HOUSE OF ASSEMBLY

Thursday 20 November 1986

The SPEAKER (Hon. J.P. Trainer) took the Chair at 11 a.m. and read prayers.

STANDING ORDERS

Mr S.G. EVANS (Davenport): I move:

That, in the opinion of this House, every word of the masculine gender that appears in the House of Assembly Standing Orders shall be construed as including the feminine gender, and therefore it would be a waste of taxpayers' funds to rewrite and print a new version of the Standing Orders to specifically cover the feminine gender.

During my time in Parliament, it has always been accepted that, where the male gender is used in language, it also means the female. I believe this is taken from the Acts Interpretation Act, although there is no specific mention of that in Standing Orders and to my knowledge no ruling of the House. I thought it wise that Parliament should clarify this matter so that we are not faced later with costs in rewriting Standing Orders, as was once suggested with the Acts of Parliament. The present Attorney-General asked Parliamentary Counsel some years ago to see how difficult it would be to rewrite all the Acts making sure that masculine, feminine and neuter genders were covered in the laws of our State. I accept that, when the Standing Orders were written, they referred only to the male gender, but perhaps one day the whole of Standing Orders will be rewritten. I do not think that is necessary at the moment, and I ask the House to support the resolution so that we remove from anybody's mind any doubt about the intention of Standing Orders and avoid spending taxpayers' money to rewrite them.

Ms GAYLER secured the adjournment of the debate.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 30 October. Page 1694.)

Mr S.G. EVANS (Davenport): As this matter has been resolved in a Government Bill, I move:

That this Bill be read and discharged.

Bill read and discharged.

SITTING DAYS

Adjourned debate on motion of Mr S.G. Evans:

That, in the opinion of this House, the Parliament should sit no less than 75 days in each calendar year.

(Continued from 30 October. Page 1698.)

Mr GUNN (Eyre): This motion, which requires Parliament to sit for at least 75 days of the year, may appear to the ill informed to be a worthy suggestion, but the realities of the situation are clear: Parliament should sit only when it has productive business to transact. Every time Parliament sits it is at considerable cost to the South Australian taxpayer. In the opinion of many citizens we pass too many laws and every time we pass a law we interfere with or take away a citizen's right or increase a charge. So although the suggestion in the motion may appeal, Parliament would be well advised to reject it.

If Parliament wants to improve the standing of parliamentarians and the operations of Parliament, we should have more standing committees of Parliament so that members can examine issues referred to them or have a program of examining the operations of certain Government departments. That would be a far more productive exercise in which members could be engaged. One problem of the average member of Parliament is that he does not have the opportunity to be involved in or to understand the operations of large Government departments, many of which are spending hundreds of millions of dollars.

As well as the Public Accounts Committee, we should have a statutory review committee and matters of importance should be referred to Parliamentary committees so that they could be examined out of the glare of the public eye in circumstances where commonsense could apply and productive suggestions be put forward to the Parliament. Such a process would be in the long term interests of the people of this State. I believe that it is not necessary to say any more on this motion and that the House should reject it.

The SPEAKER: Order! If the honourable member for Davenport speaks, he closes the debate. The honourable member for Davenport.

Mr S.G. EVANS (Davenport): I am disappointed at the reaction of members to my motion. Ever since I became a member of Parliament, private members' business has never been completed. Members who have spoken against the motion are saying, in other words, that private members' opinions or views on motions or proposals to change the law have no significance because we do not sit long enough now to handle that business. That is the truth of the matter. It has never happened in my time here. Also, we used to have a two hour Question Time, but that was reduced to one hour. Now some members get a maximum of seven or eight questions a year when people in the community say they should ask a question.

We were told when the change was made that, if we put questions on notice, they would be answered on the next Tuesday with the exception of some of the more difficult questions, but that never occurred. In other words, the backbencher—the individual—was put further into the background by the Executive of parliamentary Parties. That is the truth of the matter, and it is ridiculous for any of us to say that we cannot sit 75 days a year and as the member for Eyre said, have committees. I agree with him that we would be better to have committees than the stupid Estimates Committee system. I am not a supporter of that system and never have been, and that is why I do not bother to go along, because you have to sit and wait at the end of the line to see what happens.

I have no qualms in saying that we are avoiding the issue. The people out in the street know that we do not sit very often, and they know that there are matters of concern that we should debate. For example, in recent times in relation to industrial health and welfare there were amendments not only by the Opposition but by the Minister himself—by the Government of the day—that were never debated by this part of the Parliament. That in itself is an indication that we do not sit long enough. We have also cut down the speaking time. Initially, members had unlimited time, but it was reduced to one hour, to half an hour, and then to 20 minutes—

An honourable member interjecting:

Mr S.G. EVANS: No, it is not. We have cut down the speaking time so that we attend the Parliament on fewer

occasions. Whether we like it or not, the individual has been pushed aside more and more by the Executive. All I am saying is that we are elected to represent people in Parliament and never, in the 18 years that I have been here, have we completed the business of the Parliament in any one year. Never! If that is not a disgrace, what is? I am merely asking members to realise that 75 days a year minimum is not a lot of days to sit out of 365. If you want to take off the 100 days for weekends and so on, it is still not a lot.

An honourable member interjecting:

Mr S.G. EVANS: The member for Unley has said that there are about 200 working days a year; even if it is 75 days out of that, it is still not a lot. However, when we do not sit for roughly six months of the year and Governments can bring in regulations that are operative from the time they are introduced, and there is no chance of these regulations being disallowed until Parliament sits again, it is a disgrace. For example, if the Government brings in regulations on the marijuana matter under clause 8 of the Controlled Substances Act Amendment Bill while Parliament is not sitting, Parliament does not have the opportunity to reject those regulations. That is their intention, because they know that either House can throw out those regulations. The Government knows, now that it has made the matter a conscience issue in the Upper House, it may not even have the numbers there. Last time they held a gun at the head of members in another place, because it was a Party issue, whereas down here it was a conscience issue—and I am pleased that it was. When it goes back to the Upper House we may find that it goes out in that area, if not in this one. The Government will bring the regulations into operation and have them operating while Parliament is not sitting. It will then say that there have not been many problems and will tell those in their Party who have strong views on it that they should back off for a while and leave it there.

That is the sort of thing that happens when Parliament does not sit on a regular basis. I ask members to realise that we are elected to represent people. We do not have enough time for questions. We do not have enough time to discuss private members' business, and we have not been given enough time to discuss Government business. That has been shown in the past few weeks. So, let us accept that 75 days sitting a year is not unreasonable.

I ask members who want to take a responsible approach to this matter to realise that things should be decided here, not in Cabinets alone or back in the Party machines. We should sit at least 75 days a year. I ask the House to support the motion.

The House divided on the motion:

Ayes (2)—Messrs Blacker and S.G. Evans (teller).

Noes (41)—Messrs Abbott and Allison, Mrs Appleby, Messrs L.M.F. Arnold, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blevins, Ms Cashmore, Messrs Chapman, Crafter, De Laine, Duigan, Eastick, M.J. Evans, and Ferguson, Ms Gayler, Messrs Goldsworthy, Gregory, Groom, Gunn, Hamilton, Hemmings, Hopgood, Ingerson, Keneally, and Klunder, Ms Lenehan (teller), Messrs Lewis, Mayes, Meier, Olsen, Oswald, Payne, Peterson, Plunkett, Robertson, Slater, Tyler, and Wotton.

Majority of 39 for the Noes.

Motion thus negatived.

ELECTRONIC GAMING DEVICES

Adjourned debate on motion of Mr Becker:

That a select committee be appointed to inquire into the likely social and economic impact of electronic gaming devices (including Club Keno and poker machines) on the community.

(Continued from 6 November. Page 1927.)

Mr GREGORY (Florey): I oppose the motion. I wish to refer to a couple of matters that were raised in debate previously and to outline some of the reasons why we are opposed to the proposal. I refer to something that the member for Hanson said during debate on 6 November. I do not know whether he really meant it or not, but I will refresh his memory about what he said, namely:

> So far as the Victorian inquiry is concerned, I cannot accept it, and I would not place any credence on it at all. It became so emotional that rational discussion went out the window. But, of course, that is what one finds that the churches hang their hat on—anything but the truth. So, do not come that argument with me—you will not get anywhere whatsoever.

What the member for Hanson is saying is that the churches do not tell the truth. I think he ought to take the opportunity to correct that statement before the churches find out about it, because I think they would visit him in large lumps. I think what he really meant (and I am being charitable to the member for Hanson) was that the Victorian inquiry was not worth a crumpet—to use the Australian idiom. I think one needs to look at the Victorian inquiry and work out what was just not worth a crumpet. In his dissertation earlier this year in August, the honourable member said that the findings of the Victorian inquiry should not be criticised because it was damned by the appearance of one person.

One of the things that interested me about the Victorian inquiry was the part that dealt with criminal activities associated with poker machines in clubs. Reference was made to about 1 500 clubs, and the point was made in one section that a Dr McCoy, who was doing some work on this, had made the point that 50 per cent of the clubs had something wrong with their administration and the operation for collection of money. It was not said that 50 per cent of the directors were crook or that 50 per cent of the workers were crook but just that 50 per cent of the clubs had something wrong in their administration in respect of money. This section made very illuminating reading. The point was made that with poker machines there is an absence of external market control. A comparison was drawn in that normally when selling consumer items if, say, there is a stock of 20 and 10 are sold there should be 10 left on the shelf, but that with money going into poker machines no-one really knows what is going in and what is coming out, until they do some percentages and those percentages can be wrong.

There is an absence of any effective external enforcement controls. The point was made that in New South Wales, where there are nearly 50 000 machines and only 17 000 have the technology that allows for cash flow supervision, only about one visit in every 18 weeks takes place by people who are supposed to control the clubs, so there is no effective external control. There is no real control over the personnel involved in the clubs, that is, in management, the election of directors and the selection of managers. I think it is fair to point out that the Moffitt royal commission recorded threats of death, terrorism and fraud associated with the elections of the South Sydney Junior Leagues Club. It went on to record at some length what was happening there.

I cannot see how the member for Hanson can say that we should not take into account any of that information. In New South Wales the Police Force established a Poker

Machine Task Force in 1979 following the discovery by detectives, who were stationed at Blacktown, of a western suburbs gang involved in organised crime to cheat the poker machines in clubs. The task force apparently was based in Penrith and it did a lot of work in investigating illegal activities in clubs. The Commissioner asked those detectives to put their stories into context. He asked them also to estimate the proportion of New South Wales licensed clubs which they believed (and were not necessarily able to prove) were involved in recurring dishonesty. He explained that he was referring to dishonesty involving money within the club itself and he was not referring to directors 'pulling a few free beers'. They assessed that it affected 50 per cent of all clubs. I refer to the reports made to the commission which state:

Q. If it's just something incidental or petty you would tend to put that onto the local police; if it's to do with poker machines or indicating some persistent corruption in the club then you would handle it. That's what we're talking about when you say 50 per cent or more?

A. Yes.

Q. Is that true across the board? There's a range of clubs obviously, from very large to very small; do you think it's that same rough percentage across the whole spectrum?

A. I would say so. A lot of our jobs in clubs are on complaints that are made to us; we haven't had the time to go out—I don't think we've ever done it, we haven't had the time to, say, pick out four clubs, go into those clubs and do a general surveillance to see what's going on, if there are hard dishonest matters going on. We haven't had the time to do anything like that.

When one goes a little further into the cheating aspect of it (and it is an area that intrigues me, because we are not talking about skimming a few dollars off the top and I think it is important that the extent of the cheating and its severity is recorded) the report states:

The Poker Machine Task Force is no more able to estimate the total value of poker machine cheating in New South Wales than is anyone else. However, they consider that there are hundreds of cheats operating on a regular basis and that some of them, by their lifestyles and by their admissions made to police after arrest, betray an income from poker machine cheating running into hundreds of thousands of dollars per year. Some individuals have been found to be earning $400 000-$500 000 per year by manipulating machines with wire. They could earn $7 000-$8 000 per day in jackpots. One cheat told the police that he regularly hired an aeroplane to fly to Tweed Heads where he cheated on microprocessor machines for a fortnight, before taking two weeks holiday . . .

The report then lists what is being done. I thought that the report made a fairly pertinent point when it estimated the prospects for the future. I think it is a very telling point in this matter. The report concludes:

Notwithstanding that, history teaches us that those machines will be penetrated by external cheats in time. It is difficult to believe that, suddenly in 1984, a security situation will be reached which has eluded the manufacturers of slot machines since Fey invented them in 1887, that what could not be achieved in the first 96 years of their operation is about to be achieved in the 97th.

That is very important to note. In effect, it is saying that in nearly 100 years of operation of slot machines there has been persistent cheating. No-one can suggest that that cheating will be stopped. Further into the report it is noted that even the latest microprocessing machines can be easily tampered with to enable cheats to prosper. They have gone to great lengths to develop techniques whereby they can get into a machine and manipulate it and so return them more money than that which they are entitled to receive.

The report suggests that to stop this cheating poker machines would have to be in a special area and under surveillance and that private clubs could not afford the cost of that surveillance and the special areas in which they would have to be contained at the level we have at the casino. If one goes to our casino and works out the number of people actually playing the gaming tables and the number of people working in it and the supervisors, I think that at any given time there would be more employees than customers.

From my experience with poker machines in New South Wales (which I have visited on a number of occasions), on the rare occasion that someone convinced me to pull a handle, the machines were unsupervised. The clubs are not prepared to go to the expense involved in supervision and surveillance equipment. As a consequence, there is this cheating. Not only is there cheating by the opportunist thief or by the cheat who moves into the poker machine room with the deliberate intention of manipulating a machine to get money to which he or she is not entitled, there is also cheating by employees of clubs who 'skim off the top' and remove a bit here and there. There are horrendous stories describing how employees take this money. About the only way clubs find out about this is when the takings go up and a certain employee is not at work. There seems to be a reluctance by club managers to strictly police this.

An example cited in the New South Wales report describes a club president who went to the police task force with the complaint that he did not want it to take up the matter with the manager because he would tell the employees who were actually doing the thieving and then there would be no chance of detecting them. There is another example of a club which put in surveillance. Over an extended period of time there was no skimming and no cheating and the only assumption was that the only other person who knew about it was the Secretary/Treasurer and he was in gaol. So if we look at all these things, we can see where it is happening.

I cannot quite understand why the member for Hanson dismisses this report so easily. It refers to an area where there is this dishonesty. I do not think that anyone doubts that there is dishonesty in clubs in this area. The only advantage in favour of these clubs is that people can join them for a small annual fee and receive large benefits. I do not really believe that we should seek to operate clubs in this State on the basis mentioned by the member for Hanson where one of the clubs he visited in Sydney recently had an income of $8.5 million of which $6.2 million was net profit from the poker machine trade. It can be said that people get the benefit of low fees. However, in reality the clubs get the benefit of people who gamble. Other people in the clubs who use the poker machines are supporting them.

If people want to participate in clubs, they should do it in the way we are accustomed to in South Australia, that is, through the normal activities of sporting clubs. People pay their money and get a reasonable return in using the facilities of the club. People who use club facilities pay a reasonable and proper price. The member for Hanson made an amazing statement: he said that allowing clubs to operate poker machines would relieve the Government of the impact of supporting sporting clubs. What he was really saying was that the Government and the State should give up the right to tax—that we should not levy taxes on people. The honourable member was saying that we should allow some other organisation to do that, and that organisation could distribute the money as it liked. In many instances, it would not be accountable.

According to the report, in relation to the criminal activities of clubs, it is indicated that, where large amounts of money are involved and spread over these small organisations (and, as I said, there are 1 500 clubs in New South Wales), activities such as cheating and improper use of funds occur. At the same time, we would be abrogating our

authority. Members of Parliament are elected to attend this Parliament and to pass money Bills for the running of the State. If the Government in its wisdom determined to allocate money for sport and recreation, whether for a small tennis club, a large yacht, or for any other sporting organisation, such as the Three Day Event (which was not successful, but other events are successful—and the Government sponsors a lot of sporting organisations), that is the Government's responsibility. If the people do not want the Government to do that, they will demonstrate their views through the ballot box. How can that be determined if we hand over the taxing powers of the State to clubs by saying, 'You can run a poker machine licence in the clubs and that will be all right. That is the way you can do it.' I do not believe that that is right or proper.

The member for Hanson also suggested that smaller clubs could have one or two machines, to a maximum of 25, but we all know that, if there was an agreement in relation to poker machines, a small club that had one or two machines would not be a goer. All the clubs would be in it and would want as many machines as they could get into their rooms. We would see an explosion, and it would not be small. It would not even be controlled.

I believe that, despite the attitude of the member for Hanson towards one person who gave evidence to the inquiry in Victoria, that was a fairly thorough going inquiry, which dealt with a number of matters in connection with poker machines, including the experience in New South Wales, the experience of Victorian people on the border with New South Wales, and the possible effect in Victoria. I do not believe there is a need to subject this Parliament to the costs of a select committee on poker machines. The report of the recent Victorian inquiry was published in 1983, and the circumstances have not changed that much in three years. The findings of a select committee in South Australia would be the same as the findings of the Victorian inquiry. A select committee would be a duplicate and a waste of money and members' time.

We have a responsibility to ensure that we do not encourage a situation where people will break the law to make illegal gains. The Victorian inquiry shows that the New South Wales experience is that, in the view of responsible police officers, 50 per cent of the clubs are not conducting their operations correctly, and some illegal activity could be occurring. We would be letting loose a blight in this State by allowing what the member for Hanson proposed.

It is also indicated that we would be providing some smart thief or thieves (and it is suggested in some instances that, in the experience of the police, organised crime has got into it) with an avenue to illegally gain money. It has been demonstrated by the control of clubs that they would not and could never afford the cost of putting in a system to eliminate cheating. We would be opening up the field for cheats and thieves, and it would be open to bribery and corruption. We could not afford the cost of surveillance required in the casino. The House should not support the motion for a select committee but should put the matter out on the scrap heap, where it ought to stay.

Mr S.G. EVANS (Davenport): I am not a supporter of poker machines. I have said that over many years and do not resile from that position. I wish to pick up a couple of points raised by the member for Florey. He is saying that the casino would have satisfactory surveillance for poker machines and clubs would not. I am not able to judge that. The honourable member is suggesting something that could only be judged if one had the opportunity to do all the research or if a select committee took evidence and cross-examined witnesses. It is interesting that a Government representive is advocating something that would be acceptable only in the casino. That thought has been around for a long while in the minds of people in the community, namely, that it is the Government's intention to allow the casino to have poker machines but not to allow other sections of the community to have them.

It is interesting to hear the member for Florey suggest that, if the clubs run poker machines to save the Government giving money to sport, that is a way of taxing the gamblers in the clubs in order to support sport. I wonder how he aligns his thinking to the casino, where the Government takes something like 20 per cent in taxation, to be distributed through the community for sport, etc. I thought that the principle would have been exactly the same, except that one is a big operator and, if it happens to make a profit after the cheats have operated, as the honourable member would suggest, a percentage comes to the South Australian people through taxation. A large percentage of the balance goes to Hong Kong and the Eastern States and does not even stop here—the big operators get it—and we need to consider that.

When we are talking about the casino having poker machines, is there a doubt that it would be hard to sell this to the public? Are people envisaging that within the next three years, as we all expect, the turnover will start to dwindle because people will be tired of losing their money on a regular basis and taxation will start to catch up with those laundering their money? Is it possible that the casino may at some stage have a problem keeping up the sort of returns it wants and is therefore offering shares to the public? The casino authority could well say to the Government of the day it is not making much money, the shareholders are not doing any good, and that therefore the Government should drop the percentage they are paying in taxation (20 per cent of the profit), or allow poker machines, or do both.

There is no way that a business organisation like that would offer shares to people in the street if it knew it was guaranteed the sort of profit it has been making in the last 12 months. It knows the end result and is softening us up by selling shares to the public so it can say to the Government in the future, 'We want poker machines.' As in Tasmania, the casino organisation will say that it cannot afford to pay 21 per cent or 15 per cent, and wants to take it back to 6 per cent.

That is exactly what happened in three Federal hotels, and the same thing will happen here. So, when the member for Florey speaks about taxation through clubs as being unprincipled, I ask him to look at the principle which is supported by establishing that money grabbing organisation next door. We said we would get many tourists coming here to use it but, in the main, the vast majority of people using it are our locals.

I want to go back to the sporting clubs situation. I am president of two licensed clubs: one is doing well, and the other is doing quite badly. I am conscious of the difficulty of clubs making a profit, but I do not believe that poker machines will solve that problem, because the cost of employing managers in some clubs which do not have them now and the cost of employing more paid staff in many cases will more than offset what the clubs will make from poker machines in a State with only 1.5 million people and already a big gambling facility—whether it be through the casino or TAB.

I know that the clubs have felt the pinch because of the casino: they are not selling as many bingo tickets as before, and fewer people were eating and drinking in clubs, because

the casino can offer cheaper food than it would if there were not the guarantee of the gambling facility to back it up. It is the only business in the State to be guaranteed a profit by the Parliament. It is the only business that has been given that sort of opportunity.

Parliament gave that opportunity to the casino, already a big business operator, anyway. I would be prepared to support a select committee for one reason: that I would hope to encourage enough people to give evidence in order to demonstrate that bringing poker machines anywhere into the State will not solve any of our problems in the long term. They will not solve anything, particularly in clubs.

Clubs are like governments: give them more money and they will spend more money. We can look at football clubs and soccer clubs, and now people are paying hockey, tennis and cricket players; they are now in the same category. We can look at clubs right across the community: money is the bottom line. So, if one club has six or seven poker machines and gains from them an extra $20 000 or $30 000 a year, it will go and buy another couple of players with that money, after it has paid its staff, etc. That is what will happen to the money, and clubs will all be fighting one another on the same basis—and all be just as broke. Players might get a bit more money, if they are lucky.

Mr Keating will also take his share of that from his new regulations and controls; so really, in the end, it will do nothing to help the situation. The Licensed Clubs Association has a lot of faith in having a select committee. It will cost the State some money to have a select committee, I am aware of that, and I am not a great advocate of wasting money, but this State never had a select committee examining poker machine operations. We all realise that the Government of the day can draw up the terms of reference for a select committee to bring down the result it wants: that has been acknowledged by every Premier that I know of, from Playford onward. In appointing a royal commission or a select committee, the so-called organiser can draw up the terms of reference, in the main, and virtually be assured of the desired result. However, licensed clubs will not be the organisers of this select committee: they will be those requesting it, but they will not be the ones who draw up the terms and conditions.

Why do we want to encourage these things in South Australia? I have had a discussion with the different groups interested in them. I have been conscious that there has always been crookedness in nearly every form of gambling we can think of. For example, I refer to the men and women operating computer outlets of the TAB: someone happens to win a large stake of, say, $3 000, and the operator in question may have contact with someone who wants to launder money, and can suggest to that individual, 'I know someone who'll buy your ticket from you for $3 300', $300 more than the winning ticket is worth. Then the person buys it for $3 300, cashes it and gets the $3 000, laundering the money back into the system legally, and that transaction is non-taxable.

Mr Ferguson: Have you been to the police with it?

Mr S.G. EVANS: The member for Henley Beach says, 'Have you been to the police with it?' If that is not common knowledge that it has been done and can be done, I am amazed. If the honourable member also looks at gambling on dogs and horses he should know that, if you happen to beat the trainer and the jockey, you still might have to beat the clerk of the scales or something. You have to beat the dopers who work outside—the officials who run the animal. We know that. They will even swap horses. If they will do that, we know there is crookedness in that field. We know there is crookedness in the bookmakers' field—not all of them, I am not saying that.

We know that there is crookedness in the bingo operations in the State—we are all conscious of that—but no Government has been prepared to change the rules in relation to bingo. We know that one group, offering a series of tickets, would give the purchaser the $50 tickets in an envelope for the prizes and say that he could keep one for himself, put them into the draw one at a time or all together, or put one or two into the club and put only two of the $50 tickets in. People knew that was going on in the bingo field. I have not heard of it recently, but we knew it was going on in the past. We know that in the Mickey Mouse clubs and some of the hotels—

Mr Ferguson: Have you been to the police?

Mr S.G. EVANS: The previous Minister of Recreation and Sport is conscious of the things I am talking about, as was the Minister in the Liberal Government, and they had a committee looking at it. That committee brought down a report but no Government has been prepared to act on it in relation to bingo tickets. So, the honourable member can not tell me that I have not passed on the information, because I have.

Mr Ferguson: Have you taken it to the police?

Mr S.G. EVANS: If the honourable member will be quiet for a moment, I will answer him.

Members interjecting:

Mr S.G. EVANS: I was prepared to answer him if he was prepared to be quiet. His female friend from the south is just as vocal. At least one hotelier has been taken to court but the Crown had dropped the charge because there was insufficient evidence. We know what goes on in the Mickey Mouse clubs and some of the hotels. That is why the Hotels Association told the Government when the Hon. Michael Wilson was the Minister, and also the present Government in the time of the previous Minister, that they were prepared to accept the change to have greater control, but nobody has done anything. We really need a select committee, not just on poker machines but taking in the wider field. I will support the proposition that we have a select committee, not on the basis that I support poker machines, but because I hope it will prove once and for all that they are of no benefit to this State.

Mr HAMILTON (Albert Park): I oppose the proposition. For the benefit of those new chums in this place who do not know my position on this, let me say that it has not changed since the vote was taken on the casino. I believe that I would take a great deal of convincing before I would vote in support of this proposition. As one who has gone on record in this place and said that on many occasions I have played poker machines, it may sound hypocritical—

The Hon. J.W. Slater: Have you won?

Mr HAMILTON: Yes, I have on a number of occasions; indeed, I have lost as well. We often hear about the people who win on poker machines. They are like racegoers and those who go to the dogs or bet on the football. One always hears about those who win but rarely about those who lose. Having played poker machines on occasions when I have visited New South Wales, I concede that they generate employment, but the other side of the equation is that we rarely hear about the traumas that are involved.

From reading the report of the select committee on the casino one sees that there are problems with those people who play poker machines in New South Wales, and I understand that small business people there are concerned that sometimes the amount owing to them has been extremely high because some people have a special weakness for this

form of gambling. Having collected their pay, such people may decide to slip down to the club, whack a few dollars through and then leave but, like alcoholics, they kid themselves that they can spend only a few dollars and then leave it alone. However, I do not believe that that is the case. Such people get in there and get carried away with the possibility that the next spin, pull of the levers, or push of the button will produce the glossy jackpot that is illustrated on top of the machine.

I do not believe that a select committee is needed at this stage, because only recently we had a select committee into the casino. Indeed, I am somewhat surprised that the Opposition, which is always talking about saving money, is now pushing for this select committee. As my colleague the member for Florey has amply demonstrated, there has been a select committee into poker machines in Victoria and one would have thought that the member for Hanson, whom I do not consider to be a fool even though sometimes in the heat of debate I may level that charge at him, would know that there was sufficient evidence around to demonstrate what is involved in this area.

All members would have experienced a considerable amount of lobbying from the licensed clubs on the one hand and from the Australian Hotels Association on the other. I have been lobbied extensively on this issue. Many of my constituents, who hold varying views, have lobbied me, but I am yet to be convinced that I should change my attitude from that which I have stated in this place previously. I wonder whether some people are looking for a jaunt around Australia or even overseas on a select committee. Someone asked what cost would be involved. I do not know what would be the cost for a select committee to visit other States and perhaps Darwin to see what happens there. I have not been to Darwin, so perhaps I should support the motion in the hope of getting a trip around Australia. Having been told by my Whip that many other members wish to speak on the motion and being a great believer in the democratic system, I shall bow to her wishes and content myself with saying that I oppose the motion.

Mr FERGUSON secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That Orders of the Day: Other Business Nos 5 to 9 be postponed and taken into consideration after Order of the Day: Other Business No. 10.

Mr S.G. EVANS: On a point of order, one of those items is mine. I take it that the Minister has the permission of the Opposition Whip to do that. That is what is worrying me.

The SPEAKER: Is the honourable member for Davenport declining to support the action that has just been taken by the honourable Minister or is it an interjection?

Mr S.G. EVANS: No, I will discuss it with others later.

Motion carried.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 6 November. Page 1925.)

The Hon. G.F. KENEALLY (Minister of Transport): The Government opposes this Bill. I think it is important to say at the outset that this move by the Leader of the Opposition is the most cynical, transparent exercise in political opportunism that I have seen in my 17 years in this Parliament. Clause 8 of the Controlled Substances Bill was thoroughly debated over the past few weeks and voted on by both Houses of Parliament and has been assented to. However, the matter has been brought back into this Parliament through the back door because the Opposition hopes, by using this unusual course of action, to achieve another result. It is, put in its kindest light, cynicism.

The Government was correct in supporting the clause when it was previously debated, and it is correct in opposing its deletion now, because there was nothing new in the contribution of the Leader; no new information was placed before the Parliament and no new arguments were offered in rebuttal. The Leader simply did not get the result he wanted when the matter was before the House previously, so he is trying again. That is what this Bill is all about. This Bill is not here for us to debate the issue again, because it has been quite thoroughly canvassed: it is here because the Opposition is trying to achieve a different vote within the Parliament. The then clause 8 was supported and now the Opposition wants to delete section 45a of the principal Act.

Last week the Leader of the Opposition sought—I should say, demanded—an early vote on this measure, and the Government is prepared to facilitate that today so that the will of this Parliament is once again clearly expressed. The Leader also said that he wanted a free expression of members' views. All I can say to that is, 'What hypocrisy!' what hypocrisy indeed! It is the Government, the Labor Party, that has provided its members with the freedom to vote how they wish on this matter; it is our members who have done so and, no doubt, it will be our members who will do so again.

To take that one step further, in case there is any doubt by those people in this House or those people who may have an interest in its proceedings, I point out that because of ministerial commitments the Premier will not be here when this vote is taken, nor will the Minister of State Development and Technology. So, there will be a pair. Both those Ministers have commitments—

An honourable member interjecting:

The Hon. G.F. KENEALLY: Because the Opposition demanded that we have the vote last week, and it will be nothing short of total hypocrisy for it not to have the vote this week.

The SPEAKER: Order! The Minister will resume his seat. I call the member for Heysen, the Leader of the Opposition and the member for Florey to order.

The Hon. G.F. KENEALLY: I am putting to the House that when this vote is taken today the Premier will be paired with the Minister of State Development and Technology. The member for Playford is ill in hospital at the moment and will not be here. So that he can cast his vote against the Government's position, we are giving Mr McRae, the member for Playford, a pair with the member for Briggs. I will contrast the Government's action with that of the Opposition, when this matter was before the House as part of the controlled substances legislation. The member for Gilles was overseas and, as he will indicate, because he like all other members here will have the freedom to indicate how he wishes to vote, it will be quite clear to everyone that he was not given the opportunity to have a pair when this matter was previously before the House.

What was he doing overseas? He was representing this Parliament—members of the Opposition and members on this side of the House. He was not away on Government business; he was not representing the Government. He was

representing the Parliament. However, he was denied the opportunity to have a pair in that debate.

An honourable member interjecting:

The Hon. G.F. KENEALLY: Sir, I have just heard the member for Mount Gambier say that the Government has nobbled McRae, the member for Playford. The member for Playford was in intensive care, at I think the Adelaide hospital, last night because of heart problems. Yet here we have the cynicism—the absolute cynicism—of members opposite who are now trying to say, despite the fact that the Government is providing Mr McRae, the member for Playford, with a pair, that we have nobbled him. There is nothing clearer to indicate the depth to which the Opposition will sink to try to win a political point, and it is not going to do that. The Liberal Party—the Opposition—is not providing its members with the freedom to vote in accordance with their consciences. I will repeat that, because obviously members were not listening. The Opposition—

The SPEAKER: Order! The Minister will resume his seat. At the moment—

An honourable member interjecting:

The SPEAKER: Order! I warn the member for Mount Gambier. The Chair does not look kindly on a member who continues to interject when the Chair is attempting to call the House to order. There have been many interjections from both sides of the House. I was about to call the member for Mount Gambier to order on that basis, let alone what he followed up with a moment afterwards. Also, the member for Mawson and the member for Florey have been calling across the Chamber in response to interjections from members opposite. Members are not part of a free ranging, wide debate with everyone taking part at the same time. One person, and one person only, is addressing the Chair, and that is the honourable Minister.

The Hon. G.F. KENEALLY: I was just making the point that it is the Opposition—the Liberal Party—that is refusing to allow its members the right to use their consciences on this matter. The South Australian Parliament is a small place—a hothouse, if you wish—and secrets are very hard to keep. We all know that there are members on the other side of the Chamber who, if given a free choice, would have supported the Controlled Substances Act Amendment Bill when it was before the Parliament.

Members interjecting:

The Hon. G.F. KENEALLY: Straightaway you can see how close I have come to the bone, because of the cries of members opposite.

An honourable member interjecting:

The Hon. G.F. KENEALLY: Members of the Government will indicate their willingness to exercise their consciences. The fact is that members opposite are afraid to use theirs. I do not agree with the members on my side of the House who will cross the floor, but I certainly respect their right to do so. However, I certainly do not respect those members opposite who wish to support this Bill but who are afraid to do so, and I have something akin to contempt for those members in the Opposition who refuse to allow their colleagues to exercise their conscience vote.

We can recall when this matter was introduced by the Leader of the Opposition in, I would say, a rather shrill contribution to Parliament: he demanded that Parliament be given the right to an early vote and a free vote. That is going to be provided by the Government today. I would not be surprised if the Opposition is now trying to avoid an early vote on this matter. That would be for two reasons: first, they know that in any vote they will be defeated; and, secondly, they want the opportunity to continue this campaign of misinformation, of dishonesty and deceit, in which they have been involved since the legislation came before Parliament.

If one wants a clear example of how concerned and terrified members opposite are that the truth of this matter will become known to the community, one has only to look at their reaction to the advertisements of the Drug and Alcohol Board, which simply sought to provide to the people of South Australia an accurate representation of what it was that the Parliament had passed. Members opposite do not want this to happen because they know that when the community becomes aware of what has taken place it will see through this dishonest campaign that has been waged.

There is absolutely no warrant for this Parliament to once again debate this issue. It was debated quite comprehensively previously. It went through the full rigours of the legislative system not more than two weeks ago, yet here we are a fortnight later I understand with a number of Opposition members wanting to get up to repeat exactly what they said on the previous occasion. If that is not an abuse of the parliamentary process, I do not know what is. I have read the Leader of the Opposition's speech twice; it offers nothing new; everything that the Leader has said was canvassed at the time when legislation was before us as a Government initiative.

What the Leader said (and I take him at his word) was that he wanted another vote to determine the view of this Parliament. We are giving the Opposition the opportunity to do that today. They do not want it, but I challenge the Opposition to have that vote. That is what we should be doing. We do not really want to again canvass all the issues that were thoroughly canvassed before. What we need to do is to have the vote so that the will of this Parliament can once again be clearly shown to the people of South Australia. If that does not meet the wishes of members opposite, I would not be surprised if in two weeks time another private member's Bill was introduced with the whole charade having to be repeated once again. In my view, this is a contempt of the parliamentary system. This legislation should be voted on accordingly. I ask all members of the House to oppose the measure moved by the Leader of the Opposition.

The Hon. JENNIFER CASHMORE (Coles): For the Minister who has just resumed his seat to describe the Opposition's actions in respect of this Bill as being a contempt of the parliamentary system is a total misuse of the English language and shows a total disregard for the proper forms of this House.

The Hon. G.F. Keneally interjecting:

The Hon. JENNIFER CASHMORE: Indeed, the Minister acknowledges that we are allowed to do it. His speech was a very poor apology for a defence by the Government of the indefensible—and the Government's actions in respect of this Bill have been indefensible. The sight in this Chamber when the Government Whip was heavying members of her Party, despite the fact that the Government claimed that a conscience vote was to be permitted on the Bill, was a sight that none of us on this side of the House want to see repeated.

The whole activity by the Government in coercing its members either to vote one way or to not vote at all was shabby; it was recognised by the media of South Australia as being shabby; and it has been recognised by the electorate as being shabby. Through this Bill the Leader of the Opposition attempts to ensure that a vote which is free from coercion and in which all members have the right to exercise their conscience (in accordance with the Government's claims that that is the case) can take place.

There was the extraordinary statement by the Minister that the Government has organised pairs, but it is well known that in this House pairs have never been applied on a conscience vote, except where there has been a private (and I stress the word 'private') arrangement between members who intend to vote on opposite sides. I believe that, with the Minister setting out the Government's very obvious and heavy handed actions in organising the vote to its own purposes, the action is without precedent. The Opposition regards it as quite extraordinarily convenient that the Premier and the Minister of State Development and Technology should each agree to let each other off the hook and to not be seen, filmed or recorded voting on this Bill because they will both be absent from the House.

I now refer to the Bill, and the Minister's statement that everything has been said on this subject certainly cannot stand up. I commend the Leader of the Opposition and my colleague, the shadow Attorney-General, for being absolutely resolute in prosecuting this issue and in ensuring that the public have the right to a full and proper debate and that every member in this House has the right to vote quite freely and without coercion. The two questions that need to be asked on this or any other legislation are: first, is it moral; and, secondly, is it practical? If a law cannot stand up to both tests, then it does not deserve to be passed by Parliament. Dealing first and briefly with the question of practicality, I point out that this Bill is practical, but legislation that it seeks to repeal is not practical. New section 45a of Bill No. 59 provides:

(1) A prosecution for a simple cannabis offence shall not be commenced except by—

(a) a member of the Police Force;

or

(b) a person authorised in writing by the Attorney-General to commence the prosecution.

(2) Subject to this section, if a person (not being a child) is alleged to have committed a simple cannabis offence, then before a prosecution is commenced, an expiation notice must be given to the alleged offender stating that the offence may be expiated by payment to the Commissioner of Police of the prescribed expiation fee before the expiation of 60 days from the date of the notice.

It has been amply demonstrated by the Police Force that it will be extremely difficult—if not impossible—to administer that section which the Government seeks to have maintained in the Act. The Police Force has stated that, apart from the significant practical problems of policing the proposal, it flies in the face of the national drug offensive. The police believe that the proposal will promote wider use of the drug, with a resulting increase in demand catered for by local and interstate suppliers. The events of the past week, with busts of two significant crops of marijuana, demonstrate that the trade is gearing up for what the Government is making provision for: in other words, the growers and the dealers are setting up, in a larger way than ever before in South Australia, to ensure that the demand which is created as a result of the passage last week of the Government's legislation is met and that the hideous profits that can be made from such a trade are received.

The second question, 'Is the proposition moral?', has been well and truly dealt with. I will deal with one particular aspect. If the argument put by members opposite in favour of permitting the minimising of legal sanctions simply because some mood altering drugs are legal is taken to its logical conclusion, we would have no restrictions whatsoever. I believe that the Government's Bill to establish on-the-spot fines for personal possession of marijuana is a step towards that logical conclusion which would ultimately lead to the decriminalisation of marijuana.

In South Australia, if we are to have an official policy (and the Government claims this is what we have) for the discouragement of drug use, such discouragement should be reflected through both legislation and administration. No-one can say that the Government's Bill for on-the-spot fines for marijuana reflects an official policy of discouragement for the use of marijuana. The material presented to the House by the member for Bragg, quoting extracts from the *Medical Journal* of July 1986 and from other reports, is telling indeed. It identifies the fact that marijuana contains twice as many carcinogens as tobacco. It also states that as yet there has been no autopsy report on long-term marijuana smokers and therefore the human pathology of long-term marijuana smoking has not yet been established. We can relate that to the 60 years or so it took to establish the linkage between tobacco and lung cancer morbidity and mortality. By the time we realise the full effects of this, I believe that we will look back with regret (as many of us do in the case of tobacco) to the misery, waste and suffering that could have been avoided if legislators had not taken such a relaxed view of what is in fact a potentially lethal drug.

One of the particular aspects that I will refer to that has not been dealt with in any detail is the consequences of the passage of the Government's legislation not only on young people and not only on road traffic deaths and disablement (matters which have been referred to in some detail), but on domestic safety and the care of children. As yet no-one seems to have drawn any relationship between the long term use of marijuana—which results in states of withdrawal, apathetic indifference, general mental and physical deterioration and social stagnation as well as a lack of judgment—and the effect of such a state on the capacity of parents to care for their children.

The Royal Commission into the Non Medical Use of Drugs, established by the Senate Standing Committee, states on page 145 (and I refer to the effects of cannabis on judgment):

Cannabis has an adverse effect on driving skills. P. Bech and five colleagues, in a joint study, demonstrated that an intake of 300 milligrams of tetrahydrocannabinol delayed braking time by about 20 per cent, and an intake of 500 milligrams by 66 per cent.

If it has that effect on driving, I ask members to contemplate its effect on the judgment of a mother caring for a small baby, for example, a mother running a bath for a baby.

Does she know whether the water is scalding hot, tepid, blood temperature, or too high or too low in the bath? How can she, or the father, be capable of making those judgments if they are under the influence of marijuana? Yesterday morning's newspaper reported that child abuse in this State had leapt alarmingly. Is Parliament now about to create the framework for situations in which child abuse is more likely to take place, namely, in households where parents are stoned? Are we, in fact, creating that kind of atmosphere? I believe that if there is any doubt, if there is the faintest shadow of doubt that that is the case, we have a responsibility to children in particular—defenceless children—to ensure that such a framework cannot be established.

I want to deal also with the role in this sorry affair of the Chairman of the Drug and Alcohol Services Council. First, I want to make clear that the Opposition recognises that the council has commendable objectives. It has undertaken important work since its foundation in 1984, and I mention in particular the task force report on alcohol and drug problems that was presented early last year under the council's first Chairman, Dr Brian Shea. However, I believe that under the present Chairman, Mr Forbes (who was appointed by the Minister of Health in March 1985), the council has become partisan in the drug debate. There is

nothing wrong with that, as long as the public is aware that that is what motivates the Chairman.

However, the Chairman has been at some lengths to put forward the proposition that he is an independent in drug matters. For instance, in a recent half hour session on 5DN he made a point of emphasising his independence. I do not believe that Mr Forbes is independent, and the advertising that is now being undertaken at taxpayers' expense by the council demonstrates that, as do Mr Forbes's statements about the Government's proposals to introduce on-the-spot fines for marijuana possession. In a statement reported in the *Sunday Mail* of 2 November, Mr Forbes said quite clearly that he supported the Bill.

As a former Minister of Health, I was utterly astonished that the Chairman of a council whose stated task is to reduce drug dependency and to deal with the effects of drug dependency should take such a stand. To me, that was almost beyond belief. I felt that the whole role of the council had been betrayed by the attitude of the Chairman in supporting the Bill. On that occasion Mr Forbes said:

> Fear and politics have completely overshadowed reason and clear information.

Reason and clear information were very evident in debate on the original Bill. Although because of indisposition I was not present in the House, I have read the debate carefully. I was impressed by the diversity of information, the range of argument, the lack of repetition and the scientific documentation in support of the arguments that were put. Mr Forbes went on to say:

> When you have a legislative process that is attempting to deal with the rational issues and it becomes Party political point scoring, then you get to the stage of misinformation.

In the *Advertiser* of 5 November Mr Forbes referred to 'sensational misrepresentation of the facts about the whole drug issue'. I defy Mr Forbes to counter and refute any of the arguments that were put and substantiated by my colleagues on this side of the House in debate on the Bill. Virtually every statement was backed up by the scientific reference from which that statement was drawn, and those scientific sources were not unknown—they were sources such as national and international drug reports and the *Medical Journal of Australia.*

Given the way in which Mr Forbes has openly and strongly supported Government policy on drugs, these statements can be taken only as a direct criticism of those who do not share his point of view. I believe that in making those statements he is jeopardising the integrity of the Drug and Alcohol Services Council and that the position of the Minister of Health in this whole debate has deteriorated to the extent that he is somewhat (if I may use the analogy) like a drunk in need of a lamppost. It seems that Mr Forbes is acting as the Minister's lamppost, because Mr Forbes backs the Government all the way.

Mr Forbes has initiated, in cahoots with the Minister of Health, press and radio advertising which is a blatant attempt to get the present Government out of the political jam it is in over on-the-spot fines for marijuana possession. Under the guise of independence it is a direct criticism of all who have opposed the Government's policy including the police, service clubs, church leaders, parents, and even schoolchildren, who have joined the debate. Members opposite should be concerned before it is too late to say that we did not know about the impact of the existing legislation and the important opportunity that exists to repeal the establishment of on-the-spot fines.

I am not at all impressed by the Minister of Transport's overt efforts to claim that members of the Government Party will be voting freely and in accordance with their conscience and that everyone who is not able to be present for whatever reason will have his or her opinion reflected in the result of pairs organised by the Government. That is a very unsatisfactory situation in view of the precedent that conscience votes in this House when pairs are required are organised on a private basis.

I support the Leader's Bill. It is essential that on-the-spot fines are repealed. No-one is untouched by the misery and suffering of drug abuse. Any legislative move to make it absolutely crystal clear publicly that drug taking is unacceptable, except in a prescribed form, is a step that we must take, and this Bill is an effort towards that end.

The Hon. J.W. SLATER (Gilles): When the Controlled Substances Act Amendment Bill was before this House a few weeks ago I did not have the opportunity to participate in that debate and therefore express a viewpoint, particularly on clause 8 which the Leader of the Opposition now seeks to repeal through his private member's Bill. The reason I was not present on that occasion, as is well known to the honourable members, was that I was afforded leave of the House to attend, as a South Australian delegate, an Australasian and Pacific regional seminar of the Commonwealth Parliamentary Association in Norfolk Island. It disappointed me that, having been afforded leave, because of the circumstances that prevailed, I was not even granted a pair. Nevertheless, I now have the opportunity and am pleased to make my position clear.

I certainly do not support the opinion of the Leader of the Opposition on this matter. It is a great pity and great shame that he and his Party have sought to make political capital out of one of the greatest issues of our time—the problem of drugs. Obviously, there has been a great deal of emotion, misunderstanding and peddling of misinformation not only by the Liberal Party but also by some sections of the media. Quite unnecessarily, people's emotions have been stirred on this issue. Section 8 of the Controlled Substances Act simply changes the method by which a person can be fined to an expiation fee. We have an expiation fee for a number of traffic offences under the Road Traffic Act, so it is nothing new.

I believe it is something of a misnomer to call it an on-the-spot fine, because if a person is alleged to have committed an offence, before a prosecution is proceeded with that person has the opportunity of paying the expiation fee. I do not see that as the Government going soft on drugs and, indeed, it is probably a more meaningful and appropriate method of dealing with such offences under the law. I point out that no amount of self-righteous moralising by the Leader of the Opposition or the member for Coles, or anyone else, can alter the fact that cannabis has not been decriminalised, and it will be illegal—

Members interjecting:

The SPEAKER: Order! The member for Gilles has the floor, and no other member.

The Hon. J.W. SLATER: That is the sort of argument that members opposite are peddling in the community. It will be illegal to use marijuana for private purposes, and any person who does will be fined by way of an expiation fee up to $150 which, in many cases, is more than the courts impose as penalty at the present time. Likewise, smoking the substance in public will be illegal with a fine of up to $500 and a criminal conviction. So, both for private and for public purposes it is illegal—and it has not been decriminalised.

Members interjecting:

The Hon. J.W. SLATER: I know that the member for Goyder is not regarded as a challenge to Albert Einstein, and I think we are all aware of that. As a matter of fact, I

understand he is taking a course at present which will probably raise his IQ to double figures. Anyway, the Government has taken the right step as far as I am concerned, and section 8 is only a very small part of the Government's overall offensive in regard to drugs. I—and every member on this side of the House—am opposed to the drug scene, and we are taking what steps we believe are in the best interests of the public. As I said, despite all the moralising by the Opposition and members of the media, they are completely wrong. This problem is the greatest one we have in modern society, and ought to be recognised, and I strongly oppose the Leader of the Opposition's private member's Bill.

Mr S.G. EVANS (Davenport): I support the Bill. Some people were amazed when I stepped aside. I did it with my own Bill because this matter is so important and the law the Government introduced is so foolish that I thought there was a greater opportunity for recognition by the public from a leader of a major group than from me as an individual, and that is something to admit. I congratulate the Leader on the way he has moved it and I am glad of the support he has received from the public.

I want to refer to the matter of pairs, although I do not want to waste time. Anyone who argues that there are no pairs available knows that is a falsehood. Even though the member for Gilles was overseas, the arrangement in this place is and always has been that there are no pairs on conscience issues unless individuals arrange it themselves. There are none given across the Chamber, never have been nor should there be.

The idea of pairs is to save Government legislation or to save the Government from falling—no other reason. What the member for Gilles inferred he knows is not accurate, and everyone in this place should know that by now. If they do not, they should know in the future. The member for Semaphore said once that this is the next war we are fighting. All that clause 8 does is provide ammunition to the enemy, and it is the only law I know which has been introduced into any Parliament in the world where a person can buy a non conviction.

That is what happens. It is not an expiation fee: it is buying a non conviction. The other thing I want to tell the House is that a young man who just applied for a job at the casino went through all the training and the scrutiny until it got down to one offence he had in this world, and that was smoking marijuana. He was rejected this week. He was rejected because, in the opinion of those who made the decision—including the Licensing Court—he may have connections with a criminal element.

Hundreds of people in the community could have connections with a criminal element: they may have been caught by the police but are let off after saying, 'I'm carrying 100 grams for my personal use'—it might be worth $1 000—'but I'm not going to push it.' That is all they have to say, and they can get away with it. We could have people becoming justices of the peace who may have committed untold numbers of real offences but have never been found guilty or received a conviction, because they have bought a non conviction. That is what it really means.

A justice of the peace could in future be a person who to all intents and purposes was just carrying the substance but in fact was trading it: that person has been caught carrying it but gets out of it by saying, 'It's less than 100 grams for my personal use.' Such people could end up sitting on the bench to judge others. They could even have connections in the criminal world, or be selling it for the big bosses—on the other end of the line—but because the police cannot pin a conviction on them, they are free, for example, even to sit on a jury and pass judgment on people brought before the court, and they are in a position of being blackmailed, having been involved before and others knowing something about them.

Let us look briefly at the police situation. A police officer grabs a person who has less than 100 grams and says, 'That's marijuana.' The person says, 'Prove it.' The police can only report it as vegetable matter and have to go and get it tested before they can prosecute that person. What will they do about the expiation fee? Will they say, 'Sit down there while we race away for two days, get it tested and prove that it is marijuana'? They cannot charge the expiation fee until they prove that it is marijuana. How can it be an expiation fee on the spot?

Other members want to speak on this matter, and I do not want to take up a lot of time. However, it is important to remember the casino incident in which a young man was refused entry because of possible criminal connections from handling marijuana previously. He has been isolated—he could not get into the casino. In the future there could be many in there who have connections with the criminal element who want to launder money. Is there a better place to launder money than in a casino? We all know that there is not. That is the sort of law that we are putting through now. I hope that the Government sees the error of its ways and never implements the provisions of clause 8. If it does, I hope it has the courage to do so while Parliament is sitting, on the few occasions that it does sit. I support the Bill.

Mr INGERSON (Bragg): One does not have to be a Rhodes scholar to realise that the marijuana debate has blown up in the Government's face. The Premier is now trying to persuade the electorate that there was never any suggestion that he would decriminalise marijuana, but the public will not be conned. Let us study the background. Fact: Health Minister John Cornwall, surely the most embarrassing figure that the Premier has had to suffer, suggested back in 1983 that marijuana should be legalised. He put forward a motion to that effect at the ALP State Convention and it won overwhelming support. Cornwall wanted it legalised then: he wants it legalised now. Look at how he tried to bring this about.

Fact: Before 1984, the maximum penalty for possession or use was $2 000 or two years imprisonment. His Controlled Substances Act in 1984 reduced the maximum fine to a ridiculous $500 and dropped the prison term altogether. What is the next step—on-the-spot fines, then no fines at all?

This con job must be seen for what it is before it is too late. It is easy to see how the Bannon ALP Government made this almighty blunder. They thought they would win votes by punishing more severely the Mr Bigs, the traffickers, in accordance with the national drug offensive, and Bannon obviously felt he could pander to Dr Cornwall's whims and grab a few extra votes at the same time by having a bit each way—punish the traffickers but soften up considerably on the users.

That should win votes! How wrong he was. Obviously, members of the public are better informed than the Government. They know the dangers of marijuana and all the social consequences of its continued use. One hundred grams of marijuana for personal use attracts a fine of $150. That does not sound much, nor does 100 grams. The fine is only $150. So, 100 grams of marijuana cannot be worth much: say, $200, $500 or even $1 000 dollars! Try doubling that and she is still wrong! One hundred grams of marijuana is worth about $3 000.

So, the Premier is saying that somehow the police have to decide whether a person possessing $3 000 worth of marijuana is trafficking in the stuff or just keeping his or her personal stock. How can anyone believe $3 000 worth of marijuana is for someone's personal use? The Bannon-Cornwall Government cannot have its cake and eat it. This legislation for on-the-spot fines must be stopped, as it is just another step towards legalising pot, a fact that I, as a qualified chemist and shadow Minister of Transport, find abhorrent. Have we not enough problems on our roads without adding another killer?

'The use of cannabis creates a very serious hazard to the motoring public.' Those are not my words, athough they could easily have been: they are the words of a Tasmanian coroner, holding the inquest, on 3 February this year, into the death of two motorcyclists. The University of Tasmania's expert on drug effects (Dr Parsons) stated that in this case the amount of cannabis in their bloodstreams would have been equal to sharing just one marijuana cigarette within 1½ hours of the time they lost control on the roads. Not 100 grams—just one shared joint and they were dead! Do the Premier and the Minister of Health want this sort of responsibility on their shoulders?

Dr Gabriel Nahas, in the July 1986 editorial of the *Medical Journal*, stated that driving skills and performance are impaired by marijuana use. Dr B.J. Earp of Terrigal, at the Network of Alcohol and Drug Agencies Conference, said that numerous laboratory trials and studies of accident situations and victims had shown that marijuana impaired driving skills and led to more accidents. The Australian Royal Commission of Inquiry into Drugs showed that drivers slowed down in their reactions considerably. Also in the article to which I have referred, Dr Nahas states that marijuana is not twice or three times as addictive as alcohol, but fives times as addictive. Yet the Minister talks about a harmless little experiment.

Recently, he said on radio that our children would only be experimenting with this drug in any case. What I have indicated shoots down the arguments that marijuana is not as bad as alcohol. Marijuana is five times as addictive as alcohol. Dr Cornwall would like to see huge fines for smoking normal cigarettes in taxis. How hyprocritical! Is he not aware that smoking pot is 18 times more dangerous to the airway passages than smoking cigarette tobacco?

Dr Cornwall wants marijuana legalised, and on-the-spot fines are just a stepping stone to that end. Yet he is playing right into the hands of the pushers. Why? Because only 1 per cent of people who have never tried marijuana go onto harder, more dangerous drugs. Hardly anyone goes straight into hard drugs. Yet 28 per cent of people who smoke marijuana daily do go onto hard drugs. How timely that channel 9 showed the thought-provoking American documentary '48 Hours on Crack Street'. Anyone who saw it would have been staggered at the use and abuse of drugs.

No-one in his right mind would condone the decriminalisation of marijuana after seeing that program, because only 1 per cent of people who have never tried marijuana go onto hard drugs. This program highlighted the ease with which one can move from so-called soft drugs to harder drugs—and eventually death.

I implore the Government to change its tack. I would applaud it if it risked losing face rather than lives. It is so easy to spike marijuana, although I will refrain from becoming unnecessarily technical, but it is easy to increase the addictive ingredients to ensure that people move to harder drugs. I have mentioned before in this place the dangers of pregnant women having deformed babies, the short term memory loss and slowness of learning, and adverse effects on heart functions. These are but a few dangers. Some may say there is not sufficient long-term research. Is that not the way we felt about thalidomide? Is that not the same way we felt about cigarette smoking some 20 years ago? I do not need to remind members of those two drug problems: if in doubt—throw it out!

Let not the member for Hartley say the Bill is dealing only with offenders in another way. We have missed the point of this debate. The public of South Australia knows what the debate is all about. Let us stop this madness for the sake of the youth of today—our decision makers of tomorrow. We must support this legislation. Members of the Government must rethink for the good of South Australia and vote with their conscience.

Mr OLSEN (Leader of the Opposition): For the reasons that have been advanced in this debate, more particularly from this side of the House, I appeal to members to pass this Bill at both the second and third reading stages so that it might advance to the Legislative Council.

Embodied in the legislation before the House are the views of the majority of South Australians. The majority of South Australians are opposed to the Government move to go soft as it relates to the personal use of marijuana—to equate it to the equivalent of a parking offence in the community. As adults, and as politicians, we ought to be setting the example for the rest of the community. Clearly, this legislation sets the wrong example for young South Australians and future South Australians.

Much has been made by the Government of the increased penalties relating to the Controlled Substances Bill. Increased penalties relating to drug trafficking is something the Liberal Party agrees with, and consistently agrees with, to the extent that in the Legislative Council it was the Liberal Party that increased the penalties—the Liberal Party that took that action—which clearly indicates our determination to tackle the drug trade in South Australia and apply appropriate penalties. However, we will not be party to taking a soft line as it relates to marijuana use within the community; we will not be party to turning our backs on the drug summit last year where there was a clear commitment given by the Premier, on behalf of South Australians, that we would not relax the laws relating to marijuana use within the community. That has been done. The Liberal Party will stand firm, determined to ensure that we uphold the agreement reached at the drug summit, that we uphold standards within the community as an example for young and future generations of South Australians.

The move by the Government is something that we seek to revoke so that we re-establish some standards upon which future South Australians can base their lifestyle, not give encouragement for downgrading our attitude relating to drug abuse and misuse within the community. I commend the Bill to the House.

The House divided on the second reading:

Ayes (21)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, De Laine, Eastick, M.J. Evans, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen (teller), Oswald, Peterson, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs Blevins, Crafter, Duigan, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Robertson, Slater, and Tyler.

Pair—Ayes—Messrs L.M.F. Arnold and McRae. Noes—Messrs Bannon and Rann.

The SPEAKER: Order! There are 21 Ayes and 21 Noes. The casting vote of the Chair will be required. This measure being, in effect, the reconsideration of a question previously decided, and the Chair being free to exercise a personal conscience vote and to support the *status quo*, I cast my vote with the Noes. The question is not agreed to.

Second reading thus negatived.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order.

HOUSING LOAN INTEREST RATES

Adjourned debate on motion of Mr Becker:

That this House condemns the Federal Government for its incompetence in failing to take appropriate action to reduce housing loan interest rates.

(Continued from 6 November. Page 1927.)

Mr S.G. EVANS (Davenport): What has occurred this afternoon is a first. We now go back to Orders of the Day: Other Business No. 5, which I will talk to, after Orders of the Day: Other Business No. 10. The Government, for the first time, took the business out of the hands of private members.

The SPEAKER: Order! Is the member for Davenport speaking to his motion, or what?

Mr S.G. EVANS: It is not my motion, it is another member's. I will now speak about housing interest rates. This country is facing high interest rates because we have an arrogant Federal Government that does not consider the average individual trying to pay off a home with high interest rates. We have a Federal Government which does not concern itself about how those on low incomes who cannot qualify for Housing Commission or Housing Trust houses in Australia have to try to buy their own home at exorbitant interest rates. That arrogance, displayed by the Federal Government, we have also seen displayed by State Government, as I said, when it takes private members' business out of the hands of individuals. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 1 to 2 p.m.*]

PETITION: CENTRAL STANDARD TIME

A petition signed by 308 residents of South Australia praying that the House support the retention of Central Standard Time was presented by Mr Gunn.

Petition received.

QUESTION TIME

AMERICA'S CUP

Mr OLSEN: Will the Premier say whether he has the right to approve or veto the sale of the America's Cup yacht, *South Australia* and, if so, can he say whether the yacht has been sold, to whom, for what price, and whether he considers that price to be satisfactory? As the Premier conceded in this House on 4 November, *South Australia's* participation in the America's Cup has had bipartisan support. At the same time, recognising this Parliament's responsibility to hold the Government accountable for the use of taxpayers' money, the Opposition has previously sought details of the Government's financial involvement in this venture.

A report in this morning's *Advertiser* quotes the Premier confirming that the yacht has been sold. However, subsequently on the Jeremy Cordeaux Show this morning the Premier said that there had been no sale and that there could not be until he had seen and approved the proposal. This confusion is surprising, to say the least, in view of the fact that the Government has several representatives on the syndicate board who, it is assumed, have kept the Premier fully briefed on developments. I ask the Premier to clear up the confusion by providing precise answers to the questions that I have asked.

The Hon. J.C. BANNON: The only confusion is that which, in trying to have a bob each way, the Opposition has created in its reaction to the statements that have been made and the decision about the future of the yacht. To answer the Leader of the Opposition's question: the Government's approval will be necessary for any contract of sale of the yacht to be approved. Under the agreement, in advancing loan moneys to the syndicate back in 1984, one reason why this support for the syndicate was in the form of a loan rather than a grant was to preserve our rights to either a share of any profits that might arise if in fact the yacht proved to be profitable in terms of its success or, alternatively, in order to secure our rights to assets at such time as the challenge was wound up. At this stage I have not had any formal notification either that a sale has in fact been concluded or that the terms and conditions under which such a sale can take place have been concluded. A negotiation is continuing on those details, which will finalise the price, the extent to which there will be support for the yacht to continue further in the series, and a number of other matters. That will be presented to the Government, and we can then say either 'Yea' or 'Nay'.

I would expect to approve such a transaction, as it has always been contemplated that the yacht would be sold, and indeed without this possible transaction being concluded the yacht in fact would have terminated its sailing as of yesterday. That was the decision that the syndicate had taken, and it is one in which the Government would have concurred. So I think that to the extent that it is going to be sailing on through December under some new financial arrangement should be welcomed.

It will certainly add to the promotional value that the State already has had from that enterprise. Whilst I am on that topic, I think it is very interesting to see the way in which members of the Opposition have dealt with this matter over the past few days—perhaps weeks—when it has been apparent that *South Australia* will not be the defending yacht in the Australian challenge and that serious decisions had to be taken about the future of the yacht.

I first make clear the basis on which we supported this from the beginning. It was done in a context when we were looking for ways and means to lift the image of this State and to provide it with promotional opportunities and to get those promotional opportunities at value for money. There was the fact that the lacklustre Tonkin Government, to use a shipping metaphor, had run us aground. What had happened to South Australia? Where was it? Why was not anything going on there? Those were the sorts of comments that I received from interstate. The standard question from overseas was: 'Exactly where is South Australia?' A group of entrepreneurs who are active in the community and dedicated to South Australia—

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

The Hon. J.C. BANNON: —approached the Government and asked, 'Will you back us in mounting a challenge in the America's Cup, using this as a promotion vehicle for our State and giving us some kind of presence nationally and internationally?' Naturally, I did, because I say now—and I will say in the future as I have said in the past—that anybody in this State who is prepared to get off their backside and to work for South Australia with vigour and energy, and who has entrepreneurial ideas, will get my support and that of my Government. Anybody who wants to cringe in the corner and whinge about the state of affairs and who wants to ensure that no risks are taken whatsoever (as is the case with the Opposition in this State) will not get our support. That is the way it is and that is the way it will be. All of that involves risk.

In that context, if one is seeking a biblical analogy, I suggest that those members so inclined should go back and study the parable of the talents, because that is the sort of principle on which this Government will operate. Every now and again we get these opportunities, and every now and again propositions are presented to us, some of which are acceptable, and some are so risky that the Government, quite clearly, should not be involved in them. Others represent feasible schemes by which the State can get value for money. The yacht proposal was just such a scheme, and I suggest that people who pick up their morning paper and read the headline, 'Come clean over yacht sale, Olsen demands' (because he wants details; he wants to know what is happening—the usual sort of approach) would be very surprised to know that, when he was calling us all to come clean and pointing the finger at all concerned about what was happening with the performance of the yacht, the Leader sent a telegram under his own name to the skipper and crew of the *South Australia* yacht which states:

Congratulations on yesterday's victory. All best wishes for continuing participation in the Cup. John Olsen, Liberal Leader.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: If that is not speaking with a forked tongue—

Members interjecting:

The SPEAKER: Order! The honourable Premier will resume his seat. I call the Leader of the Opposition to order for the second time today. The Leader of the Opposition was called to order immediately prior to the luncheon break.

The Hon. J.C. BANNON: If that is not speaking with a forked tongue, I would like to know what is. For consumption in certain quarters they are all behind it and very supportive but, in other quarters, when it is expedient to do so and when it looks as though we will not go as well as hoped, it all changes.

An honourable member interjecting:

The Hon. J.C. BANNON: You will be surprised about the next point I will make. I wonder whether the Leader of the Opposition, when he and his colleagues in the shadow Cabinet were spending a day on the *Magna*, the yacht tender, enjoying the syndicate's hospitality and watching *South Australia* race in South Australian waters a little while ago, when making a speech and presenting the crew with a Jubilee flag, telling them what sort of a job that they should do, asked them to come clean then as he now so expediently does. No way! I would like members to read the telegram and to consider the 'Come clean' headline. I would like them to ask what sort of person we are dealing with in this case.

Let me conclude on this point. On the front page of the national daily, the *Australian*, which is circulated in all cities and is widely read by business and other decision leaders in the community, there was the sort of headline—not the 'come clean' nonsense of the Opposition—of which I am proud: it stated 'Battler stuns Bond's flagship'. The battler is *South Australia*. We will battle on in whatever context and we will stun any of those in the Eastern States or overseas who try to take us on.

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition, and I remind him what that can entail. The honourable Premier.

The Hon. J.C. BANNON: I believe that every member of the community, in business and in Government, has a duty and a responsibility to battle for South Australia and to take risks. Sometimes the risk comes off and is repaid more than handsomely. We no longer hear carping about the Grand Prix, but we still hear about the ASER project, and the people concerned will continue until it is open.

Mr LEWIS: I rise on a point of order. I had always understood it was your interpretation of Standing Orders, Mr Speaker, that no member, including Ministers, should comment in explanation to a question or in reply. In this case the question to the Premier was whether or not the boat has been sold, not whether or not the Opposition supports the efforts of the crew in sailing it. The Premier's answer is about whether the Opposition supports the crew, not about whether he sold the boat.

The SPEAKER: I will not accept that point of order, but I will refer the honourable member to the statement I made earlier in the parliamentary session on lengthy questions and replies.

The Hon. J.C. BANNON: I do not need to waste much more time on the Opposition, Mr Speaker. I might add that it is very interesting to hear the member for Murray-Mallee calling foul in this context after the sort of thing members on this side are subjected to from him on other occasions. Let me conclude by saying that we in this State must take risks if our children are to have any future and are to see preserved the lifestyle that we value. A lot of life is about risk taking, not cringing in the corner, whingeing and complaining, as the Opposition does.

Members interjecting:

The SPEAKER: Order! I call the House to order.

SQUID FISHERY

Mr De LAINE: Will the Minister of Fisheries say what is the likely effect on South Australian fishermen of the Federal Government's decision to allow South Korean fishermen to take squid in waters adjacent to South Australia? The Federal Minister for Primary Industry, Mr Kerin, announced recently that this season 10 South Korean squid fishing vessels will be allowed to fish off South Australia, Victoria and Tasmania, within Australian waters.

The Hon. M.K. MAYES: I thank the honourable member for his question. I am sure that he is not the only one who is interested in what is happening in relation to squid fishing in the waters off our coast. As the honourable member is probably aware (and as I am sure other members are aware), there is an agreement between the Australian Government and the South Korean Government on the squid fishing program being conducted. There has been considerable negotiation and discussion between all the respective interest groups, including State fisheries authorities, the Australian Fisheries Service and the commercial fisheries interests in those areas, and as a consequence an agreement was drawn up which is now in its third year of operation and which has provided a restricted access for South Korean fishermen in the squid fishery. The agreement is very clear and very precise as to what they can do.

There is no problem with regard to gear conflict with the commercial fishermen who conduct their fishing enterprises in those waters. The agreement for the use of restricted areas off South Australia's coast is well and truly contained within that arrangement, and a quota applies on the quantity of squid that can be taken by the South Korean vessels. I can assure the honourable member that there is no threat to our squid stocks and, in fact, there would be very little impact on our fishery. There is a negotiated agreement between the Australian and the South Korean Governments in which all interested parties participated.

AMERICA'S CUP

The Hon. E.R. GOLDSWORTHY: My question is to the Premier. What is the total amount of money lent by the State Government to the South Australian America's Cup syndicate, what rate of interest is being charged, has any amount of the principal or interest been repaid, and what prospects are there for recovery of the full amount owed? The Premier has explained to us today that we are in the business of taking risks but, of course, in taking those risks it is necessary that we minimise them and know the terms of the deal, and that is what my question is about.

When he announced the State Government's involvement in the syndicate on 16 March 1984, the Premier said the interest bearing loan would be for a maximum of $1 million. However, for reasons which have not so far been explained to the Parliament, this was subsequently increased, and the Auditor-General's latest report reveals that, at the end of last financial year, loans outstanding amounted to $1.36 million. At commercial rates of interest, this would be a debt now of about $1.8 million. The Premier said in this House on 4 November that the yacht was one item of security for the loan. As the yacht is to be sold, it appears that the Government's prospects of being repaid the loan have considerably diminished. In view of the Premier's earlier answer that we are in the business of taking risks with the public's money, I think that the public would be very interested in his answer to this question.

The Hon. J.C. BANNON: In March 1984 Cabinet approved a loan of $1 million to the South Australian America's Cup syndicate with provision for a further $500 000, which would be provided when more definite cash projections were available: it could be taken up at some stage later in the course of the challenge. There were a number of conditions attached to that loan, one being that a sponsorship effort, which would see at least $2 raised from sponsors for every $1 of the Government proportion, should be achieved by the syndicate.

In fact, they well exceeded that target, as we know. Other conditions included naming rights of the yacht, representation on the board, involvement in selection and appointment of chairman, commitments for races between *South Australia* and *Australia II* in South Australia—which took place and which some 100 000 or so people viewed, and which got international television publicity (and memories are short if members opposite forget the value of that particular promotion)—and various more minor matters.

That loan was provided on the basis that interest at a rate to be determined would be added to it. Let me point out that the mechanism of the loan was used—as was explained at the time—to enable us to secure the assets of the syndicate and ensure that, if the boat achieved the success we all hoped and worked for in the course of the challenge, the Government would share in those proceeds; it would participate in the benefits and not simply see its money used as part of the syndicate's ongoing expenses. That was the basis on which the loan was provided. It was also a means of securing the Government's rights, on winding up of the syndicate, to the residual amounts that were available, and that in fact is the calculation going on at this moment.

Of course, there was risk involved in such a loan: there would have to be. The Government was approached in 1985 with a request for further support of the order of $600 000 to $1 million. I point out, incidentally, that the Auditor-General has acted as the honorary auditor of the syndicate, which I suggest guarantees that the syndicate's accounts are kept pretty impeccably. At that stage the syndicate had identified two items, sales tax and customs duty, which it had not anticipated paying, because these were paid to the Federal Government. It was thought that, in view of the America's Cup defence support, these items would not be payable. It was required to pay them, and that is an amount of $627 000 which was simply not at that stage accounted for.

The Government did not at that stage agree to provide additional funds. It sent the syndicate back to its sponsors and also said that we required satisfaction that they had taken all steps possible to reduce their expenses before further funds were provided. In February 1986, in response to those figures and to evidence of extra sponsorship support, a further $400 000 was provided for the syndicate. So, the total is therefore $1.4 million. How much we will get back in terms of the residual assets of the boat depends on so many factors that it cannot be calculated at this moment. A best guesstimate at this stage would be about $200 000. The Government must then consider how to treat the residual amount of the original loan, whether by conversion or some other means.

WEST LAKES BOULEVARD

Mr HAMILTON: Will the Minister of Transport clear up the confusion existing in my electorate concerning the proposed extension of West Lakes Boulevard? I understand that, since 1968, my constituents in West Lakes have been promised the proposed extension of the boulevard, and earlier this year the Minister was kind enough to give the House information on the proposed extension. Information abroad in my electorate now indicates that this extension is planned to commence in February or March, contrary to the information that was provided for me previously. Moreover, further information provided for me indicates that this extension will be completed by December 1987. That information has been given to me by people in the local council and I would appreciate the Minister's clarifying this matter so that I can advise my constituents accordingly, as there is considerable interest in the program for the laying of water mains, the relocation of ETSA poles, and the proposed alignment of the boulevard.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I am the first to acknowledge that his constituents have been waiting some time for the promised extension of the boulevard. Earlier in this session, I advised the honourable member and the House that no funds had been provided in this year's budget to do that work, and that is still the case. However, plans are nearing completion for construction purposes and these should be available in the next couple of weeks. Anyone wishing to view those plans could do so at the Highways Department, and I expect a copy to be made available to the local council. I will ensure that a copy is made available to the local member so that his constituents can view them.

Before roadworks can start, it is necessary to relocate services, and the honourable member alluded to that. I refer essentially to ETSA services, and the Highways Department will have to undertake drainage work. This is normally the responsibility of the local council, but the Highways Department currently is speaking to the council to see whether the department can do that work and have it completed in March or April 1987. I expect that that is the construction work to which the honourable member's constituents and the council are alluding. However, we should be ready to start work on this extension early in the new financial year. In fact, if there is no slowing down on those projects that are currently under way and no deferment of work, we should be able to start work on the boulevard somewhat earlier than that, but the best estimate that I can give the honourable member is that work will commence early in the 1987-88 financial year and the completion date that he has mentioned may be close to the mark. I will get further information for him on this matter and I will have him provided with a full detailed report from the department.

AMERICA'S CUP

Mr INGERSON: Will the Premier reveal the conditions of the contract between the State Government and the South Australian America's Cup syndicate for the repayment of any outstanding Government loan to the syndicate and will he say whether those conditions allow any loan to be converted to a grant?

The Hon. J.C. BANNON: I have just answered that question from the Deputy Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! The honourable member for Mawson has the floor.

HEALTH TESTS IN SCHOOLS

Ms LENEHAN: Will the Minister of Education ensure that when schoolchildren undergo health tests in schools all children are tested for long-sightedness? I have recently been approached by a constituent whose two children, aged 13 and 10, have experienced learning difficulties over the last eight years. The younger of her children suffers from long-sightedness and I am told that he was tested at school and that his parents were told that he did not need glasses. I understand that schools do not test for long-sightedness, and my constituent has stated:

Although it is too late for my son, why can't schools be instructed to test for long-sightedness?

The Hon. G.J. CRAFTER: I thank the honourable member for her question. Obviously the matter of sight is important and indeed quite vital for students in our schools. It is particularly important to identify sight problems in young children at the earliest possible time so that appropriate remedial action can be taken. I will be pleased to check with the Education Department and indeed, in consultation with the health authorities, to check whether there is some deficiency in the nature of sight examinations that are carried out on a routine basis by those medical practitioners who visit schools for these purposes.

AMERICA'S CUP

The Hon. JENNIFER CASHMORE: Will the Premier say what are the current assets and liabilities of the South Australian America's Cup syndicate? In seeking this information I assume that the Premier will be able to provide it, given his statement in the House yesterday that he had been kept up to date with developments, and the fact that the Government has two representatives on the syndicate board.

The Hon. J.C. BANNON: I have already dealt with that question in response to the Deputy Leader of the Opposition. I outlined the broad parameters and I said that these accounts were being prepared and finality had not been reached.

ENERGY RESEARCH GRANTS

Mr KLUNDER: Can the Minister of Mines and Energy provide the House with information on how South Australian energy researchers fared this year in grants made under the Commonwealth's National Energy Research, Development and Demonstration Program? I have noted in the media that grants totalling more than $14 million were announced at the end of October but, apart from a grant to ETSA for further studies into low grade coal combustion in a test rig at Port Augusta, I have seen no other mention of South Australia. Therefore I ask the Minister to bring me and the House up to date.

The Hon. R.G. PAYNE: I thank the honourable member for his question, because it will allow me to inform the House that South Australian energy researchers have had their most successful year ever in winning grants under the National Energy Research, Development and Demonstration Program. As the honourable member observed, the grants program for 1986-87 exceeds $14 million. I am pleased to say that South Australia's share of that sum is more than $1.774 million, or 12.5 per cent.

Eight separate projects are involved and they cover such areas as petroleum resource assessment, coal combustion, geothermal energy, energy conservation in buildings and industry and transport. The largest single grant of $573 000 has been awarded to ENRECO Pty Ltd, for the development and demonstration of a 120kW engine to supply electricity to Birdsville using hot artesian water as an energy source. This project is the natural extension of research which was earlier encouraged by grants from our own State Energy Research Advisory Council which led to this later project. The earlier one resulted from the successful demonstration of a smaller plant at Mulka Station, in South Australia.

Two grants, totalling $257 000, have gone to the Department of Mines and Energy. The first is for $138 000 to support continued analysis of Cooper Basin cores and logs—an important component in making more accurate assessments of gas reserves. The other grant, involving $119 000, is for studies into the impact of demand management strategies on the South Australian electricity system. I am sure that the member who asked this question will be delighted to hear that information, in view of the report of the Public Accounts Committee on ETSA asset replacement recently tabled in this House.

Two grants, totalling almost $492 000, will benefit the Electricity Trust of South Australia. As the honourable member pointed out, the largest grant of $392 560 will enable a year-long study into brown coal flames in a large scale rig at Port Augusta's Playford Power Station. The other grant of $99 000 will enable studies to be conducted into the ignition of low volatile and low rank coals at the University of Newcastle.

A grant of $140 000 has been made to the Building Owners and Managers Association of Australia for a second

stage of research into energy budget levels for non-residential buildings. I am pleased to say that the Energy Division of the Department of Mines and Energy will be involved in that research project. Techsearch Incorporated, an arm of the South Australian Institute of Technology, has been awarded $232 000 for studies into energy conservation in rail freight operations, and the Railways of Australia Committee has been granted $80 131 for research into the aerodynamic resistance and design principles of unit train vehicles.

All in all, it has been a most successful year for South Australian researchers, and I look forward to a productive outcome from their various endeavours. It is interesting to note that the National Energy Research and Development demonstration program is now in its ninth year of operation, and from 1978 to date $160 million has been provided under those programs for energy research.

AMERICA'S CUP

The Hon. B.C. EASTICK: Will the Premier confirm that an offer of $1 million was made to the Government in recent days from the private sector to enable the yacht *South Australia* to continue competing in series C of the America's Cup trial? If so, why was this offer rejected by the State Government and the substance of the offer not even relayed to the members of the syndicate?

The Hon. J.C. BANNON: I am not aware of any such offer.

STA BUS ROUTE 541

Ms GAYLER: Will the Minister of Transport ask the State Transport Authority to clean up behaviour on one of its buses, now unfortunately known as the 'animal truck' and avoided by a number of my constituents? Last week I received a number of complaints from constituents about abusive behaviour by schoolchildren on the STA bus route 541 from the north-east suburbs to the city. In relation to a case referred to, the driver actually stopped the bus and warned the students about their behaviour, but that was followed by further abuse. I would like to congratulate the STA inspectors for the swift action that was taken on the following day in issuing—

The SPEAKER: Order! The honourable member is commenting by adding that remark to her explanation.

Ms GAYLER: That matter was followed up next day by swift action on the part of STA inspectors. I noted also an *Advertiser* report last week referring to grossly offensive behaviour, including sexual offences, on the buses. The bus, labelled by my constituents as the 'animal truck', leaves Grenfell Street at 3.53 p.m. and is now being systematically avoided by adults, including shoppers, because of loutish behaviour in the queue and on the bus.

The Hon. G.F. KENEALLY: I thank the honourable member for her question. I saw the report in the *Advertiser*, and I have asked the STA to investigate the allegations that have been made. The STA has told me that the incidents, as described, of the unacceptable behaviour were grossly overstated and that the information on the behavioural issues was not sourced from the State Transport Authority. Those members who read the article would have noted that it was claimed that advice had been received from the STA. However, the statistics published about the issue of notices under TINS was accurate and was provided by the authority.

The Government and the STA are very concerned about the level of unacceptable behaviour on buses and trains. For this reason we established a transit squad, which contains members of the Police Force and STA constables, so that they can react very quickly to incidents of this nature. The overwhelming majority of incidents that occur on the public transport system are caused by young people, and that was the reason why we recently changed the legislation to allow TINS notices to apply to these people.

The STA will do what it can to clean up any problem areas. I think it is very unfortunate that behaviour of the nature outlined by the honourable member would cause customers to change their decision about the bus service that they catch from the city to home, or from home to the city, and that is certainly something that needs to be looked at. We are aware that, at times, there is unacceptable behaviour in the queues, and we are working towards stopping that. I cannot avoid making a comment in response to a claim that other spokesmen reported girls going to the driver at the front of the bus and lifting up their dresses to show that they had nothing on underneath. My view is that that was not the purpose of the exercise; it would have been for some other reason.

PROSTITUTION BILL

Mr D.S. BAKER: Will the Premier confirm that the Labor Caucus held a special meeting yesterday to consider amendments from the Hon. Carolyn Pickles to her Bill to legalise prostitution, and will he inform the House what decisions were made by Caucus and whether the Government will ensure that this Bill is voted on by the Legislative Council?

The SPEAKER: Before calling on the Premier to reply, I remind the honourable member for Victoria that displays are out of order, whether the member is displaying an object for the benefit of members in the Chamber or for the benefit of television cameras in the gallery.

The Hon. J.C. BANNON: No such meeting was held.

ROAD TOLL

Mr TYLER: Does the Minister of Transport expect that the South Australian road toll for this calendar year will finish 20 per cent above that of last year? In an article in last Sunday's *Sunday Mail* by Randall Ashbourne headed 'Government blasted on road toll', the Hon. Martin Cameron from another place was quoted as making several remarks on the Government's performance in the area of road safety. The article states:

> Accident statistics show that, with the busy summer holiday period still to come, this year's road toll could finish 20 per cent higher than last year's—which was 16 per cent higher than 1984.
>
> The toll this year rose to 229 yesterday with the death near Wallaroo of a youth, 17. This brought the toll to 10 more than for the same period in 1985. And, already, it is 23 deaths higher than for 1981, when breath tests began.

For the benefit of the House, I believe that the Minister should clarify whether this 20 per cent that is quoted in this article will be reached.

The Hon. G.F. KENEALLY: Once again, I thank the honourable member for his question. I am always pleased when members of Parliament indicate to the press their concern about road safety. I welcome any constructive statement that will get media play, but I do not believe that the

road accident rate should be subject to political point scoring or misquoting of statistics. If members listened to the honourable member's question, they would have noted that the accident rate this year, 10 above what it was last year when this statement was made, is in fact somewhat less than 5 per cent greater than it was last year, so I do not know how the Hon. Mr Cameron could adduce from that that we are heading for an increase of 20 per cent this year, particularly when one realises that the last two months of last year was a very bad period in terms of fatalities—probably the worst two months since we have been keeping statistics.

It is more than possible that at the end of this year the number of road fatalities will be a line ball with the number last year. That may not be so, but it is possible: at this stage that is in the lap of the gods. I want to make absolutely clear that in the Government's view any road fatality is one too many. We take no consolation from the statistics at all. No statistics that indicate fatalities are acceptable to the Government or, I believe, to the Opposition.

The Hon. Mr Cameron referred to other matters, one being the fact that the fatality rate is already 23 more than for 1981. However, he did not say that the rate is the same as for 1982 and significantly less than for 1983. There is really no point in selectively quoting figures to try to make political mileage. If we are to talk about road accidents, we should be brutally honest and say that the number is too high. We accept that. The community should not be given false information.

The Hon. Mr Cameron made two points that require clarification. First, he asked about the effectiveness of the Grand Prix driver road safety campaigns. We are very thankful for the assistance we received from a number of Grand Prix drivers, and there has been significant media play of those advertisements. In fact, only yesterday I was informed that the advertisements were still being shown on television, and that is good. From the first week in December we will be starting our normal Christmas drink-driving campaign, which we hope will deter drink-driving.

More particularly, the Hon. Mr Cameron referred to RBTs and the report of the select committee. The member for Bragg has questions on notice about those matters. Very shortly I hope to be in a position, with the Minister of Emergency Services, to announce a significant increase in the random breath testing capacity of the Police Force, with all the supports that the select committee recommended. Hopefully, my colleague and I will be in a position to announce that increase within the next few weeks.

DIRECTOR OF RECREATION AND SPORT

Mr GUNN: Will the Minister of Recreation and Sport explain precisely why the position of the Director of the Department of Recreation and Sport is under review and what specific things the department has done which have made the Minister unhappy? I refer to a report in the *News* of 7 November about a dispute between the Minister and the head of his department, Mr Graham Thompson. The Minister is quoted in the report as saying he was 'unhappy with some things which have happened over the years'. This report has prompted speculation in sporting circles that Mr Thompson either has been asked to resign or will be dismissed, and I ask the Minister to clarify the situation.

The Hon. M.K. MAYES: Discussions are taking place between the Premier, the Commissioner for Public Employment (Mr Strickland), the Director of Recreation and Sport and myself regarding this matter. At the appropriate time the House will be fully informed of the situation.

CROWN LAND

Mr ROBERTSON: I ask the Minister for Environment and Planning how much undedicated Crown land has been rededicated as national parks, conservation parks and recreation reserves in the past four years and how much Crown land remains undedicated. It has been said that, when the Bannon Government came to power four years ago, large amounts of undedicated Crown land abutted existing national parks. It has been pointed out to me that many of those areas had high conservation value: they preserved a number of rare and threatened species; they provided a biological reserve which contained invaluable genetic material; and they provided genetic and other recreational values.

By illustration, I point to a book launched last Friday afternoon at the Conservation Centre, entitled *Threatened Plants of Kangaroo Island and the Mount Lofty Ranges,* by Rick Davies and Lois Padgham, in which it is revealed that 16 plant species in the Mount Lofty Ranges and on Kangaroo Island are, in fact, threatened, and 14 others require additional research. In light of that, I ask how much of this undedicated Crown land has been added to the reserve system.

The Hon. D.J. HOPGOOD: I cannot give the honourable member an exact figure, but I can indicate the areas that have received this treatment. The unallotted Crown lands in South Australia, following the two large land grants to Aboriginal inhabitants of this State, now encompass the area immediately to the south of the Simpson Desert National Park; they encompass the area between the western boundary of the pastoral lands and the eastern boundary of the Yalata and Pitjantjatjara lands, including what we might regard as the easterly extension of the Nullarbor Plain.

They included the Tirari Desert on the eastern side of Lake Eyre, and they include a couple of fairly large parcels of land in the general Frome-Callabonna area in the north-east. The only area which has actually come under dedication, from memory, is the Tirari Desert, which has been incorporated with the bed of Lake Eyre and the adjoining Elliott Price Conservation Reserve as a national park.

As the honourable member would know, there have been several other areas in the arid or semi-arid areas of the State which have gone under national parks reserve in recent times. One is the Mount Springs area, which was a pastoral lease rather than unallotted Crown lands, and there is the area between what was the eastern boundary of the Gammon Range National Park and Lake Frome but that, as I recall, was the subject of a lease which I think was actually held in the name of the Minister for Environment and Planning.

Those areas which I have identified are suitable for further reservation under the National Parks and Wildlife Service or, as my colleague the Minister of Lands would be able to indicate, could also be designated as arid lands reserves under the legislation which is committed to him. Any reservation under the National Parks and Wildlife Service would be subject, of course, to standard Government policy now: that, where there is a reservation in a minerals or hydrocarbon prospective area, there should be a joint declaration to preserve the right to continue to explore for hydrocarbons or minerals in those areas.

So, the Government is considering the future of these areas. In doing so, of course, my department is in close consultation with the Department of Mines and Energy and the Department of Lands, for the reasons I have already indicated. Our concern is that the controls in these areas, whatever their ultimate designation, should be such as to ensure that there is no expansion of pastoral activities into

these areas, because we believe that they are unsuitable for that form of exploitation. Secondly, there should be sufficient controls over the vandalism which almost inevitably comes as a result of casual tourism in these areas. Either such human activity can produce a degradation of what is a very fragile environment, and we are concerned to ensure that that is controlled as much as possible. Apart from the Tirari Desert, all I can say is that we are still considering our options and will be consulting further before those options are closed.

STAMP DUTY

Mr OSWALD: Is the Premier aware that the State Treasury has been losing $800 000 a week over the past six months (or $42 million a year) as a direct result from the loss of stamp duties and associated transfer fees forgone in the recently revealed 29 per cent drop in property sales and transfers in South Australia which have been attributed to the Federal Labor Government's policies in the areas of negative gearing, capital gains tax, and high interest rates? Further, will the Premier tell Parliament which existing taxes and charges will have to be increased, or whether the Government intends to create a new tax, to cover this unbudgeted $42 million deficit which has been foisted upon South Australia by the actions of the Hawke Government in Canberra?

At page 19 of the September 1986 bulletin published by the Real Estate Institute, a table, headed 'Memorandum to the Hon. the Attorney-General', compares the figures for the first six months of 1986 with those for the same period in 1985. The table shows that transfers have fallen by 29 per cent, mortgages by 25 per cent, discharge of mortgages by 22 per cent, total transactions by 22 per cent, and so the list goes on. Whereas 29 824 transfers were effected in the first six months of 1985, only 21 104 were effected in the corresponding period of 1986—a drop of 8 720. I am told by the institute that the all-up transfer fees payable on the transfer of the average property are $2 400. This results, according to the table, in a loss to the Treasury of $21 million over six months or $42 million over the whole year.

The Hon. J.C. BANNON: I cannot comment in detail on the figures that the honourable member has presented. Indeed, some were a little hard to follow, but I can say generally—

Members interjecting:

The SPEAKER: Order! The honourable Premier, not the honourable member for Mitcham, has the floor. The honourable Premier.

The Hon. J.C. BANNON: The facts are, as has been clearly shown, that in 1985 we had a massive property boom, and we are now going through a period where that boom has turned down, which shows in a number of economic indicators. Incidentally, this experience is being shared by other States of Australia. In terms of predicted revenue outcome, we have obviously allowed for that to the best of our ability in our predictions of revenue for the 1986-87 budget. If there are major discrepanices of the kind suggested by the honourable member, I have yet to be advised by Treasury. We have a regular system of monitoring budgets, both revenue and expenditure, and on the most recent one, which covered the quarter to September, no indication of this kind was put before me.

RIVER TORRENS PARK

Mr DUIGAN: Can the Minister for Environment and Planning assure the House that the River Torrens Linear Park scheme will be completed? This scheme is associated with the River Torrens flood mitigation scheme and with the completion of the O-Bahn bus system (in the north-eastern section of the River Torrens valley). The Minister will be aware of the concern of riverine councils following the publication of budget details when the Estimates of Payments for 1986-87 in respect of the park were not as high as had been expected. The estimated completion date for the River Torrens Linear Park scheme was originally set for 1986 but, as a result of amending legislation earlier this year, that date has been extended both legislatively and financially. On behalf of a number of people in the local government arena and members of the wider community who are anxious about the park's completion, I ask the Minister to provide the House with the assurance I have sought.

The Hon. D.J. HOPGOOD: I certainly can. The Government desires to proceed with this work although, as the honourable member indicated, from the figures in the current budget, it is not possible to meet the completion time originally laid down for the project. With the limited funds available to us we will be able to proceed with the project. We will put our priorities into the acquisition of land. Obviously it is most important that the land acquisition program proceeds because without that some of the other construction works that have to occur, in fact, could not proceed. We are in a position to undertake the construction work program at Dernancourt and Paradise this year, and to continue with construction works in the western suburbs followed eventually by all the remaining works in the eastern suburbs commencing at OG Road, Klemzig, and finishing in the Adelaide Hills.

We now believe that the realistic target date for the completion of this exercise would be December 1991. We are aware that there are those local government areas which are pretty happy because they were earlier in the program and most of the work in their bailiwicks has now been completed and, of course, others are still waiting. I guess, in a sense, that was inevitable. You cannot do a bit here and a bit there; you have to proceed on a proper planned basis. It will be my desire—and I think it is a realistic goal—to secure the appropriation of sufficient funds in future financial years so that we will be able to make the deadline I have just indicated.

BELAIR PARK

Mr S.G. EVANS: When will the Deputy Premier take action to correct the serious dangers and situations that exist at Belair Park as expressed in the pamphlet recently distributed by the union pickets? The pamphlet handed out by the union pickets at the gate of the park last weekend states:

> The National Parks and Wildlife Service is also experiencing one of its worst years with low staffing levels, lack of proper equipment and training and low morale through frustrations in trying to maintain the parks system with diminishing resources.

It further states:

> This has had a two-fold effect: one of park standards in maintenance and providing facilities; the other with insufficient manning of fire vehicles during emergencies plus search and rescue operations should mishaps occur with members of the public.
>
> The department has 60 fire tenders requiring a minimum of 200 staff to operate safely. The bottom line should a major fire occur (God forbid) this year, half the department's tenders would be left in their sheds because of lack of staff.

The pamphlet goes on to say:

> Because of shortfall in funds, training has become virtually non existent . . .

A delegation of Park Assistants to the Minister, Don Hopgood, earlier this year, raised problems experienced during two major fires last season, regarding decent radios, air support, mess and sleeping facilities, a proper command centre etc., etc. The only response so far from the Minister is: 'The training officer seconded from Housing and Construction has returned to his department and the position will not be filled.'

They went on to say that the number of officers has been reduced from 61 to 40. There are other matters raised in the pamphlet, which I believe the Minister is fully aware of, and I ask that question.

The Hon. D.J. HOPGOOD: First of all, I reject any suggestion that there has been a reduction in resources to the National Parks and Wildlife Service either in this financial year or in any financial year since I have become Minister. Honourable members opposite have the so-called yellow book available to them, as they have had at each budget time since the new system of program and performance budgeting was introduced. Let them go away and look at the figures. Those figures give the lie to that claim. In fact, I happen to be on record as saying that the increase of resources available to national parks has not proceeded as quickly as I would have preferred. However, it is a fact that there has been an increase, albeit, modest, in each budget.

An honourable member interjecting:

The Hon. D.J. HOPGOOD: I am glad that the former Minister for Environment and Planning agrees with me that there has been an increase. What the member for Davenport on the other side of the House is trying to suggest—maybe he is not, maybe he is just quoting from the pamphlet, which is suggesting that—is that there has in fact been this dramatic decrease in the staff available.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! I call the member for Heysen to order.

The Hon. D.J. HOPGOOD: It is simply not true. I warn the honourable member against drawing any conclusions from a pamphlet which is clearly so wrong and which can be demonstrated as being wrong simply by the honourable member going to his office in this place and consulting the yellow books, which spell out for all of us just exactly the resources that have been made available for national parks since this Government came to office and since I became Minister.

Members interjecting:

The Hon. D.J. HOPGOOD: Let the member for Coles do the same thing: let her go to her office and get the figures and then during the adjournment debate this afternoon she can share the figures with the whole Parliament. She can let us know exactly what the figures are for the people employed in the National Parks and Wildlife Service. There is an industrial problem which has involved certain park keepers in certain parts of the national parks system, and that is what this is all about at this stage. It is to do with the times of training people for fire and demands for overtime and other things like that. The suggestion that there has been a reduction in resources is only a smokescreen.

PERSONAL EXPLANATION: MEMBER'S REMARKS

The Hon. LYNN ARNOLD (Minister of State Development and Technology): I seek leave to make a personal explanation.

Leave granted.

The Hon. LYNN ARNOLD: This morning I understand that, in part of the debate on a motion before the House during private members' time, the member for Coles made a statement either exactly as follows or in spirit as follows: 'The Premier and the Minister of State Development got each other off the hook.' I wish to record proceedings with respect to that matter and to indicate my severe offence at that. Had I been present in the Chamber at the time, I would have called for a withdrawal of that remark.

I may say that under the terms of reference on page 160 of Erskine May I believe this to be a reflection on the motives of a member or group of members, namely, in this case, the Premier and myself. I wish to advise that I had made it known to the Whip of my Party, and that Whip had made it known to the Opposition Whip (and I have seen a piece of paper that records that, signed by the Whip of the Opposition Party), that I was required to attend Government business from 12.15 to 1 o'clock. I also wish it noted that I have advised—

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. I warn the member for Heysen, because on previous occasions I have stressed to the House the importance of personal explanations being heard in silence.

The Hon. LYNN ARNOLD: I also wish it known, Sir, that due to my Government business commitments I had known before today that I would be absent for either part or all of the remaining private members' time before Christmas this year and that in all probability, if a vote were to take place, I would not be present on that occasion, yet I wished to express a preference on that matter. For that reason, and for the reason that the Premier himself had a considered position of conscience on this matter, different from my own, he, too, wished to express a preference on this matter, and we had sought between each other to make a private pair arrangement. The alternative was not to have had that recorded in *Hansard.*

I can also advise that I had spoken to the Whip before the matter came forward and had been keen to see the matter debated and voted on before I left the Chamber, knowing that from that point on little of private members' time, if any, would see me present in this House before Christmas. The advice that I received is that it was not the wish of the Opposition to bring it on at that time. I was distressed by that course of action, because I wished to be present at the time of the vote. I believe that, given the comments that the member for Coles made about me, it represents a serious reflection upon my motivation—

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader to order. The Minister has the floor and no-one else.

The Hon. LYNN ARNOLD: —upon the motivations of the Premier, upon the motivations of the member for Playford, and upon the motivations—

Members interjecting:

The SPEAKER: Order! I again ask the Minister to resume his seat. I warn the Deputy Leader of the Opposition for persisting with action that is tantamount to defiance of the Chair in extremely important circumstances.

The Hon. LYNN ARNOLD: This matter has been one of considerable conscientious motivation on the part of all members on this side. It has been one on which we have all come to a considered viewpoint. We had hoped that the House would have respected this conscience matter, not in a political sense but in a sense of dispassionate consideration. That has not been the case for the member for Coles or other members on the other side. I have examined Erskine May, Blackmore and the Standing Orders to determine whether or not I could refer what I believe to be a serious reflection upon my motives to a privileges committee, inas-

much as I believe that my privileges as a member of this House to exercise a dispassionate conscience vote have been severely impugned or limited. I regret to say that upon an examination of those—a conscience vote not appearing in the definitions in any of those volumes—it is not possible, I believe, for me to proceed with a privileges committee on this matter. I can but call on the member for Coles to remove the imputation that she made to the Premier and myself and hope that she has the honour to so do.

The SPEAKER: In accordance with previous rulings of my predecessors, the language or terminology used by the member for Coles not being unparliamentary, I cannot order her to withdraw. I merely convey to her the request that has been put by the honourable Minister. If the member chooses not to conform—

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker—

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Well, you have a pretty thin skin, old fellow.

The SPEAKER: Order! If the Deputy Leader has a point of order he had better put it very quickly.

The Hon. E.R. GOLDSWORTHY: I sure will. All rulings in the past have been that, when a withdrawal has been sought, it had to be requested at the time; otherwise, the opportunity was lost. Have those rules changed, Mr Speaker?

The SPEAKER: To expedite the business of the House I accept the point of order.

TOBACCO PRODUCTS (LICENSING) BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to recover from consumers of tobacco products an appropriate contribution towards the State's revenues; to repeal the Business Franchise Tobacco Act 1974; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The consumption of tobacco products is a significant health hazard. The evidence is now clear that cigarette smoking and other forms of tobacco consumption will substantially increase the risk that the consumer will be affected by a variety of diseases including some cancers. The costs of these diseases is ultimately borne by the taxpayer through the hospital and health systems. The extra costs occasioned to the hospital and health systems by reason of the consumption of tobacco are considerable.

In the Government's view it is fair that consumers of tobacco products should make an appropriate contribution to State revenues to offset these increased costs. In the Government's view the source of tobacco products is irrelevant in this context. The ultimate burden on the taxpayer is not any different whether the tobacco is directly obtained from overseas, interstate or within the State.

Under the current Business Franchise (Tobacco) Act 1974 traders in tobacco products are required to be licensed and to pay fees on the bases of past sales. By this means, there is an appropriate contribution to State revenues. Furthermore, the increased cost of tobacco products have the important effect of providing a substantial inducement to consumers not to start smoking or to cease smoking.

The House will be aware that some tobacco traders have entered into artificial arrangements so as to avoid their obligations to pay tax under the current law. These arrangements have no other justification than to attempt to bring their trading within the exemptions under the current Act. These exemptions are designed to reflect the protection afforded to interstate traders by section 92 of the Constitution, which guarantees free trade between the States. In reliance upon the exemptions and upon section 92, these traders have refused to take out a State licence and are selling tobacco without paying any State fees.

The operations of these traders are having three significant effects: first, tobacco products are being sold at substantially less than the ordinary market price. This has the effect that persons, and in particular minors, can afford to purchase and consume more tobacco products. This undermines the Government's health initiatives in respect of cigarette smoking.

Secondly, the interstate traders are enjoying an unwarranted and unreasonable trading advantage over ordinary traders who are complying with the law. The interstate traders do not hold a licence and do not pay a fee. Ordinary traders are losing substantial business. Thirdly, there is a prospect of a substantial loss of revenue to the Treasury if ordinary traders are forced into similar schemes to remain competitive. Consumers will not be making the appropriate contribution to offset the increased hospital and health costs occasioned through tobacco use. The Government cannot permit these problems to continue. The current Bill is designed to overcome these problems and to ensure that tax is paid on all tobacco products that are consumed in this State.

To properly understand the Bill, it is necessary to understand the limitations upon the constitutional power of the State Parliament. Under section 90 of the Commonwealth Constitution the State cannot impose a tax upon the trade in goods where that tax is determined upon the quantity, value or other attribute of the goods. Under section 92 of the Constitution the State cannot burden interstate trade and cannot discriminate against interstate traders. Proceedings which would test the application of section 92 to the current Act would have to be determined in the High Court and would necessarily take considerable time. The Government cannot afford to await the outcome of normal judicial process because it will be local traders who suffer in the meantime. The Bill is intended to produce a uniform and consistent licensing scheme within the constitutional limitations that face the State. The Bill repeals the current Act and provides for the following:

- The licensing of tobacco traders is voluntary. This is necessary to ensure that the scheme does not discriminate against either interstate or intrastate traders.
- No licensing fee in respect of past sales is payable where a tobacco trader purchases tobacco products from another tobacco trader. For example, where a licensed trader engaged in retail sales purchases the tobacco from a licensed trader engaged in wholesale sales then the retailer does not pay a licence fee in respect of past sales.
- The licensing fee for past retail sales is increased from 25 per cent to 30 per cent. This is because it is now voluntary for wholesalers to be licensed and there is a possibility that wholesalers may not be licensed. This would result in considerably more administrative expenses in collecting licence fees from retailers. The increased rate is to reflect that increased cost.
- Where tobacco products are purchased from an unlicensed trader, the consumer is obliged to have a licence to consume those tobacco products.

- An unlicensed trader who sells tobacco products by retail is obliged to erect signs and to obtain and keep various records relating to such sales. These obligations upon the unlicensed trader are only incidental to the trade, are reasonable regulation of that trade and in some instances only apply after the trade is completed. The obligations are designed to ensure that the consumer is fully aware of the obligations cast upon the consumer, at the time the consumer purchases the tobacco products.

It can be seen that a tobacco wholesaler is under no greater obligation than a wholesaler under the current Act. Indeed, the wholesaler is under a lesser obligation because the licence is voluntary. Similarly, a licensed retailer who purchases from a licensed wholesaler is under no greater obligation than under the current Act. However, a licensed retailer who purchases from an unlicensed wholesaler will have an increased licensed fee for past sales. An unlicensed retailer will not be liable to pay any licence fee but will be obliged to erect signs and to obtain and keep certain records. A consumer who purchases from a licensed retailer will be under no greater obligation than at present. However, a consumer who purchases from an unlicensed trader will be under an obligation to hold a licence or will be subject to a civil penalty.

The Government regrets the necessity for this measure. The House will recall that I warned last month that the Government might need to act in this matter, and I expressed the hope that that warning would be sufficient to persuade those who are avoiding their obligations of our determination to ensure that such tax dodging was stopped. That hope has not been fulfilled. The Government has no wish to impose extra burdens on consumers. The Government hopes that wholesalers and retailers will take out the relevant licence, just as the vast majority of them currently do. The Government hopes that consumers will purchase only from licensed traders. If consumers do purchase only from licensed traders, they are under no greater obligation than they are at present. However, the Government cannot permit the current situation to continue. The current situation puts at risk the livelihood of hundreds of small businesses, the success of an important health initiative and the Government's budget strategy.

The Bill produces a uniform and non-discriminatory scheme designed to ensure that a tax upon tobacco products is payable and collected at some point in the chain from the wholesaler to the consumer. In these circumstances, the Government is confident that tobacco consumers and tobacco merchants will recognise the need for this legislation and will cooperate in its implementation. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

The SPEAKER: The honourable Premier has sought leave to have the remainder of his second reading explanation inserted in *Hansard* without reading it—

An honourable member: It must be embarrassing.

The SPEAKER: Order! I warn the honourable member for Murray-Mallee for contempt of the Chair.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 repeals the Business Franchise (Tobacco) Act 1974.

Clause 4 defines terms used in the Bill.

Clause 5 relates to grouping of tobacco merchants. Without a provision of this sort it would be possible for a group of tobacco merchants who were licensed to reduce or avoid licence fees. Licence fees are calculated by reference to an antecedent period. Members of a group can take turns from month to month at being the selling arm of the group with the result that each member does not sell any products during one or more months of the cycle. It is then a matter of organising the scheme so that the month which determines the amount of the licence fee for a particular member is a month in which that member had no sales.

Clause 6 provides that the Act will bind the Crown.

Clause 7 requires that a person who consumes a tobacco product must either possess a consumption licence or have purchased the product from a licensed tobacco merchant. Subclause (2) excuses those who, whilst outside the State, purchase a tobacco product and have not consumed it when they enter the State. Paragraph *(b)* excuses a person who receives the product as a gift. The definition of 'to consume' in clause 4 includes to give a tobacco product and it is therefore unnecessary to require a contribution from the donee.

Clause 8 sets out the fees for a consumption licence. The amount of the fees is based on the average consumption by consumers of tobacco products in this State.

Clause 9 provides that a tobacco merchant may hold a licence but makes it clear that he is not obliged to do so.

Clause 10 provides for restricted and unrestricted licences. The term of an unrestricted licence is one month. The term of an unrestricted licence can be extended by automatic renewals up to 12 months.

Clause 11 sets out requirements in relation to a tobacco merchant's licence.

Clause 12 prescribes the fees payable in respect of a licence. Where an applicant had not carried on business in the relevant period subclause (3) enables the Commissioner to assess the licence fee based on his estimate of the scale of the business that the merchant would have carried on during the relevant period if he had been in business. Subclause (8) provides that sales of imported tobacco products direct to consumers may be regarded as wholesale sales for the purpose of determining fees.

Clause 13 provides for the basis on which tobacco products are to be valued.

Clause 14 requires an unlicensed merchant to obtain a declaration from customers who purchase tobacco products. If the customer has a consumer's licence the declaration must be in form 1 of schedule 1. If he does not then the declaration must be in form 2 of the schedule. Subclause (3) requires the merchant to provide the Commissioner with a monthly return.

Clause 15 requires an unlicensed tobacco merchant to display a notice in his premises that he is unlicensed and stating that purchasers of tobacco products must sign a declaration and must have a consumers licence to lawfully consume tobacco products.

Clause 16 requires notification of the place at which an unlicensed merchant carries on business.

Clauses 17 and 18 are administrative provisions.

Clause 19 enables the Commissioner to review a decision.

Clause 20 provides for appeals to an appellate tribunal.

Clause 21 sets out powers of inspection.

Clause 22 provides immunity where an officer acts honestly.

Clause 23 is a secrecy provision.

Clause 24 enables the Commissioner to obtain from a tobacco merchant or his agent or employee written information relating to dealings in tobacco products.

Clause 25 provides for verification of information contained in an application, declaration or return by declaration.

Clause 26 makes it an offence to make a false or misleading statement in an application, declaration or return.

Clause 27 is a provision against holding out.

Clause 28 requires licensed wholesalers to endorse invoices with the wholesaler's licence number.

Clause 29 relates to offences under the Act. Clause 30 is an evidentiary provision. Clause 31 provides for regulations. Schedule 1 sets out the form of declarations that must be obtained by an unlicensed merchant when selling to a consumer.

Schedule 2 sets out transitional provisions.

Mr OLSEN secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

IRRIGATION ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

COUNTRY FIRES ACT AMENDMENT BILL (No. 3)

The Hon. D.J. HOPGOOD (Minister of Emergency Services) obtained leave and introduced a Bill for an Act to amend the Country Fires Act 1976. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Compensation for volunteer firefighters and their dependants for death or injury arising in the course of their volunteer activities is a matter which has been in need of reform for some time. The former Deputy Premier and Minister of Emergency Services (the Hon. Jack Wright) initiated proposals for reform which were included in proposed legislation which came before this House during the last session in the form of the Workers Rehabilitation and Compensation Bill. Unfortunately those proposals did not receive the support of the Opposition at that time and the proposals have temporarily stalled in another place. As a consequence the reform of compensation provisions relating to volunteers has been unacceptably delayed. The Government has therefore decided not to await the major reforms of the general compensation law but to improve benefits provided under the Country Fires Act. The Workers Compensation Act 1971 will also continue to apply to volunteers generally.

The Bill significantly modifies the compensation provisions of the principal Act. Under the existing provisions a volunteer's actual income cannot be taken into account when determining compensation. In a number of cases this has resulted in some financial disadvantage to injured volunteers and their families. Under the proposals included in this Bill compensation for volunteers who are employed will be determined by reference to their actual earnings. With respect to self employed or unemployed volunteers compensation will be determined by reference to notional employment in the field in which they are skilled or able to be employed. The Bill also provides a ceiling to compensation benefits consistent with provisions previously considered by this House under the Workers Rehabilitation and Compensation Bill. These changes will significantly reduce the potential for anomilies which exists under current provisions.

For the purpose of determining dependency and the extent of dependency of the spouse of a deceased firefighter the Bill excludes income derived by the spouse from partnership arrangements with the deceased to the extent that that income is attributable to the deceased's work on behalf of the partnership. The Government and the Country Fire Services Board are most anxious to have these provisions in place before the height of the fire season. I commend the Bill to the House.

Clause 1 is formal.

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

Clause 3 substitutes section 27 of the Act which deals with the obligation of the Country Fires Services Board to pay compensation in respect of injury to or death of fire control officers, fire party leaders and members of CFS fire brigades while serving in that capacity. The proposal extends this obligation to members of the public who assist in firefighting or dealing with an emergency at the request or with the approval of a person apparently in command pursuant to the principal Act at the fire or emergency. Such persons may presently receive compensation at the discretion of the trustees under the Volunteer Fire Fighters Fund Act 1949. As in the existing section the proposal provides that the Workers Compensation Act 1971 applies subject to certain qualifications. The qualifications relating to the determination of whether and to what extent a volunteer firefighter is incapacitated for work are not substantively altered.

The new section provides that the average weekly earnings of a volunteer firefighter must be determined by reference to, if the volunteer was self-employed, the rate of pay that the volunteer would have received if he or she had been doing the same work but as an employee or, if the volunteer was unemployed, the rate of pay that the volunteer would have received in employment for which he or she was reasonably fitted. Any award or industrial agreement applicable to that class or grade of employment must be taken into account. The existing section provides that average weekly earnings of a volunteer shall be taken to be the prescribed percentage of the amount last published by the Commonwealth Statistician as an estimate of average weekly earnings of adult males working ordinary hours in full-time employment in this State.

A further qualification is added by the new section. Where a claimant and a deceased volunteer firefighter were in partnership prior to the date of the volunteer's death, the claimant may establish dependency on the deceased despite

receiving income from the partnership. To the extent that the income is attributable to the work of the deceased on behalf of the partnership it will be treated as an allowance made by the deceased, out of the deceased's own income, for the maintenance of the claimant. The new section also removes the obligation on the Country Fire Services Board to call for public tenders before entering contracts of insurance relating to workers compensation for volunteer firefighters.

The Hon. B.C. EASTICK secured the adjournment of the debate.

VOLUNTEER FIRE FIGHTERS FUND ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister of Emergency Services) obtained leave and introduced a Bill for an Act to amend the Volunteer Fire Fighters Fund Act 1949. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is complementary to amendments to the Country Fires Act. In future under the measures included in the Country Fires Act Amendment Bill (No. 3) 1986 volunteer firefighters including registered volunteers and casual volunteers coopted in the event of an emergency will be covered by that Act and the Workers Compensation Act 1971.

Clause 1 is formal.

Clause 2 provides that the measure will come into operation on the same day as the Country Fires Act Amendment Act (No. 3) 1986.

Clause 3 inserts a new section 17 that provides for the winding up of the Volunteer Fire Fighters Fund. The new section provides that claims will not be able to be made against the fund in respect of injury or death attributable to an incident occurring after the day on which the measure comes into operation. It also provides that the principal Act will expire on a day to be fixed by proclamation and that any balance of the fund will then vest in the Treasurer.

The Hon. B.C. EASTICK secured the adjournment of the debate.

TERTIARY EDUCATION BILL

The Hon. LYNN ARNOLD (Minister of Employment and Further Education) obtained leave and introduced a Bill for an Act to provide for the planning and coordination of tertiary education in South Australia; to repeal the Tertiary Education Authority Act 1979; to amend the Roseworthy Agricultural College Act 1973, the South Australian College of Advanced Education Act 1982, the South Australian Institute of Technology Act 1972 and the Technical and Further Education Act 1976; and for other purposes. Read a first time.

The Hon. LYNN ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Tertiary Education Authority was established by Government in 1979 at a time when it was crucial that Government took maximum advantage of Commonwealth Government funds for tertiary education and to put together in a coordinated way a rational plan for future development of tertiary education in this State. Prior to 1979 there was a period of extreme rapid expansion of services in tertiary education with large sums of Commonwealth money particularly being allocated to new buildings, increased staff and extension of course offerings. By 1979 Commonwealth funds in tertiary education were decreasing and it became apparent that a period of rationalisation and consolidation had begun.

From 1979 the Tertiary Education Authority of South Australia took responsibility for this rationalising and coordinating tertiary education in this State. Indeed one of the authority's main duties was to present the Commonwealth Governmnent with a 'State view' of developments in tertiary education and they did this very effectively. Honourable members will notice that I will refer to this 'State view' a little later on when I refer to the roles and responsibilities of the Office of Tertiary Education.

Developments in tertiary education in South Australia have been considerable since 1979 to the point now where South Australia has two universities, an institute of technology, the South Australian College of Advanced Education, the Roseworthy Agricultural College and the Department of Technical and Further Education forming the tertiary education sector. The eight years have witnessed consolidation of the colleges of advanced education and the development of a regionalised college structure within the Department of Technical and Further Education.

Similarly there have been developments in the process of accreditation of courses to the stage now where the institutions themselves are responsible to a large extent for this process, working within approved and accepted guidelines. This development has meant a changing role for the Tertiary Education Authority. Again there have been similar developments in other areas of tertiary education management for which the Authority had a degree of oversight and responsibility.

The time has arrived where the need for a body such as the Tertiary Education Authority of South Australia has to be questioned for its roles and functions have changed considerably since its creation. Cabinet has considered a number of possible alternatives for a new structure which will meet the Government's requirements for the next decade. It has opted for a smaller sized Office of Tertiary Education as its preferred option. To this end the legislation before the House seeks to abolish the Tertiary Education Authority of South Australia and vest its powers and responsibilities in the Minister. In so doing Cabinet has established an Office of Tertiary Education as an administrative unit under the Government Management and Employment Act 1985 with a Chief Executive Officer and staff of nine persons to perform the administrative functions associated with the Ministers responsibilities.

I would now like to direct my comments to this Office of Tertiary Education even though it is not specifically part of the legislation before us. Tertiary education is important to achieving Government's social and economic objectives, by providing an educated and skilled workforce. The South Australian Government must be informed of the extent and nature of the State's needs for tertiary education. As well it must be knowledgeable of the directions which any development should take in relation to its social and economic

objectives in order to enable it to determine and justify the allocation of public resources. Similarly, since the Commonwealth funds much of tertiary education, the State Government must be advised on, and persuaded of the State's requirements. In this connection, South Australia is inevitably in a competitive relationship with other States and with demands on Commonwealth resources from fields other than tertiary education.

Within the State, coordination and monitoring of tertiary education programs and the use of available resources are necessary to ensuring that public money is used to maximum effect in achieving the planned aims of Government. As well there must be accountability to both State and Commonwealth Governments. The Office of Tertiary Education would be responsible for advising the Minister on these matters and in doing so would perform the following functions:

- collection and analysis of data on demand (that is, how many people are seeking to enter what kinds of tertiary study), participation (what people from what demographic, social, geographic and economic backgrounds are undertaking what kinds of study), work force and community requirements (that is, how many people having particular education and training are needed in South Australian society);
- identification and evaluation of the alternative ways of meeting need and demand as far as possible bearing in mind Government objectives;
- evaluation of the resource requirements of the tertiary education system, including advice on rationalisation proposals that may arise from time to time.
- preparation and maintenance of a broad State plan for development of tertiary education;
- negotiation and advocacy of the State's requirements from the Commonwealth;
- monitoring and coordination of academic programs;
- promotion of social and equity initiatives by various means (for example, access for women and girls, rural people, Aborigines, transfer with credit). This relates, of course, to the State's ability to win a share of special initiative funds from the Commonwealth, and to pursue collaboration and cooperation between institutions in this area;
- relate as appropriate with matters pertaining to national/State development;
- support to the Minister in providing advice, reports and correspondence on tertiary education matters; and
- support to Minister and representation of the State with respect to national bodies such as the Australian Education Council, the Australian Council on Tertiary Awards, the Commonwealth Tertiary Education Commission/States Consultative Meeting.

In many ways these responsibilities are similar to those presently with the Tertiary Education Authority of South Australia. However, they now differ in kind and degree as a result of the many recent developments in tertiary education which I spoke of earlier. There will be a much greater emphasis on the sharing of responsibilities between the Office and the tertiary institutions than was the case before. Investigative work, forward planning and initiatives to remedy particular difficulties will now depend largely on collaborative efforts with the institutions.

The present authority is responsible for approving courses of advanced education and certain TAFE courses (a regulatory means of coordination). The proposed legislation gives the Minister the power to accredit courses acting upon the advice of the Office of Tertiary Education. It is important that the State has a capacity to prevent an institution proceeding with academic developments which are grossly inconsistent with general planning. It is thought that the existing system is sufficiently developed and stable to dispense with a requirement for approval of every course. Accordingly it is proposed that the final approval for major developments should be vested in the Minister, and any veto power to be exercised rarely and only after advice. The legislation before us indicates an important role for the Advisory Committee in advising the Minister in this regard.

I now turn to the creation of an Advisory Council on Tertiary Education. Under the proposed legislation the Tertiary Education Authority with a considerable independence and a staff responsible to it is abolished. The new Office of Tertiary Education will be responsible to the Minister and its staff appointed under the Government Management and Employment Act 1985.

Nevertheless the institutions of tertiary education in the Australian system have a high degree of autonomy in managing their affairs and it is necessary under the new arrangement that there be formal means by which they, together with appropriate persons nominated by the Government, may be consulted by and offer advice to the Minister and the office. It is proposed therefore to establish an Advisory Council on Tertiary Education (ACOTE) with the function of advising the Minister on such aspects of the planning, development, coordination and administration of tertiary education as it considers necessary or as the Minister refers to it. The proposed membership of the council is:

- a nominee of each of the universities, the colleges of advanced education and the Department of TAFE (6);
- nine other persons appointed by the Minister (one of whom shall be the presiding officer) so as to include knowledge and experience of employee concerns, industry and commerce and State development objectives.

It is my intentions that these nine persons be selected in such a way that they represent the broad spectrum of our multi-cultural society with special interests in tertiary education. As Minister it would be my intention to appoint appropriate persons to represent multi-culturalism, industry and commerce, the trade unions, agricultural and rural communities, the professions, aboriginal education, adult education and the education of women and girls.

The members will serve on a part-time basis. Secretarial support will be provided by the Office of Tertiary Education, the Chief Executive Officer of which would attend meetings of the Council as secretary but not be a member. An additional aspect is that the functions of the proposed new Advisory Council will largely subsume the broad functions of the South Australian Council of Technical and Further Education. It is thought that a further simplification of structures in this area can be achieved by discontinuing the SACOTAFE.

I would now like to mention that the proposed legislation clause 10 relates to the establishment of standing committees. It is my intention to have the following standing committees in the first instance:

- The Tertiary Multi-cultural Education Committee;
- Advisory Committee on Post Secondary Education for Women and Girls;
- Advisory Committee on Non-Award Adult Education; and a
- Working Party on Tertiary Education Programs for Aborigines.

Clauses 1 and 2 are formal.

Clause 3 defines certain terms used in the Bill.

Clause 4 requires that courses of tertiary education be accredited by the Minister.

Clause 5 sets out the basis on which the Minister may accredit a course.

Clause 6 requires the principal tertiary institutions to inform the Minister of any proposals of a prescribed kind. The Minister may direct the institution not to proceed with the proposal for the reasons set out in subclause (3).

Clause 7 enables the Minister to obtain information from principal institutions of tertiary education. Subclauses (2), (3) and (4) deal with information related to funding.

Clause 8 provides for the establishment of an Advisory Council on Tertiary Education.

Clause 9 sets out the functions of the council.

Clause 10 provides for the establishment of committees by the Minister.

Clause 11 provides for reporting by the Minister.

Clause 12 is an offence provision.

Clause 13 provides for the making of regulations.

Schedule 1 repeals the Tertiary Education Authority Act 1979, and makes consequential amendments to other Acts.

Schedule 2 makes transitional provisions.

The Hon. JENNIFER CASHMORE secured the adjournment of the debate.

PERSONAL EXPLANATION: MEMBER'S REMARKS

The Hon. JENNIFER CASHMORE (Coles): I seek leave to make a personal explanation.

Leave granted.

The Hon. JENNIFER CASHMORE: Following the personal explanation made by the Minister of State Development and Technology pursuant to my remarks in the debate this morning on the Controlled Substances Act Amendment Bill, I withdraw unreservedly my statement that the Minister had sought to get off the hook in absenting himself from the House and arranging a pair on a conscience vote. At the time I made the remark, as all members will appreciate, in the heat of the debate and the novelty, shall I say, of the announcement by the Minister of Transport about arrangements of Government pairs on this conscience vote, I leapt to what was, I believe, a natural conclusion.

I was not aware that my Whip had in his possession a letter from the Minister of State Development and Technology which was dated 11 November and which advised the Minister's Whip that he would be unable to attend the sittings of the House of Assembly on Thursday 20 November from 12.15 to 1 p.m. That letter makes it abundantly clear that the Minister's arrangement was longstanding: it was not in any way politically motivated, and I accept his explanation.

PAROLE ORDERS (TRANSFER) ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to amend the Parole Orders (Transfer) Act 1983. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This small Bill is designed to correct a wrong cross-reference inadvertantly included when the Act was passed in 1983. The opportunity is also taken to remove a reference that has since been rendered obsolete.

Clause 1 is formal.

Clause 2 amends the definition of 'designated authority' so that the corresponding powers than an interstate authority must have (in order to be held to be such a designated authority) are those powers that the Minister has under sections 6 and 8 of the Act. The current reference is to section 5—a provision which merely gives the Minister the power to delegate. Section 6 deals with the power of the Minister to request the transfer of a parole order from this State to another, and section 8 deals with the power of the Minister to have an interstate order registered in this State.

Clause 3 deletes a reference to conditional release. The system of conditional release for prisoners was never brought into operation and so the reference to it is now obsolete.

Mr BECKER secured the adjournment of the debate.

STEAMTOWN PETERBOROUGH (VESTING OF PROPERTY) BILL (No. 2)

The Hon. G.F. KENEALLY (Minister of Transport) brought up the report recommending no amendment to the Bill, together with the minutes of proceedings and evidence of the select committee on the Steamtown Peterborough (Vesting of Property) Bill (No. 2).

Report received.

The Hon. G.F. KENEALLY: I move:

That the report be noted.

I want to thank the members of the select committee—the member for Coles, the member for Eyre, the member for Albert Park and the member for Henley Beach—not so much for the service they rendered to the Parliament on this occasion, because there were only two meetings of the select committee, but because of their interest over a long period in a matter that has caused considerable difficulty to the Parliament in addressing a problem that is really a matter of local significance.

We advertised for witnesses to appear before the select committee, and in the event only one witness presented himself. He had no criticism of the Bill as presented to the House. In fact, the most significant evidence he gave the select committee was that he hoped that we would be able to progress this legislation quickly so that the assets of Steamtown Peterborough could be vested in the Peterborough council as quickly as possible. Steamtown Peterborough could then recommence operations at the earliest possible time. That is certainly our hope. It was the hope of the previous select committee that we would not have to legislate in this matter. That remains our view. We believe that that is a precedent that should never be set. We recommended this action because Government funds were involved.

I believe that the community of Peterborough, the members of Steamtown Peterborough and all those who have an interest in our historical rail society and its activities can look forward to a much more peaceful and effective operation at Peterborough and I am sure that I echo the views of all my colleagues in Parliament in wishing them well.

Mr GUNN (Eyre): I support the comments made by the Minister. I am pleased that this legislation has reached this

stage and I hope that it will be passed without any further delay. Hopefully, it will resolve what has been a most difficult and complicated problem in my district, one which should never have occurred. The matter has now been resolved by legislation in Parliament, and I join with the Minister in hoping that those people who have responsibility for administering and managing Steamtown Peterborough can get on with the business of running their tourist trains and providing information to the public as well as playing a role in attracting people to Peterborough. I sincerely hope that the Parliament does not have to enter such an exercise in the future to resolve what ought to be a local matter, which should be resolved by people with goodwill on all sides.

Mr FERGUSON (Henley Beach): I support the select committee's recommendations, and I think there is no doubt that all the rolling stock now being vested back in the Peterborough corporation is in the spot in which it was meant to be. I believe that various Governments over the years have intended that that equipment should assist the tourism industry and the township of Peterborough, and it is appropriate that this legislation be supported.

I also echo the sentiments of the two previous speakers in saying that I hope that the Parliament never again has to go through this sort of exercise involving an incorporated body. It is a pity that the report of the original select committee was not taken note of and appropriate action taken the first time; that is the reason why this legislation has had to come before the Parliament. I support the Bill.

Mr HAMILTON (Albert Park): I support the statements by the Minister and the other speakers on this matter. I also agree that it was unfortunate that a select committee had to be appointed. I never cease to be amazed at the intransigent attitude of some people. However, if anything, it was beneficial to me and I believe to the rest of the committee; we really had to contain ourselves regarding some of the statements made to us. I believe that the actions of the Minister as Chairman should go on record particularly for the more than fair way in which he chaired the meetings in question (indeed, the other members of that committee should also be commended). It surprised me that people could be so arrogant before a committee, and I believe that it was only because of the tolerance of members of the committee that other actions were not pursued. I, like other members, hope that this matter has now been resolved and that people get on with the job of promoting Steamtown Peterborough, because it is certainly a worthwhile investment in tourism in South Australia. I now welcome the resolution of this matter by the committee.

The Hon. JENNIFER CASHMORE (Coles): I support the motion. As Minister of Tourism at the time the Government grant was made to Steamtown Peterborough, basically for the furtherance of the promotion of tourism in that town, I agree with previous speakers that the assets of the society are now vested in the appropriate place. I can only say that I hope that the tension and trauma which have been caused by the unhappy events associated with Steamtown Peterborough can be overcome—if not forgotten—as quickly as possible, and that the society can in future be run along harmonious lines with mutual respect, with adherence to the proper rules of meeting and procedure, and with a generally tolerant attitude to all those who seek to be involved for the benefit of the society, of the town, of tourism, and the pleasure and interest of people who have a concern for historic railways.

Motion carried.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 23 September. Page 1069.)

Mr S.J. BAKER (Mitcham): This Bill addresses the question of penalties for dangerous driving. The debate should be taken in conjunction with the following Bill on the Notice Paper dealing with road traffic, and I will not be repeating my remarks on this Bill in the debate on the further Bill. I believe that the community recognise that some of the penalties today being handed down in the courts for very serious breaches of the law are not sufficient. We have had a number of measures before the Parliament this year attempting to demonstrate to the Judiciary quite plainly that the Parliament believes that those penalties being imposed by the courts are not appropriate.

It is quite obvious to me, reading the various Acts of Parliament, that penalties are indeed very heavy, but somehow or other, over a period, members of the Judiciary have failed to implement them in what I believe is the spirit in which they have been laid down by the Parliament. The Minister's second reading explanation clearly demonstrates the Government's unhappiness with decisions being made in the courts, and that unhappiness is reflected on this side of the House.

We believe that, if there are heavy penalties, when there is a serious breach those penalties should prevail, but time and time again we are finding that this is not the case. It is as evident in the area of dangerous driving as in a number of other areas. It is important to reflect on road safety trends over the last 10 years. Members opposite would appreciate that there have been some vast improvements in driving habits in South Australia, and that is reflected in the reduced number of deaths and injuries.

If we extrapolate the trends of the early 1970s, we would find the number of people killed or maimed on the road double that of today, if we take into account increased car usage. However, that is simply not good enough, as there is still a quite intolerable road toll. Members on both sides of the House realise, because of various publicity measures and reports produced over the past five years, that the major contributors to road carnage are alcohol—which now includes the wider area of drugs—speed, inattentiveness, and other more minor matters such as defective vehicles and factors beyond people's control.

This Bill, which addresses a number of matters related to dangerous driving, increases the penalties for dangerous driving where the offence has caused death or injury. It provides for an offence of causing death by dangerous driving as an alternative to manslaughter, and that is a very important addition to the law. It provides for multiple offences to be charged where multiple deaths or injuries occur: again, a notable addition to the law.

It removes the state of mind situation which has dogged the law for many years, in that hitherto it has been some form of defence under the law that a person was not capable of exercising judgment and certain actions of those people have somehow been excused under the law.

Mr Lewis: Diminished, at least.

Mr S.J. BAKER: Very much diminished. Those affected by alcohol and drugs can no longer plead incapacity to exercise judgment. One would know from legislation in many countries overseas that those countries have recognised that principle for 20 or 30 years. They believe that if an offence is committed the offence is in no way diminished by the fact that a person has voluntarily imbibed alcohol

or drugs. The change in the law in Australia has been a long time coming. It has ramifications in other areas, as members would appreciate. When addressing murder, manslaughter, rape and the heavier crime areas, there are some question marks over those areas for the very same reasons.

It may well be that within a year or two we will wish to address those questions in the same way as we are addressing this Bill today. In talking about dangerous driving we are talking about relativities. Many people are capable of driving in reasonable safety at speeds of up to 140 km/h on our roads, whereas some are incapable of driving safely at 50 km/h. So, although we have a bland law that sets limits, speeding should not be tolerated as it is a major contribution to dangerous driving, as are alcohol and drug abuse. The major penalty increase in the Bill concerns causing death by dangerous driving, where the maximum term of imprisonment has been increased from seven years to 10 years, coupled with a disqualification from driving for five years. The same penalties apply where bodily harm is caused. If subsequent offences are committed, the maximum penalty is increased to 15 years imprisonment with 10 years disqualification.

The Chief Justice has said that we should not have a knee-jerk reaction to the road toll, but I remind members that we have an enormous road toll in South Australia and indeed across Australia. Generally speaking, our road toll statistics are much higher than they are in most of the other developed countries. We have enormous scope to improve those statistics and, although these penalties will go only some of the way in that regard, they are at least a flag or standard to let the public know that certain misbehaviour by drivers on our roads will not be tolerated. At this stage I seek leave to have inserted in *Hansard* a table showing the number of motor vehicle accidents resulting in death or injury for the past three years.

The DEPUTY SPEAKER: Can the honourable member assure the House that his table is purely statistical?

Mr S.J. BAKER: Yes.

Leave granted.

MOTOR VEHICLE ACCIDENTS RESULTING IN DEATH OR INJURY

	1983	1984	1985
Fatal accidents	234	205	240
Fatalities	265	235	269
Injuries	10 816	11 668	12 461

Mr S.J. BAKER: Earlier today the Minister of Transport said that the road toll for 1986 would not be much different from that of 1985, provided that there is a downturn in the accident rate for the rest of the year but, although I wish that I could share his optimism, I cannot do so. In 1986, we are heading for a figure greater than the 12 461 injuries that we had last year. Many members have commented in this House on the enormous cost of road traffic accidents and we would like to think that at some time in the future we could reduce their number to an irreducible minimum, but that will take much time and patience.

It may well be that two or three years down the track we have to introduce draconian measures such as those that operate in Japan and Sweden. About 12 months ago, I watched a television program that showed that any Japanese driver caught drunk at the wheel was subject to an automatic imprisonment term of six months and that during that period he underwent an extensive rehabilitation program to ensure that he never again drank immediately before he drove. Such measures are especially draconian but, in the light of Japanese statistics, this Parliament may wish to contemplate such a measure in future. Likewise, Sweden has severe penalties, which include automatic imprisonment for a driver having a certain blood alcohol content. As a community, we must make up our minds about our attitude and the priority that we place on saving lives.

Concerning dangerous driving, I tried to obtain statistics showing what had happened over the past few years. I found statistics in the Police Commissioner's report showing that the number of people driving in a manner dangerous had decreased, but that trend is not consistent with information on the road toll itself. According to the report, in 1983, 1 291 prosecutions for driving in a manner dangerous were launched; in 1984, 1 621; and in 1985, 1 039. However, I cannot believe that that has been the trend. As a result of personal observation, I believe that the aggression on the roads, especially that shown by young people, has increased over the past few years. That is regrettable, but perhaps my observations are somewhat different and, if I were a young person, I might think that it was the other way around.

It is important to keep this debate in perspective and that Parliament realistically assess the due and just penalties that should prevail. The penalties under the existing legislation were previously adequate to cover the offences but, as the courts continue day by day to treat these matters lightly, it is appropriate that we once again signal to the courts that we do not intend to support the way in which they operate, and in this Bill we are telling them that we and the community at large expect greater penalties to be imposed.

In Committee, I shall address certain specific matters, but at this stage I congratulate the Government on a number of the provisions in the Bill. I believe that they are positive measures if they are acted on in the spirit in which we hope that they will be. They are part and parcel of a wider campaign to reduce the road toll and the aggressive behaviour on our roads. There is no need for me to say that in this regard education is important. There must be a special focus on the training available to young people, and that matter has been referred to recently. Strong penalties and certain encouragement must be provided before we can achieve better order on our roads.

Although I have travelled in other States and overseas and driven in a number of other countries, I have never seen such intolerant and atrocious driving as I have seen on South Australian roads. Neither I nor visitors to South Australia can say why driving on South Australian roads should be so bad. Perhaps one day someone will explain why South Australian drivers behave in the way they do. If I was driving in London and wished to pull out of a side street, the first car coming along would do me the courtesy of stopping and allowing me to proceed. New South Wales drivers are exceptionally good compared to those in this State, and the same can be said of American drivers. I would not say that the same thing applies to drivers in France, but the road toll in that country is higher than it is here. I have visited a number of cities where the manners of drivers are exemplary, where people care about other drivers on the road, and where their behaviour is far different from that of South Australian drivers. We must educate our drivers in this regard so that our roads are much safer. As part of that package, I commend this Bill to the House.

Mr HAMILTON (Albert Park): I too support the Bill. Nothing is more abhorrent to me, and I believe the community at large, than for someone to knock another person over with a motor vehicle and then leave that person lying

on the side of the road. I do not believe that even animals treat one another that way and, whilst I know it happens, I find it very hard to come to grips with the fact that another human being could do that to a pedestrian, cyclist or motorist. I can imagine that sooner or later it will happen that some person will probably knock over a member of his own family and leave him there, if it has not already happened. I cannot comprehend how a person could do such a thing as to leave another person injured or lying on the side of the road.

An honourable member interjecting:

Mr HAMILTON: As my colleague says, they would have to be sick in the head or, as happens in some cases—and I have not researched this—alcohol must play a very large part in those accidents because of the offender's fear of being over the prescribed limit and the crazy reasoning that he can get away with it. Eventually such people are traced.

I recall an accident some 12 or 18 months ago involving a chap I used to drink with in the Hendon Hotel. He was at Clarence Park, and got off his pushbike to telephone his girlfriend—a girl well known to me—and let her know that he would not be long. When he got back on his pushbike he was hit from behind by a motorist, thrown in the air, and killed. That animal—and that is the only way I can describe that person—got away scot-free and to the best of my knowledge has never been caught. I, like all people in this Chamber, have a total abhorrence of such people. If I had my way, they would not get a licence again. That is my personal view. I strongly support the actions of the Government.

I believe that the more severe the penalties are, hopefully the greater the encouragement to people who may contemplate such behaviour if they knock someone over to come back and render assistance. It also may deter them from drinking and driving. On a number of occasions over the years I have included in the newsletters I have put out to my electorate—and specifically around Christmas time—a message on the front and back 'Remember: under .08 or under arrest'. The message is similar to that. Hopefully that will have some impact on people who contemplate drinking and driving. I believe that coming up to the festive season, this Bill will hopefully have an impact on those people who are contemplating drinking and driving and they will reflect on the sort of dire situations they can get themselves into.

I remember reading an article from Western Australia last year reporting that drivers were picked up the morning after a party. They had taken a taxi home, got up next morning, showered and got ready for work, and after jumping in the car were picked up at random and found to be over the limit. Once again, I would encourage people to be very careful of that. As a person who indulges in Christmas parties and likes a beer from time to time I had not considered that aspect. Having been provided with that information I thought it important to impart it to the electorate and I will attempt soon to bring it to the attention of the South Australian public through the media.

The member for Mitcham raised the point of the discourtesy that one sees on the roads here in South Australia. I can recall being in New Zealand and noting signs on the back of Government passenger buses: 'Please give way to these buses when they are pulling out from the curb'. I have seen similar signs on the buses in New South Wales. I was most impressed by that and the courtesy that was extended by New South Wales drivers, not only to the MTT buses but also to other motorists wishing to change from one lane to another. It struck me rather forcefully and when I came back I spoke to the Minister and subsequently those signs were introduced on STA buses. I saw that as a step towards trying to convince people—be it forcibly or subtly—that a little bit of courtesy does not hurt. I notice how most STA bus drivers acknowledge with a wave the motorists who wave them on.

I support the Bill. I hope that its provisions will be used by the media to bring home to the community in South Australia that, approaching the Christmas and New Year festivities, penalties are becoming larger and larger. Although I do not often agree with the member for Mitcham I believe that sooner or later—and I hope it happens in my lifetime—if you drink, you will not be able to drive in this country. I support the Bill.

Mr BLACKER (Flinders): I add my support to this Bill. I think we are probably dealing with one of the most serious situations that occurs on our roads from time to time. Regrettably, I have had reasonably close association with people who have been involved or the parents or friends of victims of accidents where this has occurred. I totally support the increase in penalties proposed in this Bill, particularly in relation to death and injury arising from reckless driving. I think the time has come, and perhaps even it is passed, where driving should be considered a privilege and not a right. The attitude has developed over a period of time that it is a given right that a person should be allowed to drive, irrespective of the obligations that go with it. I think the tougher the penalties are, the better it would be, because every law abiding citizen and person who uses the road correctly should be given every protection. Why should any member of my family, my friend's family or anyone else's family fall victim to the carelessness and recklessness of some people who have complete indifference to their responsibilities whilst on the road.

I am not going to relate to the House the serious details of the instances I am aware of but I am certainly close enough to it to recognise that increases in penalties of this magnitude are well justified. If anything they could be further increased. I would support a further increase than that which is recommended here. Again, I reiterate my view that driving should be a privilege that needs to be earned, and it is not a right that should be automatically expected by anyone. I add my full support to the action being taken by the Government.

The Hon. G.J. CRAFTER (Minister of Education): I thank honourable members who have contributed to this debate and for their indication of support for the measure. Undoubtedly, all honourable members hope that this measure will in some way contribute to the reduction of our road toll and indeed the incidence of road accidents and the cost, harm and heartbreak that that unfortunately brings to so many South Australians every year.

There is a strong body of opinion which considers that the law is inadequate in its present form to deal with matters coming before it in this area and that the penalties are no longer appropriate in this area. Here I refer members to the judgment last year handed down in the Court of Criminal Appeal in the case of Devlin. In his judgment delivered on 13 September 1985, Mr Justice White said:

> In my opinion the statutory maximum penalty of two years imprisonment for causing bodily harm by dangerous driving is much too low in comparison with the maximum penalty for dangerous driving causing death. In this case, the appellant's same driving could have resulted in three or four deaths or three or four injuries resulting in as many quadriplegic victims. As it was, the driving resulted in the moderate to serious injuries described in the reasons of the Chief Justice.

He went on there to ask that penalties be reconsidered for that offence. The Chief Justice, in his judgment on the same case, said:

The maximum sentence permitted by the section is imprisonment for two years. This must accommodate repeat offenders, offenders with very bad driving records or other criminal convictions and the worst type of offences. Moreover, the standards of punishment for a first offence of causing bodily harm by dangerous driving should bear a proper proportion of the prevailing standards of punishment for causing death by dangerous driving.

The views stated by those judges have been echoed in many sections of our community. The Bill brings about some substantial changes to the substantive law and updates and brings to a more appropriate level the penalties for these offences. I commend the Bill to all honourable members and trust that it will achieve its aim of reducing in some way the incidence of road deaths and accidents on our roads.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Death and injury arising from reckless driving, etc.'

Mr S.J. BAKER: This is a rather large clause and basically comprises all the major changes that are being made to the legislation. My first question relates to the matter of causing bodily harm and grievous bodily harm. In his second reading explanation the Minister seemed to suggest that grievous bodily harm was pre-eminent, but of course causing any bodily harm due to dangerous driving is subject to penalty under this Bill. I refer specifically to proposed new section 19a (4) in relation to which in the commission of an offence there is a differentiation in relation to grievous bodily harm. I would have thought that the Government would assume that any injury caused should be treated accordingly and that, if a minor injury was involved, that should be subject to a higher penalty than if no injury was caused. It is a moot point. It arises as a result of my reading the Minister's second reading explanation, in which he referred to grievous bodily harm being caused by someone who was driving recklessly or under the influence of some drug. I am searching for an explanation as to why we should make that differentiation in the Bill.

The Hon. G.J. CRAFTER: The use of the word 'grievous' with respect to bodily harm relates to a degree of bodily harm that is well established in the criminal law.

Mr S.J. Baker: That is a serious distinction.

The Hon. G.J. CRAFTER: That is right. There is a well established case law to determine what that amounts to, and it is appropriate that that categorisation should be used with respect to penalties here, and that therefore carries a higher penalty than does the offence involving a lesser degree of bodily harm.

Mr S.J. BAKER: That was not my point: the point was that on the one hand we have grievous bodily harm (referred to in proposed new section 19a (4)), and then we have the rest, so that those people who are injured but do not suffer serious injury to the extent necessary are treated in exactly the same way as if no injury had occurred. One category is put at one end of the scale and the rest below it. I would have thought that any injury caused should carry a higher penalty than where no injury was caused. However, I shall leave that point.

During my second reading speech I made the point about the change in the law concerning the consumption of alcohol, and I congratulated the Government on the change that has taken place here. I asked what other changes that would lead to in other parts of the law. In subsections (9) and (10) of proposed new section 19a a definition of self-induced intoxication is provided.

In relation to a person who is given a drug of which they are not aware, what provisions would apply? We all know when we have reached a point at which we are incapable of driving, irrespective of what we believe we have consumed. I know that certain people can drink virtually pints of beer and drive very adequately, while others drive very poorly after having only one or two beers. I believe that everyone has a fair idea when they have had a little too much—irrespective of the amount of alcohol that they have consumed. However, people might use as a defence the reason that they had been given something that they did not believe was alcoholic, a drug or whatever. I am interested to know whether this provision will be used as a defence by those people who have over-indulged but who maintain that they were given something that they did not know about. Can the Minister comment on that?

The Hon. G.J. CRAFTER: My understanding of the situation is that the defence would still be available in the circumstances where an involuntary intoxication situation occurred. Of course, that would be dealt with on the facts, and the court would have to determine whether that was a valid defence.

Clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No.3)

Adjourned debate on second reading.

(Continued from 23 September. Page 1069.)

Mr S.J. BAKER (Mitcham): I do not intend to repeat the comments that I made in relation to the previous Bill regarding driving safety. I ask that those remarks be taken as read in the debate on this legislation. I do not believe that the law is sufficient in this area. I believe that the penalties should be heavier than those proposed in this Bill. I appreciate that, under this Bill, those people who fail to stop after an accident will suffer heavier penalties if the accident involves death or injury, but I hear daily reports that a person has been knocked down and killed and witnesses to the accident are requested because someone has failed to stop at the scene of the accident. I am not sure whether the radio stations are now reporting the circumstances of more accidents, or whether there are more such incidents. I obtained some statistics relating to failure to stop after an accident, and I ask that this table be inserted in *Hansard*.

The SPEAKER: Is the table of a purely statistical nature?

Mr S.J. BAKER: Yes.

Leave granted.

ACCIDENT STATISTICS

Year	1980-81	1981-82	1982-83	1983-84	1984-85
Prosecutions—					
fail to stop	540	505	459	518	646

Mr S.J. BAKER: In 1982-83 there were 459 prosecutions for failing to stop after an accident and in 1984-85 there were 646 such prosecutions. The information recorded by the Police Department does not identify the nature or type of damage or what injuries and deaths resulted from the incidents giving rise to these prosecutions. I was not able to obtain a breakdown of those figures. More importantly, they do not reflect the number of reports that sometimes can never be prosecuted because the people are not found.

It is important to recognise that the reason for failing to stop is because, inevitably, another offence is being committed at the same time. That offence could include leaving

the scene of an offence, driving under the influence of alcohol, driving without a licence, or driving whilst disqualified from holding a licence. The information I have gathered from a source in the Police Department suggests that failure to stop after an accident occurs because the person is committing another offence at the time. As the member for Albert Park said, what can be worse than running down a pedestrian and leaving that pedestrian to die on the side of the road?

The figures support the contention that more and more drivers seem to be leaving the scene of accidents. Those figures of 459 and 646 persons failing to stop over a two-year period are of grave concern. Also, I obtained some statistics relating to people driving without licences and driving whilst disqualified. The statistics for 1985 show that 2 619 were prosecuted for driving without a licence and 988 were prosecuted for driving whilst disqualified. If those figures are multiplied by 10, we gain some idea of the number of people who are deliberately breaking the law. They are the same people who, after smashing up somebody on the road, would be prone to leave the scene of the accident. If we extrapolated those figures, we could be talking about 30 000 people driving without a licence in South Australia and about 10 000 driving whilst their licences are disqualified.

It is important to realise that, if the offender is not caught at the time, the police cannot establish a number of things. First, they cannot establish whether that person has a high blood alcohol content; secondly, they cannot establish whether that person has been taking drugs; thirdly, sometimes they cannot even establish the identity of the driver, because that person has made arrangements to be elsewhere at the time that the police arrive at the house. This is a continual problem for the police, not only in relation to locating the offender, but also, and more importantly, in relation to trying to establish whether the driver was in full command of the car when it was involved in a collision which killed or maimed another person.

I do not believe that these penalties are adequate, although I recognise that they have been increased. If a person was apprehended at the scene of an accident, he would normally be caught under the Criminal Law Consolidation Act and be subject to penalties approaching 10 or 15 years imprisonment. However, by driving away from the accident, such a person can incur a maximum penalty of only six months imprisonment and a fine of $2 000. People leave accidents after they have killed or injured someone because they know that the penalty for leaving an accident will be less than that which could be imposed had they been caught at the scene.

The penalties provided under the Criminal Law Consolidation Act and the Road Traffic Act can be heavy when one is caught committing an offence but, if someone is caught after the offence, it will ordinarily mean that the penalty will be lower. In that regard the law is crazy. Parliament should never provide justification for anyone to leave the scene of an accident after they have killed or maimed someone or caused an accident which has killed or maimed someone.

This is another area of the law with which we must come to grips. We must somehow ensure that those people, who have seen fit to leave someone maimed and dying on the road, suffer the appropriate penalty. It is not sufficient for one to try to surmise after the event what the state of mind of the driver was. It is not good enough to try to determine after the event whether that person had a higher blood alcohol content than provided for by the law. Many people see driving away from the scene of an accident as an adequate escape from the ultimate heavier penalties that they could face if they were caught at the scene of an accident.

I will not commend this Bill to Parliament. The Opposition supports the Bill, but we have some severe reservations about the way that the law operates in this area. I hope that every time members hear a request for witnesses to an accident, because somebody has been knocked down and killed and the driver has left the scene, they will reflect on the penalties in this Bill and that we will come up with something more adequate. The Opposition supports the Bill.

Mr BLACKER (Flinders): I also support the Bill, but I do not believe that it goes anywhere near far enough. I support it only because to oppose it would maintain the *status quo*, and the penalties proposed in this Bill are far better than those in the Act. This Bill is complementary to the Bill that has just been passed but, in this case, we refer quite specifically to failing to stop after an accident. I suppose that the comments that I made in relation to the previous Bill resulted from exactly the same circumstances, where a person failed to stop after causing death in an accident and, presumably having sobered up, fronted up to the police some 48 hours or so later with his lawyer.

Be that as it may, the circumstances of that case are well ingrained in my mind, and I cannot help but support any attempt to increase the penalties. In discussing this aspect of the legislation with other people who have had experience overseas, I understand that in some countries the law provides that, if people fail to stop after an accident, the book is literally thrown at them: they are deemed to be guilty of the worst possible offence. In other words, they are deemed to have been driving with a blood alcohol content exceeding the limit: they are deemed to have committed all the road traffic offences in the category in question. Thus, stopping after an accident is the least of the options available. There is a direct inducement for the person to stop and render assistance to the injured rather than driving on and hoping not to be detected for at least 48 hours so that they could not be charged with a DUI offence.

This Government should seriously consider that aspect. I recognise that it involves a change of emphasis in the law in that a person is guilty until proved innocent, but that provision is deemed to be necessary in some European countries and I believe that the road users in South Australia deserve that sort of protection. After all, the innocent person, the person who is driving within the law with a nil blood alcohol content, has nothing to fear from the law if that suggestion is taken up. If a person is guilty of an offence, he or she should be brought to heel and should pay the appropriate penalty. I believe that the provisions of the Criminal Law Consolidation Act Amendment Bill (No. 2), which was just passed in this House, will possibly increase the number of offences for failure to stop, because the penalties proposed in that Bill are much tougher than the penalties proposed for failure to stop. The Minister may be able to say in summing up the debate whether or not the points I have raised have been considered and whether or not they should be rethought and additional penalties provided.

I firmly believe that, if people fail to stop after an accident, they should be deemed to be guilty of the worst possible offence until they can prove their innocence. Walking away from an accident is walking away from something someone obviously believes is the worst of two evils. I support the Bill thus far, but I trust that the Government will consider this matter further and that at a future date much stronger penalties will be provided.

The Hon. G.J. CRAFTER (Minister of Education): I thank members for their indication of support for this important measure. I have heard with concern on a number of occasions reports on the radio and television about hit-and-run accidents. I have also heard about the success rate of the police in many of these cases in finding the offender and bringing those persons to court. I guess it is a matter of value judgment how these penalties should be determined, but I point out that in relation to the Criminal Law Consolidation Act Amendment Bill we were considering a whole range of offences that may also apply in these circumstances, and very substantial penalties indeed are provided.

However, the term of imprisonment set out in this Bill is double the maximum term of imprisonment set out in the current provisions. Further, the Bill provides that a fine can be imposed in addition to a term of imprisonment. That is not possible under the present legislation. The Bill also provides for a period of mandatory licence disqualification. Thus, the penalties for failing to stop and render assistance after an accident where death or injury occurs have been significantly increased under this Bill. The proposed maximum penalties are generally higher than for first and subsequent offences of driving under the influence and driving while having the prescribed concentration of alcohol in the blood.

This measure brings down substantially increased penalties in this area. However, I note that this was the subject of debate in another place, the Attorney-General indicating that he kept an open mind on this measure and that, if penalties were seen to be inappropriate, they would be reviewed from time to time. Therefore, all members can be reassured by the Attorney's comment. I thank members for their support.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Failure to stop and report in case of accident.'

Mr BLACKER: I thank the Minister for his comments and I appreciate that failing to stop after an accident is an additional offence in considering offences under the Criminal Law Consolidation Act. There could well be cumulative penalties. However, I believe that the problem is the person who is driving under the influence. If a person is not apprehended within 48 hours, the possibility of attaching all the other penalties is nigh impossible. I know that for a fact, given the case I alluded to earlier where the offender reported to the police 48 hours after having caused death by dangerous driving. Everyone associated with that case believes that the person concerned was definitely under the influence, but no substantial proof could be produced because that person was not tested within 48 hours. For those reasons, I have raised these questions.

Where time is not relevant, I can accept the Minister's view. I also accept that people can be charged after the event with dangerous driving or driving an unroadworthy vehicle, and the appropriate penalties can be imposed. However, driving under the influence is a different matter because, unless the person is caught and tested within a given time after the accident, it is impossible to press charges. Therefore, I believe that the whole system breaks down at that point. In the case I cited, the person in question virtually got away with a rap over the knuckles and a small fine.

Mr S.J. Baker: Failing to stop.

Mr BLACKER: That was the only charge that could be laid against him. In my view (and I have outlined my personal view because I am not aware of all the legal technicalities), that person would almost certainly have been subjected to all the penalties provided under the Criminal Law Consolidation Act, but he effectively eluded all that because no-one could test him within a few hours of the accident.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

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

ADJOURNMENT

The Hon. G.J. CRAFTER (Minister of Education): I move:

That the House do now adjourn.

Mr PETERSON (Semaphore): I rise to discuss, in the time allowed in this grievance debate, a matter of importance to a great number of schoolchildren in the western area of Adelaide, and that is the funding of the salary for the Tungkillo camp centre and, in particular, the Sunship Earth environmental education program run by Taperoo Primary School. To give a background to the camp and the program there is no better source than the newsletter of the school, and I quote:

Taperoo Primary took over the use of the ex Tungkillo school in 1973. Through the school council, facilities such as dormitories, ablution block, kitchen, etc., were built, these being funded from within the school. The aim of the council was to enable Taperoo Primary School students to attend camps cheaply as it was felt that, by having our own campsite, cost could be greatly reduced.

Over the years the camp has been increasingly hired out to other schools, thus enabling improvements to be made, as well as the acquisition of an additional 8 acres of land. From 1979, Taperoo Primary School has been granted 0.4 negotiable time in outdoor education—used mainly in relation to school camps held at Tungkillo and in developing programs and material which can be used at the camp.

In May 1985 an 0.8 curriculum development salary in outdoor environmental education was awarded to a group of schools until the end of 1986, and then to be reviewed with the possible extension of 12 months. This salary was shared by nine schools: Taperoo Primary, Largs Bay Primary, Semaphore Park Primary, Seaton Park Primary, Hendon Primary, Ridley Grove Primary, Walkerville Primary, Norwood Primary and Pennington Primary.

The salary was provided to coordinate the usage of the Tungkillo camp by these nine schools and to develop programs to be used at the site: in particular the Sunship Earth Environmental Education Program for year 6 and 7 students. Having this salary has enabled schools using the campsite to gain maximum educational benefit from the available resources.

The other point made in the newsletter is that without the salary the educational programs developed at Tungkillo cannot be continued. The salary is crucial to the future of the Tungkillo camp centre. Without a salary, all that Tungkillo can offer is a venue for a campsite. The other very significant point is that Tungkillo is attractive to schools because it offers an excellent low cost educational program. I would like to read a few of the letters I have received from parents of students at that school and other schools, supporting the program. I quote from the first letter as follows:

I have just come from a meeting at the Taperoo Primary School concerning the loss of a salary, which is so very important to the Sunship Earth program. My feeling is anger that a salary could not be found to maintain this very educational program about environmental education.

I have four children attending this school, and for them to do this at the only other centre in South Australia would cost me 60

per cent more for each child than I would have to pay at Tungkillo. This not only applies to me but to all the parents at the other 20 or so schools that use the camp.

The next letter is again a protest letter, and I selectively quote from it, as follows:

In mid-1985, 10 schools in the Adelaide area contributed to the salary of our recreation and outdoor education teacher to implement the Sunship Earth education program. If funding does not continue in 1987, these students of Adelaide area schools will be deprived of this enlightening learning experience. In this day and age when the trend is to destroy our environment it is encouraging to know that such programs exist to teach our children to appreciate what nature has to offer and what we can do to protect what is left, for it is our children who hold the future of the environment in their hands.

That is a very significant point. Another letter refers to bookings by other schools and states:

The bookings from other schools for this program really justify a salary being provided. As Taperoo is classed as a low income area, the discontinuance of this program is most distressing. For the children to enjoy anything similar, they would need to travel to Kangaroo Island. With so many single parents in this area, a local camp is far more affordable during their years as a student of Taperoo Primary School.

Again, the point is made that there is an additional 60 per cent charge for each student who has to travel to Kangaroo Island, to the camp the name of which escapes me for the moment. Another letter reads:

As a parent of four Taperoo Primary School children, I am appalled at the decision by the Adelaide Area Executive not to grant a salary for curriculum development at the C.R. Neilson Camp at Tungkillo. This camp centre is run and has been owned by the Taperoo Primary School for 13 to 14 years.

They then talk about the grant which was received, and the letter continues:

It was based upon this grant that Taperoo Primary School embarked upon the Sunship Earth program. This is only the third of these programs to be established in South Australia. It would indeed be criminal to axe this program when it is just getting off the ground and all schools in South Australia can participate if they wish.

In a State that is 'up and running' it appears to parents of Taperoo Primary School and the children of other schools, who have already been to Tungkillo, that education has a low priority with our present Government Ministers.

The next letter is from someone who has participated. The lady who wrote the letter states:

I have been going on camp for nine years to cook for and supervise the children (I have three sons) and have attended at least one and up to three camps per year. Every camp has always been very well run and educational as a set theme is always followed; but the Sunship Earth outdoes all camps I have attended. It is four days of solid learning whilst having fun. The suggestion that our children still can experience the Sunship Earth at Karatta, K.I., is financially impossible for my family and many other children of the State.

That letter states again that Tungkillo costs 40 per cent less. Another letter states:

As a concerned parent with several children at the Taperoo Primary School, I am writing to express my disappointment—

That is, at the cutback. I could read it through, but many of the points are exactly the same as those made in other letters. The other important letter I have here is from the Outdoor Educators Association of South Australia, and I might say that all of these letters were addressed to the Minister; this letter reads:

I write to you on behalf of the Outdoor Educators Association of S.A. to express our concern at the decision by the Adelaide area not to supply an outdoor educator to be based at the C.R. Neilson Camp Centre, Tungkillo in 1987.

It goes on to talk about extensive programs which were developed and states:

The Earth Education programs being run at both Tungkillo and Karatta are the most focused, innovative and hard-hitting environmental education programs ever produced. To have these programs reduced through the lack of a coordinator would be a great loss to outdoor education not only in the Adelaide area but to the State.

The point I wish to make is that many schools have been involved in this program. I understand that education is going through a hard time and there are single programs in individual schools which have been cut back. I can understand that: cuts have been accepted in many cases, albeit with some resistance. However, this program is not for a single school: it caters for many children, giving them access to a program and enabling them to learn about the earth and the environment in a broad spectrum.

It is important today for people to realise that we need this education for our children. I ask the Minister to consider putting a project officer on this matter to assess what can be done; to look at its value to many children—not just to a single school but to many children. Surely, there is some way out for those schools to make this program work for the children.

Surely, with a project officer from the Education Department coordinating with these schools and ascertaining what funding is allowed, we can find an answer. As a point of interest, when I went to the Education Centre at Norwood, the pamphlets and posters on the wall were advertising this Tungkillo Sunship Earth program. It is highly recognised as good quality education for children. It is noted, as I say, by the outdoor educators and by the other schools, and needs to be supported.

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

Ms LENEHAN (Mawson): This afternoon I wish to take up two issues. One relates to a question that I asked in the House about the use of the present liquor licensing laws by restaurants to make available to the community their BYO facility, especially in the period from Monday evening to Thursday evening. I wish to expand on my question, because this is an important area and one that restauranteurs should consider in terms of promoting the facility currently existing under our licensing laws.

We have the most flexible licensing laws in this country, whereby a restaurant with a fully licensed facility can offer a BYO facility for the charge of a corkage fee. That means that people can visit the restaurant, taking a bottle of their own wine, and obviously this means a considerable saving. The Minister of State Development and Technology, in answering my question, highlighted some of the advantages not just for the patrons of restaurants but also for restauranteurs with regard to the fact that they can even out their business over the whole week rather than having their restaurants booked out on Friday evening and Saturday evening, as is the case with most Adelaide restaurants, and almost empty from Monday evening to Thursday evening. This would ensure that more people wishing to dine at a restaurant could do so. I have in mind especially young couples with both partners working and families who may be enticed to dine at a restaurant if they can bring their own bottle of wine.

Obviously, the restauranteurs would benefit financially from such a move, as would the South Australian wine industry, which is not only a significant industry in this State but also in fact the heart of the wine industry from Australia. Indeed, we have a magnificent industry just on the doorstep of Adelaide. People visit the wineries at weekends and, when they buy wine for their own use, they will be able to take a bottle to their favourite restaurant.

Another aspect about which I am concerned is the employment in the restaurant and hospitality industry. In this regard, I believe that I would have the support of the

liquor trades union, which is calling on restauranteurs to advertise publicly and to promote their BYO facilities over the Monday to Thursday period, because this would create extra employment in the industry during that period. It is for those reasons that I shall be, I hope, mounting a campaign calling on restauranteurs to use the flexibility of the South Australian licensing laws which, as I have said, are the most flexible and far reaching in this country.

Having said that, I now turn to the second topic to which I wish to address myself in this grievance debate: the whole question of the aged in South Australia. This subject must be considered as a challenge to members of this Parliament and to the members of the community because, whether or not we like it, we ourselves will be part of the growing statistics some day. In this connection, I point out that by the year 2021 (that is, 35 years hence), when many of the present members of Parliament would like to think that they will be alive and well, one in six Australians will be aged over 65 years. In fact, in South Australia 17.3 per cent of the population will be aged 65 years and over compared to 15.9 per cent for Australia as a whole. Therefore, in South Australia we will have a significantly higher proportion of people aged 65 years and over compared to the Australian average.

Looking at projected figures for South Australia over the next 25 years, that is to the year 2011, the total number of those over 65 will increase by 45.2 per cent compared to a growth of people under 65 years of 18.25 per cent—that is, the over 65s will grow at about 2½ times the rate of the under 65s.

Perhaps the most significant figure is the change in the ratio of the young old—that is those 65 to 74—and those over 75 years. In the 25 year period the 65 to 74 group will increase by 25 per cent, whereas the 75 and over group will more than double. At the present time an analysis of the aged by sex reveals that, in the total over 65 group, there are 138 women to 100 men. This ratio of women to men increases with age and in the specific group, 75 years and over, women outnumber the men by almost two to one. Perhaps that says something about the lifestyle and the moderation which women in our community enjoy.

Mr S.J. Baker interjecting:

Ms LENEHAN: I note the interjection of the member for Mitcham 'Do we want to change it?' Most certainly not. I am suggesting that the gentlemen in our community emulate the women in this society much more closely and indeed look at moderating their behaviour and their habits—and I am not referring to anybody in particular.

The question I would like to pose to the House is: will this rapid growth be evenly spread throughout South Australia? The answer is 'No'. Presently, as some of the members opposite would know, the heaviest concentration of aged citizens is in the old inner suburbs and at the last census Glenelg had 27.7 per cent of population aged 65 and over, with Kensington and Norwood on 21 per cent. However, it is the middle and outer areas which will experience the most rapid increase of aged persons, most particularly the metropolitan fringe north of Gepps Cross and south of Darlington, in the area I represent. This is not really surprising when we consider that 90 per cent of South Australia's aged population live in private dwellings, such as houses and flats, while the remaining 10 per cent live in non-private dwellings, such as nursing homes, hostels and private hospitals. It is significant that of those in private dwellings 50 per cent of aged males live alone while 40 per cent of aged females live alone.

It is asserted by Shirley Stott Despoja in a review of the book *Look me in the Eye*, by Cynthia Rich and Barbara Macdonald, that:

> Many of the old people in Adelaide in the year 2001 will be women and as old women are everywhere in the world the poorest of the poor, poverty will be visible as perhaps never before in our memory, unless pension systems and services for the aged change as rapidly as the population is now changing.

She goes on to say:

> Some people believe that despite a sudden upsurge of interest by Governments and social welfare workers in the statistics of ageing, attitudes and the power structure of Western societies, including our own, militate against the aged playing an important role in their own destiny. Grey power as yet has little meaning except in terms of an increased number of voters over the age of 65.

They are very strong sentiments indeed but I believe that, as members of this Parliament, and indeed as members of my own political Party in this country, which has seriously addressed questions of social justice and equity, we must take these predictions very seriously.

The statistics I have outlined should serve as guidelines for planning for appropriate and adequate services, facilities and housing for the aged. However, the political process must also ensure that the aged have a major role to play in the planning and the provision of these services. While it is valid to talk of the problems of providing housing, health services, transport, social networks, recreation, and so on, the recurrent theme is the same: older people and their specific needs are seen as a problem. I do not share that view.

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

Mr S.G. EVANS (Davenport): I must pick up two things that the member for Mawson mentioned. I am pleased that I gave her my slot and that I went last. The honourable member thanks me for that and, as a gentleman, I accept her thanks. In relation to the matter of restaurants allowing 'bring your own', it is within the law. Some have tried it but have found that there is no profit in it. It has been found that there is very little profit in grub and that most of the profit is in alcohol.

If restauranteurs are denied the right to derive profit from alcohol by being able to charge only corkage (and they cannot charge a large corkage; otherwise people will not go to the restaurant), they will be unable to afford to employ people, because the profit margin will not be high enough. Those are the cold, hard facts. The member for Mawson does not need to go further, because this has been tried and talked about in the restauranteurs association. Profitability is just not there. High penalty rates apply in Australia, whereas overseas where they do not have penalty rates the staff work on a percentage of sales plus a small retainer, making it an entirely different situation.

In relation to the points raised by the honourable member about the ageing population of the State, I agree with her. I am not sure to which author the honourable member referred; the honourable member merely said, 'She goes on to say'. Notwithstanding who the author was, it might be interesting if a man wrote a similar report. At present in our society there are virtually no agencies to look after men, who are less likely to come forward and talk about their problems. Perhaps because of their chauvinistic ways they do not like to admit that they are finding it tough.

Many men in the community, who are unknown to the agencies, are living in lonely circumstances. Our provision of agency facilities ignores them. Nearly all provide services for women and youth, and we should recognise that. What if we do become a State for the aged? The Government

apparently does not want industry here, as it overtaxes for water, power and sewerage services and imposes all sorts of other charges. It might be ideal for us to become the retirement State of Australia, as we would not have to worry about manufacture; we would create jobs looking after the aged. They would not need jobs because they would receive pensions from the Federal Government. So, the Federal Government would be paying their upkeep and we would be able to employ people to look after them. That is a cynical view, but in a way that is what is really happening.

A modern society would not accept this view, I suppose, but the other way to solve the problem would be to throw away the pill. However, there would be some objection to that in various quarters, although it would certainly lower the average age of the State quite considerably and very quickly.

One matter that I wish to address today concerns the matter of correctional services facilities and the problems that occur with people being held in the cells at police stations in lieu of correctional services facilities. The Correctional Services Act defines 'prison' as meaning 'a premises declared to be a prison under Part III'. Section 18(1) (under Part III) provides:

> The Governor may, by proclamation—
>
> *(a)* declare any premises to be a prison;
> or
> *(b)* declare any premises under the control of the Commissioner of Police to be a prison for the purposes of this Act

Section 18 (2) provides:

> The Governor may, by further proclamation, revoke or vary any proclamation under subsection (1).

Those provisions indicate that we must have declared prisons in which to put prisoners. In relation to custody of prisoners, section 24 of the Correctional Services Act provides:

> The permanent head has the custody of every prisoner, whether the prisoner is within, or outside, the precincts of the place in which he is being detained or is to be detained.

So, the responsibility is with the Permanent Head of the Correctional Services Department—not the Police Department at all. Section 26 of the Act provides:

> While a prisoner is being taken to any place in which he is to be detained, or is being taken for any purpose contemplated by this Act from any place in which he is being detained, he may, without any authority other than this section, be detained in any other place for as long as may reasonably be required in the course of effecting the transfer of the prisoner.

A prisoner can be held in other than a correctional services establishment for 'as long as reasonably required'. At the moment the Minister of Correctional Services is pandering to his department and he has thrown the burden onto the Police Force. I contend that that is against the Act and that what the Minister is doing is illegal. I believe that the Minister of Emergency Services (the Deputy Premier) is accepting a responsibility that, under the Act, he is not entitled to. I believe that those prisoners should be under the control of the Correctional Services Department and not the Police Force. Section 84 of the Act provides:

> The superintendent—
>
> under the old Act, but under the new Act it is 'the manager'—
>
> of a correctional institution shall comply with any order or direction given by an officer of a court, or a member of the Police Force, in the course of, and for the purpose of, executing any process or order of a court or justice that he is required or empowered by law to execute.

In other words, because those prisoners who are awaiting sentence or are on remand are not going into the remand centre or to the gaol, the law is being broken. Whoever is leaving them where they are is really in contempt of court. The court has directed that those prisoners will be under the control of the Minister of Correctional Services and his department. They are not under the control of that person, so the Government is in contempt of the direction of the court, and I believe that that in itself contravenes the Act.

Until the remand centre was built, up to 360 prisoners were held in the gaol at one time. The Minister of Correctional Services has pandered so much to his department (and to the detriment of the Police Force) that 245 prisoners are now held in the Adelaide Gaol, and it is hoped to reduce that figure to 224. At the same time, at the City Watch-house 52 men can be held, and there are seven cells for women. However, it is overcrowded, and police have to be removed from their duties of protecting the community from house breakings and assaults in order to sit at the Adelaide Gaol or the Port Adelaide Gaol to watch prisoners whom the law says that they should not be looking after: the law says that the Minister of Correctional Services should have that responsibility.

The result is that those staff who are rostered to carry out surveillance in our community are now brought in to try to prevent prisoners from escaping custody in cells which are unsatisfactory. The cells at the City Watch-house are not a satisfactory place in which to keep prisoners for up to 10 days, and that is the period that the police have to hold them now, at times, because the Minister of Correctional Services will not say to his officers, 'You can hold 360 at the Adelaide Gaol until we have more resources.' The Police Force should not have to carry this burden, and the Government knows that that is the case. Legally, the only role that the Police Force can play in this scenario is that of transferring prisoners from one point to the other. Once prisoners have appeared before the court, it is no longer the duty of the Police Force to worry about the prisoners, other than to transfer them.

I believe that if every member of Parliament looks at the Act relating to correctional services he or she will find that what is happening now is illegal. The Minister of Emergency Services should have stood up to the Minister of Correctional Services and said, 'It's your baby, mate. You look after it. It's your job, and my officers should not have to be humbugged by it.'

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

Motion carried.

At 5.1 p.m. the House adjourned until Tuesday 25 November at 2 p.m.