per annum. Further, based on interstate experiences, it is anticipated that there would also be a much quicker turnover of revenue as 80 per cent of persons receiving infringement notices will pay expiation fees within the proposed period of 28 days.

This is the conclusion arrived at by the committee:

The introduction of an expiation scheme as proposed in this report for minor traffic offences is desirable and feasible. It would have a marked effect on the efficiency of traffic police, improve driver behaviour, provide benefits to offenders, and result in manpower savings in the Police Department and Law Department. It would also have the effect of increasing Government revenue by more than $5 000 000 per annum.

That was plainly spelt out—plainly described to the Cabinet and to the Government—the hidden factor behind the system that we see operating at the moment, the revenue rip-off in on-the-spot fines. There is a further document, which is the document on which the Government decision is based and in which the steering group's report is commented on, and this minute was considered by Cabinet. There were obviously some questions raised in Cabinet about the feasibility of this scheme and its real benefits, and this report aimed to urge on the Government the introduction of the scheme. In relation to questions about administrative costs and savings, it states:

Furthermore, anticipated revenue should dwarf considerations of administrative costs and savings . . .

Assumptions made in preparing the estimates include the doubling of these traffic offences, and the document continues:

It is possible, although unlikely, that there could be a much smaller increase or no increase because of the preventative effect of increased police patrol activities. In this event staff savings would be higher than predicted but revenue would be lower.

That is an unlikely result. It continues:

Alternatively the number . . . could be significantly higher and . . . less staff savings . . . but a substantial increase in revenue.

For the enlightenment of Cabinet, the committee provided a table in which it set out three alternatives. The first alternative suggested no increase in the number of offences. That showed an annual cost saving of nearly $500 000 ($466 500), with no additional revenue. When asked questions about cost savings of this scheme, the Attorney-General said specifically that he expected the savings to be of the order of $500 000. That is there, under option A. It is there under a situation where the number of offences will not increase and there will be no additional revenue to the Government, but that was not the advice given to the Attorney-General at all. The advice the Attorney-General held is contained in alternative B, an alternative described by the committee as being the most likely situation which it says reflects the predictions of the steering group.

What did that result in? It resulted in 200 000 offences, with an annual cost saving of $283 500 and $5 100 000 annual additional revenue. There it is spelt out clearly. What was Parliament told? Nothing at all about this aspect of it. Nowhere has the Government admitted that it had been advised of this handy source of extra finance. Nowhere has it taken the public into its confidence about the opinion offered to it by the working party, that the benefits of the scheme would be maximised if as many offences as possible were included in the scheme. Nowhere has it been stated that it was fully briefed on an expected leap from about 94 000 offences to 188 000 offences a year.

Why has the Government not come clean on this? The member for Stuart will explain some of the problems that the police have encountered in the course of it. I think we have now got crystallised plainly the advice on which the Government acted in this matter. Doubts were thrown up about the scheme in the course of that consideration, and those doubts were overcome by one major factor: the $5 000 000 estimated anticipated revenue that the Government could raise by back-door methods, as has been suggested. The Attorney-General has been very silent in the controversy in the last few days over this matter. He has put the police officers up front and let them make the statements. Only once has he actually gone into print and, when he did, what an extraordinary, misleading, dishonest statement he made in replying to a column in the *Sunday Mail*. On 14 February, under the headline, 'It's no monster', he stated:

I'd like to pacify Tony Baker. The Government has not created a monster with the introduction of this infringement scheme. He says the scheme will yield a staggering figure of $45 000 000 in fines. What he does not say is this amount would most likely have been generated during an average year if the scheme had not been introduced and all minor traffic offences had been taken to magistrates courts.

That is absolutely untrue. The $5 000 000 to which he refers is the amount already collected under the old system. The on-the-spot fine system, as the Attorney-General knew from the advice he received, would double that collection. He would get an extra $5 100 000 at least, according to his expert committee. That is the background to that dishonest, misleading letter. No monster, indeed! Everything in these documents confirms the statements made in opposition to the on-the-spot fine system and the suspicion that has now become clear that indeed it is a type of revenue collection through the back door. Nothing has been said about the virtual disappearance from the South Australian scheme of the cautions and warnings and the problems that that placed on the police. All that has been said about it, all the benefits that have been adduced, are fine as far as they go, but they hide the basic factors: first, that there would be many more offences; and, secondly, that in anticipation there would be greater revenue collection.

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

The Hon. E. R. GOLDSWORTHY (Deputy Premier): The whole of the Leader's argument has been fabricated on the basis of a leaked document which he has sought to interpret in his own devious fashion by a series of mental gyrations not all that difficult to follow. The whole of his argument is predicated on a leaked document which, in fact, is a report called for by the Government in relation to on-the-spot fines. If the Leader likes to cast his memory back to a time just prior to the State election (and I have viewed the files and refreshed my memory before coming into the Chamber this afternoon), he will see that his own former Attorney-General went through precisely the same process

and put to the former Cabinet, of which he was a member, a submission that a working party be set up to inquire into the introduction of a system which the former Attorney-General, the Hon. Mr Sumner, was strongly advocating. I have read the Cabinet submission and noted the arguments he adduced and, time permitting, I shall recount them to the House in due course.

Let me deal, first, with the burden of the Leader's argument. He says that Cabinet made the decision on the basis of the financial return. I utterly reject that proposition. It is the habit of Cabinet (a habit of which we are clearly unashamed) that, with all new initiatives, we investigate the financial implications, because most new initiatives in which Governments seek to indulge (particularly a Labor Government) are rather large absorbers of public funds. The Labor Party unfortunately paid scant attention to that aspect of its decision making. This Government is rather meticulous in assessing the effect on revenue of any new proposals which it initiates.

However, I totally reject the argument that it was on that basis and that basis alone that we introduced this measure. That was one of the less prominent considerations in our introducing on-the-spot fines, so I utterly reject that suggestion. If the Leader wants to know the Government's motives, let me again unashamedly say that it was to uphold and enforce the traffic laws of this State that this action was taken, and I would have thought that the Leader of the Opposition would support that stance. In fact, if we carry the Leader's argument to the ultimate, we would have to get rid of these laws. It all comes down to the question of making sensible decisions in relation to these laws and the way in which they will be applied.

The Hon. D. C. Brown: The Wran Government in New South Wales has done this.

The Hon. E. R. GOLDSWORTHY: Yes, this scheme has been operative in Victoria since 1955, and in New South Wales since 1974. Let me assure the Leader that the Government's motive in introducing this measure, and likewise in introducing random breath testing (and on all of these things the Opposition wants two bob each way), was to save lives on the road. If members opposite are not interested in saving lives on the road, let us hear about it now. I can cite the sort of offences with which we are dealing; I have a list. Regarding the financial aspect, the Government was at some pains to go through the list and look at the penalties that are to be applicable. There was some argument as to the appropriateness of some of those penalties. Members opposite should not suggest that the Government did not think carefully about the implications of introducing this measure.

The Leader is quibbling about motives that he imputes to the Attorney-General, which I utterly reject. Let us get to the heart of the argument. What is it all about? It is about the laws of this land, whether they are appropriate, and the most appropriate way in which they should be enforced. The Government has been at pains to ensure that the laws have been enforced sensibly. What are we talking about? We are talking about the regulations under the Police Offences Act: exceeding the speed limit while passing a school, whereby the prescribed penalty for excessive speed is $20; exceeding the speed limit on a road between school signs; exceeding the speed limit within 30 metres of a school, and a whole series of other related offences; passing vehicles proceeding in the same direction while not having a clear view of the road ahead; making U turns to the danger of other motorists; and failing to comply with 'stop' signs. So the list goes on. We are talking about road safety. This argument is all about road safety, not cheap, petty point scoring and imputing to the Attorney-General false statements and motives, when he was, clearly, perfectly truthful, honest and straightforward.

What else does the Leader's argument hinge on? It hinges around a report from the police and a report from a working party to the effect that, if certain levels and numbers of infringement notices are handed out, certain revenues will flow to the Government. Who said that the Government accepted the argument that police must, month in and month out, double the number of infringement notices handed out? That is what the Leader's argument revolves around, but the situation is quite the reverse. Certainly, the experience in New South Wales initially (during the first month, I understand) was that the number of infringement notices doubled. In January, the first month of the scheme's application in this State, the number of infringement notices increased by 40 per cent, so that there is a 60 per cent shortfall in the much vaunted $5 000 000 for starters in the month when one would have thought that the number of notices might be at a high level.

The Leader's argument is mounted on a whole series of suppositions, none of which he can sustain without having an intimate knowledge of Cabinet discussions. So what if the Government received a report saying that this scheme could lead to increased Government revenues? I suppose the Leader would have been happy if he, in Government, received notification, as a result of the investigation, that the scheme would cost a lot of money? That is the same argument. We do not resile from the fact that we carefully examine the financial impact of every proposition. We are about to introduce a community work order scheme. One might, at first, believe that the scheme will save the Government money because fewer people will be put into prison; however, it will cost more money, because more probation officers will have to be put on the public pay-roll to supervise people.

Is it silly of Cabinet to ask for the financial implications of that scheme? I would have thought that it was highly responsible. The Labor Party has promoted all this hoo-hah about radiation control and the danger of radiation. It is an initiative of this Government to set up in the Ministry of Health and the Health Commission a monitoring unit which will be well equipped and well staffed to monitor radiation. The former Government did not think that this was a high priority, nor did it think that anything was wrong at Amdel, until it got on to the Opposition benches. However, the Government, rightly, examined the financial implications of this and the Cabinet submissions that this Government commissioned and, as in all cases of this type, assessed financial implications of what is being promoted.

So, the whole of the Leader's specious argument relies on the fact that he is saying that the Government is maintaining that there must be a doubling of the number of people detected for traffic infringements. I throw that back in the Leader's teeth and say that it is plainly false—in fact, it is plainly absurd. In fact, the instructions that this Government has given to the police have been that the image of the police in the enforcement of the law is something which we should jealously guard.

The image of the police in this State, due to the efforts of successive Police Commissioners (one of whom the Labor Party sacked), has been higher than that of any other Police Force in Australasia, simply because the police have been at some pains to see that the way in which they deal with the public is sympathetic and sensible. Of course, in any Police Force of the size of ours, there will be isolated incidents where an officer has been over-zealous. This Government has been at pains, since the introduction of this scheme and in other circumstances, to see that the police are not over-zealous. If the Leader was a bit better informed

he would know that the police are not to issue infringement notices to children, and so on.

What did the Labor Party do when in Government? I alluded to this earlier in my remarks. The Hon. Mr Sumner who has been pursuing some of his flights of fancy in all sorts of directions in the last day or two, commissioned a Cabinet submission, which I have read. It is not our habit to tumble out Cabinet submissions, but the Leader would not have had a feather to fly with over the last couple of years if he had not lived off leaked documents. The Government makes no apology for commissioning a report; we make no apology for assessing the financial implications.

The Hon. J. D. Wright interjecting:

The Hon. E. R. GOLDSWORTHY: I do not intend to do that. Let me refresh the Leader's memory about the submission that came from the former Attorney-General, now the shadow Attorney-General and Leader of the Opposition in another place. Among other things, in urging the former Cabinet to set up this working party he was highly supportive of on-the-spot fines, and the argument was that it was the best thing since sliced bread. That was the whole tenor of the former Attorney-General's argument. He said that there would be 'a quicker turnover of revenue'?

Members interjecting:

The Hon. E. R. GOLDSWORTHY: This is a summary of what the former Attorney-General said. He also said that there would be a reduction in the work load of the courts; there would be a reduction of the backlog of cases before the courts; from the offender's point of view, the offence would not be recorded as a previous conviction; there would be no court costs; there would be a standardisation of penalties; the offender would still have the right to have the case heard before the court in the normal way, without any prejudice; and there would be a reduction in the amount of clerical work performed by the police. Also, of course, there was a summary of the financial statement.

In mounting this argument, the Opposition knows perfectly well that the media is interested in the way in which this operates; of course it has a legitimate interest in the way this operates, and so, of course, does every citizen in this State, and certainly, the Government. The Government is keen to see that this legislation is sensitively handled. The Government is not intent on raising extra revenue, as the figures for January I think would indicate. The Government is, of course, pleased that it is not going to cost the taxpayer an added burden in terms of administrative costs. The Labor Party, if we follow the Opposition's logic to its conclusion, maintains that no scheme promoted by the Government is any good unless it costs money—an absurd proposition, but that is in effect what it is saying.

I reject entirely the argument that the fact that this scheme, if prosecuted vigorously, could raise revenues was a determinant in the Government's thinking; it certainly was not, and the Government is at pains to see that this is sensitively administered. I repeat that the Government's motives in introducing this scheme, I suspect (and if members opposite wish to be honest, they will admit it), is to save lives. I do not know whether the Leader of the Opposition knows this, but it is my view that future generations will find it very difficult to understand how we live with and tolerate the road toll.

The highest single cause of death for the age group between 18 and 25 is road accidents. The Leader has children of his own, as have many members of this House: is that not a matter of concern to them? More people are killed on the roads than have ever been killed in warfare. It is one of the great perplexities to my mind of this modern age of locomotion, and I think that when safer forms of transportation are devised people will look back and wonder how we ever tolerated this. The Government and I will unashamedly pursue any measure sensitively which we believe will save the carnage on the roads. If the Leader does not subscribe to that, if he does not like these on-the-spot fines, despite the urgings of his former Attorney-General, let him get up and say so. The whole of his argument rests on the fact that there will be a doubling in the number of convictions. That is not the Government's intent, and it never has been. The intent of the Government has been clear: to come to grips with a serious problem, and that is how one efficiently polices the traffic code in South Australia for the safety of the public.

If the Leader wants people to drive around on bald tyres and to speed past schools and he does not want any effective means of protection, let him get up and say so. I reject any imputation of dishonesty concerning the Attorney-General. The Attorney-General is one of the most honourable, straightforward and honest people it is my pleasure to know. He can be on my side any day of the week, which is less than I would like to say for the Leader of the Opposition, judging by the motives which have energised him in some of his statements this week.

Mr KENEALLY (Stuart): It is often said in South Australia that when the Premier is out of the State the Liberal Party and the Government are leaderless. My response to that has always been that that would have to be an improvement, until today. We can readily see here why the Government back-benchers are anxious to replace not only the Premier but also the Deputy Premier with the member for Davenport. That in itself must surely show how absolutely desperate the Government is.

Members interjecting:

The SPEAKER: Order!

Mr KENEALLY: I have been misled, as have the Parliament and the community of South Australia. When on-the-spot fines were introduced it was described as a means of streamlining our overworked, overloaded legal system. We were told that it was not a revenue raiser: it was simply a way of minimising congestion in the court system and cutting down on the thousands of hours of paperwork by police and freeing them for their essential task of maintaining law and order. We agreed that that sounded pretty good. In fact, we were prepared to give it a try, as my Leader has already pointed out. We had concerns about the system, but we were prepared to give it a try because of those essential things that it tried to do. What we were not aware of was what the Government is on about. This Parliament and the community in South Australia were told lies on this issue.

The SPEAKER: Order! I would ask the honourable member for Stuart to withdraw the word 'lies', which he knows to be unparliamentary and untenable in this House.

Mr KENEALLY: Certainly, Sir, I withdraw it. The promise that the Attorney-General made that the $5 000 000 to be collected would not be extra revenue was a deliberate and calculated misleading of this Parliament. That misleading was compounded in a published attack by the Attorney-General on a journalist of the *News*, Tony Baker. Mr Baker had pointed out in his column some of the problems expected with on-the-spot fines and its potential as a revenue raiser for the Government. This was denied by the Attorney-General, who said that it would not raise extra revenue and was not designed to do so. If ever a statement has been proven to be untrue and misleading, that particular statement was proven to be so today by the Leader of the Opposition.

When the Attorney-General made that statement, he knew that it was untrue. In fact, his own document proves that he knew it to be untrue. However, he was prepared to put it in writing in a letter to the *Sunday Mail*, designed,

I repeat, to mislead the South Australian community. If the Attorney-General had been honest, he should have said that one of the main reasons for the Government's introducing on-the-spot fines was to impose yet another form of back-door taxation, a form of taxation of which this Government is very fond.

We have the Treasurer flaunting to the Parliament and to the community the claim that this Government has reduced taxation. However, this Government has increased taxation. Indeed, it is the highest taxing Government that this State has ever had, and it raises its taxation in a back-door and snide manner, as this taxation measure that has been imposed on the South Australian community shows. It is taxation through on-the-spot fines, and it is a disgraceful performance by the Government. On-the-spot fines are being used by the Government as a money-making racket.

That is exactly what this Government is on about. It is using on-the-spot fines as a revenue-raising measure. For the Government to use the police in this way is jeopardising the role and standing of the police in our community. The Government is causing police officers to be unofficial tax collectors, and this is damaging police morale.

The Deputy Premier sneers, but of course it is damaging police morale, as I will go on to prove. The time that the police will be saved by on-the-spot fines, by not having to handle so much paperwork, will now be taken up by their dishing out fines on good decent citizens who have committed a petty transgression, not the list of offences that the Deputy Premier read out. I will remind the House in a moment of some other on-the-spot fines that have been issued by the South Australian Police Force at the Government's direction.

Before on-the-spot fines were introduced police officers often issued warnings, cautions or just plain advice to people who often did not realise that they were breaking a law. That procedure seems to have flown out the window, and the police have been forced into a quota-type arrangement where the rule is, 'If it is petty, book it.'

The Deputy Premier likes to suggest that this law was introduced to save road carnage. I would like to read for his benefit, for the benefit of his colleagues, and that of members generally and anyone else who reads *Hansard* or who is interested in the debates of this House a traffic infringement notice. I refer to infringement notice No. 170579/80. I will not, however, read the surname and given names of the person involved, whose occupation is an apprentice spray painter, and whose date of birth is 14 June 1964—so he is 17 years of age, or a minor. The Deputy Premier says that these on-the-spot fines are not issued to minors. However, we have here a perfect example that refutes what the Deputy Premier has said.

This individual, this unlucky person, was not driving a vehicle that had a registration number. The vehicle was a 27 in. gentleman's bicycle, and I ask members to pay attention to the offences with which this young man was charged. The first offence relates to offence No. 152, which is driving a vehicle with no lights and for which he was fined $20. That is not something with which one would find a great deal of criticism, as the person involved was driving a vehicle that had no lights.

However, I go on to refer to offence No. 338, which is failing to comply with prescribed requirements, for which a $20 penalty is involved. That is a bit strange. No-one would really know what that was about. However, there we are: it involves $20 for failing to comply with a prescribed requirement. This ought to be of great interest to the Deputy Premier, because he wanted to make a great play of this type of fine. Offence No. 332 involved a bald tyre and a $40 fine. All this involved a 27 in. gentleman's bicycle!

A 17-year-old chap was riding a bicycle that had a bald tyre, and he was fined $40 for that infringement. Is this what the Deputy Premier tells us it is—the Police Department in South Australia saving a citizen from the road carnage? Or is this what we now know it to be—an insidious type of taxation? Is the State Treasury so desperate for funds that it has to impose a fine of $40 on a person who is picked up for having a bald bicycle tyre? That is what makes the Opposition so upset about what is happening in the community today. The number of the officer who issued that notice was 1404/9.

Another penalty that is imposed involves over-inflated tyres—bicycle tyres, one expects, involving a likely charge for an infringement under the instructions given by this Government. Today a person contacted me who complained bitterly that a young man this morning who wanted to replace the mirrors on his motor bike had to go to the nearest hardware store to buy the suitable bolts. He left the mirrors home and went to the hardware store to buy the bolts to put the mirrors on. He was stopped by the police and asked where were the mirrors. He said that he had purchased new mirrors and was going to get the bolts and would be putting them on in a moment. The officer said, 'Fair enough; I won't defect your vehicle even though you were transgressing, but I will fine you $40.' That man is unemployed, and $40 is 80 per cent of what he receives weekly. He told the police officer what the situation was, and the police officer accepted that fact. Whereas a few months ago the police officer would have defected the vehicle and a few minutes later the defect notice would have been taken off, this man was fined $40. This approach by the Police Department, which the police themselves do not like, will weaken the standing of the police in our community, and this has a serious implication on the maintenance of law.

It is quite clear that, even if the system of on-the-spot fines remains, its method of implementation needs to be changed. I believe that the Government should organise a round-table conference which includes the Police Commissioner to work out how excessive zeal can be minimised. I believe that the police should continue to issue warnings and cautions rather than issue fines for every minor indiscretion. I also believe that the number of offences that can be dealt with by on-the-spot fines should be reviewed and reduced.

The Deputy Premier said that the system has been working for 20 years in Victoria and people are happy with it. There are 20 offences in Victoria in respect of which a person can have an on-the-spot fine imposed, and in South Australia there are 186 offences, including a bald bicycle tyre or an over-inflated tyre. This is the reason why the Opposition is expressing its concern here today as it has done previously. It is quite clear that the offences covered by on-the-spot fines are too many. There should also be a guarantee from the Government that from now on on-the-spot fines should be an efficiency arrangement designed to save costs rather than generate income. The number of on-the-spot fines should be consistent with the number of fines that would have been imposed under the previous arrangements.

There has been shown today quite clearly an ulterior motive, and it is quite clear that, if a change in the system of fines results in the doubling of fines being issued, there is some ulterior motive that has nothing to do with law and order. In the few minutes that remain to me, I want to say that I am particularly concerned that this cynical and bankrupt Government should be so unprincipled as to allow the good standing of the Police Force in South Australia to be so damaged merely to bolster the Treasury finances. Even for this Government, that is plumbing depths that it has not reached previously.

The Deputy Leader today even went so far as to blame the Police Force. He was not prepared to acknowledge here

that this was a Government decision and that the Police Force was asked to impose the on-the-spot fines. He wants to say that it is the fault of the police officers. He wants his Government now to divorce itself from the police activity. He wants the police to carry the odium for the Government's decision, and that is a scandalous situation, because I believe that, in a time when law and order is at risk and when the crime rate in South Australia is escalating, co-operation between the police and the community should be at its greatest.

However, this particularly cynical exercise by the Government merely to raise funds can do nothing but destroy the relationship that exists between the police and the community, and because the Government destroys that relationship it places at risk the safety and welfare of the citizens of South Australia. Let us hear no more of the statement that this was designed to save the road carnage. The existing Road Traffic Act is there to save road carnage; it will do so, and the police have been acting under that Act quite properly.

We have no objection to an on-the-spot fine system that is not used, as this one is, as a revenue raiser. We would encourge the police to continue to spot serious infringements and to return to the system they had of cautioning and advising the citizens of South Australia, and we would encourage the Chief Secretary, who is hiding from this Chamber, to come down into the Chamber now and to face the music for what his Government has been participating in. He is in this House, and he has seen fit not to be in this Chamber, and I think that that is disgraceful.

The Hon. D. C. BROWN (Minister of Industrial Affairs): I would think that the biggest coward in the State at times must be the Opposition of this State. It is incredible that every time it is known that the Premier is going interstate we suddenly have an urgency motion, except that in this case the Opposition knew that the Premier would be interstate and it knew that the Attorney-General would be interstate also (it granted a pair to him) and, furthermore, it granted a pair this afternoon to the Chief Secretary.

Mr McRae: Until 3 o'clock. He's here—

The Hon. D. C. BROWN: That's right, because he has been meeting this afternoon—

Members interjecting:

The SPEAKER: Order!

The Hon. D. C. BROWN: He walked into the House a few moments ago. He has just returned. It is interesting that the Opposition is not willing to allow the Government to be heard on this issue, because it is embarrassed. The fact is that it granted a pair to the Chief Secretary to go and negotiate container services for this State with the Chairman of Overseas Containers from England. It is only appropriate to point out that it is this Government that has achieved additional shipping services to this State.

Members interjecting:

The SPEAKER: Order! The House will come back to order. The honourable Minister of Industrial Affairs.

The Hon. D. C. BROWN: It is interesting that the Opposition should pick the very day that the Premier, the Attorney-General and the Chief Secretary had all been granted pairs by it, and knew that they would be out of the House, to bring on an urgency motion. I think that that speaks volumes for the Opposition of the State. It shows it in its true light—the biggest bunch of cowards one can find anywhere.

Mr HAMILTON: On a point of order, Mr Speaker. I can recall, Mr Speaker—

The SPEAKER: Order! What is the point of order?

Mr HAMILTON: My point of order is the unparliamentary language used by the Minister of Industrial Affairs. I ask him to withdraw.

The SPEAKER: Order! The honourable member will resume his seat. The word 'coward' is not unparliamentary in itself. The honourable member will know that I have indicated that if any word used by any member aggrieves another member, I ask for it to be withdrawn. Therefore, the Chair is not involved until asked by a member for that action to be taken. I take it that the honourable member for Albert Park, in seeking to raise a point of order, is in essence asking for that word which is offensive to him to be withdrawn.

Mr HAMILTON: Yes, Sir, in line with your previous ruling.

The SPEAKER: The honourable member for Albert Park has indicated that he is aggrieved by the word used by the honourable Minister of Industrial Affairs. I ask the Minister to withdraw it.

The Hon. D. C. BROWN: I withdraw the remark if the honourable member is offended by it. The Opposition has accused the Government of misleading it about the fact that revenue will increase. I quote to the House what the Attorney-General said publicly as reported in the *Advertiser* on Tuesday 23 February, as follows:

> The Government had expected about a 30 per cent to 40 per cent increase, because police had been relieved of much paperwork and were free for other duties, such as increased patrols.

The Attorney-General came out and said that there would be an increase. The report prepared suggested a 100 per cent increase. I presume that that was based on experience in New South Wales, where initially there was a 100 per cent increase. Who came out and admitted that that was the experience in New South Wales? It was the Attorney-General himself, who was reported in the *News* on 23 February as saying:

> When on-the-spot fines were introduced in New South Wales they had a 100 per cent increase in the first month. We were the last State in Australia to get this system and naturally looked at the interstate methods, particularly those in New South Wales.

One would assume that that was the reason why the working party came to the conclusion that there would be up to a 100 per cent increase in revenue collection. However, the Attorney-General went on to say:

> If anything, the 40 per cent figure was below our expectations—

The per cent figure being what happened in January. So it was the Attorney-General himself earlier this week who said that there would be or had been an increase, far less though than in New South Wales.

Mr Bannon: That was after he had been exposed.

The Hon. D. C. BROWN: What is the big exposure today by the Leader of the Opposition? Is he in fact revealing what the Attorney-General revealed on Tuesday—that in New South Wales the increase in revenue was 100 per cent, and that had been picked up in the Government working party report? That is basically what he is saying.

The experience in New South Wales based on the first month of operation (January) was a 40 per cent increase. The Government and police have been quite open. The number of cases have been reported and have been in the press. The Government admits that there has been an increase. However, it is nothing to get excited about as the Leader of the Opposition did at the press conference today, when he worked himself into a lather. I also take up the suggestion of the member for Stuart that the police did not want this legislation. In fact, they did, because it releases them for far more important duties rather than appearing in court.

I ask all members, if they want some conclusive evidence to back up the Government's action and to knock what the

Leader of the Opposition has said today, to refer to the Leader's speech on 3 March 1981, at page 3417 of *Hansard*. The Leader started his remarks today by saying that the Opposition gave only qualified support to this measure. His opening remarks almost exactly 12 months ago were:

This Bill has come to us from another place, where the Opposition gave it broad support—

not unqualified but broad support.

Members interjecting:

The SPEAKER: Order!

The Hon. D. C. BROWN: The only qualification imposed by the Leader of the Opposition was as follows:

The only qualification I make is that one would hope the motive behind the Bill is not primarily that of cost saving.

The only qualification concerned cost saving. The Government has been open that there will be cost savings and increased revenue, but that is not the motive behind it.

Members interjecting:

The Hon. D. C. BROWN: It highlights the fact in the second reading speech that there will be a cost saving of $450 000 but that that is not the motive behind the introduction of the Bill.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

STAMP DUTIES ACT AMENDMENT BILL, 1982

Returned from the Legislative Council with amendments.

RIVERLAND CO-OPERATIVES (EXEMPTION FROM STAMP DUTY) BILL

Returned from the Legislative Council without amendment.

NAPPERBY STOCK RESERVE

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

STATUTES AMENDMENT (JUDICIAL REMUNERATION) BILL

The Hon. H. ALLISON (Minister of Education) obtained leave and introduced the Bill for an Act to amend the Supreme Court Act, 1935-1981, the Industrial Conciliation and Arbitration Act, 1972-1981, the Local and District Criminal Courts Act, 1926-1981, and the Licensing Act, 1967-1981. Read a first time.

The Hon. H. ALLISON: I move:

That this Bill be now read a second time.

In December the committee appointed by the Government to make recommendations on the subject of judicial salaries recommended that judges should in future receive an allowance in addition to salary. This recommendation cannot be implemented without statutory amendment because the relevant provisions presently refer only to 'salaries'. The purpose of the present Bill is, therefore, to introduce a wider concept of judicial remuneration which will allow for the determination of allowances (as well as salary) for judicial service. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part I is formal. Part II provides that the Governor may determine salary and allowances for the Chief Justice, the Judges and the Masters of the Supreme Court. Part III provides that the Governor may determine salary and allowances for the President and Deputies President of the Industrial Court.

Part IV provides that the Governor may determine salary and allowances for the Senior Judge and the Judges of the District Court. Part V makes a consequential amendment to the Licensing Act under which the remuneration of the Licensing Court Judge is equated to that of a District Court Judge. A more flexible provision providing for appointment and remuneration of an acting or temporary Judge of the Licensing Court is also included.

Mr McRAE secured the adjournment of the debate.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 2858.)

Mr BANNON (Leader of the Opposition): The Opposition supports this Bill. It is a simple proposition. As explained in the second reading speech, at the time the Adelaide Festival Centre Trust was instituted and the Act passed, a provision was inserted in the Act by way of section 31 which provided that for a period of 10 years, which expired on 31 December last year, there was to be an assumed annual value of the centre of $50 000.

This value was plucked from the air, if you like, and the impact of inflation would have eroded it quite considerably in the intervening 10 years, even though it was $50 000. This figure was the value that was to be relevant for the purpose of calculating council rates and water and sewerage rates. That has meant, if one looks at it realistically, that, because there is an imputed value in the Act, it is not subject to an assessment of the Valuer-General as to the real value of the centre, whatever that might be (if one could calculate such a thing). If one assumes that it is a value below what the Valuer-General would place on the building, the council and the Government, through water and sewerage rates, are, in effect, providing a subsidy to the centre's operation.

I do not believe that anyone could have an objection to that. The amenity value of the centre is such that it would probably make sense to exempt it entirely from such charges. But if, as was thought necessary previously, some imputed value should be on the books, and if that is more convenient, then I do not believe there could be any objection. There is absolutely no doubt of the value of the Adelaide Festival Centre or its success as a venue; its world renown as a building is something from which the City of Adelaide has benefited enormously, as has the State of South Australia. That will be demonstrated very graphically indeed over the next two weeks when the centre enjoys what is probably its most intensive use. Of course, in the ordinary course of any year, the centre is used by all sorts of groups, such as the established theatre company, orchestras, theatrical groups, alternative theatre, and for other community activities. It has been an enormously successful venue.

As is the case with all such venues in the world, it needs community support and assistance. Unfortunately, we are not able to put into the equation, in terms of hard cash

from the Government, the scenic, tourist and other value of such a centre, so naturally some aspects of its operations have been subsidised and an annual grant is made. This is another aspect of this subsidy, I would suggest an extremely appropriate aspect in view of the central importance of the Festival Centre and its role in the city. Therefore, I indicate that we support the extension for a further two years of this putative value provision, as provided by the Bill.

It is not surprising that the Government has allowed the deadline of 31 December to elapse before introducing this measure, but one would have thought that, in the interests of administrative efficiency, it would have been a simple matter, and it could have been done, to take this action prior to the expiration date. Plainly, that would have been contemplated by the Legislature in 1971, or whenever the initial provision was inserted. The idea was that the value would stand for 10 years, a reassessment would be made, and presumably either the exemption would be lifted, allowed to lapse, or a new exemption would be inserted. In fact, that did not occur before the expiry date. In a sense, we are being asked to pass retrospective legislation, and I know that the member for Mitcham, for one, finds considerable problems with any retrospective legislation.

However, it would seem to me that the retrospectivity is based more around the administrative incompetence of the Government than around a grave breach of public policy, and as such I do not believe that even the member for Mitcham would find much to take exception to in this measure. Accordingly, I indicate the Opposition's support.

Mr EVANS (Fisher): I support the Bill and the remarks made by the Leader of the Opposition in relation to the benefit of the Festival Theatre. However, I wish to refer briefly to the problems faced in that area. In essence, by this measure we are making available Government moneys so that the trust can continue until the end of 1983. However, there is an ongoing problem. The Leader of the Opposition referred to the need for the community to subsidise a venture such as the Festival Centre, as occurs in other countries, because people should be given the opportunity to enjoy the benefits of such a centre.

One of the great problems we face is the cost of the backdrop people, those who help to put on the performance but who do not necessarily perform, such as stagehands and those who work behind the scenes. The wages of those people have escalated to such a degree that, in many cases, they are receiving greater payments, when overtime and other factors are taken into consideration, than are the performers. The situation has reached the stage already where many of the large cast performances that are available, particularly within this country or even outside this country, cannot be put on with any guarantee of getting anywhere near break-even point from ticket sales. It is depressing to anyone who is interested in that field of the performing arts that the performers are having to crimp their budget and that there is no way we can counteract the adverse effect and the high cost which is applied behind the scenes and which is not necessarily visible to the every-day users of the theatre.

The Government has seen the benefit of continuing the provision to allow a concession to the Festival Centre Trust, and that can be supported. However, the price of tickets is getting to the point where even those who receive a reasonable income cannot afford to attend many of the performances that are put on. The theatre originally was built to allow everyone in the community the opportunity to attend performances, even those without a large income. Those people are being priced out of the market, because of the high cost of performances. We are going back in a degree to the period before the turn of the century when only the aristocrats could afford to pay the fees to attend the theatre.

Mr Millhouse: That's not right. In Shakespeare's day that was not true.

Mr EVANS: I say it is accurate, and we are now reaching a stage where many people on lower incomes have to think very seriously before buying a ticket to go to the theatre. I do not say that that is the fault of the trust. I make the point—

Mr Millhouse: I think—

The SPEAKER: Order!

Mr EVANS: I make the point that the cost of the performance and the salaries of the people who work behind the scenes are making things very difficult. I support the concept that the Leader outlined, that we need such a venture in our State and that we need to keep a watchful eye on how it is managed. It is difficult for Parliament as a whole, and for an individual, to do that. Every now and again a Government will have to instigate or put into process some form of inquiry or challenge other than that which would normally take place through the Auditor-General's Department or a Ministerial inquiry in regard to any form of trust, and the Adelaide Festival Centre Trust is an example. The Leader said that the centre is in an ideal position and has been of great benefit to South Australia. I believe that we should put on record again, because there was a lot of misgiving in this State about it, who chose the site, when the first sod was turned, and who made the decision to build the Festival Centre where it is.

There tends to be a belief in the community that it was during the period before the present Government came in during which these actions were carried out. All us here know that that is not accurate; we all know that it was the Hall Government, the Liberal Country League Government, as it was then called, from 1968 to 1970, that chose the site, approved the plans, issued the contracts and put the process into operation so that we would have a Festival Centre at the site where it is now. The credit goes to the Liberal Party for its attitude towards the arts, in particular the performing arts, and for choosing the site and the type of building.

Mr Millhouse interjecting:

Mr EVANS: No, I do not believe that could be the case, because the Democrat was most probably one of the things he disagreed on. Probably one of the reasons why he left us was that he did not agree with that. He thought it was too expensive for the taxpayer, and he preferred to have that area as a jogging track and did not want the theatre to intrude on his rights. I do not give any credit to the member for Mitcham in that area, because his comments in the past have never given me any cause to do so. He may wish to prove other than that tonight by saying that he supports the project, that he supports where it is, that he supports how it operates, and he may give credit to the Government that he belonged to that it chose that site, even though he was only a minor part of that Government. I support the Bill before the House and I give credit again to the Liberal Party for making sure that we had such a facility in Adelaide.

Mr. MILLHOUSE (Mitcham): I thought that the member for Fisher would have done better than that: he filibustered for only six minutes. We know that the Government's Notice Paper has collapsed and that it is trying to pad it out to look as though it has some business. If anyone had not realised that before, anyone who listened to his speech would realise now that the member for Fisher was simply wasting time.

Mr EVANS: On a point of order, Mr Speaker, I believe that the member is not speaking in any way to the Bill. It

has nothing to do with the Government programme, what has been debated earlier this afternoon, or what is to be debated following this debate. I believe the Bill is related to the Festival Centre.

The SPEAKER: The Bill before the House is part of the Government's afternoon programme. By the same token, although I reject the point of order as such, the member for Fisher, as would every other member, and particularly on this occasion the member for Mitcham, would fully realise the importance of speaking to the Bill before the House, and, in setting any scene, not to over-set the scene.

Mr MILLHOUSE: I am indebted to you, Mr Speaker. I really touched the member for Fisher on a raw spot, did I not? I was only answering his speech. As he said nothing, there is nothing more to answer than I have already answered. I was disappointed with the contribution to this debate of the Leader of the Opposition. Some few months ago he and I took part in a seminar on the arts in South Australia, and particularly on the role played by the Adelaide Festival Centre. Although neither of us did particularly well, as was reported in the *Advertiser* by Shirley Despoja, or one of the other people who writes on these matters, one thing we did agree on, at my suggestion and the Leader accepted the suggestion, was that there should be a debate in this place on the role of the arts in South Australia, whether we are giving them sufficient encouragement, what the form of encouragement should be, on the place of the Festival Centre in this State, and so on.

I have done my best to get a debate on that, but it has not got very far. At that seminar the Leader of the Opposition said that he would support me in getting a debate on it, and this was about the only opportunity that we will get during this session of Parliament, but he did not take it. He said a few quite inconsequential things about the Bill and the Festival Centre, saying that it had been an enormous success, but, if he recalls the seminar, he will remember that that was not really the thrust of what was said by others at the seminar. Maybe he has forgotten about the arts and the seminar and his undertaking to me. Certainly there would have been an opportunity to do that, but he fluffed it. It shows how much the Labor Party nowadays cares about the arts in this State.

I remind the honourable gentleman that I did my best, by introducing a motion that the final report of the Adelaide Festival Centre Trust inquiry should be noted. I tried to make a speech on that very important document, yet the Parliament has, apart from the speech I made, completely ignored it. I know that if I go too far on that tack you will pull me up, Sir, because it is other business on the Notice Paper, so I will not say any more. However, I express very great disappointment that the Leader of the Opposition did not take the opportunity that we all have had on this occasion to debate this subject. I said all that I wanted to say when I spoke on the motion on 18 November, so I am not going to say it again.

Mr Lewis: Why not?

Mr MILLHOUSE: Because, unlike the member for Fisher and the member for Mallee, I am not here to filibuster; it is not my job to keep the Government business going to make it look good. I support the Bill. I really got up only to say how disappointed I was with the Leader of the Opposition on this occasion.

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

EVIDENCE ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 17 (clause 2)—Leave out 'subsection (3)' and insert 'subsection (2)'.

No. 2. Page 1, lines 18 and 19 (clause 2)—Leave out all words in these lines.

No. 3. Page 1, lines 23 to 25, and page 2, lines 1 to 14 (clause 2)—Leave out all words in these lines and insert subsections as follows:

(2) Subject to subsection (3), a defendant forfeits the protection of subsection (1) VI if—

(a) the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or a witness for the prosecution; and

(b) the imputations are not such as would necessarily arise from a proper presentation of the defence.

(3) A defendant does not forfeit the protection of subsection (1) VI by reason of imputations on the character of the prosecutor or a witness for the prosecution arising from evidence of the conduct of the prosecutor or witness—

(a) in the events or circumstances on which the charge is based;

(b) in the investigation of those events or circumstances, or in assembling evidence in support of the charge; or

(c) in the course of the trial, or proceedings preliminary to the trial.

No. 4. Page 2—After clause 2 insert new clauses as follows:

3. The following section is inserted after section 18 of the principal Act.

18a. (1) Subject to this section, a person charged with an offence may, at his trial, make an unsworn statement of fact in his defence.

(2) No assertion may be made by way of unsworn statement if, assuming that the defendant had chosen to give sworn evidence, that assertion would have been inadmissible as evidence.

(3) Where an assertion made in the course of an unsworn statement is such as would, if made on oath, have been liable to rebuttal, evidence may be given in rebuttal of that assertion.

(4) Where—

(a) in the course of making an unsworn statement, a defendant makes an assertion with a view to establishing his own good character or involving imputations on the character of the prosecutor or the witnesses for the prosecution; and

(b) the defendant would, if the assertions had been made on oath, have been liable to be asked questions tending to show that he has been convicted or is guilty of an offence (other than that with which he is charged), or is of bad character,

then, evidence may be given to show that the defendant has been convicted or is guilty of an offence (other than that with which he is charged), or is of bad character.

(5) A person is not entitled both to make an unsworn statement under this section and to give sworn evidence in his defence.

(6) This section operates to the exclusion of the right, previously existing at common law, to make an unsworn statement but, subject to the provisions of this section, the rules of the common law relating to unsworn statements apply in relation to unsworn statements under this section.

(7) In this section—

'assertion' means any allegation or statement of fact.

4. Section 34i of the principal Act is amended—

(a) by striking out from subsection (2) the passage 'shall not be adduced (whether by examination in chief, cross examination or re-examination)' and substituting the passage 'is inadmissible';

(b) by striking out from subsection (3) the passage 'to adduce evidence under this section' and substituting the passage 'to introduce evidence to which subsection (2) applies'; and

(c) by inserting after subsection (3) the following subsection:

(4) For the purposes of subsections (2) and (3)—'evidence' includes an assertion by way of unsworn statement.

5. Section 68 of the principal Act is repealed and the following section is substituted:

68. In this Part—

'court' includes—

(a) a justice conducting a preliminary examination;

(b) a coroner;

(c) any person acting judicially:

'evidence' includes any statement made before a court whether or not the statement constitutes evidence for the purposes of the proceedings before the court.

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

That the Legislative Council's amendments be disagreed to.

I will be brief. The concept of the Government is essentially to abolish the unsworn statement, but with certain protections for the accused, and that is precisely what the legislation which left this House did. The matter has been before the two Houses, I believe, for more than two years now. There have been two Government Bills presented before the two Chambers and at least one private member's Bill. The matter has been debated almost exhaustively, and I simply say that there are a number of cases where the accused will make allegations against the character of the prosecutor, or of a witness for the prosecution, in circumstances that are often largely irrelevant to the matter before the court. It is in the context of such imputations that we provided for the accused the protection which is given in the existing legislation.

The amendments which have been presented to the House, both on the previous occasion when the measure was before the Lower House, and again the amendments which have been reinstated I believe almost *in toto* by the Upper House, are simply negating the intention of the Legislative Council—

Mr Millhouse: What do you expect when they are based on a report of a Select Committee of that place?

The Hon. H. ALLISON: The Select Committee, as the honourable member would be well aware, was a very selective Select Committee.

Mr Millhouse: Whose fault is that? This crowd could have been in on it if you had wanted it to be.

The Hon. H. ALLISON: This is the correct place to debate an issue.

Mr Millhouse: The Attorney-General is in the other place.

The Hon. H. ALLISON: The honourable member has his opinion. This is a public forum where the matter can be debated. If he does not want to debate both points of view he need not have attended. The intention of the Government is to abolish the unsworn statement. The Opposition amendments wish to retain the unsworn statement. The two points of view are diametrically opposed and I believe that is as far as we need to go, Mr Chairman. The matter has been debated at great length.

Mr McRAE: The attitude of the Opposition remains unchanged. The amendments proposed by the Legislative Council are on this occasion wholly reasonable and sensible. Like the member for Mitcham, I recall the absolute insult to democracy perpetrated by this Government when on a matter as sensitive and as complex as this, when the Opposition in the Legislative Council wished to form a Select Committee, the Government, first, would not join it—purely out of pique. Secondly, once it had been set by the majority of the elected members of those places they then refused to fund it.

Mr Lewis: It was a waste of money.

Mr McRAE: The honourable member for Mallee says it was a waste of money; it was not a waste of money at all, if he bothered to read the reports. First, they refused to join and then they refused to fund it. I suspect very much that the Minister of Education has not even read the reports. If he had he would see there is a great deal of substance in them. In fact, there were two reports, and I do agree with the Minister of course that this matter has been canvassed exhaustively in both Houses. I am quite certain there is no point in rehashing the whole thing again.

I, as I have on previous occasions, rest my case really on two things. The first point is the oft quoted remarks of the former Chief Justice, Dr Bray, who said:

> Logic may be against it, but history and humanity are for it. I think it would be a sorry day when every person in the dock of a South Australian court charged with a major crime had only the stark alternatives of saying nothing or getting into the witness box and rendering himself open to cross-examination. If the prosecution could make out a *prima facie* case and the exculpatory facts were within the knowledge of the accused alone, he would be forced into the box, otherwise the jury would have no inkling of his real defence. Too much, it seems to me, would then turn on his appearance, his composure, his demeanour and his powers of self-expression. The plausible, the suave, the glib, the well-spoken and the intelligent would be unduly favoured as compared with the unprepossessing, the nervous, the uncouth, the halting, the illiterate and the stupid. Most people in the dock of a criminal court fall into one or more of the latter classes: many people in the dock have something to hide, even if innocent of the crime charged, and the consciousness of that may give a misleading appearance of shiftiness. It may be said that this applies to all witnesses; but failure to pass the ordeal of cross-examination has not the same consequence for the other witnesses. The very knowledge of the consequences at stake is likely to multiply the chances of a bad performance. Nor do I think justice suffers as a consequence of the right to make an unsworn statement. Juries are not fools.

Let me emphasise that remark: 'Juries are not fools.' He goes on to say:

> They are well aware of the differences between making an unsworn statement and giving evidence on oath, and anyhow the judge will remind them of it. The defendant who chooses to make an unsworn statement incurs a handicap. All I urge is that he should retain the right to incur that handicap if he wants to. I would view with revulsion the prospect of his being unable to put his version of the facts before the jury in any form unless he went into the box.

That is the basis of my stand, but of course there is a great deal of other material and evidence which is canvassed in the excellent report of the Select Committee in the other place.

Having taken that basic submission, let me go on to say that these amendments do not simply seek to retain any unsworn statement. What they seek to do is guard against what Dr Bray views with revulsion, but at the same time to guard against abuses and, therefore, quite properly, it is provided that where the conduct or nature of the offence is such to involve imputations on the character of the prosecutor or a witness for the prosecution and the imputations are not such that would necessarily arise from a proper presentation of an offence, the rights and protections are forfeited.

Similarly, it is provided, and I think properly so, that, while a person may make an unsworn statement of fact in his defence, no assertion may be made in that unsworn statement if, assuming that the defendant had chosen to give sworn evidence, that assertion would have been inadmissible as evidence. That is a proper protection. Provision is made for a right of rebuttal on the part of the Crown where something is said in an unsworn statement, which, if said in sworn evidence, would have attracted the right of the Crown to make or to give rebuttal evidence. There are a number of other protections provided.

In the circumstances, I believe that the inquiry conducted by the Select Committee of the Upper House was very detailed, very sophisticated, very precise, and very objective. The evidence that it adduced fully supported its conclusions and the protections that it has provided by these very amendments now before the Committee make it incumbent upon us all, if we want justice, to pay some heed to Dr Bray and pay some heed to the Select Committee and support its amendments.

Mr MILLHOUSE: I support what the member for Playford has just said, and I have very little to add to it. The amendments which have come down from another place and which were passed by a majority are exactly in line with the recommendations of the Legislative Council's Select Committee. What does the Government expect to happen except that the Legislative Council would stick by the recommendations of its Select Committee? It is stupid obstinacy that causes this matter to come up again.

Mr Lewis: That's right, so wake up.

Mr MILLHOUSE: Yes. The member for Mallee is so dumb (and I know that his colleagues will agree with me

when I say this) that he does not see that it is the obstinacy of the Government that he supports—

Mr LEWIS: I rise on a point of order. I take exception to the adjective applied to my intellect or my capacity in speech that I am dumb, and I demonstrate that I am not dumb by raising this point of order.

The ACTING CHAIRMAN (Mr Oswald): If the objection was directed directly at the honourable member and he takes offence to it—

Mr Lewis: I do, and I ask that it be withdrawn.

The ACTING CHAIRMAN: —I ask that it be withdrawn.

Mr MILLHOUSE: I do not care two hoots whether the honourable member takes offence at what I said. I often say things to which an honourable member takes offence. Unless you, Sir, rule it unparliamentary I am not prepared to withdraw the comment.

The ACTING CHAIRMAN: I can only ask that the honourable member withdraw the statement. If he will not do so, I do not intend to rule it unparliamentary.

Mr Lewis: His behaviour is lousy.

The ACTING CHAIRMAN: Order!

Mr MILLHOUSE: I know that the member for Mallee wants to waste a bit more time and that he is trying to provoke me. However, I will ignore his interjection, because I put on it the credence that it deserves: none at all.

As I was saying before I was interrupted by the honourable member, the Government cannot expect the Legislative Council to do other than stand by the recommendations of its own Select Committee, which it has already endorsed. Whether they are right or wrong is long past the point of contention. The fact is that the two Houses are now in collision, and I do not expect for one moment that the Legislative Council will give way on this; nor should it, as a matter of principle. The fact that it is also, in my view, right is becoming beside the point. It is only the Government's stupid obstinacy that has dragged this matter on for so long. I support the Labor Party in its opposition to the motion. If we had any sense, we would accept the amendments, and that would be the end of the matter.

Mr MATHWIN: For a number of reasons, I oppose the Legislative Council's amendments. The member for Playford read out, as though it was a statement, a quotation from the former Chief Justice, Dr Bray, who did not attend or give evidence to the Select Committee, although the member for Playford read out a quotation from him regarding this matter. So, in case anyone misunderstands the situation, Dr Bray did not give evidence to the Select Committee.

The Legislative Council's Select Committee was a Labor Party committee, no doubt directed by the federation of Labor lawyers who gave evidence to it, part of which I read out the other night. I intend to read some more of the quotations from the Labor lawyers in South Australia.

Mr McRae: Is Stephen a member now?

Mr MATHWIN: I am not a member of the group of Labor Party lawyers.

Mr McRae: I am thinking about Stephen.

Mr MATHWIN: Neither is my son, fortunately for me. I now refer to a letter that I received on 22 February, as follows:

> I thank you for the extract of the Evidence Act Amendment Bill (No. 2). It was very civil of you to send me a copy of it—

as well as the speeches made by the different members—

> I would like to draw your attention to that which I consider an analogy between remarks about what is now known as 'The Salisbury Affair' and made by Premier Don Dunstan when the Liberals suggested a Select Committee be formed to investigate the matter, and the unsworn statement; the then Premier protested most vigorously against the formation, stating, 'A person could give evidence which was lies but under the rules of the committee he became a privileged person and could not be subject to cross-examination, which was wrong.'

I fully support those remarks, and thank that honourable gentleman for bringing those matters to my attention. Quite a deal has been said about this matter over a period of time. On the last occasion that I was speaking on this matter, I had to curtail my remarks because of the length of time for which I was allowed to speak.

I draw the Committee's attention to the situation that obtains at present in Canada, and I refer to report No. 11 by the Victorian Law Reform Commissioner relating to unsworn statements in criminal trials. That report, produced in Melbourne in 1981, states:

> Legislation along the lines of the English Criminal Evidence Act of 1898 giving the accused the right to testify was enacted in Canada but that legislation did not expressly reserve the right to make an unsworn statement as did the English Act, and it has there been held that the right to make such a statement was impliedly destroyed.

The report then deals with the situation in New Zealand, as follows:

> The right to give unsworn evidence was abolished in this country in 1966. The accused has the right to remain silent, and comment on his exercising this right is forbidden to anyone apart from the accused, his counsel or the judge.

It then goes on to refer to the situation in the Australian States. Regarding Western Australia, the report states:

> Although it was decided in 1975 that there was no right to make an unsworn statement in the Court of Petty Sessions the Supreme Court in a judgment so deciding referred without disapproval to the right of an accused person on trial before a jury to take such a course. However, a recent amendment of 1976 to the Evidence Act of that State enacts that in any criminal proceeding no accused person shall be entitled to make a statement of fact at his trial otherwise than by way of admission of the fact alleged against him so as to dispense with proof of that fact or unless such statement is made by him as a witness.

It is stated in the report that 'witness' means a witness who has taken the oath to tell the truth. Of course, that is quite a big difference. I am surprised that Opposition members have not given more thought to that, and I am even more surprised that Opposition members were not given the right to have a conscience vote on this matter. On a number of similar matters, such as abortion, and so on, members of the Australian Labor Party are given a conscience vote. I am most surprised and disappointed that they have not been given such an opportunity on this occasion. The Law Reform Commissioner's report had the following to say (page 15, paragraph 3.06) regarding Queensland:

> Formerly the Queensland Criminal Code contained a provision directing that an accused person be asked whether he intended to adduce evidence in his defence or whether he desired to make a statement to the jury and it provided that an accused person may be allowed by the court to make a statement to the jury. It appears that permission was almost invariably granted to make such a statement but the right was withdrawn in 1975 and the accused person must now either remain mute or give evidence on oath.

That again is the basis of my argument. There is a difference between giving evidence on oath and making an unsworn statement. Invariably, the unsworn statements are put together by legal advisers. I am given to understand by people who frequent the courts that many times an accused person has been unable to read for himself the unsworn statement that has been prepared for him by his counsel. I believe one good reason why the Labor lawyers in South Australia wish the unsworn statement to remain is because that is an area from which they derive some financial gain.

Part of the evidence submitted to the Labor Party Select Committee on unsworn statements (which was an Upper House committee) was a letter submitted by the Victims of Crime Service, which is now going well in South Australia. Indeed, it is doing a marvellous job in protecting the victims of crime, and particularly paying great attention to the unfortunate people who are victims of rape. That is really the important basis of our argument, because, as a Party, we are concerned about the situation in which a victim of

rape is placed in relation to the unsworn statement. It is all very well for the member for Playford and the member for Mitcham to tell us that of course the judge warns the jury and, indeed, the court that it is an unsworn statement and they must not take any notice of it. The point is that the statements are made, they are read out, and the poor victim is placed in the situation of having lies told about her, whereby it is stated that the victim encouraged the attacker, encouraged the rapist, she enjoyed what was happening to her, and indeed she desired the accused to do whatever he did to her. It is possible to put these lies into unsworn statements and, as the Committee knows, the accused is not able to be cross-examined on those statements. To me, it is a despicable and a most disgraceful situation for anyone to be placed in, and certainly for any decent person who sits in court to have to listen to and to know exactly what the play is in relation to the person making the unsworn statement and, indeed, to a certain extent the counsel who has written the statement for the defendant.

I have read through one volume of the evidence given to the Select Committee but I have not read all of the second volume. The submission from the Victims of Crime Service, Liverpool Building, Flinders Street, Adelaide, dated 29 October 1980, is as follows:

The following submission has been prepared on behalf of the Victims of Crime Service of South Australia. Its contents were approved by 150 members present at their first annual general meeting in Adelaide on 5 October 1980. The membership of Victims of Crime Services in this State now number 680 families—

not people, but families—

Members of the Select Committee will be aware of the historical circumstances in England which led to the introduction of the opportunity for accused persons, if they choose to give unsworn evidence at their trial, and for that testimony to be exempt from Crown interrogation.

The submission continues:

In this connection they may recall that in earlier times persons charged with a felony had no right to be legally represented, nor were defence witnesses permitted to take the oath to give greater credibility to their evidence. When, eventually, by legislative reform, accused persons were allowed to employ counsel for their defence, they were prevented from saying anything themselves at their trial. Defending lawyers were thus able to claim to juries that, had their clients been able to give evidence, they would have been able to clear themselves.

According to legal historians, these claims to the juries resulted in many unmerited acquittals. One noted authority has commented 'that undesirable state of things was partially remedied by the permission given by some judges to make unsworn statements . . . the practice was not only a boon to innocent defendants, who were thus helped to clear themselves, but a weapon against the guilty, who were no longer able to claim that their mouths were closed by law'. He went on, however, to point out that this practice '. . . was not well designed in the public interest because the defendants who elected to make an unsworn statement could not be cross-examined on it, so that the prosecution might have little opportunity to test the accuracy of what was said'. (Glanville Williams 1958.46).

Subsequently in both England and Australia legislation was passed which enables accused persons to give sworn testimony in their defence, if they wish to do so. It would have been appropriate to have abolished the privilege of the unsworn statement at the time but it did not occur. This failure to do so has been the subject of much criticism by a wide range of legal scholars ever since, and members of the Select Committee will be aware of the reference in the South Australian Criminal Law and Penal Methods Reform Committee's report.

These legal critics are not alone in their opposition to the practice. Although its existence has not been well known in the past to law-abiding members of the community, those who do become aware strongly condemn it. They report that they are not able to understand why the scales of justice need be tilted so much on one side. It seems that the strength of their basic opposition is often enlarged by the timing of the discovery of the procedure. This usually occurs only after a victim has undergone the stressful experience of being cross-examined by an astute counsel for the defence, and while the victim is waiting in expectation for the accused to be subjected to an equally rigorous interrogation by the Crown. When this does not eventuate because the accused has decided not to enter the witness box but to give an unsworn statement, the victims become bitter.

I can understand that. The submission continues:

Interviews with numerous victim/witnesses in this State during the past two years have revealed that without exception they have left the court feeling dissatisfied both at the process and at the outcome. Further interviews with relatives and friends of these victims have shown they share this feeling. But the feeling is spread much wider in the community. In the past 12 months V.O.C.S. has discussed this particular practice at 55 meetings of community organisations in this State, in all, a total audience of over 1 000 adults.

Only one small group of five defence lawyers spoke in favour of its retention. Their chief reason appeared to be that some accused persons are too inarticulate to do justice to themselves, but nowadays all accused have the services of competent barristers available to them to remedy any such deficiency. Events following the discovery of the bodies of the seven murdered girls at Truro are still fresh in people's memories. Many of them can understand the anguish caused not only to the parents of the victims—

The ACTING CHAIRMAN (Mr Oswald): Order! The honourable member's time has expired. He has 15 minutes when he speaks in Committee and will be given the call again after another speaker. The honourable member for Todd.

Mr ASHENDEN: I cannot in any way support the amendments made in another place. The member for Mitcham made great play of the fact that the Legislative Council in its amendments was bringing forward the points covered in the Select Committee. Of course, what the member for Mitcham did not point out was that that Select Committee was a very bogus committee indeed, made up only of members of the Labor Party and the sole Democrat in that Chamber. The report brought forward was not a report that could be considered balanced in any sense of the word. So, the member for Mitcham's statement that that report of the Select Committee should be the basis upon which this Chamber should accept the Legislative Council's amendments cannot for one minute be accepted.

Another reason why I personally cannot support the amendments from the Upper House and must support the Bill in the form in which it left this Chamber is that the unsworn statement offers protection only to the perpetrator of a crime: it does not in any way protect the victim of a crime. In fact, far from protecting the victim of a crime, it tends to victimise the victim even further. The member for Glenelg has already pointed out one type of invidious crime concerning which frequently, when the case is taken to court, use of the unsworn statement is put forward, and that involves the victim of rape.

I am sure that all members would be aware of the publicity that has gone on for many years in this respect and the concern voiced by many people in the community about the fact that the victim of rape is required to undergo an extremely heavy cross-examination. Yet, the perpetrator of that crime can sit there, put forward his unsworn statement, not be cross-examined and, as the member for Glenelg pointed out, make all sorts of allegations which, despite requests from the judge, cannot be ignored by jury members once they have heard the points brought forward in that unsworn statement.

For the life of me I cannot understand why members of the Opposition and the member for Mitcham are so adamant in their support of the unsworn statement when it is borne in mind that it is used (I would say abused) in an effort to protect the perpetrator of the crime rather than the victim. I believe that those points summarise my strong feelings on the matter, and I will be voting to reject the amendments from the Council and support the Bill in its original form.

Mr MATHWIN: I will continue with the information which I was giving the Committee. It is my intention to give the Committee this information so that it is recorded in *Hansard*, as it is most important to my feelings on this

matter and to the outlook of the Liberal Party of South Australia. I believe that we were given a mandate at the last election to remedy this obnoxious situation involving the unsworn statement. I will continue with the letter that I was reading which was submitted in evidence to the Select Committee by the Victims of Crime Service of South Australia, which has many hundreds of members. I was referring to the shocking Truro murders, and the letter continues:

Events following the discovery of the bodies of the seven murdered girls at Truro are still fresh in people's memories. Many of them can understand the anguish caused not only to the parents of the victims but also to Miller's partner, Worrall's parents, by Miller's character assassination of them in his unchallenged unsworn statement.

The widespread publicity given by all the media to Miller's statement, which included such assertions as 'the girls were only trash anyway', without adequately drawing the public's attention to the protection afforded Miller by the use of the unsworn statement, has added to their misery. Their frustration at the lack of any opportunity to rebut Miller's claims in court has not diminished over time. Some of them have expressed their thoughts that they carry a double burden as a result of Miller's unchallenged assertions: the murder of their child, and the bad reputation which she was given by Miller—

in an unsworn statement to the court, which was recorded by the media and remains unchallenged to this day. The only people who really know are the people close to those families who knew the girls. The rest of the public are left to accept an unsworn statement by this person Miller. The submission continues:

It seems that in the European culture this bad reputation is taken as a reflection upon the girl's parental upbringing. Australians have difficulty in appreciating the deep sense of shame which these parents feel and the adverse effect it has upon their ability to resume normal living.

I do not think anyone in this Chamber would argue about that. It further states:

Abolition of the unsworn statement procedure in no way diminishes an accused person's right to remain silent at his trial, but V.O.C.S. considers that if an accused person wishes to give any evidence that evidence, like everyone else's, should be subject to the same test of truthfulness, that is, open to cross-examination.

The criminal justice system rests upon the assumption that the community has sufficient confidence in its effectiveness and its impartiality to continue their support of it. From the results of national surveys and a recent statement by a Department of Community Welfare spokesman (*Advertiser* 20.10.80) it seems that an increasing number of victims are not lodging reports of their attacks.

Without the co-operation of victims the system must deteriorate, and our long cherished rule of law disappear. Victims do have a choice. Their participation in the system should not be taken for granted. They may prefer to suffer in silence, shift to another location, or ensure that justice is done by exacting their own revenge. The members of the Select Committee will no doubt be aware of the details of a recent tragic case of this nature at Port Adelaide. Removal of the unsworn statement will encourage victims to have more confidence that justice can be achieved. Creation of an adequate degree of confidence is essential because the reactions of the community to crimes is a key element in the justice system.

Individuals in the community largely determine the input into the system because they decide whether to activate the police. Their testimony is frequently the main source of evidence. Through their pressure politically they eventually determine which laws are to be enforced, and it is the community which decides the degree of stigmatisation to which offenders are to be subjected.

That letter is signed by R. W. Whitrod, the Executive Officer of the Victims of Crime Service of South Australia. I believe it is very important that that evidence should go on the record, and although we have debated this matter over a period, a number of issues should be brought into the debate, and the points expressed in that letter are very relevant. When I spoke previously I cited the evidence given to the Select Committee, in particular the submissions made by certain people. I would like to add to that and to repeat one of the submissions that was made. Evidence was given by Rosemary Anne O'Grady, a member of the Society of Labor Lawyers, 32 Halls Place, Adelaide. When asked to proceed with her submission, the lady said (page 89):

The simple situation is that Labor Lawyers oppose the abolition of unsworn statements because we believe that it will deprive the accused of a right that has grown up historically, and the fact that it has grown up historically as an aberration should not necessarily mean that it now does not exist as a right. We believe that people who want to abolish it should give good reasons for doing so; rather than the reverse, that persons who want it retained should have to give reasons, especially as so far no good reasons have been advanced for abolition.

That is the feeling of the Labor Lawyers of this State. She challenged by the Chairman (page 92), who stated:

You said that no arguments had been put forward for abolition of the unsworn statement: I think it is true to say that there is a vast amount of academic writing that has favoured abolition. The United Kingdom Law Reform Commission into Evidence supported abolition. The Mitchell Committee in South Australia, which comprised Justice Mitchell, Mr Howard, a professor of criminal and constitutional law at Melbourne University, and Mr Biles (not exactly a low-powered committee) recommended abolition. You cannot just dismiss the arguments in favour of abolition by saying that there has not been much of an argument put up when, certainly, a large number of eminent purists support abolition?

The answer was:

I think that is right. We have been saying amongst ourselves that the fact that other States choose to take this action does not *per se* make it appropriate for South Australia . . . One has to remember, also, the unsworn statement is not evidence. Juries are advised of that. They then weigh that fact. From the evidence we have on rape trials, they appear not to be particularly impressed by the fact that an accused makes use of an unsworn statement and does not give evidence.

If one relates the feelings of the Labor Lawyers of South Australia to the facts as stated by the victims of crime organisation (and with due respect to the Labor Lawyers of South Australia in every way, I suggest that that organisation has closer contact with the victims of rape, in particular, and that is what we are talking about) one sees that that organisation would have more knowledge, because it is closer to the situation.

Mr McRae: Margaret Ross from the Rape Crisis Centre gave evidence.

Mr MATHWIN: I am talking about the feeling of the Labor Lawyers of South Australia as against the Victims of Crime Service. That organisation is closer to the situation. If I were asked to choose between the two in regard to experience in the horrors and problems that are faced by victims, my support would go to the Victims of Crime organisation every time.

I have previously read the evidence that was given by Mr Ellis in relation to the murder of his daughter. The family had to sit and listen to an unsworn statement about their daughter, which the father claimed was a lie. It must have been a shocking ordeal for that family to sit and listen to that unsworn statement. I will refer again to Mr Ellis's evidence to emphasise my concern in this matter. I will not go through all of the evidence that was given by Mr Ellis, because I do not have time, but I will outline the brunt of the situation in regard to that family. Speaking about his daughter (page 102), Mr Ellis stated:

My daughter was not a saint by any means; she was a normal girl, but by the time the defendant and his counsel had finished with her, anybody could have said that she was Lucretia Borgia herself.

I can understand his feelings, as I am sure would any family man in this place. The Government wants to remove from the Statute Book the right to make an unsworn statement. We believe that it is shocking that it remains there. We cannot understand the arguments for its retention. We believe that we have a mandate to get rid of it, and that the decent people of South Australia would want to get rid of it. In abolishing the unsworn statement, I am sure we will receive support from those people; they supported us

in this regard and gave us a mandate to take this action. I oppose the amendments.

The Committee divided on the motion:

Ayes—(21) Mrs Adamson, Messrs Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, and Wotton.

Noes—(17) Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), Payne, Plunkett, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Blacker, Tonkin, and Wilson. Noes—Messrs Corcoran, O'Neill, and Slater.

Majority of 4 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted.

Because the amendments negate the original purpose of the Bill.

ADJOURNMENT

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

That the House do now adjourn.

Mr LYNN ARNOLD (Salisbury): Tonight, I wish to raise the matter of child-parent centres and the feasibility study that we are told is presently being undertaken with a view to analysing what their future will be. Members will recall that, in answer to a question a couple of weeks ago, the Minister advised us that many of the fears being expressed by parents throughout this State about the future of child-parent centres were indeed quite unnecessary, that all that was in action was a feasibility study that would look at this matter. A Ministerial press release further told us that the feasibility study was expected to result in some action by the end of 1983.

I am afraid that that does not indeed allay the fears of many people who have been very anxious over this whole affair. To many people it appears that this feasibility study is doing nothing other than allowing the issue to slip out of the limelight so that Draconian action can be undertaken, allowing it to slip out of public focus and public attention, so that the actions of the Government, already, it is believed, pre-determined, can take place. As a consequence, rather than allaying fears, it is intensifying them. I know that to be so, because I have been visiting child-parent centres in the metropolitan area, and I have received correspondence from others, and even when I raised with them the fact that the Minister said that it is a feasibility study that is under way, I have received the responses that I have described.

Let us put the most optimistic interpretation upon events; let us assume that indeed this feasibility study is not a pre-determined affair; let us presume that it has not pre-judged the issue, and let us assume that maybe there could be the finding that child-parent centres should stay where they presently are, and that is, within the Education Department, attached to schools. If that is a possibility, let me take this opportunity in the House to stand up, on behalf of the child-parent centres of this State, the staff who work in them, and the parents whose children go there, to put the point of view of child-parent centres to the Parliament, and hopefully, by consequence, it will become available to the people doing the feasibility study.

Child-parent centres are a very brave experiment undertaken in this State from 1974, a brave experiment that I believe is well worth pursuing. We certainly have seen for the first eight years of this experiment how valuable the centres have been, and I think that to cut them off at this time, to finish the experiment at this time, or even in 18 months from now, would be unjust, unreasonable, and quite unsound. Perhaps I might just indicate to members of the House the extent of the coverage of child-parent centres. They were established in 1974 as a result of funding and policy initiatives made available by the then Whitlam Federal Government. Today, in 1982, we know that there are 82 child-parent centres in this State all but three of which totally come under the Education Department, those three being joint Education Department and Department of Community Welfare facilities. One of those 82 is focused on the severely handicapped; a further 10 of those are attached to Aboriginal schools; one is a joint facility between the Kindergarten Union and the Education Department; and one is associated with the remote and isolated children's exercise, based at Port Augusta, which is for the remote areas of the Northern part of the State. Enrolments are presently about 2 500 four to five year olds, just over 1 000 three to four year olds, and a few hundred above five years old and a few hundred less than three years old.

Child-parent centres are unique; they are not just pre-schools, like the kindergartens we have always known for years. I do not wish to decry the valuable work of kindergartens, but the child-parent centres are an experiment going further than where kindergartens traditionally have gone. It is an experiment, I might say, that has been taken up by many kindergartens; they are now starting to learn some of the lessons involved and apply them. The most recent kindergarten in my own electorate is one of those. I refer to the Paralowie Children's Centre which has picked up some of these lessons and applied them in its own case.

The child-parent centre is significant in its very name. It is a centre that focuses on the child-parent relationship; it recognises the value of the parent as educator. Perhaps I might read a review of child-parent centres published in a document entitled 'Child-Parent Centres, 1982—Some Information', and written by Ruth Rogers, Assistant Director of Curriculum (Early Childhood) Education. She states:

> The child-parent centre concept thus recognises parents as the child's most significant educators. The central task of teachers is thus to support parents in that function.

That is quite different from the historical roles of kindergartens, although not in many instances the present role. It recognises the arrogance of many in years gone by who failed to even give any credit to parents in regard to the education of their children. Now we know, or hopefully know, and acknowledge that parents provide the educational base that is fundamentally important for all education that takes place later. Child-parent centres also provide the possibility for incorporating other services that can be of support to the family beyond simply the educational, extending into welfare, community related, health, and such wise.

Indeed, Professor Urie Bronfenbrenner, when he visited South Australia some time ago (I remind members he was in this State last week as well), said that the concept of the name was very good indeed. He referred to the name as being a genius of a name. He confirmed his belief in the directions being taken by the child-parent centre model.

One further advantage is that child-parent centres are integrated with schools that are adjacent to them. They provide the possibility of the easy transition of children into the learning environment of schools. They go to child-care centres with their parents, and their parents are actively involved, and then they make an easy transition into the junior primary school or primary school. They do not have that trauma that many other children have on the first day of school. It was repeated to me on many occasions that not at schools where child-parent centres exist do you see the queues of screaming children on the first day of school.

Another important element is the criteria for funding of child-parent centres. I might read out some of the points made in the report. They are as follows:

Is the submission coming from an area of socio-economic need?

So it targets to 'need'. It goes on:

Is the area a rural or isolated one?

Is diversification of services to be offered, i.e. not a mono purpose pre-school?

That is fundamental to the concept. The next one is:

Does the area generally lack services for early childhood?

We must face the facts, Sir, that when the first child-parent centres were built in 1974 they were sited in areas where kindergartens had not been built. They were sited in areas where no pre-school education took place, and the bulk of child-parent centres since that time have been similarly so placed.

That is what child-parent centres are all about. That is the theory of the report by Ruth Rogers. Does it tie up with the evidence given by the parents? Certainly, from my visits to child-parent centres, yes, it does. Those I have visited in recent weeks have all had many parents present to speak with me and confirm these opinions I have now been relating to this House. They are not isolated; indeed, they are unanimous. I would like to refer to one comment from the Echunga Primary School. I have not visited that school but they have written to me. They say:

Our centre is a child-parent centre where the community and parents at large feel they are welcome to come and participate in various programmes and activities.

That letter goes on to mention what those activities are like and how it has helped in parent development, child development, and the development of teachers within the education department. Time is running out for me. Perhaps I can finish off on the questions posed by the Elizabeth Vale Child Parent Centre Committee, which addresses these questions to the Premier:

Why must you undo the good work that has been done in these centres in the last 10 years? What we have now is good for our children. Why must you change it?

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

Mr LEWIS (Mallee): This afternoon I want to refer to the headline in yesterday afternoon's edition of the *News*: '8 000 workers affected in South Australia. Thirty-eight hour week talks at General Motors'. This was an article by Mark Robinson in which he points out that the union concerned is having discussions with the company about a 38-hour week and how the talks will affect 18 000 employees around Australia, including more than 8 000 in South Australia. At this stage no approach has been made to Mitsubishi, we are told, but that will happen in due course. The Vehicle Builders Employees Federation Secretary in South Australia, Mr Jack Bennett, was confident of a breakthrough (he called it). I do not know what he thinks he is breaking through, whether it is thin ice or something else, or where he thinks he is taking his workers and the prosperity of this country, but the *News* quotes him as saying 'We are after a commencement date for a 38-hour week.' He says 'G.M.H. is realistic in regard to it coming in. The company has got some things to be talked about.'

I worry when I see that kind of article and that kind of comment coming from that sort of person, and hearing the tenor of remarks being made by management in response. I would like honourable members to contemplate yet another article in a publication dated 25 February, and circulated in South Australia. It is called *Stock Journal* and on page 4 we find what used to be known as the 'Modest member's article', but these days it is now known as 'The Question is . . .'. I want to quote from that. Of course, the article is written by none other than the Hon. C. R. Kelly, former member for Wakefield, and he is referring to the Australian Industries Development Association as being a very prestigious organisation composed of some of the biggest companies in the land. Apparently that organisation thinks that the best way to develop industry is to persuade the Government to give it large and frequent transfusions of blood in the form of tariff protection. In the case of the automobile industry it is not only tariff protection; it is double-barrelled protection. It also has quotas imposed on motor vehicles that can be imported. The article states:

But it forgot that the blood had to come from somewhere and it usually came from the healthy export industries. This was very pleasant for the blood receiving group, but the healthy ones often became weakened by excessive blood letting. And far too frequently the industries receiving the blood came to depend on being helped instead of taking the nasty medicine to make them better.

The clothing and car industries are typical, they have become so dependent on blood transfusions that they say they would die without them. This used to be the attitude of A.I.D.A. in past years. It used to worship at the free enterprise shrine on Sundays and then spend the rest of the week on its knees asking the Government for more tariff blood from the export industries, and the queer thing is that it did not seem to see any incongruity in behaving in this way. . .

The Chambers of Manufactures are experts in this regard, thundering against the evils of Government interference one minute and praying for more Government intervention the next.

Even the farmers used not to be above asking for superphosphate subsidies while at the same time criticising the tariff assistance given to secondary industry. However, there has been a change of attitude by a lot of people recently. The farmers have bitten on their bullet and have said that they would forgo their super subsidy if the tariff burden could be lifted from their bent backs.

The Country Party is starting to question how it can maintain its credibility if it continues to advocate lower tariffs at its branch meetings held in the evenings while eagerly co-operating with the Liberals in raising the tariffs on clothing and cars the next day. Perhaps this change of attitude is because the younger leaders in our organisations are better educated than they were.

I certainly hope that that is so. Further on in the article the A.I.D.A. President, Mr Hooke, is quoted, as follows:

I think it is important that the Government strengthen its resolve to resist responding to demands of the community for more and more intervention and the community be led to reduce its demand on Government. Business is an exception.

Later, Mr Hooke said:

And perhaps it now recognises that it cannot proclaim its belief in free enterprise one day and cling to the Government's apron strings the next.

This seems odd to me when in the last few months, not so very long ago, this House supported the call by workers in the automobile industry to protect their jobs. This House also debated the way in which wages and conditions that apply under awards in the Industrial Commission are set, and the fact that the social and economic consequences of those decisions needed to be taken into account by the arbitration system.

We now find nonetheless that before the ink is even dry the workers in that industry are increasing the cost of their time per article by demanding that they be allowed to work less each week. They cannot even argue that validly on the ground that their efforts have increased productivity because, if that was so, it would merely indicate that they were not working honestly before. Clearly, any increase in productivity, unless there has been some immorality by the unions in the way that they argue, must have come from an increase in investment in new technology, which, we have heard the unions say, immediately destroys their jobs. Small wonder the necessity to substitute investment in capital intensive equipment and technology for the higher and more expensive labour to try to maintain the cost of production within the bounds that enable the article to be sold profitably.

In a book written by Mr Kelly, *One More Nail,* he refers to the effects of this tariff protection and quota protection as it affects the Australian economy as follows:

The last figure I have seen is that there is available, though not necessarily all used, about $4 190 000, and about 90 per cent of this amount is paid by exporters. And the Australian Woolgrowers and Graziers Council has taken the figures a stage further and has estimated that tariff protection is costing about $2.60 per sheep, $8 per beast, and $31.20 per tonne of grain, or about $11 600 per sheep, cattle and grain producer.

That was based on figures for 1975-76.

Mr Ashenden: What about the tariff protection that the farmers enjoy? Are you going to cut that out, too?

Mr LEWIS: The tariff protection that farmers enjoy is quite unknown to me, unless the honourable member is referring to the pitiful instance of irrigating horticulturists in the Riverland. On the 1975-76 figures, we now realise that, given the c.p.i. as a deflator, those figures would be doubled. This means that every sheep, cattle and grain producer, large numbers of whom I represent and who are appalled, annoyed, and outraged at the thought of this decrease in working hours and increased expenditure, hiding behind the double-barrel protection of which I have spoken, will have to foot the bill of about $23 200 per producer per year. What an enormous burden each year they will be expected to bear and to continue to bear for the sake and comfort of the irresponsible management and unionists who get together, without regard, social conscience or any consideration for anyone else in the community.

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

Mr KENEALLY (Stuart): Had there been a Question Time today, I intended to ask the Minister of Health whether he should undertake to provide all the resources necessary, in conjunction with the Broken Hill Associated Smelters, to allow for the comprehensive testing of citizens of Port Pirie for lead levels in blood. I am pleased to say that in a subsequent conversation with the Minister she has told me that there will be no stinting of resources from the Health Commission to undertake the current programmes there. I commend the Minister of Health on her action, as I commend the B.H.A.S. for its participation. No-one would be so foolish as to say that the risk of lead poisoning does not exist in Port Pirie. This is acknowledged in many ways.

First, it is acknowledged by the special section in the State safety health and welfare legislation that covers the lead smelting industry at Port Pirie. Secondly, I refer to the frequent testing of employees by B.H.A.S. These regular blood and urine tests are vital in checking the health of employees and are another acknowledgment that a potential problem exists.

Thirdly, I refer to the recent huge expenditure by the company on environmental protection. This is another indicator that the company is aware of the problems that exist with lead smelting. Fourthly, the programme being carried out by the Health Commission on pregnant women and their children in Port Pirie, which programme is to last some years, is indeed important and will contribute to the knowledge that we have about this very vital problem. I refer, fifthly, to the recently announced programme of testing schoolchildren for lead blood levels, which testing is being carried out jointly by the Health Commission and the company. I am sure that every member would join with me in applauding all these actions.

Although I am not a Port Pirie resident, I do, as the member for the district, spend a considerable amount of time in that city, as one would expect. I am somewhat bemused at times by the attitude of people there. Despite the overwhelming evidence and experience of lead smelters overseas, the subject of lead poisoning in Port Pirie does not appear, on the surface at least, to be the subject of great public concern.

In addition, in Port Pirie there is a strange circumstance that the city, which has the largest lead smelter in the world, has a Commonwealth laboratory that does not have the capacity to test lead levels in blood. One would have thought that the most appropriate and essential service that the Commonwealth laboratory at Port Pirie could render the community was to be able to provide tests on lead levels in blood. I hope that the Minister takes action to convince her Federal colleague that the facility ought to be available to Port Pirie citizens through the agency of the health laboratory.

The Broken Hill Associated Smelter at Port Pirie is a fact of life. It is a major employer and a significant contributor to State revenue. So, any cost to the Health Commission would, I believe, be insignificant compared to the sum that the State Treasury receives from that smelting activity. The Port Pirie community will continue to live with its smelter, on which the livelihood of the city depends. Indeed, the reason for the existence of Port Pirie as the major South Australian rural city is the fact that the smelter exists there.

By and large, the City of Port Pirie exists to service the needs of the smelter. I therefore believe that the B.H.A.S. has a responsibility to the citizens of Port Pirie, just as I believe that the State Government has a responsibility to them, because of the contribution that is made to the State Treasury by those people.

One way in which both the company and the State Government can honour that commitment to the citizens is to try, in co-operation with each other, to ensure that the health of Port Pirie people is protected in all ways, not the least of which is the subject to which I am addressing myself, namely, the possibility of lead poisoning. I am suggesting that an informed public debate should take place.

I know that there is always a possibility when a matter of this nature is raised that a public scare could occur. That is the last thing that I would like to see, but, on the other hand, I do not think it is appropriate for the authorities to hide their head and hope that this problem will go away. Over the last few years I have had many approaches from citizens in Port Pirie who have expressed concern about some form or other of lead poisoning, and I have made approaches to the authorities about them. I have always been assured that there is not really a problem but, if there were, facilities would be there to overcome that problem, and so I should be assured that the interests of the citizens of Port Pirie were being protected.

However, recently, there have been examples of a number of children with extremely high lead-in-blood counts; where a figure of 30 parts per million is a dangerous level, some children in Port Pirie have lead-in-blood counts up toward 50 parts per million. This is a cause of great concern to their parents and I think a matter of concern to anyone who has regard for the health of the citizens of South Australia.

I have also been told that a kindergarten at Port Pirie is unable to use the water in its rainwater tank because the lead level of that water is too dangerous for the children. That raises the question that, if the water in the tank at the kindergarten is of such a dangerous level, the water in the tanks of houses surrounding that kindergarten could also be too dangerous to use. What I would like to see happen is informed debate, a comprehensive study made by the Government and B.H.A.S. of the total lead-in-blood scene in Port Pirie, and then out of that study ought to come the knowledge that would enable the Government to implement an extensive educational programme so that the people of Port Pirie can acknowledge that there is a potential problem and, in acknowledging that fact, are educated to

be able to take account of it and to implement appropriate measures to counter that problem.

I could quote many more examples that raised my concern about the situation at Port Pirie, but I believe that a full study of this matter could only benefit all those concerned, that is, the citizens of Port Pirie, the company, B.H.A.S., and the Government, and I would ask the Minister to give the most earnest consideration to the needs of the citizens of Port Pirie, to continue her funding of the current programmes, to become involved in an education programme, and to ensure that not only the schoolchildren and not only the workers of the company but all citizens of Port Pirie have the opportunity to have their lead-in-blood count tested.

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

Motion carried.

At 5.45 p.m. the House adjourned until Tuesday 2 March at 2 p.m.