HOUSE OF ASSEMBLY

Tuesday 5 March 1991

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

SUPPLY BILL

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

PETITION: TREE PLANTING PROGRAM

A petition signed by 170 residents of South Australia requesting that the House urge the Government to undertake a tree planting program in conjunction with the resurfacing of Cross Road was presented by Mr S.J. Baker.

Petition received.

PETITION: PROPOSED WATER RATING SYSTEM

A petition signed by 72 residents of South Australia requesting that the House urge the Government not to proceed with the proposed water rating system based on property values was presented by Mr Becker.

Petition received.

PETITION: BLOOD ALCOHOL LIMIT

A petition signed by 10 102 residents of South Australia requesting that the House urge the Government not to reduce the blood alcohol concentration limit for fully licensed drivers was presented by Mr Oswald.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 189, 190, 255, 442 to 444, 460, 464, 475, 477, 480, 483 and 486; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

STATE BANK

In reply to **Mr S.J. BAKER (Deputy Leader of the Opposition)** 12 December.

The Hon. J.C. BANNON: Pegasus Leasing Limited is a joint venture between Malary Pty Ltd (50 per cent) and third party shareholder Lanceti Pty Ltd (50 per cent). Pegasus Leasing is involved predominantly in bloodstock leasing and general financing. Michael Hamilton and John Malouf are currently the representatives of the Beneficial Finance Group on the board of Pegasus in their capacity of representing Beneficial's interest in a 50:50 joint venture. Pegasus Leasing Limited is a public company and as such is required to have a minimum of five shareholders. Two of these were Malary Pty Ltd and Lanceti Pty Ltd.

John Baker and Erich Reichert were nominee shareholders who held one share each in trust for Malary Pty Ltd, which ceased when they left the company. The other shareholders are the late A. McGregor (held in trust for Lancetti) and Beneficial Finance Corporation Ltd and Beneficial Leasing Pty Ltd (held in trust for Malary Pty Ltd). Malary, an off-balance sheet company, was convenient so as to give Beneficial flexibility at a later stage should it want to dispose of its interest.

In reply to **Mr S.J. BAKER (Deputy Leader of the Opposition)** 12 February.

The Hon. J.C. BANNON: The State Bank has provided the following information regarding Mr Marcus Clark's remuneration. Mr Marcus Clark's total remuneration package from the State Bank and its entities for the past three years was:

1.2.90 to 28.2.91—$500 000 per annum

1.2.89 to 31.1.90—$450 000 per annum

1.2.88 to 31.1.89—$400 000 per annum

At the date of his resignation, 9 February 1991, Mr Clark's total remuneration package, including superannuation contributions, was $500 000 per annum. Mr Clark was entitled to receive payment under the above package up to and including 28 February 1991. The amount due to him in this respect as a result of his resignation was $9 205. Mr Clark had a legal entitlement to unused annual and long service leave and the amount due to him in this respect was $138 889.

As a consequence of his resignation, Mr Clark became entitled to receive the amount standing to his credit in the State Bank of South Australia Executive Officers' Superannuation Fund. The amount standing to his credit in that fund arose from monthly contributions made during the term of his employment, together with accumulated earnings on those contributions. All contributions to the fund formed part of Mr Clark's remuneration package. No contributions over and above his package have been made to the fund. The total amount standing to Mr Clark's credit in the fund at 22 February 1991 was $829 439.80.

Mr Clark was paid bonsuses as follows:

Individual bonus—in relation to results for years ended 30 June:

1990—Nil

1989—$50 000

1988—$48 750

Profit share bonus—Mr Clark participated in the bank profit share bonus in the same manner as all other employees. The amounts paid to him in this respect in relation to profits for the years ended 30 June were:

1990—Nil

1989—$6 139

1988—$5 960

Mr Clark had an option to buy a Mercedes Benz motor vehicle for the written down value. This option was not exercised. The vehicle has now been sold for an amount in excess of the written down value. Mr Clark leased a house property from the bank. Amongst the terms of that arrangement was a requirement for Mr Clark to purchase the property at cost, including capital improvements thereto. The obligation still remains for Mr Clark to purchase the property after 30 June 1992. However, Mr Clark was released from his obligation to pay 'rental' for the property on his resignation, the bank having the right to find another tenant.

REMM MYER DEVELOPMENT

In reply to **Mr INGERSON (Bragg)** 13 December.

The Hon. J.C. BANNON: The Treasurer has not been involved in discussions about the application of the *force majeure* clause contained in the financing contract for the Remm Myer development. Any cost overrun is a matter of customer/client confidentiality. To disclose details relating to cost at this stage would be to the commercial disadvantage of the project and in conflict with the principles of the State Bank Act.

STATE BANK

In reply to **Hon. D.C. WOTTON (Heysen)** 19 February.

The Hon. J.C. BANNON: I have been informed by the State Bank Board that no senior executives were involved in the shredding of documents and that the board was not made aware of the shredding as it was of a routine nature.

In reply to **Hon. TED CHAPMAN (Alexandra)** 14 February.

The Hon. J.C. BANNON: I have been informed by the State Bank that a number of bonus or incentive schemes operate within the State Bank Group. The basis of these schemes was determined by the then Group Managing Director and they were predominantly related to profit performance and/or return to equity. There are no State Bank senior executives who are paid bonuses or other remuneration based on business they wrote, irrespective of profitability.

It should be noted, however, that some investment advisers and sales staff in the insurance business of the State Bank are remunerated on a base salary plus performance bonuses based on sales. This is in accordance with traditional industry practice. Bonuses paid to senior executives were included in the schedule of remuneration released by the bank on 12 February 1991.

STATE GOVERNMENT INSURANCE COMMISSION

In reply to **Mr BECKER (Hanson)** 12 December.

The Hon. J.C. BANNON: Under the State Government Insurance Commission Act the Treasurer is not required to give his approval for mortgage lending made by SGIC. My approval was therefore not sought for the mortgage loan to No. 1 Anzac Highway as this was a matter on which the board of SGIC had the authority to decide. The loan approved for United Land Holdings Pty Ltd was done at arm's length and, when the matter was considered by the board of SGIC, the Chairman, Mr V.P. Kean, left the room and was not included in any discussion. It is not commercial practice to disclose details about the amount and security for loans, but the loan is fully secured.

In reply to **Dr ARMITAGE (Adelaide)** 14 February.

The Hon. J.C. BANNON: SGIC has produced the following schedule, which provides details of all property transactions undertaken by SGIC for the period 1 July 1984 to 20 February 1991.

SCHEDULE OF LAND AND PROPERTY TRANSACTIONS FROM 1.7.84 TO 20.2.91

Property	Date of Purchase	Name of Vendor	Purchase Price	Date of Sale	Name of Purchaser	Sale Price
			$			$
85 Smith Street, Naracoorte	19.1.83	CML Assurance Society Ltd	107 500	29.6.88	Trifarm Investments	150 000
63 Pirie Street, Adelaide (see note 2 below)	00.5.84	Commonwealth of Australia	1 564 333	25.6.86	Commonwealth Banking Group	21 000 000
191A-193 Victoria Square, Adelaide	1.8.84	Western Australian Insurance Co.	710 000	N/A	N/A	N/A
82 King William Street, Adelaide	19.12.84	Hindmarsh Building Society	6 000 000	N/A	N/A	N/A
14 Forsyth Street, Whyalla	20.12.84	ANZ Adelaide Group	107 000	N/A	N/A	N/A
Lincoln Cove (see note 1 below)	17.4.85	Ron McMaster Group	375 000	24.4.86	Ron McMaster Group	637 500
15-19 Franklin Street, Adelaide	19.7.83	ANZ Adelaide Group	2 520 000	N/A	N/A	N/A
Earl of Zetland Hotel	8.8.85	S.A. Brewing Co.	1 000 000	N/A	N/A	N/A
69 Playford Road, Waikerie	15.11.85	P.F. and C.H. Wright	86 000	30.6.90	K.N. and M.T. Hudson	105 000
50 Pirie Street, Adelaide	13.12.85	Westpac Banking Corporation	8 050 000	N/A	N/A	N/A
40 Gold Street, Port Augusta	13.1.86	P.R. and R.M. King	105 000	N/A	N/A	N/A
Section 1187, Sturt Highway, Berri	16.1.86	B.J. and J.V. Scholefield	91 000	N/A	N/A	N/A
15 Walkley Road, Port Lincoln	10.2.86	J.A. Wood	93 000	N/A	N/A	N/A
11 Elizabeth Way, Elizabeth	24.4.86	R.S.L. and J.S. Cufone	495 000	N/A	N/A	N/A
191 Fullarton Road, Dulwich	1.8.86	U. Struenkhann	3 575 000	N/A	N/A	N/A
Church Street, Port Adelaide	4.8.86	Treasurer of South Australia	478 940	14.6.88	Carnarvon P/L	850 000
Old Port Canal Shopping Centre (see note 3 below)	18.8.86	Consulere P/L/Treasurer of S.A.	3 632 106	6.12.87	McKenzie Group of Companies	27 000 000
Rundle Arcade	27.8.86	Emmanuelle Group of Companies	12 500 000	N/A	N/A	N/A
4 Milham Street, Oaklands Park (in trust for SGIC)	12.9.86	I.N. Taylor	75 000	N/A	N/A	N/A
13 Parish Crescent, Murray Bridge	3.10.86	A.P. and S.L. Bennett	100 000	N/A	N/A	N/A
47 Coker Street, Ferryden Park	6.10.86	CO Design P/L	1 050 000	N/A	N/A	N/A
Church Street, Port Adelaide (C.T. 4275/414)	24.10.86	Treasurer of South Australia	112 080	N/A	N/A	N/A
33 Waymouth Street, Adelaide	1.12.86	Tadrex P/L	1 200 000	N/A	N/A	N/A
111 Beach Road, Christies Beach	19.12.86	Trikon Corp. P/L and Triangle Nom. P/L	507 500	N/A	N/A	N/A

Property	Date of Purchase	Name of Vendor	Purchase Price	Date of Sale	Name of Purchaser	Sale Price
Corner Wade and Ahern Streets, Berri	6.1.87	Berri Cooperative Packing Union	250 000	7.11.88	HL Clark P/L	300 000
2 Milham Street, Oaklands Park (in trust for SGIC)	15.1.87	W.D.F. and M.M. Abbott	170 000	N/A	N/A	N/A
279 Diagonal Road, Oaklands Park (in trust for SGIC)	27.2.87	J. and M.C. Pietrus	74 250	N/A	N/A	N/A
1A Franklin Street, Oaklands Park (in trust for SGIC)	13.3.87	I. and K. Marimow	80 000	N/A	N/A	N/A
Southgate Motors, Main South Road, Reynella	17.6.87	Brian Gill Motors P/L	1 750 000	9.6.89	Southgate Motors P/L	2 150 000
43 Gouger Street, Adelaide	30.6.87	Solomons Installation Services P/L	750 000	22.8.88	S.K. and N. Lee	1 155 000
31-39 Gouger Street, Adelaide	30.6.87	Raberen P/L	1 650 000	N/A	N/A	N/A
287 Diagonal Road, Oaklands Park (in trust for SGIC)	31.7.87	R.E.F. Gross and D.I. Gross	87 000	N/A	N/A	N/A
20 Bridge Road, Murray Bridge	19.8.87	P.D. and D.K. Frampton	650 000	N/A	N/A	N/A
9-21 Gouger Street, Adelaide	28.10.87	Merebar P/L	1 750 000	N/A	N/A	N/A
575 South Road, Regency Park	31.10.87	Leyland Motor Corp. of Aust. Ltd	2 500 000	N/A	N/A	N/A
196 Greenhill Road, Eastwood	27.11.87	Anvares P/L	5 100 000	N/A	N/A	N/A
7 Bolivar Crescent, Port Pirie	27.11.87	G.R. and G.M. Storey	100 000	N/A	N/A	N/A
44 Pirie Street, Adelaide	1.12.87	Commercial Union Assurance Co.	8 250 000	N/A	N/A	N/A
222 Esplanade, Seacliff	2.12.87	REI Building Society	1 100 000	8.11.89	Johnritch P/L	1 675 000
401-403 South Road, Mile End South	18.12.87	M.L. Hayes	1 000 000	N/A	N/A	N/A
47 Waymouth Street, Adelaide	23.12.87	Haugh P/L	3 800 000	N/A	N/A	N/A
7 Mark Street, Happy Valley	29.2.88	D.C. and N.J. Doviak	103 249	16.10.89	R.B. and R.E. Whitfield	114 250
33 West Terrace, Adelaide (see note 4 below)	11.4.88	Commonwealth of Australia	2 050 000	29.3.91	Motors Ltd or Nominee	1 750 000
21-29 West Terrace, Adelaide	22.4.88	Commonwealth of Australia	1 515 000	7.11.90	Adelaide Motors 1990 P/L	2 400 000
150 North Terrace, Adelaide (Bouvet P/L)	1.6.88	Ansett Airlines of Australia	40 000 000	N/A	N/A	N/A
91-99 Richmond Road, Mile End	14.6.88	Humes Ltd	2 650 000	N/A	N/A	N/A
195 Victoria Square, Adelaide	1.7.88	Insculp P/L	2 600 000	N/A	N/A	N/A
Part section 84, Government Road, Nunikompita	22.7.88	State Bank of S.A.	1 500	7.10.88	G.P. Williams and H.F. Elliott	3 000
22 Grote Street, Adelaide	4.10.88	Nicholas Nominees P/L	1 200 000	N/A	N/A	N/A
101 Richmond Road, Mile End South	17.10.88	A.V. Wehl Industries Ltd	1 725 000	N/A	N/A	N/A
491 Morphett Road, Oaklands Park	23.1.89	Minister of Education	3 800 000	N/A	N/A	N/A
90 Rundle Mall, Adelaide	7.2.89	Brenmoss Properties (W.A.) P/L	7 500 000	N/A	N/A	N/A
144 North Terrace, Adelaide	1.3.89	Australian National Airlines Commission	9 600 000	N/A	N/A	N/A
13 Lorraine Avenue, Port Lincoln	3.4.89	L. and J.K. Cunningham	93 000	N/A	N/A	N/A
Bellara Nursing Home	19.4.89	Fabcrom P/L	2 625 000	N/A	N/A	N/A
Vales Private Hospital	19.4.89	The Vales Private Hospital P/L	11 000 000	N/A	N/A	N/A
Kiandra Private Hospital	19.4.89	Kiandra Private Hospital P/L	2 900 000	N/A	N/A	N/A
Somerton Park Laundry	19.4.89	Somerton Park Laundry P/L	215 000	N/A	N/A	N/A
Hutt Street Private Hospital	19.4.89	Glenspa P/L	4 500 000	N/A	N/A	N/A
Parkwynd Private Hospital	19.4.89	Glenspa P/L	2 750 000	N/A	N/A	N/A
Griffith Private Hospital	19.4.89	Griffith Property P/L	4 138 000	N/A	N/A	N/A
1 Port Wakefield Road, Gepps Cross	1.5.89	Fantasere P/L	1 800 000	N/A	N/A	N/A
46 Fullarton Road, Norwood	5.5.89	Devon Holdings Ltd	1 400 000	N/A	N/A	N/A
Lots 7 and 8 Cavan Road, Cavan	5.5.89	Devten Holdings P/L	3 200 000	N/A	N/A	N/A
12 Grote Street, Adelaide	13.10.89	Myles Pearce & Co. P/L	1 650 000	N/A	N/A	N/A
Langley Road, Victor Harbor	13.10.89	L.R. and K.L. Schultz	107 500	N/A	N/A	N/A
Centrepoint Building	23.10.89	Centrepoint P/L	43 142 000	N/A	N/A	N/A
Lot 40 Braunack Terrace, Tanunda	27.10.89	R. Braunack	104 000	N/A	N/A	N/A
6 Milham Street, Oaklands Park	30.11.89	C.J. and V.A. Siebert	157 500	N/A	N/A	N/A
17 Milham Street, Oaklands Park	15.1.90	P. Scadding	130 000	N/A	N/A	N/A
1 Milham Street, Oaklands Park	31.1.90	R.J. Wardell	157 500	N/A	N/A	N/A
Blyth Street Car Park	28.2.90	Pellage P/L	15 500 000	N/A	N/A	N/A
28 Hume Street, Adelaide	25.5.90	E. Szewczwk	185 000	N/A	N/A	N/A
Darwin Private Hospital	30.6.90	Darwin Private Hospital P/L	13 036 617	N/A	N/A	N/A
20 Hume Street, Adelaide	12.10.90	D.S.G. Sheppard	132 000	N/A	N/A	N/A
18 Hume Street, Adelaide	2.11.90	D.P. Coleman	122 000	N/A	N/A	N/A

Property	Date of Purchase	Name of Vendor	Purchase Price	Date of Sale	Name of Purchaser	Sale Price
Victor Harbor Shopping Centre	6.12.90	Westpac Banking Corporation	9 451 000	N/A	N/A	N/A
Holdfast Private Hospital	1.2.91	R. Scragg Nominees P/L	1 000 000	N/A	N/A	N/A
72-76 States Road, Morphett Vale (see note 5 below)	21.2.91	S. and M. Politis	210 000	N/A	N/A	N/A

Note 1: Equity investment in which SGIC held a 25 per cent share and subscribed capital between 17.4.85 and 28.3.86. Dollar figure represents SGIC shareholding only.
Note 2: Purchase price represents land cost only. Land was redeveloped prior to sale.
Note 3: Purchase price represents land cost only. Land was redeveloped and property sold as part of sale of shares of Old Port Canal P/L. SGIC shareholding was 50 per cent.
Note 4: Option exists to sell property, settlement anticipated on 29.3.91.
Note 5: Property under contract to purchase, settlement to occur 21.2.91.

STATE BANK

In reply to **Mr INGERSON (Bragg)** 6 December.

The Hon. J.C. BANNON: Approximately 46.6 per cent of State Bank Group's non-housing loans are in respect of business and properties outside South Australia. Loans are made outside South Australia for the following reasons:

- As a deliberate strategy to diversify risk for prudential management.
- To support South Australian based companies in their activities outside South Australia.
- To introduce new revenue to South Australia which would otherwise flow to institutions based mainly in Sydney and Melbourne.
- To enable controlled growth of the bank not available within the State due to its major share of the existing market.

DISTRICT COURT

In reply to **Mr ATKINSON (Spence)** 15 November.

The Hon. G.J. CRAFTER: There are currently two situations with regard to the trial list, namely, those actions commenced pre-1990 and those after 1 January 1990. The 1990 actions are being dealt with in accordance with the prescribed timetable previously detailed. They are given the appropriate pre-trial conference dates and, if necessary, trial dates as soon as the parties are ready to proceed. The pre-1990 actions fit into the trial list after the 1990 actions. It is stressed that the decision to monitor cases issued only from 1990 was made by the court. That decision was based primarily from the experience gained from similar systems in other courts of like jurisdiction. However, it is important to note that parties are at liberty to negotiate at any time should they so desire. In fact, they are encouraged to do so.

While it is appreciated that these arrangements may give the impression that 1990 actions are being given preference over pre-1990 actions it is emphasised:

(1) The trials of pre-1990 actions have continued unabated.

(2) Plaintiffs in actions issued prior to 1990 have not been unfairly prejudiced. They would have received the same trial date whether or not conferences had been suspended.

It should also be noted that the method of listing 1990 actions has not affected pre-1990 actions. The District Court operates a separate trial list for 1990 to enable proper monitoring under the case flow management principles and, although it would appear that 1990 actions were being given preference over pre-1990 actions, this is, in fact, quite erroneous. It is simply a matter that legal practitioners have by and large complied with the new timetable, and have been ready to proceed to either settlement or trial at the earliest possibility.

ELECTORAL DISTRICTS BOUNDARIES COMMISSION

The SPEAKER: I have received the following letter from His Honour the Chief Justice:

Dear Mr Speaker, Justice Jacobs retired as a judge of the Supreme Court on 6 December 1990. He is therefore no longer eligible to act as Chairman of the Electoral Districts Boundaries Commission. I am required by section 78 of the Constitution Act 1934 as amended to appoint a judge of the Supreme Court to be Chairman of the Electoral Districts Boundaries Commission. Subsection (2) of section 78 provides that the judge so appointed 'should be the most senior puisne judge who is available to undertake the duties of Chairman of the commission'. The senior puisne judge will be Justice White. I have therefore appointed Justice White to be Chairman of the commission. I have advised the Attorney-General, the President of the Legislative Council and the Electoral Commissioner for South Australia. Yours sincerely, L.J. King, Chief Justice.

MINISTERIAL STATEMENT: NATIONAL CRIME AUTHORITY

The Hon. J.C. BANNON (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. J.C. BANNON: In accordance with arrangements made in August 1989 between the then Chairman of the National Crime Authority and the South Australian Government, the National Crime Authority delivered to me on Tuesday, 26 Februrary 1991 the long awaited report entitled 'Operation Hydra'. The report, which I now table, details a most comprehensive and vigorous investigation into allegations of corruption and blackmail in the vice industry in South Australia conducted by the authority. The central and most significant finding in the authority's report relates to the Attorney-General, the Hon. C.J. Sumner. The report states:

The Hon. Christopher John Sumner has been exonerated from all allegations investigated by the National Crime Authority under Operation Hydra. This was the principal finding made by the authority in this investigation.

The National Crime Authority has concluded:

- that there is no evidence that Chris Sumner, the Attorney-General, has used the services of vice establishments;
- that there is no evidence of any impropriety in the relationship between Chris Sumner, the Attorney-General, and Gianni Malvaso;
- that there is no evidence that Chris Sumner, the Attorney-General, acted improperly in any way, concerning the Malvaso prosecution;

- that there is no evidence of any improper associations between Chris Sumner, the Attorney-General, and convicted or suspected criminals.

In addition, the National Crime Authority's report also concludes that there was no satisfactory evidence to support the allegations investigated in the course of Operation Hydra that other prominent persons used the services of vice establishments and that, while there was one aborted attempt to compromise a politician by members of the Prostitutes Association, there is no evidence that blackmail was used by the operators of vice establishments to obtain favourable treatment or protection.

Members will understand that the report does not go so far as to say that no prominent persons have used the services of a prostitute in South Australia, but the report does conclude that, of the matters investigated as part of Operation Hydra, no satisfactory evidence exists to support the specific allegations against the 'prominent people' detailed at paragraphs 2.87-2.105 of the report. The report also states:

> Several matters which arose in Operation Hydra but which are of more relevance to the rest of South Australian Reference No. 2 will be the subject of separate reports to the Attorney-General or the Commissioner of the South Australia Police in the near future.

The matters which are the subject of Operation Hydra were clearly an important part of the original matters referred to the National Crime Authority through the Inter-Governmental Committee approval of South Australian Reference No. 2 in November 1988. As the Deputy Premier, Dr Don Hopgood, stated on 24 November 1988:

> The SA reference approved today by the Inter-Governmental Committee will enable investigations of allegations of serious criminal conduct and corruption of public officials, including police. The reference will enable investigations of, among other things, outstanding matters arising from the NCA's interim report (received 29 July 1988) and allegations arising from the Masters Report, the Mr X transcripts, and allegations in Parliament.

To understand the enormous investigative effort involved in the production of this report on Operation Hydra tabled today, it should be recorded that the National Crime Authority—

(i) reviewed and analysed police, legal and financial files held by the National Crime Authority, comprising 6 000 computer entries and 1 300 files of documents;

(ii) executed 11 search warrants and three general search warrants in respect of searches of businesses and residential premises associated with the operation of vice establishments in Adelaide;

(iii) examined all personal and official diaries, chauffeur records, files and financial records of the Attorney-General, and examined 87 000 pages of files for the purpose of investigating the 'improper association' allegations;

(iv) served 22 notices on financial institutions and other organisations pursuant to section 18 of the National Crime Authority (State Provisions) Act 1984 to enable comprehensive financial profiles to be prepared and analysed; and

(v) interviewed 313 people, and took formal evidence from 88 people at hearings convened pursuant to section 17 of the National Crime Authority (State Provisions) Act 1984.

The powerful and positive exonerating conclusions of the report, therefore, have been made possible because of this extraordinary investigative effort, and because, as the National Crime Authority report states:

> . . . this investigation was in some ways more akin to the work of a royal commission than to a normal National Crime Authority investigation, that is, the investigation was directed at ascertaining the truth or otherwise of a series of vague allegations, rather than at bringing charges against individuals for specific offences.

The South Australian Government welcomes the National Crime Authority's Operation Hydra report, both as the culmination of a significant and comprehensive investigation, but more importantly as a report which finds no evidence of corrupt behaviour involving police, politicians or public officials in respect of the vice industry in South Australia. Operation Hydra is the third recent substantial report by the National Crime Authority which has concluded that there is no evidence of systemic official corruption in South Australia. Neither the Operation Ark document prepared by Mr Justice Stewart nor the subsequent report forwarded to the Government by Mr Faris found evidence of police corruption in respect of the matters arising from the recording and investigations of complaints concerning Operation Noah in 1989.

The National Crime Authority's report into Operation Hound, which was tabled in Parliament on Tuesday 12 February 1991, concerned allegations that it was possible to have a traffic infringement notice withdrawn for a fee. Although one former officer had earlier been convicted and imprisoned for an offence of conspiracy to pervert the course of justice, and two former officers admitted involvement in the scheme, the National Crime Authority concluded that there was no evidence of institutionalised corruption.

The report on Operation Hydra makes clear that the Attorney-General (Hon. Chris Sumner) was the subject not only of lies, rumours and unfounded allegations but was the unfortunate victim of two extraordinary mischances and coincidences involving, first, the use by another person of the name Sumner when the services of prostitutes were booked and, secondly, the sheer misadventure that there was a person who bore a marked resemblance to Chris Sumner who used the services of prostitutes.

Before quoting directly from the report, I would point out that the authority has named certain individuals in its report because of their importance to the investigation. However, to protect others from whom it was necessary to seek cooperation, the authority decided that, where it would be necessary to give a name to people interviewed to convey a sense of the investigation, they should be given a name selected from Greek mythology in keeping with the name of the investigation, Operation Hydra. In regard to the 'other' Sumner, the National Crime Authority report concludes:

> . . . that there was indeed a person who booked services of an unusual nature from Walkuski's agencies under the name 'Sumner'. This person was identified and located and was interviewed by NCA investigators and gave formal evidence at an authority hearing where he confirmed the salient facts. The NCA does not consider it necessary to identify that person publicly.

In regard to the Sumner 'lookalike', as was the case with the person who used the name Sumner, the National Crime Authority identified, located and interviewed the person who bore a marked resemblance to the Attorney-General. That person confirmed the relevant details. This is set out at paragraph 2.38 of the report at page 26. The National Crime Authority report concludes:

> The National Crime Authority concluded that the person serviced by Euridice was not the Attorney-General, but a person who bore a marked resemblance to him [the Lookalike]. It also concluded that Echo had pursued the allegations against Sumner because of her perception that he had not properly dealt with her allegations against the Corporate Affairs Commissioner and others.

Later in this statement, I detail the circumstances of involvement of vice figures in the propagation of rumours against the Attorney-General, but I wish to emphasise that the 'lookalike' allegations were conveyed to a journalist by

the mother of a prostitute against the Attorney-General because of some grievance on her part directed against him in respect of his ministerial portfolio responsibility for corporate affairs. This is set out in paragraphs 2.41, 2.42 and 2.43.

These extraordinary circumstances do not in any way excuse those who have been the source of rumour and innuendo. Nothing will undo the mischief and harm that they have done to the Attorney-General and to his family. But the National Crime Authority report exposes those responsible, both in the vice industry and in the media, and there is now, with the tabling of this report, a final and complete rebuttal of the allegations made against the Attorney-General.

I have already referred to the circumstances which led to this investigation. The report sets out the history of the allegations in considerable detail. However, the principal factor which caused the matters to be referred to the National Crime Authority derived from the television program entitled 'Suppression City' broadcast nationally by the now defunct *Page One* series on 6 October 1988. The program was produced by Mr Chris Masters. As part of that program Mr Masters, without condition or qualification, stated:

> There is another far more sinister explanation for why some senior public officials may be reluctant to tackle the issue of public corruption . . . In Adelaide the test is far simpler, here the corrupters survive on blackmail.

And later, when suggesting an inquiry was needed, he said:

> An obvious starting point for that local inquiry would be the insidious practice of blackmail we revealed tonight.

These 'revelations' have now been shown by this exhaustive inquiry to have been based on rumour and entirely without substance. While the Masters program undoubtedly spurred and fed the rumour mill which spilled into the media and into Parliament in October and November 1988, the National Crime Authority report convincingly reveals that the genesis of the generalised spurious and deceitful allegations about politicians is to be found much earlier in the decade of the 1980s than perhaps most people may have realised.

The report reveals at page 165 that a *60 Minutes* television program entitled 'The Unhappy Hooker' broadcast on 19 April 1981 contained allegations of politicians being associated with prostitution. Patti Walkuski appeared on that program with three other prostitutes.

The National Crime Authority investigated the allegations made on that program. The prostitute concerned admitted she had no personal knowledge of the matters she had stated as facts on the television program, and admitted that her statements derived from gossip and hearsay. Her account now stands plainly discredited. On 16 September 1983, Patti Walkuski and three prostitutes appeared on the ABC program *Nationwide*, and one prostitute, who the report codenames Penelope but who is the daughter of Patti Walkuski, made similar allegations.

The subsequent disavowal by this prostitute of these statements is set out in the authority's report at paragraphs 5.40 to 5.48: she admits she has no personal evidence or first-hand proof of the identity of any politicians or police allegedly serviced by prostitutes. Patti Walkuski herself admitted to the authority that she had no knowledge of the identity of politicians allegedly serviced by prostitutes.

The National Crime Authority's report examines, in exceptionally close detail, the sources and origins of rumours and allegations, both in respect of the media and the vice industry. The report concludes:

> The authority found that it is most difficult to make conclusive findings in this area. It is quite clear that rumours were perpetrated or embroidered by various individuals in the vice industry for a variety of motives, including their desire to persuade Parliament to decriminalise prostitution. Gossip circulating amongst vice operators would seem to be more often motivated by 'one-upmanship' or self-aggrandisement than directed towards any particular objective.

As to those principally responsible for the propagation of the rumours, the report states:

> In this context, Patti Walkuski and Geoffrey Williams stand out as purveyors of rumour. In the case of Walkuski, she is the origin of the allegation that Chris Sumner used brothels or escort agencies. Her former husband, Frank Walkuski, clearly played a role in spreading the rumour.

More particularly as to the role played by Patti Walkuski, the authority states:

> The National Crime Authority concluded after an examination of information provided by various journalists that Patti Walkuski has stated or implied that Chris Sumner, the Attorney-General, has been a client of her vice establishments. In more recent times, she would appear to have taken particular care not to name him, perhaps in view of the possibility of defamation action or perhaps because she knew the allegation was false. Walkuski, under oath, admitted that she was in no position to have first-hand knowledge of whether or not he had been a client. Thus the National Crime Authority concludes that not only was Patti Walkuski the source of the allegation originally bruited abroad by Frank Walkuski but she was also the source for much of the media rumour and speculation that the Attorney-General had been a client of vice establishments, particularly her own. It is notable that at no time did Patti Walkuski seek to correct publicly the misconception that Chris Sumner used the services of her vice establishments.

The people concerned stand publicly condemned and exposed. I say no more than to express the hope that their public exposure should serve as a significant deterrent to any such future malpractice.

The SPEAKER: Order! The Premier's time has expired. Do you wish to seek leave to continue your statement?

The Hon. J.C. BANNON: I seek leave to continue my statement.

Leave granted.

The Hon. J.C. BANNON: I thank the House. As to the role of the members of the media in general terms, the authority states:

> The authority finds that there is little to suggest that the allegations were propagated in an effort to mask criminal behaviour or to diminish criminal law enforcement efforts or to throw up smokescreens to evade criminal sanction. Certainly, the media has been instrumental in disseminating the allegations, but there is no suggestion that this dissemination was actuated by malice. Some members of the media have perhaps been too ready to provide a forum for people of dubious credibility.

The role of the reporter Jayne Anderson (who was associated with Chris Masters in the production of the *Page One* 'Suppression City' program of 6 October 1988) gives a very clear example of what the authority is describing. The report states:

> Hecate, in evidence before the authority, accepted the conversation she had had with investigators as having been true and correct, with one exception to do with her statement that she and her sister had been shown tapes by the manager of Sportsmans. Hecate stated that she had made that up in order to impress the reporter, Jayne Anderson, who was very keen to have a sensational story . . .

Further:

> Hecate did say that Tassone had taken most of the girls into his office at some time and, further, that there were in fact tape recording machines in the office. When asked why she had exaggerated this circumstance when speaking to investigators, Hecate stated. 'Because I still had contact with Jayne at that time and I wanted—I didn't want her to know that I've exaggerated to her'.

Chapter 4 of the National Crime Authority report on Operation Hydra deals with the policing of the vice industry in general. The report details evidence by one person who operated a vice establishment in Adelaide that she did provide free sexual services to police officers. It leaves open whether or not this evidence is accurate. However, it does conclude:

There is no available evidence to substantiate the allegation that police officers received free sexual services in return for leaving alone those establishments operated by Malvaso, Walkuski, Williams, Powers, Ames, Pappalardo or Novak.

As to the question of police protection, the report states:

The allegation made by all vice operators at one time or another was that other vice operators were receiving protection. The vice establishment operators making these allegations at any point in time were usually those that were being raided by the Vice Squad on a regular basis, or who perceived that they were receiving unfair attention from the Vice Squad.

Further:

It is ironic that most vice operators interviewed in Operation Hydra believed that they were being 'harassed' by the Vice Squad and that other operators were not receiving the same level of police attention.

As to use of blackmail in respect of the vice industry, the National Crime Authority concluded:

In the course of the extensive interview and hearing program conducted by the NCA, there was no evidence put forward of the actual use of blackmail to achieve favourable treatment from prominent persons, whether judges, lawyers, senior public officials or politicians.

Further:

All witnesses were asked about the use of blackmail in the vice industry and, other than specific instances dealt with elsewhere in this report, had no knowledge of its existence or, like Gaea, had heard rumours without any detail as to the identity of the person being blackmailed.

Further:

The National Crime Authority concluded that, while there was one aborted attempt to compromise a politician by members of the Prostitutes Association, there is no evidence that blackmail was used by the operators of vice establishments to obtain favourable treatment or protection.

A reading of the Operation Hydra report by the National Crime Authority also reveals the sordid and tawdry way in which operatives in the vice industry unhesitatingly have peddled lies and gossip to advance their own interests. The report of the National Crime Authority also deals with allegations that the Attorney-General acted improperly in relation to the stance taken by the prosecution in regard to the sentencing of Gianni Malvaso. In dealing with this matter the authority refers to a series of questions raised by the shadow Attorney-General, the Hon. Trevor Griffin, by way of a press release on 16 December 1988. The authority's examination of the decision-making process that led to the action taken by the prosecutor is extraordinarily detailed and thorough.

All the questions raised by Mr Griffin are addressed, and it is made quite clear by the authority that the Attorney acted on the advice of eminent counsel. Indeed, it is clear that the Attorney would have preferred a more rigorous penalty to be sought. However, he accepted Mr Michael David, QC's conclusion that the case against Barry Moyse was far more serious and that the evidence provided by Malvaso was of vital importance in securing a conviction. The authority concludes:

As a result of inquiries and investigation, the National Crime Authority has uncovered no evidence which supports the assertion that the Attorney-General acted improperly, in any way, concerning the Malvaso prosecution . . . the authority also concluded that the Attorney-General in no way acted improperly in the course of the prosecution, sentencing and appeal processes concerning Gianni Malvaso.

I cannot pretend satisfaction that the process of investigation, report and exposure has taken as long as it has. However, in part this has been due to the complex nature of the investigative process, and also to the substantial work done by the National Crime Authority in response to my request to the Acting Chairman of the authority by letter of 5 April 1990 that the National Crime Authority consider and report upon whether the media had been deliberately misled and disseminated false allegations. My letter, which is contained in the appendix to the report, states:

. . . it is vital to determine, if possible, whether false allegations have been propagated which are calculated to mask criminal behaviour, or to diminish criminal law enforcement efforts or to throw up smokescreens to evade criminal sanction.

In that letter I put it to the authority that if this was the case the authority may wish to comment on ways whereby problems of this kind could be overcome. I suggested that an exposure of what occurred may at least have an educative value. I have already referred to the authority's conclusion that there is little to suggest that the allegations were propagated in an effort to mask criminal behaviour or to diminish criminal law enforcement efforts or to throw up smokescreens to evade criminal sanction.

The role of the media was of course crucial. The authority is clearly critical of the way some reporters promoted rumours and, as I have referred to earlier, the authority concluded that some members of the media were perhaps too ready to provide a forum for people of dubious credibility. However, the authority does concede that in one sense the broadcast of rumours claimed to be facts did lead to their investigation. The report concludes:

The interest of television programmers in the issue of prostitution and, of course, the rumours regarding politicians and blackmail gave a new dimension to this scuttlebutt, elevating it to the status of allegation, as opposed to rumour. This state of affairs may well have continued, except for two circumstances—first, the controversy over the Malvaso sentencing and what role the Attorney-General took in the decisions on the prosecution, and the fact that he identified himself in November 1988 as the subject of the rumours that were circulating at that time. In this sense, the broadcast of 'Suppression City' in one way brought these matters to a head and, in effect, led to the commencement of Operation Hydra.

The report is tabled in the form prepared and presented by the authority, with the exception that a person's name has been deleted, on the grounds of avoiding undue and unnecessary prejudicial publicity, in the letter dated 30 November 1989 from the Attorney-General to Mr Faris, QC, which forms part of the appendix to the report, and in the letter from Mr Faris, QC, to Mr B. Guerin dated 6 December 1989.

I now turn to the recommendations made by the National Crime Authority in its report, and detail the responses by the State Government to those recommendations. In chapter 6, at page 194, the National Crime Authority recommends the establishment of a Director of Public Prosecutions in South Australia. I inform the House that on 15 January 1991 Cabinet approved the establishment of an Office of the Director of Public Prosecutions, to be responsible for the prosecution of indictable offences currently handled by the Crown Prosecutor. This decision was made before the Government became aware of the authority's recommendations. Parliamentary Counsel has already been instructed to prepare the necessary legislation to create the statutory office of Director of Public Prosecutions, and a Bill to give effect to this proposal will be introduced by the Government within the current session of Parliament. The National Crime Authority also recommends a review of the laws relating to prostitution, with reference to the law and practice in other States. The Government agrees that this proposal should be acted on in the light of the report.

The Government proposes that a person eminently qualified in the criminal law should be commissioned as soon as possible to review and to report to Parliament through the Attorney-General on the operation of the laws of South Australia with respect to prostitution, with reference to the laws of interstate and comparative jurisdictions. The Queensland Criminal Justice Commission has just released an issues paper, as the first step in a review of the laws

relating to prostitution in Queensland following recommendations made by the Fitzgerald Royal Commission report in 1989. These issues, together with other issues exposed by reason of recent legislative innovation in Victoria, should be considered and reported upon by the appointed person.

Finally, the National Crime Authority report refers to the difficulty of enforcement in the operations of the Listening Devices Act. In response to the recommendation, the South Australian Government will establish a committee of review, comprising the Crown Prosecutor, the Officer-in-Charge of the Anti-Corruption Branch, and the Assistant Commissioner of Crime, SAPOL, to examine and report to the Attorney-General upon the operation and enforcement of the Listening Devices Act. I indicate that the report will be tabled in Parliament when completed to enable debate and consideration of the issues raised, including the question of any possible legislative reform. As will be seen, the South Australian Government has readily adopted, endorsed and acted upon the recommendations of the Operation Hydra report.

Mr Speaker, I said earlier that I had suggested to the Chairman of the National Crime Authority that a full investigation and a full exposure of these matters may at least have an educative value. We have indeed been presented with a report which contains many lessons. I think all of us in this place and those who report the proceedings here should read carefully the authority's account of the way in which totally unfounded rumours are elevated to the status of allegations and then translated into statements of fact. These so-called facts then reside in the body politic like a virus always ready to break out and give rise to a further series of allegations. The right of parliamentarians to speak under privilege is an important and powerful weapon in our democracy. Similarly, the right of the media to publish those statements ensures that the whole community is aware of what is raised in this place.

This report demonstrates clearly how the misuse of these rights can demean the political process and damage the credibility of both politicians and journalists. Ultimately the only people who will benefit from that damage will be the criminals and the rumour mongers. While these matters are now behind us, I would suggest to the House that the readiness to trade in rumours and to rush allegations into *Hansard* has become all too prevalent in recent years.

Finally, Mr Speaker, I would like to make a personal comment concerning the Attorney-General. South Australia is fortunate to have as its chief law officer a man who is respected both in Australia and overseas for his honesty and integrity. He is currently the longest serving Attorney-General in Australia. He holds an international office in Victimology. He has been awarded a high honour by the Italian Government for his services to that community in Australia. Those of us who know Chris Sumner are only too well aware of the personal hurt that has been done to him and his family by the process of innuendo and rumour. The Attorney-General will be making his own statement concerning the outcome of this inquiry, but I know that it is his wish that these matters now be put behind us and that he is allowed to get on with his very important job.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Agriculture (Hon. Lynn Arnold)—

Australian Agricultural and Veterinary Chemicals Council—Report, 1989-90.

By the Minister of Education (Hon. G.J. Crafter)—

National Crime Authority—Report, 1989-90.

Local and District Criminal Courts Act 1926—Local Court Rules—Defaults.

By the Minister of Transport (Hon. Frank Blevins)—

Metropolitan Taxi-Cab Board—Issue of Licences, February 1991.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—

Clean Air Act 1984—Regulations—Elizabeth and Kensington and Norwood backyard burning.

Planning Act 1982—Regulation—Development applications.

By the Minister of Occupational Health and Safety (Hon. R.J. Gregory)—

South Australian Occupational Health and Safety Commission—Code of Practice for the Safe Handling of Timber Preservatives and Treated Timber.

Occupational Health, Safety and Welfare Act 1986—Regulations—Synthetic Mineral Fibres.

By the Minister of Employment and Further Education (Hon M.D. Rann)—

Technical and Further Education Act 1975—Regulation—Private College Licensing.

Public Parks Act 1943—Disposal of Parklands—West Beach.

The Flinders University of South Australia—By-laws—Parking Expiation Fee.

Corporation of Tea Tree Gully—By-laws—

No. 1—Permits and Penalties.

No. 2—Streets and Public Places.

MINISTERIAL STATEMENT: MIDDLE EAST TRADE DEVELOPMENT GROUP

The Hon. LYNN ARNOLD (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: I wish to advise the House that, following the cessation of hostilities in the Gulf, the Government is to set up a Middle East trade development group. As members will know, South Australia's exports to the Middle East region had been running at some 21 per cent of our total exports as against a national figure of some 5 per cent prior to the outbreak of the war. Most of these exports are agricultural. The trade embargo against Iraq and the war itself seriously disrupted this trade and particularly affected sales of wheat, barley and live sheep from South Australia. At a time when our rural sector is undergoing considerable difficulties I am anxious that South Australia gets back into the market area as soon as possible.

To this end a South Australian Middle East trade development group is being established. The formation of this task force will have a dual purpose in ensuring South Australia's vital interests in this region are protected, while at the same time underpinning and supporting recently announced initiatives by the Federal Government. It will have the following objectives:

- to assess the post-conflict situation in relation to export opportunity for South Australian companies;
- to take or recommend initiatives for future trade development in the Middle East;
- to analyse and disseminate trade inquiries and market intelligence from the Middle East; and
- to develop and facilitate contacts with companies and organisations in the Middle East of long-term interest to South Australian exporters of goods and services.

It is the Government's hope that not only can we restore the trade that this State has lost because of the war but we can also broaden the range of our exports.

South Australia already has a good reputation in this region as a reliable supplier of agricultural and manufactured products and as an appropriate source of technology, consultancy services and project management expertise for economic development. The task force will consist of representatives from the private and public sectors with particular expertise in Middle East trade. It will be headed by Mr Hugh McClelland, Director, Agricultural Development and Marketing, Department of Agriculture, who was the Australian Trade Commissioner, Algiers, for four years (1979-82) and who has travelled extensively in the region including in the Gulf States. Mr McClelland is also a member of the executive committee of the Australian Arab Chamber of Commerce and Industry, South Australian Chapter. I would expect that the membership of the group will be finalised shortly and I anticipate that it will quickly commence its work in the interests of South Australia.

MINISTERIAL STATEMENT: RURAL FINANCE AND DEVELOPMENT DIVISION

The Hon. LYNN ARNOLD (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: I wish to advise the House that the Rural Finance and Development Division of the South Australian Department of Agriculture has taken steps to reimburse funds received by the division from accounts which have been overcharged interest, arising from loans, the majority of which were approved between November 1971 and March 1973. One of the guidelines behind providing concessional loans to the rural sector under the various Commonwealth-States agreements was the requirement that, during the course of the loan, interest rates charged on farm loans be ultimately increased to the commercial rate where it was deemed by the State authority that the borrower had the capacity to pay.

Following advice from what was then the Rural Assistance Branch, approval was given by the Minister of Agriculture on 23 August 1984 to conduct reviews on individual loan accounts and increase interest rates accordingly. The first of the interest rate reviews was conducted in 1985 where farmers with loans advanced under various Acts, including the Rural Industry Assistance (Special Provisions) Act 1971, were notified that it was the intention of the Rural Assistance Branch to increase the interest rate applicable to individual loans subject to appeal by the client on grounds of hardship.

Clarification was subsequently sought from the Crown Law Office on the validity of reviewing interest rates on these loans following a query from a client of the Rural Assistance Branch affected by the increase in interest rates. It was the opinion of the Crown Solicitor that a higher rate of interest should not have been sought from mortgagors who were given farm build-up or debt reconstruction loans approved under legislation covering advances made under the Rural Industry Assistance (Special Provisions) Act 1971, and who had been advised of certain conditions in their letters of approval and mortgage documents. Officers of the Rural Finance and Development Division have investigated the extent of the matter and have found 57 loan accounts which had been overcharged interest on their loans. The dollar value of overpayments at this stage amounts to $246 000 and forgone interest to clients over this period amounts to around $86 000, making a total of approximately $332 000.

There is no concern with mortgage documents prepared after 1973. Various refinements to mortgage documentation have occurred since that date, among which was provision to give the Minister power to review interest rates on client loans. There appears to be no legal doubt about the ability of the Minister to vary interest rates on loans approved after March 1973. In addition, since 1986, all mortgage documents are to be read in conjunction with a letter of offer where the terms and conditions of the loan are detailed. While it is regrettable that a mistake was made in the first place, arrangements have now been made to reimburse these 57 clients. These reimbursements are being funded from past surpluses generated by rural lending and as such there will be no impact on the Consolidated Account.

MINISTERIAL STATEMENT: STATE BANK

The Hon. G.J. CRAFTER (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. G.J. CRAFTER: The text of my statement is from a statement that the Attorney-General is making today in another place. Her Excellency the Governor yesterday appointed the Hon. Samuel Joshua Jacobs QC as a Royal Commissioner to inquire into certain matters relating to the State Bank. The terms of reference for the royal commission will allow it to work in tandem with the Auditor-General's inquiry into the bank. The Auditor-General's inquiry will proceed with revised and broadened terms of reference.

Since the Premier announced, on 12 February 1991, that the Government had decided to establish a royal commission into the affairs of the State Bank, the Attorney-General and his officers have been developing terms of reference and an appropriate framework for the royal commission to proceed. This process has involved the consideration of representations and suggestions from the Leader of the Opposition and his colleague the Hon. Trevor Griffin, the Speaker and the Deputy Speaker of the House of Assembly, and the Australian Democrats. Paramount in the Government's considerations has been to empower the commission to undertake thorough and unfettered inquiries, while at the same time not prejudicing the ongoing operations of the bank and protecting the privacy of bank customers and, therefore, the viability of the bank itself. These imperatives are, of course, difficult to achieve simply by using the conventional royal commission framework.

By its very nature, a full blown royal commission would have adverse consequences on the operations of the bank. Royal commissions are, as a matter of convention, conducted along adversarial lines, with counsel representing the various parties making submissions, calling witnesses and examining and cross-examining witnesses. A royal commission examination of financial transactions which are often complex and may involve a number of parties and agents is, therefore, likely to be protracted.

The impact of a protracted inquiry on the bank is likely to be twofold. First, management and staff would be distracted from the important task of rebuilding the bank. Secondly, individual and corporate confidence in the bank may be undermined by a prolonged investigation, and one which may require their affairs to be disclosed in a relatively public manner. Advice has been sought from various sources including Crown Law, Treasury and J.P. Morgan on the impact of an inquiry into the State Bank. The consensus of advice is that a conventional royal commission is likely to cause considerable difficulties for the bank.

Mr J. Sabatini of J.P. Morgan advises that there are significant risks to the ongoing operations of the bank in holding a full, public royal commission into the bank's

operations. Mr Nobby Clark, the new Chairman of the State Bank Board, has also expressed his concerns about the impact of a royal commission. At a press conference following his appointment, Mr Clark said:

> The important thing is we have on ongoing business to conduct, and one would hope the requirement of the commission is such that they recognise that we have an entity that is based on confidence and worked through people.

Accordingly, the inquiry into the State Bank will be conducted by both a royal commission and an Auditor-General's inquiry, pursuant to section 25 of the State Bank of South Australia Act. The Government believes that the establishment of two cooperative inquiries is the most responsible means of conducting a thorough investigation into the bank. The terms of reference for both the royal commission and the Auditor-General's inquiries address all major concerns expressed by the Opposition. The royal commission will examine those aspects of the State Bank's affairs which can be dealt with in a relatively open forum and which will not adversely affect the bank's future operations. The Auditor-General's inquiry will examine matters, including private transactions and bank policies and practices, that are more appropriately dealt with by specialists, in camera.

The Royal Commissioner will have access to periodic reports by the Auditor-General, so he can consider all relevant material in its full perspective, when arriving at his findings. The Royal Commissioner may, of course, take any other material into consideration as he feels appropriate. The royal commission terms of reference will examine:

- the relationship and reporting arrangements between the Government and the bank group;
- what the appropriate relationship and reporting arrangements should be between the Government and the bank in view of the Government guarantee contained in the State Bank Act;
- the nature, extent and adequacy of communications between the Government and the bank;
- whether the board exercised proper supervision and control over the Chief Executive Officer, operations of the bank and the bank group and whether the Act should be amended in any relevant respect;
- whether the board properly discharged its function under the Act and whether the Act should be amended in any relevant aspect;
- whether any matter should be subject to further investigation or the instituting of civil or criminal proceedings.

The Commissioner will also be required to, as far as possible, protect information which can be properly regarded by the bank as confidential and avoid interfering with the ongoing operations of the bank. The Government will of course be receptive to any recommendations if, during the course of his inquiries, the Commissioner forms the view that the terms of reference should be expanded or otherwise changed. The final report by the Commissioner is expected to be completed by 1 March 1992.

As indicated earlier, the Government intends to recommend to the Governor that she appoint the Auditor-General with revised terms of reference pursuant to the State Bank Act. That recommendation will be made to Her Excellency following the passage of amendment to the State Bank of South Australia Act, which I will outline later. Under the revised terms of reference that Auditor-General's inquiry will examine:

- the events and matters which caused the bank's financial difficulties;
- the processes which led to the bank entering into transactions which resulted in material losses or the bank holding significant assets which are now non-performing;
- whether those processes were appropriate;
- what procedures, policies and practices were adopted by the bank in the management of its assets which are non-performing and if they were adequate;
- whether adequate procedures were in place for the identification of non-performing assets;
- whether external audits of the accounts of the bank were appropriate;
- whether the operations, affairs and transactions of the bank were properly supervised by the bank's directors; chief executive officer, officers and employees, and directors, officers and employees of the State Bank group;
- whether information given by the Chief Executive Officer was timely, reliable, adequate and sufficient to enable the board to discharge its functions under the Act.

While the investigation of the Auditor-General will be undertaken in private, the Government intends to release the recommendations, findings, and any other material which is not considered confidential to the bank or its customers. Interim reports are expected from the Auditor-General as soon as within six months. Under their respective terms of reference the royal commission and the Auditor-General are empowered to seek and obtain advice or assistance as they consider necessary on banking, accounting and auditing practice.

In addition, the royal commission will have attached to it counsel assisting Mr John R. Mansfield QC, his junior, executive and secretarial services. The Auditor-General has engaged Messrs Clayton Utz, solicitors, as consulting legal advisers to assist him with respect to the legal matters relating to his investigation. The firm is recognised for its extensive banking experience. It has significant experience in acting in major inquiries, investigations and royal commissions. The firm has recently been retained by the Royal Commission into the Tricontinental Group of Companies in Victoria and it is currently acting for the Electricity Commission and the Housing Commission of New South Wales in connection with separate public inquiries. Other legal support including counsel will be included at appropriate stages of the investigation.

With respect to banking matters, the Auditor-General has engaged Mr R. J. McKay, the former Chief General Manager of the National Bank in South Australia, as a banking consultant to advise him on matters relating to banking practice. Mr McKay has extensive experience in retail, corporate and international banking.

With regard to auditing and accounting matters, Mr MacPherson is currently holding discussion with major auditing firms in South Australia with a view to engaging such resources as are necessary. To ensure that the royal commission and the Auditor-General have sufficient powers to undertake their inquiries and summons witnesses, the Government will later today be introducing legislation into this House to amend the Royal Commissions Act and the State Bank of South Australia Act.

Amendments to the Royal Commissions Act will deal with confidentiality, better define records to which the commission has access, and secure the attendance of witnesses located interstate. Amendments to the State Bank of South Australia Act will facilitate the integration where appropriate of the inquiries of the Auditor-General and the royal commission, clarify the powers of the Auditor-General with respect to former bank directors, employees and other persons, enforce attendance of interstate witnesses, and better define the operations of the bank and records to which the Auditor-General has access.

Consideration has been given by the Government to the question of whether and, if so, to what degree the inquiries may need access to persons or documents currently overseas. While this issue may pose a theoretical problem, the Government believes that it is unlikely to cause major

difficulties for the inquiries. Documents relating to transactions conducted overseas can be obtained through the bank under the existing powers of the royal commission and the Auditor-General. Any other issues involving evidence which may be located outside Australia will be dealt with as they arise in consultation with the Federal Government which alone exercises external affairs powers.

In conclusion, recognising that reflection and introspection are a part of the rebuilding process, the Government has put in place another important measure in dealing with the difficulties of the State Bank. Together with measures already taken, including the indemnification of the bank's losses and the appointment of a new Chairman and board, we can all look forward to seeing a new State Bank emerge.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise the House that, in the absence of the Minister of Housing and Construction, questions normally directed to that Minister will be taken by the Minister for Environment and Planning, and questions usually directed to the Minister of Recreation and Sport will be taken by the Deputy Premier.

STATE BANK

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Treasurer: does the Royal Commissioner have the power to investigate whether the Treasurer should have exercised his powers under section 15 of the State Bank Act to better inform himself about the financial position of the bank and to make proposals on the administration of its affairs in the light of its mounting financial difficulties raised in questions in this House over a two year period; if so, will the Treasurer precisely identify the relevant term or terms of reference; if not, will the Government take immediate steps to extend the terms of reference so that they cover in full the Treasurer's actions and inaction and the vital issues of ministerial responsibility and accountability?

The Hon. G.J. CRAFTER: Mr Speaker—

Members interjecting:

The SPEAKER: Order! In the previous sitting week I had occasion to mention this wave of noise that seems to be evolving as a practice in the Chamber. I repeat what I said at that time: if it continues I will be picking the loudest voice and will take appropriate action. The honourable Minister of Education.

The Hon. G.J. CRAFTER: This is a question relating to the mechanics of the royal commission and, indeed, the interpretation of the royal commission's terms of reference. It is clearly the view of the Government that the terms of the royal commission do provide for an adequate coverage of the matters to which the Leader has referred.

The first two terms of reference to which I referred a moment ago in my ministerial statement to the House indeed cover the relationship and reporting arrangements between the Government and the bank group, and the appropriate relationship and reporting arrangements that should exist between the Government and the bank in view of the Government guarantee contained in the Act. Other terms of reference also add to the belief that this matter is adequately dealt with in those terms of reference.

Further, I also indicated in the ministerial statement that the Royal Commissioner would be welcome to report back to the Government if he found that the terms of reference were inadequate for the purposes that he has been asked to perform with respect to the royal commission.

STATE CREDIT RATING

The Hon. J.P. TRAINER (Walsh): Will the Premier outline what the impact of the downgrading of South Australia's domestic credit rating has had on the cost of funds and what impact it is likely to have in the future?

The Hon. J.C. BANNON: I thank the honourable member for his question, first pointing out that last week's downgrading by Australian Ratings from AAA to AA+ relates only to South Australia's long-term domestic credit rating. Our short-term domestic credit rating of A1+ has been maintained. Our international rating, provided by Standard and Poor's, is still the highest possible for an Australian State.

Since the Australian Ratings announcement on 25 February, there has been virtually no change in the pricing of SAFA's stock in the domestic market. There was a slight sell-off of SAFA's longer term stock after the 10 February statement concerning the financial position of the State Bank of South Australia and the Government's support package, and I guess that is understandable. That trading resulted in SAFA's yields weakening by some 15 basis points initially against the market benchmark but, following some buying support, the total movement in pricing has only been around 10 basis points.

It is not possible to be certain about the ongoing effect of the downgrading of the State's cost of funds in the domestic market. However, it is interesting to note that the *Australian Financial Review* of 26 February indicated that an Australian Ratings director believes that the pricing of SAFA's paper will improve from its current relative position. That statement was made in the context not only of the downgrading but also in light of general market developments, which have seen the gaps in yield between the various State central borrowing authorities widen considerably since December 1990. Given that Standard and Poor's has recently reaffirmed South Australia's overseas debt rating of AA, it is expected that there will be minimal, if any, adverse impact of the cost of overseas sourced funding.

At this stage, it is difficult to predict what the long-term impact of the downgrading will be on the overall cost of borrowing. However, as an indication, I point out that the increased cost to the State could grow to around $2.5 million per annum in five years time for each deterioration of 10 basis points.

Finally, it is worth mentioning that the most important factor influencing the State's cost of funding is the absolute level of interest rates at which it borrows. In this regard, it is pleasing to note that SAFA's 10-year borrowing rate has fallen from 13.83 per cent per annum on 1 November 1990 to 12.73 per cent per annum on 26 February 1991, a fall of 1.1 per cent per annum. The task ahead of us now is to work through the problems with the State Bank so we can get that top credit rating back again. We are fortunate that we have a strong financial background from which to work and, in its statement, Australian Ratings acknowledged that South Australia was 'traditionally well managed and exhibits a very strong debt servicing capacity'. However, it will take time and effort to recover our credit rating. That work has commenced and it will continue until we reach that goal.

STATE BANK

Mr. S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Treasurer. What assurances will

the Government give that the former Chief Executive Officer of the State Bank will give evidence before the royal commission of inquiry into the State Bank's losses?

The Hon. J.C. BANNON: I understand that he has indicated that he will be available to give such evidence.

STATE GOVERNMENT INSURANCE COMMISSION

Mr FERGUSON (Henley Beach): Will the Premier advise the House what was SGIC's rationale for the sale of SA Brewing Holdings shares on 1 March 1991?

The Hon. J.C. BANNON: I am advised that this was done by SGIC as part of its ongoing review of portfolio weighting of its overall share portfolio. It was based on the conclusion that its holding of SA Brewing shares was too large. SGIC held 13.1 per cent of the outstanding fully paid ordinary shares in the company. With dilution for convertible notes, that amounted to 19.13 per cent. On the advice of its independent investment consultants, it deemed that this holding was too large, as it represented 44 per cent of SGIC's share portfolio and approximately 20 per cent of the total investment portfolio based on market value. Accordingly, SGIC sold 36 million shares at $2.73 a share, providing a total amount of $98.28 million. This reduced the proportion of SA Brewing shares in SGIC's share portfolio to 27 per cent, based on market value.

The sale of SA Brewing Holdings shares was done in full consultation with the management of SA Brewing. In no way did it reflect a reduced confidence by SGIC in the fundamental strength of SA Brewing. Indeed, following this sale, SGIC is still a long-term shareholder and substantial investor in SA Brewing, holding 12.2 per cent of its shares on a fully diluted basis. It remains the largest shareholder in SA Brewing Holdings.

STATE BANK INQUIRY

The Hon. D.C. WOTTON (Heysen): My question is directed to the Treasurer. Is the Government's decision to divide the State Bank inquiry between the royal commission and the Auditor-General—with the *in camera* inquiry of the Auditor-General to be much more comprehensive than the royal commission—an attempt to hide from the public evidence about failures in bank and Government administration—

The Hon. J.P. TRAINER: On a point of order, Sir, that question clearly includes debate and comment.

The SPEAKER: I uphold the point of order.

Members interjecting:

The SPEAKER: Order! Standing Orders are very clear with respect to questions. I ask the honourable member to adhere to Standing Orders in asking the question and explaining it.

The Hon. D.C. WOTTON: I ask the Premier: what assurances will the Government give that the protection of confidentiality will not extend to any body or company in receivership, liquidation or in any other way in default of financial obligations to the State Bank Group so that issues such as the prudence of the bank's lending to groups such as Equiticorp, National Safety Council, Qintex, Hookers and a range of interstate property investments which have now collapsed can be fully and publicly investigated?

The Hon. J.C. BANNON: The rationale of the structure of the inquiries and terms of reference has been fully explained by my colleague the Attorney-General and a moment ago in a detailed statement by my colleague the Minister of Education. I can only repeat the assurance that all matters will be fully and thoroughly canvassed and reported on.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! The member for Heysen is out of order.

METROPOLITAN HOSPITAL SERVICES

Mr QUIRKE (Playford): Will the Minister of Health confirm that there has been an increase in activity in metropolitan hospital services in the period from July 1990 and, in particular, the early months of 1991 and, if so, what plans has the Government developed to meet this increase in activity?

The Hon. D.J. HOPGOOD: There is an increase in activity. To the end of January it amounted to about 4.5 per cent, and that is divided up as follows: first, acute in-patient admissions are up by about 1.6 per cent and same-day admissions are up by 13.4 per cent. I will return to those figures in just a moment. By way of comparison, from July 1989 to January 1990, activity increased by 1.8 per cent. However, that was from an artificially low base because members will remember that hospitals took some time to recruit nursing staff following the artificially low activity in mid-1989. In the light of that figure of 4.5 per cent, the South Australian Health Commission is working closely with metropolitan hospitals to ensure that, notwithstanding this increase and despite the necessity for continued financial constraint, our well-deserved reputation for excellence in the delivery of hospital services is maintained.

What are the approaches? I will just outline three on which we are working very closely. With respect to same-day surgery, again I refer members' attention to the figures I quoted earlier. Whilst there has been only a 1.6 per cent increase in acute in-patient admissions, there has been a 13.4 per cent increase in same-day admissions. We see this as a trend which should be further encouraged. We believe also that the mix between the two forms of admission should be pushed further in the direction of same-day admissions. Of course, this will be done with full sensitivity to the needs of the particular patient. Quite obviously, in a large number of cases, same-day admission is clearly not appropriate. There are some cases where the facilities are not available for same-day admission. However, as members would know, the capital budget is being shaped in such a way as to ensure that there are increasing facilities at the hospitals for same-day admission. We see that as a very promising trend to be further encouraged.

Secondly, in response to a question in the House some time ago, I pointed out that there is a significantly higher level of hospitalisation in Adelaide compared with other capital cities. Briefly, the admissions per thousand in Adelaide are 251.9, compared with 206.3, which is the Australian average. That is a very significant ratio of 5:4. I cannot believe that we are sicker in this State. It certainly cannot be explained, except that the margin may relate to the age structure of this State compared with other States. However, you certainly cannot get 5:4 out of that. This area is under examination, but it has something to do with the medical culture in this State. It was a matter that was, in part, addressed by a seminar that was held not far from here in November last year. We are looking at it very closely.

Some social admissions to hospitals are probably unavoidable. What do you do with an 89-year-old from Eliza-

beth who turns up at the Royal Adelaide Hospital at 3 o'clock in the morning and really does not have to be admitted? You admit her, at least for the rest of the night. That is called a social admission, on obvious compassionate grounds. However, it is estimated that something like 6 per cent of all admissions to our hospitals are social admissions rather than medical admissions, and we are looking at that very closely. The Sax report some years ago suggested that our bed numbers should be something like 4.5 per thousand, and that would be entirely approporiate. In fact, at present they are about 5.5 per thousand.

Finally, I remind members that the very thorough investigation into the Royal Adelaide Hospital in recent times by Booz-Allen indicated that further efficiencies are achievable. Of course, I make the point in that respect that the Royal Adelaide Hospital is no different than any other major metropolitan hospital. We further make the point that we would see those efficiencies being made in such a way that they will have no impact on patient care.

The budget for 1990-91 takes into account the increase which the Premier and I announced to hospitals in mid-1989. That was not a one-off—it was facted into this budget and will be facted into the budgets for the next two years. As a result of that, my budget this year represents an increase in real terms—which is pretty unusual for the State budget—for reasons we understand, but we accept the point that throwing money at these problems is not the way to go. Further negotiations with the hospitals will be conducted along the lines I have indicated.

STATE BANK

Mr INGERSON (Bragg): My question is to the Treasurer. Has the State Bank Group yet identified how many off balance sheet entities it has; if so, what is the number and will the Treasuer table in the House tomorrow a full list; if not, how does the Government justify the Attorney-General's assurance given on the *7.30 Report* last night that the Auditor-General will be able to investigate all activities in all the group's off balance sheet companies? I seek this information in view of the ministerial statement made by the Treasurer on 13 December last year when he had to revise earlier advice from the bank about the number of its off balance sheet entities and admit that, in fact, it was not known precisely how many such entities existed.

The Hon. J.C. BANNON: The honourable member is quite correct in referring to that statement. I have not received any further definitive information from the State Bank on that question. I will provide it as soon as I do.

SCHOOL CARD

Mrs HUTCHISON (Stuart): Will the Minister of Education say how many South Australian school students will receive Government assisted school allowances through the State Government School Card in this school year? I am aware that a number of families in my area are gaining the benefits of School Card and that recent media reports indicate more families in South Australia will use it to obtain school books and to attend other educational activities this year.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and her interest in the well-being of those students who, as a result of economic disadvantage, do require additional support from the State Government. The School Card, as it is now known, replaces what was formerly known as the Government assistance for students scheme, and prior to that the free book scheme.

The State Government made a very firm commitment to increasing the amount of the allowance to students, and has done that in recent years. It is worth noting that the old free book scheme did not increase at all during the period of government of members opposite. However, since coming into office in 1982, this Government has increased in real terms the amount of money paid to primary school students by 82 per cent, and the amount paid to secondary school students by more than 170 per cent. The significant increase at the secondary level is in line with the State Government's commitment to encouraging young people to stay on at school longer and to improve their employment and further education prospects.

Today, the latest estimates that I have available indicate that 58 000 school students in both Government and non-Government school sectors will benefit from the School Card, that is, some 25 per cent of the student population in all our schools. There are approximately 2 200 more students gaining the School Card this year than last year. This year the allowance provides each eligible primary school student with $106 and each secondary student with $159 to assist with school books and other educational activities, for example, payment for excursion fees and other materials required in the day to day conduct of curriculum in schools.

I am pleased to advise the honourable member that in the Spencer Gulf area, within her own electorate, there have been some 3 505 approvals for the School Card this year, costing approximately $433 000, a slight increase on the amount paid last year. The School Card is a very effective way of assisting young people and their families, particularly those most in need in our community, in line with the State Government's commitment to social justice.

STATE BANK

Mr MEIER (Goyder): Will the Treasurer identify the term or terms of reference that will allow the royal commission and the Auditor-General to examine all activities of all the State Bank Group's off balance sheet companies which contributed to the group's current financial position and, if he is unable to do so, or if the royal commission experiences difficulty in investigating these activities because the terms of reference are too narrow, will the Government give an assurance that it will immediately extend the terms of reference?

The Hon. J.C. BANNON: I refer the honourable member to the very full ministerial statement given today by the Minister representing the Attorney-General in which those matters—

Members interjecting:

The SPEAKER: Order! Both sides of the House will come to order.

The Hon. J.C. BANNON: Is the honourable member suggesting that that question has just arisen following his hearing of the statement, or is he telling us that he had the question pre-prepared?

Members interjecting:

The Hon. J.C. BANNON: While I admire the efforts of the Leader to try to protect his colleague, I suggest that the honourable member should tell us—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —whether his question was written prior to hearing the statement or whether he has amended it or introduced it in consequence. I say again—

Members interjecting:

The Hon. J.C. BANNON: The authors of the question, embarrassed at the situation, are attempting to defend him.

Members interjecting:

The SPEAKER: Order! The member for Heysen has been warned once. The honourable Premier.

The Hon. J.C. BANNON: I refer again to the statement that was made, and to the statement made by the Attorney-General that, if, in the course of the inquiries, either the Auditor-General or the royal commission feel that they need to have further powers or references, they need only ask.

REPATRIATION HOSPITAL

Mr HOLLOWAY (Mitchell): Will the Minister of Health reassure veterans that the Government's policy on the transfer of the Repatriation General Hospital at Daw Park to the State health system has not changed? In answer to my question in this House on 14 February 1990, the Minister reaffirmed that the transfer of the Repatriation Hospital to the State health system would not take place unless there was no financial disability to this State and unless the RSL was fully apprised and supportive of such a move.

It was recently reported that the Federal Government is to introduce legislation to allow the transfer of all repatriation general hospitals to State Government control in the autumn session of Federal Parliament. Some veterans are concerned that this indicates that the Federal Government is determined to proceed with the integration of the repatriation hospital without their concerns being met.

The Hon. D.J. HOPGOOD: My attention was also drawn to that article headed 'Parliament to act on hospitals' by one Jeni Cooper in the *Australian* of 12 February. In that article it is made quite clear that the Federal Government sees such legislation as merely providing arrangements for staff who want to transfer from the Commonwealth to the State system. The legislation cannot require that the hospitals transfer from the Commonwealth to the State. The Federal constitution would make it perfectly clear that, in that respect, the Commonwealth cannot legislate.

However, in the event of the Commonwealth being in a position to enter into a mutually satisfying agreement with any State or Territory, there would obviously need to be legislation, certainly at the Commonwealth level and quite possibly at the State level, to protect the interests of the employees involved. However, I can assure the honourable member that the position is as I addressed it in the House last time this matter arose. The broad conditions for transfer are as follows:

(a) Veterans have access to comprehensive health and hospital services.

(b) The Commonwealth give a guarantee that all funds will be transferred to the State and indexed for inflation.

(c) The Commonwealth completes (or provides funding for) the comprehensive upgrading of facilities at Daw Park.

(d) The veterans community, particularly the RSL, is satisfied with arrangements.

(e) The staff of the Repatriation General Hospital, Daw Park, are satisfied that their interests are adequately safeguarded.

It seems to me that there has been some progress on these matters. I have met with Minister Humphreys on a couple of occasions. The third occasion on which there was to be some discussion was aborted by a temporary illness of mine. Those discussions will continue, but they cannot be finalised until the conditions I have outlined have been met.

STATE BANK

Dr ARMITAGE (Adelaide): Will the Treasurer identify the term or terms of reference that will enable the royal commission to investigate activities of the State Bank Group in other States and in other countries, particularly New Zealand and, if he cannot do so, will the Government act immediately to extend the terms of reference so that the prudence of the bank's interstate and international activities and their impact on its current financial position can be fully and publicly investigated?

The SPEAKER: Before calling on the Premier, I caution the House about repetitive questions. There is a Standing Order that applies.

The Hon. J.C. BANNON: Again, it was covered in the statement. I do not know why members of the Opposition seek rigidly—this is rather typical of their form—to march down a pre-planned strategy emanating from the Leader's office with dished out questions, and make no allowance for what they hear during the course of this statement. During the course of the statement, for instance (and this has been said in this House already today), it was stated:

> Documents relating to transactions conducted overseas can be obtained through the bank under the existing powers of the royal commission and the Auditor-General. Any other issues involving evidence which may be located outside Australia will be dealt with as they arise in consultation with the Federal Government which alone exercises external affairs powers.

It is in the statement. Notice will be given, if it has not already been done, of amendments to the State Bank Act to ensure that those powers can be properly exercised over a range of matters. That has been explained carefully to the Opposition, but members opposite have chosen not to listen. It was explained to the Parliament again today, and again they have chosen not to listen. The material is there.

COUNTER-DISASTER PLAN

Mr HAMILTON (Albert Park): Will the Minister of Emergency Services outline to the House the range of services available to assist South Australians in the event that emergencies or disasters strike in this State? My question has been prompted by the flood problems experienced in Queensland and the problems caused in South Australia as a result of destructive hail storms that swept through large areas of the State late in January, specifically through my area of Semaphore Park.

The Hon. J.H.C. KLUNDER: I thank the member for Albert Park for his question. Complete documentation of the kind of assistance that would be available would lead to a lengthy answer indeed, and I will try to link my reply specifically to the rain and hailstorms that occurred in January, as was mentioned by the honourable member in his question. Members will recall that during the evening of 22 January a severe thunderstorm front moved through the State causing widespread damage in places as far apart as Roxby Downs, Port Lincoln and Adelaide—indeed in the honourable member's electorate. Houses and particularly roofs were damaged, caravans were hard-hit, and many vehicles and thousands of windows and glass panels suffered hail damage. Electricity transmission was severely disrupted and many homes suffered electrical faults due to rain penetration.

Storm damage tasks in the metropolitan area were undertaken by all 10 Adelaide-based State Emergency Service units and two country units from Mount Barker and Onkaparinga, supported by CFS brigades from Athelstone, Burnside and Happy Valley, and appliances from MFS. Fifteen

SES units dealt with problems in many country communities. Coordination of the relief effort was handled through SES headquarters at Thebarton Police Barracks in accordance with normal estabished procedures.

In the four days after the storm, the SES attended 330 calls for assistance. Nearly 1 500 members contributed more than 3 200 hours of voluntary effort in storm mitigation work, including roof repair and covering, flood control, removal of fallen trees, provisions of power, communications and catering. Many similar tasks were undertaken by CFS volunteers and MFS members. Considerable assistance was also provided to the SES by police and the Bureau of Meteorology. The SES liaised extensively with ETSA, local government and insurance authorities, all of whom played their part in coping with the aftermath of the storms.

The State Emergency Service is a voluntary operational emergency service comprising about 3 000 members in 66 units across the State, with a small core group of full-time permanent officers and part-time employees. It is funded by all levels of government and a number of units do considerable fundraising in their own right.

The functions of the service are defined by the State Emergency Service Act. It is an integral part of the State Disaster Organisation and, as one of the 13 identified functional services, its role is to assist with counter or post disaster operations in accordance with the State Disaster Plan. As all members would agree, its members are entitled to the whole-hearted thanks of all South Australians for the vital work they do—without reward—for the benefit of this State.

STATE BANK

Mr OSWALD (Morphett): My question is directed to the Treasurer.

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order! The member for Napier is out of order.

Mr OSWALD: Following the $50 000 increase in the remuneration package received by the former Chief Executive Officer of the State Bank Group from the beginning of this year, despite the massive turnaround in the performance of the bank, did other executives also receive significant increases in their remuneration packages from the beginning of this financial year and, if so, to what extent? Are these packages in the region of $250 000 each? In the light of what is now known about the bank's performance, does the Treasurer intend to exercise the powers he has under the indemnity with the bank to direct a full review of executive salaries?

The Hon. J.C. BANNON: In relation to the last point, such a review is in fact being undertaken. That was stated both by me at the time of the announcement and last week by the new Chairman, Mr Nobby Clark. In relation to the executive salary structure, these are now published by the bank and I refer the honourable member to those that were published the other day.

SOUTH AUSTRALIAN TAFE

The Hon. T.H. HEMMINGS (Napier): Can the Minister of Employment and Further Education inform the House whether TAFE in South Australia is attempting to compete commercially with private and public sector training agencies in winning industry training projects interstate and internationally?

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I am pleased about the excitement of the member for Adelaide in anticipation of the answer to this question. Of course, the answer is 'Yes', and shortly I hope to be announcing that TAFE and South Australia have won a major international project. At the national level, TAFE in South Australia announced yesterday that it has been chosen by Qantas to run its training programs both for Qantas and for Qantas Flight Catering.

Members interjecting:

The Hon. M.D. RANN: I know that most members opposite read the comics rather than the *Financial Review*, so perhaps I should point out that this morning's *Financial Review* stated:

> Qantas shopped around both overseas and locally before deciding to award the contract to South Australia: a move which is regarded as a coup for that State but a slap in the face for the New South Wales TAFE.

I am not one to gloat, but this is obviously a high accolade for the Regency Hotel School and TAFE. We have taken on the best interstate and won. This again proves that TAFE in South Australia is both competitive and commercially oriented. Qantas currently spends $101 million a year on its training. We anticipate that the vast majority of Qantas staff and Qantas Flight Catering staff, many thousands of personnel, will be involved in the new training programs that are linked directly to the new job structures and responsibilities flowing from award restructuring.

So, we are talking not just about, as one report indicated, catering staff but about financial staff, travel centre staff, clerical staff, cabin crew, ground crew, freight staff, chefs, catering service attendants, and purchasing, catering operations and supply staff. This workplace classroom project is not about teaching cabin crew their in-flight technical skills but about furthering professional development in the areas of hospitality and tourism that are recognised and portable throughout those industries.

The particularly exciting part of this project, which I am sure members opposite are keen to learn about, is the planned use of the video conferencing technique in which South Australia is a national leader. This technology will allow Qantas Sydney to be linked directly with the Regency Hotel School in Adelaide. I know that that is good news and that members opposite do not want to hear it, but it is a major coup for South Australia.

STATE BANK

Mr LEWIS (Murray-Mallee): I ask the Treasurer whether it is still the policy of the Government and the State Bank Group that the bank should become 'a regional bank in Australasia', that it should 'take advantage of profitable opportunities in global markets by developing as a niche player in key financial centres such as New York and London', and that it should 'provide business services throughout Australasia and the world's major financial centres', or does the statement by the new Chairman, Mr Nobby Clark, on the *7.30 Report* last Thursday that 'there should be some sales' of parts of the group foreshadow a new policy to scale down some bank activities?

The Hon. J.C. BANNON: As has been indicated, the whole operation of the State Bank and its scope is under review, appropriately, I think, in the current environment. The incoming Chairman indicated that certainly he would be looking at those areas where the bank operates, the role of some subsidiaries, to see whether or not there needed to be—

Members interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. J.C. BANNON: —some rescaling or readjusting. As far as the Government is concerned, we want an effective, profitable bank. In the deregulated environment of the 1980s, the only way in which that was seen to be achieved was by ensuring that the bank was able to offer the whole range of services to its local corporate clients and to expand and compete at the national and international level. In the light of the experience of this last period, obviously a fundamental review is most desirable and timely, and indeed that is taking place.

INDUSTRIAL RELATIONS SURVEY

Mr McKEE (Gilles): Is the Minister of Labour aware of the results of a major industrial relations survey conducted by the Federal Government; and, if so, can he advise the House of its implications for policies such as enterprise bargaining? Last week, the Commonwealth Department of Industrial Relations released a report entitled 'Industrial Relations at work: the Australian workplace—Industrial Relations Survey'. I understand this comprehensive survey is calling into question the ability of both workers and managers to take part in fully fledged enterprise bargaining.

The Hon. R.J. GREGORY: I am indeed aware of this survey, which I regard as very important. The survey was conducted between November 1989 and May 1990 and it covered 2 353 workplaces from all States and Territories. It has produced a massive amount of material and it will prove more than useful in the ongoing development of industrial relations policy. It has indicated a shocking lack of communication in the workplaces in Australia.

In the survey, managers were asked how often they consulted with unions and employees about changes in the workplace. In nearly three-quarters of workplaces unions were not consulted or even informed about changes which would affect employees. Management and union delegates were also asked to indicate those issues on which management regularly provided information to employees or their representatives. This included issues such as staffing and investment plans, marketing strategies and the financial position of the workplace.

The survey concludes that on nearly every issue, the majority of workplaces did not regularly provide information to their employees. Yet, under enterprise bargaining, as put forward by the Opposition, these parties would suddenly be negotiating everything from working hours to pay and all other working conditions. The wholesale enterprise bargaining as proposed by those opposite has been recognised as a major threat to manufacturing in this country.

The State Opposition's industrial relations policy as detailed last week by the Leader has already been attacked as a recipe for 20 per cent a year wage rises. That criticism did not come from the Government—it came from manufacturing employers in South Australia. With so much of this State's employment and economic growth relying on manufacturing, this policy is clearly dangerous.

Employers can be assured that this Government will continue to support the orderly development of workplace consultation and negotiation within an organised framework. That is a responsible course of action that has been vindicated by this survey.

STATE BANK

Mrs KOTZ (Newland): Will the Treasurer inform the House in which financial year it is expected that the State Bank Group will begin to repay the principal on the $970 million advanced to cover the State Bank losses?

The Hon. J.C. BANNON: That question could not be answered by anybody because it is so much dependent upon factors including the state of the Australian economy and the level of activity in it. For instance, if there is a very sharp turnaround in Australian economic performance, if we see property values rise, particularly in the leisure and tourist industries, we will see a very rapid turnaround indeed, as far as the State Bank is concerned, and much of the property held at the moment, loans which are non-performing, could in fact become very profitable.

If, on the other hand, the recession continues for a considerable time and we see no major upturn in activity, it will take a very considerable time indeed. That is probably the crucial factor in all of this. I do not think anybody, none of the economic pundits, those with economic models or forecasters, is able to confidently say what will happen two to three years out. They are even finding problems talking about whether or not we will share in any recovery later this year. I would like to believe we would, and if we do, as I say, we will begin to see those benefits return.

In answer to the honourable member, I am afraid that nobody can make that prediction. What I do know is that the only way that we can see that return in the long term is for the bank to remain a viable, active trading operation, and that is why considerable care must be exercised over the next few months, while we are inquiring into the past, to ensure that the bank can get on with dealing with the future.

WATER POLLUTION

Mr De LAINE (Price): My question is directed to the Minister for Environment and Planning: is the recent report on findings of the Australian Economic Planning and Advisory Council, which indicated that South Australia has Australia's worst water pollution, correct; and does any of this pollution come from interstate?

The Hon. S.M. LENEHAN: I would like to put on the public record that I do not find this an amusing report at all. Indeed, the basis for the ranking in the report (which I have in front of me), as reported in the *Advertiser*, gives absolutely no information about how this conclusion was reached. Quite frankly, I think the report is incredible. The data base used, if any, to provide the ranking is most clearly flawed.

If one looks at this scale, one will find that South Australia is sixth in terms of water pollution and New South Wales is first. In other words, New South Wales has the cleanest water. Even the most one-eyed person, who would be anti-South Australia, would have to say, on travelling to New South Wales and looking at the quality of water not only in its marine environment off the coast of Bondi beach, for instance, but also in the harbor, in the Parramatta River and in a whole range of other rivers and tributaries, that the water quality in New South Wales certainly could not be compared with that in South Australia. I must acknowledge—

Members interjecting:

The SPEAKER: Order! There is far too much background noise in the Chamber.

The Hon. S.M. LENEHAN: —that it is not clear whether the article, in fact, refers to all waters, both marine and fresh, or specifically to drinking water. I think it would also be honest and fair to put on the record that, if we were referring to drinking water, South Australian supplies certainly start with probably what is the worst raw water quality, and members of this Parliament all know the reason for that: our catchment areas in the Mount Lofty Ranges are supplemented by water which comes from the Murray River, and any kind of diminution in the quality of the Murray River water is the responsibility, generally speaking, of the upstream States. We are addressing that matter through the Murray-Darling Ministerial Council and Commission.

It is important to look at the definition of 'pollution' and to know what we are talking about. If we are talking about the types of pollution which involve, for example, oxygen-demand wastes, toxic substances, oils, hot water and radioactive substances, all these particular pollutants are not of consequence in South Australia, and any specific incidents, such as oil spillages, are addressed adequately in the current legislation. Of course, the types of pollution which are of major concern to South Australia are things such as turbidity, salinity and plant nutrients and all these have not only been recognised by this Government and previous Governments of both political persuasions but also they have been addressed and continue to be addressed. Such articles, based on very little fact and, I suggest, on a lot of fantasy, do absolutely no benefit or credit to EPAC.

In conclusion, I also found remarkable that, in terms of the table that is provided, South Australia apparently has a lesser air quality than New South Wales. Again, I ask anyone to visit Sydney and look at the air pollution absolutely rampant there and then ask themselves what was the basis in fact of such a misleading and incorrect report.

STATE BANK

The Hon. JENNIFER CASHMORE (Coles): In view of today's three-quarter page advertisement for the State Bank for household contents insurance, will the Premier advise the House whether he was consulted by the bank prior to its move into insurance and whether, in view of the bank's losses, he considers that it should now try to concentrate on banking rather than competing with the SGIC and private insurance companies?

The Hon. J.C. BANNON: Yes, I was, and the bank's move into insurance was along the lines of all other financial institutions, to provide a comprehensive service to their customers, to use that range of financial products, which is essentially what banks are in the business of selling now, and to have the availability of those particular deposits themselves.

In the light of recent developments, I think all that should be reviewed, as I indicated earlier in Question Time today. Certainly, at the time and in the environment in which those products were being developed, it was an appropriate and sensible way for the bank to go and, that service to its customers having been established, it is quite reasonable that it should continue in the current environment. I do not think that we should be on about trying to inhibit the bank's ongoing commercial operations at this stage.

INTERNATIONAL BACCALAUREATE

Mr ATKINSON (Spence): Will the Minister of Education advise the House of the first results from Glenunga High School's entry into the international two-year matriculation course, known as the International Baccalaureate? Are any other South Australian schools about to enter for the International Baccalaureate?

The Hon. G.J. CRAFTER: I thank the honourable member for his interest in this aspect of education, and I must say from the outset that I am very proud to be Minister of Education in a State in which there is the degree of cooperation between sectors as exists in this State, whether it is in the joint campuses that have become the pattern of new education provision over a number of years or in the development of senior secondary curriculum, as is occurring for the new South Australian Certificate of Education or in this very exciting program to provide the International Baccalaureate examination and courses to students in this State.

The International Baccalaureate program is a two-year matriculation course. It is administered by the International Baccalaureate Organisation, whose headquarters are in Geneva. The examination centre is in England and the Asia-Pacific regional office is based in Singapore. The International Baccalaureate Organisation serves international schools throughout the world and provides courses and examinations for many schools. Glenunga High is one such school in South Australia and two independent schools, Mercedes College and Pembroke College, also participate in a collaborative effort in providing these opportunities for albeit a small number of students in Adelaide.

The Education Department provides an IB course as one of a range of options to serve the needs of that small number of students in our schools who want to access this educational opportunity and who want to move on, invariably to higher education. This qualification will facilitate that transition in a most appropriate way. The International Baccalaureate is a kind of international passport. The qualification is recognised worldwide for admission to tertiary institutions.

International Baccalaureate students around the world follow a similar curriculum. This means that it is particularly useful for students in families who are on the move. As an example, I refer to children of members of the armed forces, diplomats and engineers, and those who come to this State to work, say, on the submarine project, particularly those from Sweden, and those who will be involved in the multifunction polis project. Those children can move into a new school in another country and continue their studies with minimal disruption, seeking a qualification that will provide for a smooth transition to tertiary studies. It also allows those young people to remain with their families.

I am delighted that the students at Glenunga High School who were the first to undertake this course last year gained extremely pleasing results in the international examinations at the end of their first year of study. A total of nine students sat the examinations in history, geography and art. One student achieved an excellent grading, four were awarded a very good grading and three achieved good results. I would like to extend my congratulations to the students and teachers at Glenunga High School on their successes in this initiative. Members may be interested in a letter I received from the Director of the International Baccalaureate Asia-Pacific Region, Mr John Goodban, who wrote after seeing Glenunga's examination results, stating:

> I would like to congratulate the school on the most encouraging performance of your nine candidates in geography and history. Their results have put them well on the way towards achieving good full diploma scores.

I understand that four students are continuing this year to work towards the full baccalaureate diploma, and 10 additional students have begun the course at the first year level.

I am sure all members will join me in wishing that important group of students well for their studies this year.

Students who are undertaking courses at Mercedes College, in the Catholic education sector, and at Pembroke College, in the independent schools sector, have also achieved very desirable results. The degree of cooperation that exists between those three schools is being enhanced as the program develops. I want to thank those three schools for the effort that they are placing into the development of this program and to congratulate them on the spirit of cooperation that has developed. The International Baccalaureate program was envisaged as catering for only a small number of students with a particular need for that kind of course. At present, there are no plans to extend the program into other schools, but we want to see it grow and develop within these three schools.

STATE BANK

Mr SUCH (Fisher): Was the Treasurer consulted by the State Bank about its decision to discontinue the practice of publicly disclosing fees paid to directors? Will he say why the bank took this action? Until the 1985-86 financial year, the annual report of the State Bank disclosed directors' fees. In that year, the amount paid was $212 000. However, there has been no similar disclosure in subsequent years, and there is speculation that directors received very substantial increases in fees as a result of holding directorships of the bank itself and some of its subsidiaries.

The Hon. J.C. BANNON: To the best of my knowledge, I was not consulted on that. I guess if that omission or change had been noticed, it could have been raised by anyone in terms of publication. However, as I understand it, directors' fees are being published by the bank at present.

THAILAND MILITARY COUP

The Hon. J.P. TRAINER (Walsh): Will the Minister of Industry, Trade and Technology inform the House as to the likely effects on South Australian business in Thailand of the recent military coup in that country, including the consequences for South Australian business to be effectively represented there by the Loxley group of companies?

The Hon. LYNN ARNOLD: In answer to the honourable member's question, I advise that we have had advice from the company that commercially represents South Australia in Thailand (Loxley Bangkok PL) of details of the coup that has taken place. In the first instance, I want to say that I am certain that members on both sides of the House share with the Prime Minister in his comments expressing considerable regret that the democratically elected Government of Thailand has been thrown from office, and also to express concern for the well-being of the Thai Prime Minister, members of the Cabinet, the Government and their families.

The advice from Loxleys is that a national peacekeeping council has been put in place in that country, and that particular council has appointed several advisory teams comprising senior military figures, Government and State enterprise officials, and well-known business people to take charge of key areas ranging from social to economic affairs. Prominent civilians and business people are planned to provide advice on economic issues to ensure minimal disruption in the day-to-day management of the country. Loxleys have advised us of the names of three people who have been appointed, and they are of particular interest to South Australia and South Australian business: Dr Snoh Unakul, who is a leading economist in Thailand and a member of the International Advisory Board of the MFP; Mr Kasame Chatikavanij, who is the husband of the Chairperson of Loxley Bangkok PL; and Mr Staporn Kavitanond, who is Deputy Secretary-General of BOI in Thailand. All these people are knowledgeable about South Australia and South Australian investment opportunities and represent people of whom we can ask questions about changing circumstances within that country.

As to the general investment climate in Thailand with respect to trade and investment from South Australia, it is certainly true that South Australian business interest in Thailand has grown significantly over the past year. This is evidenced by, among other things, the increasing number of firms approaching the Department of Industry, Trade and Technology for information and assistance in the Thai market. Further, I advise that a delegation organised by the regional branch of the Federation of Thai Industry visited Adelaide in June 1990 and a number of business opportunities were identified, and they are still being followed up. More than 100 people attended the Thai Board of Investment seminar in Adelaide in July 1990, and that was equal to or greater than the attendances at similar seminars in Sydney and Melbourne. A number of South Australian firms made appointments to meet with BOI people to explore possible business opportunities.

Furthermore, the Department of Industry, Trade and Technology has assisted the South Australian boat building firm Kit Sys International to establish a good working relationship with Ital-Thai Marine in Bangkok. Our South Australian representative in Thailand, Loxleys Bangkok PL, is working on at least three or four other joint venture opportunities. In April this year, Thailand will be the guest nation at the Adelaide Expo, which is organised by the Chamber of Commerce. A significant Thai delegation will come to Adelaide for the event. While it is here, the department will arrange business meetings with relevant South Australian companies.

A group of Thai business people will be invited also to visit Adelaide early in October this year in association with the joint Australia-Thailand Business Council meeting which is to be held in Melbourne late in September. That indicates that business opportunities are still there to be found. The department and the Government will work actively to support those but, once again, I am certain our regrets will be shared by all members in this place that a democratically elected Government has been thrown out of office, and we look forward to an early election in that country.

STATE BANK

Mr BRINDAL (Hayward): How many approvals did the Treasurer give the State Bank to buy more than 10 per cent of the shares in a company? Was the Treasurer simply acting as a rubber stamp for the board's recommendations rather than seeking his own independent advice about its prudence? Under which term of reference can the Royal Commissioner examine whether this responsibility was adequately discharged?

Section 19 (7) of the State Bank Act requires the Treasurer to give his approval for the bank to acquire more than 10 per cent of the issued shares of a company. The group indulged in large scale acquisitions outside of South Australia, particularly in New Zealand, and major problems of the group shown thus far were concealed by restructuring. Therefore, it can be contended that the Treasurer may have been closely involved in these matters.

The Hon. J.C. BANNON: Over time, a number of approvals would be given in accordance with that section.

Members interjecting:

The Hon. J.C. BANNON: More than a dozen, I would say. This was part of the provision of a comprehensive banking service and the acquisition of profit centres by the State Bank. Where approval was requested, obviously I would be looking for the reasons for it and for the supporting comments or statements of Treasury. If indeed it seemed a reasonable proposition, naturally I would approve it. That is how the brief operated under the State Bank Act.

SITTINGS AND BUSINESS

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

That the time allotted for completion of the following Bills:
Wrongs Act Amendment,
Road Traffic Act Amendment (No. 4),
Physiotherapists,
Statutes Amendment (Water Resources) and
Native Vegetation
be until 6 p.m. on Thursday.

Motion carried.

ROYAL COMMISSIONS (SUMMONSES AND PUBLICATION OF EVIDENCE) AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Royal Commissions Act 1917. Read a first time.

The Hon. G.J. CRAFTER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

On 12 February 1991 the Government announced its intention to establish a royal commission to inquire into and report on matters relating to the State Bank of South Australia. These matters were the subject of a detailed ministerial statement by the Premier to the Parliament on that day and need not be canvassed again. The Government has determined that the inquiry into the bank will proceed both through a royal commission and an Auditor-General's inquiry pursuant to section 25 of the State Bank of South Australia Act 1983. The reasons for proceeding in this manner have been discussed publicly in this place and elsewhere but bear repeating in the context of these proposed amendments.

It is considered that a royal commission conducted along conventional lines will have adverse consequences on the operations of the bank. Royal commissions are conducted along adversarial lines with counsel representing the various parties making submissions, calling witnesses and examining and cross-examining witnesses. A royal commission examination of financial transactions which are often complex and may involve a number of parties and agents is likely to be protracted. The impact of a protracted inquiry on the bank is likely to be twofold. First, management and staff would be distracted from the important task of rebuilding the bank. Secondly, individual and corporate confidence in the bank may be undermined by a prolonged investigation and one which may require their affairs to be disclosed in a relatively public manner. A specialist investigation by the Auditor-General does not share these serious disadvantages.

There are some aspects of the inquiry which can quite properly be dealt with by a royal commission. In particular, the relationship and extent of communication between the Government and the bank board falls solely within the royal commission's terms of reference. The relationship between the board and the Chief Executive Officer is another matter which should be dealt with by the royal commission. In relation to this latter issue, the royal commission will have the benefit of access to the detailed investigation and findings of the Auditor-General's inquiry into the bank. Notwithstanding the efforts to structure the inquiry process in a manner which will allow the inquiry to proceed expeditiously and with due regard to confidentiality, it is considered that some changes to the Royal Commissions Act are warranted to deal with particular problems associated with this inquiry.

As indicated, it is anticipated that detailed investigations into specific transactions will be undertaken by the Auditor-General. However, the royal commission, under its terms of reference, may touch upon confidential matters and may in fact go beyond the material provided by the Auditor-General. Such further inquiries may also touch upon matters which can properly be regarded as confidential to the bank and its customers. It is therefore considered essential that the royal commission have at its disposal the means to maintain that confidentiality. Principally, therefore, this Bill proposes that the commission be empowered to make orders—

- prohibiting the attendance of specified persons at the proceedings;
- prohibiting the publication of specified evidence;
- prohibiting the identification of a witness before the commission or a person alluded to in evidence.

It is worth noting that the royal commission is not required to make such orders but may do so at its discretion on a case by case basis where this is in the public interest or where undue harm or prejudice could otherwise be caused. While such powes have already been written into the Royal Commissions Act, section 16a (4) confines the operation of those powers to the 1980 royal commission into the prison system. The Bill before the House removes this restriction.

This Bill also revises the definitions of 'record' to include information stored through the means of a computer and the device upon which such information is stored. Provision has also been included to allow the royal commission to seek a summons from a magistrate requiring the attendance of a person before the commission to answer questions or produce documents. The royal commission will also be authorised to seek a warrant from a magistrate directing authorised persons to apprehend any person failing to comply with a summons. This measure reinforces the existing powers of a royal commission by enabling the provisions of the Commonwealth Service and Execution of Process Act to be relied upon to enforce attendance of witnesses located interstate.

In summary, this Bill will ensure that the royal commission into the affairs of the State Bank has adequate powers to ensure confidentiality, obtain records however stored and secure the attendance of witnesses located in another jurisdiction in Australia. The Government believes this legislation should be accorded high priority and is anxious to secure passage of the Bill through all stages without delay. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 amends the interpretation section of the principal Act, section 3, by adding a definition of 'record'. 'Record' is defined as including information stored or recorded by a computer or any other means and as also including a computer tape or disk or any other device on or by which information is stored or recorded.

Clause 3 amends section 10 of the principal Act which sets out the powers of a commission. The clause amends the section so that the powers to require the production of and inspect documents extend to records as defined by clause 2.

Clause 4 makes an amendment to section 11 of the principal Act that is consequential to the amendment proposed by clause 3 with respect to the production of records.

Clause 5 inserts a new section 11a relating to the issuing of summonses and warrants by a magistrate. The proposed new section provides that a magistrate may, on application by the commission or a person appointed by the commission, issue a summons requiring a person to appear before the commission and answer questions or produce documents or records. The proposed new section also empowers a magistrate to issue a warrant for the apprehension of any person who disobeys such a summons. These powers are intended to be in addition to the power of the commission to itself summon a witness or require the production of documents or records. The provisions are designed to attract the operation of the provisions of the Service and Execution of Process Act 1901 of the Commonwealth for the service of summonses and execution of warrants in respect of persons outside the State. The grounds of an application for a summons or warrant under the proposed new section are to be verified by affidavit. A person who has disobeyed such a summons and is brought before the commission in pursuance of such a warrant is to be liable to be imprisoned or otherwise dealt with by the commission under section 11.

Clause 6 amends section 16a of the principal Act which empowers the commission to exclude persons from proceedings and suppress publication of specified evidence or publication of material naming or tending to identify witnesses or persons alluded to in proceedings of the commission. These powers may be exercised in any case where the commission considers it would be desirable to do so in the public interest or to prevent undue prejudice or undue hardship to a person. The clause amends this section by removing subsection (4) which limits the application of the section to the Royal Commission to Inquire into and Report upon Allegations in Relation to Prisons under the Charge, Care and Direction of the Director of the Department of Correctional Services.

Clause 7 makes an amendment to section 19 of the principal Act which makes it an offence to destroy or render unintelligible or indecipherable or incapable of identification any book or document to prevent it from being used in evidence before the commission. The clause amends this section so that it also applies to the destruction of or interference with records as defined by clause 2.

Mr S.J. BAKER secured the adjournment of the debate.

STATE BANK OF SOUTH AUSTRALIA (INVESTIGATIONS) AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the State Bank Act of South Australia 1983. Read a first time.

The Hon. G.J. CRAFTER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

On 10 February 1991 the Premier announced that the Government had indemnified the State Bank against losses arising from non-performing loans. This matter was the subject of a detailed statement to the Parliament by the Premier on 12 February 1991. Her Excellency the Governor appointed the Auditor-General on 9 February 1991 pursuant to section 25 of the State Bank of South Australia Act to investigate and report on specific matters relating to the operations and financial position of the bank. Since this appointment, a royal commission has been appointed to inquire into the affairs of the State Bank.

Upon the Parliament having dealt with this Bill it is proposed to recommend to the Governor that she revoke the current appointment pursuant to section 25 and issue a new appointment with broader terms of reference. The proposed terms of reference have been released to the Parliament and the public generally. The royal commission and Auditor-General's inquiries are expected to proceed concurrently, though each will concentrate on different aspects of the affairs of the bank. The inquiries will however be integrated to the extent possible. Under the terms of reference contained in the appointment of the royal commssion, the commission is authorised to receive and consider any report by the Auditor-General relevant to the commission's terms of reference.

The proposed terms of the Auditor-General's investigation will require the detailed examination of aspects of the bank's affairs and operations, including specific transactions, which can properly be regarded as confidential to the bank or to its customers. The Government has confidence that in undertaking his investigation the Auditor-General will be able to maintain the confidentiality of that information. The very nature of his inquiry, compared with, for example, a royal commission, will facilitate confidentiality. However, it can be anticipated that difficulties in maintaining confidentiality will arise if any reports of the Auditor-General are publicly released. The Government believes that it is highly desirable in the present circumstances that as much as possible of the Auditor-General's Report be made public. It is therefore proposed that the Auditor-General report in a manner which allows his findings and recommendations to be considered separately from any confidential information.

To facilitate this process of reporting from the Auditor-General to the royal commission and to ensure the fullest public release of documents while maintaining confidentiality, it is proposed to amend the principal Act. The amendments will enable the Governor to give directions to persons appointed pursuant to section 25 as to the manner in which the results of the investigation are to be reported including any direction requiring reports to be presented to a specified person or body in addition to the Governor. To guarantee accountability, the amendment requires that any directions made pursuant to section 25 (though not the appointment itself) be published in the *Gazette*. In this instance the Government proposes to publish the instrument of appointment and directions.

To assist in the investigation, it is proposed to authorise the Auditor-General to seek a summons from a magistrate requiring the attendance of a person before the Auditor-

General to answer questions or produce documents. The Auditor-General will also be empowered to seek a warrant from a magistrate directing authorised persons to apprehend a person failing to comply with a summons. This provision will enable the Commonwealth Service and Execution of Process Act to be relied on to enforce attendance of witnesses located interstate.

As it stands now, the Auditor-General's powers under section 25 of the State Bank of South Australia Act are expressed by reference to the Audit Act which has been repealed. This casts some doubt about the Auditor-General's powers to require persons other than directors, officers and employees of the bank to appear before him. The Act will therefore be amended to make it clear that the Auditor-General's powers are as extensive as those contained in the Public Finance and Audit Act. The Auditor-General will therefore have the power to require any person with relevant knowledge or documents to appear before him.

An investigation pursuant to section 25 is into such matters as are determined by the Governor relating to the operations and financial position of the bank group. Although the term 'operations of the bank group' would encompass a very wide range of matters relevant to the investigation, questions of legal interpretation might arise as to the scope of the investigation. In that event it is intended that there be power available to make a regulation spelling out that operations of a particular company, entity, trust arrangement or any other arrangement, form part of the operations of the bank group. This measure will ensure that, in the event of a doubt arising, arrangements or entities not included on any of the bank group's balance sheets can nonetheless be included in the investigation. The definition of 'record' will also be amended to include information stored through the means of a computer and the device upon which such information is stored.

In conclusion, this Bill will allow for the royal commission and Auditor-General's inquiry to be integrated where appropriate, clarify the powers of the Auditor-General, enforce the attendance of interstate witnesses and better define the operations of the bank group. As indicated earlier, the Government intends to reappoint the Auditor-General pursuant to section 25 of the Act to undertake an inquiry into the bank. The Government is therefore anxious to secure passage of the Bill through all stages without delay. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 amends section 25 of the principal Act which empowers the Governor to appoint the Auditor-General or some other suitable person to investigate and report on the operations and financial position of the State Bank. Existing subsection (2) requires a person so appointed to investigate such matters relating to the operations and financial position of the bank as may be determined by the Governor and to report to the Governor on the results of the investigation. Existing subsection (3) provides that the investigator shall have, in relation to the accounts, accounting records and officers of the bank, the same powers as the Auditor-General has under the Audit Act 1921 in relation to public accounts and accounting officers.

The clause replaces subsections (2) and (3) with new subsections (2) to (11). Proposed new subsection (2) requires a person so appointed to investigate such matters relating to the operations and financial position of the bank and the bank group as the Governor may determine and to report to the Governor on the results of the investigation. Proposed new subsection (3) provides that a person so appointed must comply with any directions of the Governor published in the *Gazette* as to the manner in which the investigation is to be conducted and the manner in which the results of the investigation are to be reported, including any direction requiring reports to be presented to a specified person or body in addition to the Governor.

Proposed new subsection (4) provides that the investigator and any person authorised by the investigator will have the same powers as the Auditor-General and authorised officers have under Division III of Part III of the Public Finance and Audit Act 1987 and that the provisions of that Division are to apply in relation to any such investigation and the exercise of such powers as if the investigator or authorised person were the Auditor-General or an authorised officer exercising those powers under that Division.

Proposed new subsection (5) provides for the issuing by a magistrate, on application by the investigator, of a summons requiring persons to attend before the investigator and answer questions or produce documents or records. Under the subsection, a warrant may be issued by a magistrate for the apprehension of any person disobeying such a summons. These powers are intended to be in addition to the powers of the investigator under the Public Finance and Audit Act to summon witnesses and documents and records. This provision is designed to attract the operation of the Service and Execution of Process Act 1901 of the Commonwealth for the service of summonses and execution of warrants in respect of persons outside the State.

Proposed new subsection (6) requires proof of the grounds of an application for a summons or warrant to be by affidavit. Proposed new subsection (7) makes it an offence to disobey such a summons. Proposed new subsection (8) protects the investigator or an authorised person from criminal or civil liability for an act or omission in good faith in the exercise or purported exercise of powers under the section.

Proposed new subsection (9) protects any person from criminal or civil liability for anything done in good faith in compliance or purported compliance with a requirement of an investigator or authorised person under the section.

Proposed new subsection (10) defines certain terms for the purposes of the section. The 'bank group' is defined as being the bank and its subsidiaries. 'Operations' of the bank or bank group is defined as including operations of a company or other entity specified by regulation or operations carried out in pursuance of a trust scheme, partnership, joint venture or other scheme or arrangement specified by regulation. 'Records' are defined as including information held by a computer or other means and as also including computer tapes or disks or other devices on or by which information is stored or recorded. 'Subsidiary' is given the same meaning as in the new Corporations Law.

Proposed new subsection (11) is designed to overcome a possible problem with the definition of 'subsidiary' in the Corporations Law arising from the fact that the State Bank is an agent of the Crown and holds its property for and on behalf of the Crown.

Mr S.J. BAKER secured the adjournment of the debate.

ABALONE FISHERY

The Hon. LYNN ARNOLD (Minister of Fisheries): I move:

That a select committee be established to examine—

(a) the owner-operator policy that applies to the South Australian Abalone Fishery;

(b) the potential impact on biological and resource management (including enforcement) requirements for the fishery;

(c) equity issues with regard to the distribution of benefits between existing (current licence holders), intergenerational and community interests;
(d) application of occupational health and safety standards for employee divers;
(e) possible implication of the application of the Workers Compensation and Rehabilitation Act 1986; and
(f) any possible implications relaxation of the policy may have on the nature of investment in the fishery.

The commercial abalone fishery of South Australia is operated by 35 licence holders in three separately managed zones. The value of production (to licence holders) in 1989-90 was $16.7 million. Regulations and licence conditions limit the taking of abalone to the licence holder who also must be the registered master of the vessel. An abalone fishery licence may only be issued to a natural person (one person). Some form of owner-operator policy has been in place since the early days of development of the fishery which has been useful primarily for limiting fishing effort. There have also been other policy considerations such that the person who undertakes the risk of diving for abalone should be the main beneficiary of the licence. Since the owner-operator policy was put in place, there have been several important management developments in the fishery. Principally, licences were made transferable in 1980 (could be sold by the outgoing licence holder) and quotas were introduced for all three zones (commencing with the western zone in 1985).

The legislative provisions restrict operations to the licence holder and not necessarily to the licence 'owner'. That is, the person whose name is on the licence must undertake the diving operations. As such the so-called owner-operator policy is effectively a licence holder-operator policy under current regulations. It is reported that up to two-thirds of the 23 licences in the western zone are owned by someone other than the person whose name is on the licence. There is usually a private contract between the licence owner and the licence holder and this type of arrangement can be the subject of a legal dispute as in the case *Pennington v McGovern*.

Industry is seeking removal of the owner-operator provisions for the fishery and the introduction of company licences. Industry has proposed that the licence be able to be issued in either a personal or corporate name provided that a specified shareholder (in the case of a corporate licence) is nominated as responsible for meeting obligations and requirements pursuant to the licence. The licence holder would advise in writing a person who would be recorded on the licence as the nominated diver. The main advantages of the proposed system as identified by industry would be:

- licence holders would be freed from diving commitments to pursue marketing, aquaculture and other business commitments relating to the abalone operations;
- licence holders could pursue a lifelong career in the industry with reduced individual exposure to long-term diving related illness by employing divers (who may or may not have a financial interest in the licence). Licence holders contend that the cost of buying an abalone licence (presently around $1.2 million) is now so high that people without sufficient personal wealth have a better chance of entering the industry if they can hold a share in a licence and/or undertake diving operations. Such arrangements have developed unofficially and industry is seeking that they be recognised formally in the legislation.

Reasons put forward as needing consideration for not proceeding with industry's proposals are:

- the health of employee divers would not be guaranteed or protected, that is, the diving related risks would pass from the main beneficiary of the licence to the employee;
- divers have an option to transfer their licence (in effect sell out of the industry) and receive the superannuated benefits of the licence value in considering other career options;
- access to licences may be reduced with more licence holders remaining in the industry and new generations of divers achieving only employee status;
- licence holders dive usually some 70 to 80 days a year and would have the opportunity to undertake marketing and other activities when not diving;
- there may be increased pressure to breach quota management measures by employee divers seeking to obtain a greater personal return from the fishery, where they would not have as much to lose under licence suspension/cancellation provisions as if they were also the licence holder;
- acquisition of licences by processors may make auditing of the paper trail more difficult where processors are responsible for certifying the catch weights of licence holders; and
- corporate licences without owner-operator provisions may make it easier for foreign interests to obtain licences and to gain control of processing and pricing arrangements.

Cabinet has considered this issue and requested the matter be considered by a select committee of the House of Assembly, hence my motion today. The select committee will do the following:

(a) examine the owner operator policy that applies to the South Australian abalone fishery;
(b) assess the potential impact on biological and resource management (including enforcement) requirements for the fishery;
(c) examine equity issues with regard to the distribution of benefits between existing (current licence holders), intergenerational and community interests;
(d) application of occupational health and safety standards for employee divers;
(e) consider possible implications of the application of the Workers Compensation and Rehabilitation Act 1986;
(f) consider any possible implications relaxation of the policy may have on the nature of investment in the fishery.

Mr MEIER secured the adjournment of the debate.

VALUATION OF LAND ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

SELECT COMMITTEE ON THE HOUSING COOPERATIVES BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That the time for bringing up the report of the select committee on the Bill be extended until Thursday 11 April.

Motion carried.

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 November. Page 1702.)

The Hon. FRANK BLEVINS (Minister of Transport): I thank the member for Bragg for his contribution to the second reading debate. It was a good contribution, in as much as it pointed out a flaw in the Bill. It was a useful contribution. It should not be necessary to point out in this House that, from time to time, a contribution is useful but, when one is referring to the member for Bragg, it is worthy of comment. I do thank the member for Bragg. Of course, it was not the intention of the Government to make this provision apply to the mickey mouse train, or any of these other amusement—I do not know what you call them—rides or whatever they are. I am not quite sure what the term is for these things; nevertheless, I think we all know what I mean—I hope so, anyway.

I have an amendment on file to make it absolutely clear that what we are talking about is restricted to vehicles that run on a railway, tramway or other fixed track or path that is operated by the STA or Australian National or any other prescribed body or person. I think that will clarify the situation for the member for Bragg. As I say, I thank him for his useful contribution. He did pick out a flaw in the drafting of the Bill, and we are grateful for that.

Bill be read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Motor accidents.'

The Hon. FRANK BLEVINS: I move:

Page 1, lines 15 to 16—Leave out 'and includes a vehicle that runs on a railway, tramway or other fixed track or path' and insert the following words and paragraphs:

and includes a vehicle that:

(a) runs on a railway, tramway or other fixed track or path; and

(b) is operated by:

(i) the State Transport Authority;

(ii) the Australian National Railways Commission;

or

(iii) a prescribed person or body.

As I stated during the second reading debate, there was a distinct flaw in the drafting of this Bill. It was never the intention that the Bill pick up anything other than vehicles operated by the STA or AN, or a prescribed body or person, on a track. The effect of the amending Bill may have caught some of these amusement rides that we see at the fair, or some other vehicle operated on tracks, and there was absolutely no intention for us to encompass them within the ambit of this amending Bill. Therefore, I commend the amendment to the committee.

Mr INGERSON: It is not very often in this place that the Minister of Transport is prepared to accept an amendment from the Opposition. We gratefully acknowledge that. I hope that in future when we point out errors like this—as we may later on today—he will acknowledge that fact and be as gracious as he has in this particular instance. As I said during the second reading debate, in principle we oppose the Bill generally, because we are concerned that we will have a statutory authority increased to include a statutory authority of the Federal Government, with the same rules in terms of third party accidents as those designed and set up principally for motorists in this State.

We believe that common law and the rules of the civil court ought to apply, and that the statutory authorities should not be given an easy ride in terms of accidents on tramways or any guided track. As I said during my second reading contribution, the Opposition is quite concerned about this very strong change in direction by the Government. We believe that this should be dealt with in the civil courts and whilst, in principle, we support this amendment, it is important to note that we are very concerned about the direction the Government has taken.

Mr MATTHEW: I have a particular interest in this Bill, because the Adelaide to Noarlunga rail line passes through the entire length of my electorate. I noted with interest that the Minister admitted during his second reading explanation that the STA has a lower number of claims arising from tram and train accidents than from bus accidents. The Minister expressed concern that:

> If, say, 100 passengers were injured as a result of an accident involving a train, it could be assumed that, without the amendment to the Wrongs Act, about 75 non-serious injuries could have a quantum of about $3.75 million. It is estimated that this could be reduced by about 50 per cent if the amendment applied.

I accept that the Government needs to save money, particularly at this time, and to cut expenditure wherever possible, but I cannot accept that the rights of individual citizens who might be injured through no fault of their own while travelling on the train, tram or O-Bahn should be compromised simply for the sake of a possible saving by the STA or, for that matter, by any other Government authority. Such people who are victims of an accident should not be denied the normal and reasonable damages they could otherwise claim. It is for that reason that I quite strongly oppose this Bill.

The Hon. FRANK BLEVINS: For the benefit of the member for Bright and the member for Bragg, the time to oppose this principle was when the arrangements for third party motor vehicle insurance were changed. If it was thought worth maintaining, the time to maintain the principle of total access to common law was then. The reason why the STA—

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: I find that quite extraordinary. I have not taken the trouble to look up the debate when the amending legislation on third party injury in relation to motor vehicles went through. I am not sure whether the member for Bragg—

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: You spoke? I look forward to reading it. I am not sure whether it was opposed but, certainly, the Parliament agreed that there ought to be a limit to third party claims for bodily injury. The buses operated by the STA are automatically included so, if there were some objection to the STA's having some restriction on its liability as regards compensation, that was the time to make it known.

All we are doing with this amending Bill is bringing the trains and trams of the STA into line with the buses. The Parliament thought it appropriate that there be a restriction on the level of compensation that was payable for motor vehicle accidents. I am surprised that, all of a sudden, this is a principle that must be strongly opposed. If the honourable member wanted strongly to oppose the principle, he had the opportunity. The reason why there are very few accidents on trains and trams is that we have very few of them. The majority of accidents relate to the majority of our plant—buses—and they are already covered.

There is no great principle involved that appeared to bother anyone at that time. If I am wrong, I am sure that the member for Bragg will stand up and correct me. I do not know whether the member for Bright was in the Parliament at that time: I suspect not. But the member for Bragg was. I will look back at *Hansard* to see how vigorous the opposition was and how vigorous was the defence of this alleged principle by the member for Bragg—and the member for Bragg knows that I will, from the discomfort on his face.

It will give me a great deal of pleasure. It is quite clear that this sudden adherence to principle is a bit late in coming. All this amending Bill does is tidy up matters. Probably 90 per cent of the STA vehicles are already covered, and it is quite proper that the remaining 10 per cent be treated exactly the same as the buses. I cannot see the difference.

Amendment carried: clause as amended passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 12 December. Page 2701.)

Mr INGERSON (Bragg): This Bill addresses four distinct matters arising from the Federal Government's 10 point black spot funding package announced in November 1989 and agreed to by the State and Territory Transport Ministers at a meeting of the Australian Transport Advisory Council (ATAC) in May 1990. This agreement by the Ministers of all the States and the Territory shows the hypocrisy of the current Minister of Transport of this State. Some 18 months ago he and the Premier clearly stated that any move to reduce the prescribed alcohol concentration limit to .05 had no road safety value and was purely and simply a matter of changing the figure of .08 to .05. Today we have before us a Bill supported by the same Minister and the Premier that clearly shows the hypocrisy of this Government.

It is a tragedy for the State when the Government of the day decides that money is more important than principle. In particular, I am very concerned when the State Government accepts from the Federal Government a measly $12 million, some 30 per cent less than the sum it had expected for road funding in the past year to introduce blood alcohol values into the community which it cannot substantiate by any practical means.

The reduction of the prescribed alcohol concentration limit to .05 is the most hypocritical decision this Minister has made as Minister of Transport. I remind the House that in a statement approximately 18 months ago the Minister, supported by the Premier, clearly put to the public that there was no road safety value in moving from .08 to .05. It is marvellous what happens when you have your arm twisted by the Federal Government and a few million dollars thrown at you!

When we look back at this decision to accept the $12 million, we see that it falls into line with the time when the State Bank problems were starting to emerge, and perhaps with a little foresight and understanding the Minister of Transport understood something that the Premier did not know, that is, that South Australia needed an extra $12 million from the Federal coffers to put into road safety in South Australia, but it has been applied in a poor way.

The three other issues addressed by the Bill include a reduction in the general speed limit to 100 kilometres an hour, the fitting of speed limiters to heavy vehicles, including buses, and the compulsory wearing of helmets for pedal cyclists. I will state clearly as I debate this Bill the position of the Liberal Opposition on each of these issues. Essentially, this package involves the allocation over three years of $120 million in new Federal funds to the State and Territory Governments if they are willing to amend local road laws to provide national uniform standards.

As I said, South Australia's share is $12 million over three years, but the Federal Government has determined that no single black spot project should amount to more than $200 000. That is a fascinating determination. The worst black spot in this State in my opinion is the Kensington Road roundabout, and the estimated cost of significant improvements to that roundabout to make it safer in terms of road safety is about $500 000, and probably in excess of that.

The four measures presented in the Minister's second reading explanation are important road safety issues. The Minister dwelt on death and injury statistics plus the emotional trauma and financial cost of injury to individuals and families in the community. In 1990 motor vehicle accidents claimed 2 331 Australian lives. While the figure is alarmingly high, it represents a reduction of 500 compared with the 1989 figure and continues a downward national trend in deaths that has been evident since tighter road safety and drink driving laws were introduced throughout Australia in the mid-1970s.

Last year only South Australia and the Northern Territory recorded a greater number of road deaths compared with the previous year. In South Australia the figure was 225, up two, and in the Northern Territory it was 68, up seven. The overall reduction in the number of deaths can also be attributed to improved medical retrieval of road trauma victims, but such advances involve tremendous cost. The Bureau of Transport and Communications estimates the annual cost of road accidents to be about $5.7 billion when account is taken of the rehabilitation expenses, social security benefits and compensation payments for bodily injury.

One expert here in South Australia, Dr Peter Oatey, has made specific reference to the high incidence of head injuries in road accidents, a concern that we all share. However, the move from .08 to .05 will not guarantee a reduction in the level of head injuries or any other specific injuries.

Dr Oatey put some very interesting points to us individually and collectively, but there is no substantive support that any reduction from .08 to .05 will achieve the suggested end. Australia has one of the highest rates of spinal injuries in the world. Richard Llewellyn, Executive Director of the Paraplegic and Quadriplegic Association of South Australia, advises that between Christmas and 14 January there were seven admissions to the spinal injury unit at Hampstead.

While severe spinal injuries cost the community an average of $1 million for the life time health care of the victim, the costliest treatment and care is reserved for patients who are brain injured. The fact that the number of traffic accidents has stabilised at the present level means that by the year 2000 about one million Australians will have been injured and an additional 30 000 will have been killed. Most of the victims will have been in their most productive years.

The Liberal Party will continue to argue that road safety issues should be treated on their merits and not on a whim relating to a few dollars from the Federal Government, compared with the turnaround by the Minister of Transport and the Premier. That the Federal Government has sought to force the States and Territories to trade road safety issues for funds, almost involving blackmail, is quite unacceptable, especially as the $120 million sop represents only 30 per cent of the funds that the Federal Government has cut from road funding to the States in the past five years.

The Minister of Transport has been fairly silent publicly about the dramatic cut in Federal Government funds. I am amazed that we have not seen our progressive and strong potential Premier pushing harder for South Australia in respect of road funding. This Bill reduces the prescribed alcohol concentration limit from the existing level of .08 grams of alcohol in 100 millilitres of blood to .05 grams. It is proposed to restructure the prescribed alcohol concentra-

tion levels into three categories: from zero to .08, from .08 to .15 and above .15. It is fascinating that the Minister has made the first step .08 and not .05. Why has he done that? Perhaps he recognises that .08 is a far more realistic and recognisable level in terms of the effect on the body than the .05 that is recommended in this Bill.

I am also fascinated that the Minister is providing for the blood alcohol levels between .05 and .08 to be treated differently from previous breaches of the law with readings above .08. The Minister has put to the Parliament that, if the reading is between .08 and .05, the penalty will be a $100 fine, which can be expiated by traffic infringement notice and the loss of three demerit points. The first, second and subsequent offences will all attract the same penalty.

Drivers who fail to expiate the traffic infringement notice will be subject to a court hearing and a possible penalty on conviction of up to $700. What a fascinating provision! If a driver pays on the spot or pays within 60 days, it will cost $100 and the loss of three demerit points. However, if people do not support the change in the law from .08 to .05 and decide to go to court and defend the case, they face a penalty of up to $700. I am amazed that the Minister is willing to encourage people to expiate an offence for $100 yet, if they exercise their right to defend themselves, a conviction can cost up to $700.

This provision just shows the lack of thought that has been put into this whole area. We take $12 million from Canberra and anything will do so long as we can get Commonwealth support, but I believe that the change in the level from .08 to .05 should have been given much more thought.

In support of the .05 limit the Government now argues that the minimum prescribed alcohol level should be consistent throughout Australia, that a survey of South Australians in December 1989 identified 69.2 per cent support of the .05 level, and that the .05 level would save taxpayers at least $8 million per annum. As I have said several times, on 18 December 1989, the Premier said:

> Nobody will ever persuade me that there is any road safety merit, if at all, in changing from .08 to .05.

After that, the Minister of Transport, Mr Blevins, agreed and said:

> A reduction to .05 will make little difference in reducing our road toll.

We have been told day after day, week after week, that this is all about road safety, but I think that is merely a hypocritical exercise on the part of the Minister, the Premier and the Government. However, to substantiate the argument I will be putting forward in relation to maintaining .08, I will quote from a report, in May 1980, put out by the NHMRC Road Research Accident Unit, written by Dr Anthony Ryan and supported by Oksana Holubowycz. Headed 'The Number of Drinking Drivers Between .08 and .05', it states:

> About 50 per cent of fatally injured drivers in South Australia had a positive blood alcohol content. About 50 per cent of these were above .18—

and I think it is important to note that—

> while about 5 per cent were between .05 and .08. For drivers admitted to hospital, about 38 per cent had a positive blood alcohol content, and about 50 per cent of these were above .14—

again a very significant level—

> while 4 per cent were between .05 and .08. For drivers (between 5 p.m. and 3 a.m.) not involved in crashes, about 15 per cent had a positive blood alcohol level, of whom 18 per cent were between .08 and .05.

While it is fascinating to see the discrepancy between those sets of figures, it shows that a significant number of people who drive on our roads are between .08 and .05 and not involved in accidents. Looking at the fatality and accident level, it is clear that the number between .08 and .05 drops dramatically compared with those that have shown up in the studies done by the NHMRC. I believe the summary of this paper is very important and does put into context this whole argument of whether the statutory figure—the figure of .08 that was plucked out of the air some 10 years ago—and now the proposed statutory figure of .05—also plucked out of the air—have any relevance to each other. The summary states:

> Drivers between .05 and .08 are under-represented in fatalities and hospital admissions. Only a small proportion of drivers killed or admitted to hospital were between .05 and .08. It is unlikely that a change from .08 to .05 will substantially affect the behaviour of drivers who reach blood alcohol contents greater than .1—

That is the critical argument I want to put before the House. It is the people over .1 that are of concern in road safety. They are the people we have to catch in any system, whether it be the RBT system or any policing system, not the people between .08 and .05. The report states:

> It is unlikely that a change from .08 to .05 will substantially affect the behaviour of drivers who reach blood alcohol contents greater than .1, since it has been shown that drivers with high blood alcohol contents drink more, and more often, and drive after drinking more often, than drivers with lower blood alcohol contents. The vast majority of drinking drivers killed or admitted to hospital have blood alcohol contents greater than .08.

So, in my opinion, any drop to .05 will purely and simply increase revenue for the Government: it will not get at the major problem area that we should be tackling. The report continues:

> The evidence regarding the effects of changing from .08 to .05 can be summarised as follows:
>
> For older drivers the risk of being involved in a crash is basically unchanged as blood alcohol content increases from zero to .08.
>
> For young drivers aged 16-19 the risk increases more steeply at every blood alcohol content level.

That matter is very important, and we will come back to it in our recommendations. The report continues:

> It is estimated, by standardising for changes in day-time crashes, that the number of night-time crashes prevented was about 3 per cent, or one-half of that presented in the FORS paper, with a corresponding halving of estimated costs to $16 million.
>
> The above evidence suggests that the appropriate targets for drink driving counter-measures are young drivers aged 16-19 years, and drivers over .08 because these are the groups with the highest risks. The independent effects of lowering the blood alcohol content from .08 to .05 (that is separate from changes in enforcement) on night-time injury and property damage crashes remains uncertain. There was very little effect on fatal crashes.

Recommendations in the report provide:

> There should be no change to the blood alcohol content limit. Other, more effective and suitable counter-measures are:
>
> 1. selective blood alcohol content limits for young drivers, as well as for learner and novice drivers, together with an extension of the probationary period for up to three years;
> 2. a well funded and well designed and targeted public education program;
> 3. a well funded and highly visible program of random breath testing.

Both the last two points have been criticised by me as shadow Minister, and today there has still been no change. Where do we have this well-funded public education system? We do not have one. Where is the highly visible and well-funded RBT system? We have a good RBT system, but there is nowhere near as many units as there ought to be, and they are not in the places where they ought to be. Finally, the report states:

> The dramatic effect of random breath testing and a public education campaign can be seen in the 20 per cent reduction in fatal crashes in New South Wales from December 1983.

That report, which has been available to all members of Parliament, was prepared by two South Australians from

the very highly regarded NHMRC Road Accident Research Unit at the University of Adelaide. It is not only regarded well in Australia but is also highly regarded as a world standard and authority in connection with the consumption of alcohol and its relationship to road accidents.

One issue which I would like to talk about further and which I believe has been neglected by the Minister is the use of the RBT system. It has been said on many occasions that the change from .08 to .05 in New South Wales showed a dramatic reduction in road accidents, particularly daily fatal crashes. However, the evidence is quite the opposite. Early in 1975, when the .05 level was introduced in New South Wales, very little change was shown in relation to road accidents. As soon as the introduction of RBT occurred, the accident level, particularly the fatal accident level, dropped off dramatically. That is a major issue in any discussion on blood alcohol levels, and it is an issue which we as the Opposition have been arguing ever since I have been shadow Minister, a period of some four years.

It is an issue on which this Government, until the past couple of years, turned its back. I will give the Government credit by saying that it has increased the use of RBT, but it has not increased it to anywhere near the extent that it should have, and the minute it does that it will get the support of the Opposition, and we will see again another dramatic fall in the accident level involving people who have consumed alcohol.

I have canvassed the fact that a significant level of accidents involve young people. Drivers in the age group 16 to 25 years, who represent 16 per cent of the community, are however involved in 40 per cent of accidents. There is no question that the accident level, the death level and the drink-driving level are of major concern in that age group. As I will move at the Committee stage, the Liberal Party proposes that there be a blood alcohol level of .05 up to the age of 25 years, which recognises those problems, and that a level of .08 is maintained for drivers over 25 years. That is a suitable compromise, looking at the practicalities of the situation.

The Opposition believes that the young, inexperienced learner driver should remain at the present level, that there should be a second tier to cater for the 16 to 25 year olds, that is, .05, and drivers over 25 years, who have demonstrated that they are capable of driving at the .08 level, should be able to continue to do so.

The Opposition also argues strongly that we need to improve greatly the advertising and education campaign. It was disappointing that the second reading explanation made no mention of a significant education program, because there is no doubt that one of the most effective campaigns in this State was the KESAB campaign, which was aimed at young people. The Government should be doing exactly the same thing with road safety, particularly discussing the amount of alcohol, if any, that young people should drink when they drive.

The second measure in the Bill relates to the reduction of the general speed limit from 110 km/h to 100 km/h. It also provides for speed zones to be approved above the 100 km/h speed limit where it is considered appropriate. In his second reading explanation, the Minister noted that 110 km/h is considered reasonable and safe for most major rural roads, including the South-Eastern Freeway and other interstate highways. That is incredible. The proposition is that the overall State speed limit should be reduced to 100 km/h; yet the Bill also makes provision for zones of 110 km/h.

It would make a lot more sense to leave the general State-wide speed limit at 110 km/h and bring some roads back to 100 km/h. This current proposition in the Bill is absurd. Just to get this $12 million, we are bending over backwards to introduce absurd laws, which I understand that the Minister of Transport was not too happy about at the ATAC meeting held some six to eight months ago. We should leave the speed limit as it is and, in special areas, the Minister can reduce the limit to 100 km/h. That would be better than this back-to-front way of introducing changes to general speed limits.

In February 1990, the RAA argued a well-researched case for retaining 110 km/h as a general speed limit but today it supports 100 km/h. The Opposition believes that it has been sat on and has decided to support the lower speed limit. Nevertheless, I believe that a 100 km/h limit is unreasonable in South Australia, considering the superior road surface and network. It is the Opposition's intention in Committee to oppose the reduction in the general speed limit.

The Bill also deals with speed limiters on heavy vehicles and proposes that a person must not drive a vehicle that does not comply with regulations limiting the speed of the vehicle and, if the vehicle is driven in contravention of this provision, both the owner and the driver will be guilty of an offence. I could be technical and say that the Minister has misled the House, but I will not go that far, because the Minister probably did not see that his second reading explanation and the Bill did not correspond.

The second reading explanation refers to the fitting of effective speed limiting devices, which suggests that changing gear ratios to achieve the same outcome will not be an acceptable practice. Secondly, the maximum speed capacity will be limited to 100 km/h, which suggests that there will be no tolerance to allow for overtaking, and the like. Further, this measure will be retrospective in its application to heavy goods vehicles over 20 tonnes gross vehicle mass and all buses with a gross vehicle mass over 14.5 tonnes and manufactured between 1 January 1988 and 1 January 1991. I will be fascinated to learn how the Minister will get his inspectors to introduce that retrospective law.

I know a little about the road transport industry and about the costs involved. Some of these vehicles, which may cost of the order of $250 000, cannot be adjusted to fit this retrospective legislation. Some do, but some do not, and it will be interesting to see how the Minister will achieve this by regulation. Hopefully an amendment will not be required in the next few months to satisfy this matter, because it is a very positive move, one which is supported strongly by the Opposition. You only have to travel on the South-Eastern Freeway to recognise that very few interstate trucks travel anywhere near the 100 km/h speed limit. The Minister and the Government are moving in the right direction, but I do not believe it is fair and reasonable to handle this matter retrospectively. As I said, the Opposition endorses the principle but it is very concerned about the method. In the Committee stage, we will question the Minister further on that point.

Finally, the Bill proposes that safety helmets be compulsory for riders of pedal cycles and that the rider will be responsible for ensuring that any child under the age of 16 being carried on a cycle is wearing a properly adjusted and securely fastened approved helmet. Where the rider is under the age of 16 the parent or person having custody will be responsible to ensure that the child is wearing a helmet. I know that the Minister of Transport is pretty good, but I will be interested to hear him explain how he sees that the average parent, guardian, custodian, teacher or person looking after a child can guarantee that the child will wear a helmet. Everyone supports their use, but I will be interested

to question the Minister as to how he believes that clause will be administered.

In respect of such offences, it is proposed that, where a person over the age of 16 commits an offence, a traffic infringement notice will be issued, the fine being $32. I noticed in the paper a couple of days ago that the figure is now $34. Since the Bill was introduced and the press release, it has jumped up an extra $2, which is the existing fine for a driver of a motorcycle who fails to wear a helmet. An offence clause has been incorporated in the Bill.

Also, the Government proposes that a parent or other person having the custody or care of a child under the age of 16 must not cause or permit the child to ride or be carried on a cycle as I have mentioned. In the *Advertiser* of 2 March 1991, the Minister is reported as stating that parental responsibility had been part of equivalent legislation in other States. I do not like to correct the Minister very often, but unfortunately that is not the case. Only New South Wales and Victoria have introduced the compulsory wearing of helmets for bicycle riders of all ages. They have both done so by regulation, not legislation, and neither set of regulations makes any reference to enforcement or parental responsibility. Victoria alone applies a penalty of $15—not the $32 or $34 as proposed in South Australia.

In addition, the regulations enacted in both Victoria and New South Wales exclusively address bicycle helmets whereas, in South Australia, the issue is complicated by the fact that the proposed amendments address both riders and passengers of motor cycles and pedal cycles. In Victoria it became compulsory from 1 June 1990 for pedal cyclists of all ages to wear helmets. In New South Wales, it became compulsory from 1 January 1991 for pedal cyclists 16 years and over to wear a helmet, and it will be compulsory from 1 July 1991 for pedal cyclists under 16 years of age to wear a helmet.

At the moment, Queensland and Western Australia only propose to introduce these regulations by mid-year. So, the statement made by the Minister that parental responsibility is part of equivalent legislation in other States is not accurate. It is our intention during the Committee stage to move to delete reference to the fact that a parent must not cause or permit a child to ride without a helmet, and susbstitute it with an effective obligation on parents to provide a helmet and to take reasonable steps to ensure that a helmet is worn. The reason for that amendment is that, on evidence placed before us from Victoria in particular, 90 per cent of children under the age of 14 who ride cycles now wear helmets, whilst 80 per cent of those under 16 wear helmets. Obviously, a very large percentage of the community has decided to wear a helmet without compulsion. If we had an effective education system to encourage people, particularly young people, to wear a helmet, I am quite sure that we would not need to go to this compulsory requirement.

It is our intention to recommend the introduction of this provision in two stages: the first from 1 July 1991 for people over 16 years of age, and the second from January 1992 for those under 16 years of age. It is our intention also to move to separate provisions relating to motor cycles and pedal cycles. Further, we will request the Minister and the Government to run a major publicity campaign in conjunction with the proclamation of the legislation, and we will call for the extension of the rebate scheme. In any attempt to ask young people to carry out what is a very sensible road safety program, one of the major problems that I see is the cost of the program. It just seems ludicrous in this day and age, with many young families having difficulty balancing their budget, that no rebate scheme is available to them to cater for what is to be a compulsory helmet scheme. We will call on the Government to at least investigate and extend the current rebate scheme as it applies to safety helmets.

The Government has proposed to provide exemptions from the regulations for certain classes of cyclists. In similar legislation interstate, exemptions have been granted on medical grounds; Australia Post has been exempted; persons competing in road races or sporting events are given the option as to whether or not they wear a helmet. It is our intention to do likewise. I find it hypocritical that a Minister of the Crown should bring this legislation before the House after publicly saying there is no value at all in shifting from .08 to .05. Further, to bring forward legislation to reduce the speed limit to 100 km/h whilst at the same time saying he will allow people to travel at 110 km/h in certain zoned areas seems quite ridiculous.

Finally, every member of this House and everyone in the community knows that it will be impossible to police the compulsory wearing of helmets. If we had a proper education system, with plenty of money put into a program to encourage young people, through a rebate scheme, to wear these helmets, it would be an excellent and successful scheme.

The Hon. JENNIFER CASHMORE (Coles): This Bill has four major provisions. The first and, in my opinion, the most important is to reduce the prescribed blood alcohol content from .08 to .05. The second is a reduction in the general speed limit from 110 km/h to 100 km/h. The third is the fitting of speed limiters to heavy vehicles, including buses; and the fourth is the compulsory wearing of helmets by pedal cyclists. In examining the Bill, it is important to look at the framework and context in which it is being introduced.

I take issue very strongly indeed with what I consider to be a corruption of the Australian Constitution by the use of financial blackmail by the Commonwealth Government to force the States to do its bidding. That is one of the reasons why this Commonwealth is becoming weaker by the year and, certainly, by the decade: the use of Federal financial power to determine what should be the constitutional responsibilities of the States. This is neither the time nor (probably) the appropriate Bill to go into that argument at any length. I say simply that, if the States are continually forced to knuckle under to the wishes of the Commonwealth in areas where they have primary—in fact, sole—constitutional responsibility, that will spell the death knell of the Commonwealth. It will lead ultimately to totally centralised control which, in my opinion, is an inappropriate method of government for a continent the size of Australia, with the historical origins of the States which were originally self-governing colonies and still are purportedly self-governing States.

If we allow this tendency to be reinforced as it has been over the past 90 years, but principally over the past 50 years, we (the people of the States) will rue it. State Parliaments will become redundant and the people of the States will be less well-served by democratic governments. So, for the price of a measly $12 million over three years, this State has been forced to sell its constitutional birthright and knuckle under to Commonwealth control. I reject totally the legitimacy of that principle and I believe that everyone in every State Parliament in this nation should do the same.

Having said that, I want to consider the provisions of the Bill on their merits and for the moment set aside that unpleasant financial blackmail which has been imposed upon us. Looking at the Bill on its merits, I wholeheartedly support the reduction of the blood alcohol level from .08. When this issue was first considered by the Liberal Government,

I, as Minister of Health, argued strongly for the level to be set at .05, and I regret very much that my arguments at that stage did not carry the day. I believe that, had they carried the day, many lives would have been saved over the past decade. The evidence for a reduction in the blood alcohol limit, in my opinion, is overwhelming and should have been recognised by the States on its merits years ago rather than having to be forced upon us now by a financial initiative of the Commonwealth. I would go further than this Bill, because I would prefer to see the law provide for a zero—which in practical effect is .02—blood alcohol limit. I believe it is completely incompatible with road safety and responsible driving to drink and drive.

I say that as a member of this Parliament who has taken at least as much, if not more, interest in developing the wine industry in this State, and in developing and supporting the hotel industry in this State. I have a strong commitment to the prosperity of both those industries—the wine industry and the hotel industry—and to the responsible and moderate consumption of alcohol with food. I believe there is nothing incompatible with that goal and with the establishment of legal provisions for a zero—that is, in effect, .02—blood alcohol limit.

I want to quote briefly from a report in the *Weekend Australian* of 2 and 3 June 1990 which sustains the argument for a reduction in the blood alcohol limit. I quote from the senior research scientist with the Australian Road Research Board, Dr Peter Cairney, who said:

> . . . at .05 per cent the risk of crashing was about double that at a zero blood alcohol level, and at .08 per cent it doubled again.

Dr Cairney went on to say:

> . . . the main issue is that there should be strong deterrents such as a large-scale random breath testing program or something similar, backed up by widespread publicity.

I was relieved to learn from the Minister of Transport, during the Budget Estimates Committee in August last year, that the risk of being tested at a random breath testing station is now one in 3.3, a substantially increased risk from that which applied in 1982, when it was one in 9.5. I fully support any efforts by the Government to publicise the likelihood of random breath testing and all efforts by the police and all resources given to the police to ensure that random breath testing units are frequently and visibly seen on our roads.

When this debate recommenced last year much use was made of statistics which stated that the difference between .05 and .08 was not statistically significant and, therefore, it was not worth changing the law and limiting people's rights and freedoms. This Bill, as indeed is the case with all law, is an attempt at reconciliation between personal rights and public good. In my opinion, it does not go nearly far enough, and I am extremely critical of the Government for what I consider to be a limp-wristed approach to this whole issue. Under existing section 47b (1) of the Road Traffic Act, if a driver is detected with a blood alcohol concentration between .08 and .15, a conviction is recorded and for a first offence the penalty is between $500 and $900; for a second and subsequent offences the penalty is $700 to $1 200; and subsequent offences attract a penalty between $1 100 to $1 800.

Presumably on the basis of the merits of each case, we now move from .08 to .05, and the Minister has diminished the penalties to the point where that reduction is, in my opinion, legislatively ineffective. As far as the education of the public is concerned, this allegedly new and draconian imposition amounts to very little indeed. Under this Bill, those drivers detected with a blood alcohol limit of between .05 and .08 will not be convicted but will be fined $100, which can be expiated with a traffic infringement notice; and they will receive three demerit points. The first, second and subsequent offences will all attract the same penalty.

In my opinion, that is a puny attempt to improve road safety. I am surprised indeed that, if the Commonwealth is standing over us with money as the whip, it would let this Government get away with such an ineffectual effort at road safety. The Minister has compromised the essential principles of the move and, in an effort no doubt to placate various factions in the ALP—notably, I presume, the Federated and Allied Liquor Trades Union and the industries which employ those members—has simply taken the minimum that he could possibly take in order to be able to say that the blood alcohol level in this State is .05. In effect, what the Minister has done is very little at all, and I condemn him and the Government for it.

I point out that in New South Wales, when the level was dropped to .05, the accident rate on Saturdays—which includes the whole of the 24 hours of Saturday from after midnight on Friday until midnight on Saturday night—dropped by 13 per cent, even though the introduction of the .05 limit preceded random breath testing by two years. Some people say that that is not statistically significant, but in fact it is. Translated into South Australian terms, 13 per cent amounts to a difference of 6 per cent in fatal accidents, and that translated into human terms means that South Australia would have had five lives saved last year and five the year before. To me that is well and truly worth doing and I regret the fact that not only is the Bill relatively feeble but that it comes so late. When one thinks of the hideous pain and suffering—I am talking about emotional suffering as well as physical suffering—and the extraordinary cost, that we can be arguing over such a matter strikes me as irresponsible, to put it bluntly.

My support for the .05 limit is wholehearted. I believe the Government's provisions in respect of .05 are weak-kneed, and I have no doubt whatsoever that the day will come when we go a lot further than this Bill. Indeed, we should go as far as the editorial in the *Australian* of 6 October 1990 called for Australia to go, when it pointed out that in New South Wales those who drive buses, taxis, hire cars and heavy vehicles will be prohibited from drinking at all—effectively, a zero alcohol limit. The editorial states:

> If we are to prohibit professional drivers from drinking, why should other drivers who often have lesser driving skills and experience be allowed on the roads after drinking? The widely adopted .05 limit is so low that people drinking moderately can easily exceed it, even when they believe they are acting within the law. The difficulty of knowing precisely when such a modest limit is reached introduces an element of unfairness into the law. It may well make more sense to ban drink driving outright, that is, bring in the .02 limit for all drivers.

As the editorial points out, this is the logic of the progressive tightening during the 1980s of drink driving laws. It is a logic that has been acknowledged by a number of overseas countries, with consequent beneficial effects to their road accident rate.

As to the other matters dealt with in the Bill, I myself do not feel very strongly one way or the other about the 100 km/h general speed limit, although I am inclined to accept my Party's view that the road surfaces in this State are such that 110 km/h is no less safe, and I should be interested if the Minister could provide any evidence that that is not the case.

The compulsory wearing of helmets by pedal cyclists is something that I certainly support, because of the critical need to protect children particularly and, indeed, everyone, from head injuries. I conclude by reiterating what was said at a seminar organised by Friends of the Brain Injured last year: Dr Peter Oatey, the neurosurgeon, pointed out that there is no such thing as a safe alcohol content when one

is driving, and that if we want to diminish the possibility of road accidents we will move to zero blood alcohol limit.

Mr FERGUSON (Henley Beach): I congratulate the member for Coles on her contribution to this debate. It was a far better contribution than that of the member for Bragg, and I believe—

An honourable member interjecting:

Mr FERGUSON: I believe that she ought to be sitting on the front bench. We ought to recognise some of the things that the honourable member mentioned in her contribution to this debate. First, on the constitutional question and the infringement of South Australia's rights so far as its constitutional standing is concerned, I do not think it is any secret that many on this side of the House were absolutely outraged at the way in which the Federal Government forced on this Parliament the changes that we now see before us. Many of us opposed the method by which this was done.

However, one must add up the number of lives that would be saved by the contribution that will eventually be made by the Commonwealth to this Parliament and, while I have heard various statistics about the number of lives that would be saved by the acceptance of $12 million annually, it has been put to me that it would save 23 lives a year. When faced with the choice of accepting conditions that have been imposed on us by the Federal Government against the number of lives that would be saved by that contribution, everyone would agree, I think, that we have made the right decision in eventually accepting the proposition that was made to us. It was an offer that we could not refuse.

My main reason for making a contribution to this debate is the question of the compulsory wearing of helmets. In my younger days I was a racing cyclist, and I won a State championship. I thought that I was on the way to the Empire Games, as they called them in those days (it was a long time ago), but, unfortunately, the printer at the *Advertiser* had other ideas, and explained to me in rather graphic terms that, if I wanted to be a cyclist, I could be a cyclist, but if I wanted to retain my apprenticeship at the *Advertiser* I had better have other thoughts. So, what I thought was going to be a brilliant career was cut short.

The member for Price, of course, was a champion cyclist with many State championships to his name, and I have had the pleasure of riding against him. Sometimes I beat him and sometimes he beat me. Because of this background I have been approached by the Port Adelaide District Amateur Cyclists Association (with which you, Sir, would be familiar as it is situated in your territory) to discuss the compulsory wearing of helmets.

Since 1948, racing cyclists have been required to wear helmets when they were racing, both on the track and on the road, but a controversy has arisen about the style of helmet that they will be obliged to wear when this legislation goes through. The majority of racing cyclists have always worn a helmet which, in other States, is described as a hairnet. It is a ribbed leather helmet with air holes that give plenty of ventilation, and within the cycling fraternity there is a desire to continue the use of this type of helmet. The new regulation for the wearing of helmets states:

> For the purposes of section 162d of the Act, a safety helmet worn by a person riding or being carried on a pedal cycle must be manufactured, tested and marked in accordance with the requirements of Australian Standard 2063.1/1986—Lightweight Protective Helmets (for use in pedal cycling, horse riding and other activities requiring similar protection) Part 1—Basic Performance Requirements (as varied or substituted from time to time).

The original standard produced by Australian Standards was a fairly heavy helmet, which cyclists, triathletes and people engaged in the sport found very difficult to wear.

One of the reasons for this is heat stress. Many cyclists have put to me that, if they are forced to wear a fully covered helmet, they could suffer from heat stress. They gave me details of riders who had died from heat stress. In particular, they referred to last year's *Tour de France*, in which a rider died from heat stress. The Australian Standard has changed somewhat because that criticism has been accepted and changes have been made. A new lighter weight helmet is now available for people who wish to use it, but the new standard does not include the traditional helmet that cyclists have worn for many years.

I did take the opportunity of contacting the Cycling Committee, which is housed in the Highways Department, and I sought consultation between that committee and the Racing Cyclists Association. It seems that that consultation has not taken place, but I seek consultation between the committee and the association so that this matter can be looked at. Controversy still exists, as I understand it, although it relates not so much to cyclists when they are racing; many cyclists train up to a 150 kilometres a week or more and they believe that during their training runs they should be able to wear their ribbed helmets rather than the covered helmets, which they fear they may be required to use when this legislation goes through.

Mr S.G. Evans interjecting:

Mr FERGUSON: The honourable member is trying to make a funny remark about hairnets—

Mr S.G. Evans interjecting:

The SPEAKER: Order!

Mr FERGUSON: I misunderstood the member for Davenport, who is talking about ladies having problems with their hair. That would not be a consideration of mine in respect of this proposition. The other problem put to me is that there are some people who will need exemption concerning the wearing of a helmet as a result of previous accidents and the pressure of the helmet on their head. I hope there is room for exemption to be made where it is uncomfortable or impossible for people to wear a helmet.

I support the four propositions before the House. I agree with the member for Coles and the reason she advanced in support of the .05 limit. The member for Bragg (and I know that you would not like me to debate any amendments that might be moved later, Mr. Speaker) did foreshadow at some length a proposition that would penalise people up to the age of 25, who would be subject to a .05 blood alcohol level, yet people above that age would be allowed a higher tolerance up to .08.

I find this principle difficult to accept. This House is composed mainly of older men and I cannot understand why they continually want to penalise the younger members of our community. It was not so long ago that *HMAS Success* steamed into Port Adelaide and the people of South Australia showed great pride in the service of those who had returned from the Middle East. Generally, they were youngsters between the ages of 18 and 25. People of mature age are proud to let these people go out and fight and die for this country. We send such people to training camps and teach them to kill. The more mature members of our community say, 'We do not mind teaching you how to kill, how to stick a bayonet through someone, how to garrotte someone and how to hit someone over the head in unarmed combat.' We are willing to give them such responsibility but, if we supported the Opposition, we would impose penalties on them in respect of their age.

I cannot understand the principle behind that. Nor can I understand the principle that someone who reaches the age of 26 years, even though he has consumed more alcohol than a younger person, has a lesser responsibility to the community than others. I do not know who put up this proposition. The member for Bragg suggested that the Minister was being hypocritical, but I cannot understand how one could be more hypocritical than criticising the introduction of this legislation on the one hand and, on the other hand, being willing to introduce an amendment that half accepts the proposition. The member for Bragg half accepts the proposition, because he says that anyone up to the age of 25 who has a blood alcohol content of .05 is to be penalised. How hypocritical can one get! How can one criticise the Minister on the one hand for bringing in legislation and telling him he is hypocritical yet, on the other hand, introduce an amendment which half accepts the principle for which the Minister is being criticised. I cannot understand this.

Who convinced the member for Bragg to put this proposal to the Parliament? The contribution of the member for Coles was quite good. Certainly, it refuted absolutely the argument put up by the member for Bragg, and the member for Coles suggested that she supported the legislation in respect of .05. She is extremely sensible in doing so. I cannot accept a proposition involving a complete ban in respect of consumption of alcohol and driving.

This has been tried in other countries, for example, in Russia, where it is an offence to have any alcohol content in the blood while driving a car. That has proved to be one of the great problems in that country. The gaols are filled with people who took a chance in respect of drink driving and were convicted, and there is no room for people who have been convicted of criminal offences. I cannot accept for any community, now or in the foreseeable future, a no blood alcohol content in respect of driving.

I think this proposition is sensible. It is a compromise between all the positions that have been put to us, from the extreme position put by the member for Coles to the position of other people who say that there should be no blood alcohol limit whatsoever. This is a sensible—

An honourable member interjecting:

The SPEAKER: Order! The member who is out of his seat is out of order and will not interject.

Mr FERGUSON: Mr Speaker, thank you for your protection. One indeed needs protection within these walls. I think we have come to the situation where we have a sensible proposition in front of us. Indeed, it is a compromise principle, but politics is the art of compromise. I support all the other propositions before us. I look forward to hearing the reasoning advanced by the member for Bragg when he moves his amendment. A considerable twisting of logic has occurred in his argument so far, and I shall be interested to hear him justify it in due course. I support the Bill.

Mr MATTHEW (Bright): This Bill addresses four distinct matters that arose from the Federal Government's 10-point black spot funding package which it announced in November 1989 and which, as members would be aware, was agreed to by State and Territory Transport Ministers at a meeting of the Australian Transport Advisory Council in May 1990. Since then, among Government ranks we have seen a flurry of activity and much delay in their actions until they came up with the compromise package now before us. I intend to address each of these four matters in turn, but in so doing I intend to concentrate most of my remarks on the proposed introduction of the .05 blood alcohol limit.

From the outset let me say that I oppose drinking and driving, and I believe there is a drink-driving problem that needs to be remedied. However, this Bill is not the answer to that problem. Indeed, the Minister knows that and so do many of his Government colleagues. It is interesting to reflect on an article that appeared in the *Sunday Mail* of 18 August 1990 headed 'Caucus revolt blocks .05 plan', which states:

> A move to cut the drink-driving limit from .08 to .05 has been stalled in the State Labor Caucus. The Transport Minister, Mr Blevins, admits it may be next year before legislation is introduced to make the change, which is being demanded by the Federal Government.

The Hon. Jennifer Cashmore: They've gone very quiet.

Mr MATTHEW: They certainly have gone very quiet. The article continues:

> The plan has run up against a backbench revolt in Labor's parliamentary Caucus, despite the backing of State Cabinet. After a number of discussions, Cabinet has not tried to put the change to a vote—apparently out of fear it could lose.

Further, the article states:

> The plan started coming unstuck at the State ALP convention several weeks ago, when delegates demanded Mr Blevins reopen negotiations with the Federal Minister, Mr Brown.

Mr S.G. Evans interjecting:

Mr MATTHEW: Most certainly they have changed their mind. They have been changing their mind all through this matter, and the Minister of Transport is in a very difficult position, because it is well known within parliamentary circles that he opposes the drop to .05, although he has no choice but to accept it because his Federal colleague demands it—and he demands it with the blackmail tactic that has been put forward to them: 'No change, no $12 million!' At the end of the day the State Government has effectively been intimidated by its Federal colleagues to accept their black spot package whether or not this Government likes it.

The compromise package that has been devised in the Caucus involves a TIN notice being issued where a blood alcohol concentration limit is less than .08 but above .05, which will attract a mere $100 fine and involve three demerit points. First, second and subsequent offences will attract the same penalty. I put it to members that, if the State Government is indeed serious about tackling drink-driving and related problems, it would have introduced harsher penalties. Indeed, it was requested to do so by the South Australian Police Force. I refer to a memorandum addressed to the Assistant Commissioner of Operations which has come into my possession and which was prepared by the Manager of the Traffic Intelligence Centre on 29 November 1990. The memo details the subject as '.08/.05 Impact and further recommendation' and states, in part:

> My earlier report was based on the police proposal to give an expiation notice of $100 to $300 and three demerit points, for those between .05 and .079, on the results of a screening test. This is not how the legislation has been drafted—there is to be an expiation notice of $100 with three demerit points for those between .05 and .079, but importantly, there must be a full breath analysis and provision for a blood test if requested. This change has forced a change to my earlier predictions.

Further, the memo states:

> If drink-driving behaviour does not change with the introduction of .05, there will be an increase in workload for police.

I remind members that I am quoting from an internal police memorandum. It further states:

> If the public considers the penalties not to be a deterrent, then there may in fact be an increase in workload. A $100, three demerit point TIN is not substantial.

The memorandum concludes:

. . . we have nothing to gain by a low penalty. In fact we could lose, in that workload may increase if we don't deter more drink drivers.

The recommendation is most interesting, and states:

I recommend that a letter be sent to the Minister of Transport detailing concern over the low penalty, explaining our reasons, and requesting that the penalty be increased to, say, $300 and four demerit points.

I am reliably informed that that memorandum, after reaching the Assistant Commissioner's desk, was duly passed on to the Commissioner of Police. He, in turn, sent a letter to the Minister of Transport supporting the view put by his staff, the Minister of Transport refused to take those views into consideration and we now have the Bill that is presently before us.

At this stage I note that the police certainly have concerns with the Government package, but they are prevented from publicly saying so. It is not only the police who have concerns about the way the Government has tackled this Bill: the RAA and the Adelaide University Road Accident Research Unit go even further. They oppose the lowering of the blood alcohol limit—full stop! Many members would have received correspondence from both those bodies, but I would like to refer briefly to correspondence that I have received.

The first document is from the Adelaide University Road Accident Research Unit which was not circulated to members as widely as another document that they saw. My document is entitled 'The case for retaining .08'. The document analyses statistical data from 1981 to 1987 and makes the conclusions that, of all fatally injured drivers, 91 per cent were above .05, but 85 per cent were, in fact, above .08 and, more importantly, 66 per cent were above .15. It also looks at those drivers who were not involved in accidents but who had had blood alcohol tests, and it found that, of those drinking drivers, 33 per cent were above .05, 15 per cent were above .08 and 3 per cent were above .15.

From those figures, the Adelaide University makes two important points. First, the number of drivers convicted under random breath testing could, in fact, more than double from 15 per cent above .08 to 33 per cent above .05. However, this could mean that the existing police resources devoted to the random breath testing units would have to process up to twice the number of drivers above the legal limit. Their concern is that this would mean that fewer drivers would actually be tested by RBT units. If, in fact, fewer drivers are tested, because RBT units stop testing until an offender has been processed, at the end of the day it means that those drivers who are above .08 have a far greater chance of getting past a random breath testing unit undetected than they have at present.

Secondly, when the limit was lowered from .08 to .05 in New South Wales, there was no discernible effect on fatalities. However, when random breath testing started there was a reduction in fatalities of one-third, which represented a saving of about one life per day.

The RAA also made two important points. First, it cited the New South Wales example that the reduction from .08 to .05 had no impact on the number of fatal crashes whereas the introduction of random breath testing had a very significant impact. Secondly, about 50 per cent of drivers killed in South Australia registered a positive blood alcohol content but, of those drivers, about half had a blood alcohol content in excess of .18. I found it interesting to note that the Minister's second reading explanation made absolutely no reference to any research identifying that the .05 limit has any safety merit. Unfortunately, this Bill offers only window-dressing, not a solution.

I am persuaded by the concerns of reputable bodies such as the Adelaide University Road Accident Research Unit and the RAA and I also share the concerns expressed by the police. For that reason, I have no alternative but to oppose this particular part of the Bill. Essentially, there is only one way to combat the drink-driving problem that we face in our State and nationally, and that is to increase the random breath testing presence and hammer home the message: if you drink, do not drive.

The Bill seeks to reduce the general speed limit to 100 km/h from 110 km/h. I note that, in February 1990, the RAA again presented a well-researched case arguing for the retention of 110 km/h as a general speed limit. Unfortunately, today, it supports the reduction to 100 km/h, while other submissions also argue for a uniform national limit. Nevertheless, I believe that a limit of 100 km/h in South Australia is unreasonable considering the superior road surface and network in this State compared with other States and the vast size of the State.

I am sure that the Minister of Transport would not argue with the fact that, across the board, in our country regions we have a superior road network compared with other States, although none of us would deny that it could always be made far better. A general limit of 100 km/h makes no sense considering arguments in 1987 which, on safety grounds, sought to maintain a distinction between the limit for heavy vehicles of 100 km/h and other vehicles of 110 km/h.

The third provision in this Bill concerns the fitting of speed limiters to heavy vehicles. I endorse the general principle and feel that it is a move in the right direction.

The final provision concerns the compulsory wearing of safety helmets for pedal cyclists. I strongly endorse the proposal to make safety helmets compulsory for riders of pedal cycles. As a father of two young children, I appreciate the importance of safety helmets, and my eldest daughter, who is five and now riding a bicycle, does so only when she is wearing a helmet. It is something that I believe all responsible parents try to ensure regardless of whether or not this Bill is in force. However, the enforcement of the Bill will make more parents look a little more closely at the way they educate their children about safety.

However, I have a concern that the Bill will be difficult to enforce and also I think that there is a need to look at a way of assisting those people who are not in a position to pay the relatively high cost of a bicycle helmet. It becomes a greater problem when a family has three, four or more children who need to be outfitted with bicycle helmets. To assist these people, I strongly commend to the Minister a measure of emphasising helmet safety with major publicity campaigns to accompany the proclamation of the legislation and also to look very seriously at the extension of the rebate scheme that is aimed specifically at families in need. As members are aware, that scheme operates to a limited extent through most schools in the State, and I understand that it has been a resounding success when available. However, the scheme could be broadened and come into force across a whole school year rather than for a few weeks at the start of the year or during a year. Responsible parents are demanding that to occur and, if the Government is really serious about this safety initiative, it is important that it does everything within its power to make helmets available at a reasonable cost.

In closing, I emphasise the need to take note of the serious problems in this Bill regarding the blood alcohol limit. I do not take the police memo lightly. Quite clearly, there is a conflict between what the police wanted to see in this Bill and what the Government has done. That point should not be lost and I hope that members of the Government who

were unaware of the position (I would think that many of them probably were unaware) will take the opportunity outside this House to question the Minister on their stance and find out why they were not advised of this problem. Quite clearly, this Bill requires further work and, for that reason, as I said earlier, I will oppose that clause.

Mr S.J. BAKER (Deputy Leader of the Opposition): I am pleased that we are debating this Bill, because it brings to the attention of the House, Parliament, the State and the country, when we are thinking about the comprehensive nature across Australia of the propositions that are before us today, the steps being taken by the Federal Government to bring down the road toll. It is important to put this debate in perspective. I will not have a chuckle at the Minister's expense and point out that a year ago he was fighting these measures tooth and nail but is now embracing them with a great deal of enthusiasm, because that would not assist the process.

This Bill is a test of our Australian lifestyle. It involves two very important elements: the right to conduct oneself in a fashion that sometimes puts people at risk; and the right to be able to drink in moderation, and beyond the realms of moderation. The Federal Government must have been taken with the international statistics, because I was when I wrote a report on road traffic trauma in 1984. I was a young backbencher and I knocked on all my constituents' doors and kept up my levels of correspondence, but I still found time on my hands so I decided to do some research.

In 1984, I did a research project on road trauma in South Australia and compared it with the national level and the international level. The startling fact that emerged was that Australia, as a nation, was probably above average in terms of the number of people killed and injured on the road. Australia was not as bad as Spain and Italy, but it was not as good by far as Sweden and Denmark, where the rates were about 2½ times better than Australia's, that is, better in terms of fewer accidents, deaths and injuries.

So, I guess the Federal Government said that it was about time it did something about it. I presume that was its motivation and not for any other reason, because the statistics would be quite compelling. The Federal Government simply said that Australians are a very irresponsible lot of people who are killing and injuring themselves at a far greater rate than the more responsible nations in other parts of the world. I presume that that was the reasoning behind the Federal Government's placing a carrot, if you like—it may well have been seen in other terms—of $12 million to attract the changes that we see here before us.

The whole debate really does miss the basic mark. The only other thing I can assume from the Federal level is that it will achieve this by a process of what I call gradualism, because there is no doubt that there is a huge missing ingredient in this whole process. It has something to do with speed, alcohol and bike helmets, but it has far more to do with outlook and ethic than any of those matters, as I would imagine international researchers would berate the Ministers, both Federal and State, about the approach being adopted here today. We know that we are not very good drivers. The only way to solve that problem is not by the law itself, because the law catches up with the offenders—

Mr Ferguson: Are you not supporting this?

Mr S.J. BAKER: Just wait. What you do is start at the age of two, three, four or five and upwards and tell people about their responsibilities to each other and the impact that irresponsibility, whether it be speeding or alcohol, can have on one's own body and others as well. There must be a series of penalties to reinforce that process. I remind members that the penalties pertaining in Japan, Sweden and Denmark are far higher than those before us today—in fact, they are far more draconian. I simply make the point that what they have done is set themselves targets. Those targets are, as far as is humanly possible, to reach those standards with which they believe the community can live.

For example, we know that when we are choosing a speed limit—and this is the *reductio ad absurdum* argument—for metropolitan roads we can choose somewhere between zero and 120 km/h. Of course, both of those limits are ridiculous—that is why it is called *reductio ad absurdum.* If we travel at zero, we know that we will not have any road trauma, injuries or deaths. However, we know that, if we go to the other end of the scale, we will have a hell of a lot of people injured, maimed or killed. What we do is set ourselves a framework within standards with which we can live. It also means that we have to decide what we are willing to live with in terms of trauma for the long distances that we have to travel. I do not know that it assists the cause to have people travel at, say, 90 km/h or 100 km/h across the great Nullarbor, for instance, because the risk is that the 10 km/h reduction will increase tiredness and increase the risk of people running off the road because they are spending longer in the car. We must always look for a balance in those areas.

International researchers would say—and again this is the *reductio ad absurdum* argument—that you can have a blood alcohol limit between zero and, say, 1.5. Someone who has been an alcoholic all their life may be able to drive a car quite competently at 1.5, but 99 per cent of us are not alcoholics, so we must work out at what level of alcoholic consumption we can competently handle a vehicle. Some people say that .05 is quite sufficient; others say that a zero alcohol concentration is the only way to go. If we consider some of the examples at international level, perhaps they are lower than those actually contemplated here.

As a nation we must determine what levels we think society can live with. We know that there will be some pluses in the system, but we also know that there will be negatives. We know that, if we reduce the travelling speed from 110 km/h to 60 km/h, the cost of transport in this country would be prohibitive. In fact, we are not very economic at the moment but, if that were to occur, we would be totally uneconomic. Obviously, there are trade-offs in relation to setting the limits.

Generally, I think that we are moving in the right direction. We have to address seriously what I think are some of the major deficiencies of the legal constraints in which we work. Time and again we forget about the fundamentals, of getting the kids at a very early age and saying, 'You are responsible not only for yourself but for everyone else on the roads.'

Mr Ferguson: So you support the legislation?

Mr S.J. BAKER: Generally, I support the legislation. But, I make quite clear, so that nobody misunderstands, that the greatest gains in relation to road safety come not from these devices themselves but from the amount of money and time that Governments are willing to spend on education and in changing the ethics. The most accident prone people in Sweden are the same as in Australia—the under-25s. That is the same in every country in the world. The only difference is that in Sweden the extent to which they contribute to accidents per kilometre travelled is far lower than is the case in Australia.

It is not just a matter of adjusting things; we still have that gap, and that gap will remain. That gap can be narrowed only through education and teaching people responsibility. In relation to the blood alcohol limit, statistics show that

there is not a great deal of difference between .05 per cent and .08 per cent. So, I am quite taken with the proposition of the member for Bragg—

The Hon. Frank Blevins interjecting:

Mr. S.J. BAKER: I am saying that it is heading in the right direction. I also think that the speed limit is a marginal matter. I would certainly not wish to see it go any lower because, if that were to occur, it would mean that in terms of the transport industry the country would grind to a halt, and I do not believe that that is appropriate. I do not like helmets. You put them on your head and your hair gets greasy. They promote sunburn because you cannot put a hat on top of them. So, those who put on helmets will finish up with cancer. I guess it is a matter of which way you go.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: All I am saying is that what we are talking about is not as straightforward as he would believe. A helmet is a very uncomfortable device. Schoolchildren, when they come through Parliament House and are asked about helmets, will tell you that they are uncomfortable, make your hair smelly and do not contribute much to safety. That is what they believe.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: They would say that that is not true. Any child of 15 or 16 years would give helmets a big thumbs down. However, there is no doubt that medical research says that there is a net benefit from the wearing of helmets. Under the circumstances, who am I to deny children the chance of living to the age of 20 years so that they can create mayhem in other ways? Helmets will assist, but in ways that will be offset, because if I am cycling on a hot day I will put on a hat.

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

Mr S.J. BAKER: Before the dinner break I referred to the subject of helmets. No matter what new initiatives we introduce, there are always negatives, and we should understand that before we introduce them. I concluded that perhaps the net benefits outweighed the cost. My colleagues have already outlined the costs to parents who have very little money because under this measure they will be forced to buy helmets. The process of providing for subsidising helmets of a suitable type is an important component in the initiative. I shall have to make up my mind whether I wish to ride a bike. I recognise that if I am riding a bike and I am expecting others to wear helmets and the legislation provides that they should wear helmets, I have to consider seriously whether I should wear a helmet. Nothing would appal me more than having to wear a helmet. Therefore, I shall have to make up my mind whether to change my habits or to sell my bike.

What I am trying to say in a whimsical way is that we are battling with legislation and, in some cases, we shall get very excited about the legislation, but, importantly, Parliament never seems to put anything in context. It never seems to analyse the extent to which the measures that we are taking are necessary or important in the scheme of things. I could take out of context examples pertaining to a number of countries and the initiatives that they have introduced to reduce their road trauma; but, at the end of the day, it may not necessarily have great application to Australia.

We can argue until the cows come home whether we should have 110, 100 or even 120 kilometres per hour as a speed limit. Because there is nothing that we can isolate in the stream of statistics, we will not know whether the net benefit of downgrading our speed limits by 10 kilometres per hour will have a 10 per cent, 5 per cent or 2 per cent benefit, because we cannot get to that level of discrimination in our statistics. However, we know from a basic premise that there will be some improvement.

We also know that we cannot continue to reduce the speed limit by 10 kilometres per hour each year because we then come to a standstill, and that point has to be made. Perhaps somewhere at about 100 to 120 km/h there is an answer. I am happy to leave the 110 km/h as it is, but I will not get overly excited if we go down to 100 km/h, because there will be some net benefits and costs. On the basis of the statistics that I have looked at, I do not believe there is a compelling reason to reduce the limit to 100 km/h, but perhaps in a few years I shall be convinced.

On the blood alcohol limit, good arguments have been put forward by a number of analysts on the net benefit of that approach. Again, I could argue statistics all day and probably produce a few that suggest that the .08 is more than satisfactory for our future wellbeing, whereas others could play with statistics and suggest otherwise. However, we know that .05 to .08 is a liveable level. It means that we can socialise and address the problem of being fit to drive. At the same time, we do not throw away our habits of being with people and having a few drinks without being a menace on the road. I am not excited about .05 or .08. There is some sense in both propositions, just as there is sense in the helmet proposition.

The point I want to make really strongly is this: if the Federal Government were really fair dinkum about road safety and road trauma, there are two things that it would do tomorrow—and not by legislation. Legislation has nothing to do with it. First, it would spend some money on our roads, which are killers; it would meet the commitment it made about the excise on petrol and ensure that the roads were of suitable quality on which to drive safely. The second thing is that which I have already mentioned, education, and the building up of an ethic about the way we approach our responsibilities on the road and, in fact, our responsibilities to life. Other countries can teach us many things: I know that we may improve the trauma statistics by 5 per cent or 10 per cent via these mechanisims but, if we do it the better way, we will see a 50 per cent improvement without any of these changes.

I do not get excited about these things. I do not think that they will save the world, but there may be marginal improvements. However, they are not the main game. When Australia understands what the main game is, we will all be far better off than we are today.

Mr BRINDAL (Hayward): I commend the members of the Opposition who have taken part in this debate so far, and I will try not to repeat too much of what has been said, and thus try not to detain the House for too long. I am somewhat disappointed in the manner in which this legislation comes into this Chamber. I have much respect for the Minister at the table, and am somewhat disappointed, since the passage of this Bill to this Chamber is marked by the dictates of Parliament in another place.

While some of the measures may be good and may be well considered, it is disappointing to note that a sovereign Parliament is at the behest of other Chambers, especially when the rewards that have been promised are less than trifling and much less than the amount in real terms of which this State has been deprived over the years by a greedy Federal Government that will not give back to the States that which is their just due. For that Federal Government to demand of Ministers and of this Parliament certain actions in consequence of their funds should be resisted, whether or not those actions are desirable.

I am disappointed that this Minister has not protested more vigorously that it is our right to fix the legislative program of South Australia and that it is his right as a Minister to decide what is best for the users of our roads, and not to be dictated to by people elsewhere in this nation who consistently seem to think that they know better than those of us who are elected to preside over the governance of the people of South Australia.

Having said that, I concur in many of the sentiments expressed by the Opposition during this debate. While in principle I support a reduction in the blood alcohol limit, I do not really support the reduction to .05 as currently proposed by the Minister. I, along with the member for Coles, believe that, if we are to be genuine about the problem of alcohol in the blood, we should be limiting the prescribed concentration to zero. If we are to tinker around the edges, we are not really accomplishing much. I believe that the RAA and several other leading organisations have said that, if we want to have a level of blood alcohol, .08 is a good cut-off point, that below .08 we are not particularly endangering life or property. I do not know whether or not I accept that argument, but I do know that, for me, the argument is more whether we should be able to drink and drive or whether we should not be allowed to drink and drive.

I, for one, would have more support for this legislation if it were more categoric. If we believe that people who drink are dangerous to themselves and, more importantly, to other members of our society, let us in this place introduce a law that bans alcohol from the bloodstreams of those who drive. If we do not think that, why tinker at the edges? Why pander to popular opinion by reducing it a little bit, by making it that much more confusing for those who now have to determine when they get to .05? Everything I have read suggests that it is much more difficult to determine when one gets to .05 than .08. This worries me.

Another aspect which worries me and about which I have had an amendment circulated is the inconsistency of the law as it relates to the prescribed levels of alcohol. At present, because of an anomaly in the law, we have a situation where people who have no licence at all are, in fact, advantaged when caught drinking and driving. I am reliably informed by police officers that, if one has no licence at all, one is allowed to have a blood alcohol concentration of .08 before being booked for any offence relating to alcohol in the bloodstream. This suggests that those who have no licence are severely advantaged in relation to those who have a learner's permit or a P licence, for we all know that, quite rightly, the prescribed level of alcohol in the bloodstream for learner drivers and those with P plates is zero. If one has a learner's plate or a P plate, one is not allowed to drink and drive. That is a good and worthy law, and one that this Parliament has considered and passed.

I am forced to ask why a learner driver who has passed a test or has a probationary licence and is therefore just learning to drive must take care about drinking and driving when a person who has no licence at all and has proved no degree of competency on our roads to anyone, and who is stopped by the police and records a blood alcohol level of .07, can be booked for driving without a licence. I am reliably informed by the police that, if a person fails to indicate an intention to turn left—the classic scenario—and is caught driving without a licence with a recorded blood alcohol concentration level over .08, three charges can be levelled: failing to indicate, or charges arising from that; driving without a licence; and driving with the prescribed limit of alcohol in the blood. Because of the nature of our court system, the prosecution tends to go for the charge which attracts the maximum penalty and which is the most serious. Therefore, as a result, the person who is caught with a blood alcohol concentration over the limit, who has no licence and who has failed to indicate an intention to turn left will often be charged with only the alcohol offence and will not be charged with driving without a licence or failing to indicate a left-hand turn; they would be charged with the major offence. In that sense, those who have no licence are positively advantaged in relation to those who have bothered to go out and get a learner's licence or a provisional licence.

The amendments which stand in my name and which I commend to the House seek to redress that inequity in the law. They seek to establish quite clearly the principle that, if people are not qualified to drive, they are not qualified to have alcohol in the blood; they are less qualified to have alcohol in the blood if they have no licence than if they have a learner's licence or a provisional licence. I think that is eminently sensible and is worth the consideration of the House.

Other aspects of the law relating to the concentration of blood alcohol also concern me. After much debate in this Chamber it was decided that breath testing should be random, that we should not target areas and that we should not go after places or concentrations of people who we think would be offenders. That worries me because I believe it shows a certain hypocrisy in us as a Legislature. If the amount of alcohol in people's bloodstreams is a problem, and if we are saying this clearly and loudly to the community why must we have random breath testing? Why cannot we locate units exactly where the police believe those units will do some good and target those places where we know concentrations of offenders exist?

The Hon. T.H. Hemmings interjecting:

Mr BRINDAL: The member for Napier suggests that they should be outside every hotel. I would not say that hotels necessarily were the only offenders. However, I believe that we should target those places and, if it is hotels or other places, so be it. If it is a serious offence, let us look not randomly but in a concerted manner to stop the occurrence of that offence.

Another matter dealt with in this Bill is a reduction in the general speed limit. This is a matter for which I have little sympathy and even less understanding. Speed limits are regional matters, and any members opposite who have driven in country South Australia, as I am sure many of them have done, will know that South Australia is characterised by an excellent road network for which this Government can take some credit.

Country South Australia is also characterised by long, straight, safe sections of highway. It is unlike Victoria and New South Wales, where even our most mountainous terrain is hardly what one would call mountainous. The Minister and local councils also have the right to impose speed limits on sections of road where a speed limit of 110 km/h is inappropriate. Therefore, when South Australia has one of the best road networks in the country, when it has long, straight open sections of road—as the Minister must constantly experience when he drives between this place and his electorate in Whyalla—why must we be limited to 110 km/h? I know of no statistic or fact presented to this House which sustains the argument that, by lowering the general speed limit by 10 km/h, we will achieve much in the way of road safety. I am sure that if I make an incorrect statement the Minister in his reply will correct me. However, it is my opinion that 110 km/h is an adequate and safe speed in South Australia, and I see no reason why we should be reducing the general speed limit.

As to the question of speed limiters, there are others in this Chamber and on this side of the House who know much more about this than I, and I will leave it to them to speak on that matter.

Referring finally to the compulsory wearing of helmets for people riding pushbikes, I, like other members on this side, do not oppose the idea that all people should wear helmets when they are riding a bicycle. It is a safety measure that has much to commend it, and there is little to be said about it. I noted the contribution of the Deputy Leader before the dinner adjournment. He pointed to the inconveniences of wearing a helmet. He referred to smelly hair and things like that. However, he concluded by acknowledging that it was safer to wear a helmet and that, if smelly hair was an inconvenience for the saving of a life, the saving of the life was more important.

However, I look forward to the Minister's explanation of how this Government believes it can enforce legislation relating to the compulsory wearing of helmets. Most children I know, especially those under 12 years of age, carry no form of identification. The police also, I understand from talking with them and having had the privilege of going out with them on patrol on a number of occasions, could well find themselves in this bind; that is, when they find a child who is transgressing in some way or is in need of their help, there is some duty of care provision on the police. As I understand it—and again I hope the Minister will correct me if I am wrong—the police, having seen a child cyclist with no helmet, would have to stop and advise that child that he or she was transgressing the law, and do whatever was necessary. However, probably they would have to ensure in some way that that child did not continue to ride the bike.

Mr S.G. Evans: Confiscate the bike.

Mr BRINDAL: Does that mean that the bike would be confiscated, or does it mean that the police would then have to take time off whatever other duty they were performing, put the bike in the back of the car and see that the child was delivered safely to its parent, or do they do something (which I am sure members opposite would not support), as was done in the old days, such as letting down the bike tyres and insisting that the child walked home? If they have a duty of care they cannot just book the child and let him or her go on their way, because we all know that a child who is out of the sight and sound of the police will just as likely get back on its bike and continue to ride merrily away, thinking that because they had been found once they would not get hit twice on the same day.

There is the very real question how this law can or might be enforced. Most children I know are reasonably shrewd. They are shrewd enough, if they think they will be in trouble with their parents, to quickly facilitate themselves with a different name and a slightly different address—at least enough to confuse the police. I know that the children of members opposite might be entirely honest and above reproach, but the children I have helped to parent, I must admit, were not always perfect. They have erred and strayed in the same ways as I have in my life, and, their being not perfect, I suggest that other children may well be like that.

Therefore, although I support the concept of the compulsory wearing of helmets, I cannot see how the legislation as proposed will achieve the Minister's desired result. I commend him for expressing his desire that children and all cyclists—because it is not only children but all people who ride bikes—should do so in a safe manner. However, I do not feel that compulsion is the way to go. I suggest to the Minister that that which the Government has been doing—subsidies for our schools, education programs and examples—are proving remarkably effective in South Australia. I am sure all members in this place can attest to the fact that almost daily we see an increase in the number of children wearing helmets.

What is being done by this Government is very good, and it is to be commended for it. It has been done thus far without compulsion and with great benefit to the community. If compulsion will be difficult to enforce, as I believe it will be, and if it will further tie up the resources of the police in this State, as I think it will, I cannot believe that compulsion is the right way to go. I urge the Minister and his Government to consider continuing to do that which they have done effectively to this day, that is, to provide education and subsidies to ensure that examples are set and, in that way, to achieve, without legislative compulsion, the aim which the Minister has espoused and for which this whole House should commend him.

Mr MEIER (Goyder): I see this Bill as blackmail. This State has not had a choice in introducing this legislation. We are being forced into it by the Federal Government. It was part of an election package at the time; it was a move by the Hawke Government to try to gain credibility at a time when it had little credibility, and it has lost a lot more since then. It really upsets me that we are being forced, literally, to debate this Bill this evening. The Federal Government seems to want to treat all the States equally in every respect. In theory, that sounds ideal but, in practice, it is not possible, because each State varies so significantly.

To compare Victoria with South Australia in its land area, in the distribution of population and in the distribution of centres is without foundation and does not make sense. The areas are totally different. So, speed limits and blood alcohol levels in the two States need to be looked at differently. The arguments put forward from this side of the House have been very sensible concrete arguments, and I support them, so I will not go over them unnecessarily. Australia is being offered $120 million; yet South Australia will get a lousy $12 million out of the package—if we accept the conditions of the Federal Government.

What the argument comes down to is why we bother to have States when the Federal Government dictates to us. I feel that we should tell the Federal Government where to get off and leave South Australia alone. We are sick and tired of how it has brought this country to its knees, and we have seen how the State Government has supported it in so many ways. The Premier of this State is the head of that bunch of no-hopers in Canberra, and it is time things stopped—now.

I turn to the .08 versus .05 blood alcohol level argument. A couple of months ago I heard a political commentator on 5AN say that we should go for a zero blood alcohol level for drivers. When questioned how people would get home from a party or a function, the commentator suggested that they would catch a taxi. The announcer said that he had not thought of that. Most of the country towns in this State do not have taxis, bus services or free transport for the farmers to get into town from the outer areas. However, people in this State are suggesting that a zero blood alcohol level is the way to go.

This Bill makes provision for .05, and at least that allows something. There is no doubt that many of the people I represent think that a zero blood alcohol level would be fine because they do not consume alcohol, and I respect them for their attitude and have nothing against it. However, many people enjoy an occasional drink. Unfortunately, many people overindulge. To compare South Australia with the rest of the country and with a State such as Victoria is

not right. People have to travel great distances in the country areas of this State.

If they want to go out for an evening meal or to visit friends or if they want to go to the local hotel, they have no choice but to drive. With a .05 blood alcohol limit, they will be allowed only two drinks, maybe a fraction more, depending on time. Think what that will do to the hotels in country areas! More will have to look to closing their doors. They will become less viable. What will happen to restaurants in country areas? The Barossa Valley and the Southern Vales are classic cases. Those restaurants will feel the pinch even more. It happened when random breathalysing came in and there will be another significant downturn for country restaurants and hotels generally.

I believe that we should retain the limit of .08 per cent. Examples have been given from overseas countries and from most, if not all, European countries. To compare European countries with South Australia or with Australia is nonsensical; there is no real comparison. Those who have been fortunate enough to go to Europe—and I believe that some members opposite come from Europe or near to Europe; for example, the British Isles—would realise that travelling is totally different there from in South Australia. Distances are nowhere near as great as the distances we have here. To keep the blood alcohol content down is very important in those countries. Population densities are much higher than the population of one million plus in this State, so comparisons are totally unrealistic.

I now turn to the 110 km/h versus the 100 km/h scenario. I travel many tens of thousands of kilometres each year, and to reduce the speed limit would simply increase the frustration of drivers—it would not work. Certainly, it would bring more revenue to the State's coffers—there is no doubt about that—and with the fiasco of the State Bank we have to increase revenue to help the taxpayers pay the massive debt. In the main, our roads are built to take speed limits of 110 km/h in complete safety. In fact, I would argue that many of our roads could take speed limits of 120 km/h in complete safety. To reduce the speed limit to 100 km/h because other States have done so is something that we should stand against. Why should South Australia be bulldozed into doing what the rest of Australia is doing? There is no logical reason for this other than the Federal Government's concept of so-called unity, of wanting to take away the States' powers, something that it is doing very well.

During the fuel crisis in America some 12 years ago speed limits were reduced considerably. Apparently, this saved a large amount of energy, and the fuel crisis has largely been overcome. Speed limits in America have—if not in all cases, in most cases—been increased again to a sensible level that will allow traffic to flow at a reasonable speed. Having driven on American roads I know that on most freeways speed limits are exceeded, not only by motor vehicles but by heavy transport vehicles.

It has been pointed out to me that in New Zealand the speed limit is considerably lower than in South Australia but that the average speed of a vehicle is the same as that on South Australian roads. So, we will not reduce the speed of vehicles by reducing the speed limit; we will simply increase revenue. For people in the country who travel long distances regularly this legislation will simply mean that this Government via the Federal Government will force them to waste more of their time when I would have thought that we should be looking for efficiency in every possible area.

Finally, I turn to the question of helmets. I well remember when I was a school child riding my bicycle on a footpath in a small country town. I was stopped by the local policeman and asked whether I was aware that riding on the footpath was illegal. I cannot remember my answer, but I felt terrible and I was most unimpressed by the fact that I had transgressed the law. Nevertheless, in a stern voice, the policeman said, 'Don't do it again, son, or else I'll have to take further action'. That was enough to deter me from riding on footpaths for the rest of my life. I still do not ride on footpaths, mainly because I do not ride a bicycle too often.

That brings me to the second point: why do helmets have to be introduced with a penalty system behind their introduction? Parents will be affected by the penalty system, and there is no need for it. I believe there is a need to start looking at the wearing of helmets and to encourage children to wear them. That is unquestionable. They will assist in reducing injuries and will help save lives, but let us start with the children. Let us educate them in the wearing of helmets and show what can happen if they do not.

However, what about the many adults who ride a bike perhaps once a year? I would be in the category of those who might ride a bike once every two years. Does that mean I will have to buy a helmet for that one ride every two years? I think it is a total waste of money and I see no point in having a helmet for that purpose. Ironically, without a helmet I can ride a motor scooter as long as I do not exceed 15 km/h. If this legislation passes this Parliament (and I jolly well hope it does not), I will have to buy a helmet if I want to ride a pushbike. For a motorcycle, no worries but, no matter what speed you ride on a pushbike, you must wear a helmet.

I suggest that it is a real shame that this legislation is before us; it is legislation that South Australia could well have done without. The money will be of some help, but why did the Hawke Government have to blackmail the State Government and why did the State Government go along with the blackmail, fearing the Federal Government and saying, 'We will have to kowtow to the Federal Government's wishes'?

The Hon. T.H. HEMMINGS (Napier): I did not intend to enter into this debate whatsoever because I felt that the Minister's second reading explanation and the contribution from my colleague the member for Henley Beach adequately summed up my views on this legislation. However, when I listened to the debate from my erstwhile friend opposite, the member for Goyder, I was just forced to rise. I am trying to be very charitable to the member for Goyder, but it is the biggest load of rubbish I have ever heard in my life. First, he gets on the bandwagon about this big bad Federal Government. We all know that the member for Goyder does not like the Hawke Government, and that is okay by me. He then suggests that it is taking away State powers and that we will receive a measly $12 million as a result of this black spot package. However, I bet you, Sir, that the member for Goyder would be the first one to come screaming to the Minister if none of that $12 million were spent in his electorate.

Next he talks about the blood alcohol content, and I have never heard anyone stand up and argue the case for the breweries, the wineries and the hotels as he did, because, if we lower the limit to .05, they will lose trade. I prefer the line that the member for Coles put forward because, if we are serious, we would make it zero. If we want to be serious, we should go down that line. I also find it rather strange that, when hotels are being built, local government insists that adequate car parking must be provided. That is the whole point.

Mr Meier interjecting:

The Hon. T.H. HEMMINGS: The member for Goyder interrupts, and I know that he should not; nor should I respond.

The SPEAKER: The honourable member is absolutely right. The member for Goyder will cease interjecting.

The Hon. T.H. HEMMINGS: If the member for Goyder is worried that a person who has to travel 10 kilometres can only drink two schooners or whatever to stay within .05, so be it. I remind the member for Goyder and other members opposite, who seem to find something to criticise in this legislation, that someone who is close to them could suffer a serious injury or die because of a drunken driver. I remind members opposite who are standing up here and giving us platitudes about the viability of hotels—

Mr MEIER: On a point of order, Mr Speaker, the member for Napier was referring to drunken driving. That was not mentioned in relation to the—

The SPEAKER: The honourable member will resume his seat. There is no point of order.

The Hon. T.H. HEMMINGS: My goodness, Sir. Haven't I cut deep. Most of the arguments that have been put forward by members opposite have come from certain organisations which are showing a close interest in this legislation because it might affect their trade. An honourable member opposite said that we were only tinkering around the edges by reducing the limit from .08 per cent to .05 per cent, but many lives will be saved by this measure. I used to drink, as any member who has been in this place for some time would know. I make no apology for that. I think that I used to drink far too much. But, I have not drunk for eight years, although I am not a wowser. There were times when my blood alcohol would have been within the .08 per cent limit and I would not have been responsible in the eyes of the law for what I was doing—and that would be the same for all of us.

Members opposite are canvassing the case for the industry—the wineries and the hotels—so that they can say that they put a case on its behalf. The Minister who is responsible for this legislation has never been known to pander to the whims of the community. In fact, this Minister has done more things which have proved unpopular with the community than perhaps any other Minister. Yet, there is widespread community support for this legislation to lower the blood alcohol limit. Why? Because those people in the community whose lives have been affected in some form or other by people who have driven over the limit have concluded that enough is enough. They are not worried about whether this Government will get $12 million if we bring the limit down from .08 per cent to .05 per cent. They are not worried about whether we reduce the speed limit from 110 km/h to 100 km/h, in line with Victoria and other States. They are not worried about whether we have compulsory helmets for people riding bicycles.

They do not want to see their life or the lives of their loved ones affected by motorists who drive under the influence of alcohol. They do not need the Federal Minister to put stipulations on the States; they have seen it happen. Any member of this Parliament who has seen the effects of an accident caused by a person who has drunk too much alcohol will know that the trauma is dreadful. I have seen this personally, Sir. I have seen a family devastated by this. I would congratulate the Minister if, in a few years, he introduced legislation to bring down the limit from .05 to, say, .02. I would weep no crocodile tears for the AHA, for the wineries or for people like the member for Goyder who is worried that his constituents have to travel 10 km to the pub and, when they get there, can drink only two schooners. This legislation exposes Opposition members for the hypocrites that they are.

Mr BLACKER (Flinders): This is obviously a Committee Bill with so many clauses that require comment in different ways, but I should like to make a couple of general points. In debating any Bill that is considered to be a safety Bill, it is difficult to put forward any argument against it because of the emotion that is aroused in relation to its safety component. All members want our roads to be as safe as possible. To that end, it is difficult to speak against any particular aspect of the Bill, but its practical application needs to be looked at and commented upon.

Personally, the blood alcohol content provision would not worry me if it were zero because, other than having some brandy snaps or wine trifle, hopefully I would never be caught with a significant blood alcohol content. However, large sections of the community believe it is their right to go to a hotel or social function, consume a reasonable amount of alcohol and still go on to the public roads and perhaps put themselves, but more particularly innocent victims, at risk. That is where it is wrong. I do not believe that anyone has the right to place a fellow citizen at risk which can be avoided. I would take a dim view of anyone should any member of my family be injured or killed as a result of a driver having excess alcohol in his blood.

The next point is the level at which we are looking and whether it is appropriate to every citizen. Frankly, some people have said that two or three schooners of beer can be a limit. In my case, I think that probably considerably less than that would make me incapable of driving competently—I am not saying that I would not be able to drive—and being sure that all my senses were as sharp as they should be when driving.

My point is that driving is not a right; it is a privilege. It should be treated as a privilege and respected as such. Many people find that driving is a necessary part of their occupation. Therefore, they are lulled into the view that it is an inalienable right that they should be given. I query that, because we must ensure that persons using our roads are competent drivers. I have had many a hairy experience on the roads, more particularly in the early hours of the morning when I have been driving home from distant parts of my electorate following meetings or functions that I have attended. For example, I have met vehicles weaving across the road. Fortunately, knowing the road well, I have been able to pull right off. However, it is an unnerving experience to see an oncoming vehicle completely on the wrong side of the white line because the driver has, so-called, enjoyed himself during the earlier part of the evening.

I will not pass judgment on whether .05 or .08 is necessarily right. However, some very stringent education must be applied particularly to young drivers, because they are prone to be a little more irresponsible, to take more chances or to be reckless. The message is clear: we must try to instil in all our drivers a sense of responsibility to ensure that they do not endanger themselves or, more particularly, other people. Speed limiters on vehicles have been mentioned. All of us would expect speed limiters to be introduced in the future, but I have one query about them. Quite often, in country areas, a considerable distance of road is required to carry out a safe passing manoeuvre where road trains and other large vehicles are involved. At times extra power is necessary to pull a heavy vehicle past another in those circumstances.

My concern is that speed limiters will affect the ability of a vehicle to pass, thus a greater distance will be needed and, therefore, there is a greater chance of meeting oncoming

vehicles during a passing manoeuvre. Many of the large rigs on the roads nowadays are very powerful vehicles, and it is quite unnerving to be driving a conventional sedan and to be overtaken by a road train, particularly the east-west road trains.

The grain road trains travelling from grain service silos to the terminal ports have been reasonably responsible. I am aware of only one accident involving a road train in all the years during which those road trains have operated on that line. There is always the argument of road versus rail, but I venture to say that there have been considerably fewer accidents per tonne of grain carried by road than by rail, although with rail lives are not placed at risk as is the case in a road accident. I believe that speed limiters will affect the ability of trucks and buses to overtake safely in as short a time as possible.

With regard to pushbike riders wearing helmets, we have always encouraged our children to wear helmets. They certainly get a quick reprimand if I find them on the roads or even in the driveway without helmets when riding a bike. I see no great problem with that at all. It may be an inconvenience for some, but I know that it was also an inconvenience for people to use seat belts when that law first came in. It is now second nature, and people know that seat belts must be used as part of the safety package. It will be the same when it comes to helmets for pushbike riders of all ages.

There seems to be some difference of interpretation between what the Minister said in his second reading explanation and what he said in his press release when he first detailed the safety package on 12 December 1990. I refer to the explanation given when the general speed limit was to be reduced to 100 km/h. The Minister's press release stated:

> However, on most major rural roads in South Australia the present maximum limit of 110 km/h is reasonable and safe in those conditions. South Australia will speed zone these roads to maintain this limit.

There is some difference between that and the explanation given by the Minister in his second reading speech, because the only reference made to that, or the only example given, is the South-Eastern Freeway. I am pleased to hear the Minister give some explanation and I note that he did respond to the Corporation of the City of Port Lincoln when the matter was raised, more by the media than by the City of Port Lincoln, as a result of the debate at the Spencer Gulf Cities' Association meeting. The Minister's staff then forwarded a copy of the Minister's press release to the corporation to try to explain that particular point. However, I point out to the House that there is a quite considerable difference in interpretation between the Minister's second reading speech and the comments in the press release.

I guess every member is sheeting home the effects that this legislation would have on his or her electorate. I seek from the Minister an explanation about what is meant by his interpretation of the law as it would apply to Eyre Peninsula. An observation that I could make at this time is that probably nearly all of the sealed roads on Eyre Peninsula may well be exempted to allow the 110 km/h limit. The problem then arises in relation to arterial roads, for example, the Cummins to Mount Hope road, which is a quite well built up road but which may not be allowed to have the 110 km/h limit because it could well be argued that no dirt or gravel road on Eyre Peninsula is of such a standard to permit the 110 km/h limit.

My query relates to the manner in which the legislation is handling this particular problem. I strongly suspect—and the Minister does not have to answer this—that the legislation is worded in such a way as to get around the problem imposed by the Federal Government, namely, that general Australia-wide speed limit. Whether my suspicions are right or wrong, it would appear that the Government of South Australia has chosen to go down the track of having a general speed limit of 100 km/h and then having exempt roads on which a greater speed limit would be allowed.

I accept the Minister's assurance—although many may not—that there would be a reasonably general exemption for country roads having a limit of 110 km/h, but the present Minister will not always be the Minister. It becomes an easy matter for any subsequent Minister to alter the speed limit with the stroke of a pen and without further reference to Parliament (only through the regulatory process) and debate in this House.

The Hon. Frank Blevins: That's the case now.

Mr BLACKER: The Minister says that that is the case now, but it is working in reverse; we have a general speed limit of 110 km/h and the Minister may by regulation reduce the speed limit on the roads. That is a vastly different argument to the one that we have now. It is almost legislation in reverse, or legislation by default. However, more particularly, what concerns me is that a proposal does not necessarily come back to this House for debate—on what many would consider a general speed limit. I do not wish to pursue that at this time. I believe that questions will be asked and I note that some amendments have been foreshadowed, and I certainly look forward to the debate on those issues. However, I raise those concerns with the Minister because I know they are shared by people in my electorate and, no doubt, by other people around the State.

Mr HAMILTON (Albert Park): I think this is a very interesting debate, concerning a matter that, I suppose, over many years, members on both sides of Parliament have addressed. I can say quite openly that when it was initially proposed by the South Australian Parliament that legislation setting the blood alcohol concentration level at .08 be introduced, I opposed it strongly. I must be frank: I am not too proud of this, but like many others in the community I can remember many occasions on which I visited the local hotel, following which had I been subjected to a breathalyser test I would have been picked up. I think I speak for members on both sides of the Parliament, and I see the member for Bragg acknowledging that to be his circumstance, as I understand it. If I am being unkind, I apologise to him.

However, many members in this House will agree that they have done that. I have admitted it but I have no reason to be proud of it. That is the reality and many of us have been in those circumstances. If one looks at the cost of road trauma to the community, we see that it is enormous, not just in terms of the people who are killed but in terms of people who become quadraplegic or paraplegic and who have to be cared for by their loved ones or by the State. In many of those accidents, alcohol is a contributing factor.

No member in this House would deny that that is the case. Over many years I have looked long and hard at this issue. I can remember the debates involving the then member for Stuart, the former Minister of Transport, and my colleagues who discussed this issue in the forums of the Labor Party. There is no question that there was considerable division in the Labor Party at the time on this topic. True, I did not agree to a lowering of the blood alcohol level from .08 to .05. I do not resile from that at all. However, as one matures, hopefully over the years one can look at the information provided and positively address these issues.

No member in this House would condone anyone driving over the limit. I can remember many years ago an attempt

to address the problem of drink driving, because I was one of those who was guilty of the offence but was never caught. As reported in the *News*, I suggested that perhaps local government, because it was provided with funding from the State Government, could provide assistance to local hoteliers in allowing community buses to be used after hours.

In the western suburbs of Adelaide, the Woodville council has community buses. I thought that this was something local hoteliers could look at. I thought they could approach the local council and amendments to the appropriate Acts could be made in Parliament to allow those vehicles to be used to pick up hotel patrons on a service going in a clockwise direction on every even hour and then picking them up and taking them home again on the odd hours in an anti-clockwise direction. The idea had some support but unfortunately it was branded by some sections of the media as a 'booze bus'. That was unfortunate because many people enjoy going to their local pub, and I am no exception. I like to go to the pub. I have done so over the years and the hotel industry has been kind to me in many cases.

However, when we look at the statistical data, we have to come to grips with the information provided by researchers. With other colleagues in this Parliament, I took the time to address some of these issues and, in support of the case for a .05 alcohol concentration limit, I obtained information from the Parliamentary Library that I would like to read into *Hansard*. It states:

In 1987, 38 per cent of drivers and motorcyclists killed in road crashes had a blood alcohol concentration (BAC) of .05 and over. This represents the loss of more than 500 lives. Alcohol related road crashes cost about $1 200 million per year. These are conservative estimates, as alcohol-affected drivers may cause crashes but not be killed themselves.

The drink-driving problem requires the coordinated application of a number of counter measures.

The article refers to the Prime Minister's road safety package and also states:

As well as the strategic and general philosophical argument for the national adoption of a .05 BAC limit there is an array of statistical, behavioural and medical evidence that also makes a particularly strong case for the move.

A number of studies have shown that performance on driver-related tasks is significantly impaired at very low BAC levels (i.e. below .05). Even small amounts of alcohol have a measurable effect on skilled performance.

I must say that I was one who used to consume a considerable amount of alcohol in my younger days vis-a-vis now, like many chaps on this side of the House, and there are probably a few renegades amongst us who very much enjoyed and probably over-indulged on many occasions, a considerable amount of alcohol after work because of the very nature of our occupation, particularly manual work. In my later years, I have found that, for a wide range of reasons, I cannot consume the amount of alcohol that I used to consume. First, I do not have the inclination to drink as much as I used to. Secondly, I look at my physical fitness as well, which is another area. Having said that, I still enjoy a beer and a glass of red from time to time. I believe one's tolerance to alcohol perhaps diminishes as one gets older. Further, the article states:

Statistical analysis of accident risks for drinking drivers reveals that risk is relatively unchanged up to the .05 level and then increases steadily to the .08 level after which it increases rapidly. Put in more concrete terms, the risk of a crash at a BAC of .05 is twice that at zero, while at .08 BAC the risk is twice that at .05 and four times that at zero.

The strongest evidence in support of a .05 limit comes from studies of an actual change in the legal limit from .08 to .05, which occurred in New South Wales in 1980 and in Queensland in 1982. These clearly show the introduction of the lower BAC legal limit reduced the number of alcohol-related crashes in both States. The lower BAC also realised significant financial savings in both States as a result of reduced accident costs. In NSW the savings were $76 million, with $32 million saved in Queensland.

A move to .05 is likely to affect drinking drivers in different ways.

I am being quite frank in this debate, and on many occasions I have visited the local hotel; I have enjoyed the hospitality of the publican and the staff. Indeed, they are people with whom I like to mix, people from my own background. However, there are occasions when we all take chances, and I was no exception. However, when we hear of our workmates, indeed those we drink with, getting picked up and the impact that has upon their life in terms of the related cost, we should look very closely at this question. I am saying that there is a lot of evidence to support the reduction from .08 to .05.

Nothing demonstrates the point clearly more than the comments of the hospital staff who care for the victims of road accidents. I have great admiration for those people—nurses and doctors—whose job it is to repair the damage to people injured in road accidents. When surgeons advocated a very strong case for a uniform traffic code in this country, and their comments were supported by the Royal Australasian College of Surgeons, it made me sit up and take notice. I went to the Parliamentary Library with that in the back of my mind and asked for more information, and I would like to read some of that onto the record. I refer first to an article from the *Advertiser* of 7 April 1982, which was written by the medical writer, Barry Hailstone, under the heading 'Case for .05 as level: surgeons', as follows:

There is a strong case for a uniform traffic code which recognises .05 as the legal blood alcohol level throughout Australia, a report from the Royal Australasian College of Surgeons says.

The report *Road Trauma, The National Epidemic*, published yesterday, says NSW and Victoria with 61.8 per cent of the population have adopted .05 as the legal limit.

Victoria, with the lowest road toll in Australia, has demonstrated beyond doubt that .05 is a more realistic prescribed blood alcohol level than .08 the report says.

Victoria, and more recently NSW and Tasmania, have adopted .05. SA recognises .08 as the prescribed limit, along with the other States.

The report compiled by the college's road trauma committee and published by the Life Insurance Federation of Australia, says all States should model their drink-driving legislation on Victoria's.

Not only should they grade penalties according to the level above .05, but they should adopt and impose the same monetary or other penalties.

I could go on *ad nauseam*, quoting from the articles that have appeared in the press over time. I am well aware that there are vested interests right across the board concerning the question of blood alcohol limits. I refer now to an informative article from the *Advertiser* of 27 March 1987 under the heading 'Brewery chiefs say yes to .05—but it's not the full answer'. I tend to agree with them, because a number of issues need to be addressed. The article, written by Gerald Tidd, stated:

SA brewery chiefs yesterday gave conditional support to proposals for reducing the blood alcohol limit for drivers from .08 to .05, but conceded it could reduce beer sales.

I can understand that people in that industry are concerned about the impact of a reduction in the blood alcohol limit. There is no question that the hospitality industry provides a huge number of jobs, and I am the first to recognise the amount of work that it generates. I also acknowledge the money that the hospitality industry generally and members of the AHA in particular contribute to many community organisations. Indeed, I place on record my appreciation of what they have done. The statistical data provided to Parliament proves that there is a cost from the abuse of alcohol. There is no question about that.

Experts have argued for a long time whether it is appropriate to reduce the blood alcohol level to .05. As I indicated at the commencement of my speech, originally I opposed this proposition. However, I have looked at it carefully and considered my position. It would have been easy and gutless for me not to have stood up in this Parliament tonight to make a contribution. Some members in this place are not prepared to put their views on record, but I do not walk away from expressing my views in this Parliament. The member for Murray-Mallee may laugh, but I believe that in our democratic process each of us is entitled to express his or her opinion. Whether or not it is agreed to by members opposite or by my colleagues is another matter.

Last but not least, I believe very strongly in the compulsory wearing of bicycle helmets. Upon perusal of the information available to members in this place—and, indeed, to the public—I believe unquestionably that there is a need to protect not only the young, whose skulls are analagous to egg shells when they fall off their bikes, but also the thousands and increasing numbers of people who have taken to riding bicycles for fitness, pleasure or as a form of transport to and from work. I believe that this Parliament has a responsibility to those people.

The member for Flinders talked about the controversy that raged over the compulsory wearing of seat belts. At that time, I was not particularly impressed by the argument in favour of the wearing of seat belts but, when one looks at the statistical data and at the number of lives that have been saved by the wearing of seat belts, one sees that the evidence is irrefutable.

Equally, I believe that legislation for the compulsory wearing of bicycle helmets, even if it saves only one or two lives, would be very worth while. An honourable member opposite—I think it was the member for Bright—raised the question about the extension of the concession provided to school students—and I will ask the Minister to respond to this question. I know that money is tight, but I hope that the Government will look again at this question, hopefully to extend the concession to the many people who have missed out. I know that this concession is conducted through schools. If we save one or two lives by making this concession available, and if we induce more and more people to wear bicycle helmets, this legislation will be worth while. There are many aspects of the legislation to which I would like to refer, but I believed that I had to make a contribution here tonight.

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

The Hon. P.B. ARNOLD (Chaffey): Let us get one thing straight right from the word 'go': not a single member in this Chamber would support irresponsible activity on the roads, whether it is drink driving or anything else. Let us clear that up right from the word 'go'. I do not know of a single member in this House or in the other place who would support drink driving.

But, what is drink driving? It is the point at which a person's driving ability is impaired. The limit of .08 was brought in because the scientific evidence available at that time indicated that there was virtually no effect on the ability of a person effectively to control a motor vehicle up to the limit of .08. That was clearly supported by the Minister and the Premier until just recently when, under pressure from their Federal colleagues, they did an about-face and are now being loyally supported by members opposite. I give members opposite full credit for totally and utterly supporting the Minister of Transport and the Premier. However, let me remind members opposite of a statement that appeared in the *Advertiser* on 19 December 1989. The Premier stated:

> Nobody will ever persuade me that there is any road safety merit, if at all . . .

in this measure that was being proposed by the Federal Government. That was the Premier on 19 December 1989. At the same time, these words were also uttered by the Minister of Transport:

> A reduction to .05 will make little difference in reducing our road toll.

That was the Minister of Transport. What has happened? I am basing my position on a lengthy report which was provided to me and every other member of Parliament by the Minister of Transport and which argued strongly on medical grounds that there was virtually no difference between .05 and .08. The graphs provided in that report indicated clearly that the accident rate was virtually no different whatsoever.

It is interesting to consider the study from New South Wales. The difference between .05 and .08 is virtually zero. What has made the difference is the presence of random breath test units. The New South Wales Government has adopted that procedure with a great deal of success. One has merely to look at the massive reduction as a result of the introduction of random breath testing units to see this. I do not know how the Premier and the Minister of Transport can come out so vehemently stating a position on medical grounds, and suddenly do an about-face. There is only one reason for their about-face, and that is as a result of pressure from their colleagues in the Federal Parliament. They have decreed that South Australia will fall into line with their thinking on this matter. Consequently they have been told to bark, and of course they are barking to the tune that is coming from Canberra. That is fine if it will make any difference whatsoever, but the evidence supplied to us by the Minister of Transport clearly indicates that it will not.

As I said in the first place, not one single member in the South Australian Parliament would not support a reduction if evidence clearly showed that lives would be saved as a result of this legislation. We have heard speeches from the members for Henley Beach and Napier, suggesting that it would be virtual criminal negligence on our part not to agree with the Government's proposal. There is a vast difference between living in the metropolitan area and living in a country area of this State. All the facilities that one needs are readily available in the metropolitan area. There are adequate taxi services and public transport systems which are heavily subsidised by the taxpayers of this State. They enable people who have had a few drinks and who believe that they are in excess of .05 or even .08, to either get in a taxi or hop on a bus and go home.

That just does not occur in the country. There is no way of doing it. Unless you live in a reasonably large community not only do you not have public transport available but taxi services are not available, either. When speeches are made on an emotional subject like this it is very easy to see where members live. Those members who vehemently advocate support for this Bill have never lived in the country and have no idea what it is like.

On numerous occasions I have raised the matter of services provided to country people, particularly the almost non-existent transport service. In the metropolitan area that service is there whenever it is required; that goes without question. But, the people living in the metropolitan area, including members of Parliament, lose sight of the fact that, although only a third of the population of South Australia lives in the rural area, that third of the population generates

at least 50 per cent of the wealth of this State (even though it is under pressure at the moment as a result of the economic situation), while the other two-thirds of the population generates the other 50 per cent.

That means that the productivity of the people living in the country is double that of the productivity of the people living in the metropolitan area. Yet, the services provided to the country people are virtually non-existent, particularly transport services. Members opposite say, 'That's too bad. You just can't go to the local club or hotel and have a drink. That's bad luck. Just forget about it.' But, that is just another one of the vast array of things that people living in the country have to give up and do without because of the lack of facilities. It comes back to the quality of life.

No-one is suggesting that anyone should drive on the roads if they are under the influence of alcohol. The figure I am using was determined originally by the Premier and the Minister of Transport as being safe and responsible. Yet, suddenly that has all changed, and we know the reason why it has changed—because of pressure from Canberra. There is no other reason: 'You will conform!' That is what the Minister is doing—he is conforming as ordered by Canberra.

It would do members opposite a lot of good to get out into country areas and to live there for a change. Of course, they will not, because everything is so convenient and cosy for them living in the metropolitan area where everything is laid on. Subsidised transport—

The Hon. H. Allison: We don't have public transport and taxi services.

The Hon. P.B. ARNOLD: It is so easy for members opposite to make these statements. Let us be perfectly honest. We must have fairness in everything we do in this place and try to treat people equally. Instead of basing this measure on a political decision made in Canberra, let us base it on reality and the facts that exist in South Australia. That might be a novel approach for this Government, but it is about time that it happened.

The move to reduce the speed to 100 km/h across the board is another penalty for country people. It does not affect metropolitan people because they are already limited to 60 and 80 km/h in built-up areas. Many country people in business and others in private vehicles moving around the area would travel in one month the distance that the average person in the metropolitan area would cover in a year. If there were clear evidence that reducing the speed to 100 km/h on open country roads would make any difference at all and it could be clearly shown that it would save lives, of course, each and every one of us on this side of the House would totally support it, but the evidence is not there. Indeed, the evidence is not there in relation to .05 versus .08.

The Minister has indicated that certain country roads will be left at 110 km/h, but they are not specified. We can only take that as a statement from the Minister at this stage as to what roads will be left at 110 km/h. I have noted with interest that in New South Wales, where the speed limit was dropped to 100 km/h some years ago, the Government has now recognised the need to increase it to 110 km/h on many of the open country roads in that State. That is commonsense prevailing. The Government has recognised that in the wide open spaces there is little commonsense in restricting vehicles to 100 km/h when such long distances have to be covered.

I support the limiting of heavy vehicles to 100 km/h. Many of those vehicles have the ability to travel at extremely high speeds. One of the main problems with large transport vehicles travelling at speeds in excess of 100 km/h is the effect of turbulence and vacuum they create. A large transport vehicle travelling at 120 or 130 km/h creates such a vacuum behind it that it draws in stones and gravel from both sides of the road. Therefore, cars coming in the opposite direction or cars being overtaken by these vehicles travelling at such speeds are showered with rocks and the danger is enormous from broken windscreens and drivers being unable to see where they are going. This happens on numerous occasions and many accidents occur as a result. For that reason, I believe that the 100 km/h speed determination that has been applied to vehicles should be enforced by fitting them with speed limiters. That will have a significant effect. It will not disadvantage any road transport operator, because they will all be locked into the same speed. No one operator would be penalised compared with any other.

Those were the two main points about which I wanted to speak. I am aware that the legislation contains a requirement for cyclists to wear helmets, but I do not intend to go into that subject tonight. I wanted to highlight the impact of lower speed restrictions on country people, the lowering of the blood alcohol level to .05 as against .08 and limiting heavy vehicles to 100 km/h.

I urge members opposite to look beyond the metropolitan area when they are making their decisions to follow blindly whatever the Minister has decided, because the position he is putting is not his position; it is a position that has been forced on him by Canberra. As a result of every member opposite loyally following whatever the Minister is putting forward, the will of Canberra, whether right or wrong—and in this instance it is wrong—has been forced on the people of South Australia.

Mr LEWIS (Murray-Mallee): I guess that the correct place to start in this debate is to look at the constitutional implications of the measure. However, I will not start there, because I believe that it would not be necessary to do that if we did not have a Minister who, more than the entire Government and its backbench supporters, is without principle, without belief in anything or commitment to any moral value whatever, other than the expedient of winning and retaining power, led by a Premier who is motivated by the same maxims.

The Premier's performance and that of the Minister in this place and in the public arena are all designed to set perceptions, and not to produce substance, apply principles or design a legal framework within which society can develop with the greatest likelihood of happiness and prosperity for the greatest part of the waking moments of life. There is no commitment to that or an understanding of it; simply, the naked desire to have power.

Money is power. In this case, it was the offer of money, and the apparent immediate public odium of turning it down, especially after the Government has blundered around through its own incompetence and indifference and allowed the financial instrumentalities in this State to lose well over $1 000 million. That $12 million over the next three years, although peanuts, is at least something. Not only is it $12 million but also it is the extra revenue that can be generated by the punitive law changes that are occurring and the penalties that will be applied to people who break that law when they are detected doing so.

It disturbs me enormously to have to come to the conclusions to which I have come. If the Government were fair dinkum it would have applied the measures already relevant to this blackmail carrot where revenue is being raised to the places where there is the greatest risk of collision or loss of life—but that has not happened. The most

revenue rich stretch of roadway in South Australia is between the Mount Barker interchange and the Callington interchange on the South-Eastern Freeway. The Government does not seem to care that it is substantially penalising the people who have to use that section of road more than it is penalising others on a *per capita* basis.

But that is where the speed traps that are really turning in the dollars are set up. It is the place where there is the least risk. No deaths at all have been reported on that section of roadway in South Australia. Any collisions that have occurred have not been directly attributable to either driver behaviour on the road or anything associated with the passage of the vehicle along the road. Accidents are largely due to the poor mechanical condition of the vehicle involved, or to the fact that the driver has fallen asleep. More often than not just one vehicle has been involved wherever there is damage and it has nothing to do with speed, blood alcohol concentration or speed limiters being fitted to heavy vehicles: nor has it had anything to do with people wearing helmets while riding bicycles. It certainly raises a lot of revenue where motorists are penalised for breaches of the law unrelated to the hazards, which are virtually nil.

I would be inclined to believe the Minister and the Premier and to discount what I have just said if it were not for the evidence which has been put before us on previous occasions and to which the honourable member for Chaffey has just referred. It certainly has been a matter of convenience. During the election campaign the Premier and the Minister made plain that they did not agree with that loon in Canberra who is the Federal Minister for Transport—that fellow Brown. Given the way he acts he would be able to get a job with MGM any day, he is nearly as good as someone in Hollywood.

In the course of his remarks, the member for Albert Park cried some crocodile tears when he referred to the hospitality industry. He does not want to knock that industry. I guess he does not want to knock the beer, wine and spirit producing industries either. For that matter, I suppose he does not want to knock the trauma care industry—the people working in hospitals. He did not say anything about them. They will lose their jobs if this measure is as effective as that fellow Brown in Canberra says it will be. I guess we would all hope that they would lose their jobs anyway—the whole lot of them—and that no-one was injured on our roads.

However, the measures we are debating here tonight, especially as they relate to the changes proposed by the Government in relation to the blood alcohol level, will not help in that regard. If the Minister and the Government were sincere and believed that it was dangerous to have the permissible blood alcohol level at .08 rather than at .05, then it would have also brought in amendments to the Boating Act, which now provides that someone with a blood alcohol level of .08 can be in charge of a boat, whereas, under this Bill, a person in charge of a vehicle on the road must not exceed a blood alcohol level of .05. Suddenly it has become unsafe to be on the road with that level, but not on the water.

Moreover, the law as it is now to be written by the Minister's amendments is completely ambiguous as it relates to cyclists. Think about that. It is okay for a cyclist to have a blood alcohol level of .08. Under the definitions contained in the Act that we are amending, a vehicle is not defined to include a bicycle. A driver is someone in charge of a bicycle, for sure, but a driver in charge of a vehicle is not necessarily a cyclist. There is no provision in the law as it stands to expiate an offence committed by a cyclist, and the changes countenanced by the Minister do not cover that point.

I am disappointed at the Minister's prating on this. He and Government backbenchers who have supported him seem to take a black and white attitude to the proposals when all of us know that such an attitude is unwarranted and unjust.

All of us are human beings. Indeed, we are biological creatures and we all have different performance phenomena. It varies enormously across the population. We have used what appears to be a normal level of blood alcohol. To illustrate my point: if we were all to jump into the sea together in calm water and start swimming until we were exhausted, to the point where we were no longer able to continue swimming, a few of us would drop out first and drown and then, in the middle of the population, there would be a great number who would fail at about the same time. However, some among us would have the stamina to go on at more than double or treble the distance of where the average fell out. Some might even go further than that before, through exhaustion, they failed to continue. So, we have chosen in law to decide the point at which it becomes dangerous for absolutely everyone, with no exceptions, that it is not .08, it is .05. We had it at .08 and at that point it was just as arbitrary in the biological context. It is the mean, not an absolute. The performance abilities of people will vary greatly at any point in any given manner in which one chooses to measure them.

The necessity to lower the speed limit to 100 km/h again is cosmetic and is nonsense. There is no instance in which it can be argued that it will necessarily make the roads any safer. From my own experience it will probably make the roads less safe. It would mean that people who undertake a journey of 600 kilometres will take an additional 40 or 50 minutes if they have to travel at no greater than 100 km/h. When one is able to travel at only 40, 50 or 70 km/h because of the condition of the road surface, that includes the curvature and the like on bends and so on, that additional 10 per cent substantially increases the distance one can travel at the maximum permissible speed. It extends the journey time for the same distance significantly. I think that I speak with some authority, as would the member for Chaffey. How many members on the Government side in the course of their duties yesterday had to drive 500 kilometres? The member for Mount Gambier would certainly have had to.

The Hon. H. Allison: I had to do it this morning.

Mr LEWIS: The member for Mount Gambier had to do it this morning, as I had to. The member for Stuart may have had to, although I understand that more often than not she uses the train (if it is still going) and, if not, an aircraft to get to and fro. The extent to which Government members have experienced this kind of thing on our roads and in our climate would be, by degrees, limited.

The things that I see as most hazardous and risky about driver behaviour are not related to the absolute speed limit but are more related to the level of competence that they demonstrate either through lack of intelligence and aptitude as drivers or through their level of experience. Naturally, the younger the driver, the less experience they would have had and there would be a greater likelihood of them misjudging when they got into crisis. Experience is something that cannot be obtained by any other means than practical application. It ill behoves those who have not had the experience to sit in judgment of those who have and make their life so much more unpleasant and uncomfortable.

I do not see that it will reduce the road toll one jot because, were it to do so, the Minister would clearly not

have indicated that he would do it bottoms up. After having put in a general speed of 100 km/h, he is increasing it again to 110 km/h in places where he decides to do so out of whimsy. I am anxious about that matter. I do not know what analysis the Minister or his minions will do, and how they will decide this arbitary increase again. I would have preferred to see the approach advocated by the member for Bragg.

Speed limiters on heavy vehicles are very dangerous if they put absolute limits on the speed of a vehicle in terms of the revs the motor can reach. Mr Deputy Speaker, you would know, and many of the members on this side of the House would know—though I doubt that many on the other side would know—that to govern a vehicle like that is to invite disaster. I believe it is better to have tacho recorders of the journey, and impose heavy penalties on truck drivers who do not have their tacho recorder working. A tacho recorder would provide a print-out of the journey, and it would show the occasions on which the vehicle's speed exceeded the legal limit. If it could be demonstrated that the vehicle's speed was constantly held above the limit for more than two minutes, which is what might have been necessary for the driver to overtake safely some obstacle in his way, it is legitimate to simply prosecute that driver for doing so. That is the way in which we should be doing this: not by putting absolute speed limiters on a vehicle, because that will create even greater hazards than the hazard created by speeding heavy vehicles.

I think it is quaint that we require children to wear helmets whilst they are riding bicycles, because there is no way that that can be policed. Some have suggested that, if children fail to wear their helmet, we should take away their bicycle. They do not have a licence, so that cannot be taken away; they do not earn money, so that cannot be taken away. If one takes away the bicycle, one might be taking away the bicycle the child stole or borrowed from someone else, so that will not fix the problem. If we then say, 'Let's make the parents liable' what happens when they are wards of the State? Will the Minister prosecute the Minister of Family and Community Services and make him pay the fine? Of course not. So, all those children who are wards of the State for one reason or another would really get a free ride. They could flout the law with impunity. I think it is ridiculous! Education is what is needed in all these matters.

It is on that basis that, whilst I am prepared to support the legislation, I nonetheless believe that the Government is doing this out of convenience. The member for Albert Park cries crocodile tears. Other Government members put illogical arguments in support of the Government's position. The Minister and the Premier are guilty of hypocrisy. Amendments to other legislation which should have been introduced with this, such as the Boating Act and the like, have not been introduced. If the Government was fair dinkum, it would have done that. Finally, if this provision is being introduced because of the head injuries suffered by cyclists, we ought to examine the head injuries sustained by people in motor vehicles involved in collisions or when they roll over, and decide whether or not we would reduce the number of head injuries even more by requiring the drivers and passengers in motor vehicles to also wear helmets. I suspect that what I am suggesting is quite often more likely to be the case.

What about the situation in relation to skate boards? If it is dangerous to ride a bicycle without a helmet, it is even more dangerous to ride a skate board because one does not even have hands-on control of those things, and they are used in places which defy reason—they are very dangerous.

The Hon. Ted Chapman: What about riding a horse?

Mr LEWIS: Indeed, riding a horse, whatever you want to ride, including hobbyhorses. I simply believe that the Government is guilty of hypocrisy and opportunism in the fashion in which it has acted in this instance.

Dr ARMITAGE (Adelaide): This Bill is a particularly important piece of legislation because, as all members realise, the unnecessary road trauma that affects people directly and indirectly is abhorrent to our society. Unfortunately, it is one of the factors that has become too prevalent and, consequently, our shock levels and horror levels have been worn away.

The Minister's second reading explanation appears to be predicated on the glory of having a national approach. Generally, I applaud this because I think it is a good idea to have a national approach to research and various other matters. However, the difficulty with looking at road traffic legislation on a national basis is that circumstances differ throughout Australia. One has only to drive around for a short time to realise that the road surfaces are vastly different throughout Australia and the number of trucks and the amount of general traffic in the Eastern States are dramatically greater than in South Australia. Whilst a national approach is to be applauded in certain areas, it ought not to be the overriding factor. Each issue should be treated and debated on its merit and looked at analytically. If the Minister of Transport wants to look at things nationally, he might like to expend some of his energy sorting out our national rail gauge problems.

The first issue that I will address is perhaps the one of most public import: the level of blood alcohol in drivers. I am sure that all members agree that there is no doubt that there is a definite correlation between increased blood alcohol levels and accidents. What we are debatingP the best way to stop accidents occurring. This Bill proposes to reduce from .08 grams per cent to .05 grams per cent the permissible blood alcohol level, but I note in the Minister's second reading explanation that no argument is provided as to the merit of this in relation to road safety. There is all sorts of talk about how much money will be saved, but nothing particularly to do with road safety.

The Minister also stated that 'drivers will be more conscious of the lower level with a possible across-the-board reduction in the consumption of alcohol associated with driving'. In other words, I think that the Minister is saying that lowering or attempting to lower the permissible blood alcohol level is about perception setting in the community. I do not dispute that. What I dispute is whether this is the appropriate way of altering community perceptions about the permissible level of blood alcohol.

I well remember when random breath testing was introduced in South Australia. One of the reasons that I remember it particularly is because it was introduced on the night of my best man's engagement party. It was noticeable that a group of slightly over-the-top young university students immediately changed their behaviour. Not one of us drove home because we were scared that we would get picked up by the random breath test unit. Every single person, inebriated or not, left that party in a taxi.

I believe that random breath testing has equal if not greater potential for setting the perception in the community that it is not valid to drive when one is not in complete control of a vehicle. However, the behavioural effect of random breath-testing units unfortunately has worn thin because there are not enough of them around. I could not say when I last saw one and I certainly could not say the last time that I was asked to blow into the bag. What I can

say is that on the five occasions I have been asked to do so I have had zero alcohol on my breath.

I would like the Minister to give the House some statistics about random breath-testing units—because I believe that they have the effect of changing behaviour—and to provide a few details such as the number of units, the number of active hours that each unit works per day, the number of drivers that are tested and the number of those drivers who are tested positive. I do not believe that is necessarily an argument. I have seen figures that indicate X per cent positive where X represents a small number. If we are looking at behavioural modification, it does not matter whether the driver is over or under the limit of .08. Perhaps the Minister could provide also figures relating to the time taken for each positive test and, in particular, the funds allocated specifically to the random breath-testing program over the past three financial years. I believe that the answers to some of those statistical questions would indicate that the number of random breath-testing units could well and truly be increased in South Australia with their consequent perception setting agendas in the community.

The Minister in his second reading explanation talked about the advantages of the system whereby first offenders receive a penalty of $100 and three demerit points. The Minister said:

> It provides for first offenders, who are 'social' drinkers, a reasonable, but effective, immediate monetary penalty along with the threat of licence suspension.

In relation to the penalty of $100, I point out to the Minister that some of these young people spend $100 on a good night out when they imbibe alcohol to reach the level of .08 or over. By the time they go to the venues where they drink—usually in groups—have paid their entry fee, have had a couple of rounds of drinks and done a few other things they have spent close to $100. I do not believe that a penalty of $100 is at all reasonable. Some of these people drink the most ghastly concoctions of spirits. I do not even like the colours of them; I certainly do not know their names, but I know that they are expensive and that they are sold in all hotels around South Australia.

The Hon. Frank Blevins interjecting:

Dr ARMITAGE: I agree. They are very seductive names, are they not, Minister. The second aspect about this so-called advantage is that it appears to let off first offenders because they are just 'social' drinkers. I do not believe that this is appropriate either, because they are just as much a risk to innocent people on the road and, indeed, some would say more so than consistent drinkers. I put to the Minister that one cannot be a little bit pregnant and that someone who is killed by a first offender, who may or may not be a social drinker, is just as dead. The penalty ought to be increased.

The Hon. Frank Blevins: Well, where's your amendment?

Dr ARMITAGE: The Opposition's amendment (which we will move) contains a gradation of blood alcohol content, and I believe that this is a completely sensible way of attacking this problem because it is in accord with behavioural science. Any insurance person would say, as is instanced by the insurance loadings, that the high risk category in this case takes in the 18s to 25s. That is exactly what our amendment will do.

I now refer to the compulsory wearing of helmets for pedal cyclists. I am very much in favour of this concept, my reason being quite simple: I have had first-hand experience at looking after people who have suffered major injury from what were ostensibly quite minor incidents and who would not have suffered that injury if they had been wearing a bicycle helmet. I do support the amendments to be moved by the Liberal Party, particularly those concerning parental responsibility. Whilst it is an excellent idea to be perhaps draconian in forcing people to wear these helmets, I believe that it would be practically too difficult to police when one considers the number of people in boarding schools and so on. To expect the parent or the person *in loco parentis* to provide the helmet and to take all responsible steps to ensure that the helmet is worn is a reasonable compromise.

I was disappointed at the Minister's apparent distortion of the facts in the media as late as yesterday concerning parental responsibility in this extremely important matter which certainly will save lives. The amendments providing for the compulsory wearing of helmets for pedal cyclists to be introduced in two stages are particularly relevant. They provide that from 1 July 1991, people over 16 years of age when riding a bicycle must wear a helmet. This is reasonable because adults undoubtedly set an example for children. I ride with my family regularly, and we have all had helmets for a number of years. We often ride down the Torrens Linear Park, which is a wonderful facility for families and for gentle exercise, but I am always distressed to see one, two or three children wearing helmets but the parents without. I simply cannot understand why parents would do this, particularly given that they are often riding the most incredibly up-market trail bikes, and the on-costs, shall we say, of buying a safety helmet are so negligible in the total package. I believe that we as adults should set an example for the children and I particularly believe this when I see the improved design in colour, weight and so on in the helmets that are available.

There is no question that, if adults *en masse* started wearing helmets in whatever colour or design may be appropriate, it would soon become a *fait accompli* that everyone would be happy to wear them, particularly given the great improvements in design. It is no longer felt to be as important to have protection over the top of the head, provided that the temples are covered. This leads to enormous flexibility in design. In my electorate I have noted that some of the children, far from being discouraged from wearing helmets, almost enjoy doing so because of these improvements. However, I emphasise the great need for a publicity campaign when this legislation is passed because, without that, we will miss the opportunity to set the perception in the community that this is the correct way to go. If the publicity campaign is enthusiastically enjoined, it will become second nature for people to wear helmets when they are riding pedal cycles.

When travelling to work this morning I saw a motor cyclist without a helmet and I felt quite affronted. First, I felt angry with him because he was being so stupid, and then I felt affronted that he would actually put me at extra risk in that he might fall off when riding in front of me. I give that example as a simple case to indicate that we have now, by nature, come to expect motor cyclists to wear helmets. I believe that exactly the same principle applies, or can be made to apply, with pedal cyclists.

This is a particularly important Bill, and not only because of the death statistics that people have talked about. I believe it is equally important because its many clauses and concepts open the way to stopping much unnecessary long-term trauma—from brain damage to spine injury and other ghastly things. I believe that everyone in this Parliament wants to decrease unnecessary road trauma, and I think that the debate has been mainly on the methodology of doing this.

I have spoken to various experts in the field, many of whom have been involved in national road trauma bodies throughout the world that are concerned with the very

concepts expressed in this Bill. On being asked, 'What is the most effective thing that can be done to stop road trauma?' and obviously expecting an earth-shattering answer like, 'Change the laws to do this', or 'Bring in zero road blood alcohol', or other such things, universally they say that the most important thing to do is not necessarily to change the laws or update them but to enforce the present laws.

Mr HOLLOWAY (Mitchell): I support this Bill and the four separate measures that are contained in it. This Bill is about road safety; it is about reducing the number of people who are killed in road accidents and the number of people who suffer serious injury. I begin by quoting part of a letter by the Police Commissioner which was printed in the *Sunday Mail* of 3 February as it really sums up what this Bill is all about. It states:

> South Australia, like most Australian States, has long had an appalling number of accidents, death and injury. Apart from the human suffering there is an enormous financial cost. The principal reasons have arisen from bad driver attitudes and practices—most notably drink-driving and excessively high speed.
>
> Combating this problem has required a massive change in community attitudes and the community has been actively involved in a range of wide-spread and well-publicised educational programs and policing strategies. There is no doubt that driver attitudes and behaviour are improving.
>
> The police have an important role in both aspects of this approach. They have a primary responsibility for law enforcement because not all people respond to the educational programs. In order to maximise their law enforcement capacity it is essential for police to use technology, such as speed and red light cameras. This technology enables safer detection of offences and provides more reliable evidence.

The Police Commissioner was there responding to an editorial in the *Sunday Mail*, but I believe that his comments apply just as well to the measure that is before us today.

It has been stated in this debate that these measures are necessary to comply with the Federal Government's road safety package. It should be stated that there are some advantages in having uniform road rules. For example, I am aware of a person who, some years ago, wished to take a mobile home interstate. He made inquiries with the different authorities in the various States and it turned out that, in order to comply with the rules in one State, he would not be able to comply with those in another. I am sure that things have improved greatly since that time.

Nevertheless, there is a great deal to be said about having uniform road laws. Rather than lamenting the fact, as some Opposition members have, we should be applauding it. If one drives through Europe, one can cross a number of different countries, and the signs throughout are uniform. If Europe can move to uniform rules, without the fear of loss of sovereignty of those different countries, why is it so horrible that we in Australia should be moving towards more uniform road safety standards? I think there are good reasons why we ought to be moving in that direction. For instance, there is greater interstate travel now than there was in the past. We also have a greater level of overseas tourism. Therefore, as regards signs, perhaps we should be moving more towards international rather than national standards. It is desirable that we should be going in that direction.

I congratulate the Minister. He has adopted the national principles which underlie the four measures in this Bill, but he has been able to include variations which take account of local conditions. The penalties and the application of some of these measures have variations from other States, but at least we are consistent with the national principles.

My attitude towards these measures is framed by the experience that I have had and have seen of constituents who have suffered from road accidents. I attended the conference, to which the member for Coles referred earlier, organised by the Advocacy for the Brain Injured to highlight this problem. If someone has a relative or friend who is killed in a road accident, that is a great loss to those people; but sometimes, when a friend or relative has a serious brain injury, it can be almost more horrific for those friends or relatives because they have to live with that injury for a long time.

In my electorate, the parent of an 18-year-old lad, who was seriously injured in a car accident, is totally responsible for her son. Naturally, she worries about what will happen in future as she gets on in years and is unable to look after her son, who is totally dependent on her for basic day-to-day living.

Another example in my electorate is of a person who suffered serious head injury as a result of a car accident and who has no relatives or friends to look after him. It is a great problem for the community as to how we can look after people in that situation. We should be aware that the number of people in that position is likely to grow as medical science improves. The economic cost of providing support for these people is absolutely enormous, to say nothing of the social costs involved. These measures, to the extent that they will reduce the numbers of people in that situation, should be supported by all members.

A number of arguments advanced by members opposite deserve some comment. It seems to me that all members opposite are against drink driving—they have all told us so—but at the same time they want laws which effectively will allow people to drink and drive. Similarly with helmets, it seems that members opposite are all against head injuries for young children riding bicycles but are also against any effective measures to help to stop young people from riding their bikes without helmets. We have had some opposition from members opposite to the change from .08 to .05 in the blood alcohol concentration. What members opposite have been saying is that there would be little difference with such a change. Even if the difference is little, as long as there is some difference (and there is no doubt that there will be an improvement), the measure should have our support.

If there is no road safety benefit in a reduction from .08 to .05, why does every other State in Australia have a limit of .05? Why are they all out of step? What are they doing wrong? Why are we right and they wrong? The fact that over 92 per cent of the people of this country have laws that limit the blood alcohol concentration to .05 is a good reason why we should seriously think about falling into step with them.

I should like to conclude by saying that all the measures before us in this Bill will save lives but, in addition, we must bear in mind that they are part of a package for which this State Government will receive $12 million, which in turn will be spent on saving lives. So, there is really a double-barrelled effect and, for that reason, all members should support this measure.

The Hon. FRANK BLEVINS (Minister of Transport): I move:

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

Motion carried.

Mr OSWALD (Morphett): The previous speaker is absolutely correct in saying that this piece of legislation is intended to save lives. Everyone in this Chamber is endeavouring through legislation to save lives, whether it be in the area

of road traffic or of law and order. What I have noted during this debate is that, whether you are for or against .05 or .08, it comes down to an argument about statistics. It seems to me that there are two groups in the community and two groups coming forth in the House this evening: either you are for allowing people to have some alcohol consumption before they drive or you are opposed to it.

Everyone is trotting out various statistics to prove why it should be held at zero up to .05, or that perhaps there is an argument for allowing .08, and that the impact of that on road accidents is not great. One authority that has been around for many years now is the University of Adelaide Road Safety Unit. My recollection is that throughout this lengthy debate that unit has been saying that the increase from .05 to .08 is not dramatic in relation to the number of recorded accidents.

Other statistics have told us that, most of the accidents seem to occur amongst young drivers between the ages of 18 and 25, and that after the age of 25 there is a drop in the number of alcohol-induced accidents. Another set of figures says that with those in the age bracket above 25, in other words, people of middle age, their tolerance of alcohol and the difference in the impact on their bodies between .05 and .08 is not noticeable, and that middle-aged adults can tolerate the difference between .05 and .08 without there being a marked impairment on their ability to drive. Because we have these two groups in the community, with one saying that there should be no alcohol at all or, at best, the compromise of going to .05 and the other saying, on the advice of its alleged experts, that going to .08 is still acceptable in the community, a compromise must be reached.

A compromise is what the Opposition has put forward in this debate: a compromise which says that, statistically, adults over 25 have a tendency to be able to tolerate the difference between .05 and .08 without an appreciable increase in accidents. It picks up the concern in the community that most accidents that are alcohol induced involve people between the ages of 18 and 25 years. So, we can go to the community stating that we are doing something about accidents involving the late teenagers and early 20-year-olds. In addition, we are saying that adults can tolerate an alcohol level above .05 and up to .08 without causing any further accidents on the road. There are also those—and I think it is a reasonable argument—who enjoy drinking socially, not to excess, but who enjoy being able to go to clubs and hotels and to have two or three beers without the fear of prosecution. Provided they keep their drinking somewhere between .05 and .08, I have no objection to their being on the road.

This Parliament and the Government seem to have imposed on us legislation, restrictions and controls to the extent where, quite frankly, I am sick of it. The argument is put forward that this is a road safety measure and, therefore, we must not question another control being placed upon us. People can take me to task for this in future, but I have no difficulty in saying that, provided they can keep their consumption under control and below .08, adults over the age of 25 years, if they want to drink socially, should be allowed to do so. With those few words in relation to that part of the Bill, I support the compromise suggested by the Opposition. It is eminently sensible and worthy of the consideration and support of all members of this House.

I now refer to that section of the Bill that relates to the general speed limit of 100 km/h. I have always supported the 110 km/h speed limit, and I have never believed there should be a difference between the speed limit for heavy vehicles of 100 km/h and the speed limit for light vehicles of 110 km/h. I would have allowed all vehicles to travel at 110 km/h, because I could never see the sense in having one class of vehicle on the road travelling 10 km/h faster or slower than another class of vehicle. Nowadays vehicles, particularly heavy transport vehicles and buses, are engineered to such an extent that 10 km/h is neither here nor there, provided the traffic flows at the same speed. It is stupid to move back to the 100 km/h speed limit on our open roads given the present technology and engineering involved in motor vehicles and trucks. I strongly support maintaining the 110 km/h limit.

There have always been people who abuse the law. I well recall coming back from Melbourne on one occasion and passing a brand new double decker passenger bus just the other side of the border. At that stage the bus had pulled up and was discharging and loading passengers. About three-quarters of an hour later, coming up to Bordertown, I looked in my rear vision mirror to see the same vehicle converging on me. I was doing my usual 100 to 110 km/h, and I could see the bus swaying left and right as it passed me. It would have had to be travelling at more than 130 km/h. It disappeared into the distance and I did not pick it up again until I was in the vicinity of Eagle-on-the-Hill. Drivers of vehicles and buses do abuse the system, and there is no doubt that they must travel at a moderate speed. Ultimately, all vehicles should travel on the open road at the same speed limit.

I will leave the issue of the fitting of speed limiters on heavy vehicles to others more qualified than I, particularly those involved in country areas, and will accept their advice as to the correct course of action. Finally, I refer to the vexed problem of cyclists, involving children—and adults, of course—and the compulsory wearing of helmets. I would be interested to sit in court when the first case is heard involving a child apprehended for not wearing a helmet. Doubtless the family will be there and evidence will be taken by the court. The judge will be told that when the young child left home and his mother farewelled him at the gate he had his helmet on and the first thing the mother knew about it was when the police told her that her son had been picked up.

What will the judge do? He is told that the mother put the helmet on the lad in good faith, but he took it off when he went around the corner. I do not believe that there is a judge in this State who would record a prosecution against a parent who in all good faith made sure that the helmet was on. The mother would tell the judge, every time my son goes out I instruct him to put on his cycle helmet and when he goes around the corner he takes it off.

There would not be a prosecution, and I do not believe in enacting laws that cannot be enforced. The other side of the argument is that there has to be encouragement, and I would be the last person to suggest that children should not wear helmets. It is an important part of road safety and something that I endorse. I endorse it in a voluntary way but I am willing not to object to the legislation before us tonight.

I am happy to give the legislation a try, but it will be a provision, accompanied by a penalty, that will be totally unenforceable, and the proposals advanced by the Opposition in this area should be considered. It is an important matter, but I cannot see how the courts can handle it. The provision is impractical. Judges will have to set it aside, yet it is something that we as legislators have to put down in writing so that the community knows that there is an expectation on parents, to instruct their offspring that the wearing of helmets is absolutely a vital part of road safety. I support the amendment to be moved by the Opposition in relation to the measure.

The Hon. D.C. WOTTON (Heysen): The House will be delighted to know that I am going to speak only briefly on this legislation. I commend the member for Bragg for his contribution as the lead speaker in this place. A series of important measures is being considered in this legislation, some of which I feel strongly about but at this time of night, and bearing in mind the number of speakers who have already contributed to the debate, I do not intend to go over many of the matters that have already been canvassed. I believe that, other than drivers with a blood alcohol concentration exceeding .15, the greatest problem on our roads measured in accident and fatality figures involves persons aged 24 years and younger.

People aged 16 to 24 years hold 18.4 per cent of licences on issue but form 44.9 per cent of drivers involved in accidents. As a father of four children, I am sure that members are acutely aware of those statistics and so I support strongly the compromise advanced by my colleague the member for Bragg. He also referred to the recognition given by insurance companies to that fact. As we all know, insurance companies set higher no-claim bonuses for drivers under 25 and they also insist on an age excess. Although that is not something welcomed by young drivers of that age, insurance companies have statistics highlighting the reason for that action being taken.

As has been stated by other members this evening, the Minister's second reading explanation makes no reference to any research identifying that a .05 limit has any road safety merit. It is very difficult to substantiate that claim. The road accident research unit continues to argue that the evidence does not support a reduction of the BAC limit on road safety grounds, and I respect that unit, having on a number of occasions taken the opportunity to speak with members who make up that unit. I, along with my colleagues, oppose a blanket lowering of the blood alcohol concentration limit to .05 for fully-licensed drivers and I would support amendments at the appropriate time so that a .05 limit applies to fully licensed drivers 24 years of age and younger.

In relation to the country 100 km/h general speed limit, I support the opposition to the reduction of the general speed limit for the reasons that have been spelt out before, namely, that it seems quite unnecessary and unreasonable considering the road surfaces, which are quite superior in this State, and also the network in South Australia compared with other States and the vast size of our own State. I must say that I have concerns—and I know that these concerns have been expressed by other members as well—regarding the speed of heavy transports. As I have said on a number of occasions in this place, I spend a considerable amount of time, in fact most days, on the Mount Barker Road and the South Eastern Freeway, and it concerns me considerably to see the speed at which a lot of those heavy vehicles travel. I believe in many cases—and there have certainly been occasions of which I have been aware—trucks have been driven dangerously. So, I was most interested in what the Minister had to say in his second reading speech regarding speed limiters, and I recognise that this, again, is a matter that will be referred to when amendments are brought before the Committee.

I support the move for the compulsory wearing of helmets by cyclists. I also support the amendments that will be moved. I see that as being a sensible direction to take. I have concerns about how it will be implemented. From experience (and I am sure I will go through this with the youngest member of my family), I find it difficult to know exactly how it will be implemented. I know the legislation is going in the right direction. I commend the Government on its move to make the wearing of helmets by cyclists compulsory. I look forward to making a contribution during the Committee stages of the Bill.

Mr S.G. EVANS (Davenport): I support the Liberal Party's amendments. In relation to vehicle limiters, some members are talking as though the limiter is on the motor. I believe that the modern limiter will be applied through the transmission system, whether that be through the gearbox or other areas. As long as that limit is set at a little bit over the speed limit, I do not believe there will be the problems about which the member for Flinders was talking, not in relation to passing other vehicles, anyway.

When speed limiters are attached to the motor and affect its power, that is when trouble can arise. That was the case with vehicles after the war and for a good many years after that. However, on modern vehicles, the limiter is not placed on the power or revs of the motor; it is placed on the transmission, and that is a distinct advantage. I can see benefit in doing that.

In the case of the compulsory wearing of helmets for cyclists, I can see difficulty for families. We must be careful about trying to eliminate the tendency of young people to be different, to be adventurous, to climb trees. Children are banned from climbing trees in school playgrounds now. We are trying to wrap them up in cottonwool, and that is one of the problems with our country. No-one wants to take a risk any more. I know that an accident could happen to one of my grandchildren or to me when bike riding. I am not saying that I am opposed to the proposition but, the more we legislate to protect society, the more likely we will have a society that is dependent upon Parliament, not the family or the individual, to make rules.

There will always be some people who will take a risk, despite the law. They are the people who are more likely to be injured because they take that extra risk. The same thing applies to the blood alcohol content. Most people know that I am not one for drinking much alcohol, nor am I one who believes that people should drive if they are under the influence of alcohol. However, there is little difference between .05 and .08. The biggest majority of accidents, a lot of which occur in the country, are caused by people with a blood alcohol level of .15, .18 or .11. They are well over .08.

Recently two young people were killed and I mentioned to the Minister the dangerous alignment of the road. He asked me whether the young people were over the limit. I know they were, but they were a long way over. They are mainly the people who are killed or seriously injured or who injure others. It does not matter whether the limit is .05 or .08; those people will still be far over that limit because they are the ratbags who cannot control their drinking habits or who are easily egged on by their mates. I read today that the police took a chap home because he was intoxicated. However, he walked back to the hotel when the police were there, saying that he had to walk back because he left his car behind. That is the type of person we are dealing with, and changing the law to .05 will not solve that problem.

I support the amendment that will be moved by the shadow Minister because I think it is a good amendment. I have a concern that the hospitality industry—hotels and restaurants—is in serious trouble. Indeed, it is in grave trouble and, although I cannot speak about it here except by way of a brief comment, giving video gaming machines and poker machines to the Casino is just another little jab that will mean a loss of revenue and clientele. We know that the hospitality industry has suffered and you can buy

any type of hotel you want. This measure will be just another nail in the coffin and this Parliament, which tries to promote tourism, should realise that is the case. I will support the Bill if the Opposition's amendments are also supported.

Mr VENNING (Custance): The hour is late and the subject is done to death. However, it would be remiss of me as a country member if I did not make some brief comments about this Bill because, as has already been well documented this evening, it affects country people. I will touch briefly on some of the measures, particularly the .08/.05 issue. This issue was aired in the recent Custance by-election, and we saw how it divided the community. We thought we were on a winner when we pushed .08, but it certainly was not. In fact it nearly hung us. I support what the member for Coles said this afternoon, and I support my Party's compromise line. My biggest concern has always been with the younger-age driver of 18 to 24 years. I have a 20-year-old son who likes his drop of fluid, and I am always worried when he is out late. I support fully the compromise situation that my Party has taken. The shadow Minister in the other place has done a fine job; her logic has been excellent in this instance.

I support the increase for probationary drivers from the .02 limit to .05 (that is, for drivers aged 25). I would be quite pleased if my son came home every night with only that level of alcohol in his bloodstream because he would be quite safe. I support the limit of .08 for an adult driver on the open highway.

Once again, country people will be hurt most by the Government's proposal. If I were to agree with a blanket limit of .05, many of my country folk would lose what they appreciate now and take for granted. They do not have entertainment centres, theatres, casinos and sporting complexes. In most cases, a pub is all they have in their community. That is where they go for meetings, chit-chat and after-sport recreation. If we impose a .05 limit on them it would take so much away from them. They do not have an alternative way to get home, as city dwellers have. Most of them are hardworking people who know how to handle their alcohol. People who abuse the privilege, those whose alcohol level reaches .15, should suffer the full force of the law. I am not a drinker, but as I represent the Clare Valley I endeavour to be a practising ambassador of the lovely wines from that splendid region.

The provision that I oppose most strongly relates to the 100 and 110 km/h speed limits. As a country member I drive 800 to 900 km a week. I admit that occasionally I stray over 110 km/h, but 110 km/h is a safe, comfortable speed at which to drive on the open highway. If anyone disagrees with this, I challenge them to drive north of Port Wakefield, as the Minister would have done several times, and try to sit on 100 km/h. They would be broken by boredom and would end up going to sleep and being passed by everyone on the road. Any standard family saloon car would manage 110 km/h with ease. All that this means is that more of us will break the law. This may be a motive for this cash-strapped Government, but I hope not. In relation to speed limiters for trucks, I had expertise in this area as a truck owner and driver before I came to this place.

The Hon. Ted Chapman interjecting:

Mr VENNING: The member for Alexandra refers to vintage cars, but that does not apply. I thoroughly agree with what the member for Davenport said in relation to speed limiters for trucks. As the member for Flinders said earlier, some trucks hurtle down the road at ridiculous speeds of up to 180 km/h. We see the big Mack-munchers and Kenworths getting around the highway with 450 horsepower and unlimited ratio gearboxes. That is the crime—the unlimited ratio gearboxes. Most engine manufacturers today will regulate or govern their motors to a certain rev. Modern diesel motors do not rev very fast. Rather than putting the speed limiter on the diesel line, which I believe is the way we are going to go, it should be on the gear ratio. Any new truck purchased should be able to be set at a top governed speed.

Members will say that truck drivers will get into the governor and open it up, but to get any appreciable speed out of a slow revving truck motor—and most of them have 1 800 to 2 000 revs—they would have to open up the governor by 25 per cent. That is way over the maker's specifications and the truck would not last. However, if it is put on the diesel line, it is proven that it is easy to tamper with and it is more prone to malfunction because it is a very fine jet that comes in and out. It is no trouble to get in there and drill away the jet.

Tachometers ought to be used in conjunction with the top gear ratio so that at any time one can say what a truck is capable of. Any truck over the 20 tonne limit should be fitted with a tachograph.

An honourable member interjecting:

Mr VENNING: A tachometer is a rev counter. A tachograph measures the time versus the number of revs. It is on a little scale and anyone can read that afterwards. It is on a small graph going round and round on a paper circle. I support my Party's position on the compulsory wearing of bike helmets. I could speak for 60 minutes on that subject, but I will limit it to that. I urge the Government to consider the Opposition's amendments.

The Hon. FRANK BLEVINS (Minister of Transport): I thank all members who have made a contribution to the debate. It has been a very good and interesting debate. I just wish that everyone had read the second reading explanation because it would have made it a considerably shorter debate. Nevertheless, I think it was worthwhile. Members must have some sympathy for the Federal Government. We have had some horrific road accidents in this country, as I suppose occur in all countries. Everyone screams. 'Somebody has to do something; why doesn't the Government do something?' However, when the Government attempts to do something to reduce the road toll, everyone says that the Government is interfering with their individual freedom and lifestyle, and that it is financial blackmail. You name it, the Federal Government is guilty of it! When there were 30 bodies sprawled out on the Hume Highway or the Princes Highway or whatever, that was the Federal Government's fault for not doing something. Anyway, members of the Federal Government have broad shoulders and I am sure they can wear that criticism. They are used to the double standards.

With regard to reducing the blood alcohol limit from .08 to .05, it is no secret—in fact, we broadcast it to the world—that, left to our own devices, we would not have moved in that direction. We would not have moved at all. We have made no secret of that. As I say, we broadcast it widely. The reason for that stand is that, in isolation, to drop from .08 to .05 will statistically save three lives per year. To the person who is one of those three, that is very important, but I understood that this Government and most people in South Australia believed that the .08 limit was working reasonably well. It had never been a real issue here since the early 1980s when the random breath-test select committee, of which I was a member, considered the situation and decided there was not much in it.

In isolation, there is not much in it, but it is not being considered in isolation, because the Federal Government's road safety package is exactly that—a package of a whole range of legislative measures and financial measures which in themselves will create a safer environment for motorists. So, it is not the .08 to .05 in isolation—it is part of a package. Statistically, that package will save 26 lives per year in this State. I believe that that is a reasonable assumption.

The Adelaide University's Road Accident Research Unit is, I believe, one of the last (if not the last) of the road research units that support staying at .08. I do not know how true it is, but it has been put to me that some members of the unit made a decision 10 or so years ago, if not longer, that .08 was the way to go, and they have been attempting to justify that position ever since. I have always believed them. I have never had any reason to doubt them.

When I went over to Canberra, to be confronted by the Prime Minster, the Federal Minister for Land Transport and the Federal Minister for Health, and when I quoted the Road Accident Research Unit, I was laughed out of the room. I was sorry to see this. It came as a complete shock to me to find that Federal politicians and also other road accident research units as well as other people who had looked at the problem all thought that the Adelaide University unit had absolutely no credibility. They thought it was a joke. I thought that that was a great pity. It quite stunned me. I did not expect it.

Mr Ingerson: Have you told them?

The Hon. FRANK BLEVINS: They know; everybody tells them.

Mr Ingerson: But have you told them?

The Hon. FRANK BLEVINS: I haven't personally told them, no.

The Hon. Jennifer Cashmore: You're telling them now.

The Hon. FRANK BLEVINS: I am telling them now, and I am very happy to tell anybody. I think I have said this before in this House. As I said, I think it is very sad. There is no doubt that that is the way it is—they had absolutely no credibility. They were simply justifying a decision that they had taken years ago. I distributed the Federal Government's case for .05 to all members. I also distributed the Adelaide University's Road Accident Research Unit case to all members, to let members make up their own minds. I distributed that to members on this side as well, without any comment from me.

Mr Matthew: Which one did you agree with?

The SPEAKER: The member for Bright is out of his seat, and interjections are out of order.

Mr Ingerson: Perhaps the Minister could answer that.

The Hon. FRANK BLEVINS: The member for Bright has not been here for very long, so I will try to be nice to him. It is not easy. I wonder at what stage 'has not been here for very long' ceases to apply. One can make just about any case one likes out of statistics, within reason. People, by and large, want to believe what they want to believe. They want the statistics that reinforce their views or their prejudices. But, what does commonsense tell one? Commonsense tells me that the less alcohol you have in your blood when you are driving the safer you will probably be. So, I tend to go with commonsense.

Mr S.J. Baker: Does that mean zero?

The Hon. FRANK BLEVINS: The member for Mitcham has been here a long time, but he is as bad as the member for Bright, if not worse. He has no excuse at all—none whatsoever. That is not to say that I will support zero blood alcohol for drivers. Commonsense tells me that it would be safer, but I am not prepared to trade that against the lifestyle that we have in Australia. I am prepared to wear the consequences of that, but I will not kid myself that there is no difference. The difference may not be great, but there is a difference. Thinking of the margin and the person who pays the price of the legislature not going that further step, there is an obligation on us to stand up and say this. Of course, it is safer to have no alcohol in your blood, but that is not the only question as far as I am concerned. Others may have a different view, and I respect their view. They might think that that is the only question, but I do not.

There has been some rather strange criticism of the penalties that we will introduce, as indicated in the second reading explanation. Some members opposite have said that they do not agree with the blood alcohol level coming down to .05 in all cases, that that is not necessary. On the other hand, in the same speech they have said that the penalties are too light and are not severe enough. They object to what they consider to be light penalties and then they say the Bill is too draconian. They cannot have it both ways.

The police, from memory, wanted penalties between $100 and $300 and four demerit points. The police are entitled to their point of view and we respect their point of view. We took their point of view into consideration, but everybody in the House will be pleased to know that the police do not run this State and they would not want to run this State. The Government has a slight difference of opinion with them. In this case we believe that the lower level of their suggestion is appropriate. We see nothing wrong with that. We in this State do not slavishly follow what the police want to do, and I am surprised that anybody suggests that we should.

Mr Hamilton: They've just been complaining about the increases in traffic infringement notices and now they're talking about increasing it.

The Hon. FRANK BLEVINS: Not a great deal of intellectual rigour. The question of the hospitality industry has been brought up. With respect, I think most members who have commented on the hospitality industry have spoken absolute rubbish. Let us not forget that the majority of Australia has .05. I think that Victoria has had it for probably 20 years. I have not noticed the breweries and the wineries going broke in Victoria, New South Wales, Queensland or Tasmania. I have not seen the AHA or the RAA in those States campaigning for an increase in the blood alcohol level to .08 on the basis that the hospitality industry is going broke. Of course it is not. The hospitality industry in those States is flourishing. The AHA and its equivalents in the eastern States are very happy with the way it is. The same applies to the RAA.

I understand that the role of the AHA is to represent people who sell as much booze as they possibly can to anybody who can pay for it. That is the bottom line of those whom the AHA represents. Some of my best friends are members of the AHA. But let us not kid ourselves: their principal role in life is to push alcohol to anyone who can afford to buy it. I regret to say that some members of the AHA are utterly irresponsible in what they do. I think we would all have it in our electorates: they will sell alcohol to anybody, irrespective of age and their state of inebriation. As long as they can pay, they will just shove it down their throats and disclaim any responsibility. I recognise that is a small part of the industry—

Members interjecting:

The SPEAKER: Order!

Mr S.J. Baker: Which faction of the Liquor Trades Union?

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. FRANK BLEVINS: I am not sure what that has got to do with—

Members interjecting:

The SPEAKER: I ask the Minister to direct his remarks to the Chair.

The Hon. FRANK BLEVINS: I will, Sir. As I was saying, that is only a small part of the industry, but it is a devastating part of the industry as regards what it does to young people and to older people who have a real drink problem. As long as people can pay, they can get it 24 hours a day. That is pretty appalling.

The Hon. Jennifer Cashmore: That's not what the Licensing Act says. It's not 24 hours a day.

The Hon. FRANK BLEVINS: I can assure the House that there are establishments which are open 24 hours a day which, if you can pass the money over the counter, irrespective of your age and condition, will give you booze.

Mr S.J. Baker: Why don't you do something about it?

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I do not necessarily disagree with that.

Mr Ingerson interjecting:

The SPEAKER: Order! The member for Bragg has already contributed and he is out of order.

Mr Ingerson interjecting:

The SPEAKER: Order! The honourable member is not defying the Chair, I hope.

The Hon. FRANK BLEVINS: I think that the hospitality industry will continue to survive despite this measure. I confidently predict that the sales of low alcohol beer as a proportion of beer sales will increase. That is good, and I think that people can probably still enjoy a beer without being a danger to themselves or to anyone else. I do not think that there are any great fears. The taxi industry will pick up a few more customers, and I am very pleased about that.

Mention was made of random breath testing. I think it was the member for Adelaide who wanted to know the ins and outs of random breath testing, where, how much and the whys and wherefores. That is reported to Parliament every 12 months, and the statistics are available for the member for Adelaide. He and other members were quite adamant that random breath testing was the way to go and that, if we did not do this, we were hypocrites.

To make random breath testing really effective we need to put the units right outside the licensed premises. I do not know whether members of the Opposition are advocating that. If they are, let them stand up and say so. A level of .05 will not kill the hospitality industry and, if members opposite want to kill it stone dead, they should advocate putting random breath test units outside hotels. That will kill it stone dead. Now let us see who is fair dinkum. Now who is advocating that?

Mr Matthew interjecting:

The Hon. FRANK BLEVINS: I can't hear you.

Mr Matthew: Are you advocating that?

The Hon. FRANK BLEVINS: I am certainly not advocating it.

The SPEAKER: Order! The Minister is not supposed to hear interjections, and the member for Bright is definitely out of order. I ask the Minister to direct his remarks through the Chair.

The Hon. FRANK BLEVINS: If those members who advocate random breath testing as the answer say that insufficient random breath testing is going on, and those members who accuse us of being hypocritical and not fair dinkum in this area are fair dinkum, let them stand up and advocate random breath testing units outside all licensed premises. We could then write off the whole hospitality industry, so let us be careful where we go.

The Hon. Jennifer Cashmore interjecting:

The Hon. FRANK BLEVINS: I disagree with zero. As regards the change to 100 km/h, I should have thought that that had been explained sufficiently, but apparently not; I will go through it again. The change, in practice, will mean very little. As the legislation shows, we have the ability to zone up or down from 100 km/h, but there will be very little change in this State.

I will not give a blanket assurance that every road that has a speed limit of 110 km/h at the moment will remain at 110 km/h, but the arguments for a reduction from 110 km/h to a lower speed will need to be argued to me as the Minister on a road by road basis, because I believe that if a road has been safe until now at 110 km/h there will need to be very convincing reasons why it should not continue at 110 km/h.

The idea, again, is uniformity. The Federal Government believes that there ought to be uniform laws in this area so that, wherever they are in Australia, if people are in doubt as to what the speed limit is on any piece of road, they will know that it is certainly not more than 100 km/h, so for safety's sake they should stay at 100 km/h.

Mr Brindal interjecting:

The Hon. FRANK BLEVINS: Of course. That applies now. It is no different. It is a recognition that the conditions that apply on the Stuart Highway or the Eyre Highway, say, are very different from many of the rural arterial roads in Victoria or Tasmania. There is a very real difference and I think that the Federal Government has been very sensible in recognising that. I assure the member for Flinders, who was particularly adamant on this point, that any change to the present practice will have to be justified to me on an individual road basis.

In relation to the question of speed limiters, I was pleased that everyone in this House seemed to agree that they are a good thing and support their introduction. From time to time they have been criticised on safety grounds—whether they allow enough power for overtaking purposes, and so on. I really do not see that as a problem. All major transport companies these days have their vehicles fitted with speed limiters. They have them fitted for very good reasons of safety and economy. It is just more profitable to have vehicles with speed limiters than to have vehicles without them. These companies are not doing it for fun: they do it because it makes sense. There is less wear and tear on the vehicles and the tyres, the vehicles consume less fuel and there are fewer accidents.

A few months ago I visited the depot of one of the largest transport companies in Australia; it is situated near the airport, in, I think, the electorate of the member for Hanson. Personnel in that company could not remember the last accident in which one of their vehicles was involved. That firm has as many vehicles travelling in Australia as any transport company. All the company's vehicles are fitted with speed limiters and tachographs, for the benefit of the member for Custance. It is just good business sense; the company is doing it not because it is philanthropic, but because it makes good business sense. I do not see any reason why speed limiters should not be introduced, and I am pleased that everyone in this House agrees. That is not to say that what is in the legislation cannot be improved, and I look forward to hearing the arguments in Committee in relation to toughening up the provision in the Bill.

The question of bicycle helmets seems to have caused a little bit of fuss. Most people seem to agree that the use of helmets desirable. I think it is a pity that it is clear that

some people on the other side, in effect, want to make the wearing of helmets voluntary for people under 16 years of age. I cannot see the logic of that. I would have thought that a case—although not a strong one—could be made for adults to have the right to choose, but not children. What appears to be proposed by the Opposition is that it be mandatory for adults to wear bicycle helmets but voluntary for children. I think that is putting it the wrong way around.

The question of how one enforces such a law in relation to children is, of course, difficult. It is difficult to enforce a number of laws in relation to children; there is no question about that, but the police do it every day and, in my view, they cope with it very well indeed. This law will be no more difficult or any easier for the police to enforce. I certainly do not envy them, but I do not envy their enforcing the breaking and entering laws or any of the other laws relating to the numerous crimes in which young people unfortunately are involved.

I think the question of parental responsibility is important. I am disappointed that members opposite do not think that it is necessary to put more responsibility on parents for the actions of their children. I think that that is a desirable thing to do. In fact, this Government wanted to do it last year in a much more structured way in respect of criminal behaviour by juveniles in general. It is a great pity that members opposite disagreed and, with the Democrats, threw it out. However, I understand that that is now the subject of a select committee in another place. My guess is that the Liberal Party will find some way of crawling out of its previous misguided decision and support the Government in one form or another to make parents much more responsible for the behaviour of their children.

In his thoughtful contribution the member for Henley Beach commented about people who engage in bicycle riding as a competitive sport. There is an argument (although I do not think it is a very strong one) that perhaps some special provision ought to be made for those people who would be wearing helmets sometimes for hours a day. While I am not convinced that any special provision ought to be made, there is capacity within the Bill for us to do that. I undertake to have some discussions with the various sporting bodies, although the Australian Institute of Sport has already had a look at this position and the cycle team which it sponsors or for which it has responsibility has recently accepted some new light-weight helmets, and I am sure the member for Henley Beach will be pleased to note that.

Also, one of its cyclists was recently involved in an accident and the helmet saved him from serious head injuries. I will certainly ensure that some consultation takes place with the cycle racing fraternity before the regulations are promulgated. If cyclists are on the road several hours a day, it is all the more reason why they should wear helmets, rather than not wear them.

Mr Ferguson interjecting:

The Hon. FRANK BLEVINS: The member for Henley Beach says that they wear helmets. I understand that the head gear that they wear is probably better than nothing at all (but that is all); it is made of leather and offers very little protection. The package is a good and worthwhile one, although it is not the total answer to road safety. I do not know that anyone has the total answer. When we put hundreds of thousands of vehicles on roads and they fly around at anywhere between 60 and 110 km/h, inevitably from time to time something will go wrong. Unless we clear the roads altogether, we will never do away with accidents.

However, there are measures which Governments can take and which will help in reducing the number of accidents. There is no doubt that we are on the right track. Throughout Australia the numbers are coming down significantly. Although that is good, there is still an awful long way to go. As was stated by the Deputy Leader, comparable countries have a much lower rate of accidents than we do. Australians seem to have a bit of a cavalier attitude towards driving that surprises people when they come from overseas and see the standard of skills displayed here.

To summarise, I do not think these provisions will send the hospitality industry broke at all: that argument is utter rubbish. I think the proposal of speed limiters is very worth while. I think the idea of the compulsory wearing of bicycle helmets is the most worthwhile thing in the package. Collectively, the package ought to make a difference in our accident rate. Statistically, as I mentioned, 26 people's lives will be saved because of this package, with very little adverse effect on anyone.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr INGERSON: I move:

Page 1, line 33—Leave out paragraph *(b)*.

In essence, the amendment clearly puts the position of the Opposition: that is, we should have three prescribed concentrations of alcohol, namely, those who have .02 or equivalent to zero as it is put for L plate and P plate holders; we should have a relative position that clearly puts that .05 is the accepted level up to the age of 25; and that over 25 years the standard concentration should be accepted as being over .08.

In putting that proposition, I clearly reinforce the arguments that I used early in my second reading speech, that is, that statistically more than double the accidents occur within the 16 to 25 year age group, and these accidents are related to alcohol, speed and other matters. However, specifically the alcohol problem is much greater in that age group and, as the Minister has argued in his second reading reply, there is no significant difference between .08 and .05. If we are going to reach a compromise, we must show statistically that there are more accidents in this group, and we ought to lean in that direction.

The argument for splitting it, as we have done, is backed up by statistics which relate clearly to this group of young people. Contrary to what the member for Henley Beach said earlier in his second reading speech, this group does not need to be protected. There is no question that all road safety programs and all Governments in this country, both Liberal and Labor, have moved in this road safety area to recognise that more stringent controls must be placed on the group between 16 and 25 years of age.

The argument put by the member for Henley Beach is absolute nonsense and, like many of the arguments that he puts forward in this place, it was put purely and simply to cause a bit of a stir. The statistics back up my argument, and I commend it to the Committee. Before completing this point, I must comment on one other point. In his second reading reply, the Minister referred to specific hotels selling alcohol 24 hours a day. He strongly suggested that this breaking of the law is known about and is carried out by a number of hotels. If the Minister stands up in this place and has a go at an industry and a specific group within that industry, he ought to name those involved and make known who are not playing the game. He should be fair dinkum about it.

The Minister wants us to seriously consider his proposition of lowering the blood alcohol level to .05 when, as Minister, he ran around the country saying that .08 is what the level ought to be and that .05 did not make much

difference in road safety terms. If we are to accept him as being fair dinkum, those in the industry who he says are not playing ball ought to be brought into line by him. The Minister is capable of doing something about it. The Minister clearly put to the Chamber that some individuals in the hospitality industry were not playing the game. The Minister made a very strong and specific point that this group needed to be pulled into line. If we are to be fair dinkum about doing the right thing about alcohol abuse and its effect on driving, the Minister ought to put his money where his mouth is and put all those things on the table. With those few comments, I ask the Committee to support my amendment.

The CHAIRMAN: Order! Before accepting that amendment, I want to clarify a point with regard to the amendment circulated by the member for Hayward. Does the honourable member wish to proceed with his amendment to page 1, line 25, which technically precedes the amendment circulated by the member for Bragg?

Mr BRINDAL: No, I do not wish to proceed.

The CHAIRMAN: In that case, the Chair accepts the amendment moved by the member for Bragg to page 1, line 33. If the member for Bragg is prepared to move it in the form to leave out paragraph *(b)*, if that amendment is carried, the Chair will accept the balance of the amendment to insert the new paragraph in substitution.

Mr INGERSON: Yes, I move that way.

The Hon. FRANK BLEVINS: I oppose the amendment for the reasons stated in the second reading explanation and in my response to the second reading debate. The Government believes that the .05 level, coupled with all the other measures, is a significant road safety measure. It is one that the Federal Government requires if funding for the black spot program is to be forwarded to South Australia. I understand that the Liberal and National Party Opposition in Western Australia still has the measure in the Legislative Council in that State.

I have been assured by the Federal Minister's office that, if in Western Australia the Opposition will not allow the .05 limit to become uniform, no Federal Government money will go to Western Australia for a black spot program: it is as simple as that. We are not prepared to do that. It may happen in Western Australia, and the AHA may be pleased with that, but the AHA has done itself no credit in this debate. I get along with the AHA and I always have—I rather like it—but it has certainly done itself no good in this particular debate, nor will it in Western Australia because in every opinion poll at which one looks the majority of people, including young people, agree that the limit ought to be .05. To a lot of people in the community, members of the AHA are seen as irresponsible drug pushers—nothing less.

I repeat what I said in my reply to the second reading. If anyone in this House, including the member for Bragg, does not have in their electorate some establishments that will push drink to under-age people as long as they have the money to buy it, that will push drink to people who are absolutely stupid drunk as long as they have the money to buy it—

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: If the honourable member does not believe that and if there is none of that going on in Bragg, I would be very surprised. They would probably be a little more discreet in Bragg.

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: That is right, that is what the police do all the time. I could name all the establishments in my electorate and in most other members' electorates. The police are out there all the time trying to police those establishments, and it is almost impossible for them to do so. They have put an awful lot of resources into it. You see people staggering out of hotels having obviously got drunk in the last two minutes before they left. They are staggering, stupid drunk and have to be taken to hospital, and they have been served by members of the AHA. That is an irresponsible minority, but do not try and tell me that it does not exist.

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: That is right, because it exists in every electorate in South Australia and in Australia.

Mr Ingerson: What are you doing about it?

The Hon. FRANK BLEVINS: What we are doing about it is passing laws against it and the police are enforcing those laws as best they can in the same way as with other laws. It is very difficult for them.

Members interjecting:

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: I oppose the amendment for the reason I have given.

The CHAIRMAN: The Chair wishes to make something clear to the Committee in the context of what I declare to be the amendment which the member for Bragg was moving. The amendment is to leave out the words 'leave out paragraph *(b)*'. That is the only part of the amendment now before the Committee, not the actual question of what is to be inserted in substitution of paragraph *(b)* in the event that that is left out, there being a further alternative paragraph *(b)* circulated by the member for Hayward. The member for Hayward will be invited shortly, if he wishes, to foreshadow that amendment as part of this discussion, because if either of those two amendments is to be carried the first words must be left out. So that is the only question before the Chair at this stage.

Mr INGERSON: I am disappointed that the Minister is not prepared to accept the compromise, which is a genuine attempt by the Opposition to recognise that there is more than one solution to this argument. It was not put forward in a frivolous way just purely and simply to put another alternative. We believe that there is enough statistical evidence to show that something needs to be done with one group and that the difference between .08 and .05 is marginal. This was a genuine attempt at compromise and I am sorry that the Minister is not prepared to accept it.

Mr BRINDAL: My amendment is in line with what I mentioned in my second reading speech. The law is inequitable when it comes to people who have no form of licence at all—in other words, those who drive unlicensed. The inclusion of subparagraph *(a)* would effectively ensure that any person who has no licence at all and drives a motor vehicle is treated in exactly the same way and is subject to exactly the same offences and penalties as someone who has a probationary licence. I foreshadow this amendment and commend it to the Committee as being sensible and reasonable. There is no reason why somebody in the State of South Australia who chooses not only to drive a motor vehicle without ever having obtained a learner's licence or probationary licence, but who also chooses to drink before driving that motor vehicle, should be protected from the law more than the person who at least has taken the trouble to obtain a learner's licence or probationary licence.

I realise that there are probably many other areas that could be highlighted in terms of blood alcohol content and things that need to be strengthened. This is one area which the Opposition has discussed and which it thought, in the context of this debate, was worth introducing. I therefore commend this amendment to the Committee. I know I will

have the support of my colleagues on this side of the Chamber. I look to the Government to behave responsibly and reasonably in this matter and in fact to vote for something which will help road safety measures in the State of South Australia.

The Hon. FRANK BLEVINS: I oppose the amendment.

Mr Brindal: Oh, really!

The CHAIRMAN: Order! The Minister of Transport.

The Hon. FRANK BLEVINS: I oppose the amendment, despite the pleas of the member for Hayward for the Government to behave responsibly or whatever else it was.

The Hon. Ted Chapman interjecting:

The Hon. FRANK BLEVINS: You would never ask us to go that far, would you Ted?

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: There is some merit in the amendment at first glance. There does appear to be an anomaly, although I point out that someone who is driving without a licence is liable for a $1 000 fine, anyway, so I am not sure that anyone would get off lightly. I will consider this amendment a little further. If it has any merit, I am sure that the member for Hayward will be able to persuade one of his colleagues in another place to move the amendment next week, at which time I will have some more considered advice on it. If after some consideration of the amendment and considered advice, both from Crown Law and elsewhere, it is decided that the amendment is worthy of support, I assure the member for Hayward that the Government will support it.

The Government does not get hung up on amendments, whether they are moved by the Opposition or suggested from this side, including the Independents. Never in my 16 years in this place have I seen a headline in the *Advertiser* where somebody has moved an amendment to a Government Bill and it has made front page news. It does not quite work that way, unfortunately. You must obtain your own satisfaction, knowing that you have helped to improve the quality of a Bill. We have all done that, and that is good. There is nothing wrong with that; that is what it is all about.

I can assure the member for Hayward that, after having some proper consideration of the measure, we will support it if it is worth it. At the moment, I just do not have the detailed advice that I need. I point out to the member for Hayward in a kindly way that this Bill has been on the Notice Paper for a long time, in fact, months.

If the member for Hayward had really been serious about his amendment, he could have let me have it earlier and I would have had much more time to have it considered properly, in which case it would have saved the delay if it does have merit. I am sure that a week will not make any difference. Although the member for Hayward's name may not be on it, for those of us who know it will always be known as the Brindal amendment. The honourable member will just have to get his satisfaction knowing that he gave birth to it, if indeed the Government agrees to it.

The Committee divided on Mr Ingerson's amendment:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins (teller), Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Peterson, Quirke and Rann.

Pairs—Ayes—Messrs Mayes and Trainer. Noes—Messrs Becker and Gunn.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote to the Ayes.

Amendment thus carried.

Mr INGERSON: I move:

Page 1, lines 33 and 34—Leave out paragraph *(b)* and substitute the following paragraph:

(b) by striking out the definition of 'prescribed concentration of alcohol' and substituting the following definition:

'prescribed concentration of alcohol' means—

(a) in relation to a person who has not atttained 25 years of age—a concentration of .05 grams or more of alcohol in 100 millilitres of blood;

(b) in relation to a person who has attained 25 years of age—a concentration of .08 grams or more of alcohol in 100 millilitres of blood.

Amendment negatived.

Mr BRINDAL: I move:

Page 1, lines 33 and 34—Leave out paragraph *(b)* and substitute the following paragraph:

(b) by striking out the definition of 'prescribed concentration of alcohol' and substituting the following definition:

'prescribed concentration of alcohol' means—

(a) in relation to a person who does not hold a driver's licence—any concentration of alcohol in the blood;

(b) in relation to any other person—a concentration of .05 grams or more of alcohol in 100 millilitres of blood.

The Committee divided on the amendment:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Blacker and Brindal (teller), Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Blevins (teller), Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Peterson, Quirke, Rann and Trainer.

Pairs—Ayes—Messrs Becker and Gunn. Noes—Messrs Bannon and Mayes.

The CHAIRMAN: There are 21 Ayes and 21 Noes. As I believe that the amendment is a worthwhile addition to the Bill, I give my casting vote to the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 5 to 10 passed.

Clause 11—'General speed limit.'

Mr INGERSON: Will the Minister explain to the Committee how the Government will create a speed limit of 110 km/h, as suggested in the second reading explanation, when the law of the land, if this Bill passes, will say that the maximum speed limit is 100 km/h? I am not aware of any law of this land that enables the Government of the day to go over the existing maximum prescribed by this Parliament. For example, if Parliament sets a fine of $1 000 as the maximum for a particular offence, the Government through regulation cannot agree to have a fine of $1 500.

The Minister's second reading explanation clearly states that the new maximum speed limit will be 100 km/h, yet in the second reading explanation he used the example of the South-Eastern Freeway, saying that he will be able to set a maximum speed limit of 110 km/h, which is 10 km/h in excess of the maximum speed limit he will be setting for the State. Will the Minister explain to the Committee what legal method he will be able to use to set any limit over and above the maximum limit set in this legislation?

The Hon. FRANK BLEVINS: As I am advised, exactly the method we use at the moment. For example, in the metropolitan area there is an overall limit of 60 km/h; that

is the standard, and we zone up to 80 km/h in certain parts. Again, I am advised by people with legal training that there is no problem. I am not a lawyer. The lawyers tell me—

Mr Lewis: But you are the Minister.

The Hon. FRANK BLEVINS: That is correct. But the lawyers who advise me tell me it is not a problem; there is no problem whatsoever.

Mr INGERSON: I dispute that and ask the Minister to get further advice on that matter. The Minister is saying that the metropolitan limit is 60 km/h. What he is forgetting is that the State limit is 110 km/h and the 80 km/h zone limit, for example, is still less than the State limit of 110 km/h. There is no breach of the maximum State limit of 110 km/h, but if the Minister sets the maximum at 100 km/h one cannot then exceed that maximum in any area in the State because that is the maximum speed limit on any road. The argument that the Minister puts to the Committee does not take into consideration the fact that the current maximum is 110 km/h. Anything up to that speed can be set by regulation. Metropolitan areas or a country area can be specified, but the maximum of 110 km/h cannot be exceeded. So, what the Minister has said in his second reading explanation is clearly a breach of any Act that we may pass in the future. It seems to me that what you have put to the Parliament and what you have attempted to substantiate in your second reading explanation does not add up, Minister. I ask you to reconsider the legal advice that you have received.

The Hon. FRANK BLEVINS: I am not quite sure how I am expected to reconsider it. It has just been reconfirmed. The legal advice is this: new section 48 (2), which is on page 3 of the Bill, provides for precisely what we are trying to do in relation to speed zones. I can only read what is there. It seems perfectly clear to me. If the lawyer who advised me when I was drawing up this Bill is wrong, then the honourable member can argue with the lawyer. I am afraid I cannot help him any further. There is not a great deal that I can do. Obviously, I cannot persuade the honourable member; he should talk to the lawyer who advises me.

Mr Ingerson interjecting:

The CHAIRMAN: Order! I cautioned the member for Bragg earlier about addressing the Chair and referring to members by their title rather than as 'you'. The member for Bragg.

Mr INGERSON: I suppose the message that I am trying to get across is that, in essence, the Minister is saying that it really does not matter what maximum we set in this State in any area. This just happens to be a specific example. It seems that it does not matter any more what level we set by regulation, or some other means—the Minister of the day can go above that. That is just not standard practice in this Parliament.

No Bill in this Parliament has ever been passed that sets a maximum, with the Minister of the day then able to say, as if by waving a magic wand, 'I am going to go over and above that.' However, that is exactly what is being said here and I am concerned about it. If the Minister maintains his view, all we can do as an Opposition is to take further advice and bring it up in another place. The advice I have been given is that one cannot do what the Minister is suggesting, and we will have to bring this up in another place.

The Hon. H. ALLISON: What criteria does the Minister intend to use in respect of roads where he says he will allow a speed in excess of 100 km/h? A member earlier said that he travelled extensively in Europe and that we should become used to the idea of having a standard statutory speed limit. I have also travelled on the autobahn when, even travelling at 100 miles an hour, one can be accused of loitering if one is in the wrong lane. Does the Minister intend to prescribe certain roads as speed zones using the criterion that a particular road is especially safe, wide and has a good surface, or will there be other criteria such as, in respect of the highway from Adelaide to Bordertown, will it be a one-speed road irrespective of the fact that in certain sections of the highway it is a multi-carriageway and in other sections, for extended lengths, it is simply a dual carriageway?

I have a specific interest in this because I have travelled on that road, covering about 50 000 or 60 000 miles a year, travelling the journey between Adelaide and Mount Gambier at least 52 times a year by car (including the return journey). I find having to travel at speeds of 100 km/h rather soporific which, if anything, is more dangerous than travelling at the accepted speed of 110 km/h. Can the Minister elucidate for the benefit of the Committee which highways will be designated speed roads and what criteria will be used?

The Hon. FRANK BLEVINS: The honourable member would be aware of Australian Standard 1742, and all roads will be measured against that standard. The Government intends very little change from what we have at the moment. As I say, the department is evaluating all the roads now and it will make recommendations to me, but it will have to have pretty good arguments as to why any road that is presently 110 km/h should be restricted. I will take a fair bit of persuading, Australian Standard notwithstanding. It seems to me that, if it has been safe to travel on a road at 110 km/h to date, unless there has been a material change to the road or for some other reason, it ought to stay at 110 km/h. There may be good reasons why that is not the case, and I will be interested to hear them.

Mr BLACKER: I seek guidance from the Minister. It was suggested to me that dirt roads would not be incorporated in the criteria, that it would only be sealed roads—highways roads—and not local government roads that would be included. Is that assumption correct, or will dirt and gravel roads still be able to have 110 km/h speed limits?

The Hon. FRANK BLEVINS: The position is that those roads that at present have a 110 km/h limit will be evaluated—because until now no-one has got around to doing anything about it, I expect that most of them will remain at 110 km/h. The department will probably want some of them reduced, on a close evaluation measured against the standard, and we will look at that. We will not be irresponsible about it. By and large, my view is that in general terms if the limit has been 110 km/h since the road has been there, perhaps it ought to stay. I would be interested to hear some of the arguments.

Clause passed.

Clauses 12 and 13 passed.

Clause 14—'Speed limiting.'

Mr INGERSON: I move:

Page 30—

After line 41—Insert new subsections as follows:

(1a) Where a person is found guilty of an offence, or expiates an offence, constituted of driving a vehicle of a kind referred to in section 53 at a speed in excess of 115 km/h, the Registrar must, if the vehicle is not of a kind required to comply with the regulations referred to in subsection (1), require the owner of the vehicle to modify the vehicle so that it complies with those regulations.

(1b) A requirement under subsection (1a) must be made by notice in writing and the notice must specify a period within which the modifications must be carried out.

(1c) Where a notice is issued under this section—

(a) the vehicle to which it relates must be modified so that it complies with the requirements of the regulations referred to in subsection (1) on or before the expiry of the period specified in the notice;

and

(b) the vehicle must not be driven after the expiry of that period if it does not comply with those requirements.

Line 42—Leave out 'subsection (1)' and insert 'this section'.

Page 40—

Line 2—Insert ', or in respect of which a notice has been issued under this section,' after 'apply'.

Line 4—Leave out 'that subsection' and substitute 'this section'.

We believe that people who are found guilty of an offence of driving a heavy vehicle in excess of 115 km/h should be required to modify that vehicle. The person should be notified in writing and a specified period should be given to them in which the modifications must be carried out. We recognise that that period needs to be reasonable because some of those changes to the vehicles will be quite extensive. However, we believe that, in the best interests of road safety in this State, we ought to be going down this line. As many members have said in their second reading contribution, there is a lot of concern in relation to the highways, and we believe that this is a measure which is in the best interests of road safety, and we commend the amendments to the Committee.

The Hon. FRANK BLEVINS: I am favourably disposed to this amendment. The reason why I am prepared to accept the amendment without taking further advice, unlike the earlier amendment moved by the member for Hayward, is that the problem this amendment is designed to deal with was originally canvassed by the Prime Minister or the officers—I am not quite sure whether it was the officers of the Federal department or the Minister—in the original black spot package. For some reason—which I cannot remember at the moment it disappeared from the package, but suffice to say it did. However, we were very happy for it to stay in the package.

In Victoria and New South Wales a provision similar to this has continued. It is a toughening up of the provision, and I am certainly not opposed to that. With one very minor exception—and that was to do with the wearing of motorcycle helmets at all times when the motorcycle is in motion, irrespective of the speed—my intention in bringing in this package was that it was identical to the request of the Federal Government. I did not want to go any further or any less; I simply could not go any less than what the Federal Government wanted, or we would not get the money, but I was not inclined to go one step further than it required. However, it was considered and we were certainly happy to support such a provision as this. New South Wales and Victoria have, even though the Federal Government no longer demands it. Given that we have had ample time to consider this matter, even though the amendment has just appeared, the principle has been considered by Government. There seems to be no reason at all why I cannot say here and now that we support it. Therefore, the Government will support the amendment.

Amendments carried; clause as amended passed.

Clause 15—'Safety helmets.'

Mr INGERSON: I move:

Page 43—

Lines 14 to 17—Leave out subsection (2a) and insert the following subsections:

(2a) A parent or other person having the custody or care of a child under the age of 16 years should take all reasonable steps to ensure that the child wears a safety helmet that complies with the regulations and is properly adjusted and securely fastened at all times while riding or being carried on a cycle.

(2ab) A person incurs no civil or criminal liability for failing to comply with subsection (2a).

After line 23—Insert new subsection as follows:

(2d) This section does not apply in relation to a child under the age of 16 years riding or being carried on a bicycle until 6 months after the commencement of section 15 of the Road Traffic Act Amendment Act (No. 4) 1990.

The Opposition believes that there is tremendous difficulty in making the law recognise that parents have control over the wearing of safety helmets by their children. The better way to do it is in two steps: one to recognise children over the age of 16 years and the other to recognise children under the age of 16 years. The Opposition also believes that it is important to recognise that, if parents are to be held responsible, the law should clearly note that parents, guardians or custodians have taken reasonable steps to ensure that the child wears a safety helmet.

The Opposition believes that we ought to adopt this method because, in Victoria and New South Wales, children under the age of 16 years are virtually only slapped on the wrist or given a smack on the bottom in terms of penalty. More severe penalties, that is, fines, apply for those over 16 years. We believe that it is unfair for the Government to place absolute responsibility in the hands of parents when there will be many times when that will not be possible.

It is also worth noting that, when a private member's Bill was introduced in the other place some time ago, the Minister spoke very strongly against the need for recognising parental control. The Opposition believes that these amendments make it a lot easier. They reflect the Opposition's understanding that the wearing of helmets should be compulsory, but they recognise that parents, in having a responsible role, also need to be given a reasonable amount of flexibility under this change in the law.

The Hon. FRANK BLEVINS: I oppose the amendments, the effect of which is to make the wearing of helmets for children voluntary. I know that is probably not the intention of the Opposition, but that is the effect. If there is no parental responsibility and there are no effective penalties, that would take about five minutes to be made known in this age group, and that would be very sad. There has been some misunderstanding of the degree of parental responsibility that is proposed in the Bill. Proposed new subsection (2a) of section 162c provides that a parent or other person having the custody or care of a child under the age of 16 years must not cause or permit the child to ride, etc.

I am advised that, in this instance, for example, if a child is instructed by a parent or a responsible person who has control of that child to ride to a deli but is told 'Don't worry about your helmet', that is 'cause'. Everyone in the House would agree that such an action would be utterly irresponsible. I am advised also that the words 'or permit' require the knowledge of a child not wearing a helmet and the parent being in a position to prevent this happening but not taking steps to do so. So, the parent must be in a position to know. In other words, for the parent to be guilty it would be necessary for the parent to know that the child was not wearing a helmet, to be in a position to do something about it, but then to do nothing about it.

It is important to impose some responsibility on parents in this area. In fact, I believe that many parents would welcome having the additional strength when dealing with at times fairly difficult and headstrong children. To have the law backing parents is very important as a general principle. It is something to which the Parliament ought to give a lot more consideration than it has in the past.

It is a pity, as I mentioned earlier, that in more general terms as regards offences the Parliament chose last year not to support the Government's proposition. It is a fact that unless this provision goes through it will be very quickly understood in the community that the wearing of helmets by children is, to all intents and purposes, voluntary, and there is nothing that either the parents or the police can do about it. Obviously, I will be forced to make such a statement. I will not mislead people by saying that they will get

into all kinds of dire trouble if they do not wear helmets; I will state quite clearly that, because of the Opposition's amendments, the wearing of helmets is, in effect, voluntary.

Mr INGERSON: That is a pretty disappointing answer from the Minister because, as he would know from interstate statistics, particularly in Victoria, where there is a much more lenient approach towards children under 14, about 90 per cent of children wear helmets. It is my understanding that the overall average in Victoria is already as high as 80 per cent. The sort of comments that the Minister has made are not backed up by what is happening in reality.

Whilst I accept in good faith the Minister's comments about what he believes the words 'cause' and 'or permit' to mean, the reality is that, when a judge looks at these particular statements, he will make an interpretation only of what is said in this particular statement. As I said, whilst I accept in good faith the Minister's comments, we all know that the Minister's guarantee and what is said in this place will not be taken into consideration when a judgment is made against a parent. I also accept the comment that there needs to be more responsibility in the family structure.

Taking the situation of a young person riding home from school or university, in the morning the parent may with all good intention advise the student to wear the helmet, and they go off in good faith doing so. But, surely the Minister cannot be saying to the Parliament that, when they come home at night and do not wear the helmet, the parent will still be responsible for that act and will have to pick up any fine that is set by this Parliament. That is just unfair and unreasonable, because the parent cannot possibly be anything else but responsible (in my understanding of this clause), and there is no way that the parent, guardian or anyone else could possibly know that the child had decided not to wear the helmet for whatever reason, be it peer pressure, because it was too hot or too cold or because he or she could not be bothered. Surely when we make our laws, they must be fair and reasonable, and I do not think that this clause is reasonable.

Any penalties that we include do not take into consideration the very large number of families in our community who are currently disadvantaged. As I mentioned in my second reading speech, there is no mention here of any extension of the rebate scheme. There is no mention in the second reading explanation of any significant promotion. The rebate scheme is very important for those people who are disadvantaged, and there is no mention of that. We have in this measure a system where parents will be asked to be responsible, but there is no attempt by the Government to make it easier for them to purchase helmets and be part of the scheme. I do not think that the overall responsibility can be upheld by this set of clauses.

The Hon. FRANK BLEVINS: The reference by the member for Bragg to the court's not taking into consideration what is said here is quite correct. However, that is really not the point. The fact that I say something or do not say something is not what the courts are concerned with. They are concerned with what is provided in the Act. My legal advice is that the meaning of the words 'cause or permit' is as I stated. It is not because I have stated it but because my legal advisers tell me that that is the legal effect of those words. Our courts system is available if someone wishes to challenge that. It is not because I said it that it is correct. I am taking it as correct because my legal advisers tell me that that is the legal meaning of those words.

In the example given to us by the member for Bragg, if the student was sent off in the morning with the helmet correctly fastened but was picked up by the police on the way home in the afternoon for not wearing the helmet, there is no way that the parent caused that to happen. The parent did not tell the child to ride home without the helmet, so the parent did not cause it to happen. Nor did the parent permit it to happen, because the parent was not in a position to prevent it. The parent would have permitted it only if he or she saw it and condoned it, etc. That is what the lawyers tell me, and I have no reason to disbelieve them.

So, given that explanation, the fears that people have about little Johnny or Mary taking off the helmet and mum and dad being pinged $34 every day because little Johnny or Mary did it every day are unfounded. There is no doubt that—and this is what will be in subsection (2a) of the Act if this amendment is carried—a parent or other person having the custody etc. should take all reasonable steps, etc., all sounds very reasonable. Then, pursuant to subsection (2ab), a person incurs no civil or criminal liability for failing to comply with subsection (2a). It is then voluntary—there are no ifs or buts. It may not have been the intention but, if it makes it voluntary for children, it is voluntary.

I could understand the arguments if for adults it was voluntary, not for children. That part of it for children is the part that concerns me—not so much for the adults, although we care for adults also. We assume that adults are able to reason and think for themselves. We do not say that for children; we make special laws for children because they are in a special category. I think that they need the protection of as strong an Act as we can make it without making it draconian.

We have had three phases of a rebate scheme already. If we are in a financial position to continue the schemes, we will. Obviously, I cannot give any guarantee of that. We will have to wait and see what happens in the budget. We have demonstrated our commitment to assisting children, disadvantaged or otherwise, to acquire helmets. I am advised that helmets are becoming cheaper, a bit more stylish and more accessible—and I think that that is important, although it perhaps should not be.

The member for Adelaide, in his second reading contribution, said that the on-cost of a helmet compared to the on-cost of a bicycle is not very great. I think that most people in the Committee would agree that helmets are necessary. I do not want to get into holds with the Opposition, but I will oppose the amendment.

Mr LEWIS: Three things exercise my mind in connection with this proposed amendment to which I drew attention in my second reading contribution. What happens in circumstances where the offending teenager is a ward of the State? Will you fine the Minister of Family and Community Services or will an offence be committed and the custodial institution of the State have to pay the State a fine? In other words, will the Government fine itself? How does the Minister really sanction this kind of behaviour?

Is a skateboard covered under the provisions of the legislation? There are plenty of them these days in parking lots, on pavements, beside roads, crossing intersections, and the like, where the riders—drivers of a vehicle, if you like—not only put themselves at risk but also put at risk the life and limbs of other people with whom they may collide. We are in this case talking about their own necks and skulls literally. Does the Minister believe that the legislation will extend to the circumstances where somebody who is riding a skateboard, although they do not have a licence to ride it (because they are not required to), is still subject to the rules of the road in every other respect as I understand it?

The Hon. FRANK BLEVINS: The law applies to anybody who is responsible for a child. That is the answer to

the first point. On the second point, skateboards ought not be allowed on the roads, anyway.

Progress reported; Committee to sit again.

ADJOURNMENT

At 12 midnight the House adjourned until Wednesday 6 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 5 March 1991

QUESTIONS ON NOTICE

CHILD CARE

189. **Mr BECKER (Hanson)** asked the Minister of Family and Community Services: Will consideration be given to the establishment of a pool of relief staff employed by the Children's Services Office and funded by the Department of Community Services and Health to ensure sufficient staff are available for emergency child care in child-care centres and, if not, why not?

The Hon. D.J. HOPGOOD: There is no central employment by the CSO for staff in child-care centres. Child-care centres in South Australia are run by non-Government incorporated bodies or local councils which manage the centres and employ all staff. Each child-care centre formulates a budget which takes account of relief staff needs. Budgets for subsidised child-care centres are approved by the Department of Community Services and Health (which provides funding towards the operation of these centres).

ADULT MATRICULATION

190. **Mr BECKER (Hanson)** on notice, asked the Minister of Education:

1. Will the Minister guarantee that adult matriculation students will not be required to share facilities such as libraries, study areas and classrooms with adolescent high school students when the Education Department takes over adult matriculation and, if not, why not?

2. Will the Minister guarantee that, when the department takes over adult matriculation, the students will continue to be taught by teachers with practical experience in teaching adults rather than high schoolteachers who are only experienced in teaching children and, if not, why not?

3. Will the Minister guarantee that adult matriculation students will continue to have the same choice of subjects and flexibility of timetables, particularly in night classes, when the department takes over adult matriculation and, if not, why not?

4. What will be the outlay for new buildings, teacher retraining and other facilities to establish the adult matriculation program under the department?

The Hon. C.J. CRAFTER: The replies are as follows:

1. Over 2 000 adults are already in secondary schools, most of whom are satisfactorily sharing classes and facilities with high school students. During 1991 a number of schools will be set up to cater specifically for adult enrolment. Others will enrol only adult and years 11 and 12 students, and some will establish separate senior campuses on 8-12 sites. These schools will provide flexible timetabling, evening classes, additional counselling services and facilities designed to meet the requirements of the adult learner. Where enrolment levels make it possible, adult only classes will be formed. A far greater range of post-compulsory and junior secondary options will be made available to adult students through these arrangements.

2. This question presumes that the skills needed to teach 16-19 year old school students are significantly different from those required to teach 16-19 year old students and adults returning to school. This is not necessarily the case, although there are some different requirements brought about by those who have been absent from formal studies for a year or more.

It is likely that very few DETAFE staff will opt to move to the Education Department when the transfer of responsibilities is effected. Nonetheless senior DETAFE staff will be contributing to training programs for school staff at senior colleges and campuses.

It has already been announced that one of the key priorities for the teacher development program during 1991 will be skills training for teachers of adult students. During 1991, a program of teacher training activities will be implemented in readiness for the complete transfer of responsibility for adult schooling which will take place from the commencement of 1992.

3. The transfer will result in a far greater range of subject options being made available to the adult learner. Between the senior colleges and campuses almost all the current PES and SAS options and, as from 1992, almost the full range of SACE subjects will be available to adult students.

Flexible teaching hours will be possible. Actual subject areas and senior college and campus locations of these will be subject to enrolment levels in these classes.

4. Teacher retraining will be part of the grant made to the Orphanage Foundation for 1991.

Some upgrading of senior colleges and campuses will be necessary, for example, to provide additional student facilities. This will be achieved by upgrading existing school buildings.

Planning for this program is proceeding and an estimate of final costs is not available.

Some of these works will be funded through the school rationalisation program, other works will be carried out within the annual upgrading program.

FOREIGN INVESTMENT

255. **Mr D. S. BAKER (Leader of the Opposition)** asked the Premier: Following his statement from London reported in The *Advertiser* of 24 October 1988 that after talks with the Plessey Company, the Dowty Group and Ferranti, all three companies had agreed to send representatives to South Australia to examine the potential for investment, when did representatives of each company visit South Australia and what have been the results?

The Hon. J.C. BANNON: The European defence industry scene is changing rapidly with both Plessey and Ferranti now being owned by GEC Marconi, which has a major production and engineering facility in Sydney. These changes have reduced the prospects for direct investment in South Australia. However, collaborative arrangements have been forged or are under negotiation between these companies and South Australian firms in relation to a number of projects including radar simulators and in towed array technology.

FISHING INDUSTRY

442. **Mr MEIER (Goyder)** asked the minister of Fisheries: Why is the Minister now refusing to restructure the buyback debt imposed on Gulf St Vincent prawn fishermen when he had previously decided in April to do so?

The Hon. LYNN ARNOLD: This question was answered in my ministerial statment in this House on 20 November 1990. I will reiterate the relevant comments for the honourable member in responding to this question. In late August 1990, fisheries management consultant Professor

Parzival Copes completed his second inquiry of the prawn fishery of Gulf St Vincent. This inquiry was agreed to after a request from the Gulf St Vincent Prawn Boat Owners Association. As part of the inquiry, Professor Copes examined a modified variant of the repayment schedule agreed by the Government in April 1990. Although not privy to what the association specifically presented to Professor Copes, the variations included the indexing of repayment thresholds, amendments to the Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987 with regard to transfer and the provision to upgrade vessels. These are the variations subsequently presented to the Department of Fisheries for consideration.

It should also be recognised that the arrangements approved in April 1990 would have continued had the industry itself not rejected their continuing application. This was done in writing at a meeting on 25 June 1990. Industry submitted:

The KPMG-PM model was proposed more than six months ago using data of the previous year's catch and was presented as one option, prior to government agreement that Professor Copes should review his previous enquiry and the future management of the fishery. When the KPMG-PM model was represented in March 1990 to the Minister, it was done with the clear indication that it was one option and that restructured repayments were dependent on the debt being an industry/licence holder liability, requiring amendment to the buy-back legislation. The Association does not accept that what was passed by Cabinet was what it sought. However, as it appears that the Minister has incurred a debt which must be repaid, the association agrees to pay the outstanding, requested surcharge repayments. It does so on the clear understanding that it does not acknowledge the restructured surcharge as the only option, and with the indication to the Minister, that the association will put the whole question of financial management to Professor Copes and fresh recommendations on it from him.

In his report Professor Copes was critical of the modified scheme and recommended that it not continue.

443. **Mr MEIER (Goyder)** asked the Minister of Fisheries: In fixing any proposed surcharge on Gulf St Vincent prawn licence-holders, will the Government—

(a) allow for the need of the licence holders to replace existing boats and other plant as recommended by Professor Copes; and

(b) take into account independent assets or incomes of the licence holders?

The Hon. LYNN ARNOLD: The replies are as follows:

(a) The need to replace and upgrade fishing vessels in any fishery is recognised. However, any upgrading must be accompanied by complementary reductions in effective effort elsewhere to ensure that the total effort expended by the fleet is contained within biologically acceptable levels. The Department of Fisheries is not recommending uprading until the Gulf St Vincent prawn stocks are rehabilitated, the potential effort increase is identified and agreed upon by industry and the necessary compensatory management arrangements are implemented. This is in effect a separate issue from the rationalisation surcharge arrangements.

(b) The Government directly, no. However, as advised in my ministerial statement of 20 November 1990, the Government has appointed an independent auditor (Mr T. Sheridan) to consider on application individual operators' capacity to pay the rationalisation surcharge and make recommendation to the Government. In assessing any application the auditor will fully consider an applicant's financial circumstances.

444. **Mr MEIER (Goyder)** asked the Minister of Fisheries: Why has the recommendation of Professor Copes to provide assistance to fishermen by the Government directly assuming loan repayments on the buy-back debt been rejected?

The Hon. LYNN ARNOLD: Again this was dealt with in my ministerial statement to this House on 20 November 1990. In this statement Professor Copes' recommendation that the Government assume a major share of the burden of restructuring the industry was rejected as the Government is already the guarantor for the debt. Any further assumption of the debt would be a misuse of taxpayer's funds in very tight economic circumstances. This view has been reinforced by a number of sectors of the fishing industry and the community in general.

POWER BOATS

460. **The Hon. B.C. EASTICK (Light)** asked the Minister of Water Resources:

1. Is there any restriction applying to the use of power boats in close proximity to the inlet point of the various Murray River pumping stations and, if so, what are the details?

2. Has thought been given to placing an embargo on such activity and if so, what are the details?

The Hon. S.M. LENEHAN: I am not sure whether Dr. Eastick is referring to Engineering and Water Supply Department operated pumping stations, of which there are thirty along the length of the River Murray in South Australia, or to the many hundreds of privately operated pumping stations for irrigation, stock and domestic water supplies. In both cases no regulations exist which prohibit boating in the general vicinity of pumping stations.

In the case of the department's pumping stations, most of the major installations are signposted with channel markers and prohibited entry signs. Some of the smaller installations are not signposted. Private pumping stations are generally not signposted. Complaints against power boat operators have been made by private diverters because of inadvertent swamping of pump motors and/or siltation of pump intakes caused by wave action. Such problems have generally been dealt with on a case by case basis, involving officers from the Engineering and Water Supply and Marine and Harbors departments. If Dr Eastick is aware of a particular problem then my officers would be glad to assist wherever possible, however, control of craft on the Murray River does rest with my colleague the Minister of Marine.

FOUNDATION SA

464. **Mr BECKER (Hanson)** asked the Minister of Health: Will the Minister request Foundation South Australia to make grants up to, say, $5 000 to any sporting club for the purchase of essential equipment similar to Victorian Health Foundation grants and, it not, why not?

The Hon. D.J. HOPGOOD: As the honourable member would be aware, Foundation SA is not subject to Ministerial control and direction. However, I have referred the honourable member's suggestion of small grants to individual sporting clubs to purchase essential equipment to the foundation for consideration.

DEPARTMENTAL AIRCRAFT

475. **Mr BECKER (Hanson)** asked the Minister for Environment and Planning:

1. How many employees of the Department of Environment and Planning hold pilots licences and are currently

employed on the West Coast and in the Mid-North and Far North?

2. What was the cost of operating departmental aircraft for each of the past two years and what log books were maintained?

3. Is a record kept of passengers carried by departmental aircraft and what authority is required to carry private non-departmental, non-Government passengers?

4. Have any departmental employee pilots been transferred for carrying non-authorised passengers during the past two years and, if so, who, and on how many occasions did they carry such passengers?

The Hon. S.M. LENEHAN: The replies are as follows:

1. No records are kept on the number of employees who hold pilots licences, however only one specific pilot is designated to fly the departmental aircraft.

2. 1989-90 $57 000
   1990-91 $37 300 (to date)
   Log Books—normal aviation log book;
   —plant hire hourly records.

3. Yes.
   Authority of the manager in charge of the department's Far North District based at Leigh Creek.

4. No; the same pilot has operated the aircraft since its acquisition in 1988.

SARGENT FUNDRAISING PTY LIMITED

477. **Mr BECKER (Hanson)** asked the Minister of Finance:

1. How did Sargent Fundraising Pty Limited receive a list of persons and organisations registered with the Small Lotteries Section?

2. How many complaints did the Section and Under-Treasurer receive that persons and organisations had received unsolicited mail from Sargent Fundraising Pty Limited?

3. Has the Under-Treasurer investigated claims made in promotional material issued by Sargent Fundraising Pty Limited in December 1990; if so, what were the findings and, if not, why not, and will such an investigation be undertaken forthwith?

The Hon. FRANK BLEVINS: The replies are as follows:

1. All licensed printers and suppliers of instant lottery tickets receive from the Small Lotteries Section copies of microfiche records which list the organisations to which licences have been issued under the lottery regulations and which indicates whether or not the licence is current. The regulations do not permit the supply of tickets to any organisation which does not hold a current lottery licence. The microfiche copy is provided to ensure that tickets are supplied only to those organisations which hold a current licence.

2. One.

3. The promotional material has been examined. It raises issues which are being considered as part of the current review of small lottery regulations.

ROAD MAINTENANCE GANGS

480. **Mr BECKER (Hanson)** asked the Minister of Transport:

1. Are Highways Department country road maintenance gangs authorised to pick up bottles and cans from the roadside during working hours and 'cash in' the bottles and cans for personal gain?

2. Are proceeds from such roadside bottle and can collections used for various depot parties and is such action approved by the Department and, if so, why?

The Hon. FRANK BLEVINS: The replies are as follows:

1. Yes. The Department of Road Transport's responsibility for maintenance of the arterial road network includes the cleaning up and disposal of roadside litter. The lowest cost of subsequent disposal of refundable bottles and cans is achieved by permitting employees to remove them rather than incurring the cost of selective loading and transport to recycling depots.

2. As a result of 1 above the department relinquishes the right to dictate as to the use of the proceeds.

E&WS DEPARTMENT

483. **Mr BECKER (Hanson)** asked the Minister of Water Resources:

1. Why does the E&WS Department need a new main frame computer?

2. Is the estimated cost $15 million and has State Computing investigated such a proposal and, if so, what recommendations were made and, if no investigation was undertaken, why not?

The Hon. S.M. LENEHAN The replies are as follows:

1. The Engineering and Water Supply Department needs to establish new computing arrangements to ensure the continuity of its critical business systems (including water and sewer rate billing, general accounting, materials supply) and to provide a platform for future developments and their integration. These systems are presently processed on equipment which is owned by either State Computing or the E&WS Department, and which is nearing the end of its economic and technological life. The capabilility of the proposed new computing arrangements to support the implementation of modern systems and effective communications between them, will lead to cost savings and further improvements in customer services.

2. Tenders have been called for the provision of the new equipment and supporting software. As negotiations with shortlisted suppliers are now under way, cost estimate information is confidential at this stage. In regard to the proposal, State Computing does not have an investigating responsibility—that responsibility is vested with the Government Management Board, which investigated and fully supported the E&WS Department's proposal.

LANDS DEPARTMENT CONFERENCE

486. **Mr BECKER (Hanson)** asked the Minister of Lands:

1. Was a conference attended by the Valuer-General held at Hahndorf on 8 and 9 November 1990 or thereabouts and, if so, who organised the conference, why and how many departmental persons attended?

2. Where was the conference held and where were the participants accommodated?

3. What was the total cost to the Department of Lands of the conference and how was this cost made up?

4. Did the Valuer-General pay up to $1 000 for the 'Happy Hour' prior to the commencement of the evening meal and if so, why and what was the actual amount paid?

5. Was the door of a bedroom occupied by a person attending the conference damaged and if so, how much was the occupant or the conference organiser charged to cover costs of the damage and were police called to intervene

over the disturbance and intervene in settlement of damages and if so, why?

The Hon. S.M. LENEHAN: The replies are as follows:

1. A conference organised by the Training and Development Committee of the Department of Lands was held at Hahndorf on 8 and 9 November 1990. The conference was attended by 102 departmental officers from 15 regional operations offices throughout South Australia. The Valuer-General attended and addressed the conference during the opening session and on two other occasions. The conference was an important part of the Department's training program in 1990 and the agenda was developed to promote an awareness to staff of the functions and responsibilities of the department, progress on major issues, new legislation and the development of the department's saleable products and corporate business. In all of these respects the conference was judged to be an outstanding success.

2. The conference was held at Hochstens and the departmental officers were accommodated within the complex.

3. The total cost to the Department of Lands for the conference was $11 820 including accommodation and meals.

4. The Valuer-General did not pay up to $1 000 for a 'Happy Hour'.

5. Damage to an internal timber frame wall, not a door, of one of the units did occur. The cost of effecting repairs was $510. The department initially settled the total cost and the persons incurring the damage were held responsible and have reimbursed the department. The police were not called in to intervene over any disturbance, nor were they called in to intervene in settlement of damages.

HOUSE OF ASSEMBLY

Tuesday 5 March 1991

QUESTIONS ON NOTICE

CHILD CARE

189. **Mr BECKER (Hanson)** asked the Minister of Family and Community Services: Will consideration be given to the establishment of a pool of relief staff employed by the Children's Services Office and funded by the Department of Community Services and Health to ensure sufficient staff are available for emergency child care in child-care centres and, if not, why not?

The Hon. D.J. HOPGOOD: There is no central employment by the CSO for staff in child-care centres. Child-care centres in South Australia are run by non-Government incorporated bodies or local councils which manage the centres and employ all staff. Each child-care centre formulates a budget which takes account of relief staff needs. Budgets for subsidised child-care centres are approved by the Department of Community Services and Health (which provides funding towards the operation of these centres).

ADULT MATRICULATION

190. **Mr BECKER (Hanson)** on notice, asked the Minister of Education:

1. Will the Minister guarantee that adult matriculation students will not be required to share facilities such as libraries, study areas and classrooms with adolescent high school students when the Education Department takes over adult matriculation and, if not, why not?

2. Will the Minister guarantee that, when the department takes over adult matriculation, the students will continue to be taught by teachers with practical experience in teaching adults rather than high schoolteachers who are only experienced in teaching children and, if not, why not?

3. Will the Minister guarantee that adult matriculation students will continue to have the same choice of subjects and flexibility of timetables, particularly in night classes, when the department takes over adult matriculation and, if not, why not?

4. What will be the outlay for new buildings, teacher retraining and other facilities to establish the adult matriculation program under the department?

The Hon. C.J. CRAFTER: The replies are as follows:

1. Over 2 000 adults are already in secondary schools, most of whom are satisfactorily sharing classes and facilities with high school students. During 1991 a number of schools will be set up to cater specifically for adult enrolment. Others will enrol only adult and years 11 and 12 students, and some will establish separate senior campuses on 8-12 sites. These schools will provide flexible timetabling, evening classes, additional counselling services and facilities designed to meet the requirements of the adult learner. Where enrolment levels make it possible, adult only classes will be formed. A far greater range of post-compulsory and junior secondary options will be made available to adult students through these arrangements.

2. This question presumes that the skills needed to teach 16-19 year old school students are significantly different from those required to teach 16-19 year old students and adults returning to school. This is not necessarily the case, although there are some different requirements brought about by those who have been absent from formal studies for a year or more.

It is likely that very few DETAFE staff will opt to move to the Education Department when the transfer of responsibilities is effected. Nonetheless senior DETAFE staff will be contributing to training programs for school staff at senior colleges and campuses.

It has already been announced that one of the key priorities for the teacher development program during 1991 will be skills training for teachers of adult students. During 1991, a program of teacher training activities will be implemented in readiness for the complete transfer of responsibility for adult schooling which will take place from the commencement of 1992.

3. The transfer will result in a far greater range of subject options being made available to the adult learner. Between the senior colleges and campuses almost all the current PES and SAS options and, as from 1992, almost the full range of SACE subjects will be available to adult students.

Flexible teaching hours will be possible. Actual subject areas and senior college and campus locations of these will be subject to enrolment levels in these classes.

4. Teacher retraining will be part of the grant made to the Orphanage Foundation for 1991.

Some upgrading of senior colleges and campuses will be necessary, for example, to provide additional student facilities. This will be achieved by upgrading existing school buildings.

Planning for this program is proceeding and an estimate of final costs is not available.

Some of these works will be funded through the school rationalisation program, other works will be carried out within the annual upgrading program.

FOREIGN INVESTMENT

255. **Mr D. S. BAKER (Leader of the Opposition)** asked the Premier: Following his statement from London reported in The *Advertiser* of 24 October 1988 that after talks with the Plessey Company, the Dowty Group and Ferranti, all three companies had agreed to send representatives to South Australia to examine the potential for investment, when did representatives of each company visit South Australia and what have been the results?

The Hon. J.C. BANNON: The European defence industry scene is changing rapidly with both Plessey and Ferranti now being owned by GEC Marconi, which has a major production and engineering facility in Sydney. These changes have reduced the prospects for direct investment in South Australia. However, collaborative arrangements have been forged or are under negotiation between these companies and South Australian firms in relation to a number of projects including radar simulators and in towed array technology.

FISHING INDUSTRY

442. **Mr MEIER (Goyder)** asked the minister of Fisheries: Why is the Minister now refusing to restructure the buyback debt imposed on Gulf St Vincent prawn fishermen when he had previously decided in April to do so?

The Hon. LYNN ARNOLD: This question was answered in my ministerial statment in this House on 20 November 1990. I will reiterate the relevant comments for the honourable member in responding to this question. In late August 1990, fisheries management consultant Professor

Parzival Copes completed his second inquiry of the prawn fishery of Gulf St Vincent. This inquiry was agreed to after a request from the Gulf St Vincent Prawn Boat Owners Association. As part of the inquiry, Professor Copes examined a modified variant of the repayment schedule agreed by the Government in April 1990. Although not privy to what the association specifically presented to Professor Copes, the variations included the indexing of repayment thresholds, amendments to the Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987 with regard to transfer and the provision to upgrade vessels. These are the variations subsequently presented to the Department of Fisheries for consideration.

It should also be recognised that the arrangements approved in April 1990 would have continued had the industry itself not rejected their continuing application. This was done in writing at a meeting on 25 June 1990. Industry submitted:

The KPMG-PM model was proposed more than six months ago using data of the previous year's catch and was presented as one option, prior to government agreement that Professor Copes should review his previous enquiry and the future management of the fishery. When the KPMG-PM model was represented in March 1990 to the Minister, it was done with the clear indication that it was one option and that restructured repayments were dependent on the debt being an industry/licence holder liability, requiring amendment to the buy-back legislation. The Association does not accept that what was passed by Cabinet was what it sought. However, as it appears that the Minister has incurred a debt which must be repaid, the association agrees to pay the outstanding, requested surcharge repayments. It does so on the clear understanding that it does not acknowledge the restructured surcharge as the only option, and with the indication to the Minister, that the association will put the whole question of financial management to Professor Copes and fresh recommendations on it from him.

In his report Professor Copes was critical of the modified scheme and recommended that it not continue.

443. **Mr MEIER (Goyder)** asked the Minister of Fisheries: In fixing any proposed surcharge on Gulf St Vincent prawn licence-holders, will the Government—

(a) allow for the need of the licence holders to replace existing boats and other plant as recommended by Professor Copes; and

(b) take into account independent assets or incomes of the licence holders?

The Hon. LYNN ARNOLD: The replies are as follows:

(a) The need to replace and upgrade fishing vessels in any fishery is recognised. However, any upgrading must be accompanied by complementary reductions in effective effort elsewhere to ensure that the total effort expended by the fleet is contained within biologically acceptable levels. The Department of Fisheries is not recommending uprading until the Gulf St Vincent prawn stocks are rehabilitated, the potential effort increase is identified and agreed upon by industry and the necessary compensatory management arrangements are implemented. This is in effect a separate issue from the rationalisation surcharge arrangements.

(b) The Government directly, no. However, as advised in my ministerial statement of 20 November 1990, the Government has appointed an independent auditor (Mr T. Sheridan) to consider on application individual operators' capacity to pay the rationalisation surcharge and make recommendation to the Government. In assessing any application the auditor will fully consider an applicant's financial circumstances.

444. **Mr MEIER (Goyder)** asked the Minister of Fisheries: Why has the recommendation of Professor Copes to provide assistance to fishermen by the Government directly assuming loan repayments on the buy-back debt been rejected?

The Hon. LYNN ARNOLD: Again this was dealt with in my ministerial statement to this House on 20 November 1990. In this statement Professor Copes' recommendation that the Government assume a major share of the burden of restructuring the industry was rejected as the Government is already the guarantor for the debt. Any further assumption of the debt would be a misuse of taxpayer's funds in very tight economic circumstances. This view has been reinforced by a number of sectors of the fishing industry and the community in general.

POWER BOATS

460. **The Hon. B.C. EASTICK (Light)** asked the Minister of Water Resources:

1. Is there any restriction applying to the use of power boats in close proximity to the inlet point of the various Murray River pumping stations and, if so, what are the details?

2. Has thought been given to placing an embargo on such activity and if so, what are the details?

The Hon. S.M. LENEHAN: I am not sure whether Dr. Eastick is referring to Engineering and Water Supply Department operated pumping stations, of which there are thirty along the length of the River Murray in South Australia, or to the many hundreds of privately operated pumping stations for irrigation, stock and domestic water supplies. In both cases no regulations exist which prohibit boating in the general vicinity of pumping stations.

In the case of the department's pumping stations, most of the major installations are signposted with channel markers and prohibited entry signs. Some of the smaller installations are not signposted. Private pumping stations are generally not signposted. Complaints against power boat operators have been made by private diverters because of inadvertent swamping of pump motors and/or siltation of pump intakes caused by wave action. Such problems have generally been dealt with on a case by case basis, involving officers from the Engineering and Water Supply and Marine and Harbors departments. If Dr Eastick is aware of a particular problem then my officers would be glad to assist wherever possible, however, control of craft on the Murray River does rest with my colleague the Minister of Marine.

FOUNDATION SA

464. **Mr BECKER (Hanson)** asked the Minister of Health: Will the Minister request Foundation South Australia to make grants up to, say, $5 000 to any sporting club for the purchase of essential equipment similar to Victorian Health Foundation grants and, it not, why not?

The Hon. D.J. HOPGOOD: As the honourable member would be aware, Foundation SA is not subject to Ministerial control and direction. However, I have referred the honourable member's suggestion of small grants to individual sporting clubs to purchase essential equipment to the foundation for consideration.

DEPARTMENTAL AIRCRAFT

475. **Mr BECKER (Hanson)** asked the Minister for Environment and Planning:

1. How many employees of the Department of Environment and Planning hold pilots licences and are currently

employed on the West Coast and in the Mid-North and Far North?

2. What was the cost of operating departmental aircraft for each of the past two years and what log books were maintained?

3. Is a record kept of passengers carried by departmental aircraft and what authority is required to carry private non-departmental, non-Government passengers?

4. Have any departmental employee pilots been transferred for carrying non-authorised passengers during the past two years and, if so, who, and on how many occasions did they carry such passengers?

The Hon. S.M. LENEHAN: The replies are as follows:

1. No records are kept on the number of employees who hold pilots licences, however only one specific pilot is designated to fly the departmental aircraft.

2. 1989-90 $57 000
   1990-91 $37 300 (to date)
   Log Books—normal aviation log book;
   —plant hire hourly records.

3. Yes.
   Authority of the manager in charge of the department's Far North District based at Leigh Creek.

4. No; the same pilot has operated the aircraft since its acquisition in 1988.

SARGENT FUNDRAISING PTY LIMITED

477. **Mr BECKER (Hanson)** asked the Minister of Finance:

1. How did Sargent Fundraising Pty Limited receive a list of persons and organisations registered with the Small Lotteries Section?

2. How many complaints did the Section and Under-Treasurer receive that persons and organisations had received unsolicited mail from Sargent Fundraising Pty Limited?

3. Has the Under-Treasurer investigated claims made in promotional material issued by Sargent Fundraising Pty Limited in December 1990; if so, what were the findings and, if not, why not, and will such an investigation be undertaken forthwith?

The Hon. FRANK BLEVINS: The replies are as follows:

1. All licensed printers and suppliers of instant lottery tickets receive from the Small Lotteries Section copies of microfiche records which list the organisations to which licences have been issued under the lottery regulations and which indicates whether or not the licence is current. The regulations do not permit the supply of tickets to any organisation which does not hold a current lottery licence. The microfiche copy is provided to ensure that tickets are supplied only to those organisations which hold a current licence.

2. One.

3. The promotional material has been examined. It raises issues which are being considered as part of the current review of small lottery regulations.

ROAD MAINTENANCE GANGS

480. **Mr BECKER (Hanson)** asked the Minister of Transport:

1. Are Highways Department country road maintenance gangs authorised to pick up bottles and cans from the roadside during working hours and 'cash in' the bottles and cans for personal gain?

2. Are proceeds from such roadside bottle and can collections used for various depot parties and is such action approved by the Department and, if so, why?

The Hon. FRANK BLEVINS: The replies are as follows:

1. Yes. The Department of Road Transport's responsibility for maintenance of the arterial road network includes the cleaning up and disposal of roadside litter. The lowest cost of subsequent disposal of refundable bottles and cans is achieved by permitting employees to remove them rather than incurring the cost of selective loading and transport to recycling depots.

2. As a result of 1 above the department relinquishes the right to dictate as to the use of the proceeds.

E&WS DEPARTMENT

483. **Mr BECKER (Hanson)** asked the Minister of Water Resources:

1. Why does the E&WS Department need a new main frame computer?

2. Is the estimated cost $15 million and has State Computing investigated such a proposal and, if so, what recommendations were made and, if no investigation was undertaken, why not?

The Hon. S.M. LENEHAN The replies are as follows:

1. The Engineering and Water Supply Department needs to establish new computing arrangements to ensure the continuity of its critical business systems (including water and sewer rate billing, general accounting, materials supply) and to provide a platform for future developments and their integration. These systems are presently processed on equipment which is owned by either State Computing or the E&WS Department, and which is nearing the end of its economic and technological life. The capabilility of the proposed new computing arrangements to support the implementation of modern systems and effective communications between them, will lead to cost savings and further improvements in customer services.

2. Tenders have been called for the provision of the new equipment and supporting software. As negotiations with shortlisted suppliers are now under way, cost estimate information is confidential at this stage. In regard to the proposal, State Computing does not have an investigating responsibility—that responsibility is vested with the Government Management Board, which investigated and fully supported the E&WS Department's proposal.

LANDS DEPARTMENT CONFERENCE

486. **Mr BECKER (Hanson)** asked the Minister of Lands:

1. Was a conference attended by the Valuer-General held at Hahndorf on 8 and 9 November 1990 or thereabouts and, if so, who organised the conference, why and how many departmental persons attended?

2. Where was the conference held and where were the participants accommodated?

3. What was the total cost to the Department of Lands of the conference and how was this cost made up?

4. Did the Valuer-General pay up to $1 000 for the 'Happy Hour' prior to the commencement of the evening meal and if so, why and what was the actual amount paid?

5. Was the door of a bedroom occupied by a person attending the conference damaged and if so, how much was the occupant or the conference organiser charged to cover costs of the damage and were police called to intervene

over the disturbance and intervene in settlement of damages and if so, why?

The Hon. S.M. LENEHAN: The replies are as follows:

1. A conference organised by the Training and Development Committee of the Department of Lands was held at Hahndorf on 8 and 9 November 1990. The conference was attended by 102 departmental officers from 15 regional operations offices throughout South Australia. The Valuer-General attended and addressed the conference during the opening session and on two other occasions. The conference was an important part of the Department's training program in 1990 and the agenda was developed to promote an awareness to staff of the functions and responsibilities of the department, progress on major issues, new legislation and the development of the department's saleable products and corporate business. In all of these respects the conference was judged to be an outstanding success.

2. The conference was held at Hochstens and the departmental officers were accommodated within the complex.

3. The total cost to the Department of Lands for the conference was $11 820 including accommodation and meals.

4. The Valuer-General did not pay up to $1 000 for a 'Happy Hour'.

5. Damage to an internal timber frame wall, not a door, of one of the units did occur. The cost of effecting repairs was $510. The department initially settled the total cost and the persons incurring the damage were held responsible and have reimbursed the department. The police were not called in to intervene over any disturbance, nor were they called in to intervene in settlement of damages.