LEGISLATIVE COUNCIL

Tuesday 1 April 1980

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

PETITION: WOMEN'S ADVISER

A petition signed by 105 citizens of South Australia praying that the Council would urge the Government immediately to appoint a women's adviser to the Department of Further Education was presented by the Hon. Anne Levy.

Petition received and read.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute

Road Traffic Act, 1961-1979—Regulations—Accident Damage.

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute

District Council of Kadina—

By-law No. 1—Hoardings.
By-law No. 3—Noisy Trades.
By-law No. 5—Proceedings of Council.
By-law No. 6—Slaughterhouses.
By-law No. 7—Traffic.
By-law No. 8—Height of Fences, etc.
By-law No. 9—Wrapping of Bread.
By-law No. 10—Cellars.
By-law No. 11—Fires.
By-law No. 12—Flags and Flagpoles.
By-law No. 14—Newspapers and Merchandise.
By-law No. 15—Public Health.
By-law No. 16—Restaurants and Fish Shops.
By-law No. 17—Signboards.
By-law No. 20—Advertisements.
By-law No. 21—Bees.
By-law No. 22—Driving Cattle and Horses Through Streets.
By-law No. 23—Garbage Bins.
By-law No. 24—Inflammable Undergrowth.
By-law No. 27—Nuisances.
By-law No. 29—Water Reserves.
By-law No. 30—Firebreaks.
By-law No. 31—Keeping of Dogs.

District Council of Strathalbyn—By-law No. 19—Control of Caravans.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute

Adoption of Children Act, 1966-1978—Regulations.
Woods and Forests Department—Report, 1978-79.
South Australian Health Commission Act, 1975-1978—Mount Gambier Hospital Inc.—By-laws.
South Australian Meat Corporation Act, 1936-1977—Review of the Structure and Operation of the South Australian Meat Corporation, for the period 1976-77 to 1978-79.

By the Minister of Consumer Affairs (Hon. J. C. Burdett)—

Pursuant to Statute

Commissioner for Consumer Affairs—Report for year ended 31 November 1979.

QUESTIONS

MR. O'NEILL

The Hon. B. A. CHATTERTON: I seek leave to make an explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about Mr. O'Neill.

Leave granted.

The Hon. B. A. CHATTERTON: In reply to a question from the member for Hanson about the guilt or otherwise of the Minister of Agriculture in victimising public servants in his department for political activities, the Minister stated on 11 October 1979:

> Mr. D. O'Neill, for example, was involved in discussions which were proceeding regarding a contract—not a Public Service appointment. Mr. O'Neill is an officer of the Commonwealth Public Service, the Department of National Development, and has never worked in the overseas project unit. We decided not to proceed with that arrangement. It may be said that there were political connotations or involvement between the parties involved in those discussions, but I have never met the gentleman and, on the advice received, I have not proceeded with his employment.

Following the printing of this answer, I asked the Minister to explain his remarks and asked him to divulge from where he had "received advice", particularly that advice concerning his allegations of "political connotations". However, the reply to my questions was quite unsatisfactory. I suppose, in view of the pattern that is emerging concerning questions from this side of the House, that I should be grateful that I received an answer at all. The Minister shuffled out of my question on the grounds that no contract had been signed. I am (and was) well aware of that fact.

Mr. O'Neill had received a letter from the Director of Agriculture and Fisheries offering him a contract position, which he had accepted. I might add that this contract was offered after the Director and senior officers had exhaustively interviewed Mr. O'Neill and subsequently negotiated the terms and conditions that were finally offered him. The offer was later summarily withdrawn by telephone. Such a letter of offer is normally considered in the Public Service to be sufficient evidence of good faith in matters of this type of appointment. In fact, I can well recall a case early in my term as Minister when someone had worked for 17 years in the Department of Agriculture on the basis of that type of letter. Naturally Mr. O'Neill had no cause to suspect that such a letter would be dishonoured.

On that basis, he put his house in Canberra on the market and began to prepare to move himself and his family to Adelaide. His children were told of the move and they were prepared for new schools. The reason I raise this matter again is that the Minister said he cancelled the appointment on the basis of "advice received".

Last week, on receipt of a reply to another question, I pointed out that the Minister had been very seriously misled in the advice he received when he created the position of Director-General of Agriculture. In the Minister's reply to the Hon. Mr. Blevins's questioning of why the appointment was made there were three serious errors. The reply stated that the Public Service Board had investigated and approved the proposal for the previous Government. In fact, the previous Government had no plans for a Director of Agriculture, let alone a Director-General. We were perfectly satisfied with the Department of Agriculture and Fisheries that we had established.

The reply also stated that the proposal was on the previous Minister's desk for him to submit the proposal to

Executive Council. When Labor held Government it was not the practice for Ministers to submit matters direct to Executive Council; we always submitted our recommendations to Cabinet first. Of course, all this could be dismissed as relatively trivial, and indeed the present Minister implies in his answer that the change only resulted in a "pooh-bah" promotion of the officer concerned, but the whole matter is important because it casts doubt on the quality of the advice the Minister is receiving and, as it has a definite bearing on the advice he claims he received regarding Mr. O'Neill's appointment, it cannot be dismissed so lightly.

Mr. O'Neill's career opportunities have been seriously blighted by the implied skulduggery concerning his appointment, and he has incurred considerable cost to himself and his family in the matter of moving to Adelaide. I believe the Minister has a duty to review the advice he received on that occasion and to see whether the accusation of "political connotation or involvement between the parties involved in these discussions" can in any way be justified. My questions are as follows:

What was the advice the Minister of Agriculture received on the question of Mr. O'Neill's appointment? What is the "political connotation" to which the Minister referred? Who were "the parties" involved in the appointment of Mr. O'Neill other than the Director of Agriculture and Fisheries and officers of the Department of Agriculture and Fisheries? Will the Minister at least apologise to Mr. O'Neill if these answers show that the advice he received was unsatisfactory?

The Hon. J. C. BURDETT: I will refer those questions to my colleague and bring down a reply.

PERSONAL EXPLANATION: SALE OF SHARES

The Hon. D. H. LAIDLAW: I seek leave to make a personal explanation concerning the Hon. Mr. Chatterton and the sale of shares by the Government in Zed and Sons Pty. Ltd.

Leave granted.

The Hon. D. H. LAIDLAW: On Thursday last, the Hon. Mr. Chatterton, in a personal explanation, said that I had asked a question in this Chamber that contained implications that he, as the previous Minister of Forests, had acted improperly in the sale of shares in Zed and Sons—"implied skulduggery" were the words that he used later in his explanation. The Hon. Mr. Chatterton went on to say that the present Government is putting its personal staff on a sordid search through the files of Government departments in an attempt to find material with which to smear the previous Labor Government. He added, with a touch of melodrama, that this was an obvious and indeed odious contravention of the Westminster Parliamentary convention and that there should be some decency in the affairs of Government.

Members interjecting:

The PRESIDENT: Order!

The Hon. D. H. LAIDLAW: I wish to remind the Hon. Mr. Chatterton that, although I am within 14 years of qualifying for a pension, I can still read, write, hear and even see with the aid of glasses which I have worn for the past 35 years, and I do not need the assistance of the Minister's personal staff to help me gather information with which to frame a question.

I happened last Thursday to be reading the Auditor-General's Report for 1979 which stated that the Woods and Forests Department had sold its holding of shares in Zed and Sons to the South Australian Timber Corporation. This aroused my curiosity, in view of the amendments passed in this Chamber last year when the Bill to establish the Timber Corporation was debated. I looked at the relevant sections of the Forestry and the Timber Corporation Acts relating to the powers of the department and the corporation respectively. This research, without any sordid support from the personal staff of Ministers, took all of 30 minutes between the end of a Party meeting until I had fried mullet for my lunch. My curiosity was aroused and I decided to ask a question.

I wish to add that, since entering this Chamber, I have endeavoured to concentrate on issues and to avoid making snide remarks about members opposite. However, if one asks a question about the administration of a department it seems reasonable to assume that the Minister responsible knew something about the matter.

T.A.B. PAY-OUT

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Recreation and Sport a question about T.A.B. pay-outs.

Leave granted.

The Hon. R. C. DeGARIS: I have asked this question on a number of occasions before, and nothing ever eventuated from it. I will try again, seeing that we have a new Minister.

The Hon. N. K. Foster: Half your luck, Ren.

The Hon. R. C. DeGARIS: I am always trying. The point is that in the pay-outs for T.A.B. on place betting, if $2 000 is invested on a race and $1 000 is invested on one particular horse, after the T.A.B. takes out its requisite sum, in that case the pool is then divided three ways. If the pool is, say, $500 on each horse, $500 must be taken from the dividend of two of the placed horses to make up the sum for one horse that may be at odds on. This seems to me to be an unjust way in which dividends should be paid from the T.A.B. I have requested that this matter be investigated in an attempt to find some other system that is fair in relation to horses placed in the race. Will the Minister re-examine this question?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Minister of Recreation and Sport and bring down a reply.

PETROL POLICY

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General a question about letters to the Editor in relation to petrol pricing.

Leave granted.

The Hon. N. K. FOSTER: I recall about a year ago a member of a Minister's staff directing correspondence to the Editor of the *Advertiser* and that matter's being raised in this Chamber by a then very senior member of the Opposition, in respect to that particular letter. The writer of that letter was a candidate in the forthcoming election for the Legislative Council. It was suggested that the correspondent, as a loyal member of a Minister's staff, was not entitled to put forward a private view on such matters. However, this morning's *Advertiser* contains a second letter from a person who signs as "B. R. Hardy". The letter deals with petrol pricing and is an attack on the Labor Party's policy in this matter; it is also an attack upon Mr. Keating, the Federal Shadow Minister, who undoubtedly when Minister will take up the cudgels left by

the late Rex Connor before the end of the year. The letter states:

> He [Mr. Keating] also promises to hold the price of petrol to the motorist to 40 per cent cheaper than that charged under present Liberal Government policy.

The letter continues:

> What he refuses to acknowledge is that the true value of Australia's locally produced oil is the price we would have to pay for substitute oil from overseas—the import parity price.

What that woman overlooks is the fact that at the spot market in Holland the power generating authorities of the United States are paying more than $60 a barrel. Is this the sort of price that this woman (who I suspect is a senior staff member of a Minister of this Government), is advocating? In taking advantage—

The Hon. Anne Levy: Which Minister?

The Hon. N. K. FOSTER: I will mention the Minister by way of question. This woman says more in her letter. However, elsewhere in the *Advertiser* appears a report under the heading, "Surprise profit lift by B.P.". Members opposite should get ready for this shock: it is a lift not of 5 per cent but of 59·1 per cent. The report states:

> B.P. obviously scored handsomely in its petroleum marketing operations particularly in the December half-year.

That is the result of the price parity policy of the Fraser Government, a policy which is interfering with the whole structure of the cost of living in Australia, and particularly South Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I therefore ask the Attorney-General, as Leader of the Government in the Council, whether the writer of the letter to which I have referred is a senior member of the personal staff of the Minister of Environment? Also, does the enormous profit made by B.P. which is attributable to world price parity impose an undue burden on the housewives of this State because of the effect that it has on the general price structure of groceries or anything else that one cares to name?

The Hon. K. T. GRIFFIN: I am not aware whether or not the correspondent to whom the honourable member has referred is a member of any Minister's staff. However, I will make some inquiries and check the veracity of the information that the honourable member is alleging. Regarding the profit made by B.P., that matter is of a fairly complex nature. I will have someone look at it and try to bring back a reply.

The Hon. N. K. FOSTER: By way of a supplementary question, I state that if the person involved is, in fact, a member of a Minister's staff, he or she has the right to write letters to the paper. However, the person involved should be fair and state who he or she is and for whom he or she works, as occurs as a result of the policy of some national daily and weekly papers.

SEX DISCRIMINATION ACT

The Hon. BARBARA WIESE: I seek leave to make a brief statement before asking the Minister of Consumer Affairs a question regarding the Sex Discrimination Act.

Leave granted.

The Hon. BARBARA WIESE: On 4 February this year a conference on women in sport and recreation was held in Adelaide. It was attended by a diverse, but representative, group of people, all sharing a common interest in sport and recreation. These people included sports women and men, sport administrators, public servants, health workers, and many others.

A number of recommendations came from the conference, including a recommendation that the Sex Discrimination Act be amended by removing the section relating to the exemption of sporting clubs. The conference recommended that, in principle, sporting clubs should not be excluded from the Act and should be able to claim an exemption in specific circumstances only. I understand that the Minister has been notified of this recommendation. Is the Minister sympathetic to this idea, and does he intend to take action to amend the Sex Discrimination Act in the manner suggested by the conference?

The Hon. J. C. BURDETT: The matter was brought to my notice yesterday by letter, and I have directed that it be investigated. When I have received the report of the investigations, I will determine my attitude to it.

ENERGY SAVING

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Minister of Housing a question regarding energy saving in buildings.

Leave granted.

The Hon. L. H. DAVIS: Buildings use more than half of the nation's energy and, with the rising price of energy, obviously architects and engineers are examining ways of reducing future fuel costs in buildings. Energy savings may well be effected by an initial increase in the cost of a building. When we discuss buildings, we talk not only of housing but also of office buildings and factories.

A recent study carried out by the City of Liverpool in Britain asked the question, "What are the priorities that the city should have for its building stock?" The study showed that most building stock directly controlled by the city was schools and that alterations in designs could result in a significant energy saving. A recent article by the architectural correspondent for the *Financial Times* made the point that there was a need to see buildings as a part of the energy system based on a building's energy performance.

This approach operates already in the United States, giving much more opportunity to architects and designers to demonstrate their innovative skills. The professional input into the energy saving and building construction process demands a more integrated approach. It is pleasing to see that a local firm, namely, Uniroyal, has spent some time and effort in designing a house especially along those lines of saving energy, and that it has received much publicity in the media over recent months.

The Minister may care to direct my question to the Minister of Public Works and the Minister of Education, as the buildings that have come under the State Government's umbrella also include those areas. Will the Minister say to what extent the Housing Trust is involved in energy conservation in its building projects, and also to what degree the Public Buildings Department and the Education Department are pursuing a programme which will result in energy saving?

The Hon. C. M. HILL: The Housing Trust is experimenting with energy-saving designs and appliances in its homes. As the honourable member said, the private sector is also involved in experimentation. I have had the pleasure of discussions with the Uniroyal organisation which has built one experimental house and which is at present monitoring the results of living in that house. The best way to formulate a comprehensive reply to the honourable member is to consult with my Ministerial colleagues to whom he has referred and bring back one reply covering all areas.

DEMAC CONSTRUCTION

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Public Works, a question about the closing down of the Demac section of the Public Buildings Department.

Leave granted.

The Hon. J. E. DUNFORD: It was with deep concern that I read a letter to the Editor in the *News* on 24 March. That letter was indicative of the feelings of the community, and many letters of complaint about the Government's activities are not printed. This brief letter which was signed by Eileen Patrick of Blair Athol and which was headed "The job rot", stated:

> What went wrong with the plans of Mr. Tonkin and the retailers to stop the job rot? An increase of 10 600 unemployed since November, putting South Australia on top of all States in unemployment figures, is a great effort.

In the *News* of the same date, a report dealt with the Demac situation in the Public Buildings Department. The report, which was headed "Workers plead for jobs", stated:

> Jobs would be lost and $1 500 000 in stock, plant and buildings would be left idle by the South Australian Government's decision to close the Public Buildings Department's Demac construction division, it was claimed today.

The report further stated:

> But the Demac workshop's committee believes the decision will result in further unemployment in the State.

The report then went on to give the reasons as follows:

> A spokesman said today, "We're virtually only assemblers. Private enterprise is responsible for 82 per cent of our work. The firms that supply us with material will have to cut back. It's a waste of a most efficient department."

As the report indicated, that department has not gone broke. The article continued:

> The spokesman agreed demand for the units had fallen, but said Demac still was making a net profit of $2 000 a week, and some contracts were not being accepted because of the closure.
>
> "There's no need to close," the spokesman said. "Victoria, apparently, has about $3 000 000 to spend and we've been told the South Australian Government has refused the contract. The Western Australian Government is also interested. A number of South Australian Government departments also have shown interest in demountable buildings, and personal inspections and phone inquiries are made regularly at the Netley workshop."

It has been reported that the Minister of Public Works is in favour with the trade union movement. I attend the Trades Hall club at least once a fortnight, and I have never heard any trade union leader, secretary or organiser say anything good about Mr. Brown; in fact, what is said is to the contrary. As an ex-trade union official, and as I have indicated many times before—

The PRESIDENT: Order! I agree that the honourable member has done that before, but his remarks are not a part of the explanation.

The Hon. J. E. DUNFORD: I just want to dissociate myself from the remarks made in the press about Mr. Brown. I ask the Minister what the Liberal Government intends to do with the reported $1 500 000 in stock, plant and buildings left idle as a result of the South Australian Government's decision to close the Public Buildings Department Demac Construction Division. In view of the report's stating that the Demac programme is still showing a profit, why has the South Australian Government refused a $3 000 000 contract from Victoria? Will the Minister give an undertaking to have a meeting with the unions representing the employees of the Demac unit, with strong consideration being given to not closing this viable operation on 30 June?

The Hon. J. C. BURDETT: I will consult with my colleague in another place and bring back a reply.

HOUSING TRUST HOMES

The Hon. M. B. CAMERON: Has the Minister of Housing an answer to the question I asked recently about sale contracts and caveats on titles involved in the resale of Housing Trust homes?

The Hon. C. M. HILL: The reason for incorporating a repurchase clause into South Australian Housing Trust rental purchase agreements was to obviate a tenant occupying a rental unit on an employment priority, particularly in country areas, purchasing and then reselling privately, leaving the trust no vacancy for the replacement obtained by the employer. The repurchase clause was in agreement with the principles laid down by the then current Commonwealth-State Housing Agreement. In practice, the trust has always been flexible in interpreting this encumbrance, and in fact has often waived it.

As houses are no longer being sold under this Act at concessional interest rates, and as sales are at market value and finance has to be obtained from external sources, the repurchase clause no longer serves a useful purpose and will not be included in future contracts. In cases where this clause already exists, the trust will consider each case on the merits relating to the purpose for resale, within a general policy of not normally exercising the right of repurchase. With particular reference to the honourable member's constituents, the trust will withdraw the caveat on the title.

The Hon. M. B. CAMERON: I am extremely gratified to find that the caveats are to be taken off the title in respect of houses of constituents on whose behalf I asked the question. However, I am concerned that there may be a number of people in the State with the same restriction on their title which, in that case, meant that any resale in a period of 10 years would have to be done on the basis of the trust's receiving the first offer at the original purchase price. That was a harsh restriction on these people. While I accept that each case will be treated on its merits, will the Minister now look at all contracts with caveats on their title with a view to a general lifting of the caveat, and not on an individual basis as has occurred in this instance?

The Hon. C. M. HILL: I am quite happy to have a further look at the question that the honourable member has raised in his supplementary question. However, I point out to him that in the answer I gave a moment ago, the trust indicated that it would prefer to consider each case on its merits. At the same time, the trust did state that, under general conditions, it would waive the caveats that are involved.

The best way I can leave it is to promise the honourable member that I will discuss this matter further with the trust and in due course bring down a considered reply.

ASBESTOS IN SCHOOLS

The Hon. G. L. BRUCE: Has the Minister of Local Government an answer to a question I asked on 28 February concerning asbestos in schools?

The Hon. C. M. HILL: Precautions have been taken by the Education Department concerning the use of asbestos-

containing items in schools. The June 1977 issue of the *Laboratory Safety* newsletter described the health hazards associated with the use and handling of asbestos-containing materials. All such items were deleted from the 1978 and subsequent additions of the science catalogue.

It has come to the attention of the Director-General of Education that some staff members in some schools are continuing to use such items, which would have been ordered some time ago. A memorandum has been forwarded to principals of secondary schools and area schools instructing them to cease using such items and to dispose of existing stocks.

ABORTION REPORTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about abortion reports.

Leave granted.

The Hon. ANNE LEVY: On 25 October last year, I asked two questions of the Minister representing the Minister of Health regarding abortion reports. One question referred to the results of a computer analysis of the data collected on the abortion notification forms in this State since 1970. I understand that this analysis was initiated in 1977. The second question related to the production of an information pamphlet on abortion that was recommended by a workshop, held in November 1977, on the social aspects of abortion. This information pamphlet was to be made available to health workers, community organisations and people generally in the community.

Neither the pamphlet nor the analysis of data has yet been made public. As I stated, on 25 October last year I asked the Minister when these would be made available to the general public. A reply to both questions was printed in *Hansard* on 19 February but, in fact, the replies had been prepared in December and sent to me through the post. Therefore, I had the information six weeks before it appeared in *Hansard*. The replies to both questions merely stated that submissions would shortly be made to the Minister in regard to the computer analysis and the information pamphlet. As that reply was prepared in early December and it is now four months past that time, will the Minister say when the report and the pamphlet will be made available to the community, considering that in the intervening four months submissions have doubtless been made and decisions reached regarding these matters?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

DISTRAINT ORDERS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Local Government a question about distraint orders.

Leave granted.

The Hon. FRANK BLEVINS: In the Adelaide *News* of 28 February an article headed "Council group to get tough" stated:

> A group of Adelaide suburban councils is pressing the Local Government Association to have the distraint order reintroduced.
>
> The order, abolished three years ago, gave councils authority to enter homes and seize household goods to pay outstanding rate bills.
>
> Local Government Association secretary-general, Mr. Jim Hullick, said today he had been approached by three or four suburban councils seeking to have the distraint order reintroduced.
>
> "The question of the distraint order has been placed on the agenda of the State Executive of the Local Government Association, which will meet today," he said.
>
> Mr. Hullick said the distraint order had been in operation for about 15 years before being abolished.
>
> "There was a widespread feeling that perhaps it was too severe, and was not an up-to-date way of collecting rates," he said.
>
> "Once the distraint order was exercised, people paid their rates.

I was alarmed when I read that article. It is obvious, even from Mr. Hullick's comments, that the distraint order is a medieval way of collecting rates or doing any other kind of business, and quite properly the Labor Government abolished this system. A distraint order is certainly not an appropriate way to do things in 1980—at least, that is what the Labor Government considered.

I would appreciate the Minister's giving me his thoughts on the matter. Will the Minister tell the Chamber of his attitude to distraint orders? Has the Minister been approached by the Local Government Association or any council to reintroduce the distraint order?

The Hon. C. M. HILL: I supported the abolition of the distraint system and I still maintain this view of opposing the old approach. I cannot recall receiving advice from the Local Government Association on this question, although the matter may be under consideration by some of my officers. However, I have read about a council that continues to press the Local Government Association for the reintroduction of distraint orders. I have no plans at this stage to reintroduce this system.

APHIDS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about aphids.

Leave granted.

The Hon. B. A. CHATTERTON: In the last issue of the *National Farmer* an article, written by Sue Carney about the problems facing Australia due to alfalfa aphids, stated:

> By far the worst hit State so far has been South Australia. Damage to annual medics was fairly limited until last year, when the spotted alfalfa aphid (SAA) devastated medic pastures in late autumn, with those areas surviving until spring being attacked again—by blue-green aphid (BGA). . .
>
> The problem is regarded as "most acute" for cereal growers in South Australia. Agriculture department officials have said they are aware that cereal growers are very conscious of the fact that in the absence of an effective nitrogen fixing legume, they face the prospect of higher fertiliser costs or lower crop yields. . .
>
> The only research being conducted into medic problems is by the South Australian Department of Agriculture, with other States dependant on that State for results. There are only two medic plant breeders in Australia, which is slowing down developmental work considerably. And worse—the Liberal South Australian Government is stalling about providing funds for this research to continue.

Is the Liberal South Australian Government stalling about providing funds for this important research into medic varieties that are resistent to spotted alfalfa and blue-green alphid and, if the Government is stalling about these funds, what sum is involved and what is the reason for the

Government's stalling this very vital research?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague and bring down a reply.

DEPARTMENTAL AMALGAMATIONS

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Attorney-General, representing the Premier, a question about departmental amalgamations.

Leave granted.

The Hon. J. R. CORNWALL: I recognise the confidential nature of Cabinet discussions and deliberations. I say that for two reasons: first, to show that I am a responsible member and, secondly, to head the Attorney off in the manner he normally answers these questions. It is quite clear that once these decisions have been made it is normal practice for them to be released as soon as possible, particularly when they concern matters vital to public interest.

Was a decision taken in Cabinet yesterday concerning the merger of the Department for the Environment and the Department of Urban and Regional Affairs? Did that decision involve any downgrading of senior positions in either department? When will a public announcement be made concerning the new administrative arrangements?

The Hon. K. T. GRIFFIN: No decisions have been taken by Cabinet on this matter.

VICTIMS OF CRIME

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Attorney-General a question about paying compensation to victims of crime.

Leave granted.

The Hon. N. K. FOSTER: I have previously asked questions about this matter of both Governments. I was somewhat disturbed to hear of a report attributed to the Attorney-General, I think, last week in regard to the setting up of an organisation in Adelaide. Unfortunately, I do not recall the name of that organisation at this time. That organisation was headed by an ex-police officer of this State and Queensland, Mr. Whitrod, who is well known to most members of the public and, indeed, should be well known to members of this Council. I understand that it was reported that the Attorney-General had applauded the setting up of this organisation.

It disturbs me somewhat to read in this morning's newspaper that a percentage surcharge will be placed on all fines payable in the courts to allow for the setting up of what amounts to a bank to compensate people who become victims of crime. I realise that in the short term such a proposal is admirable, and in fact, is very admirable on a limited scale. However, I am concerned about a case that has come to my attention involving a widow whose husband was murdered. There is little likelihood that she will receive payment from the person who committed that crime. She is still indebted to the undertaker. Shortly after her husband's death, and directly attributable to it, this woman lost a daughter. There has also been a great deal of sickness amongst other members of what is today considered to be a large family. This family is in dire circumstances, but pride plays its part in her publicly airing these matters and endeavouring to get some form of relief outside the meagre areas of Government hand-outs, Government pensions, secondary benefits, and so on.

I believe the Government should go much further and accept responsibility in this area. Whilst making no harsh criticism of the organisation I have referred to, I see some danger in the Government's abdicating what should be its responsibility in respect of this serious matter. Will the Attorney-General say whether he considers private voluntary organisations to be the appropriate bodies to determine a percentage of fines to be set aside for the victims of crime? If so, will the Attorney examine the need to provide compensation for victims of crime when such a percentage is unable to provide reasonable compensation because of the death of the breadwinner? What measures will this Government take to ensure that a cost factor is allowed to provide for the increase in crime that is so evident as a consequence of the Federal Liberal Government's policies on the denial of employment to so many members of our community?

The Hon. K. T. GRIFFIN: In reply to the first question, I do not regard it as appropriate for a private voluntary agency to fix an appropriate level of contributions from defendants. There is some merit in the suggestion by the organisation (I cannot recall its name at present) reported in today's *Advertiser* as having referred the matter to my office. That matter is presently being looked at by members of my staff. However, it is not appropriate for a voluntary agency to fix any fee associated with penalties imposed by courts. As a result of that answer, it is not necessary to answer the honourable member's second question.

In relation to the honourable member's third question, I have already indicated in an answer to the Leader of the Opposition last week that I presently have some matters under review in my office which relate to the matter of victims of crime and the services that are available. I have previously said that it is commendable that private voluntary agencies become involved in this area, because it is not just money that victims of crime may believe they are entitled to — there are emotional and other effects of an offence that cannot effectively be dealt with by Government. It is to the private voluntary agencies that one must look for the best service for persons who have suffered as victims of crime. As I have said, certain matters are currently being reviewed in my office with respect to an inquiry dealing with the service available to victims of crime. In view of that, it is premature to take the matter further.

The Hon. N. K. FOSTER: As a supplementary question, will the Attorney accept the name of a family which is in great distress, and will he ask his officers to interview this family to acquaint themselves with the serious facts of the case I have referred to?

The Hon. K. T. GRIFFIN: If the honourable member gives me the name of the family I will certainly have my officers look at the situation. There are other avenues open for claims under the Criminal Injuries Compensation Act. It applies equally to other members of the Council and to members of the community that, if there are people who suffer as victims of crime and are in dire circumstances, they may certainly make their names available to me or to the Minister of Community Welfare, and we will do everything we can to see that the matter is followed up and in appropriate cases where there is no other facility available see that some emergency assistance is considered.

AFFIRMATIONS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question about making affirmations.

Leave granted.

The Hon. ANNE LEVY: I am sure that all members are aware that in many official circumstances a member of the

public can take an oath or make an affirmation. However, many people may not be aware of the alternative of making an affirmation as opposed to making an oath. I have received correspondence from people who are concerned at a statement that is made when people are called for jury service.

I add that, having recently undertaken jury service myself, I can confirm the statements that are contained in the correspondence that I have received. When people are called for jury service, an officer from the Sheriff's Office reads a number of matters relative to undertaking jury duties. He then comes to a section where he states:

> The next step to be taken this morning, and a most important step, is for me to administer an oath to each of you to properly carry out your duties as jurors. Before I do so, is there anyone present who objects to taking an oath on the Bible, or believes their knowledge of the English language is insufficient for them to understand and follow Court proceedings, or any person who suffers from hearing loss or any other medical condition which they consider may effect their jury service. If so, will you please come forward.

From this statement it is not surprising that many people feel that someone who objects to taking an oath on the Bible is going to be disqualified from jury service in the same way as someone who believes that his knowledge of the English language is insufficient, or someone who suffers from a considerable hearing loss or any other medical condition that he considers may affect his jury service.

Not taking an oath is conjoined with medical or other reasons which would excuse someone from being capable of undertaking jury service. Certainly, there is no mention whatsoever in this statement that people who do not wish to take an oath may affirm instead. The linking of this phrase with the medical and other conditions, which would excuse people from jury service, must surely lead to the conclusion in the minds of many people that, if they object to taking an oath, they will not be able to undertake jury service.

Will the Minister take up this matter with the Sheriff's Office to see whether another form of words can be devised which would not give the impression by this juxtaposition that people who did not wish to take an oath were liable for exclusion from jury service, and whether, in the statement that the Sheriff reads to prospective jurors, there could be a mention or indication that people who do not wish to take an oath may take an affirmation, so that people will have the alternative put before them and will be able to make their own decision as to whether they wish to affirm or take an oath?

I suggest that, as it stands at the moment, with no mention whatever that an affirmation is possible, the implication that many people would draw from the statement is that, if one does not wish to take an oath, one is ineligible. I ask the Minister to see whether this statement can be changed to make clear to everyone present in the jury room what is in fact the legal situation.

The Hon. K. T. GRIFFIN: I will certainly have the matter examined by my officers and inform the honourable member what the result of that examination is. I am pleased that she has been able to relate her view from her personal experience, which I hope was a rewarding one at the time. I can appreciate that there may be some difficulty, and I will have the matter examined.

OVERSEAS PROJECTS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about projects in Morocco and Tunisia.

Leave granted.

The Hon. B. A. CHATTERTON: On 23 January, the Minister of Agriculture issued a press release stating:

> It is proposed that an experienced agronomist spend an initial two years in Morocco testing, demonstrating and teaching the use of clovers and medics in rotation with cereal crops in a project to be funded by the World Bank.

The press release continues:

> A proposal is being prepared, for funding an international agency, which will involve a team of three experts, consisting of an experienced medic farmer, an agronomist and a livestock specialist working in conjunction with officers of the Tunisian Ministry of Agriculture and local farmers. Mr. Chapman said the projects would be managed by the Overseas Projects Unit of the Department of Agriculture.

I have seen the strictures of the Premier saying that his Government in no circumstances would be announcing proposals or projected developments without firm contracts being signed. I am sure that the Minister of Agriculture is not in any way disobeying the Premier's strictures.

The PRESIDENT: Order! I draw the honourable member's attention to the time.

The Hon. B. A. CHATTERTON: When will the experienced agronomist take up his two-year appointment in Morocco; what is the value to the South Australian Government of the Morocco contract; when will the three-person team take up its duties in Tunisia; and what is the value of that contract to the South Australian Government?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

HOUSING TRUST HOUSES

The Hon. FRANK BLEVINS (on notice) asked the Minister of Local Government:

1. How many houses have been built by the South Australian Housing Trust in each of the last five years—
   (*a*) for sale?
   (*b*) for rental?
2. What is the anticipated number of houses to be built by the South Australian Housing Trust for rental and sale in each of the next two years?

The Hon. C. M. HILL: The replies are as follows:

1. (*a*) and (*b*),

Year ended 30 June	Trust dwelling completions		Total Completion
	(*a*) for sale	(*b*) for rental	
1975	714	875	1 589
1976	1 123	1 153	2 276
1977	1 179	965	2 144
1978	1 101	1 094	2 195
1979	971	957	1 928

1. It is virtually impossible to indicate the number of houses likely to be built for rental and sale in the next two years. The funds for the rental construction programme come from the Commonwealth under the Housing Agreement, the State Budget and an allocation of the State's semi-Governmental funds authorised by the Loan Council. The trust has no clear indication of how much these funds will be beyond 30 June 1980.

PULPWOOD AGREEMENTS

The Hon. B. A. CHATTERTON (on notice) asked the Minister of Community Welfare:

1. What agreements were signed by the Minister of Forests for the sale of pulpwood, the establishment of chipping and chip loading facilities, or the establishment of a Thermo Mechnical Pulp plant after 15 September 1979?

2. What agreements were signed during December 1979?

3. Who were the parties to these agreements and what were they for?

4. Will the Minister table the agreement?

The Hon. J. C. BURDETT: Because of the short time allowed, it has not been possible for me to be provided with answers to questions Nos. 2-9, and I ask the honourable member whether he would place them on notice for Tuesday 3 June; in the meantime, I will see that he is provided with answers by letter.

MEAT HYGIENE BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

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

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

The Bill provides for the establishment of a Meat Hygiene Authority to be constituted of the Chief Inspector of Meat Hygiene, a nominee of the Minister of Health and a nominee of the Local Government Association of South Australia, Incorporated. The Meat Hygiene Authority is to be responsible for licensing slaughtering works and pet food works and is to review and report to the Minister on the standards of hygiene at such works and the adequacy of meat inspection procedures. It is proposed that the authority will be able to seek advice from a consultative committee to be known as the "Meat Hygiene Consultative Committee", which the Minister is empowered to appoint under the measure.

The Bill places no restrictions on the sale of meat produced at slaughtering works that are granted abattoir licences by the authority if the meat has been passed by an inspector as fit for human consumption. However, the Bill does provide for the imposition by the authority of licence conditions restricting the sale of meat produced by slaughtering works that are granted slaughterhouse licences. In general terms, it is intended that these conditions will be designed to restrict any expansion in slaughterhouse production of meat but will not affect their levels of production as at the commencement of the measure. The Bill also empowers the authority to fix a maximum throughput for licensed slaughterhouses with the same purpose in mind.

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

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

As already stated, the Bill provides for the regulation of the hygiene standards of pet food works in addition to red meat slaughtering works. This is designed to minimise the risk of human infection by consumption of pet food, by consumption of food contaminated by contact with pet food, or by contact with animals infected by unhygienic pet food. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that different provisions of the measure may be brought into operation at different times. Clause 3 sets out the arrangement of the measure. Clause 4 sets out the definitions of terms used in the Bill. Attention is drawn to the definition of "pet food works" which is wider than the definition of "slaughtering

works" in the sense that it includes any works where pet food is produced whether or not slaughtering is carried on there.

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

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

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

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

Part III, Division I, comprising clauses 19 to 33, deals with the licensing of red meat slaughtering works. Clause 19 defines the word "licence" for the purposes of Division I as being either an abattoir licence or a slaughterhouse licence. Clause 20 is one of the basic provisions of the measure, prohibiting the slaughter of animals for the production for sale of meat or meat products except at a licensed abattoir or licensed slaughterhouse. The Bill does not continue the present restriction on slaughtering by primary producers and others, namely, that the occupier of any land outside a municipality or township may only slaughter animals for the production of meat for the consumption of persons resident or employed on that land. This restriction has always been anomalous in its application and instead the provision prohibits slaughter for sale.

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

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

Clause 26 prohibits operation of a slaughtering works if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of the works. Clause 27 provides for the renewal of licences.

Clause 28 provides for the surrender, suspension and cancellation of licences. Clause 29 provides for a right of appeal to a local court of full jurisdiction against the suspension or cancellation of a licence. Clause 30 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector.

Clause 31 requires the authority to keep a register of licences. Clause 32 prohibits the carrying out of alterations to an abattoir without the approval of the authority. Clause 33 provides for the recognition of abattoirs outside the State, if they are of a standard equivalent to the standard required under this measure for licensed abattoirs.

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

Clause 38 provides for the automatic licensing of any pet food works in operation for not less than six months preceding the day on which the Division comes into operation, notwithstanding that the works may not conform to the prescribed standards of construction, plant and equipment for pet food works. Subclauses (3) onwards provide for exemptions from compliance with the prescribed standards for a minimum period of 12 months up to a maximum of three years. Clause 39 permits the authority to attach conditions to any pet food works licence. Clause 40 provides for review by the Minister of any refusal to grant a licence or licence condition imposed under this Division.

Clause 41 prohibits operation of any pet food works if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of that works. Clause 42 provides for the renewal of licences. Clause 43 provides for the surrender, suspension and cancellation of licences. Clause 44 provides for a right of appeal to a local court of full jurisdiction against any suspension or cancellation of a licence under this Division.

Clause 45 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector. Clause 46 requires the authority to keep a register of licences. Clause 47 prohibits

the carrying out of alterations to any pet food works without the approval of the authority.

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

Clause 50 is another basic provision, in that it prohibits the slaughter of animals at licensed abattoirs unless an inspector is present at that time. Clause 51 provides that it is an offence for a person to brand meat unless he is an inspector or is acting at the direction of an inspector. Subclause (2) makes clear that this does not apply to branding in accordance with the regulations of slaughterhouse meat, which is to be branded by the licensee for identification purposes only. Clause 52 prohibits the sale of meat or a meat product unless it was produced at a licensed abattoir, at an interstate abattoir recognised under clause 33 or at a licensed slaughterhouse.

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

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

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

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

In Committee.

(Continued from 27 March. Page 1817.)

Clause 2—"Commencement."

The Hon. J. C. BURDETT: Last Tuesday, I opposed this clause, and I notice in the Hon. Dr. Cornwall's amendments that have just been placed on file that he, too, opposes the clause. The Government's proposed amendment required different dates, and it is not therefore practicable to have one single date.

Clause negatived.

Clause 3—"Major shopping developments in non-commercial zones."

The Hon. J. R. CORNWALL: Proposed new sections 39a, 39b and 39c are not consequential and should be viewed as separate, although highly complementary, amendments. It might be appropriate for me to speak at large to the amendments. Then, the Minister could do likewise in relation to the Government's amendments.

The Hon. J. C. BURDETT: I agree with that.

The CHAIRMAN: That seems to be a sound suggestion.

The Hon. J. R. CORNWALL: I move:

Pages 1 and 2—Leave out all words in the clause after "repealed" in line 11 on page 1.

Proposed new sections 39a and 39b provide for a stay or postponement of development in both shopping and non-shopping zones throughout the State. In both cases, it is a genuine stay of proposals for which an application has been lodged but not finally approved or for which an application contemplated. In both non-shopping and shopping areas the postponement in my amendment is effective from 26 February 1980. In the case of shopping zones, the postponement is until 31 August 1980, and for non-shopping zones it is until 31 December 1980.

In both cases, there is a provision in proposed new section 39b(4) for specific exemption by regulation. The intent of that provision is that an exemption can be granted by the Governor on grounds of special or exceptional merit on the recommendation of the Minister and subject to Parliamentary scrutiny. A small but significant number of these cases have been brought to my attention during the ongoing debate on this issue, and this provision takes account of it.

Subsection (4) *(b)* of new section 39b takes account of the special needs of the proposed developments in the new Leigh Creek township where a postponement might unduly hinder the rate of development of desirable and rational shopping facilities.

There is also specific prohibition in subsection (3) of new section 39b of any alteration to planning regulations before 31 December. This is necessary if the whole application in areas zoned non-shopping is to mean anything. Everyone is aware of the proposal by Myers to have a large area in Salisbury, adjacent to Parabanks, rezoned to shopping. On the evidence available to date, the activities of the parties involved have been somewhat less than scrupulously fair. I pointed out in this Council some time ago that a consultant engaged by the Salisbury council who recommended rezoning to shopping had subsequently purchased land in the area which he recommended be rezoned. This was the subject of a very interesting report on page 3 of the *Advertiser* last Saturday.

At the same time it has been alleged that Education Department land is to be made available to Myers for acquisition by private treaty. If these allegations are true then the whole story becomes scandalous. In all the circumstances it would be farcical if Myers could simply use the period of the stay to have its rezoning application processed and be ready to proceed immediately on 1 January next year. During the course of this debate the reasons for a genuine temporary halt on all retail development approvals have been canvassed many times. I do not propose to go over them again at great length, but I feel it is necessary to summarise the reasons underlying our proposed new amendment. It is also important to review the original Bill, the Opposition's initial amendments, the Government's proposed new amendments and,

finally, the Opposition's proposed new amendments, so that we can get some perspective on what, to date, has been an on-going game.

To put this debate in its proper perspective, I propose to go briefly through this sequence step by step so that members, interested community and retail groups, and the general public are clear about the sequence of events. Since last year there has been an increasing crisis developing in retail planning because of the explosion of new retail developments and proposed retail developments in the Adelaide metropolitan area and in many towns and cities in South Australia. Some people now contend that this is not a problem of crisis proportions. In the spirit of reason, I would concede that in a very limited number of areas some case can be made out for the fact that new shopping facilities are required or desirable. However, in the vast majority of areas, not only in the metropolitan region but in the State as a whole, the position certainly exists on all of the evidence, circumstantial or otherwise, that the State in general, and the metropolitan region in particular, is becoming oversupplied with shops.

Recognising this crisis, the Opposition raised the matter as one of importance and urgency at the end of 1979. The Government's only response to this was to claim that I was unaware of the Opposition's policy. Our policy, it was claimed, was represented in the discussion paper released by the Department of Urban and Regional Affairs about 10 days earlier.

That, of course, was never the case. The preparation of the discussion paper was certainly commissioned by the former Administration. The terms of reference for the committee that prepared the paper were also authorised by the former Administration. It could be claimed that the matters raised in the paper were perceived as matters of major importance at the time, many months earlier, when preparation of the discussion paper was authorised. I freely concede that, and have no wish to debate the issue.

However, I point out that events occurring in retail development in the latter half of 1979 and the first three months of 1980 changed that situation dramatically. The events rapidly moved us away from a position of being able to produce a discussion paper based on some of the more leisurely and esoteric notions of town planners. We moved into a crisis situation, and as an alternative Government we rapidly developed policies designed to cover that situation. I want to make clear that there is nothing contained in proposed new sections 39a and 39b (or, for that matter, in new section 39c) which we would not be prepared to happily live with as a Government. The executive of the Parliamentary Labor Party and the entire Caucus have considered the amendments which I have before the Council and have supported them. After careful scrutiny and full debate I can say quite unequivocally that I propose these amendments with the full support of my colleagues.

Perhaps even more importantly I can say, without equivocation, that I propose these amendments with the support of the great majority of interested groups and organisations in the community. The Opposition has been through the full processes of consultation in the reasonably limited time at our disposal. We met initially with the building unions because of the possible impact of a stay of retail development on their membership. They naturally expressed reservations on behalf of their members. They were naturally concerned because of the down-turn already present in other sectors of the building and construction industry. However, they weighed the possible short-term advantages to them of unfettered retail development against the broader problems and the enormous social consquences of not halting the approval process for a period and reassessing priorities. After wide-ranging discussions we obtained consensus support for the stay of the development proposal.

We then had to move rapidly when the Government introduced its original Bill. This Bill, as I have said before in this place, was conceived at five minutes to midnight before the Norwood by-election. It achieved, and was originally intended to achieve, virtually nothing. It proposed a partial and quite incomplete stay in the processing of development applications in non-shopping zones. It did not cover any proposal in these areas already in the pipeline. It did not cover areas of less than 450 square metres, and it did not stop rezoning applications from proceeding during the term of its application. That latter point is very important. It did not cover areas in existing shopping zones at all. It was merely an illusion of a stay of retail development. It did not in any way cause a genuine halt for reassessment of policy. Instead it created a breathing space for developers to get their rezoning applications in order, and would have merely exacerbated the current crisis in 1981.

In response to this, the Opposition introduced its original amendment as a holding operation. This proposed a genuine stay of development, in areas zoned both shopping and non-shopping, for six months. It was not the complete answer. That was acknowledged during the debate. But it would at least have stopped applications not already given final approval and further applications from proceeding until 31 August. It would have given the Government and the community a chance to reassess the position.

In the meantime the Opposition, as it had always done in Government, continued consultations with the full spectrum of the community. This culminated in a meeting last Wednesday night with groups ranging from the South Australian Trades and Labor Council to the Federation of Chambers of Commerce of South Australia. SARATAG and the individual member groups of that organisation attended, as did the Mixed Business Association and the Consumers Association of South Australia. There was unanimous agreement as to what action should be taken. That was an agreement with, and indeed an urging upon, us to introduce the amendments which are before the Council today.

I digress a little at this point and refer to the strange role that has been played by the Local Government Association. I have no desire at all to lock horns with or take on the Local Government Association. I realise that it is a body which, almost all of the time, is in a very difficult position because of its very nature. It must operate on a concensus basis.

Therefore, its policy tends to change from time to time, sometimes fairly rapidly and sometimes without notice. The association was reported late in January (on 29 January, from memory) to have called for a temporary moratorium on the processing of shopping development applications until such time as everyone had reconsidered the policy. That report was never denied; there was never any letter to any newspaper, any radio report or television appearance suggesting that the Local Government Association had been reported incorrectly or out of context. In those circumstances, it did not seem unreasonable to assume that the representative of the Local Government Association, who was reported as calling for a moratorium, had indeed done so.

However, some weeks later (I believe on 5 March), a letter from the Local Government Association to the Government was produced in both Chambers. Part of that letter was read to this Chamber. To date I have not seen

the letter, but various interpretations could be put upon it. At that time, the Government interpreted the letter to mean that the Local Government Association did not support a full moratorium, temporary or otherwise.

The Hon. J. C. Burdett: I read the whole letter.

The Hon. J. R. CORNWALL: That does not make any difference to my statement that there was some contention as to which way the letter could be interpreted. During the process of consultation, and despite what the Local Government Association states in a further letter that has been hand delivered to the Minister, to the Hon. Mr. Milne and to me today, the association was invited to the meeting that was held last Wednesday night and three representatives were sent. The association was adequately represented.

The representatives indicated that basically the association would prefer to have observer status at that meeting. It was not originally intended that votes be taken, but such was the feeling of the meeting that the amendments were put to the meeting to see whether there was consensus. The decision of those who voted was unanimous. As I recall, the representatives of the Local Government Association voted neither for nor against. The representatives indicated, when I urged them to participate, that they were meeting on the following day and that their updated policy on retail planning and development would come from that meeting. I specifically asked the representatives if they would provide me with a copy of their decision; that was never forthcoming.

Consultation is a two-way process. As Her Majesty's Opposition in the State of South Australia, we are available at all times to officers of the Local Government Association; we are only as far away as a 10 cent telephone call. We will always, time permitting, go out of our way to keep in touch with the Local Government Association. However, in the time available to consider some Bills, this will not always be possible. Surely, consultation is a two-way process and, in the circumstances, I indicate that there has been a lack of consultation. The policy of the Local Government Association seems to have changed. Some of the more extravagant statements made in the letter I received today leave the association with a credibility gap. However, I want to remain good friends with the association.

Before that digression, I had reached the stage of referring to the meeting last Wednesday night. In the meantime, the Government reappeared with its amendment to its own Bill, which had been amended by the Opposition with the support of the Hon. Mr. Milne. The Government's action was in the nature of a death-bed confession, introduced immediately prior to the third reading stage of the original Bill. This amendment certainly did more than the original Bill. It did remove automatic approval under planning regulations in shopping zones. It did introduce consent use for a very limited period on applications not already in the pipeline. It did create a notional, if ludicrously small, penalty.

However, it did not cause a stay of development at all in shopping zones. It applied, in the limited areas to which it applied at all, for only nine months. It did not introduce any notion of rational, sensible regional co-ordination. It still left the process to local government. It did not introduce any concept of economic factors being a consideration. In fact, it did not go nearly far enough.

I conclude my remarks about sections 39a and 39b by again summarising the sensible provisions of the proposed new amendment. First, it provides for a genuine stay of development both in and outside shopping zones. For areas zoned shopping, it is effective from 26 February 1980 and expires on 31 August. For areas outside shopping zones, it is effective from 26 February and expires on 31 December.

The amendment provides for exemptions on the basis of special or exceptional merit, and provides the opportunity for the Government to exempt the new Leigh Creek township. Proposed new section 39b(5), which we should consider in isolation, stipulates that the Minister shall obtain the advice of an advisory committee. This is explained more fully in proposed new section 39c, but, in making recommendations for exemption, the Minister is required under section 39b(5) to heed the advice of the advisory committee, and I will explain that at length in dealing with new section 39c.

Proposed new section 39c is moved by the Opposition as a rational response to the current crisis in retail planning and development in South Australia. It stands alone and is not consequential to new section 39b. However, it is clearly highly complementary to that provision.

Under this proposed new section: a realistic penalty is provided for breaches of the provision; specific sensible and expanded guidelines are provided for use in considering applications; there is provision for the setting up of an advisory committee; there is provision for extending the period during which notification of an application must be given to the public and during which third party objections may be made; section 36a applies in relation to third party objections and procedures for these third party objections to be heard; and any applications where every authorisation, approval or consent has been given are exempted.

The remarks I made concerning proposed new sections 39a and 39b are just as relevant to this proposed new section. The policy explicit in the amendment has been endorsed by the Parliamentary Labor Party executive, the A.L.P. Caucus and by a very broad spectrum of groups and individuals in the community. It represents the policy of the alternative Government.

Unlike new sections 39a and 39b it is not a temporary or interim measure. It should be clearly noted that there is no expiry date to this new section. Any further alteration to this section, once it becomes legislation, would require a separate Bill and would again be subject to the full scrutiny of Parliament. Obviously then, it is not produced in any spirit of political expediency. The Opposition would have to accept this measure as a Government, just as we propose that the Liberal Party should accept it.

Referring first to the penalty, it could be said that it is a minimum provision if we consider any major proposal in an existing regional shopping centre. However, at $100 000, it is 10 times greater than the notional penalty envisaged by the Government. In our view it should constitute sufficient deterrent when accompanied by the public odium which would accrue to any developer openly flouting the law. The amendment also provides considerably expanded guidelines to be used throughout the approval process. These not only expand but markedly improve the guidelines. Our amendment proposes several new parameters which were contained in neither the Government's Bill nor in its amendments.

Specifically, these allow for consideration of the following: the question whether the proposal is justified in view of actual and prospective community needs; the economic feasibility of the proposal and its effects on employment; the effects on the profitability and, by inference, the long-term viability of other shops in the relevant area; the effects of the proposal on surrounding areas generally; and the general effects on the environment.

This introduces several new considerations into retail planning in this State, which the Opposition believes are

absolutely necessary. Applications are to be co-ordinated in a rational manner by the State Planning Authority. The State Planning Authority will have to take into account the actual and prospective community needs. For the first time it will have to consider the economic feasibility of any proposal and its effect on profitability and long-term viability. For the first time the authority will have to consider a proposal's impact on employment prospects, its impact on surrounding areas generally and specifically its impact on the general environment. All of these are quite new horizons for the planners in South Australia, although well established in other parts of the world.

The Opposition has taken note of the comments that neither councils nor the Department of Urban and Regional Affairs has the specific expertise to consider some of these requirements. For this reason I am rather surprised to see the stand that has been taken by the Local Government Association. However, I am not surprised to see the stand that has been taken by the Government. I am surprised to see that the Local Government Association, which has consistently said that it does not have the manpower or the particular technical expertise readily available to assess these applications on the grounds of economic merit, viability or profitability, has been pushing and kicking so hard while these amendments are before Parliament in an attempt to retain its powers. The Local Government Association has specifically said that it is beyond its current ability, for a variety of reasons, to consider economic notions, yet it wants to retain the powers it presently has in the retail planning area. To me, that is something of a mystery.

To say that neither the Department of Urban and Regional Affairs nor local government has the technical expertise at this time is particularly so with regard to impact on employment, on the general community (when looking at regional impacts in general), on economic feasibility and on the profitability of other shops in a relevant area. For this reason we propose that an advisory committee be appointed consisting of a public accountant, a qualified and experienced town planner, a person with extensive experience in retailing, a person with qualifications in a discipline related to local government, and an environmentalist.

This will be very much a working committee. It is envisaged that initially it will meet on an almost continuous basis to collect and collate data, much of which is not presently processed and available to planning authorities in this State. Moreover, it will integrate with this the information processed in response to the Government's discussion paper, which we have heard so much about.

The State Planning Authority, the Minister, and ultimately councils and the general public will have this information made available to them for the first time in South Australia. This provision is entirely consistent with what the Opposition has supported for months. It is also quite consistent with what I have said, as reported on 26 December last year. Further, it is central to the successful operation of proposed new section 39c.

The widest range of expertise will be available to the Minister and the Government in appointing this committee. Public servants are certainly eligible where they meet the criteria. At the same time, no member of the community who is prepared to serve is excluded, provided he or she possesses the relevant qualifications. That is very important because this is not just a general advisory committee. I believe the Minister of Community Welfare and I were at loggerheads to some extent last week on the matter of working committees and general advisory committees, that is, technical committees as against general committees. The Minister was at some pains to point out the way in which he interpreted the Environmental Protection Council in this connection, and I was at pains to point out my interpretation. In this case, there is no doubt that this will be a committee which will possess a great deal of technical expertise. It will certainly be a working committee, and it will work very hard in the early months to collect information.

Furthermore, it is obviously intended, by the nature of the proposal, that the committee will have an on-going role. There is no point in gathering together people with special skills, experience and goodwill in the community, asking them to serve on a committee which will gather extensive evidence, deliberate and make recommendations, and then disbanding them. Obviously, the committee will pool its collective skills and add to them during the intensive phase of its investigations. It will then have an on-going advisory role and will continuously update its knowledge, experience and abilities. It will, I repeat, add a new, balanced and highly commendable dimension to retail planning in South Australia.

The Opposition considered the option of simply seeking an undertaking from the Government to appoint such a committee as an administrative arrangement. However, on balance it rejected such an arrangement on the grounds that it would tend to be an *ad hoc* measure and at best a short-term palliative. It is essential that the committee be written into the legislation.

The amendment further provides for an extension of the period during which notification of an application must be given to the public and during which third party objections can be made. There was no provision for this in the Government's Bill or amendments. However, it is essential to a revised concept of retail planning.

The period during which objections can be lodged is extended from 14 days to 42 days. That is done for quite specific reasons. At present, a proponent can spend months or even years developing a retail proposal. If the proposal is of sufficient magnitude (and they frequently seem to be), all the resources and skills of professional consultants will have been used to make it as attractive as possible to the local authority. Once the application has been made inexorable pressure will be exerted, overtly and covertly, for the application to be approved.

Against this, objections must be prepared and lodged in 14 days by individuals, small groups and small organisations who have neither the financial resources nor the expertise to match the proponents. All too frequently they have to literally rely on the grapevine to even find out that a proposal is before the local council. This measure does something to redress that imbalance.

It still does not address itself to the problem of legal costs. The Opposition seriously considered writing in a clause that would have made some requirement for legal aid to be provided to those people who felt that they would be disadvantaged by any retail development proposal in any particular area. The Opposition looked at this measure as a practical alternative Government and once again, on balance, we decided that it should not be written in at this time. I mention that in passing, because even with the scale tipped a little bit backwards, the small trader and the residents' action groups, under our proposed amendment, will have only six weeks instead of two weeks in which to lodge objections and to prepare a case. The Opposition's difficulty is that in most cases these applications or legal challenges can be extremely difficult and often involve large sums. That is something that should be looked at in the future. For the time being the Opposition believes it has gone as far as is reasonable, and

we propose that the period should be extended from 14 to 42 days.

The amendment also ensures that the appeal procedures under new section 36a are available to objectors. This is consistent with the Opposition's policy that rational co-ordinated retail planning is essential. We are proposing that applications be processed by an advisory committee. They will be considered by the State Planning Authority, recommendations will be made to the Minister, and it is at that level, because of the level of expertise that should be brought in by the technical advisory committee, that these rational decisions will be made. They will not be made with regard to particular councils which, on their own admission, have said that they have not the expertise to consider economic factors at the moment.

Nor are they able, because of the situation prevailing in South Australia, to adequately consider proposals on a regional basis. For that reason, the Opposition proposes that decisions should be made in a central co-ordinated way with the input of the technical advisory committee.

Finally, the amendment specifically exempts any applications from the provisions of this section where every authorisation, approval or consent has been given prior to 26 February 1980.

The Hon. J. C. BURDETT: The Government opposes the amendment. The amendments comprise two parts, the first of these (proposed section 36c) provides for a moratorium on shopping development within shopping zones from 26 February to 31 August 1980. It also provides for a moratorium on all shopping development outside shopping zones from 26 February to 31 December.

These proposed moratoriums would apply throughout the State and would prevent any expansion of existing shops and the construction of even small local retail facilities. This section of the Bill would be retrospective in its application in the same way as the Hon. Dr. Cornwall's earlier proposals; that is, it would stop developments which had not obtained final planning and building approvals before 26 February. This is likely to include some developments which have had approval in principle, or, indeed, final planning approval from a council. Developers may have purchased land or made other financial commitments on the basis of council planning approvals which would be made void by the Bill.

The proposed section 36c would also prevent councils from making any changes to the zoning regulations to create or expand shopping zones before 31 December 1980. This provision should be rejected as an unnecessary and unreasonable restriction on councils' ability to review planning policies for their local areas.

The Opposition's amendments propose to allow for exemptions from the moratorium and the limit on rezoning by regulation. This is inconsistent with the normal provisions in zoning regulations for exemptions from planning policies to be granted by the Governor-in-Council. It would be a cumbersome way of dealing with desirable developments. Are we to have regulations made for every group of local shops which should be exempted from the proposed moratorium?

The second part of the proposed amendments (section 36c) is a permanent rather than an interim measure. It removes from local government all powers to consider shopping proposals. It would mean that throughout the State shopping development applications had to be submitted to the State Government rather than to councils. There is no minimum size limit on the applications affected by the Bill, so that even an application for a corner shop in Mount Gambier would be decided by the State Government. The Bill does not even make provision for councils to consider applications and put recommendations on them to the State Government. If passed, the Bill would represent a very large erosion of councils' traditional responsibilities for local planning. There is no provision for exempting areas or classes of shopping applications from the operation of this section, or for delegating State Government's decision making responsibility to councils in appropriate circumstances.

The amendment introduces specific provisions for planning authorities to assess the viability of proposed shopping developments. This is a major departure from the traditional role of the planning system in this State. If the Government is to make a decision to become involved in such assessments, this should be after a considered review of all the implications involved and not as a result of a hasty and ill-drafted Opposition amendment which the Government has had only one day to consider; in fact, in its final form, only since just before the Committee started to sit to consider it.

Such assessments would involve an unreasonable restriction on the commercial judgments of the private sector. They would require a substantial increase in departmental staff and a major transfer of planning responsibility from local to State Government. This is contrary to the general thrust of what the Government has been trying to do. Most councils cannot hope to have access to the type of expertise required to carry out such assessments.

Implementing a system of viability assessments would necessitate the Government's seeking a lot of detailed and confidential financial information from existing retailers and involve the Government in making arbitrary judgments on what is a reasonable level of profitability for retailers. That would be conceded by most members of the Committee; it would be a very difficult job to assess what is or what is not a reasonable level of profitability.

Without seeking such information, and making such judgments, there is no way in which the Government could determine whether a development proposal would have an unreasonable effect "upon the profitability of other shops in the relevant area". Experience in Canberra, where there is detailed involvement by planners in assessing viability is that this has not prevented major problems for small retailers and widespread bankruptcies when economic conditions are unfavourable.

The amendment introduces a requirement for third party appeals on all shopping developments within shopping zones. The Department of Urban and Regional Affairs discussion paper recommends against introducing third party appeals within zones which have been specifically planned and designated for shopping development. To do so would introduce further unreasonable delays and uncertainties into the development control system. We should be making planning policies and standards more explicit so as to provide greater certainty for developers and residents and that, of course, would have the effect of reducing the number of appeals and the cost thereof that have been complained about by the Hon. Dr. Cornwall.

The amendment provides for joint decision making by the State Planning Authority and the Minister. It is not clear why the Hon. Dr. Cornwall has proposed such joint decision making and the Bill does not make clear what would happen if the Minister and the authority disagree on an application. It has been a major concern of planning legislation in the past to avoid the confusion which can result from dual approval arrangements. The problems with the amendments are so great that the Government rejects them *in toto*. I suggest that the Committee should also reject them *in toto*.

The Government's proposals as amended provide a

reasonable holding measure to enable full debate and rational decision making on the policy proposals set out in the Department of Urban and Regional Affairs discussion paper. The Government should not be stampeded into making hasty and ill-considered amendments to the Planning and Development Act.

The Government's proposed measure was, after all, simply a short-term holding measure to allow proper consideration to the planning of the State to be given. If planning authorities are to get involved in viability assessments, this should be done as a result of a proper study and via the normal procedures set out in the Act, that is, the preparation and public exhibition of supplementary development plans which clearly set out and allow public comment on the criteria under which development applications will be assessed. It is dangerous to start including development control principles in the Act, especially without adequate time for public consideration and comment on them. As the Hon. Dr. Cornwall did, I have spoken to the Opposition amendments at large.

If necessary, I will call for a division on this amendment and, if the Opposition's amendment is carried, I will call against the remaining ones. However, although the Opposition's amendments are to some extent disparate, I regard them, in effect, as a package. The Opposition is proposing a moratorium, and the Government is proposing reasonable control.

I therefore intend to treat this amendment as a test and, if the Opposition's amendment is carried, I will call against the remaining Opposition amendments but will not call for a division. There is complete disparity between the Opposition and Government amendments. If this Opposition amendment is carried, I will, although I support the Government amendments that are on file, see that there will be no point in moving them.

The Hon. J. R. CORNWALL: We have been over this course for months in the public arena and for at least four weeks in Parliament. Although most of what one can say about this matter has already been said, I make a final appeal to reason. I want to give the Government an opportunity, without loss of face, to reverse its strange position. The Government is locked into its own ideology of a market forces philosophy gone mad. It is saying that economic cannibalism should prevail; that cannot be put too strongly. The Opposition has said repeatedly that it has no objection to seeing reasonable market forces prevail. However, when those market forces become economic cannibalism at its worst, it is clearly time for Government intervention.

If the Government persists in its attitude, in saying that economic considerations are not a part of the retail planning process and that it does not intend to do anything about it, let it be on the Government's head, because tens of thousands of people are extremely hostile about what is happening and are demanding that the Government do something. How big the debt must be to the interstate developers that the Government cannot pull people like Myers into gear.

The Government will merely sit and watch the suburban areas, towns and cities in this State being destroyed by bitumen jungles. The people ought to know about this and, of course, they are waking up to it. I have attended two meetings recently, one that the Opposition convened and one that the Government, as some sort of afterthought, convened last night, trying to ascertain the opinion of the residents, traders groups and the Consumers Association. The degree of unanimity in their attitude was absolutely striking. They wanted what the Opposition has put forward today and they would not accept anything less. They insisted that that was what should happen.

However, the Government has said that it will do nothing. Let this be on their collective heads, because there are many angry people in the community, and the Government will rue the day that it did not take notice of these amendments. The Opposition thought that they were reasonable, and it has gone along in a spirit of reasonableness. The Opposition would have been prepared to see the Government back off, to use some common sense and to act like a Government. However, the Government is passing up that chance, and it will certainly rue the day that it did so.

I have not been able to believe the sort of support that the Labor Opposition has been getting from people who have been present at meetings that I have attended recently. It has been remarkable. It has been like a Labor Government inviting along a group of active trade unionists and having them support the conservative Opposition. The only people from whom the Liberal Party got any support for what it was putting forward were two or three developers and its own staff. Of course, it would be surprising if the Government could not trot out two or three developers to support it, or if its own public servants, with the conditions under which they work, were not loyal to their Ministers. Of course, they must be, and those public servants must support the policy of the Government of the day.

However, apart from that, very few people present at last night's meeting supported what the Government was saying; those people were indeed angry. I have told the Government the position and have insisted, on behalf of the Opposition, that we must have an economic aspect to retail planning in this State. If the Government insists on supporting interstate developers, so be it, and let it be on the Government's head.

The Hon. J. C. BURDETT: To suggest that the meeting called last night by the Government, which meeting was attended by people whom the Opposition had called together last Wednesday night and some others, was an afterthought is ridiculous.

The Hon. J. R. Cornwall: You wanted to proceed with the Bill last week. Of course it was an afterthought.

The Hon. J. C. BURDETT: It is ridiculous for the Opposition to suggest that. The Government has consulted in every possible way on this matter. I refer to the DURA discussion paper.

The Hon. J. R. Cornwall: A dim prop.

The Hon. J. C. BURDETT: It was not. The DURA consultation paper sought public comment on these issues, the deadline for which was 31 March. However, we have been told that some people put forward propositions after that date and they, too, will be considered. The Government had invited consultation and public comment on these issues, so to suggest that last night's meeting was only an afterthought in consultation is ridiculous. Also, the Minister has bent over backwards to listen to people who wanted to speak to him about this important issue, and he has made his officers available to them. No-one can say that that has not been done or that the officers have not been made available to people who have wanted to discuss this matter.

The other matter raised by the Hon. Dr. Cornwall, namely, that the Government is under the control of interstate developers such as Myers, and so on, is ridiculous. After all, the Government introduced this Bill and moved to control development. It was, and still is, opposed to an absolute moratorium, as was suggested initially by the Opposition. Now, the Opposition is

departing somewhat from that concept because it realises that it is ridiculous. However, the Government's Bill, and even more its amendments, provide a measure of control that will control developers in this State and in other States.

The Committee divided on the amendment:

Ayes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

The Hon. J. R. CORNWALL: I move:

After clause 3 insert new clause as follows:

4. The following Part is enacted and inserted in the principal Act after section 39 thereof:

PART IVA

SHOPPING DEVELOPMENT

39a. In this Part—

"the advisory committee" means the advisory committee constituted under section 39c:

"non-shopping zone" means a zone other than a shopping zone:

"planning authority" means the Authority or a council:

"the relevant planning authority" means—

(*a*) in relation to the Port Adelaide Centre Zone and the Noarlunga Centre Zone—the Authority; and

(*b*) in relation to any other zone—the council for the area in which the zone has been created:

"shop" means—

(*a*) premises used or intended for use for the retail sale of goods;

(*b*) premises used or intended for use for the sale of food prepared for consumption (whether the food is to be consumed on the premises or not),

but does not include—

(*c*) a bank;

(*d*) a hotel;

(*e*) premises for the sale or repair of motor vehicles, caravans or boats;

(*f*) premises for the sale of motor spirit;

(*g*) a timber yard or plant nursery;

(*h*) premises for the sale of plant or equipment for use in primary or secondary industry:

"shopping development" means—

(*a*) the construction of a shop or group of shops;

(*b*) the extension of a shop or group of shops; or

(*c*) a change in use of land by virtue of which the land may be used as a shop or group of shops:

"shopping zone" means a zone being—

(*a*) a District Business Zone;

(*b*) a District Shopping Zone;

(*c*) a Local Shopping Zone;

(*d*) a Regional Centre Zone;

(*e*) a District Centre Zone;

(*f*) a Neighbourhood Centre Zone;

(*g*) a Local Centre Zone;

(*h*) the Port Adelaide Centre Zone;

(*i*) the Noarlunga Centre Zone;

(*j*) a shopping zone as defined in the Metropolitan Development Plan—District Council of Stirling planning regulations; or

(*k*) a zone prescribed by regulation under Part IX of this Act:

"zone" means a zone established by planning regulations.

39b. (1) Subject to subsection (2) of this section—

(*a*) a person shall not proceed with a shopping development in a shopping zone before the 31st day of August 1980; and

(*b*) a person shall not proceed with a shopping development outside a shopping zone before the 31st day of December 1980.

Penalty: One hundred thousand dollars.

(2) This section does not prevent a person from proceeding with a shopping development where every authorisation, approval or consent required in respect of that development under—

(*a*) this Act;

and

(*b*) the Building Act, 1970-1976;

had been obtained before the 26th day of February, 1980.

(3) Before the thirty-first day of December, 1980—

(*a*) no alteration shall be made to any planning regulation by virtue of which a non-shopping zone or part of a non-shopping zone becomes a shopping zone or part of a shopping zone;

(*b*) no recommendation shall be made to the Minister for the making of a planning regulation by virtue of which a non-shopping zone or part of a non-shopping zone would become a shopping zone or part of a shopping zone;

and

(*c*) public notice of a proposal to make such a recommendation shall not be given.

(4) The Governor may, by regulation—

(*a*) exempt a specified shopping development, or proposed shopping development, from the provisions of this section;

and

(*b*) exempt any specified part of the State from the provisions of this section.

(5) Before a regulation is made under subsection (4) of this section, the Minister shall obtain the advice of the advisory committee on the question of whether the regulation should be made, and, if so, the terms of the regulation and the Minister shall transmit the advice so obtained for the consideration of the Governor.

39c. (1) A person who proposes to carry out a shopping development (either within or outside a shopping zone) shall not proceed with that shopping development without the consent of the Authority and the Minister.

Penalty: One hundred thousand dollars.

(2) When considering an application for consent under subsection (1) of this section, the Authority and the Minister shall have regard to—

(*a*) the provisions of any authorised development plan;

(*b*) the question of whether the implementation of the proposal is justified in view of actual and prospective community needs;

(*c*) the health, safety and convenience of the community;

(*d*) the economic feasibility of the proposal and its effects upon employment;

(*e*) the effects that implementation of the proposal would have upon the profitability of other shops in the relevant area;

(*f*) the effects that implementation of the proposal would have upon surrounding areas;

and

(*g*) the effects that implementation of the proposal would have on the amenity and general character of the locality affected by the proposal and upon the environment generally.

(3) Where an application is made for consent of the authority and the Minister under subsection (1) of this

section, the application shall be referred for advice to an advisory committee consisting of—

(a) a public accountant;

(b) a person qualified in, and with experience of, town planning;

(c) a person with extensive experience in retailing;

(d) a person with extensive knowledge of an experience in environmental protection;
and

(e) a person with qualifications in a discipline related to local government and with extensive experience of local government.

(4) The Authority shall cause public notice to be given of an application for its consent under this section, and a member of the public may, within 42 days of the date of that notice, lodge in duplicate with the authority a written objection to the application.

(5) The provisions of section 36a of this Act shall apply in relation to objections made under subsection (4), of this section.

(6) No consent is required under this section in respect of a shopping development where every authorization, approval or consent required in respect of that development under—

(a) this Act;
or

(b) the Building Act, 1970-1976;

had been obtained before the 26th day of February 1980.

New clause inserted.

Title passed.

Bill read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1811.)

The Hon. D. H. LAIDLAW: I support, with some reservation, the second reading of this Bill, the object of which is to improve the retirement benefits of those public servants who are members of the South Australian Superannuation Fund, and who wish to retire between the ages of 55 and 60 years.

It aims also to increase the pensions of those who retire between the ages of 60 and 65 years, but who are older than the minimum age when joining the scheme. To assist in financing these extra emoluments, new regulations would be introduced to ensure that the fund in future bears 5 per cent of the supplements to pensioners caused by escalation in the cost of living. Both the Leader of the Opposition in another place and the Hon. Anne Levy when speaking to this Bill asked what extra cost would be involved in granting these improved retirement benefits. I certainly share their concern.

An amendment to the Superannuation Act in 1969 laid down that members of the Public Service would contribute 30 per cent of the cost of financing the fund whilst the balance would come from the Treasury. This proportion of about one-third paid by employees and about two-thirds paid by the employer is equal to the most generous of superannuation schemes offered at the present day within the private sector. However, in 1974 during the Dunstan Administration, the restrictive ratio of 30 to 70 was removed, and from that time onwards the Treasury commitment escalated rapidly. In 1974, the Treasury contributed $6 900 000 to the Superannuation Fund; in 1977, $20 900 000; and in 1979, $31 000 000. The Treasury contribution now is increasing by over $5 000 000 per year. During this brief period of six years, the ratio has risen from 70:30 to 85:15 and quite soon it is anticipated that the Treasury (and by that I mean the taxpayer) will be contributing up to 90 per cent of the cost of financing the South Australian Superannuation Fund.

A year or so ago, Edward Nash, the Economics Editor of the *Advertiser* wrote a feature article entitled the "State Pension Monster". He began by saying that in three years the public contribution to the South Australian Superannuation Fund had risen by 204 per cent, whilst during the same period the consumer price index in the Adelaide metropolitan area had risen by 51·7 per cent. He made three significant observations: first, that the pension scheme of South Australian public servants is generous by the standards that apply in Federal and most other State Public Services and doubly so when compared with most private sector schemes; secondly, that the cost of the scheme is open ended because it is based upon annuities subject to automatic adjustments each year according to movements in the consumer price index (present day employees have to argue before the arbitration commission to get full indexation but, under the Superannuation Act, past public servants receive it automatically); thirdly, Mr. Nash said the present pension scheme for public servants was introduced by the Dunstan Administration in 1974 without a detailed study of what its likely commitment in the future might be.

During debate on this Bill in the House of Assembly, the Leader of the Opposition asked the Premier how many public servants are likely to take advantage of these increased retirement benefits. The Premier replied that in the short term the answer is about 100 or 110 people, but in the long term it is impossible to judge. Retirement levels are such that at present about 9 per cent of members eligible retire between the ages of 55 to 60 years. The Premier added that this legislation simply makes it a little easier for a few public servants who choose to retire at this stage, but he gave no indication of the number likely to retire between 60 and 65 years because of the increased benefits.

The demand for increased benefits stemmed no doubt from the report of the actuarial investigation of the S.A. Superannuation Fund as at 1974 and 1977, prepared by the Public Actuary, Mr. Ian Weiss. He said that a very small proportion of contributors choose to retire between the age of 55 and 60 years because the benefits currently available are significantly less than those which are justified on the basis of actuarial equivalence. Actuarial calculations are based upon service for 30 years and retirement at 60. However, members may defer retirement up to the age of 65. Contributors who entered the fund after the age of 30 and continue in the Public Service beyond the age of 60 at present receive benefits significantly less than those that are justified on the basis of actuarial equivalence.

The object of this Bill is to increase the benefits to actuarial equivalence in order to facilitate earlier retirement or to help those who continue beyond the age of 60 and are prejudiced by the present entitlements. This is a worthy objective because there are many employees within the public sector, and the same could be said of the private sector, who are in a dead end or an unrewarding job and are marking time because they cannot afford to retire.

However, I am concerned at the high level of pension benefits given to public servants in South Australia. As Edward Nash said in his feature article, the big question is whether the present Government pension scheme is a stirring monster, which not only bites the hand that feeds it but one day will devour its keeper. I support the second reading.

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

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 March. Page 1808.)

The Hon. FRANK BLEVINS: The intention of this Bill is to increase road safety, by providing for a form of random breath tests and by widening the provisions that allow a police officer to demand that a breath test be taken from anyone committing an offence under the Road Traffic Act. The second provision that I mentioned relates to clause 5 of the Bill and I believe that that is a rather Draconian measure. I will not debate this point at length now; I indicate that the Opposition, in the Committee stage, will ask questions relating to this clause and will possibly call for a division on the clause.

The Opposition has no argument with the Government's intention. The Opposition shares the Government's concern about road safety. However, we believe that the legislation will not achieve the desired effect.

That the legislation before us would not have the desired effect, coupled with the violation of a basic principle of civil liberties inherent in the proposal leaves us no alternative but to oppose the Bill. The important civil libertarian principle that is being violated by random breath testing and this Bill is this: people should be able to go about their business without being detained by the authorities and forced to prove that they are not committing a crime. When you think about it, that really is one of the fundamental freedoms that all citizens of a country should have. Any tampering with this principle must only be for the most important of reasons and with a proven beneficial effect to society as a whole. In other words, society is being asked to trade off some of its civil liberties for the good of all. Society is quite often asked to do this and quite often society says, "yes". Some examples of this are the health inspection of shops, random car licence inspections, mass x-rays, immunisation programmes, and so on. So, society does have programmes at various times that examine both the innocent and the guilty and force people to prove that they are not breaking the law or have some particular illness.

In my personal opinion it happens far too often, but society generally accepts some erosion of civil liberties if it can be proven to be of great benefit to society as a whole, and that is precisely what the Government has failed to do with this measure. It has simply failed to prove its case. To some extent I can sympathise with the Government, because it does not matter where you look, the evidence to prove the Government's case is just not available. I have had the research staff of the Library look at this question for me and, in all fairness, I asked them to come up with evidence in favour of random breath testing as well as arguments against. The result was that no evidence was available to prove the effectiveness of the measure, and there is a very large body of informed opinion against it. Among the informed opinion is the Australian Law Reform Commission, the S.A. Police Association, the S.A. Council for Civil Liberties, and the Senate Standing Committee on Social Welfare. To me, that is quite an impressive line-up.

The Australian Law Reform Commission in its report, "Alcohol Drugs and Driving", put forward four main objections as follows:

1. Random breath testing is an inefficient use of police resources as the number of people in the population driving with a blood alcohol content of over .08 or .05 is very small.
2. The risk of apprehension is too low.
3. There will be no effect on problem drinkers who account for a high percentage of offenders.
4. Innocent people should not be detained by the police at random and, if they are, a deterioration in police-public relations might occur.

The first objection is supported by a test carried out on Canberra drivers in 1971-72. Researchers stopped cars at random during varying times of the day and night and took voluntary blood alcohol content readings. It was found that only .1 per cent of drivers were over the legal limit of .08. On this evidence, the police would have to test 100 drivers to apprehend one offender. This problem can be partly overcome by placing random breath testing stations outside large hotels or near accident black spots, or by concentrating on crucial times of the week such as Saturday night, which is apparently what is proposed in South Australia. However, it would still remain true that many more innocent drivers would be tested than would those exceeding the legal limit.

To sustain its second objection, that the risk of apprehension is too low, the commission quoted some Victorian statistics that show that in Victoria the chances of detection are in the order of 1 in 1 000 and that the ratio of traffic police to licensed drivers was 1 to 5 000 and of police patrol vehicles to all vehicles is 1:6 700. Also, the commission said that in the U.K., where a somewhat different form of breath testing was introduced, there was some immediate improvement in drink driving accidents, but when the British drivers realised that there was only a very remote chance of being caught by the new measures, the accident rate then began to return to the pre-legislation levels. From the way the Minister has announced he intends to administer the proposition the detection rate will be virtually nil. How on earth is that going to act as a deterrent?

In fact, I am not sure that it will not be counter-productive. What will happen is that on certain days of the year the Minister will announce that random breath testing will occur, and I believe that all bar staff in hotels will be aware of those days and will make the patrons aware, if they are not already. However, what will happen on the other days? I am afraid that people will get a false sense of security. They will know that on those days random breath testing will not take place so they may feel, particularly after a few drinks, that there is no problem in continuing. I am afraid that the proposition as outlined by the Minister will actually be counter-productive.

On the Law Commission's third point, the irrelevance of random breath testing in relation to problem drinkers, it is acknowledged that problem drinkers cause a high percentage of accidents, but how is this type of legislation going to keep this type of driver off the roads? What is going to happen is that half a dozen times a year he will be told when the random breath test units will be in operation. That is a method of operation that is almost guaranteed to ensure a problem drinker will not be caught and identified. So how will one problem drinker be identified and removed from the roads by this measure? I agree with the Law Reform Commission that random breath tests really are irrelevant to what is a very real problem.

On the Law Commission's fourth point (that is, the violation of civil liberties involved in this measure), I can only repeat what I said earlier that the benefit of the measure has not been sufficiently proven to warrant the violation of the civil liberties involved. One of the most important pieces of evidence put before the A.L.R.C. was by Dr. J. M. Henderson, Director of Safety at the N.S.W. Department of Motor Transport and Director of the N.S.W. Traffic Accident Research Unit. Dr. Henderson said:

We know the history of road safety is full of counter-

measures which do not work but which remain because the people who proposed them are very reluctant to admit they were wrong . . . it is argued that random breath testing will so increase the perceived chance of detection that everybody will change their behaviour, but that has problems in the real world of traffic. The fact is police are now fully extended in their work in successfully apprehending people who have been drinking quite a lot. If they are genuinely going to take people at random, the best evidence we have is something like 10 times as many sober people being apprehended as drunken people.

It may well be that that has an effect which spills over into drinking drivers, and they stop mixing the two activities, but the actual chance of being caught (randomly or otherwise) is extremely small. If you take into account the total number of miles driven against the number of police miles driven, you can see that the chance of being caught is perhaps thousands to one against, therefore, whilst the present chance of detection may be high to start with, it may very quickly fall because people find the real chance of detection is actually rather small.

Dr. Henderson then concluded by saying:

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

With Dr. Henderson's experience and credentials, that evidence has to be very persuasive. It certainly played a part in persuading the A.L.R.C., and I know that particular body has a great deal of experience in assessing evidence.

Apart from the Australian Law Reform Commission, the body whose opinion on the effectiveness and desirability of this measure I would give most weight to is the South Australian Police Association. It has been said by some that its views do not necessarily coincide with the views of the rank-and-file policeman. I think politicians have a bit of a cheek, really, when they use that argument in relation to trade unions. Trade union officials are elected in a democratic way under rules registered with the various industrial bodies. That an individual policeman may differ with a particular viewpoint put forward by his association does not mean that the association's views are not representative of policemen generally, any more than some Liberal voters disagreeing with a particular policy of the Liberal Party means that the Liberal Party cannot speak for Liberal Voters generally—of course it can. However, the Police Association does not want this Bill; it does not want the power to stop people at random and subject them to a breathalyser test.

To me, that is a very strong indication that this Bill is unwarranted, because I have never known a Police Force anywhere to refuse an extension of its powers. In fact the opposite is generally the case. For the police to say that they have good and sufficient power in this area is very persuasive, particularly as they are very often the first people on the scene of road accidents and consequently have first-hand knowledge of the horror involved. As I said, for the police not to want this measure is a very clear indication that its effectiveness is yet unproven.

Apart from the violation of civil liberties involved in this measure, one other very good reason for opposing it is that the measure will be very wasteful of police resources. No-one denies that something like 98 per cent of the people tested by the police units will be completely sober; so 98 per cent of the effort will be completely wasted. It may well be that in South Australia the percentage of people stopped with an illegal amount of alcohol in their blood will be even lower because of the way the Minister is going to administer the Act.

It seems to me that on any cost-benefit analysis the proposal would not warrant support. The Opposition would much prefer to see the effort going into this measure, for virtually nil benefit, going into such things as public education programmes that inform the public on the effects of alcohol on driving ability, on the legal limits of drinking, on the role of alcohol in crashes, and on what penalties are provided by the law. Education programmes should in particular be directed at new drivers, and why not in schools? I am certain that there is a greater chance of an education programme being effective than there is of this measure having any effect at all. Why not put the resources that are to be wasted on this measure into correcting some of the design hazards on our roads and particularly at certain intersections? Time after time we have heard of and seen accidents at the same places, and we say, "Yes, isn't it a bad corner", or whatever. What about removing hazards of that nature? Society has only so many resources to go around (and this Government is always saying we have), so why waste them on a measure such as the breathalyser test where, by its very nature, 98 per cent of the effort is wasted?

What about research being undertaken to up-grade public transport so that people when they do go out to consume alcohol do not have to drive a car? It should be made convenient for them to get home without putting themselves and other road users at risk. Surely society's resources would be better spent in that area.

I question the design and location of hotels. Why should we not undertake research into that matter? Why should we not spend our resources in that way? Why do we have to have hotels as large as we have now? An argument was advanced at one time that we needed hotels of this size to provide accommodation for people travelling. I dispute that that argument is valid at all in the metropolitan area, and certainly in few country areas, too. Why do we not have hotels where people can go for a drink in a civilised manner, so that they can walk to the hotel and walk home? That is not possible in far too many areas in South Australia and in Australia today.

If we adopted such a proposal (and action in this respect could be taken through the Licensing Court), it would probably save far more lives and decrease the trauma on the road much more than would the six days a year involving random breathalyser tests on people, especially as they will be notified of the relevant dates.

Given that no-one has been able to prove that this proposition has been successful in lowering the road toll, why the hurry in introducing this measure? Why not leave the Bill before the Council for a few more months to see if we can get some resolution to the many queries it raises regarding its effectiveness or otherwise? Has the Government thought of appointing a Select Committee of the Parliament to see if there is any evidence that we may have so far missed, to justify its introduction? I think that proposition is worthy of consideration. I commend the Hon. Mr. Sumner on his motion (notice of which he gave earlier this afternoon) in support of that proposition. I hope the Council will support the motion.

In conclusion, I point out that the Government has not proved the case for introducing this measure. The Opposition does not doubt the sincerity of the Government's desire to cut down on the road toll. We share that aim ourselves and will support any reasonable measure that will have the desired effect. We do not believe, at this stage, that this measure will in any way achieve the desired effect. It will mean a very serious violation of a very important principle of civil liberty without the compensating benefit.

The Government has in all good faith put this proposition to the Parliament on the basis of little more than a hunch that it will help. On the Opposition's part, we

have to agree with the Australian Law Reform Commission's conclusion in summarising its opposition to random breathalyser tests. The commission states:

> Important liberties should not be surrendered upon the basis of a hunch or as a consequence of wishful thinking.

The Opposition will not oppose the second reading and will await with interest the debate in Committee.

The Hon. J. A. CARNIE: In his second reading explanation, the Minister expressed the Government's concern about the road toll and stated that this Bill is one of several actions being taken by the Government in an attempt to reduce that toll and to lessen the loss of life and injury that takes place continually on our roads. Not only the Government but every sane person in the community is concerned about our road toll. I am sure that every member of Parliament would support any measure that had a likelihood of reducing that toll.

This Bill deals with two separate matters, and I will deal with clause 5(a) first, as it amends section 47(e) of the Road Traffic Act. This section is in Part III of the Act, which is headed, "Duties of drivers and pedestrians" and which prescribes the offences whereby a police officer may require a driver to take a breathalyser test. Presently, police officers may act only in respect of certain prescribed offences, and this gives rise to what is in my opinion an anomalous situation.

I refer to a couple of examples. For example, section 45 deals with careless driving, whereby persons are not to drive a vehicle without due care or attention, and so on. That is one of the prescribed sections. A police officer may require a driver who infringes that provision to submit to breath analysis. On the other hand, section 45a provides:

> . . . a driver shall not enter upon or attempt to cross any intersection or junction if the intersection, or junction, or the carriageway which he desires to enter, is blocked by other vehicles.

That is just as dangerous as the offence covered by section 45, yet under section 45a, a police officer may not require a driver who infringes to submit to breath analysis.

Section 57 deals with the duty to drive on the left of unbroken barrier lines. Most honourable members will agree that this is a comparatively trivial offence, and all of us at some stage have touched the white line, but a breath test can be demanded for such an infringement. On the other hand, under the prescribed offences in sections 48 and 53 of the Act, dealing with speeding offences, it is necessary to exceed the prescribed speed limit by 20 km/h before a police officer can require that a breath test be taken. This means that in a built-up area a driver may do 79 km/h before facing such a requirement. This can be dangerous and is certainly more dangerous than touching a white line, yet for that offence a police officer may not demand that a breath test be taken.

There are many other examples of anomalies that should not exist, and this Bill deals with them in what I consider to be a simple and desirable way. It simply strikes out paragraph (aa) of section 47e(1) which states that a breath test can only be demanded for any of the prescribed offences, and inserts a new paragraph (aa) which refers to a person who "has committed an offence against any provision of Part III of this Act of which the driving of a motor vehicle is an element". This leaves no doubt in the minds of the police or the public as to which offences might require a breath analysis. It is clear that it is an offence, however trivial, under Part III of the Act.

Under section 47(1) of the Road Traffic Act, a person shall not drive a motor vehicle or attempt to put a motor vehicle in motion while he is so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control. Under that section, a police officer can arrest a person who is driving or attempting to drive a motor vehicle if in his opinion the person is under the influence of alcohol or a drug. No breath test is necessary. It simply is the opinion of the police officer, and that person can be prevented from driving. If the person was driving a motor vehicle, obviously he must have drawn attention to himself in some way, probably by an infringement of one of the prescribed sections. I refer, for example, to section 45 of the Road Traffic Act, which is a broad section and which relates to driving without due care. A breath test can therefore be demanded. So, the police already have wide powers in relation to drinking and driving. However, I have no argument with the amendment which brings in the whole of Part III of the Act. If the Bill had stopped there, I would have no objection. However, I am concerned about the position of the person who has committed no offence against the Road Traffic Act. I wish to deal with that part of the Bill that has become known popularly, or unpopularly, as random breath tests. Of course, they are not random breath tests: they are quite selective. I still have a strong objection to this.

The first thing that comes to mind is, as the Hon. Mr. Blevins said, that it is an invasion of personal liberty. To me, that is the least important aspect involved, as at times we must accept a loss of personal liberty if we consider that it is for the greater good of the community. However, I will not accept that that applies in this case. There is no evidence that random breath testing has any effect on the road toll, and in the only place in which it has been tried in Australia, namely, Victoria, the results are far from conclusive.

At the outset, I wish to make clear that I have no argument with the fact that drinking is a major cause of our terrifyingly high road toll. I think all honourable members accept that drinking and driving do not go together. The Minister quoted certain statistics in support of this, and my own research came up with the same figures. I argue that it is extremely doubtful whether random breath testing has any significant effect on our road toll. Certainly, I do not believe it has enough effect to warrant inconveniencing perfectly lawful drivers.

The Minister quoted two examples from Victoria which he claims prove that random breath testing has an effect. The first is that road deaths in Victoria dropped from 954 in 1977 (when it was introduced in that State) to 843 in 1979. That is certainly a significant drop. However, to imply that it is because of random breath testing is misleading. Many factors combined to produce that result. I refer, for example, to public education and awareness, police blitzes and random breath testing. It is arguable, to say the least, that random breath testing played any significant part in that reduction, and there is certainly no real concrete evidence to that effect.

When summing up in another place, the Minister of Transport claimed that the mere thought of random breath tests was enough to have the desired effect. He said that the announcement, made late in December last year, had an effect on the January figures. I cannot accept that the mere thought of legislation that was to be introduced in the future would have such an effect. What did produce results was the extremely effective advertising campaign conducted at that time, as well as the police announcement of increased activity at critical times, such as long weekends, Schutzenfest, and so on. That, and not legislation that has not yet been passed, is what is having a most desirable effect on our road toll this year.

Another aspect of using road deaths as an argument is that it ignores the fact that the number of such deaths is

dropping in all States, yet only Victoria has random breath testing. We tend to use the totality of deaths when discussing the road toll, and in this regard South Australia is relatively static. There has been a substantial drop since 1974, when there were 384 deaths. However, over the past four years (when 307, 306, 291 and 309 people have died each year) there has been no significant alteration.

Road deaths and injuries must be taken in conjunction with other factors, in particular, the number of motor vehicles on the road. In 1978, the Road Traffic Board issued a table showing the fatality rate per 10 000 motor vehicles over the past 10 years. I will not go through all the figures, but this table shows significant drops in all States. The drop over Australia generally was 33 per cent over those 10 years, one of the biggest having occurred in Victoria. The interesting thing is that the overall trend in Victoria has been down over the past 10 or 11 years, and that there was no significant alteration in the rate of that trend since 1977, when random breath testing was introduced.

The Minister also said, in relation to the Victorian experience, that an intensified campaign from October to December 1978 produced significant results. The results of this campaign are given in a paper by Mr. A. P. Vulcan, Chairman of the Road Safety and Traffic Authority. I have read this report, and the way in which that campaign was conducted bears no relationship whatever to random breath testing either in Victoria or as is proposed in this Bill. I will now tell the Council how it was conducted.

"During weeks 43 to 49 of 1978 (that is, 23 October to 10 December), the Victorian Police applied intensified random breath testing in turn to four sectors of metropolitan Melbourne. Testing was carried out in one sector at a time, on Thursday, Friday and Saturday nights, in accordance with an experimental design proposed by the Road Safety and Traffic Authority which would allow the effect of operations in each sector to be measured. Total operating time averaged 100 hours per week with up to eight units being deployed. Generally the units were set up by about 7 p.m. so that they could be seen by motorists on their way to their place of drinking, and operations continued until after midnight. During weeks 50 and 51, the police continued to apply random breath testing to various locations throughout the metropolitan area, but the extent in each sector was lower than during the period of intensified testing."

This campaign was accompanied by intensive media publicity throughout the entire period. In view of this, it is hardly surprising that significant results were produced. Some of these were quoted by the Minister in his second reading explanation. He said:

> During this seven-week period there was a 50 per cent reduction in the number of people killed in road accidents in the Melbourne statistical division on Thursday, Friday and Saturday nights, compared with the same weeks the year before. There was also a reduction compared with the same nights in the previous seven weeks.

I raise no argument against those figures; certainly, I would accept them as being accurate. My argument is against the relevance of those figures compared to the normal situation as it applies in Victoria and to what is envisaged in this Bill. There is no doubt that intensive campaigns of any sort do have an effect. I believe that that is why they have had an effect in Victoria. I am sure that all honourable members have read the report on "Alcohol, Drugs and Driving" by the Australian Law Reform Commission. However, I believe that it is important enough for me to refer to it again, even though I may overlap what has been said by the Hon. Mr. Blevins. Paragraph 254 of that report states:

> A recurring theme should be stated. It was that before this further intrusion into the rights and privacy of citizens should be endured, empirical evidence should be provided that the gains in deterrence secured outweigh the loss of freedom forfeited.

I refer also to the evidence given by Dr. J. M. Henderson, Director of Traffic Safety at the New South Wales Department of Motor Transport and the Director of the Traffic Accident Research Unit of that State. At the beginning of his evidence, Dr. Henderson stated:

> [As to] random tests, again I have to stress for the public record that the views are mine, not the views of the New South Wales Government, which has no views at the moment.

He later stated:

> I am worried, however, not so much about . . . issues arising on personal freedom but rather about the fact it is over sold. My worry is it will not work and . . . liberty will have been lost in return for a counter measure which does not work. We know the history of road safety is full of counter measures which do not work but which remain because the people who propose them are very reluctant to admit they were wrong.

The Commission sums up its findings in paragraph 260 and 261 of the report. Paragraph 260 states:

> To all of the above arguments, it is necessary to add the countervailing rights of innocent citizens not to be detained by police at random and subjected, however courteously, to a personal indignity. Such a course would only appear justified by clear evidence that it would have effect. That evidence is not forthcoming. Important liberties should not be surrendered upon the basis of a hunch or as a consequence of wishful thinking.

Paragraph 261, which is headed "Conclusions on random tests", states:

> On a consideration of the arguments and the submissions put to it, the Commission is persuaded that random breath tests in the sense stated above are not justified at this time. The police, within the limits of the proposed prerequisites for preliminary testing, will have, potentially, very wide powers.

I interpose by saying that I have mentioned earlier that the police in South Australia already have wide powers and, with the inclusion of Part III of the Road Traffic Act, they will have even wider powers. Paragraph 261 continues:

> These could be exercised to apprehend a great number of drinking drivers, including drivers leaving hotels, clubs and like places. This is the approach favoured by the Commission based upon the current evidence and knowledge in this field. On that knowledge and evidence it is the only approach consistent with our statute and with the role of the police and the criminal justice system we have inherited in this country.

The main thrust of arguments put forward by supporters of the legislation is that it would act as a deterrent. It has been said that they do not want to catch people; they want to deter people. The thought currently is that the notion that a breath-testing station might be around the next corner will cause people not to drink and drive. Evidence shows that that does not happen. Perhaps when legislation first becomes law, as a result of publicity, there may be an initial caution by motorists. However, as time passes and the motorist learns that there is not a breath-testing station around the next corner he will revert to his normal habits.

Let us not forget that the main menace on our roads is the problem drinker—the person who drinks 8 to 10 schooners on a Friday afternoon after work, and perhaps spends Saturday afternoon in the pub drinking 18 to 20 schooners. This is the main problem, and I refuse to believe that random breath testing will deter such a person. I spoke to a senior police officer about this matter (I point out that he supports this Bill), and he admitted

that he believed that the long-term deterrent effect of this legislation would be negligible.

Forgetting random breath testing for a moment, and dealing with the law as it stands in South Australia now, and as it stood in Victoria in 1977, I believe that, either consciously or subconsciously, people know that the chances of being apprehended are low. The March 1977 issue of the *Australian and New Zealand Journal of Criminology* contained an article dealing with random breath testing that I commend to honourable members. The title, which is rather apt, was, "A just system or just a system?" In this article the author deals with the probability of apprehension, concluding that, even if a driver's blood alcohol concentration is over the prescribed limit, the chances of being apprehended are one in 1 000. That conclusion is based on the ratio of police vehicles to private vehicles, kilometres covered, and so on.

I know of no reason why the conditions would be very different in Adelaide. The addition of random breath testing, as it would be applied here, would not alter those probabilities very much. The public would become aware of that, and any deterrent effect would be lost. This was borne out in Victoria last Christmas, when that State had one of the blackest Christmas periods on record. One-third of all road deaths that occurred in Australia occurred in Victoria, and in 75 per cent of those deaths alcohol was a contributing cause. Obviously, there was no deterrent effect in Victoria last Christmas.

I have stated that the chances of apprehension, if the driver has been drinking, are small. This again has been borne out by experiments in Victoria. During the years that the testing has been operating, an average of 1·5 per cent of all the people tested (and it is now well in excess of 100 000) at random breath testing stations have been over the legal limit. That is the average for a period of more than three years. I believe that last year the figure was only about 1 per cent. I remind honourable members that the legal limit in Victoria is ·05 compared with ·08 in South Australia. On that proportion, no more than 1 per cent of people stopped in South Australia would be over our limit of ·08 per cent. That means that, to catch one person, 99 perfectly innocent law-abiding drivers would be inconvenienced by being delayed for an average of 10 minutes (the Victorian figures show that it takes an average of 10 minutes to process each person). We also have the added problem that, whereas under our law a person is innocent until proved guilty, in this situation a person is pulled into the side of the road and told to prove his innocence. That is a complete reversal of what normally happens.

Before supporters of this measure start jumping up and down and saying, "Ah! But if it saves one life then it is all worth while", I would say that that is emotional nonsense. That one person out of 100 who is over the limit might have a reading of ·082, and I do not believe that, if he was allowed to continue his journey, he would be any more likely to kill either himself or someone else than if he had a reading of ·078. However, I realise that there has to be an arbitrary line. If this person were stopped at a breath-testing station and had not been breaking any laws—he had not touched a white line or gone through a red light or been guilty of speeding—his offence would really be a trivial one.

The police would be better occupied in other ways than stopping 99 innocent people to catch one minor offender. The chance of catching a major offender with an alcohol level of perhaps ·14 or ·15 per cent would be only a fraction of 1 per cent, and such a driver would be likely to draw attention to himself by some infringement under the existing very wide powers of the police.

I mentioned a trivial offence, and I now deal further with this matter. The case of a person's exceeding ·08 per cent blood alcohol content is one of the few, and as far as I can find out probably the only, piece of legislation in South Australia that provides for minimum penalties. Section 47b of the Road Traffic Act states that a person shall not drive a motor vehicle or attempt to put a motor vehicle in motion while there is present in his blood a prescribed concentration of alcohol. Section 47a provides that that concentration is ·08 grams in 100 millilitres of blood. Section 47b provides:

> For a first offence—
>
> *(a)* where the concentration of alcohol in the blood of the convicted person was less than ·15 grams in 100 millilitres of blood—disqualification from holding or obtaining a driver's licence for such period, being not less than one month, as the court thinks fit, and a fine of not less than two hundred dollars and not more than five hundred dollars;
>
> or
>
> *(b)* where the concentration of alcohol in the blood of the convicted person was ·15 grams or more in 100 millilitres of blood—disqualification from holding or obtaining a driver's licence for such period, being not less than six months, as the court thinks fit, and—
>
> (i) a fine of not less than three hundred dollars and not more than six hundred dollars;
>
> or
>
> (ii) imprisonment for not more than three months.

It then deals with a second offence and subsequent offences. Under that section, in the case of the driver mentioned above, the judge will have no alternative but to fine that driver $200 and cancel his licence for a month. Remember, I am not speaking about a driver who drew attention to himself by some infringement of the law. In that case, it could be argued that, to have infringed the law, his driving must be impaired. I will accept that.

As I have said, I support the widening of the offences that require that a breath test be submitted to, but I am talking now about a driver who, although he may be slightly over the legal limit, is driving within the speed limit, is keeping in his right lane, is stopping at the stop signs and traffic lights, and is in all ways driving safely and observing the law. The judge may feel that a $20 fine is an appropriate penalty, but, under the law he cannot impose that fine, because a minimum penalty is prescribed. That driver would suffer the same penalty as would a driver who had the same blood alcohol content and who had jumped red lights, exceeded the speed limit, and weaved in and out of traffic.

I have a very real fear about what may happen here; I understand it is happening in England. In England, I believe, there are no breath tests but police officers have wide powers to require people to submit to blood tests, and there are minimum penalties. In England, in cases such as I have mentioned, magistrates, rather than impose a compulsory heavy penalty for what is really a trivial offence, are finding the plaintiff not guilty altogether. This is wrong, and I believe the same thing could happen here.

There are a multitude of arguments against random breath testing. As the Hon. Mr. Blevins said he found, I have found it difficult to find authoritatively qualified papers in support of random breath testing. I found only one authoritative article, the Vulcan paper, that supported random breath testing. The results of that study are not relevant to random breath testing as it applies in Victoria or as proposed in South Australia. I could argue against random breath testing for some time; I could quote three

News editorials that were opposed to random breath testing and I could also quote an article by Tony Baker in yesterday's *News*, but it is obvious that many other honourable members will speak about this Bill and we will be here for some time.

I refer now to my own position in this matter. I stated publicly some time ago that I was opposed to random breath testing. Since then, there has been wide conjecture as to what I would do. I admit quite freely that I have been in something of a dilemma. On the one hand, I have strong personal opposition to this measure. I would not be opposed to the Bill if I thought that it would be effective. On the other hand, I am faced with the fact that this measure was announced as a policy of my Party prior to the election, which we won.

However, I have never believed that a Government necessarily has a mandate for every matter that it raises before an election. We on this side used that argument many times (as we would freely admit) when the Labor Party was in office and we sat opposite. We did not win the last election because random breath testing was our policy but because of our promise to abolish succession and gift duty, to give remissions on pay-roll tax and stamp duty, and because the people believed that the Liberal Party would be able to pull South Australia out of the mess that the previous Labor Government had got us into. It was a package of things that gave the Liberal Party Government, and one of those things was random breath testing. I have no doubt that that weighed in our favour with many people but, from what a large number of people have said to me, it seems that a lot of people voted Liberal not because of random breath testing but in spite of it; they were angry at its inclusion in our policy, but it was not enough to cause them to vote against us.

I also take into account the findings of a survey conducted by Peter Gardiner and Associates. This showed that, of 819 people questioned, 61 per cent favoured random breath testing. That is a significant majority and cannot be ignored. The survey was taken, I imagine, in the city; if it had been conducted over the whole of South Australia, the findings might have been significantly different. My own experience has been that there is an emotionalism about this issue that colours objectivity; people do not fully understand what is envisaged in this Bill and, more importantly, they do not understand the powers that the police already have. I have found that when the whole matter has been explained rationally to them, most people can see my point of view.

It was conjectured in the press last week that I might abstain from voting—that I could not support the Bill but that I would not oppose Party policy. I admit that this was what I intended to do at one stage, but I was never happy about that decision. All my life I have been prepared to stand up and be counted. This conduct has got me into a fair amount of trouble, one way or another, particularly since I got into politics, but, as I said, I have always been prepared to stand up and be counted; I felt that I could not duck this issue. After a fairly agonising weekend, I have come to the conclusion that it is not in my nature to sit on the fence; I cannot do it. I realise that I will have to suffer any consequences that may result. I have done that before—and consequences there could well be.

Honourable members will understand that I have been subjected to fairly heavy pressure over the past few days. I have heard that two of my colleagues, not necessarily members in this Chamber, have said that if I vote against random breath testing they will work to see that I do not gain preselection. If that is true, I will have to live with it and we will see what happens when preselection comes around.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. A. CARNIE: As I said, I agree with clause 5(*a*) which widens the offences for which a police officer may demand a breath test. For that reason, I will support the second reading of the Bill. I then intend to vote against any provision that provides for random breath tests. The Hon. Mr. DeGaris has an amendment on file to clause 4 that I will support. If the amendment is not carried, I will vote against clause 4. I also propose an amendment to clause 5. At this stage, I support the second reading.

The Hon. C. J. SUMNER: As the Hon. Mr. Blevins has pointed out, the Labor Party will not oppose the second reading of this Bill. However, at this stage the Opposition is not convinced that the provisions relating to random breath tests are necessary or that a case has been established for random breath testing. The decision not to oppose the second reading of the Bill was also adopted by Labor members in another place. The aim behind that decision was quite simple. First, it was done to obtain more information about evidence as to whether random breath testing works as a deterrent against drink driving and, secondly, to obtain more information on how the Bill would work administratively. As to the latter matter, I understand that the Minister has now given an explanation which clarifies that position.

I understand that some time ago the Minister said that the proposal would be very restrictive and that the public would be notified not only when the random breath tests would be carried out but also about the particular area and the roads. I believe the Minister has now clarified his position in relation to that. The current position is that random breath tests will be carried out at specified times during the year, but the locations will not be revealed. I believe that was sufficient reason to question the Minister about that matter in another place and I am glad that he has clarified how this will be used administratively by the police. However, that is not the central point at this time.

The central question relates to the evidence that random breath tests deter drink drivers. At this time the Opposition is not satisfied with the answers that it has received from the Government in justification of this Bill. In his second reading explanation the Minister said that the legislation reflects the Government's concern for the loss of life and injury that occurs on South Australian roads and that this measure was one of several actions being taken by the Government to deal with the road toll, as promised during the last election.

I believe that all members of Parliament have a concern for the loss of life and injury that occurs on South Australian roads. I am sure that the Hon. Mr. Carnie, who has expressed his opposition to this measure, would also have that concern. The question is not the concern for the loss of life and injury that occurs on South Australian roads—because that is a concern that we all share—but whether random breath testing will assist in reducing the loss of life and injury that occurs on the road. Will this Bill be effective as a deterrent in reducing loss of life and injury? Further, is it the most effective method to deal with what is undoubtedly a very serious problem? There is no doubt, as has been pointed out, that important civil liberties are being surrendered.

In his careful contribution to this debate, the Hon. Mr. Blevins referred to the fact that civil liberties should not be given up on a hunch or wishful thinking. In other words, the Government needs to establish some evidence of the beneficial effects of this legislation to counteract the fact that certain civil liberties are being surrendered by individuals in the community. That is the conclusion, rightly referred to by the Hon. Mr. Blevins and the Hon.

Mr. Carnie, that the Australian Law Reform Commission arrived at. In essence, a restriction of liberties should be made on the basis of evidence. This legislation should be proven to be effective in reducing the road toll.

We have heard the argument in regard to civil liberties in this Chamber many times before, and the Opposition certainly accepts it. There can be restrictions on people's civil liberties if the greater community good can be established. Legislation introduced by a Labor Government forced people to wear seat belts. Legislation introduced by a Labor Government also required compulsory blood tests for people admitted to hospital following an accident. Both of those measures were restrictions on people's civil liberties. Those restrictions were felt to be necessary because, in the case of seat belts, it was established by research that, if a person did not wear a seat belt, he was much more likely to be injured in a motor vehicle accident. If people are injured in motor vehicle accidents there is quite clearly a strain or charge placed on the community's resources because of the enormous costs of medical care. Clearly, there is also an emotional charge or factor on the relatives of the injured or dead that must be taken into account. The situation is the same in relation to compulsory blood tests. Compulsory blood tests were introduced because it was thought appropriate, given what I believe is an established relationship between drinking alcohol and road accidents. However, from a civil liberties point of view, that is not an absolute argument. It has often been said that one person's civil liberty ends where the other person's begins. I believe there is a good deal to be said for that.

The principle the Opposition is putting forward is not an absolute principle that there is some absolute right that a person should not be stopped to undergo a random breath test. The Opposition is saying that the surrendering of that liberty needs to be justified through evidence. There is little doubt that there is some relationship between the consumption of alcohol and road accidents. One could then raise a question in relation to the precise nature of that relationship. As I have said, that relationship was accepted by the Labor Government when it introduced compulsory blood tests for people admitted to hospital following a motor vehicle accident. The second and most important question for this Council to consider today is what are the most effective measures to overcome the problems that arise as a result of alcohol consumption and the road toll. Therefore, it is absolutely critical for the Council to look at the evidence available. I believe it is at that point one runs into trouble, because it is quite clear that members of Parliament are taking different views of the evidence.

We have heard the Hon. Mr. Carnie's considered contribution to the debate, and he is taking a different view on the evidence about the deterrent effect of random breath testing from that of his other colleagues in Government.

The Hon. M. B. Cameron: Members on this side are allowed to do that.

The Hon. C. J. SUMNER: I am not arguing about that, but if they do it their pre-selection is obviously in doubt, as the Hon. Mr. Carnie indicated.

The Hon. B. A. Chatterton: What happened to the Hon. Mr. Geddes?

The Hon. C. J. SUMNER: The Hon. Mr. Geddes did not last long, either. We have heard a considered analysis of the position by the Hon. Mr. Carnie, who concludes that the evidence is not such as to allow the Council to support this restriction on the liberties of the individual. That is his view.

On the other hand, the Minister and the Government generally have been saying that they are convinced by the evidence on this matter. In his second reading explanation the Minister quoted the Victorian situation. This is obviously critical to any consideration of this issue. The Minister stated:

> Members will be aware that Victoria has had a form of random breath testing since 1976, although I stress that this Bill is by no means along the same lines, and is rather restricted in its scope compared with the Victorian legislation. Despite the differences, it is instructive to look at the Victorian experience, for it does indicate the potential value of widening the impact of breath testing. Overall, there has been a drop in the number killed on Victorian roads from 954 in 1977 to 869 in 1978 and 843 in 1979.

The Minister then stated:

> I believe that breath testing has played its part in this.

On the one hand the Hon. Mr. Carnie says that he does not agree that breath testing has played a part in Victoria in reducing the road toll, and on the other hand the Government says that it has. The Opposition's position really is that we do not know, because we do not believe that sufficient investigation or inquiry has been carried out into the experience in Victoria or in other parts of the world.

Just within this Council are three different points of view on the Victorian experience. I believe that, rather than having a position of assertion being made in this Chamber, the proposal to have a Select Committee is the right course for the Parliament as a whole to adopt. I say that because, just by reference to that one example of the Victorian situation, honourable members can see the differing interpretations of evidence that we have before us in this Parliament. If it can be shown, and I believe it should be investigated by a calm look at the evidence in some all-Party Parliamentary forum, that random breath testing would operate as an effective deterrent to drink driving and therefore help to reduce road accidents and the road toll, that would be an important factor for this Council to consider in deciding its response to this Bill.

I do not say that that would necessarily be a conclusive factor. The Hon. Mr. Carnie may still wish to retain his opposition to random breath testing and other members may, too, but surely from the point of view of the Council's making up its mind in a calm and rational atmosphere, an investigation into this area would be of particular importance. It is interesting to note that the Minister admits that the Bill is not the same as the situation that exists in Victoria. That could mean that the Bill would be less effective.

I say that the Victorian experience is important. I say that there are differing points of view operating or being put in this Chamber on the Victorian experience and that the best way of resolving these differing views and obtaining some objectivity in the debate is for Parliament to look at the matter through a Select Committee.

What also needs to be examined is the effectiveness of this method (random breath tests) as a deterrent compared with other methods. What is needed is a concerted approach to the problem of road accidents and the road toll. More importantly, and this is where a Select Committee could be of great importance, it could look at community acceptance. If one gets community acceptance of the dangers of drink driving, one does not need the Draconian laws that we have sometimes introduced.

I am sure that that approach would commend itself to the Hon. Dr. Ritson, who has talked about having fewer laws and not more laws. Surely the approach of a Select Committee would help the public understanding of this issue over the period of its hearings. Thereby, with public understanding and hopefully with public acceptance of

individual responsibilities when people drink and drive, that is the sort of approach that we should be looking at.

I do not dismiss the notion that the committee may decide on random breath tests as one means of dealing with this problem, but it is not the only means, and a Select Committee ought to look at what is the effectiveness of random breath tests as opposed to other measures such as community education and the measures that have been advanced by the Hon. Mr. Blevins and the Hon. Mr. Carnie.

My proposal is that the committee look not just at this Bill but at all aspects of alcohol consumption and road safety. It could examine the effectiveness of our penalties presently provided in legislation. It could examine the experience in comparable countries, particularly countries in northern Europe and Scandanavian countries, where severe penalties against drink driving have been in force for some time.

One argument advanced about mandatory gaol penalties that I believe applies in Sweden is that a gaol sentence operates as a deterrent for a certain period and then, as people become used to the deterrent, the effect wears off as the threat of imprisonment becomes much more common.

That is an argument which I have heard and which the committee could examine. It could also examine education campaigns. Only today or yesterday the Australian Medical Association announced that it was embarking on an education campaign around alcohol use and road safety. The committee could see what more can be done, not just by the A.M.A. or by voluntary groups but through schools and the Education Department. The context of these other proposals, and analysis not just of random breath-test laws, but comparing them with other proposals that may come to us, will enable the committee to assess, first, whether or not random breath tests are the most effective system and, secondly, whether the evidence is such as to support a restriction on people's liberties.

As I said, we do not say that the civil liberties argument is an absolute one. It depends on the evidence and the harm to society that would result if the restrictions on these liberties were allowed to proceed. That evidence needs to be looked at.

The experience in Victoria needs to be looked at. Doubtless, people from Victoria with first-hand experience in the operation of that legislation could give evidence to the committee. South Australia has a highly regarded Road Accident Research Unit attached to Adelaide University. It could also give evidence.

We could review the considerable literature on this subject from overseas, and we could hear representations made by community groups. The Police Association, for instance, has said that it is opposed to the Bill, as has the Trades and Labor Council. I have no doubt that the Australian Hotels Association would be opposed to it. On the other hand, the Australian Medical Association has come out strongly in favour of it. Those groups could all give evidence to the Select Committee, as could any other groups that are interested in the social consequences that arise as a result of road accidents and the role that alcohol plays in them.

This is the sort of Bill that ought to be referred to a Select Committee: it is ideal for investigation by a Select Committee because factual and evidentiary matters are in dispute. I should have thought that this approach would commend itself to Government members, as it is a matter of the factual basis on which this Council bases its decision. There has been considerable criticism from the community and certain sections of the press regarding the Government's desire to rush this Bill through Parliament. It passed through another place after a long debate that went until 4 a.m. one day last week, and I understand that the Government intends to have the matter finalised before the Council rises tomorrow. A referral to a Select Committee would overcome that criticism and would mean that the Bill was not rushed through and that the matter could be examined carefully, calmly and in a dispassionate atmosphere.

I now indicate to the Council what the Opposition has in mind regarding the Select Committee. We propose that it should be a Select Committee not just of the Legislative Council but of the whole Parliament. That would mean that the Minister in the House of Assembly (Hon. M. M. Wilson) who is promoting this legislation could participate in the committee's deliberations. That is a somewhat different proposal from that which Liberal members adopted when they were in Opposition. Generally, their approach to Select Committees was to set up Legislative Council committees. That meant that, if a Bill was promoted in the Lower House, the Minister in charge of it did not have a say in the Select Committee's deliberations. One can refer, for example, to the debts repayment Select Committee, which the Liberal Party set up in response to Labor Government legislation.

The Hon. R. C. DeGaris: Don't tell me that the Minister in charge of that Bill didn't have some say in that committee.

The Hon. C. J. SUMNER: I am not saying that there are not Government members of this Council who served on the Select Committee. The Opposition is proposing an all-Parliament committee in which the Minister in the Lower House would be directly involved. That is different from the common practice adopted by honourable members opposite when they were in Opposition. They often appointed Legislative Council Select Committees to examine Government Bills. I am merely saying that that did not give the Minister in the Lower House an opportunity to participate in the committee's deliberations.

That is the first point: this proposal involves the whole Parliament and not just the Legislative Council. I contrast the Opposition's approach to that of the Liberals when they were in Opposition. Secondly, it is proposed that the committee should have six members, three coming from the Legislative Council and three coming from the House of Assembly. I hope that the committee will ultimately develop a bipartisan approach to this issue. It should be above Party-political bickering.

In this case, the Opposition in the Council would nominate two of its members and one Government member, and in the Lower House the Government would nominate two members and the Opposition only one member. We would therefore have a committee with equal representation. That would be very much in accordance with the tradition that has been established in this Council over the past 10 years, where any Select Committee that has been set up in this place has comprised three Government and three Opposition members. That tradition has been followed through in this Parliament by the new Government. We ought to work towards a bipartisan approach to this matter, and that could be done most effectively by having a committee comprising three Opposition members and three Government members.

The other matter is that the committee would look at all aspects of alcohol consumption and road safety. So, there would be a means of comparing what else can be done with random breath testing. Also, the committee would be open and public, and community groups could give evidence in public. I have in previous debates explained the advantages of that.

Finally, I have given contingent notice that, if the Government does not feel inclined to go along with this offer of an all-Party committee of the whole Parliament, the Legislative Council itself should appoint a committee. The appointment of a Select Committee is the appropriate approach to adopt in this controversial matter, about which there are strongly conflicting points of view.

The Hon. M. B. Cameron: Even on this side.

The Hon. C. J. SUMNER: I am pleased to concede that this is not a Party-political issue: it is an issue where different points of view are expressed right across the political spectrum.

The Hon. M. B. Cameron: So you will have a free vote.

The Hon. C. J. SUMNER: No. The honourable member knows quite well that the Labor Party decides matters in Caucus and is bound by a majority decision. We do it honestly.

The Hon. C. M. Hill: Behind closed doors.

The Hon. C. J. SUMNER: Honourable members opposite say that they allow their members a free vote but, as soon as they exercise it (as the Hon. Mr. Geddes did last year), they are given the shove. Indeed, the Hon. Mr. Carnie has indicated today that he has been threatened with exactly the same treatment should he vote against the Government on this Bill. This is an issue that crosses Party barriers, and it should not be treated in a narrow, Party-political way. That would be wrong. Members in the Parliament, be they Labor or Liberal, have genuine worries about this Bill. I do not believe that there is any basic difference in principle between anyone in this Parliament. However, there is a difference in emphasis that could be resolved by our looking at the evidence regarding this issue.

That is the proposal that we are putting up. A clear, calm and dispassionate look at the Government's proposition, an opportunity for the community to comment, a careful look at the experience in Victoria, and then a report back to this Council in two or three months time with that evidence in front of it, will enable the Council to consider the proposition. The delay of two, three or four months would not affect the Government in any way in its desire to get this measure through. Accordingly, I will be supporting the second reading. We still have doubts about the legislation in its present form and we will oppose it ultimately if there is an attempt to push it through at this stage. I will be moving for the matter to be referred either to a Select Committee of the whole Parliament or, alternatively, to a Select Committee of this Council.

[Sitting suspended from 6.2 to 7.45 p.m.]

The Hon. R. J. RITSON: I rise to support this Bill and in doing so I want to talk about three matters. I want to talk about some facts. I want to talk about some principles, and I want to talk about some politics. First, the magnitude of the problem is something that we must not forget. I believe that I have a closer understanding of the horror of this problem than have most other members of this Council. As a doctor I have seen this, lived with it, and been horrified by it.

The Hon. M. B. Cameron interjecting:

The Hon. R. J. RITSON: I have held the top of a man's head in my hand like half a coconut while the brains ran out. I have seen people come into hospital on a trolley with their boots beside them and the feet still in them. These horrible things happen on our roads in the State to the tune of 300 dead a year and thousands upon thousands injured. When I say "injured", I do not mean concussion and a cut finger. When hospitals issue bulletins classifying injuries as being critical, serious or satisfactory, do honourable members know what "satisfactory" means? In many cases it means that the operation to remove the destroyed eye has been conducted satisfactorily. It means that the skin graft has taken or the amputation stump is healing very satisfactorily. That is just not very satisfactory. This is an immense problem, and the cost is great. There are several thousand vehicles destroyed each year at a cost of several thousand each, which means a sum of several million dollars. We can also look at the several thousand injured patients whose treatment in hospitals costs several more million dollars. When we start looking at the loss of earnings and at the lifetime loss of earnings of the dead people and look at the flow-on effects in the community—the treatment of depressed people mourning victims, etc.—we are talking of hundreds of millions of dollars per annum. That has to be the biggest socio-economic evil in the State today.

This Parliament is deceiving itself if it can get all het up about expending a few hundred thousand dollars here or there or about the alleged so-called waste of a few hundred dollars in note paper by a Minister and then put up the denial mechanism and say, "We know it is serious, but—" and then not treat it seriously. It has not been treated seriously. The Hon. Mr. Blevins made a great point about the principle of freedom, which I will deal with later. However, I take the point here that he said the principles of freedom should be tampered with only on serious grounds and he gave trivial examples. He talked about chest X-rays for T.B. There are some three cases a year! He also talked about many other lesser things. Is this not the most serious ground of all?

Now there are many causes of this evil, but the biggest single cause is indisputably alcohol. Surveys that have been conducted over the past 15 or 20 years all arrive at the same result. When I was a young house surgeon working in a public hospital a survey was done on blood alcohol by testing blood that was taken for matching for transfusion. In those days, there was no legal backing for the taking of blood purely for the estimation of blood alcohol. The survey was conducted on blood taken for cross matching. Therefore, the survey would have been conducted only on serious accident victims, and would not necessarily demonstrate the cause of all accidents. It was found in that survey that one-half of the seriously injured people were intoxicated. This type of survey has been done many times in many places and the result has always been the same.

The first Vulcan report, which was a submission to the House of Representatives by Mr. Vulcan, arrived at a figure of 49 per cent intoxication on samples of blood taken from people killed in road accidents.

The Hon. R. C. DeGaris: Is that over ·05?

The Hon. R. J. RITSON: Yes, it ranged from ·05 upwards. The method of selecting the seriously ill or dead for testing does not really tell us what is happening in the general community, and other honourable members have referred to that today. Those members have pointed out that random testing resulted in the finding that about 2 per cent of the randomly selected driving population are intoxicated. The conclusion from that is that 2 per cent of the driving population are killing half the people who die in road accidents. Up until now the law has had power to gain evidence of intoxication against people who are driving badly, have had an accident or been admitted to hospital.

To collect evidence from the scene of the accident, from the hospitals and the morgues is starting a bit late in the chain of events. This Bill will provide additional powers to identify that 2 per cent of the driving population before an

accident, before a hospital admission and before an autopsy is conducted. Concern in the community is widespread. I believe that is a majority concern, although it may be only a simple majority of about 60 per cent who favour this legislation. However, the informed and concerned people in the community favour this legislation in a much higher degree. I received a letter tonight from the Chief of the Surgical Services at Modbury Hospital and the Director of Intensive Care and Anaesthesia. That letter reads as follows:

Dear Councillors,

We as clinicians in public hospitals are daily concerned with the carnage occurring on our roads. Much of this is directly attributable to alcohol and perhaps other drugs.

For far too long the drunken driver has been protected by society and we ask you to take action to remove as far as possible the menace of the intoxicated driver from our roads.

The legislation as proposed might only have a minimal beneficial effect as far as reducing the road toll is concerned but at least it will help to keep alcohol and driving in the public mind.

The cost of the drunken driver in human terms is immeasurable and in money terms millions.

We would be delighted if you put us out of business as far as road trauma is concerned. We believe the civil rights issue is of minor importance when compared with the sequelae of trauma on the roads.

We ask you to deal boldly with this menace. We are disappointed that the proposed legislation has been made a party political issue.

Yours sincerely,

Donald D. Beard
R. M. Edwards
College of Surgeons Road Trauma Committee

The Hon. C. J. Sumner: It hasn't become Party political, has it?

The Hon. R. J. RITSON: I will come to that in good time. I do not believe that anyone seriously questions the real horror of the road toll or that alcohol is a major cause. The two arguments proposed in this chamber today have been that this legislation as it stands may not significantly reduce the road toll and, secondly, that there are important principles of human freedom involved. Earlier today the Hon. Mr. Sumner was good enough to point out to me, and I thank him for it, that I have on many occasions spoken of the evils of over-regulation in minor matters. I am very well aware that in all Western democracies, regardless of the Party in power, strong public servants in charge of weak Ministers have built hideous bureaucratic monuments to the principle of using a sledge hammer to crack a flea. This Bill deals with no flea, but with a monster and it therefore needs a sledgehammer.

I now turn to the matter of the efficacy of breath tests, and this is where I will look at the sledge hammer approach as questioned by the Hon. Mr. Carnie. The second Vulcan report, which is really a report by Mr. Cameron, Mr. Strange and Mr. Vulcan, in a paper presented to the first Pan-Pacific Conference on Drugs and Alcohol on 26 February this year, shows that the experiment referred to by the Hon. Mr. Carnie did in fact work. The experiment was a series of special treatments and not the usual Victorian pattern of breath testing. It used the usual police operational methods with some special treatment for certain areas. The results for this experiment were measured against two controls. The first control was the overall accident rate in the metropolitan area compared with the rate for the same days in the previous year. The other control was the differential accident and fatality rates in the segment of the metropolitan area treated, compared with the accident rate in the city of Melbourne as a whole. The results were that the areas treated achieved a 72 per cent reduction in the death rate. That figure was subject to the usual criteria of statistical significance and was regarded mathematically to be statistically significant. The area of Melbourne as a whole, compared with the equivalent dates in the previous year, revealed a 54 per cent reduction in the death rate. Therefore, it is absolutely untrue and flies in the face of very good scientific evidence to make a broad general statement that random breath testing cannot work. I now want to make sure that all members understand that there are circumstances where random breath testing can work.

The Hon. J. A. Carnie: It is a special situation.

The Hon. R. J. RITSON: I listened to the Hon. Mr. Carnie in relative silence, and I hope he will do the same for me. The question facing this Council should not be Party political, because we are dealing with lives. I believe strongly that random breath testing can work, depending upon how it is applied. The Australian Law Reform Commission was referred to earlier. I have discovered some references to it in the library, and one of the points that is made repeatedly is that the key factor in determining whether this Bill is to work is that there should be an increase in the public perception of the chances of apprehension. The principle behind this is that as long as a person does not expect to be caught it matters little what the penalty is; he does not consider it because he does not expect to be caught. Many other members have said the same thing in this Chamber today.

True, this Bill falls far short of the conditions that have produced such excellent results elsewhere. However, I suspect that the Government would have produced a more forceful Bill if it had not felt that the Opposition was so intent on opposing this legislation that it had to produce a lesser Bill in order to get it through this Council. In other words, it was trying to save some lives but not all the lives that could be saved if some more forceful measures were introduced. In a moment I intend to talk about the politics of this issue, because there is much politics attached to it.

The question of this Bill not going far enough has been raised by a number of people. I think that was one of the Hon. Mr. Carnie's objections. The Hon. Frank Blevins pointed out that it would not work, because the days on which the new powers were to be used would be advertised and it would be restricted to a few days a year. I can assure honourable members that the Bill does not require anything of the sort; the Government has merely given an undertaking that it will use the powers given in the Bill in a velvet-glove manner.

Having given that undertaking, the Government, being an honest Government, would not shy away from that undertaking unless it was with the agreement of the Opposition to introduce more Draconian applications—

The Hon. Frank Blevins: You are extremely naive.

The Hon. R. J. RITSON: Obviously the Hon. Mr. Blevins is not familiar with honest Governments.

Members interjecting:

The Hon. R. J. RITSON: In summary, the situation is this: the size of the problem is immeasurable; the cause is alcohol, and the problem can be reduced with proper random breath testing. This Council has before it a half proper Bill because the Government believes it is the only Bill that the Labor Party will wear, but the Government finds that the Labor Party will not wear it anyway and that we shall probably lose it, which brings me to the politics of the situation.

The Hon. Anne Levy: The Opposition does not have a majority!

The Hon. R. J. RITSON: I am coming to that. This

matter is something that by its very nature will give rise to a division of opinion. As honourable members know, within the Liberal Party—

The Hon. J. E. Dunford: You're free to vote as you will.

Members interjecting:

The PRESIDENT: Order! Interjections are acceptable but, if honourable members continue with them, they will have to bring me into the debate all the time.

The Hon. M. B. Cameron interjecting:

The PRESIDENT: Order! The Hon. Mr. Cameron is just as big an offender as anyone. I have asked for fewer interjections. It will not worry me if I have to use more force.

Members interjecting:

The Hon. K. L. MILNE: I rise on a point of order, Mr. President. This is not fair. This is a serious speech indeed; it is the most serious speech we have had on this subject. The Council will be keeping another place waiting and honourable members are carrying on like this when the Hon. Dr. Ritson is dealing with a serious matter affecting people's lives. I take exception to it.

The PRESIDENT: I agree with the honourable member. It is not a point of order, but I intend to see that there is more decorum.

The Hon. R. J. RITSON: I comfort the Hon. Mr. Milne with the fact that when the squeals become louder it means that I am getting closer to the truth. The politics of the situation are these: in any group of people there will naturally be a division of opinion and my Party has divided on a majority and a minority opinion. I respect the people who have expressed that minority opinion in my own Party. I disagree with it, but I respect it. I admire their courage. It has not been easy. I would be utterly surprised if merely by accident 100 per cent of A.L.P. members have suddenly decided that they are all spontaneously agreed on this matter.

I would be surprised if, free from any influence of union support or any action in Caucus, there was not a member opposite who thought that this Bill had some serious merit.

The Hon. N. K. Foster: Your union supports it.

The PRESIDENT: Order!

The Hon. R. J. RITSON: I would be surprised because, on reading the debate on this matter in another place I discovered that the former Premier in another place (Hon. J. D. Corcoran) had written some letters on this matter and had proposed to introduce certain action.

The Hon. C. J. SUMNER: I rise on a point of order, Mr. President. In the Westminister system—

The Hon. K. T. Griffin: What is the point of order?

The Hon. C. J. SUMNER: The point of order will be explained, and I intend to explain it because it is a serious point of order. This matter has given me much concern, because what has been happening in this Parliament since the change of Government has been a gross breach of constitutional propriety. It has been a gross breach of the traditions of the Westminister system that governs the changeover of Governments.

The rule has been and still is in the United Kingdom and in the Federal Parliament that Cabinet documents of a former Government are not made available to the incoming Government. Where they are made available there is a constitutional principle that these documents are not referred to, especially in regard to comments by individual Ministers in submissions to Cabinet. They are not referred to by the Government in Parliament, in public, or anywhere else, for that matter. In other words, there is a convention that this material ought not to be used by the incoming Government. That is a constitutional principle which is and has been abused. It is being abused day in and day out by this Government. It has gone on fishing expeditions through Labor Cabinet files, through the ordinary dockets of the Public Service, to find private comments made by Ministers.

The Hon. C. M. Hill: In 1968 your people took them away with them and did not even leave them in the files.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: This is a serious matter. I appreciate the Hon. Mr. Hill's interjection.

The PRESIDENT: But this is not a debate: it is a point of order. Will the honourable member come to that?

The Hon. C. J. SUMNER: I am coming to it. The Hon. Mr. Hill's point is correct. The constitutional principle is that the incoming Government may take—

The Hon. C. M. Hill: What authority are you quoting?

The Hon. C. J. SUMNER: I will get the authorities. The constitutional principle is that Cabinet documents are the property of the Government that originated them.

The Hon. K. T. Griffin: They are not.

The Hon. C. J. SUMNER: The Attorney-General should look at the constitutional principles. That is the principle that this Council should follow. However, it has been grossly abused, particularly in the Lower House, where the Government has not adhered to those traditional principles. You, Sir, in a recent ruling in this place, not on the basis of anything in the Standing Orders or in the Constitution Act, but on a custom and usage of this Parliament, ruled that a Bill—

The PRESIDENT: Order! That has nothing to do with the honourable Leader's point or order, if he has one.

The Hon. C. J. SUMNER: It is a serious point of order.

The PRESIDENT: Then bring it to the notice of the Council.

The Hon. C. J. SUMNER: I intend to do so. However, I must have an opportunity of explaining my point of order. On the basis of custom and convention of this Parliament, you, Sir, ruled out a Bill that I had introduced. That was done on the basis not of any Standing Order or of anything in the Constitution but of convention and practice as you saw it in this Parliament.

The Hon. J. C. Burdett: But it was specified.

The Hon. C. J. SUMNER: Where was it specified? It was not specified anywhere. It was based on convention and custom.

The PRESIDENT: Order! What is the Leader's point of order?

The Hon. C. J. SUMNER: My point of order is that the Hon. Dr. Ritson is about to refer to a debate in another place.

The Hon. C. M. Hill: He's referring to *Hansard*.

The Hon. J. C. Burdett: And he's allowed to do that.

The Hon. C. J. SUMNER: I know that. This refers to the debate in another place. The Minister used a Cabinet docket that contained confidential information—

The PRESIDENT: Order! I ask the honourable Leader to resume his seat. Unless the Leader can reach some point of order that he wants to raise about the Hon. Dr. Ritson's speech, I do not want to hear anything more about it.

The Hon. C. J. SUMNER: This is a serious point, and I hope that honourable members opposite, and indeed you, Sir, will treat it seriously. The Hon. Dr. Ritson is about to embark upon—

The Hon. R. C. DeGaris: How do you know that?

The Hon. C. J. SUMNER: I know, because he referred to a document relating to the Lower House.

The Hon. L. H. DAVIS: On a point of order, the Leader of the Opposition is referring to a statement that he is anticipating from the Hon. Dr. Ritson, who has said that

he intends to refer to an item that has been noted in *Hansard*. I cannot see the point of order.

The PRESIDENT: I accept that point of order.

The Hon. C. J. SUMNER: The point is that there is this convention in relation to the changeover of Government which this Government has abused. I believe (and this is the point of order) that—

The Hon. C. M. Hill: Can you quote authorities?

The Hon. C. J. SUMNER: I can do that.

The PRESIDENT: If the Leader makes his point of order, it can be considered.

The Hon. C. J. SUMNER: It is simply that there is a custom and convention of this Parliament that, on the changeover of Government, the incoming Government does not use Cabinet statements—

The Hon. M. B. CAMERON: I rise on a point of order.

The Hon. C. J. Sumner: But I am in the middle of mine.

The PRESIDENT: Order!

The Hon. M. B. CAMERON: I wonder whether the Leader of the Opposition can explain which Standing Order states that an incoming Government does not have the right to look at the previous Government's dockets.

The PRESIDENT: I cannot uphold that point of order.

The Hon. C. J. SUMNER: My point of order is that there is a tradition in the Westminster system—

The Hon. J. C. Burdett: That is not a point of order.

The PRESIDENT: Order! Let the Leader of the Opposition continue.

The Hon. C. J. SUMNER: There is a tradition in the Westminster system that an incoming Government does not obtain statements from the outgoing Government's Cabinet documents (which can involve private and confidential memorandums), use them openly, either in public or in the House, and quote from them in the way in which Mr. Wilson did in another place.

The Hon. R. J. RITSON: I rise on a point of order.

The PRESIDENT: Order! The Leader of the Opposition is going on and on in an absolute debate on constitutional matters. He should make his point of order at this stage, or I will ask him to resume his seat.

The Hon. C. J. SUMNER: With all due respect—

The PRESIDENT: Order! There is no due respect. I ask the Leader to state his point of order.

The Hon. C. J. SUMNER: I have tried to do so, but every time I state a principle you, Sir, let Government members interject. The statement of principle is, as I have said, that there is a convention in the Constitution in our system which I have stated and which was not abided by by the Hon. Mr. Wilson in the Lower House of Parliament when he quoted from a memorandum.

The PRESIDENT: Order! The Leader is repeating himself. Will he please state his point of order?

The Hon. C. J. SUMNER: The Minister quoted from a confidential memorandum between Ministers in the Labor Government. The Hon. Dr. Ritson is about to refer to the same—

The Hon. Anne Levy: He has referred to it.

The Hon. C. J. SUMNER: That is so.

The Hon. M. B. Cameron: He referred to the *Hansard* report.

The Hon. C. J. SUMNER: He started to refer to a minute that was sent by one Minister in the Labor Government to another Minister. At least, it was on file; it was not sent. That is contrary to the constitutional usage and principle that operates in the Westminster system. I agree that no Standing Order governs this and that the Constitution Act does not cover the situation. However, in the same way that you, Sir, used convention and usage of the Parliament to rule out of order the Pitjantjatjara Land Rights Bill, I believe that you should now use convention and usage to rule that references by honourable members in the debate to the former Government's dockets—

The Hon. R. C. DeGARIS: I rise on a point of order, and refer you, Sir, to Standing Order 186. I have listened to the Leader of the Opposition for at least 10 minutes, and he has repeated himself about five times on a matter that is not even a Standing Order.

The PRESIDENT: The Leader has made clear on a number of occasions what he is complaining about. To my mind, he is anticipating what the Hon. Dr. Ritson might say, and if indeed the Leader is keen to have this constitutional matter examined he may refer it to me, and I will certainly take it up. However, to my knowledge, there has been no variation in the general behaviour in relation to dockets when a changeover of Government occurs. However, I will examine the matter for him.

The Hon. R. J. RITSON: Not being of such skill as the Hon. Mr. Sumner, Sir, I am in your hands, and I should be happy to bow to a ruling that I should not refer to the *Hansard* report.

The PRESIDENT: Does the Hon. Dr. Ritson wish to refer to some document? If he does, I shall rule him out of order.

The Hon. R. J. RITSON: No, Sir, I have no documents and I have seen no documents. I wish to refer only to the *Hansard* report.

The Hon. N. K. Foster: Are you going to tell us who the speaker was?

The Hon. R. J. RITSON: Yes, it was the present Minister, speaking in general about the docket.

The Hon. N. K. Foster: That doesn't necessarily mean—

The PRESIDENT: Order!

The Hon. R. J. RITSON: He was speaking in general about a docket and, as a result of repeated demands by the member for Elizabeth for the document to be tabled, he revealed some of the contents which are reported in *Hansard*, which indicate support by the former Labor Leader, Mr. Corcoran, for random breath testing, and which indicated that there were difficulties if this were to be carried out by the police. I refer members to page 1793 of *Hansard* of Wednesday last. I wanted to bring that up—and it took a long time—because there is, by the nature of this debate, a random spread of opinion, and I would be astounded if there was no-one on the other side who, in his heart, felt that there was some case for this Bill.

I have great respect for people who openly and courageously disagree with the Government Bill, but I cannot have the same respect for someone who sits silently there in Opposition, believing that it could do some good. I do not know whether there is any member on the other side who believes that, or if they are all of one mind. If there is anyone over there who believes that this measure could do some good and, if, because of his action this Bill is tossed out (and it does not go as far as Mr. Vulcan would like it to go, although it goes some way towards making police blitzes more effective); and if there is someone there who obstructs or delays it pending a Select Committee, I say let the blood of those who will die during that delay because of his action be upon his head and upon his Caucus.

The Hon. ANNE LEVY: I oppose the main principle of the Bill, which is that of random breath testing. I trust that the Hon. Dr. Ritson will respect people having different views from his, and will not suggest that my views are not sincere or are not carefully thought out for myself on my own behalf. I do not like his suggestion that this topic is not being taken seriously by Opposition members. It is indeed a serious matter and merits very serious

consideration by every member of this Council.

In opposing the random breath testing principle, I find it rather hard to speak to the Bill without being repetitious, as I think most of the arguments have been canvassed during the debate, so I shall be brief. There is no doubt at all, as I think even proponents of the Bill will agree, that random breath testing is an invasion of civil liberties. It will mean, if it becomes law, that innocent members of the public are inconvenienced, that they might feel threatened, annoyed, might be flustered, or angry, for no good reason. The fact that it is an invasion of civil liberties is not necessarily a reason for opposing random breath testing, but it does mean that the question must be approached very carefully.

We must consider whether the benefits to be achieved can outweigh the disadvantages. Civil liberties are not something to be tampered with lightly, and the onus is on those who wish to do so to show clearly that the benefits which will result will outweigh the disadvantages. I am sure that everyone here is concerned about the road toll and will agree that we should do what we can to reduce it; 300 deaths a year in this State is 300 deaths too many, and the carnage must be stopped in whatever way is possible.

Everyone will agree, too, that there is a link between alcohol and road fatalities and road injuries. The Road Accident Research Unit at the University of Adelaide has clearly documented the involvement of alcohol in road deaths and road accidents in this State, and similar work has documented it equally thoroughly elsewhere. No-one would dispute these figures. We have strict laws against drinking and driving and I, for one, approve of throwing the book at someone who drives with a high blood alcohol level. No-one has a right to endanger other people in this way by driving on the roads with a high blood alcohol content.

The obvious approach is to cut down on this combination of drinking and driving, and considerable publicity is being given at present to this lethal combination. I think many people now are more conscious of their responsibilities in this area, although certainly more still needs to be done in the way of education, advertising, and so on. Some good is perhaps being achieved. Figures which have already been quoted in this Chamber today show that, in South Australia, fatalities have come down from the 64 per 100 000 vehicles which applied in 1968, to a figure of 43 per 100 000 vehicles in 1978—a sizable reduction, although obviously more is needed.

The question which is not answered and which is not even asked in the Minister's second reading explanation is whether the measures proposed in this Bill will reduce the combination of drinking and driving. Certainly, no evidence is presented to us that it will. The Victorian situation is quoted, but the evidence from Victoria is far from conclusive. The Hon. Dr. Ritson has already quoted from the paper by Cameron, Strang, and Vulcan, on the evaluation of a period of intensified random breath testing in Victoria given in February of this year, and this paper certainly shows that fatalities in road accidents were significantly reduced during the short space of time that 100 hours a week was given over to random breath testing and, furthermore, that there was a residual effect from the intense advertising of the campaign that lasted for two weeks after the end of the intensified testing—and only two weeks. What is proposed in this Bill bears no relation at all to the special situation which occurred in Victoria and which is described in the paper by Cameron, Strang and Vulcan.

There is no suggestion that the situation in South Australia, as proposed in the Government's Bill, would in any way duplicate these very special circumstances in Victoria as detailed in that study. Furthermore, even with those very special circumstances, the residual effect lasted only two weeks. What is suggested for South Australia (not in the Bill but in statements by the Minister) is that random breath testing would occur perhaps one day a month on average and the date would be announced in advance. It is hard to see how that would have any effect that could be determined as significant. People's perception of the risk of being caught will be too low for it to affect their behaviour, so no gain will be achieved to compensate for the loss of civil liberties. I believe that, until we have evidence that random breath tests as described here can have an effect, not just on the road toll but on drink driving, we cannot support such a measure. As I have said before, the onus of proof must be on the Government to show that the benefits can outweigh the disadvantage of loss of civil liberties. That has not been done so far.

I can assure honourable members that, if ever evidence is produced that suggests that random breath testing, as proposed, will be effective in diminishing the drinking-driving combination, I will certainly be in favour of it, but not until then. Opposition to this measure does not come only from this side of the House, and it is irresponsible, I believe, to suggest that this is a Party political measure and that the community is strongly divided on Party political lines on this matter. There are certainly many responsible and thoughtful bodies that oppose legislation of this type. Most of them have already been detailed today, so I will not quote from them again. I merely remind the Council that the Australian Law Reform Commission has opposed such measures, and that is not a body whose opinions can be taken as trivial.

The Hon. J. A. Carnie: After very exhaustive inquiry.

The Hon. ANNE LEVY: Yes. It has also been opposed by the Trades and Labor Council, the Council for Civil Liberties, the Police Association of South Australia and also the Senate Standing Committee on Health and Welfare. These bodies have opinions which are worth serious consideration, and I join with them in opposing the random breath testing measure until we have evidence (be it from Victoria, Alberta, or anywhere else in the world) which suggests that it will be effective. Until then, I believe that we must say that the case is not proven and oppose any such infringement on people's liberties.

The Hon. L. H. DAVIS: This Bill, not surprisingly, involves an issue which stirs the emotion and which quite curiously puts some parties to the debate in surprising positions. First, before the Bill was even debated in the Lower House, we had the United Trades and Labor Council of South Australia coming out in opposition to random breath testing. The secretary, Mr. R. J. Gregory, was quoted in the *Advertiser* of 15 March 1980 as saying, "For too long people have looked for the cheap way out of persecuting the driver." I am not sure what that means, as some people have actually argued that we should not have random breath testing, because it would not be cheap in terms of time and the number of police involved. Mr. Gregory also stated:

> It is time we looked at the real causes of accidents, such as the design of roads and intersections and of the vehicles which travel on the roads.

Does this suggest that the Labor Government in its decade of office, neglected road safety to the extent that it neglected the economy? I do not really believe it did, and I do not really believe Mr. Gregory's solution is a realistic one. There has been a concerted effort over many years through road safety campaigns, police identification of

areas where accidents regularly occur, and subsequent action to minimise the dangers in future. But the best of all comments is one that would to many people sit rather uneasily on the trade union crown. Mr. Gregory described the proposal as "an infringement of the personal liberty of the motorist."

It is an appealing catchcry—one which Mr. Gregory was not alone in making. A *News* editorial last week, which was headed, "Eroding our Rights", stated, *inter alia*, "that Australians were properly jealous of their civil liberties, or in plain language, the right to go about their business and pleasures without inteference by men in uniform." It concluded, "This capricious invasion of the rights of the private citizen is unnecessary, unwanted." Heady stuff, if not a little loose on logic and fact. It is also rather amusing when lined up with an *Australian* editorial of the same week. The *Australian* is the standard bearer of the Murdoch stable and the editorial rather underlined Mr. Murdoch's penchant for gambling by ensuring that the stable had a bob each way on the issue. The editorial stated:

> Alcohol mixed with motor cars is society's most remorseless killer . . . Random breath testing is the subject of great emotional argument. But it has long been law in Victoria with no indication it has seriously infringed personal freedoms or invaded privacy.

Now, the trade union wing of the Labor Party, having no doubt determined rather than influenced how the Labor Party should vote on this matter, has not argued against random breath testing, on the ground of its effectiveness—

Members interjecting:

The Hon. L. H. DAVIS: That brought honourable members out of the woodwork, did it not? The Opposition has not argued against the issue on the ground of its effectiveness or its cost but rather because it constitutes an invasion of privacy, or, to echo the *News* editorial heading, it is "Eroding our rights". I am bemused that the unions have chosen that as a basis for argument because one could drive trains filled with trucks of examples where unions have been more than oblivious to people's rights but I will resist that temptation.

The Hon. J. E. Dunford: Go on!

The Hon. L. H. DAVIS: I would be here until midnight, Jim.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I rise on a point of order, Mr. President. Whilst the honourable member is permitted to refer to notes, he is not supposed to read a prepared speech in this place. Is not that a point of order, referring to a Standing Order in this place?

The PRESIDENT: The Hon. Mr. Foster would not like to see that rule applied. The Hon. Mr. Davis.

The Hon. L. H. DAVIS: In this very complex issue I will continue to refer occasionally to notes. If people want to use the civil liberties argument, let them do it honestly by looking at the other side of the coin. Individuals in a democratic society not only have rights but they also have obligations, and sadly many Australians seem to be preoccupied with their rights while ignoring the corresponding obligations. For example, a tenant has a right to expect quiet use and enjoyment of the property, but he has an obligation to keep the unit in good order. If one goes shopping in a supermarket, there is often a sign indicating that the management reserves the right to check one's shopping bag. This is not interference by men in uniform; it is private enterprise quite reasonably guarding against shop lifting. An invasion of privacy—yes—is it unreasonable? I cite an example for which the Labor Government can claim credit, The State Transport Authority no longer permits smoking on buses. In mid-1976 Mr. Virgo, the then Minister of Transport, announced that smoking would be prohibited on metropolitan bus services operated by the State Transport Authority after a trial period between 1 March and 31 May 1976. Were the Hon. Mr. Foster and the Hon. Mr. Dunford objecting to that measure when it was introduced?

Is that an invasion of privacy or an infringement on civil liberties? Of course it is.

The Hon. J. E. Dunford: Of course it's not.

The Hon. L. H. DAVIS: I believe the honourable member should go back to his primer and look at what civil rights are.

The PRESIDENT: Order!

The Hon. L. H. DAVIS: The majority of comments received from the public on that occasion were in favour of the ban on smoking continuing. There have been arguments to the contrary tonight suggesting that the public are not in favour of that. Later in my speech I will rebut that proposal. It is not a capricious invasion of the rights of the private citizen to ban smoking on public transport. Both the Labor Party, which banned it on buses and the Liberal Party, which banned it on trains, were *ad idem* on that point.

That gourmet of the printed media, Mr. Tony Baker, in his as ever entertaining column yesterday in the *News* huffed and puffed about the idea of a policeman or policewoman stopping his wife "while she goes about her lawful and clear-headed occasions, which infuriates and appals her". Has Mr. Baker never been through customs in entering overseas countries or returning to Australia? I have no doubt that opening luggage and having its contents examined is an invasion of privacy. Will Mr. Baker write an article about that? In principle, I agree with Mr. Baker's proposition, which is as follows:

> The law should be framed in such a way as to enable the guilty to be sought out and penalised. It must not diminish the rights of the innocent.

Recently, I was diminished by customs at Sydney Airport to the extent of missing my connecting flight, but I accept that in a society where, for example, drug abuse is a growing problem there will be occasionally an inconvenience that will not cause me death or physical injury but some loss of time in this busy world where no-one readily concedes that they have time to spare.

Tonight we are not merely discussing smoking in buses, the checking of supermarket shopping bags or compulsory third party insurance, which one must have as a car owner, whether one likes or not, but an issue which is taken for granted, because we are all motorists. We seem to say, "Is it so bad if a drinking motorist runs over an innocent pedestrian or maims the occupants of another car?" We do not seem to acknowledge that that is the same as a man with a gun, because we identify with motorists, for we are members of that genus.

Several speakers have suggested that there is no evidence to suggest that random breath testing works. It is interesting to note that some of those speakers admitted that they have not referred to a book *Drinking and Driving in Scandinavia* which was published in 1978 and examined the effects of Scandinavia's drinking and driving laws. That publication is well worth reading, because it is one of the few empirical studies on random breath testing.

In May-June 1976 the National Temperance Directorate and the National Institute for Alcohol Research, through the Gallup Company, asked a representative sample of people a series of questions. The first question was:

> At what level of alcohol in the blood would one duly be

considered to be under the influence of alcohol in accordance with the law?

Seventy-nine per cent of all those interviewed specified the correct limit and 90 per cent of those holding a driver's licence knew the correct limit. Eighty-three per cent of those who consumed alcohol gave the correct answer and only 68 per cent of teetotallers. Questions were also asked in regard to the sanctions that applied for drunken driving. Sixty-six per cent of the respondents were aware of the usual sentence for a first offence—21 days in gaol. Seventy-two per cent of those surveyed were aware that loss of licence was also incurred for a period of one to two years. Interestingly, those persons who held driving licences and consumed alcohol had greater knowledge than the others, because 76 per cent knew of the gaol sentence and 80 per cent knew that the licence was also revoked following a first offence. Ragnar Hauge commented on the results of the survey as follows:

> In other words, within the group in which the general preventive effect of the drunken driving legislation is of importance—namely, those who hold a driving licence and who also consume alcohol and who therefore may conceivably get into a situation in which an infringement of the prohibition may occur—the knowledge is very high.
>
> In relation to the group of potential offenders—motor vehicle drivers who consume alcohol (who are the target for information given about the legislation)—much information has to a very high degree taken effect. More importantly, the data seem to indicate that the ·05 level set in Norway had not only been accepted by the population, but has become part of the moral climate.

That is precisely what this Bill is aiming at. It will provide a deterrent and establish in the community of drivers the immorality of driving after drinking—to make drivers realise the truth of what Dr. Max Moore, the South Australian President of the A.M.A., was quoted as saying in the *News* yesterday. He said:

> The person who drinks and then drives is clearly infringing the civil liberties of every other person on the road by creating a potentially dangerous situation.

The Hon. R. C. DeGaris: Would you agree with a reduction to ·05?

The Hon. L. H. DAVIS: That is not part of the legislation, and I have not addressed my mind to it. However, I would prefer to leave it at ·08 for the time being.

The Hon. R. C. DeGaris: That goes against what you have said.

The Hon. L. H. DAVIS: In a debate last year I recall that the honourable member referred to the fact that 80 per cent of Tasmanians who were apprehended on the roads were drunk. That suggests very much that the level of ·08 is appropriate for the time being. I believe that the Hon. Mr. DeGaris's point highlights the fact that the empirical evidence on this subject is not as heavy as one would like. I am sure that all honourable members are grateful for the A.M.A.'s comments on this Bill and for Dr. Ritson's comments, because he has had first-hand experience of road accidents in a way that most of us could never perceive.

It was interesting to note that the A.M.A. is launching a major educational programme on the dangers of drink driving. That programme will involve establishing a panel of doctors who will speak to schools, service clubs and other organisations.

I now turn to the infringement of civil liberties. The question is this: if there is an infringement of civil liberties, to what extent will rights be infringed? Compared with some of the other examples of day-to-day living that we take for granted that are very much an infringement of civil liberties, consequences of the end result will be far less than those of the action that we are taking or may be about to take. The Minister stated, during the debate in another place, that detention is likely to be no longer than three or four minutes for the taking of an alcotest. Obviously, if the alcotest registers, there will be a longer period of detention with a breathalyser. Incidentally, the other question that seems plausible and which has been discussed in relation to this matter is how often will someone be apprehended, and what are the chances of apprehension. Here again, because it is a random test, the prospects are fairly low. It has been suggested that a motorist will be apprehended no more than once in every four years on average. That gets back to what the Attorney said when he introduced this Bill; that is, that it is very much a matter of prevention. In fact, it is a matter of building a deterrent into the system.

The Labor Government was conscious of road safety and education programmes. Over that longer period, many things had been tried, but all have been found wanting. Some of the measures that have been tried, I dare suggest to the Opposition and those who generally oppose this Bill, may not have been empirically tested to see whether they worked. I suggest that that is not necessarily a reason to say that we must not try it.

Incidentally, on the ground of cost, the additional cost involved in establishing random breath testing would be (and members must wait for this enormous figure which was suggested by the Minister) no more than $24 000 a year. It involves a gamble of only $24 000 a year on random breath testing, and to see the Labor Party reject this Bill is a disappointment to me.

This evening I spoke on the telephone with a lady with whom I had never spoken before who said that she did not normally vote for the Liberal Party. She felt strongly on this matter and said that the majority of the people in the community supported this move. She said she had never spoken to a Parliamentarian before and that she wanted me to know that the people in her street wanted this Bill to be passed for the sake of their kids. That is the standard feeling in the community at large.

Hopefully, we will obtain a bipartisan approach. To the opponents of this Bill (who say that if we have it too often, it is not fair, it is cheating or, if you do not have it often enough, it is ineffective) I say, "That is the coward's way out." One cannot have it both ways. The Hon. Miss Levy said in her speech that the public perception of the Government approach will be too low to have any effect on behaviour, but did she offer any alternative suggestion or one bit of evidence or information about something else that might work?

I am disappointed that the Labor Party, which has been in office for 10 years and which has done nothing about this matter, can take this stand, when on 26 March, in reply to prodding by the member for Elizabeth, the Minister of Transport (*Hansard*, page 1793) stated:

> Mr. Corcoran suggested—

The Hon. FRANK BLEVINS: On a point of order, Mr. President. The honourable member is raising the same point that the Hon. Dr. Ritson raised. You, Mr. President, said that, if the Hon. Dr. Ritson was to do it, he would be out of order. Mr. President, you said you would consider it. In the interests of fairness, I ask you to mete out the same treatment to the Hon. Mr. Davis. He is starting to quote the identical thing that you ruled on before. You said that, if Dr. Ritson was to pursue that line, you would rule him out of order. Using that same argument, I ask you to mete out the same treatment to the Hon. Mr. Davis.

The PRESIDENT: Is the Hon. Mr. Davis quoting from a document?

The Hon. L. H. DAVIS: I am quoting from *Hansard.*

The PRESIDENT: There is no restriction on quoting from *Hansard.*

The Hon. L. H. DAVIS: I refer to the *Hansard* report of 26 March (page 1793) when the Minister of Transport stated:

> Mr. Corcoran suggested to my predecessor that a form of random breath testing should be implemented before 1980. The document is tabled—

The Hon. M. B. Cameron: How was it tabled?

The Hon. L. H. DAVIS: Only in response to a demand by the member for Elizabeth.

The Hon. N. K. Foster: Stop your Dorothy Dixer.

The Hon. L. H. DAVIS: I am not familiar with Miss Dorothy Dix; perhaps the Hon. Mr. Foster is older and more familiar with that lady than I am. That *Hansard* report states:

> Mr. Corcoran suggested to my predecessor that a form of random breath testing should be implemented before 1980. The document is tabled, so honourable members can look at it. The relevant clause states:
>
> > If, therefore, we are serious about reducing the road toll we should, I think, give consideration to bringing in what would undoubtedly be an unpopular measure. This should only be done on the basis of a three-month trial, by which time it would probably be possible to convince the public that the experiment should continue in view of the result.

The Hon. FRANK BLEVINS: On a point of order, Mr. President, in the interests of fairness. I know you would want to be fair to all members. The statement that the Hon. Mr. Davis has just read is incorrect; in fact, the Hon. Mr. Corcoran made a personal explanation the following day and I think, in the interests of fairness, you should request the Hon. Mr. Davis to read out that personal explanation, which is also in *Hansard* and which can be found on page 1826, for the benefit of the honourable member. That would then be fair to both sides.

The PRESIDENT: Order! I have no power to rule on what members quote from *Hansard.*

The Hon. Frank Blevins: Appeal to his decency.

The PRESIDENT: The honourable member has already done that, and I am sure that the comment of the Hon. Mr. Davis can be debated by later speakers if they desire.

The Hon. L. H. DAVIS: It seems that the former Labor Government was as concerned about road safety as is the present Government. This Government made it part of its election policy. I do not say that it was a substantial reason for the victory on 15 September; of course it was not, but it is a plank that we are honouring, and it is a plank we feel strongly about because we are committed to reducing the road toll. There is support for this Bill in the community at large. I seek permission to table a survey by Peter Gardiner and Associates, who asked the following question:

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

The summary of the answers in response of random breath testing was 66·1 per cent in favour, 29·7 per cent against, and 4·2 per cent unsure. I seek leave to have the table inserted in *Hansard.*

The Hon. FRANK BLEVINS: On a point of order, Mr. President.

The PRESIDENT: The Hon. Mr. Davis has aked for leave; if the honourable member has figures, he can quote from the document as freely as he likes.

The Hon. L. H. DAVIS: The survey results are of a statistical nature, and I seek leave to have them inserted in *Hansard.*

The PRESIDENT: The question is that leave be granted.

The Hon. FRANK BLEVINS: On a point of order, Mr. President.

The PRESIDENT: Order! The Hon. Mr. Blevins will resume his seat.

The Hon. C. J. SUMNER: The honourable member is taking a point of order, Mr. President.

The PRESIDENT: There is a question before the Council. He will be heard in turn.

The Hon. C. J. SUMNER: He can take a point of order whenever he likes. On a point of order, Mr. President, I believe a point of order can be taken by a member in this Chamber at any time in proceedings. It is up to the Council to hear his point of order in silence. It is up to you, Mr. President, to rule on the point of order, but to deny—

The Hon. C. M. Hill: It is up to him to quote the Standing Order number.

The PRESIDENT: I am not denying anyone the opportunity to speak. I had a question before the Council.

The Hon. C. J. SUMNER: My submission to you, Mr. President, is that, whether you have a question before the Chair or not, a member is entitled to take a point of order, to state it and be heard in silence, and then you, Mr. President, are obliged to rule on it, but I believe that the point of order can be taken at any time.

The PRESIDENT: It does appear that Standing Order 200 allows an honourable member to rise at any time. I therefore take the point of order.

The Hon. FRANK BLEVINS: I seek your guidance, Sir. It has always been the practice in this Council when seeking leave to have something inserted in *Hansard*—

The Hon. R. C. DeGARIS: I rise on a point of order. The honourable member has taken a point of order but has not referred to the Standing Order on which he takes it.

The Hon. FRANK BLEVINS: I am seeking your guidance, Sir, and I think I can do so at any time. It has been the convention and practice in this Council that, when an honourable member wants to incorporate something in *Hansard*, he first shows the Opposition if he is a Government member, or the Government if he is an Opposition member, the nature of the material he wants inserted. If that is not a Standing Order, it is certainly a courtesy and convention, and I suggest that in future anyone who seeks leave to have something inserted in *Hansard* should follow the convention and courtesy. Then, the danger of an honourable member's being refused leave is removed.

The PRESIDENT: I take the point of order. The Hon. Mr. Davis made fairly clear what he wants inserted. Perhaps he could explain it again.

The Hon. L. H. DAVIS: It is so long ago that I have almost forgotten.

Members interjecting:

The PRESIDENT: Order!

The Hon. L. H. DAVIS: It was, as I said, a survey conducted by Peter Gardner and Associates regarding random breath testing in South Australia. The results of the survey are of a statistical nature, and I seek leave to have them inserted in *Hansard.*

Leave granted.

SURVEY BY PETER GARDNER AND ASSOCIATES

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

Summary of Answers

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

DETAILED BREAKDOWN OF ANSWERS

M = Male F = Female

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

The Hon. N. K. FOSTER: I rise on a point of order. Sooner or later, Sir, you will have to hear Burdett. He is just a pest in this place.

The PRESIDENT: Order! The honourable member will resume his seat.

The Hon. N. K. Foster: Why don't you shut him up, Murray?

The PRESIDENT: Order!

The Hon. L. H. DAVIS: The Labor Government, which was in office for nearly 10 years, has now turned to what can only be described as the weak device of a Select Committee to counter the Government's proposal. It will not oppose the Bill outright because the legislation has the public's approbation. To suggest, after all those years in Government, that a Select Committee should be appointed to investigate something, when the details are fairly well known from evidence that has been gained in Victoria and Scandinavia, and from the information that this debate has brought forward, is, to me, a weak and disappointing stance on something that is of great consequence, importance and interest to this community.

It is well worth noting that, although random breath tests may not be common in many countries, they are receiving increasing attention. Although random breath tests may not necessarily be the device by which drink driving is necessarily discouraged, in places such as Seattle, on the American West Coast, one finds that one is prohibited there from carrying liquor in one's car: it must be carried in the boot of a vehicle. This is something with which members may not be familiar.

Many countries have various ways of building into legislation a deterrent and the psychological effect which goes with it and which makes people aware of what level of tolerance the community will generally accept in relation to drink driving. It is that level of recognition which this legislation seeks to bring into the South Australian community when it puts forward a proposal for random breath tests, which will be carried out infrequently, which will be publicised in advance, and which will involve a minimum of inconvenience to the community when compared to the other infringements of civil liberties to which I have already referred.

I urge all honourable members to think seriously about the consequences of dismissing this Bill. It has major social consequences and tremendous economic consequences in terms of the money that it can save hospitals, and in terms of insurance, wages lost, and so on. It has tremendous social and economic consequences that surely must transcend the politics that necessarily go with the debate.

The Hon. N. K. FOSTER: I will deal first with the member who tried belatedly the same device that his predecessor used—

The PRESIDENT: Order! The honourable member cannot deal with a member: he can deal with the Bill only.

The Hon. N. K. FOSTER: The whole debate by Government members this evening has been so far from the Bill—

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: Shut him up. I am sick of his nagging tongue.

The PRESIDENT: Order! If the Hon. Mr. Foster carries on like that, he will not get a chance to speak.

The Hon. N. K. FOSTER: All right, Sir. I may not want it after a while. He does not shut up and you, Sir, do not seem to hear him. He is intolerable. How much do we have to take?

The PRESIDENT: Order! The Hon. Mr. Foster has made his complaint clearly, and I will do my best to—

The Hon. N. K. FOSTER: But you have always been saying that, Sir. He is subversive, and I will heave something at him one of these days. You have allowed much latitude in this debate in relation to continual references to *Hansard*, irrespective of whether they are documented. With due respect—

The PRESIDENT: Order! Is the honourable member going to make some sort of reflection on the Chair?

The Hon. N. K. FOSTER: No, Sir. Please do not anticipate what I am going to say. With due respect, I intend to quote from a certain page of *Hansard*. I refer to a personal explanation relating to a breathalyser document, which can be seen on page 1826 of *Hansard*. If I must read it all, I will do so, but for goodness sake do not suggest that, because of my attitude to Government members, I will have a go at you, Sir. Leave having been granted to Mr. Corcoran to make a personal explanation, he said:

> During the course of the debate early this morning on the Road Traffic Act Amendment Bill dealing with the breathalyser, the Minister of Transport made the following statement:
>
> > I am extremely disappointed at the action of the member for Elizabeth. He has forced me to table a Government document. I am disappointed because before that I said that there was information I could have used in this debate which would have been to the disadvantage of the Labor Party. It is not of momentous import, but it is good enough.

Inherent in what the honourable member said there is that he is crossing the line of convention in relation to the matter.

The Hon. L. H. Davis: What has that got to do with it all?

The Hon. N. K. FOSTER: Have you not been listening for three minutes? I am speaking because the Government will not permit the debate to continue any longer.

It has something to do with the Bill. For the benefit of the honourable gentleman opposite, the personal explanation was on the breathalyser document. The *Hansard* report continued:

> Although I did not put it in those words, I said that I would not use the information because I did not believe that I should use departmental files for that purpose. In fact, that docket shows that the former Premier had suggested to my predecessor—

and this is the Minister speaking—

> that the Labor Government should introduce a form of random breath testing in the first quarter of 1980.

There was then an interjection from the Hon. J. D. Wright, who said, "A former Premier?", to which the Minister replied:

> Yes. Mr. Corcoran suggested to my predecessor that a form of random breath testing should be implemented before 1980. The document is tabled so honourable members can look at it and the relevant clauses.

Having taken the advantage of looking at the docket, I find that the minute to which the honourable Minister referred was a draft minute prepared by one of my officers for my perusal. It was never signed by me. It was never forwarded to the Minister of Transport, and even a casual glance through the docket could have shown that it was never forwarded to the Minister of Transport. So, it was never a suggestion from me to my colleague, Mr. Virgo, the then Minister of Transport. I could be kind enough to forgive the honourable member, with his inexperience. He may not have realised that this was the case. But, to add to it, there is a note under where my signature normally would have been, which says:

> Discussed with Mr. Corcoran. Not sent. Hold until after election. In meantime ask what Victoria has discovered with their experimental tests.

That is signed or initialled by John Holland, Chief Administrative Officer of the Premier's Department. The Minister, in stating what he did last night, or early this morning, in that debate, in my view misled the House, and at least should apologise to me, if not the House.

On the same page, the Minister of Transport came back and all he had to say in defence was this:

> The member for Hartley made certain accusations against me. If the honourable member, when he was Premier, was not treating the relevant minute seriously, why was it allowed to remain on the file?

The Hon. Frank Blevins: It was not even Des Corcoran's minute.

The Hon. N. K. FOSTER: No. It is intolerable to sit here and hear such suggestions. All the Liberal Party Ministers have been able to do is to get people to witch hunt through the files to see what they can pick up, to see whether a word has been dropped or whether there is something for them to blow up.

I want to turn briefly to what Dr. Ritson had to say this evening. We can all be emotional about these accidents. If Dr. Ritson were to describe to this Council an operation for a hysterectomy, no woman would want one. We would all be horrified. If I were to relate experiences I had in the Army regarding post-mortems, members would be horrified. I do not think a plea to the emotions in this respect does any good.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: I told you before to shut up.

The PRESIDENT: Order! The Hon. Mr. Davis will cease interjecting.

The Hon. N. K. FOSTER: We can all talk about nuts and bolts being taken from people's heads and pieces of metal being taken from their abdomens, but it seems strange to me to apply that line of illogic to an argument like this but to support dioxin. You supported Vietnam. You will pick up such tragedies in life as being a vehicle for a proposal so ill thought out and so ill founded as the so-called random breath test. Let us not be emotional.

The Hon. Dr. Ritson, referring to people on this side, said we were opposed to the Bill because we were frightened of a loss of support elsewhere—at Trades Hall, and so on. I make the valid point to the honourable doctor that I am not suggesting that he spoke in this debate tonight on the basis of his union's deciding to go public on this matter only yesterday and to support it. He stands here, in a puritanical atmosphere, as though a doctor never gets drunk. I could quote examples of doctors having been drunk, having been involved in hit-run accidents, and having driven away without rendering medical attention.

The Hon. R. C. DeGaris: What's that got to do with the Bill?

The Hon. N. K. FOSTER: I have already said that, if you had listened. If you had kept writing, you might have got it down properly.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: Will you please shut up?

The Hon. J. C. Burdett: No.

The PRESIDENT: Order! I heard that. The honourable Minister will cease interjecting.

The Hon. N. K. FOSTER: It does the argument no good to talk about doctors not rendering medical attention after being involved in accidents. They are not the puritans we would like to believe, or perhaps that the honourable doctor would like us to believe.

The Hon. R. J. Ritson: I'd like you to pass the law and catch the doctors as well as everyone else, please.

The Hon. N. K. FOSTER: I thank the honourable member for that comment, but I am afraid the law will not catch the doctors. We will never catch the smarties. It does not matter whether a person is a member of a sporting club or a trade union, whether he is a Parliamentary Counsel or a Parliamentarian, whether he is connected with social security or the Hon. Mr. Burdett's department. All the time, people say there are loopholes. They say that something must be done to the Constitution to provide amending legislation. What happens is that hardship is imposed on the innocent and the guilty never get caught. It happens every day. It happened in my union days with sick and accident funds. It happens with insurance companies, and in all sorts of areas. The smarties are not caught in Victoria, because they are given notice in the pubs about where the coppers will be conducting the random breath tests.

The Hon. R. C. DeGaris: That's right.

The Hon. N. K. FOSTER: I thank the Hon. Mr. DeGaris for his interjection. That is a fact. They get tipped off. That is one of the reasons why the Police Association is against random breath testing in this State. It will do nothing for them. In my days in industry, when people were coming late, we would be told that anyone who was late the next morning would be sent up the road straight away. The fellows who were always late would be there on time, but some poor innocent devil whose car had broken down and who had never been late in his life would be sent up the road.

Anyone who thinks this legislation will save lives is crazy. I do not disparage the Police Force. We have blitzes on horns, car lights, and seat belts. Some years ago, we had holiday period blitzes. One year the death toll fell slightly, and the police were given credit for it. In the corresponding period in the following year, the toll went up considerably, but it would have been wrong and demeaning to say that the Police Force was the cause of the increase in the death toll at that time. It cannot be done that way.

One person might have a reading of ·08, I could have a reading of ·02, and I would be much more incapable of driving than would be a seasoned drinker with a reading of ·16. I do not drink very much, although at times I have had a drop in the drawer. What Bob Gregory said, and what previous speakers have failed to notice, is that we do it on the cheap. We grab someone and make an example of him.

One can be coming from Murray Bridge on the southern highway on a wet night, travelling in total darkness except for the headlights of one's own vehicle and one can come to a hairpin passover and be greeted with a blaze of unnecessary lights put on by some idiotic engineer. That is a far more dangerous situation than being faced with a line full of drunks. Where there has been an open and uncontrolled crossing, electronic devices have been put in and what has happened? There are no prizes for the answer; the accident rate has gone up and has been maintained at the higher level. Traffic lights have been the cause of a great many tragedies and a great many deaths.

The road traffic authority decided to put a pedestrian crossing near the St. Peters Town Hall. A brainless engineer decided to take up about 5 feet of the centre of Payneham Road (an already narrow main road) to put those two pedestrian crossing lights there. Those lights were knocked down about three times in every month and finally the penny dropped after about $500 000 worth of damage was done and many lives were lost. The example ought to be taken by every other council or authority in the metropolitan area. I refer also to the change in school crossing lights we have all seen lately. It has meant fewer accidents at school crossings and has also meant far less congestion, more control and more safety for the children using the lights because they are positive. If we are going to live in a big brother society of over-legislation, that is the sort of thing that we have to do. I can instance another example of electronic devices.

The Hon. C. M. Hill: What has that got to do with the Bill?

The Hon. N. K. FOSTER: Of course it has something to do with the Bill. Mr. Gregory was given considerable attention by the Hon. Mr. Davis. He accused Mr. Gregory of saying that the breathalyser was a cheap way out. The Hon. Mr. Davis could not relate to that, as he has not much between the ears.

The PRESIDENT: Order! The honourable member is straying from the Bill.

The Hon. N. K. FOSTER: There are alternative measures to lessen the road toll. I am within the ambit of the Bill in discussing this matter. Evidently it is all right to go down the road for the commercial interests of Coles and put a flyover there, as with the K Mart at Ingle Farm. With the natural contours of the roadway and the surrounding paddocks of the Yatala Labour Prison, they put up lights. That is what Mr. Gregory was getting at. Regarding the number of traffic lights on South Road, 75 per cent could be removed tomorrow to allow a free flow of traffic. It would be quite easy, with engineering knowledge these days. The motor car did not arrive yesterday but it is about to go out tomorrow in its present form.

The Hon. R. C. DeGaris: I doubt that.

The Hon. N. K. FOSTER: I do not mean that in a strict sense, but the roads are getting less use today because of the cost of petrol than they were a few months ago. People will use them for work before they will use them for pleasure. Another aspect is that drinking is the problem, as has been said by members on the other side.

I can remember Alan Hickinbotham, a member of the Liberal Party and a Liberal Party candidate, putting forward a proposal which was quite well researched at the time. It was for a development in the Athelstone area. He believed that there should be a small tavern that people could walk to instead of driving to.

I also point out that the old Pig and Whistle was knocked down, and they put up a great beer barn which would hold 1 100 people on Saturday nights. Nobody was thinking. The people who had to come to that beer barn relied solely on private transport.

The Hon. J. A. Carnie: They insisted that they have large car parks.

The Hon. N. K. FOSTER: The Paradise Hotel has a large car park which children play in. It is off the road so patrons park out the front.

The Hon. M. B. Cameron: A lot of this has occurred in the last 10 years.

The Hon. N. K. FOSTER: I am not making politics out of this. I do not care who was in government then. We had Tommy Stott running the country for a couple of years.

The PRESIDENT: Order! The honourable member is starting to get away from the Bill.

The Hon. N. K. FOSTER: I only answered the Hon. Mr.

Cameron's interjection. All of these matters are root causes of the present evil. I would vote for this measure. I admire the Hon. John Carnie. There are few of us in politics who would be prepared to do what he is likely to do today. In light of what the Government did to another member on the opposite side last year, Mr. Carnie had a great deal of courage to take this step. If he is going to vote on the basis of his convictions, then more strength to his elbow. He should be held in higher esteem by his Party colleagues, instead of his getting the chop.

If the Bill was properly explained to the people, they would consider that they were not getting much for their money. It is no good members quoting from the Victorian experience. Members should be fair, and the Hon. Mr. DeGaris should withdraw his amendment in this place. The Victorian Government will have no bar of our present radar system. Inherent in Mr. DeGaris's amendment is the fact that, if people are apprehended by radar or any other similar device, they can blow into the bag.

Radar units, with a twist of a dial, can indicate that a gum tree is travelling at 60 km/h and a vehicle is stationary. Evidence from radar units has been thrown out in every court in Victoria to such an extent that they are no longer tolerated.

The Hon. M. B. Cameron: Why did your Government keep them in?

The Hon. N. K. FOSTER: I did not keep them in. I have been picked up by radar units and have paid the fine.

The Hon. M. B. Cameron interjecting:

The ACTING PRESIDENT: Order!

The Hon. N. K. FOSTER: Mr. Acting President, on this occasion I will respond to the honourable member's interjection. It appears that the Hon. Mr. Cameron's mind is so closed that, whatever is said by members on this side, he does a quick calculation to determine whether the legislation referred to was introduced by the Playford Government, his old master Steele Hall's Government, or whether it was, in his words, "that old bludger, Walsh". I suppose it would be all right if it was introduced during Dickie Butler's term in 1934. That is a stupid mental attitude. I do not indulge in that practice and I do not believe that other honourable members should. There are many areas in which the Labor Government wanted to legislate, but it was stopped by this Council.

The Hon. R. C. DeGaris: What legislation was that?

The Hon. N. K. FOSTER: A number—I cannot be specific.

The Hon. R. C. DeGaris: You cannot even quote one.

The Hon. N. K. FOSTER: Your pet one, if you like.

The Hon. R. C. DeGaris: What is that?

The Hon. N. K. FOSTER: Franchise. I go no further than that. In all seriousness, the amendment proposed by the Hon. Mr. DeGaris does not meet the situation because it does not strengthen the Bill so that the police can apprehend people on the highway in a way in which they are prevented from doing today. A police officer can arrest people for speeding if they are stationary.

The Hon. C. M. Hill: Is that when a tree is going by at 60 km/h?

The Hon. R. C. DeGaris: That is when the Hon. Mr. Foster has been stopped.

The Hon. N. K. FOSTER: Give the Hon. Mr. DeGaris a bag of sweets. To be serious, it is the word of the person being charged against the word of a police officer. One night after being wrongly apprehended for being drunk I refused to get out of my vehicle when asked to walk the white line in the centre of the road, as was the practice then. Following that I was pinched 17 times in 16 months, or was it 13 times in 12 months. Twice I should have been pinched, but not the other times. The police can always get you when they want you. I do not care which Government was in, that did not even cross my mind. Even the Hon. Mr. Dawkins is nodding in agreement with me.

There are very wide powers in the Road Traffic Act; scarcely another Act dealing with the police is wider than that Act, which catches motorists for doing all sorts of things. The percentage of persons apprehended by the police for minor breaches of the traffic laws during the early hours of the morning and late at night result in a very high percentage of robberies being solved. Once a driver has been stopped the police can tell him to open his boot and may question him about certain articles that they may find. That is a classic example of what I am putting. The provisions of the Bill are an infringement of the privacy of people who will be expected to blow into a bag. As an example, a motorist could be picked up because the police followed him and noticed he had a bald tyre. That is rough, and I do not believe that that power should rest in this Bill.

The Hon. R. C. DeGaris: It cannot be done for a bald tyre.

The Hon. N. K. FOSTER: You must be joking. The Hon. Mr. DeGaris should not get his baldnesses mixed up. If one of the amendments is carried here tonight, for any offence against the Road Traffic Act—

The Hon. R. C. DeGaris: That is not what I said.

The Hon. N. K. FOSTER: All right, forget the bald tyre. The police could pick up a driver because his tyres squealed when he went around a corner. For that offence the driver could be required to blow into the bag. Under some weather conditions a driver can go around a corner at almost any speed and his tyres will squeal. Members should know that the Festival Theatre parking lot has a corner where, if you drive at anything beyond 5 km/h, the tyres of your vehicle will squeal. Members opposite who will foist this intolerable duty on to the police to carry out are themselves opposed to it on the grounds that it does not and will not have the effect envisaged by the Government.

The Hon. Mr. Davis referred to a Scandinavian experience, but he should have referred to it in full. In looking at the Scandinavian experience it is wrong to pluck out their road traffic laws, because Scandinavian traffic laws are stricter than those of any other counry in the western world, resulting in a cumulative blanketing effect. It is wrong to say that, just because of the breathalyser and a harsh attitude towards drunkenness, the road accident toll in Scandinavia is much better.

Our road toll is shocking and dreadful, and the Government will get my support if it believes it can do something to reduce it. The Police Forces in this State and other States have tried to reduce the road toll over many years but have had no success. It is a social problem and it cannot be eradicated completely unless one eradicates the motor vehicle. However, it can be largely overcome by using a number of other measures.

At the risk of being condemned by members opposite who are not completely on side with members of the trade union movement, I point out that a great deal can be said for the staggering of finishing times in factories, because that leads to a lessening of congestion on the roads. It also eliminates the competitiveness that exists in some driving habits. I urge honourable members not to accept the figures given by some members opposite that drunken driving has accounted for 47 per cent of road deaths, because that is just not true.

The Hon. R. C. DeGARIS: I do not support the motion contemplated by the Leader of the Opposition that this Bill be referred to a Select Committee. I do not object to a

Select Committee examining this question further, but I believe this Bill is capable of being handled by this Council without any such review.

The introduction of this Bill follows an election promise by the present Government during the election campaign. Therefore, the Council must accept to some degree that a mandate exists for the introduction of a system of random breath testing.

The Hon. J. R. Cornwall: It's pretty tenuous to claim a mandate.

The Hon. R. C. DeGARIS: I can well remember a tenuous statement made in a policy speech some years ago about which the former Government claimed a mandate. One should not expect every item in a long policy speech to be automatically endorsed by the Parliament simply because it happens to be one such item in a policy speech. I think the Hon. Mr. Cornwall agrees with that statement. Regarding the Government's policy speech, I refer to the extract where it is stated that a Liberal Government will implement random breath tests based on the successful Victorian scheme. I am sure that all honourable members recognise that alcohol plays a significant role in serious road accidents. I have not heard one honourable member say that that is not the position. Arguments have been raised about various aspects and against the figures given, but I do not believe that any member would deny the fact that alcohol plays an important and significant role in serious road accidents.

The history of the breathalyser has been relatively short in Australia. It has been used in vigorous campaigns by a number of States to reduce the incidence of alcohol-related accidents. The first State to introduce the use of the breathalyser was Victoria, and today Victoria still uses the breathalyser more than any other State. Indeed, its allowable blood alcohol content is ·05 per cent whereas, as all honourable members know, South Australia has a maximum level of ·08 per cent.

When this Parliament passed the original legislation to establish the ·08 per cent levels, I well remember that strong objection was taken at that time through almost every member, whether Labor or Liberal, against the introduction of any system of random breath testing.

After a few years of operating under that legislation allowing a level of ·08 per cent this Council is now faced with this Bill. Victoria introduced the first random breath testing system, but honourable members must bear in mind, in considering this question, that Melbourne still has the highest death rate on the road of any city in the world. That fact may sound remarkable, but it is true. In the last figures that I saw, for every 100 000 people the death rate in Melbourne was 22, and the next highest was New York with 17 deaths per 100 000 people.

The objection raised to random breath testing cannot be ignored by the Parliament, and a major objection is that a person who is driving, and driving without blemish, should not be stopped to have his breath tested. The principle that the Council has to decide is whether random breath testing is an unwarranted invasion of personal liberty or not. In debating this point we must accept that the law provides that it is an offence to drive a motor vehicle if the driver's blood count exceeds ·08 per cent. It can be established, as the Hon. Mr. Foster has said in relation to his own driving ability, that some drivers are quite safe with a blood alcohol level of ·08 per cent, while others are seriously affected by a blood alcohol content of ·05 per cent.

The question of whether or not random breath testing is an unwarranted invasion of personal liberty is a difficult question to answer. I leave the question without attaching much weight to either side of it but with the feeling that the Council cannot ignore totally the question of an unwarranted invasion of personal liberty. One honourable member said that the fact that a person drives a vehicle with a ·08 per cent level affects the civil liberties of other people. That may be a valid argument, but it still does not completely dispense with the argument that, where a person is driving without blemish, it is a question of whether it is an unwarranted invasion for that person to have his breath tested.

The second point that the Council must consider is the stated intention of the Government in the method intended to be used to implement the legislation. The first step is that the Commissioner of Police must make a decision, and then the Chief Secretary also has to agree to what the Commissioner of Police wants to do to establish alcotesting stations. Ministerial decisions about when and how a law is to be applied seem to have elements to which objection can be taken. I know there are arguments that can be advanced in relation to this point, but I believe that when Parliament decides upon a certain course of action it should leave the implementation of that law or its policing to the body set up to do that.

The second part of this question is that the Chief Secretary will advertise that on a certain day the random breath testing procedures will operate. I do not know whether the Chief Secretary will advertise the actual site of the random breath-testing station, but he may as well do that at the same time. How will the Chief Secretary advertise the day upon which these procedures will operate? Will it be a classified advertisement in the *News* and *Advertiser*? Will it be a half-page advertisement or a full-page advertisement? Will the advertisement appear on radio or television? One person suggested to me that, to ensure that the law is applied equally to all, so as to cover those who are not listeners to radio or viewers of television and who cannot afford to buy a newspaper, that every licence holder should be advised by registered mail when the stations are being established.

The procedure that the Government intends to follow appears to have serious difficulty. As soon as an alco-testing station is set up all radio announcers will be tempted to warn drivers of its location. The Hon. Mr. Foster made an important point when he said that this is already happening in Victoria. Already about 90 per cent of vehicles are now fitted with radios, and the car radio audience is an important part of a radio station's clientele. One can imagine all the drivers with their ears glued to the radio to be told of the road or roads to be avoided on that fateful day.

CB radio enthusiasts will most certainly have their system established to warn their members of the siting of the alcotesting station. The publicans, as in Victoria, will be anxious to protect their patrons and will be advising all of their clients of the location of the alcotesting station. One can imagine that "Big A Day" could become as important a sporting contest as a football grand final or the Melbourne Cup.

Motorists have already developed defensive techniques in relation to radar, but these techniques would be kid's stuff in relation to the actions that would follow in this case. Again, I refer to what the Hon. Mr. Foster said, because I know that it is factual. In Victoria where there is a system of not advising where the alcotesting stations are established, every publican knows as soon as a station is established where it is, and every patron in a hotel within five miles of that station is advised to take the side roads on the way home on that night.

Motorists have already developed limited defensive techniques in relation to radar traps that will not be nearly as clever as those which will be developed in relation to the

establishment of alcotesting stations. If this Parliament is satisfied that the drinking driver still presents a problem to safety and that random breath testing is a reasonable means of reducing that problem, neither the Government nor Parliament should be afraid to implement a scheme of random breath testing that is fair and just to all concerned.

Having made that decision one way or the other, and if it is considered desirable to administer that law, to overcome some of the problems both in principle and in practice, I make the following suggestions to the Council. The Hon. Mr. Foster has already referred to the amendments that I have on file. We already have legislation permitting breath testing in certain circumstances. One method of improving the impact of breath testing would be to enlarge the scope of the existing legislation, and that is done in clause 5. I believe that the full potential for breath testing under the present law has not been used but that it is at this stage a side issue to the whole argument.

We already have regular established radar speed traps in all parts of the State, and those speed traps are established at the discretion of the Commissioner, and, although as I have mentioned previously drivers have developed some defensive techniques, those techniques are limited. If the legislation required that any driver detected exceeding the speed limit in the speed traps established by the police should undergo a breath test, this procedure would overcome much of the objection that can be raised to the proposed procedures that the Government says it intends to introduce. When a person has clearly broken the law, I see no reason why that person should not be breath tested. However, I find objection to breath testing at random not only because I do not believe it will work but also because of the complete waste of time, energy and effort that will be involved.

Figures have been quoted in relation to Victoria. At the beginning, 98 per cent of the drivers tested were under ·05 At present, 99 per cent of drivers tested register below ·05. In South Australia, the relevant figure is ·08. One can predict that in the testing on a random basis only one person in 300 in South Australia will show over ·08 per cent and, because we are going to advertise the day on which testing will occur and because of the defensive techniques that will be adopted, I predict that the number of people apprehended will be one in 400. That is a complete waste of effort in relation to the implementation of any deterrent.

Secondly, the Bill allows breath testing only where a driver has been detected breaking the law, and this overcomes most of the objections of those who take the civil liberty line. In other words, my amendment will expand the operation of the system, and it will also ensure that any person who breaks the law will be able to be breath tested. Such a procedure also overcomes the problems I see with the Chief Secretary virtually nominating a certain number of days in the year in which drivers, most of whom are not breaking any law, are pulled up at random on a busy highway to perform on the breathalyser. One can anticipate that, with our level of ·08, only one driver in 300 so detected will be over the legal limit.

Therefore, in view of the arguments of which I have been speaking, I consider that the Bill requires substantial amendment. I am prepared to support the second reading and will listen with interest to the reply of the Minister in charge of the Bill in the Council before deciding on the course that I will take with my proposed amendments.

The Hon. J. E. DUNFORD: Although I support the second reading, I indicate my reluctance to do so, as in his speech the Leader of the Opposition said that he would move to have a Select Committee appointed. Of course, I will support that motion. Of all Government members who have spoken tonight, the Hon. Mr. DeGaris seemed the most reasonable in his approach to this matter.

I do not know much about the Victorian situation, although I am led to believe that that State does not advertise or publicise when the random breath testing will occur. I believe that somehow or other hotelkeepers ascertain this information and tell their patrons that a breathalyser unit will be on, say, Glenferrie Road between 7 p.m. and 9 p.m. or 10 p.m.

I am also led to believe that this occurs because of a leak through the Police Force. All honourable members know tht Victoria and New South Wales have been accused of having the most corrupt Police Forces in Australia, and it seems to me that where a Police Force tries to keep this sort of information from the public the word seems to get out. I am concerned that, if this Bill passes, we could have some form of corruption in South Australia's Police Force.

I would prefer not to have the Bill passed in its present form but to have a Select Committee appointed, because all honourable members who have supported random breath testing have not told the Council why the Police Force opposes the Bill. If a Select Committee was appointed, we would be able to obtain evidence from the Commissioner of Police, various superintendents or any members of the Police Association. It could well be (I do not know this, but it could be ascertained by evidence) that the police consider that they do not have the manpower to police this sort of operation.

As the Hon. Anne Levy said, an intensive campaign was conducted for a certain time in Victoria, and a drop in fatalities occurred. However, it appears from what the Hon. Mr. DeGaris has said and from what I have read regarding the Victorian experience that things returned to normal when the people were able to get around the random breath test situation. We could also, if a Select Committee was appointed, hear evidence from the United Trades and Labor Council about how it came to its decision. Interested members of the public and other groups could also give evidence.

I have always believed that, once we get a consensus of opinion from the whole community, we could have a Bill that goes even further than this one goes. The Liberal Party seems to think that this Bill will mean the end of road fatalities. However, the Victorian figures do not prove this. I have been able to get from the library figures that show the number of fatalities per 10 000 vehicles in South Australia and Victoria in the past five years.

In 1975, fatalities in Victoria totalled 907, representing 5·33 per 10 000 vehicles, and fatalities in South Australia per 10 000 vehicles in the same year were 5·50. The figure for fatalities in Victoria went from 5·33 in 1975 to 4·27 in 1979 and the position in South Australia went from 5·50 to 4·48, so South Australian fatalities have dropped in number without random breath testing.

The Hon. M. B. Cameron: With testing on certain offences, though.

The Hon. J. E. DUNFORD: Yes. In South Australia, the number of fatalities has decreased without random breath testing as compared with what has occurred in Victoria. I seek leave to have a table of the relevant figures inserted in *Hansard* without my reading it.

The PRESIDENT: From what document is the honourable member quoting?

The Hon. J. E. DUNFORD: It is a Library Research Service document showing, for the years 1975 to 1979, the number of vehicles registered, the number of fatalities,

and the rate per 10 000 vehicles in Victoria and South Australia.

Leave granted.

Table comparing the fatality rate per 10 000 vehicles for South Australia and Victoria for the last five years.

VICTORIA

Year	M.V. Registered	Fatalities	Rate per 10 000 Vehicles
1975	1 700 600	907	5·33
1976	1 779 600	938	5·27
1977	1 829 200	955	5·22
1978	1 915 400	862	4·50
1979	1 974 000	843	4·27

SOUTH AUSTRALIA

Year	M.V. Registered	Fatalities	Rate per 10 000 Vehicles
1975	616 100	339	5·50
1976	641 000	307	4·79
1977	664 330	306	4·61
1978	681 300	291	4·27
1979	689 300	309	4·48

Source: Road Traffic Board of S.A.

Road Traffic Accidents 1978 + phone information for 1979 statistics.

The Hon. J. E. DUNFORD: The report states:

> The table does show a significant reduction in the fatality rate in Victoria as compared to South Australia. Also, Victoria is the only State to show consistent reductions since 1975. However, the trend towards a lower fatality rate began in Victoria before R.B.T. was introduced. Furthermore, to enable R.B.T. to be identified as the cause of the lower fatality rate, it would be necessary to know if the number of alcohol related road deaths was declining in proportion to the total number of road deaths. Unfortunately, this information is not available as on some occasions those involved in road accidents are not tested and in any case the police accident forms are not designed for the collection of this type of information. In these circumstances, no definite relationship can be established between R.B.T. and the decline in the Victorian fatality rate.

That position could be ascertained if we had a Select Committee. Evidence could be forthcoming, and the Police Force could give accurate statistics. It seems to me that the average policeman in South Australia is a better type of officer than is his counterpart in any other State. This is a result of the actions of the previous Labor Administration. The rates of pay awarded to members of the Police Force during the term of office of the Labor Government far outweighed the gains in other States.

I have always been concerned in this State about the attitude of the police and Special Branch, and especially former Commissioner Salisbury, to people who are trade unionists, Labor supporters, or Labor members of Parliament. The evidence of the Royal Commission showed quite clearly that there were files on every Labor politician, but only one or two files on members of the then Opposition.

The Hon. R. C. DeGaris: What clause are you on now?

The Hon. J. E. DUNFORD: I am talking about giving power to the police. One of the reasons why I oppose the present proposition is that I have not got enough faith in the Police Force as at present constituted. I believe that, when people were recruited into the Police Force, they were recruited and the files were looked at about that person's background and occupation, his parents' occupation, and so on. I said to Police Commissioner Draper last year that, in my opinion, about 90 per cent of members of the Police Force in South Australia would support the Liberal Party. When he disagreed with that figure, I said that I would not go below 85 per cent.

It seems to me that such a bias in a law-enforcement agency would mean that the tendency would be that a driver with a sticker on his car saying, "Don't mine uranium", "Don't blame me, I voted A.L.P.", or "Down with Fraser" would be likely to be breath tested, with the Police Force as now represented in South Australia, before anyone else.

I have been concerned about the speed of vehicles on our roads. Each night I walk a couple of miles with my wife on St. Bernards Road, and I see people driving at speeds of up to 100 km/h; they are either drunk or mad. I have never seen the police apprehend them, and I have never seen the police off the main arterial roads. Constituents in my area have told me and my wife that cars travelling around the streets, with screeching tyres and doing wheelies, are driving them insane. A Select Committee, properly constituted, with broad terms of reference, would find out about those complaints.

I was sympathetic and pleased to receive a letter from the Modbury Hospital, but I do not read into it what the Hon. Dr. Ritson did; when he said that, if people die as a result of this Bill's not being passed, it will be on the heads of the Opposition, I thought that was unparliamentary and uncalled for. I have a greater concern about the safety of people on the roads than, in my opinion, has Dr. Ritson himself. I was interested to read the letter from the Modbury Hospital, the first paragraph of which states:

> We as clinicians in public hospitals are daily concerned with the carnage occurring on our roads. Much of this is directly attributable to alcohol and perhaps other drugs.

There is nothing in the Bill relating to drugs. I know some parts of the Road Traffic Act deal with drugs, but again this is something that could come out in a Select Committee. Perhaps there could be provisions whereby people could be detected driving under the influence of drugs or alcohol, because I understand that marijuana on it own is harmless but that, combined with alcohol, it is a very potent brew, making people very dangerous on the roads. The third paragraph of the letter states:

> The legislation as proposed might only have a minimal beneficial effect as far as reducing the road toll is concerned but at least it will help to keep alchol and driving in the public mind.

That is about the strength of the letter. I do not want to support any legislation that will have only a minimal effect, nor do I want to support a Bill that keeps something before the public mind. I want a full-scale inquiry, with decisions made in this Parliament that will have a maximum effect on the road toll, not only keeping it in the public mind, but so that it will be seen in the public eye that we are doing something constructive, not guessing, not relevant to statistics in Victoria. The report from the Library Research Service further states:

> The most recent paper on the subject is one given at the recent Pan-Pacific Conference on Drugs and Alcohol by a member of the Victorian Police Force.
>
> The paper came to no definite conclusions. It was found that in 1976 (the year in which random breath testing was

introduced) that the percentage of drivers tested who had a blood alcohol reading of over ·15 per cent decreased from 43·5 per cent in 1973 to 38 per cent. However, it was also found that this percentage increased to 40 per cent in 1978 and 40·2 per cent in 1979. Thus the figure is increasing after an initial decline.

This bears out the fact that in Victoria random breath testing was sold to the people and to the Parliament on the basis that it would solve the problem in that State. Now that the honeymoon is over they are back to an increasing road toll as a result of alcohol-induced accidents. The report continues:

Other findings of the report are: in the age groups 18 and under, 20-21, 24-25, 36-50, mean B.A.C. readings increased between 1973 and 1979; in the age groups 18-19, 22-23, 26-35, 50+, mean B.A.C. readings decreased between 1973 and 1979.

This proposition put forward by the Liberal Government will not solve our problems. I believe that a Select Committee can hear evidence from all over the community. As a result, we may be able to have a situation in which the Government can direct the Commissioner of Police to have the police go about their business. Obviously, the police are not controlling the speeds of our roads, the alcohol offences, and so on, and it is their duty to do so. If they cannot do it, it is the duty of the Government to instruct them how to do it.

Only last year the Labor Government, which was ostracised by the Hon. Mr. Davis when he said it had done nothing, was so concerned about the situation that 50 more policemen were employed at the cost of over $1 000 000 to help decrease the speed rate and death toll on our roads. It is unfair to say that, if we do not support this Bill, we are not concerned with the carnage on our roads. I am personally concerned, as is the public of South Australia. The Victorian system has not proved to be a success, and it will not be a success here. If we do not have a Select Committee, we will not be doing our jobs as politicians in the community.

The Hon. M. B. DAWKINS: I support the Bill for random breath testing. As an earlier speaker has said, we already have breath testing in certain instances in this State. The Hon. Mr. Foster said (and it is not often that I agree with him) that the carnage on the roads is this State is shocking. I agree with that statement. The road carnage in South Australia is a shocking situation, indeed. For that reason I believe that we have to take what might be considered to be fairly drastic action. In one sense at least I question whether the provisions of this Bill make that action drastic enough, as there are constraints in the provisions of the Bill.

The Hon. Mr. Blevins, in his speech, used the word "scared". I do not know whether that was a good choice on his part. I wondered why he was scared. If there is no need for an increase in the incidence of breath testing, surely there is no need to be scared. I believe that the Hon. Mr. Blevins, if in fact he is scared, is scared because of the very limitations of this Bill. In clause 5, new subsection (2a) provides:

A member of the police force may require any person driving as motor vehicle during a day and on a road specified in an authorization under section 47da of this Act to submit to an alcotest and, subject to subsection (2b) of this section, to submit to a breath analysis.

However, I see a very considerable limitation in the efficiency and practicality of that provision since we are going to be told in advance that this will happen on a certain day, in a certain area, on a certain road, and so forth. This limits the Bill considerably. If the Hon. Mr. Blevins is scared, that should be the reason why he used that term.

We are told that the Police Association does not want this legislation. I have not been told that the upper echelons of the Police Force do not want the legislation. I have not been told that there are senior people in the Police Force that are against this legislation. Certainly we have been told that the Police Association does not want it. However, I point out that, if the Police Association does not want the Bill, most certainly the doctors do. More than one honourable member has referred to the letter from the Modbury Hospital which the Hon. Bob Ritson read to the Council tonight and which is only one instance of the very great concern of medical practitioners and of their desire to reduce the tremendous carnage on the roads at present. We have also had the comments and recommendations of the Australian Medical Association in this regard.

We have been fortunate in this Council over the years to have expertise in a number of fields. In many cases we still have it in certain professions. For many years, we had in this Chamber the Hon. Victor Springett, a medical practitioner, (known to his friends as David) who, although not a dynamic member of this Council, gave wise counsel and advice over nearly 10 years that was of great advantage in the deliberations of this House. Today we have the Hon. Bob Ritson. He is very concerned about this matter, as he told us in his speech this evening. We ought to take due notice of that concern, as I have no doubt whatsoever that the Hon. Bob Ritson, as a medical man, has more expertise and knowledge of this matter than all the rest of us combined. We should take very careful note of the comments made by him in the debate tonight.

We have heard something about the unwarranted invasion of personal liberty. Constraints may be irritating—they often are—and they may be limiting. Even constraints in the form of Standing Orders in this place are necessary, and certainly some constraints are inevitable if we are to have some basic law and order.

In the context of the situation in which we find ourselves in this case, I do not believe that the constraint that this Bill may put on us on the odd occasion when we may be called on to submit to an alco-test is a constraint about which we should complain unduly. Any talk about the unwarranted constraint and invasion of personal liberty has to be looked at in the light of the serious problem with which we are confronted at present. Two or three amendments have been suggested, one of which is to the effect that we place a time limit on this legislation. With great respect, I do not agree with that.

We had a time limit on the Prices Act. Year after year the Prices Act was brought back and it was debated whether it should continue. At one stage there were constraints on daylight saving—before it was made permanent, more's the pity. In the early 1970's there was a debate on daylight saving every year. I can see no real benefit in putting this measure into effect for one year and then going through all this debate once again in 12 months time.

We have also received suggestions from the Hon. Mr. DeGaris which on the face of it look sensible enough until one realises that the police would have to be prepared to alcotest every person who broke the road traffic laws. I question the practicality of such a suggestion. A suggestion that does have some appeal to me was made by the Hon. Mr. Milne. The Hon. Mr. Milne suggested that the Chief Secretary's approval should be done away with, enabling the Commissioner of Police to use the alcotester "open slather". Whilst I have some sympathy with the idea of

broadening the scope of the legislation, in view of the serious problems with which we are faced, I doubt the practicality of getting the broader legislation, as envisaged by that suggestion, through Parliament.

We have heard about 11 speeches on this Bill and I believe that all has been said that should be said. This matter has been thoroughly debated in both Houses and we have received recommendations from the Australian Medical Association and medical practitioners, so I believe a Select Committee will be only a time wasting exercise in futility. A Select Committee would only waste the time of this place, because this matter has been well covered. At the second reading stage I will support the Bill.

The Hon. M. B. CAMERON: I support this Bill and believe that it is a very important measure. I am very disappointed to find that the Opposition, as a united body, is opposing this Bill. I do not believe for one minute that every member of the Opposition is opposed to this Bill. I believe members opposite are moving towards a Select Committee because they cannot make up their minds. In fact, it is a great disappointment that members opposite do not want to bite the bullet and make a decision. That is a great disappointment to me and to 60 per cent of South Australians who support this Bill.

At election time I can recall people saying that the Liberals had done themselves in the eye by announcing a policy for random breath testing at that time. The fact is that the Liberal Party was prepared to put forward what appeared to be an unpopular issue, because we believed it was important. It was important that people knew what we intended to do in our policies.

The Bill has now been introduced after six months of good government and yet the Opposition is saying that this Bill is being introduced in great haste. The Opposition has known for six months that this Bill would be introduced. What does the Opposition want to know that is not already available? The Opposition simply wants to make political capital out of something that is a very serious matter. I believe the Opposition wants to defer this matter until September, when the preselection for the Labor Party members of the Legislative Council will be held and they will not have to face Trades Hall with this problem.

The Opposition believes that a Select Committee will defer the matter. I now refer to the comments made by the Hon. Mr. Dunford. I have often wondered what epitomised the saying "Nero fiddled while Rome burned". I believe it was the Hon. Mr. Dunford trying to make excuses as to why a Select Committee should look at this matter. If this Bill is defeated or referred to a Select Committee tonight it will have a psychological impact throughout the State. That is a dangerous thing to do because Easter is just around the corner and the newspaper headlines will say "Random testing defeated in South Australia". The people of South Australia will then believe that they need not worry, because the threat is over. That psychological impact can never be measured.

The Government does not believe that every person who drinks and drives will be caught. That is just not on. However, it is important to start an education programme. The Opposition's move will merely destroy the start of what could have been an education programme. I believe the Opposition's approach is purely political, and that fact is damnable.

The Hon. C. J. Sumner: Why is it political?

The Hon. M. B. CAMERON: Because the Opposition does not want to make a decision, but wants to put the matter off for as long as possible. To say that the Government has been hasty in introducing this legislation is arrant nonsense. The community has had plenty of opportunity to debate this measure since it was first discussed. I raised this matter in this Chamber on 1 August last year when I suggested to the then Labor Government:

> The second and most important matter is that I urge the Government to review the situation whereby we do not have on the spot breath testing of drivers on a random basis. . . I urge the government to examine this problem and to consider introducing a much tighter control on breath testing, perhaps on a random basis throughout the State.

At that time I said I was concerned about his matter. The Hon. Mr. DeGaris referred to the number of accidents that were alcohol-affected and he said that 75 per cent of accidents in Tasmania involved alcohol.

It will not be much comfort to the people of this State who are affected by alcohol-affected drivers if this Bill is defeated tonight or referred to a Select Committee, because they will know that their members of Parliament were not prepared to make a decision on this matter. If this measure is defeated, members of the community will forget about it and not worry about random breath testing any more. I hope that members opposite understand that if they do not support this measure they will be placing people in the community at risk.

The Hon. C. J. Sumner: Say something sensible.

The Hon. M. B. CAMERON: Perhaps honourable members opposite do not want to hear this, or perhaps they are just not concerned about it. I am concerned about it. I expressed some concern about this matter when members opposite were in Government. In fact, I would have introduced this measure as a private member's Bill. The Hon. Miss Levy referred to people's civil liberties. I find it incredible that the Hon. Miss Levy can talk about how this Bill will affect people's civil liberties. The people whose civil liberties will be affected are the people who should have the civil liberty to drive down a road safely.

The honourable member is saying that she is more concerned about the civil liberties of the people who drink and drive than the people who are affected by the drunken driver, but those are the people about whom the honourable member should be worried. They are the people about whom I am worried. It is vital that we take every possible measure to protect the people of South Australia from people who cannot control their drinking habits when they are driving.

If this Bill us put off, the situation will be difficult, because the Bill contains other measures to give the police a wider range of offences on which they can alcotest. If this contentious provision is defeated or referred to a Select Committee, we will be going into the Easter holiday period with the police being hamstrung in their attempts to reduce the road toll. I am not interested in statistics or in the number of deaths, whether the number has risen or fallen since the the introduction of the breathalyser or random testing, because statistics can vary enormously as a result of just one accident. Such statistics are variable facts, and one accident can cause a total error in the statistics.

The Hon. Anne Levy: "Don't confuse me with the facts"!

The Hon. M. B. CAMERON: The honourable member has used the facts to confuse the Council. It is important to realise that any statistics will not portray the exact truth, whether or not this matter is brought before a Select Committee. If this measure is defeated we will be leaving the innocent people of South Australia in danger once again. It is remarkable that a person can cross a double line and be required to have a alcotest but another person who drives on a road without crossing the white line in front of the police will not have to have a alcotest because

he has not done anything wrong, yet further down the road he may kill someone. That situation is ridiculous. The measure does not go far enough, but at least it would be a start.

The Hon. C. J. Sumner: You could make that submission to the Select Committee.

The Hon. M. B. CAMERON: The Leader may think that that is an acceptable solution but we should start with this measure and pass the Bill. While the Council fiddles around with a Select Committee for, say, the next 12 months, people should not be left in danger. I hope the Leader understands what could arise from this situation. Is he willing to tell the people of South Australia who are affected by drivers under the influence of alcohol that until we finish the Select Committee's hearings it is not our fault, although we were not prepared to proceed at this stage with the Bill? The leader's attitude is irresponsible.

The Hon. Anne Levy: What a dishonest argument.

The Hon. M. B. CAMERON: It is not dishonest. The arguments advanced by Opposition members are facetious. I have before me a report from the *Australian* of 19 February under the heading, "Drinkers bag a problem". The report states:

> Darwin's pubs are strangely quiet this week. Random breath tests have frightened the boozy, garrulous territorian out of his wits.
>
> One hotel manager said he had had only half his previous number of customers, and had been forced to lay off three staff. Another laid-off two barmaids for the same reason.
>
> Even the beer swilling, big talking territorian becomes a snivelling coward when confronted by a plastic bag and nozzle.

That is the psychological effect that we want the people of South Australia to face when they go out tomorrow. Most honourable members who have spoken in this debate have concentrated on the hotels and have referred to Victorian hotels having signs up describing the position of the testing station. Not all drinkers drink in hotels, and that fact seems not to have occurred to speakers who have already spoken in this debate.

The majority of drinkers go to parties. I do not know how every party in Victoria finds out where an alcotesting station is located, and how they are going to do that in South Australia. That logic just destroys the argument altogether about how the Victorians avoid them on leaving the pubs. That sort of argument is destroyed straight away because of the Opposition's assumption that everyone drinks in a hotel.

The Hon. Anne Levy: Your argument would be valid only if no-one drank in a hotel.

The Hon. M. B. CAMERON: I have never said that. The arguments advanced by the Opposition on this matter indicate clearly that it is not prepared to make a decision. It has not got the gumption to declare itself for or against this Bill. Members of the Opposition want to run away and hide behind a Select Committee. Opposition members do not want to bite the bullet. In delaying this Bill they will create enormous damage to individual citizens in South Australia. I urge the Opposition to change its mind. I would even ask the Minister, when the Bill is in Committee, that perhaps we could report progress and give the Opposition the opportunity to change its mind, and perhaps have another Caucus meeting on it. I support the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): I am disappointed that the Opposition is seeking to stall the final consideration of this important Bill. I am disappointed that it is not prepared to bite the bullet, grasp the nettle, or however else one expresses the need to come to grips with a serious matter in our community.

The Hon. Mr. Davis referred to the fact that 66 per cent of South Australians support random breath tests. The figure is the result of a relatively recent survey undertaken in the past few weeks. The 66 per cent of South Australians who support random breath tests have already considered the consequences of this action. It will mean that the police will be able to stop citizens driving along a road and require them to take an alcotest. It means that there is likely to be a substantial reduction in the road toll, and they have balanced the available statistics against the alleged infringement of civil liberties, and they have taken the view that that initiative should be supported.

We went to the people on this matter last September, and it is one on which we have made further statements since then, notwithstanding that it has been a controversial question and notwithstanding that it may well have reacted against us at that election, but the contrary was the position. In fact, because we were willing to announce publicly before the election that this was our policy, it gained a great measure of support in the community.

The Hon. M. B. Dawkins: It still has that support.

The Hon. K. T. GRIFFIN: True, it still has that measure of support. Whilst some honourable members have played with statistics which have been used to support one view or another, whilst they have suggested that there is uncertainty about the consequences of random breath testing on the road toll, in fact, an important factor is that the community at large, by a substantial majority, supports the concept embodied in this Bill.

Although there have been arguments about statistics, and they will undoubtedly be used to suggest that the matter ought to be further considered by a Select Committee, I suggest to the Council that that will achieve nothing beyond that which we know already.

A number of matters have been referred to during the debate. I refer particularly to the statistics, which have been used by a number of people to argue various positions, both for and against the concept of the Bill, and to argue in particular that there is no clear evidence that random breath testing will play an important part in reducing the road toll.

As I said in my second reading explanation, those statistics, particularly from Victoria, as well as those that have been collected by the Road Accident Research Unit of the University of Adelaide, point clearly to the fact that, first, alcohol plays an important part in a significant number of road accidents and that, secondly, there is some evidence from Victoria to suggest that random breath testing, linked with other public announcements and initiatives, has contributed to a substantial decline in the road toll in Victoria.

One can say firmly that those statistics are not conclusive but, if we are going to wait in order to prove beyond reasonable doubt or even on the balance of probabilities that random breath testing will have a significant impact on the road toll, we will be waiting until Doomsday, and in that period of time a substantial number people, be they breadwinners, children, spouses, relatives, friends or strangers, will suffer as a result of drunken driving accidents. Those people will either be killed or maimed for life, some injured seriously and some not so seriously. However, all have a significant impact on the cost to the community, in both money and emotional terms.

While we fiddle around and try to obtain the standard of proof that Opposition members as well as some Government members have suggested we should seek to achieve, we will be responsible for continuing the substantial road toll, and the Government will be accused of not taking initiatives to alleviate the road toll. This is

one initiative of a parcel of initiatives that we believe we should take and, if it contributes to the saving of one life or of one person from serious injury, that saving has been well worth while in the light of the statistics that are available.

I take the view, as does the Government, that it is important to make a decision on the future of this Bill tonight and not to refer it to a Select Committee, which might not report to this Council until well towards the end of the year. It will involve a period of at least six months and probably longer if the Opposition suggests that the committee should obtain a standard of proof to place beyond doubt that random breath testing contributes to the road toll.

I should like to deal specifically with the question of civil liberties. Views have ranged from the firm one that it is an infringement of civil liberties that should not be tolerated to that which suggests that it will be tolerated if it can be proved that random breath testing does have an impact on the road toll.

The Hon. Frank Blevins: That is the Opposition's position.

The Hon. K. T. GRIFFIN: I want to deal with the range of views on the question of civil liberties, which, as the Hon. Mr. Cameron said, is one of civil liberties not of the driver but of the community generally and of all those persons who are likely to be adversely affected by the so-called civil liberties of a drinking driver being allowed to continue on the road unhampered.

The fact is that, in any decision that a Government takes, the liberties of one citizen must be balanced against those of another. The view which I take and which the Government takes is that, regardless of the status of the statistics, it is a breach of the civil liberties of the ordinary citizens who suffer as a result of an accident caused by a drunken driver.

The statistics show clearly that, if nothing else, the risks of someone being injured by a drunken driver are quite substantial and that the risks of being injured by someone who has not been drinking are very much less. In the light of those statistics, I suggest that the proper balance is in favour of the citizen who is likely to be the victim of that accident caused by a person who has been drinking and is driving.

One can argue about the principle for a long time, but there is really no principle if one is the victim. I suggest that, notwithstanding the arguments that have been put by the Opposition that there is insufficient evidence that random breath testing will have an impact on the road toll, there is sufficient evidence to the contrary, and that the question of civil liberties must be relegated to the priority given by ordinary citizens.

It was also suggested that the police could not be trusted to implement random breath testing in a responsible manner in the form in which the Government had included it in this Bill. There is some suggestion that there is fear in the minds of Opposition members about the way in which the police are presently administering their responsibilities and about the way in which they will administer them in future after this legislation is passed. The Hon. Mr. Foster suggested that the police would pick up someone for speeding when that person was stationary, suggesting that some grossly improper practices were entertained by the police in the proper administration of their responsibilities.

I want to put the Government's position on that matter, namely, that we must trust the police to exercise their very heavy responsibilities. They are not just responsibilities to stop drivers or to detect offences: they are responsibilities directed towards saving lives, saving persons from injury, and ensuring that the community is, as much as possible, safe from the drinking driver and from others who will not conform to the standards of society, be it under the criminal law or under other areas of the statutory law. The Government has every confidence that the police will responsibly exercise their responsibilities under this and other legislation.

Some emphasis has been placed on the fact that the Government intends to make some public announcement about the days on which the police will be able to conduct random breath testing. I should like to put the following view. The desirable ultimate objective for which one could aim is complete random breath testing by police without any prior announcement and without any Government or Ministerial control.

That is the view which the Hon. Lance Milne appears to adopt in one of his amendments on file. We as a Government have taken the view that it is not responsible of us to go that far at this stage, that we believe that there should be some Ministerial supervision and thereby some Government supervision of the decision of the Commissioner as to the days on which and the places at which the random breath testing is undertaken. We believe that this is quite a responsible attitude, keeping in mind our attitude on other issues, that Ministers and the Government should accept responsibility for this weighty decision.

Some comment has been made that to advertise the date of random testing will be counter-productive. One could agree with that proposition, but the fact is that we are looking more to this power for the police as having a deterrent effect, a psychological effect which will protect and preserve lives and prevent injuries. We believe that is a significant part of the initiative which we are taking. Sure, the random nature of the testing will also be an important principle for the police to be able to implement, but it is important also in the context of a concerted campaign by the Government to lower the road toll that there be sufficient deterrent available to the Government and to the police, and we believe that at the present time this sort of publication of the day upon which the random breath tests will be implemented is an important deterrent.

The other point to make is that the Bill deals not only with random breath testing, but with an extension of the offences on the detection of which a breath test can be requested. That is a substantial widening of the offences which, 12 months ago, the previous Government enacted into legislation. We believe that this part of the Bill is also an important power for the police to have, so that not only will they have the opportunity to test at random on the authority of the Chief Secretary, but they will have the opportunity, in connection with a wider range of offences, if detected, to require a breath test. I would hope that Council members, when voting for the legislation, will keep firmly in front of them the recognition that the Bill contains both of these important initiatives.

There are other important matters which probably could be dealt with more adequately in Committee, but two in particular should be canvassed at present. The first is the amendment of the Hon. Mr. DeGaris, and that is to link with radar detection and speeding offences the mandatory requirement that the police should also conduct a random breath test. Whilst the principle may be desirable, I want to put to the Council that it is not possible for the police to operate in this way and that the manpower requirements of a mandatory provision of that kind are such that the detection of speeding offences by radar would be severely restricted because of the capacity of the police to fully man the radar detection locations, as well as equipping them to deal with alcohol breath testing. I want to put to the

Council that, whilst the objective may be laudable, it is not a feasible proposition to support.

I have dealt with the desire of the Hon. Lance Milne, by way of amendment, to widen the capacity of the tests and to make them fully random tests, and I have put to the Council the reasons why at this stage I prefer and the Government prefers to adhere to the limited random breath test proposals that we have in the Bill. He also seeks to put a time limit on the legislation, and, whilst I want to deal more fully with that in Committee, I put to the Council that I do not believe that the effectiveness of the legislation could be determined in the limited period of one year to which he refers in his amendment.

The remaining matter is the question of the Select Committee, to which I have referred briefly. I repeat that I believe that the Council must bite the bullet now and make a decision on whether or not the police are to have the power to random breath test now, and not in six months or 12 months time, when I suggest there will be no more evidence available than there is now on whether or not random breath testing will reduce the road toll. I believe that the deferment of this very important question to a Select Committee is merely delaying the day of decision based on the evidence presently available to the community, and that there is no useful advantage to be served in delaying the day of decision.

It could be that some people have not made up their mind on whether or not to support random breath testing, but the proposition has been before the people of South Australia for at least the last six months, and in fact it was even floated some 12 months ago. I put to the Council the very firm view that I have and the Government has that we cannot afford to dilly dally while we take evidence which is already available, while we may take a trip or two interstate to see what happens in Victoria, and come to a conclusion no different from that which we have reached tonight. During the period when we will be dilly dallying, more people will be killed on the roads, people who may have been saved as a result of the implementation of this legislation, more people will be injured as a result of drink-driving offences, and that is something we cannot afford to allow to occur. We cannot afford, as the Hon. Martin Cameron put it to the Council, to fiddle while Rome burns. I put quite strongly to the Council that we must make a decision tonight, and that we must not put it off until some indefinable day at some time in the future.

Bill read a second time.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

> That the Legislative Council request the concurrence of the House of Assembly in the appointment of a Joint Committee to which the Road Traffic Act Amendment Bill be referred for inquiry and report and that, in the event of a Joint Committee being appointed, the Legislative Council be represented thereon by three members, two of whom shall form the quorum of the Council members necessary to be present at all sittings of the committee; that the Select Committee be further instructed to inquire into and report upon all aspects of the relationship between alcohol use and road safety and measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome.

I believe that the issues in relation to the Select Committee proposal have been fairly fully canvassed in the second reading debate. I certainly do not wish to do that again. However, I believe that what happened in the second reading debate merely gave greater force to the proposition that the whole matter ought to be referred to a Select Committee. During the debate there were a number of conflicting assertions made, particularly on the question of what evidence we have to indicate that this method of dealing with alcohol consumption and road safety is effective, and particularly on the question of how effective it is in relation to other measures that could be taken to deal with the problem. All honourable members conceded that the problem of community attitudes to drinking driving and to the general relationship of alcohol consumption, road safety and the driving of motor vehicles existed. What happened in the second reading debate only reinforced the argument that I put earlier for the Select Committee.

Conflicting assertions were made about matters of fact and it is about those matters of fact that a Select Committee would be an ideal vehicle for consideration. This is a matter of controversy and there are strongly held views on both sides. A responsible attitude is to have the matter thoroughly investigated by the Parliament. There is no urgent rush about this legislation.

The Hon. M. B. Cameron interjecting:

The Hon. C. J. SUMNER: Careful consideration would be enhanced by this proposal. The Hon. Martin Cameron interjects. If the Government thought that this was so urgent, it could have introduced the Bill six months ago, when Parliament resumed after the election. The Government is talking about the delay and it has been responsible for some delay. I believe the delay for an inquiry by a Select Committee is a responsible course to adopt. I am suggesting that a committee from the whole Parliament is desirable, as the Minister of Transport, Mr. Wilson, would be able to participate directly in the deliberations of the committee. That is a responsible approach to adopt rather than to merely set up a committee of this Council, which has generally been the practice when the Council has wished to look at and review the proposals of the Government. Rather than confine the committee to this Council, I believe that it is proper that the whole Parliament be involved. It is proper that the Minister should be given the opportunity of participating directly in the committee. This is a matter that should be above Party-political bickering and I therefore propose that the major Parties be represented equally on the Select Committee; that is, three from this Council and three from the Lower House, comprising three members of the Opposition and three members of the Government.

The Hon. R. C. DeGaris: What about the Democrats?

The Hon. C. J. SUMNER: We have to look at whether they wish to be on the committee but, as I understand the position, the Hon. Mr. Milne is not seeking preferment in that way .

The Hon. J. C. Burdett: The previous Government was not too happy about Joint Committees.

The Hon. C. J. SUMNER: I do not know whether the previous Government was happy about Joint Committees. Perhaps the Hon. Mr. Burdett could give some examples of that situation. I am trying to get a resolution of this matter which will eventually take into account proper consideration of the evidence and which would be done in a calm atmosphere where all major Parties and the whole Parliament are involved. We, up to the present time, have not been satisfied with the evidence presented by the Government in support of the Bill, nor can we see the urgency of putting the Bill through without adequate public debate. The Select Committee will be able to carefully assess the evidence on whether random breaths tests are effective. The committee would not confine itself to this Bill but would also inquire into all aspects of alcohol use and road safety and measures whereby the problems associated with alcohol use and the driving of motor

vehicles can be overcome. I suggest that the hearings of the committee should be open and public and that all community groups and interested parties would be welcome to put their viewpoint. I have already indicated and foreshadowed that, if the Government does not agree to a Joint Committee of both Houses, we would then try to have a Select Committee of the Legislative Council alone to look at the Bill. However, I believe that the preferred course (and the Government should realise that) is for there to be a Joint Committee. The Minister in the Lower House could then be involved in its deliberations.

The form of the motion is such (and it should be made clear) that the second part of the motion is also to be transmitted to the House of Assembly for its concurrence. In other words, the second part of the motion, which is the referral of the more general question of alcohol consumption and its relationship to road safety, is also referred to the House of Assembly for its concurrence and inclusion in the suggested terms of reference of the committee. I believe that if the Government opposes the setting up of the Select Committee then it really has its head in the sand over this issue. It has heard the debate in this Council on the second reading. It has heard that the Labor Party is not prepared to support the legislation in the form that the Government has brought it in. It does not believe that the evidence to this date has been sufficiently persuasive.

The Hon. L. H. Davis: It would seem that the previous Government thought it was persuasive at one stage.

The Hon. C. J. SUMNER: The Hon. Mr. Davis has said that it seems that the previous Government thought it was persuasive at one stage. It has been said that the Labor Government thought that it was persuasive and it agreed to introduce random breath tests. That is a straight-out absolute untruth. I believe that the Hon. Mr. Davis ought to be more careful about his interjections. What happened was that the Minister of Transport in another place quite improperly and wrongly used documents that had been prepared by public servants for the Premier and quoted from those documents, despite the fact that the document had not been signed by the Premier. As the Hon. Mr. Corcoran pointed out in the House of Assembly, he had seen the minute and had said that it was not to proceed, and that the Victorian situation was to be looked at.

There is a note on that minute from the public servant which says, "I have spoken with Mr. Corcoran, and the matter is not to be proceeded with." The Premier never sent that minute to the Minister of Transport. Despite that, the Hon. Mr. Wilson, in another place, contrary to the constitutional conventions that I mentioned in this Chamber this afternoon, quite improperly quoted from that document. That document was not even an official minute and had not been aproved by the Premier to be sent to the Minister of Transport. That is the sort of evidence and the tactics that this Government is prepared to indulge in in an attempt to support its case. That was completely improper, and that is what the Hon. Mr. Davis was referring to.

The former Premier, Mr. Corcoran, gave a personal explanation in another place on this issue and made it quite clear that he had not approved of the principle of random breath testing. Mr. Corcoran also made it quite clear that he had not approved the minute being sent to the Minister of Transport. I repeat that the Hon. Mr. Davis's comments are a complete untruth.

The Government has its head in the sand over this issue. The Government has heard the Labor Party's position and the Hon. Mr. Carnie's position, which is substantially the same. The Hon. Mr. Carnie is not convinced on the evidence presented to him, of which he gave a careful analysis, that this measure is warranted at this time. The Hon. Mr. DeGaris is apparently not entirely happy with the principle of random breath testing. Therefore, if the Government is not prepared to support a Select Committee the Bill will be defeated.

The Hon. K. T. Griffin: You will be responsible for that.

The Hon. C. J. SUMNER: I am not arguing about who will be responsible. I am putting to the Council that the desired course is that the Bill be referred to a Select Committee. If the Government opposes a Select Committee, it knows that the Bill will be defeated. I would be surprised if members opposite opposed this Bill being referred to a Select Committee, because the majority of Council members appear to be opposed to random breath testing. The only responsible course for the Government to adopt is to have the matter properly investigated by a Select Committee. As I have said, I believe the Government has its head in the sand over this issue if it opposes a Select Committee being set up. As a matter of principle I believe that this matter should be referred to a Select Committee because it will allow Parliament a proper investigation of the issue and allow members to come back and consider the matter in a less rushed and calmer atmosphere later in the year.

The Hon. K. T. GRIFFIN (Attorney-General): Let me make it clear that the Government has a responsibility to reduce the road toll and take initiatives that are directed towards that objective. One of the initiatives that the Government is taking is that it wil allow random breath testing as provided in this Bill. The Government believes that that is an important initiative that should not be thwarted by the Opposition's attempts to get itself off the hook. At the last election, the Liberal Party obtained 57 per cent of the vote for its members in this Council to win Government on a very clear policy, which was that the Government would implement random breath testing. This matter is not a controversial issue in the community. The figures that have already been quoted indicate that about 66 per cent of the community support random breath testing. The only controversy comes from a third of the community which says that it is not in favour of it. That section of the community is not in favour for a number of reasons that do not carry any weight.

I will now refer to the survey results that have already been incorporated into *Hansard*. The number of females who are in favour of random breath testing amount to 75·5 per cent, and those against 20·6 per cent, with 3·9 per cent being unsure. Fifty-six per cent of males support random testing, while 39·9 per cent are against and 4·1 per cent are unsure. Of married people, 67·3 percent support random testing, whilst 28 per cent are opposed and 4·7 per cent are unsure. Of single people, 59·9 per cent are in favour of random testing, 38·7 per cent are against, and 1·4 per cent are unsure. As I have indicated, the average is that 66·1 per cent are in favour, 29·7 per cent, which is less than a third, are against it, and 4·2 per cent are unsure. That is a recent survey which indicates that the community is firmly behind the Government's initiative. The community was not deterred in September 1979 from voting for the Liberal Party on the basis that it would introduce random testing. In fact, the community supports this valuable initiative, and we cannot afford to dilly dally while the Bill is referred to a Select Committee.

There are some curious terms used in the terms of reference of the Select Committee. One of the terms is that it will report upon all aspects of the relationship between alcohol use and road safety. I believe that is nonsense. The statistics are quite clear there is a very clear relationship between the use of alcohol, road accidents and road safety.

The statistics for the year ended 31 July 1979 from the Director of Chemistry indicate that, of a total 8 695 specimens of blood taken from road accident victims tested, about 24 per cent or 2 118 were positive.

The Hon. N. K. Foster: That does not mean they were driving vehicles.

The Hon. K. T. GRIFFIN: They were all road accident victims. The fact is that there were a number of victims, whether they were drivers or pedestrians who were not tested under the general compulsory testing procedures for one reason or another. The possibility is that that percentage would have been higher rather than lower. If one looks at the figures for the year ended 31 July 1978, one finds that, of the 9 070 specimens of blood taken from road traffic accident victims, 2 126, or 23 per cent of the total, showed positive results. In February this year there were 609 specimens taken from road traffic accident victims and 128, or 21 per cent, were positive. We do not need a Select Committee to inform us of the relationship between alcohol use and road safety. That fact has been established even as far back as 1964, when there was a Royal Commission conducted into the hours of trading for licensed premsies. On that occasion it was established quite clearly that there was an unequivocal relationship between the use of alcohol and road safety. As I have said, we do not need a Select Committee to tell us of the relationship between alcohol use and road safety.

The other term of reference to the Select Committee is to report on measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome. The Government and I have indicated to the Council this evening that clear initiatives have been taken based upon the experience of Governments in other States. Amongst those are amendments that we are taking to deal with provisions of the Motor Vehicles Act.

This Bill contains initiatives with respect to the use of alcohol. The Government also undertook over the Christmas/New Year period a comprehensive public relations campaign towards ensuring that persons who drink do not drive. That campaign which was associated with an announcement by the Minister of Transport that the Government was committed to introducing legislation to provide for random breath testing contributed to a substantial decline in the road accident toll over that period.

As I have said, a Select Committee will not tell us anything based on those terms of reference that we do not already know. The question is whether we are going to bite the bullet, as I have said on two occasions already in this debate, or whether we are going to dilly-dally, listen to evidence and come up with no different conclusions than that which we have before us now.

If the Opposition and the Hon. Mr. Milne are successful in establishing a Select Committee, I would take the view that both the Opposition and the Hon. Mr. Milne should be represented on that committee along with the Government. I take the strong view that, if they support a Select Committee, they ought to be prepared to serve on it. The overriding view that I present to the Council is this: that a Select Committee will not advance the cause or tell us anything more than we know now. It would be irresponsible of us to follow that course of action when people's lives, their livelihood and their bodies are at risk. I urge the Council strongly that the motion should not be supported.

The Hon. K.L. MILNE: I have listened carefully to this debate and have followed the arguments in the media. They are impressive. Yet the people are divided, although the majority apparently favours random breath testing. Also, the major political Parties are divided; certainly they are not unanimous, either of them. A survey of the opinions of the people of South Australia has been advanced, but few of those people would have had the opportunity to hear a debate such as the one we have had tonight or have thought the matter through. Therefore, I believe that the figures quoted by the Hon. Mr. Davis should be taken with great caution.

Unfortunately, the Bill has been introduced leaving the Council only one day to debate this important matter, partly, I understand, because the Hon. Mr. Carnie is going overseas and the Government wants to give him an opportunity to have his say on this matter. That is not a valid reason for the haste. As the Hon. Dr. Ritson has said, this is a most important matter, and it is too serious to rush through Parliament in the light of the differences of opinion that we have heard this evening from both sides of the Chamber.

Two members of the Government have foreshadowed amendments to the Bill deleting all reference to the breathalyser tests, yet this Bill is concerned mainly about breathalyser tests. These amendments will emasculate and reduce its value to a point where it is not really worth passing. In fact, it is unlikely to pass. The truth of the matter is that it is unfortunate that the Government has introduced this Bill mixing a relatively simple matter like an increase in police powers with a matter as controversial as a breathalyser test.

I do not believe that we need to have a conscience about not biting the bullet right now—only Victoria has bitten the bullet, and no other State. I do not believe anyone can be blamed for waiting. The opinions are so diverse and the criticism of the Bill is so great that we should have more time to think. It is obvious to me now that the Select Committee is the proper course and possibly the only course for the Council to take.

Incidentally, the word has got around about what is likely to happen. I received a telephone call from the President of the A.M.A. a few moments ago, and he expressed the hope that, in the circumstances, I would support the establishment of such a committee. He was relieved to hear that I intended to do so, and I was relieved that he was relieved!

Therefore, I intend to support the appointment of a Joint House Select Committee. It should be a Joint House Select Committee, if at all, to examine the whole subject of alcohol use in driving, and not just pull out this random breathalyser test. I realise that this situation is a disappointment to the Government. I am not happy in the stand that I have taken, but I believe it is right in the circumstances. I believe that the Government's conclusions are then more likely to be acceptable to everyone, and the committee can be working while Parliament is in recess. The Australian Democrats are disappointed anyway, because we are aiming ultimately (as perhaps all honourable members are aiming) at a situation in which if one drinks at all one does not drive, and if one drives one does not drink.

The Hon. R. C. DeGARIS: I oppose the motion to refer the Bill to a Select Committee. The Hon. Mr. Milne has said that the amendments on file would emasculate the Bill. That is patently not true. The point about the amendments is that they strengthen the Bill by giving wider and stronger powers than presently exist in the Bill.

The Hon. C. J Sumner: What about Mr. Carnie's amendments, they do not strengthen the Bill?

The Hon. R. C. DeGARIS: Yes, they do, because the Hon. Mr. Carnie has promised to support my amendments first.

The Hon. N. K. Foster: That does not strengthen the Bill.

The Hon. R. C. DeGARIS: It does. Clause 5 contains an important measure that will be delayed. I do not mind if a Select Committee is established to examine the application of random breath testing. I think the whole of the Council would vote in support of that, but referring to a Select Committee the powers in clause 5 would be a negligence of which we should be ashamed, because the increase in powers provided by that clause is important to the application of this legislation, enlarging the scope of situations in which a person can be breath tested. If a person breaks the law there is no reason why he should not be breath tested in regard to the breaking of that law to see whether there is any other contributing factor to that offence.

By referring the Bill to a Select Committee is the Council saying that an argument can be advanced in relation to clause 5(a), which is a necessary expansion immediately of the powers that we need on this particular problem?

That will merely hold up for a long time the application of that provision to which I do not expect any opposition in the Council. I will be surprised if there is any opposition to it. The only argument relates to the application of clause 4, which does nothing in relation to random breath testing. My amendment strengthens that clause and gives greater power in relation to controlling this matter. Therefore, I make the point that, if we are to refer the Bill to a Select Committee, we should get rid of the Bill first and refer to a Select Committee the whole question on random breath testing and how it should operate. Secondly, let us deal with the Bill, particularly in relation to clause 5, now. Let us get that out of the way and, if we want to refer the rest of the Bill to a Select Committee, let us do that. I believe that referring the whole Bill to a Select Committee is not a rational approach.

The Hon. M. B. CAMERON: I must confess to a feeling of great disappointment at what is obviously a move to refer this Bill to a Select Committee. As the Attorney-General has said, this was a clear part of the Liberal Party's election policy. We put it to the people and got the support of 57 per cent of them. Before long, we will have the Opposition saying (indeed, it has already said) that we have broken our promises to the people. However, when we try to implement one of our promises, what does the Opposition do? It wants to hide from the matter. That is a cowardly way of getting out of making a decision. The Opposition wants someone to make the decision and to be able to say, "It is all right; we did not have to make any decision. It was done by a Select Committee." I have never heard such a nonsensical move, which is totally against the wishes of the people of this State.

That is the important thing. The Liberal Party won the election on this issue among others. I can understand the Hon. Mr. Milne's saying that he was unhappy about the move that he was making because he was joining with the Opposition in thwarting the Government. The honourable member has been accusing the Government of not introducing in a hurry the Pitjantjatjara Land Rights Bill. However, the Government did so and, despite its efforts to get that Bill through Parliament, the Opposition is now trying to frustrate it. That move is fraught with danger.

If I was an Opposition member, I would not like to have on my conscience the road toll figures. No-one will be able to prove that this movement will have an effect on those figures, but that is a possibility that Opposition members will have to face. I hope that the Opposition will readjust its thoughts on this matter.

The Hon. N. K. FOSTER: I support the motion and, in doing so, should like to refer to the speech made by the honourable member who has just resumed his seat. The Hon. Mr. Cameron accuses Opposition members of possibly being guilty without his having to prove their guilt. However, I refer him to a measure which he was instrumental in bringing about and which resulted in a Select Committee of this Council being appointed. I refer to legislation relating to the crash repair industry. The Hon. Mr. Cameron sat as a member of that committee at over 40 of its meetings.

The Hon. C. J. Sumner: Was Mr. Cameron on that one?

The Hon. N. K. FOSTER: He was. We had concrete evidence, as the Hon. Mr. Dunford has so often told the Council, of a link between the way in which that industry operates and serious road accident injuries, deaths, and so on.

The Hon. C. J. Sumner: Was that a Joint Select Committee?

The Hon. N. K. FOSTER: No, it was a Council Select Committee, but it never brought down a report because the Government changed. I should like to dwell a moment on that point. If the Government had as much honesty in relation to that life-saving measure as it claims to have in relation to this Bill, it would have reconstituted that committee in the same way that it reconstituted the prostitution Select Committee. One can see, therefore, that there was no problem constitutionally. The New South Wales Government honoured its promises to introduce legislation regarding the crash repair industry, and that legislation is now on the Statute Book in that State. We did not hear the voice of the A.M.A. on that one, except perhaps the representations that came from the university unit, which may have comprised a doctor or two. Government members should not therefore be convinced by the false arguments that have been put forward by the Leader of the Government in the Council.

The Attorney-General dealt in some respects with blood testing. In this respect I should like to refer to a true occurence. Two drivers who were perfectly sober left their homes to go to a certain function in order to pick up some drunks. However, both were involved in an accident, and, although neither of the drivers was drunk, it was claimed that everyone was drunk.

There is certainly a need for a Select Committee on this matter. The Hon. Mr. Cameron does not support it because he is hurt. He considers that a certain member of this place is almost his property in relation to the way in which he initiates debates.

The Hon. M. B. Cameron: What are you talking about?

The Hon. N. K. FOSTER: The Hon. Mr. Cameron cannot take the fact that the Hon. Mr. Milne will support this motion.

The Hon. M. B. Cameron: That is an incredible slight on the Hon. Mr. Milne.

The Hon. N. K. FOSTER: The honourable member should not say such things.

The Hon. M. B. Cameron: You said it.

The Hon. N. K. FOSTER: And I am repeating it. If the honourable member does not want to wear it, that is his affair.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: The Liberal Party has not introduced any positive legislation in a number of areas that were referred to in its policy speech last September. With the exception of one member, has any Government member, as an honest legislator, told the Council of the type of inquiries that took place in Victoria before the breathalyser measures were introduced in that State? Of course they have not. They have merely had the Attorney-

General stating something which he cannot prove and which has no direct value in relation to breathalysers as applied to the driving of motor vehicles compared to the blood testing of victims, which can result in an unstable analysis.

I am prepared to support this measure and to change my mind on it if any statistical evidence proves beyond any doubt whatsoever that powers such as these being given to the police will halt the road toll. The Hon. Mr. DeGaris, in opposing the appointment of a Select Committee, by way of interjection gave the reasons why he agreed with me in the debate this evening.

He said that random breath testing was useless in Victoria because the local hotels put up notices saying virtually where and when the tests were to take place and for what period they would be conducted. The Hon. Mr. DeGaris agrees; he has just walked back into the Chamber, and he has nodded in agreement.

If there is one thing that legislators should be 99·9 per cent sure about, it is that legislation is conclusive. All legislation that is passed is not good legislation and it is not conclusive, but on the matter of cutting the road toll I do not question the motives of members opposite; I question their research, and their proof. The reaction of some of them to referring the Bill to a Select Committee is such that one begins to question their attitude to the road toll. The matter has been politicised in this Chamber—we have a habit of doing that. If this measure were to be passed tonight, there is no guarantee that it would operate by Easter. The early application of the system was the argument put up by the Hon. Mr. Cameron and his Leader, and that is rubbish. To suggest tonight that, if the papers carry a headline in the morning that the legislation has been put off for the time being, all sorts of people will go out and crash into one another, is ridiculous. The Government has not made a strong enough case, and the Bill should go to a Select Committee.

The Hon. M. B. DAWKINS: I must indicate my great disappointment that the Hon. Mr. Milne has seen fit to speak as he did tonight. The Hon. Mr. DeGaris has indicated the great importance of clause 5(a), and the need for it to go through. If the Bill is referred to a Select Committee it could be with that committee for months; the terms of the Select Committee are such that it could go until towards the end of the year.

The Hon. Trevor Griffin has indicated not by just one group of figures but by a series of figures, that an average of 66 per cent of the population of this State is in favour of random breath testing, that 29 per cent is against, and that approximately 4 per cent is undecided. What the Hon. Mr. Milne is doing, in my view, with great respect to him, is neglecting to note that two-thirds of the population are in favour of this legislation and barely one-third against it.

When the Hon. Mr. Milne came into this Chamber we welcomed him and we have been happy to have him with us. He said, with great respect, that he was to be the balance of reason. If 66 per cent is in favour of the legislation, 29 per cent against, and 4 per cent undecided, where is the balance of reason in opposing such a situation and putting the matter off for perhaps six or eight months? I believe that, if he persists, that is what the Hon. Mr. Milne's decision will do. It means that clause 5(a), which the Hon. Mr. DeGaris has mentioned in detail (and I do not intend to repeat what he said), will be left in the balance for several months.

As I indicated earlier, I believe that, if there is further road carnage in the State over the next six to eight months, it lies fairly and squarely on the heads of the Opposition and, I regret to say, to some extent on the head of the Hon. Mr. Milne, if he intends to continue to support the motion for a Select Committee. I hope that the honourable gentleman will take time to consider the decision he has just made. I am quite sure that he made it in good faith, thinking that it was the best decision to make; I suggest that it is not a good decision, but something he would do well to reconsider.

The Hon. R. J. RITSON: I also oppose the referral to a Select Committee, and I shall be very brief. The information as to the cause of accidents and the relationship of alcohol is there. We do not need a committee to discover it. It is known, and it has been known for 20 years. People who are breaking the law in this regard are detected largely by specimens taken at the hospitals and the mortuaries in this State. Criminologists agree that the key to prevention of these evils is increased probability of detection. The only way I know of getting evidence other than from the hospitals and the mortuaries is to go out in the streets with the breathalyser—and that is as plain as can be.

The re-examination of education programmes will be fruitless and will delay the lifesaving effect of any legislation. The Hon. Mr. Foster has called these hospital tests into question. I also call them into question, not only on the grounds that it is shutting the stable door after the horse has bolted, but also that that is a greater infringement of civil liberties than is breath testing, because in that case an injured person, against his will, is having a great big needle shoved into him. It will not deter him, because he may have committed the offence already.

If we have to choose between two degrees of infringement of civil liberties, I would rather make a lesser invasion of a person's privacy by requiring him to have a breath test before an accident, rather than by sticking a needle into him after the accident. That is all known, and no committee will discover differently.

The Hon. C. J. SUMNER (Leader of the Opposition): The Attorney General said that the Government has a responsibility for reducing the road toll, as if only the Government had that responsibility. We all have the responsibility for reducing the road toll, and we have all approached the debate on this Bill with that responsibility in mind. The question is—and the Attorney did not direct himself to this—whether this measure will assist in reducing the road toll, and that is what we do not know.

The Hon. C. M. Hill: Of course it will. You're talking absolute rubbish.

The Hon. C. J. SUMNER: That is what we do not know from the evidence presented to us.

The Hon. C. M. Hill: Read the reports; they are there by the dozen.

The Hon. C. J. SUMNER: They are not there by the dozen.

The Hon. C. M. Hill: Of course they are. There have been reports going back for 10 years on this question.

The Hon. C. J. SUMNER: According to the Hon. Mr. Hill, there have been reports going back for 10 years on random breath testing, but members on the Government side have not referred to any report going back 10 years. We would need to look at the Victorian experience, and that goes back to 1976. The argument is not about who has responsibility for reducing the road toll. We all have. The question is whether random breath testing is the best way to do it, and that is the critical question that the Select Committee would look at.

The Hon. M. B. Cameron: You introduced testing on people who committed offences. You believed that would be helpful.

The Hon. C. J. SUMNER: I fully agree with everything honourable members opposite are saying.

The Hon. C. M. Hill: Why don't you tell the truth? You're too scared to vote against the Bill.

The PRESIDENT: Order! Each honourable member will have an opportunity to speak.

The Hon. C. J. SUMNER: Finally, the Hon. Mr. Cameron said that this was an election promise of the Liberal Party.

The Hon. C. M. Hill: And approved by the people.

The Hon. C. J. SUMNER: Members opposite should have spoken to the Hon. Mr. Carnie and the Hon. Mr. DeGaris about Liberal Party policies.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Ayes.

Motion thus carried.

STATUTES AMENDMENT (PROPERTY) BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1705.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition raises no objection to this Bill. It is what is often referred to as lawyers' law dealing with a number of aspects of the law of property and real property. The Opposition is prepared to support the second reading of the Bill and its passage through all stages in accordance with the Government's wishes in the matter.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): I am pleased that this Bill has been passed with such remarkable expedition. It is a prime example of what happens when the Government puts up reasonable propositions that the Opposition can consider and support. I am happy that the matter has reached its third reading so expeditiously. I am pleased to say that the Opposition supports the third reading.

Bill read a third time and passed.

[Midnight]

WILLS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1706.)

The Hon. C. J. SUMNER (Leader of the Opposition): In the spirit of co-operation that has been established recently the Opposition is prepared to support this Bill. As the Attorney-General said in his second reading explanation, it is a matter that is consequential on the recent abolition of succession duty. The only query I have in relation to this Bill relates to a will where the valuation for succession duties purposes is referred to. When succession duties existed there was a fixed valuation and there was no dispute under the will as to what the valuation would be. If there were challenges against that the succession duties valuation was the reference point for the particular gift or whatever was mentioned in the will.

The substitution proposed is for a competent valuer to make the valuation, whereas previously it was the valuation for succession duties purposes. My question is not of great importance, but I ask whether the Attorney-General is satisfied that, in the existing provisions in the Wills Act, there is a means whereby disputes over a valuation can be determined. In other words, when the succession duties valuation was mentioned there was no problem if there was a dispute; it was a valuation arrived at by a Government department. In this case, if we provide for a competent valuer, the scope for dispute about the valuation would seem to be much broader. Does the Attorney-General believe that that is likely to be a problem, and is he happy that any provisions in the Wills Act or anywhere else are sufficient to resolve any disputes that may arise in relation to valuations?

The Hon. K. T. GRIFFIN (Attorney-General): The principal question that a beneficiary can raise is whether or not the valuer is competent. If there are difficulties as to the competence of a valuer, I believe there is sufficient provision in the Supreme Court rules and the Trustee Act to enable that dispute to be overcome. There was a difficulty in establishing an appropriate definition for the valuer, and whether or not he should be a licensed valuer, a stockbroker, a chartered accountant, or someone else. It depends very much on the type of valuation. If the valuation relates to land, a licensed land valuer may be competent. If it relates to shares in a public company a stockbroker may be a competent valuer. If it relates to shares in a private company, it would be more likely that an accountant would be a competent valuer. That is why the broad description of a competent valuer was included in this clause.

As I have said, the principal question that the beneficiary can raise is whether or not the valuer is competent. If the valuer is a competent valuer then no question arises whether or not the value is appropriate. If he is competent, that answers the question raised by the Leader. However, if the valuer is not competent that raises the question whether the valuation is appropriate. It all hinges on the competence of the valuer. If the valuer is not competent the trustee will have to refer to someone who is competent. I am satisfied that there are adequate safeguards in the various Acts to which I have referred that deal with the type of question raised by the Leader.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"References to valuations made or accepted for succession duty purposes, etc., to be construed, where appropriate, as references to valuations made by competent valuers."

The Hon. C. J. SUMNER: I take it that the procedure would be for the trustee who is confronted with a reference to succession duties valuation in a will to obtain that valuation from a person he considered to be a competent valuer, and that that valuation would stand, unless anyone who wished to dispute it, presumably the beneficiary, could show that that person was not a competent valuer. Does that mean that, provided the person responsible for the administration of the will chooses a competent valuer, there can be no argument about the valuation? Is the Attorney satisfied that that is in fact what proposed new section 39 does, or whether there

may also not be scope for a dispute about the actual valuation?

The Hon. K. T. GRIFFIN: The position put by the honourable Leader is correct. The key to this particular clause is whether or not the person selected by the trustee is a competent valuer. If the valuer is competent that puts an end to questions about valuations. If the valuer is not a competent valuer, it is not an appropriate substitute on which the trustee can rely for the purposes of acting on any provision in the will that a valuation accepted by the Commissioner of Succession duties (or for that matter the Federal Commissioner of Taxation in respect of Federal estate duty) may be relied upon. I am satisfied as much as anyone can be in this field that once the valuation is made by a competent valuer that puts an end to it, and the valuation itself is not subject to review.

Clause passed.

Title passed.

Bill read a third time and passed.

CROWN PROCEEDINGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1706.)

The Hon. C. J. SUMNER (Leader of the Opposition): We are getting on famously now, and I would not like to destroy the record established over the past couple of Bills. The Council will be pleased to know that the Opposition is happy for this Bill to proceed as the Government wishes. I have two queries. First, as the Bill is primarily designed to enable police officers to appear in small claims courts where legal representation is not allowed, in what matters do the police now appear in the small claims court, and what is the basis for the extension to officers of the Crown being able to appear in the small claims court?

Secondly, fear has been expressed that professional advocates could appear in the small claims courts (for instance, if they are permanent employees of a large department store that has many claims coming before the small claims courts) and those professional advocates, although not lawyers, could place at a disadvantage the person contesting a claim, thereby defeating the purpose behind the small claims jurisdiction, which is for a non-legalistic and speedy resolution of matters.

If that problem can occur with a large department having many claims in the small claims court, the problem of professionalism and undue advantage could arise as in the case of companies. Does the Attorney-General agree with the problems or fears that have been raised about professionalism and does he believe that a similar situation could apply in the case of the police, who may send one particular officer to conduct small claims cases? That officer may become something of an expert or specialist in this jurisdiction, again defeating the informal nature of the courts and possibly putting the opposing party at disadvantage, because the opposing party invariably does not have the expertise that a police officer could develop. If the Attorney does see a problem in that respect, what will the Government do about it?

The Hon. K. T. GRIFFIN (Attorney-General): I thank the Leader for his contribution. His point would ordinarily be of some concern, but I understand that there would not be any disadvantage to defendants or others appearing in the small claims jurisdiction where the Police Department is on the other side. In fact, police officers have appeared in the small claims court for the Police Department on several occasions. On one occasion a question was raised about the legality of police offices doing that, because of some technical aspects of the Crown Proceedings Act. The Government therefore took the decision to put it beyond doubt and ensure that police officers had this right where they represented the Police Department. I understand there is no injustice of inequality likely to result as a result of this amendment.

The Hon. C. J. Sumner: It could be in the practice whereby the police or companies send someone along and make that jurisdiction more professional than it was intended to be. I am not worried about the need for the amendment as such, just the practice that could develop from it.

The Hon. K.T. GRIFFIN: There is no difference really between large stores that appoint someone with some expertise to deal with such matters and the Police Department or any officer of the Crown employed by a department appearing before the small claims courts. The amendment does not affect that, because it already exists.

The Hon. C. J. Sumner: I would not like to see the Government, by sending one police officer along who became a specialist in the field, affecting the function of the small claims courts.

The Hon. K. T. GRIFFIN: I appreciate the Leader's point, but that is something over which I have no control. It may happen, and I cannot state categorically that it will not happen. It is a matter for particular departments to determine, and if that is likely to be the result of a particular procedure that is already followed in the Police Department, the amendment will not affect that.

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

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1707.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support the second reading of this Bill and does not have any proposed amendments. However, I have one or two queries that I should like to put to the Minister. Representations were made to me on some of the matters contained in the Bill regarding the Builders Licensing Board, and the Government has thrown in one or two other ideas.

Generally, this is tidying-up legislation. The Government is at present undertaking an extensive review of the Act, and honourable members will no doubt be interested to see results of that review when they come to hand. Perhaps the Minister might indicate whether the Government is carrying out a formal review in the sense of a formal inquiry, or whether it is a departmental exercise.

I ask that on the basis that the Government might perhaps wish to seek submissions from interested parties on its review of the Act. If that is its intention, the more public the review is, the better it will be. Perhaps the Minister might like to clarify that point for the Council. When the time comes, the Council will no doubt be interested in the extensive amendments that the Government believes will result.

One on my queries relates to the appointment of a standing Deputy Chairman of the Builders Licensing Board who, according to the Bill, shall be a legal practitioner. The Bill states that that person may be an already existing member of the board. Two problems arise from that. First, it may mean that there will be two lawyers on a board of five members. I realise that that is the

position at present, where the Chairman is a legal practitioner, as is one member of the board. However, I raise the possibility against which we wish to guard, namely, of the board's becoming too overloaded with lawyers. Also, if the legal practitioner who is to be the Deputy Chairman is also a member of the board, does that then provide additional problems with respect to a quorum? I know that the Bill reduces the quorum from four members to three members but, if the Deputy Chairman is already a member of the board, it places greater pressure on the quorum, the point being that, if the Deputy Chairman is not actually on the board, he can take the Chairman's position without affecting the number of other people who are available to make up the quorum. I ask the Minister to give his attention to those two matters.

Also, there is a provision that, where a voluntary surrender of a licence occurs or where a licensee dies before the expiration of his licence, there should be some mechanism for a discretionary refund of part of the licence fee when there is an unexpired period of the licence.

The Minister stated in his second reading explanation that this would occur where it seemed equitable. To whom does it have to seem equitable? In any event, I believe that this is merely regularising a practice that has already developed whereby people in this situation receive an *ex gratia* payment, being the return of a fee for the period that the licence was not of any effect. In the past, there have been no unjust situations in relation to these people, and this Bill merely assists in regularising an already existing practice. With those comments, I support the second reading.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I thank the honourable member for his contribution and his support of the Bill. The Leader is correct in saying that this is a tidying-up operation and that the Government is conducting an examination of the legislation. At present, it is intended that this not be formal and that it be a departmental inquiry. Although all aspects will be dealt with, it is directed mainly to the need for something like an indemnity fund, which was introduced by the Liberal Party in 1974 but which was not implemented by the Labor Government, or else some sort of compulsory insurance scheme to do the same sort of thing.

The Hon. C. J. Sumner: We were looking at that.

The Hon. J. C. BURDETT: Yes, but the Labor Government took a long time to do it. It is intended to avoid the kind of thing that has been happening, with builders going bankrupt or disappearing, and with consumers that the Labor Government always said it supported being left without any adequate security.

The Hon. C. J. Sumner: That is not an easy question.

The Hon. J. C. BURDETT: It is not. An indemnity fund, such as that provided for in the Bill introduced by the Hon. Mr. Hill in 1974, is quite a good solution to it. It may be that a compulsory insurance scheme, as exists in Victoria and particularly in New South Wales, could be the answer to it. There is no question of the Government's wishing to stack the board with lawyers.

The Hon. C. J. Sumner: I didn't suggest that you wanted to do that; I thought that it might have been done inadvertently.

The Hon. J. C. BURDETT: We do not want to do so, and it will not happen by inadvertence. I assure the Leader that the Master Builders Association and the Housing Industry Association would strangle us if we did. They have already spoken to us. Regarding a quorum, I do not see that this will impose any undue burden on the Deputy Chairman if he is a member of the board, anyway. It is necessary that the Chairman of the board be a lawyer.

The Hon. C. J. Sumner: My point is that it would place pressure on the quorum.

The Hon. J. C. BURDETT: There has been pressure on the quorum.

The Hon. C. J. Sumner: But it will cause problems.

The Hon. J. C. BURDETT: It has caused problems, but I do not see how this will impose any increasing pressure on the board. That person must be present on the board at the time.

The Hon. C. J. Sumner: If the person is not on the board and is appointed from outside, you have more people to make up the quorum. If he is a person who is already on the board, that reduces the number of people available to make up the quorum. That is what I meant by putting greater pressure on the quorum, which has been a problem up to the present time.

The Hon. J. C. BURDETT: It is our intention that the Deputy Chairman not be a person who is already on the board, which will relieve that pressure. In relation to the surrender of a licence and what is equitable, the answer is, I think, what is equitable to the board. The Leader suggested that this is simply regularising what has been a practice already; that is the case.

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

BOATING ACT AMENDMENT BILL

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

ABATTOIRS ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It should be read together with the Meat Hygiene Bill, 1980, which is designed to regulate all aspects of the hygiene and inspection of abattoirs within the State.

The principal Act, the Abattoirs Act, 1911-1973, empowers the establishment of local boards to either operate or supervise the operation of abattoirs within areas proclaimed under the Act. At present, only the Port Pirie Abattoirs Board owns and operates an abattoir. All the other abattoirs boards essentially supervise the inspection of meat and fix slaughtering fees.

This Bill, therefore, is designed to enable the Port Pirie Abattoirs Board to continue to operate the Port Pirie Abattoir and to remove from the principal Act all provisions that do not relate to the establishment and operation of abattoirs by abattoirs boards but relate to hygiene or the inspection of meat. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Under this clause the principal Act, as amended by this measure, is to be referred to as the "Local Public Abattoirs Act". Clause 2 provides for the commencement of the measure. Clause 3 amends section 2 of the principal Act which sets out the headings to the Parts of the principal Act. Clause 4 amends section 3 of the

principal Act by deleting all definitions that do not relate to the establishment and operation of an abattoir by an abattoirs board. Clause 5 enacts a new section that provides for the disposition of the property of abattoirs boards that would be dissolved by virtue of the proposed repeal of Part IVA of the principal Act. All the remaining clauses of the Bill effect amendments or repeals that remove references or provisions that do not relate to the establishment of abattoirs boards or the establishment and operation of abattoirs by abattoirs boards.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This short Bill should be read together with the Meat Hygiene Bill, 1980, which provides for the establishment of a licensing and inspection system for all abattoirs and slaughterhouses established within the State. Under this Bill all those provisions of the principal Act that presently relate to the hygiene and sanitation of abattoirs and slaughterhouses will be repealed and instead those matters will be regulated under the meat hygiene measure. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

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

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This short Bill deals with matters consequential to enactment of the Meat Hygiene Bill, 1980. That Bill provides for the establishment of a licensing and inspection system for all abattoirs and slaughterhouses within the State. Accordingly, this Bill provides for the repeal of all those provisions of the Local Government Act, 1934-1979, which regulate the hygiene or provide for the licensing of abattoirs or slaughterhouses. I seek leave to have the explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends the arrangement section of the principal Act by deleting the heading relating to slaughterhouses. Clause 4 repeals Part XXVII of the principal Act which relates to the licensing of slaughterhouses. Clause 5 amends section 667 of the principal Act by removing powers to make by-laws relating to slaughterhouses.

Clause 6 provides for the repeal of sections 871w, 871wa, 871wb, 871x and 871xa of the Local Government Act, 1934-1979, which regulate the operation of abattoirs at Whyalla. Clause 7 amends section 877 of the principal Act by removing powers of inspection by council inspectors in respect of the health and cleanliness of slaughterhouses, butcher shops and shambles. All these matters will be covered by the provisions of the proposed Meat Hygiene Act, 1980, or by the Health Act.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It deals with matters consequential to the enactment of the Meat Hygiene Bill 1980, which provides for the establishment of a licensing and inspection system for all abattoirs and slaughterhouses within the State. This Bill, therefore, removes from the principal Act, the South Australian Meat Corporation Act, 1936-1977, all the provisions that relate to meat hygiene and the inspection and licensing of abattoirs while leaving essentially untouched the provisions that provide for the establishment and operation of the corporation's abattoirs. The Bill also removes all controls under the principal Act on the entry of meat into the metropolitan area. I seek leave to have the explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

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

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

EDUCATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

It amends the Education Act on two separate subjects The principal amendment relates to the retiring age of teachers. Under the present provisions it is possible for a teacher to retire at the end of the school year in which he attains the age of fifty-five years, or at the end of any subsequent school year up to the school year in which he attains the age of sixty-five years. At the time of the enactment of the present provisions in 1972 it was appropriate to limit teacher turnover as far as possible, firstly, because of the difficulty in finding replacements for teachers due to the short supply that then existed and secondly, because short term teaching contracts had not yet been established. Moreover, school courses at that time tended to revolve at all levels around an annual study programme.

Circumstances have now materially altered since that time: the abundant supply of teachers allows rapid filling of vacancies that may occur due to retirements during the year; and the encouragement of earlier retirement, particularly in relation to teachers occupying promotion positions, allows for the employment of more teachers, easier transfer of existing teachers, and the promotion, or at least temporary promotion, of more teachers. Accordingly, the Bill provides that the obligation to retire at the age of sixty-five years, and the right to retire earlier, are not limited to the end of a particular school year. However, in relation to the present school year, any teacher who reaches the age of sixty-five during that school year may continue until the end of that school year.

The other amendment proposed by the Bill relates to the employment of probationary teachers. At present there is no appeal to the Teachers Appeal Board against the dismissal of an officer while that officer is on probation. However, an appeal may well exist under section 15(1)(e) of the Industrial Conciliation and Arbitration Act. In view of that, there seems little point in excluding a probationary teacher from exercising a right of appeal to the Teachers Appeal Board. The existence of a statutory right of appeal will of course have the effect of excluding an appeal under section 15(1)(e) of the Industrial Conciliation and Arbitration Act. The fact that all appeals against dismissal will henceforth be heard by the Teachers Appeal Board will lead to greater uniformity in the principles applicable to cases of this kind, and will provide a more expeditious avenue of appeal to appellants. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 15 of the principal Act. This section deals with the manner in which teachers are appointed and provides, in particular, for probationary appointment. The effect of the amendment is to allow a probationary teacher who is dismissed from his appointment to appeal to the Teachers Appeal Board. Clause 3 amends section 25 of the principal Act which deals with the retirement of teachers. The effect of the amendment is to allow a teacher to retire at any time after reaching the age of fifty-five years and to provide that if he has not retired beforehand he must retire upon reaching the age of sixty-five years. However, this latter requirement will not apply in relation to a teacher who reaches the age of sixty-five years during the current school year. Such a teacher is permitted under the proposed new subsection (1a) to retire after reaching the age of sixty-five years but on or before the last day of the current school year.

The Hon. ANNE LEVY secured the adjournement of the debate.

PRICES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

Received from the House of Assembly and read a first time.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

SELECT COMMITTEE ON CERTAIN LOCAL GOVERNMENT BOUNDARIES IN THE NORTH OF THE STATE

The House of Assembly intimated that it had agreed to the Address to His Excellency the Governor.

VICTORIA SQUARE (INTERNATIONAL HOTEL) BILL

Received from the House of Assembly and read a first time.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It is designed to facilitate the establishment of a hotel of international standard abutting the southern corner of Grote Street and Victoria Square. In introducing the Bill, the Government is honouring undertakings made by the previous Government. In 1971 the previous Government invited interested parties to submit proposals for an international hotel in Victoria Square. Of the many individuals and groups who made submissions a group known as the Adelaide International Hotel Consortium was chosen by the previous Government as being the only one which showed any real prospects of being able to undertake and complete the project. The consortium was given the exclusive right to place before the Government detailed proposals for the hotel. The exclusive right was initially due to expire on 30 September 1979, but on 15 August 1979 the then Premier extended this exclusive right up to and including 31 December 1979. For this purpose, and to undertake the development of the site, the consortium incorporated a company named Victoria Square International Hotel Pty. Ltd.

To provide incentives for the establishment of a suitable

hotel, the previous Government promised the consortium that exemptions from water and sewerage rates, land tax, pay-roll tax and stamp duty would be granted for a limited period. That Government also promised to give what assistance it could to make available the necessary land. The present Government is not acquiring land but financial assistance, not exceeding $500 000, will be made available to the Adelaide City Council for the purpose of acquiring the privately owned land shown in the schedule to the Bill and marked "B".

On the basis of undertakings made by the previous Government the consortium has made a substantial commitment in the preparation and presentation of general and detailed proposals, the obtaining of suitable finance for a project that, at the current estimate, will cost approximately $37 000 000, and in detailed negotiations with all the parties involved in the project. More than $200 000 has been spent on this initial work.

In order to meet the deadline of 31 December 1979, the developer, namely Victoria Square International Hotel Pty. Limited, called a conference of all parties involved on 27 December 1979 for the purpose of discussing and determining Heads of Agreement. Present at the conference were representatives from the Victoria Square International Hotel Proprietary Limited, Fricker Brothers Proprietary Limited (the builder), the Corporation of the City of Adelaide, Hilton Hotels of Australia Proprietary Limited (the proposed operator of the hotel), the Commonwealth Superannuation Fund Investment Trust (the financier of the project) and the South Australian Government. As a result of that conference, Heads of Agreement were drawn up and signed by all parties present except the Government. The document was "served" on the Government on Saturday 29 December 1979. That document proposed the construction of an hotel of 19 levels (plus a basement) containing, amongst other things, convention facilities and 400 guest suites.

The parties involved in the project are named in the definition of "contracting parties" in clause 3 of the Bill. As I have already mentioned, Victoria Square International Hotel Pty Ltd is the developer. Fricker Bros Pty Ltd is the builder; it is proposed that Hilton Hotels of Australia Pty Ltd will run the hotel and the Commonwealth Superannuation Fund Investment Trust is the financier. The Government would have preferred agreement to have been reached between the parties before introducing legislation of this sort.

In the circumstances that have arisen, however, the Government believes it is unreasonable to insist on this. It is not proposed that Parliament sit again until June and therefore, if the Bill is not passed in the next two days, it will not be dealt with for two months. Exemptions promised by the previous Government are vital to the project and it cannot proceed until legislation authorizing those exemptions has been passed. The resulting delay would mean an increase in establishment costs of about $400 000 and would be likely to jeopardize the entire project. The Bill, once passed, will not come in to operation, however, until proclaimed and this will not be done before agreement, with which the Government is satisfied, has been reached. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act by proclamation. The Act will not be brought into force before the contracting parties have entered into an agreement approved by the Government. Clause 3 provides for the interpretation of certain terms used in the Bill. These are self explanatory. Clause 4 empowers the Governor, by proclamation, to grant exemptions from the charges and taxes imposed by the Acts specified in the clause. Subclause (1) provides that the exemptions granted must be in accordance with the agreement between the contracting parties. Subclause (2) ensures that exemptions from the Waterworks Act, 1932-1978, the Sewerage Act, 1929-1977, and the Pay-roll Tax Act, 1971-1979, shall not operate for more than five years. Subclause (3) provides that exemptions from the Land Tax Act, 1936-1979, shall not operate for more than 12 years. Subclause (4) ensures that exemptions from the Stamp Duties Act, 1923-1979, apply only to documents specified in the agreement between the parties.

Clause 5 empowers the Governor, by proclamation, to close the part of Page Street that runs south from Grote Street. This provision will enable the developer to take possession of the site as soon as possible and thus keep increases in costs to a minimum. Clause 6 provides that compensation payable in respect of the acquisition of the private land will be assessed on the basis that Page Street had not been closed. The reason for this is to avoid any unfair reduction in the amount of compensation because of the closure of the street. Clause 7 empowers the Treasurer to contribute the sum of $500 000 from general revenue towards the cost of acquiring the private land. Clause 8 is included to ensure that Hilton Hotels of Australia Pty. Ltd. can be registered in South Australia as a foreign company and that it may conduct the business of a hotel on the site under the name "Hilton International Adelaide".

The Hon. C. J. SUMNER secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1814.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of ss. 81a and 81b of principal Act."

The Hon. FRANK BLEVINS: I move:

Page 2, line 34—Leave out "Where " and insert "Subject to subsection (2a) of this section, where".

At present the Bill provides for the automatic cancellation of a probationary licence or learner's permit where the holder contravenes a probationary condition. The Opposition thinks this is undesirable and so does the R.A.A. The R.A.A. proposal is that the Bill should provide for judicial discretion in relation to cancellation under section 81b (2) (a). The R.A.A. when contacting all honourable members instanced a hypothetical situation as follows:

> . . . Where say a probationary licence holder exceeds the 80 km/h limit, or fails to display "P" plates, in emergency circumstances. If convicted, cancellation of the licence is automatic and no redress would generally be available. An appeal against cancellation can only be upheld on the grounds of undue hardship under Section 81b (7).

It can be argued, I suppose, that in circumstances such as those outlined by the R.A.A. It is unlikely that the driver would ever be charged. However, it seems to the

Opposition that the simple amendment that I have moved will give the court a desirable amount of discretion to the court if such a charge was laid. I urge the Committee to support the amendments.

The Hon. R. C. DeGARIS: New section 81b (1) *(a)* is designed to apply to a learner's permit the same restriction that will apply to a probationary licence, that is, that the licensee cannot drive at more than 80 km/h. I referred to this matter during the second reading debate. I have very grave doubts about the wisdom of having on our roads two classes of people who will be driving at different maximum speeds; I believe there is a great deal to be said against that sort of procedure.

Does the Attorney-General believe that new subsection 81b (1) *(a)* allows that to happen. It provides:

> In relation to a learner's permit, means such of the prescribed conditions to which learner's permits are generally subject as are designated as probationary conditions by the regulations.

At present there is no requirement in the regulation restricting learner's permit holders to drive at 80 km/h, although the provision may give power to make such regulations in the future. However, there is a slight doubt in my mind whether that is the case. Will the Attorney-General ensure that there is not the position where learners will be permitted to drive at 110 km/h while probationary licence holders are permitted to drive at only 80 km/h?

The Hon. K. T. GRIFFIN: All conditions of learner drivers are included in regulations under the Motor Vehicles Act. One regulation restricting the speed of learners drivers to 80 km/h is to be made in advance of the probationary licence scheme so that learner drivers on being given a licence endorsed for probationary conditions will already be driving at the restricted speed. It is correct to say that the Bill does not indicate a speed limit for learner drivers, but it is intended that that be done by regulation.

Referring to the amendment, the difficulty that I see is that it extends both to learner's permits as well as to probationary licences. The Government may be prepared to accept that on a first offence the court before which the probationary licensee is brought and convicted should have the opportunity to review whether or not the probationary licence should be cancelled.

I am not prepared to accept that that should apply to learner permits, which are in a different category from probationary licences. I am not willing to accept that the courts have that discretion. Several amendments have been circulated, two of which I have seen and a number of which I have not seen until a few minutes ago. Obviously, there will be some difficulty in Committee if we do not clarify exactly what each amendments seeks to do. I ask that progress be reported, so that we can sort this matter out overnight and deal with it on the next day of sitting.

Progress reported; Committee to sit again.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 1 and had disagreed to amendments Nos. 2 and 3.

Consideration in Committee.

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

> That the Legislative Council do not insist on its amendments Nos. 2 and 3 to which the House of Assembly had disagreed.

The Government's Bill proposed a measure of control, whereas the amendments in effect imposed a stay, which defeated the purpose of the Bill. The matters have been fully canvassed and it is unnecessary to argue them again. I ask the Committee no longer to insist on its amendments.

The Hon. J. R. CORNWALL: I do not want to go over all the reasons again because at this stage there is no real point in doing so. This Bill has been before both Chambers on two occasions for an interminable period. The Opposition has moved what it thinks are worthwhile amendments in good faith. They have been debated at length. The Government does not seem to be prepared at this time to budge, but the Opposition is not willing to give way on any of the amendments because it believes that they have real merit and are necessary in the prevailing circumstances.

Motion negatived.

[Sitting suspended from 1.15 to 1.33 a.m.]

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 10 a.m. on 2 April, at which it would be represented by the Hons. J. C. Burdett, J. R. Cornwall, L. H. Davis, K. L. Milne, and C. J. Sumner.

[Sitting suspended from 1.39 to 1.45 a.m.]

ADJOURNMENT

At 1.46 a.m. the Council adjourned until Wednesday 2 April at 2.15 p.m.