LEGISLATIVE COUNCIL

Tuesday 13 August 1985

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

PETITION: PORT AUGUSTA BOTANIC GARDEN

A petition signed by 103 residents of South Australia praying that the Council urge the Government to establish at Port Augusta the first arid lands botanic garden was presented by the Hon. Peter Dunn.

Petition received.

YATALA LABOUR PRISON

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Yatala Labour Prison—Operations and Admissions Facility.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Food and Drugs Act, 1908—Regulations—Pharmaceutical Colouring Agents.

Geographical Names Board—Report, 1984-85.

Planning Act, 1982—

Crown Development Reports by S.A. Planning Commission on proposed—

Land division near Saddleworth by Department of Lands.

Aboriginal Child Care Centre, 2-4 Booth Street, Whyalla.

Extension of an existing Borrow Pit, Hd. Hanson.

Aquaculture Research Station, Part Sec. 321, Hd. Noarlunga.

Relocatable accommodation at Wirreanda High School, Morphett Vale.

Laboratory at Port Pirie.

Regulations—Development Control.

Real Property Act, 1886—Regulations—Various.

By the Minister of Correctional Services (Hon. Frank Blevins):

Pursuant to Statute—

Correctional Services Act, 1982—Regulations—General Regulations, 1985.

MINISTERIAL STATEMENT: Dr G. DUNCAN

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: Developments over recent weeks in the matter of the late Dr Duncan have caused grave concern to the Government. They have prompted me now formally to place on record in this Parliament the attitude of the Government on this matter and the actions it has taken. In the light of the continuing debate in the media the record must be put straight.

As the first Law Officer of the Crown I have the ultimate duty to both this Parliament and the people of this State to ensure that any discussion on such a grave matter is conducted on a proper, rational and balanced footing and to ensure that all necessary inquiries are made into any further evidence and allegations.

The ministerial statement will correct many of the misunderstandings about this issue and should leave no doubt that this Government has always acted and will continue to act judiciously, with total propriety and appropriate fairness in all the circumstances.

It is essential that I recall as briefly as practicable the history of this matter. In this way the true context of decisions made by this and preceding Governments will be appreciated and assessed. I am afraid that the debate will become further debased unless that context is set.

The Circumstances Immediately Following The Death of Dr Duncan: Following Dr Duncan's death an extensive inquiry was carried out by two Inspectors of the South Australian Police Force. The findings of the Coroner, Mr T.E. Cleland, on 5 July 1972, concluded that Dr Duncan died shortly after 11 p.m. on 10 May 1972 in the River Torrens, Adelaide, and that the cause of his death was drowning due to violence on the part of persons of whose identity there was no evidence.

In the light of the recent criticism of the calling of the inquest, it is worth observing that the then Attorney-General, Mr L.J. King, Q.C., is reported in *Hansard* on 31 October 1972 as saying, with reference to the decision taken to establish the inquest following the South Australian Police Force investigation as follows:

> A decision was then made with the full concurrence of the two Detective Inspectors and the then Commissioner of Police (Mr McKinna), to hold a public inquest to encourage other people to come forward with information that might lead to a satisfactory conclusion of the case.

That statement has not been publicly refuted in the last 13 years. On 10 July 1972 the Government issued an offer of reward of $5 000, as follows:

> . . . for any information leading to the arrest of the person or persons responsible for the death of Dr Duncan. In addition, His Excellency the Governor of South Australia will be advised to extend a free pardon to any accomplice not being a person who actually committed the crime who first gives such information.

The offer of reward remained in force for a period of 12 months. No response was ever forthcoming to it. Shortly after the Government issued the reward, two detectives from Scotland Yard were commissioned to conduct an investigation into the case. After approximately 2½ months—in October 1972—the full report of this investigation (which I call for convenience 'the Scotland Yard Report'), together with all relevant statements, was forwarded through the Chief Secretary's Department to the then Attorney-General (Mr L.J. King, Q.C.).

On 24 October 1972 the Attorney-General, Mr L.J. King, Q.C., advised the House of Assembly, as follows:

> I have studied the report of Detective Chief Superintendent R.W. McGowan concerning inquiries into the death of Dr Duncan. I am of opinion that there is insufficient evidence to enable any person to be charged with an offence arising out of Dr Duncan's death. The Crown Solicitor shares this opinion. An opinion has been obtained from independent counsel (Mr R.G. Matheson, Q.C.) and he is of the same opinion. The Commissioner of Police has been informed of these opinions.

I have also recently sought the views of the Crown Prosecutor at the time, Mr K.P. Duggan, Q.C. He has confirmed the above statement and indicated that his advice was that there was insufficient evidence to establish a prima facie case for any offence connected with the incident. Since that time several calls have been made for the release of the report, but this has been refused by successive Governments, Labor and Liberal.

The Scotland Yard Report: In the light of suggestions made that this report should be released, I think it is worth recalling the reasons for not doing so in the past. The fundamental reason was outlined by Atorney-General King

on several occasions in 1972 and 1973 and can be summarised by his words on 18 September 1973 (*Hansard* p. 794), as follows:

> As we cannot charge anyone with the offence, it would be the height of irresponsibility for any Minister to release such a report which would of necessity throw suspicion on some people, possibly cast doubts on the motives of others, and refer to witnesses and why they were at certain places at certain times, although that was entirely their own business.

With respect to the possibility of releasing parts of the report Mr King said (*Hansard* p. 2434):

> There is no way in which a report of this type can be released in parts. Inevitably the report detailing the investigations of the United Kingdom police officers discusses the possible implication of various people, who are naturally named, in the events that occurred. As this is inextricably woven throughout the report, it is simply impossible so to edit the report that it can be released and still have meaning without discussing the possible part played by various individuals in the events. It would be contrary to the basic principles of justice to release information that might reflect or cast suspicion on individuals when no charges can be laid in respect of the incident.

On 6 November 1979, Premier Tonkin gave the reasons of the previous Government for declining to release the report, as follows:

> The Government is not disposed to release the report or any part of it unless it can be persuaded there are substantial reasons for doing so that are in the public interest. It is understood that some Ministers of previous Governments have had access to the report and have concluded there has been no justification for its release.

The decision whether to release the report involves consideration of certain principles of justice which have hitherto been considered fundamental in the legal system of Australia. Firstly, the report was a police investigation. It is surely essential for effective police work that people giving information to the police will not have their names released publicly unless in connection with a charge. The notion that the results (including names) of police investigations can be called for and tabled in Parliament would surely be inimical to effective police work.

Secondly and more fundamental are the reasons outlined by Attorney-General King. Surely it is worth reminding ourselves of the general rule that the prosecution bears the burden of proving the accused's guilt beyond reasonable doubt. In the famous Woolmington case in the United Kingdom, Lord Sankey formulated the rule thus:

> Throughout the web of the English criminal law one golden thread is always to be seen, that it is the duty of the prosecution to prove the prisoner's guilt... No matter what the charge or where the trial, the principle that the prosecution must prove the guilt of the prisoner is part of the common law of England and no attempt to whittle it down can be entertained.

Are we as a community to condemn people without a trial? Are we to convict them by rumour and innuendo? Are we to raise guilt by association to the equivalent of a determination of guilt following a proper charge, a proper trial and proof beyond reasonable doubt?

At this time, I repeat that the report will not be tabled in either its original or an expurgated version. Apart from the consideration of principle I have outlined, the Police Commissioner and the task force believe it would not be helpful in the renewed investigation. I will reconsider the position after completion of the task force's work but can only remind the public and the media of the principles that I have just stated.

However, I can assure the Parliament of a number of things. Firstly, the assertion in the *Advertiser* of 3 August 1985 (that the report contains reference to an attempt to interview a man prominent in the legal affairs of South Australia) is wrong. There is absolutely no mention of such a person in the report, no suggestion that such a person was in the vicinity and no mention of difficulty interviewing him.

Secondly, a claim by the *News* of 8 August that the names of dozens of South Australians, some of them prominent people, are in the report is wrong. In fact, only 30 people in all are named in the report, and to my knowledge only one (apart from the formal witnesses) might qualify as being known to at least some of the South Australian community, but it is hard to describe any as being prominent. Fifteen were police officers, and there was also the Coroner, pathologist and others who gave evidence of a formal nature in relation to the investiation. I can assure the Parliament that there is no legal identity, no politician (past or present) or other prominent South Australian of that kind mentioned in the report.

Although only 30 people are mentioned in the report, the South Australian police and Scotland Yard interviewed, during the course of the investigation, 448 people. Many of these were police. Dr Duncan's professional colleagues, his friends and acquaintances, and non-police who may have been able to give some lead as to his movements, including some homosexuals. The fact is that there is no suggestion that the great bulk of those interviewed were in any way involved. They were interviewed for leads in the investigation.

I assure the Parliament that the reasons for not releasing the report had nothing to do with hiding the names of or shielding prominent people. The reasons are grounded in certain fundamental principles of our legal system. The former Attorney-General, Mr Griffin, has read the report. I am prepared to make it available to him again and to the Leader of the Australian Democrats, Mr Milne, on a confidential basis.

Recent Events—Fresh Allegations (Mr O'Shea): The origins of the revised interest in the Duncan matter appear to be the allegations made by a former police officer, Mr M. O'Shea, in a series of articles in the *Advertiser*, especially commencing on Tuesday 30 July. These allegations have been made publicly for the first time more than 13 years after this tragic event.

The gist of his allegations (and I remind honourable members that at present they are only allegations) is that:

(1) it was a sometime practice of some members of the Vice Squad to throw homosexuals into the Torrens River prior to May 1972;

(2) it was a practice known to at least some other members of that squad, and this fact was itself both deliberately suppressed in the course of the investigation and denied at the inquest;

(3) some of the identification parade (or line-up) procedures were defective or irregular, and deliberately so, in order that their results could not become admissible in any court of law and, in any event, the credibility of at least one witness who made an apparently incorrect identification was impugned and his evidence rendered worthless; and

(4) the Scotland Yard investigation and report were defective because he himself (that is, Mr O'Shea) was never interviewed.

At the time the first article on Mr O'Shea's allegations appeared, I was present at the Australian Constitutional Convention in Brisbane. On that day, the Acting Attorney-General (Mr Kenneally) issued an invitation to any person who may have fresh and relevant information to come forward and provide it to the Deputy Crown Solicitor. A personal invitation was also delivered to Mr O'Shea's home. In the event, Mr O'Shea made a detailed statement to an Investigation Officer of the Attorney-General's Department on Friday 2 August 1985 at the offices of and in the presence of his solicitor.

On 1 August (only two days after the allegations), the Commissioner of Police and I issued a joint announcement regarding the future investigation of allegations concerning the death of Dr Duncan. The Deputy Crown Solicitor, Mr M. Bowering, and the Deputy Commissioner of Police, Mr R. Killmier, were required to oversee any fresh inquiries or investigations. The Assistant Commissioner (Crime), Mr K.P.E. Harvey, was required to coordinate a task force to take statements from any person who desired to come forward. Moreover, the Deputy Crown Solicitor was to make available independent facilities to take statements from persons wishing to provide information to the Crown Law Office and to provide legal advice to the task force.

The task force comprises the Assistant Commissioner (Crime), Mr Harvey, the Superintendent of the Major Crime Squad, Detective Inspector R.G. Lean, and two Inspectors, J.D. Litster and J.R. Casaretto, from the Police Internal Investigations Branch. I would point out that none of these officers has ever been a member of the Vice Squad or has had any direct connection with the events of 1972. Should the need arise, additional commissioned officers will be seconded to the task force.

The principal problem is, and has always been, one of identification—one of fair and accurate identification of the culprits in a manner and with a cogency acceptable to a jury. Another man thrown into the river at the same time as Dr Duncan was not able to identify the culprits. The task force will tackle the problem of identification as one of its principal tasks.

The task force is presently studying and resifting the massive amount of existing evidence as well as proceeding to make further inquiries. Its role is the single-minded determination to resolve an unsolved major crime. I must emphasise that the work confronting the task force and the Deputy Crown Solicitor is very extensive indeed. It is expected at this stage that its labours will not be finished before the expiration of another four weeks. Obviously, the length of time will depend on the number of people expressing their desire to come forward and actually giving additional statements.

It is for these reasons that I have consistently and publicly urged any person who has any evidence or information whatsoever that may assist the task force or the Deputy Crown Solicitor to come forward as soon as possible. I also point out that Mr O'Shea has made various allegations of corrupt practices in respect of police officers formerly in the Vice Squad at material times. These allegations are quite unrelated to the circumstances of Dr Duncan's death. They are now the subject of intensive investigation by the Police Internal Investigation Branch.

Allegations of a 'Political Cover-up': I will now deal with the allegation of a political cover-up. Out of this entire, unfortunate saga I cannot imagine a more repellant scenario than that of purely political considerations thwarting the various endeavours to get at the truth. But at this point in time and on the evidence available there is no allegation more fanciful and less substantial than this. There is simply no evidence that has been furnished to those in authority which gives it any weight or credence whatsoever.

On 3 August the *Advertiser* made allegations relating to a political cover-up. This has been used by the Opposition as grounds for calling for a Royal Commission. The fact is that on any objective analysis there is at present no credible evidence to justify such action. The following points need to be made:

(1) As I have already stated, the assertion by the *Advertiser* that the Scotland Yard report contains details of Scotland Yard investigators trying to interview a man prominent in legal affairs in South Australia, or a professor, over firm information that he had been seen at the same time and near the place at the Torrens River where Dr Duncan drowned on 10 May 1982, is wrong.

(2) The allegation that detectives were prevented from interviewing a man prominent in the legal affairs of South Australia on the instructions from someone at a top level of Government is from 'information supplied' to the *Advertiser* but is not supported by any other evidence.

(3) The task force has advised me that there is no suggestion in either the Scotland Yard report or the accompanying statement that police investigations were stopped or discouraged from interviewing potential witnesses.

(4) The allegations are by unnamed persons; no details are provided.

(5) Former Police Commissioner Salisbury says he knew nothing about any direct political interference. His deputy at the time, Mr Draper, said, 'Certainly I issued no instructions and I know of no pressure'. The allegation is also denied by the then Premier Don Dunstan.

(6) The basis of the allegation is that Mr Salisbury or Mr Draper would not have issued such an instruction and therefore there must have been pressure from someone at the time.

The reality is that there is at present no evidence of such pressure. Indeed, public statements of people involved at the time tend to refute it.

However, this allegation will be investigated by the task force. The task force will approach the *Advertiser* and Mr Ball, the journalist concerned. The Government expects their fullest cooperation in pursuing this inquiry. Allegations of this kind, made anonymously but then used by the Opposition for its own political ends, must be substantiated by the newspaper which made them. If they are, the Government guarantees they will be pursued with all the vigour at its disposal.

Calls for a Royal Commission: The Government cannot at this time countenance the Opposition's call for a Royal Commission. A Royal Commission would be a premature, counterproductive, and insensitive instrument of inquiry when there is already an expert investigation afoot. Moreover, section 16 of the Royal Commissions Act 1917 points to the potential futility inherent in the exercise. That section provides:

> A statement or disclosure made by any witness in answer to any question put to him by the commission or any of the Commissioners shall not (except in proceedings for an offence against this Act) be admissible in evidence against him in any civil or criminal proceedings in any court.

What if any person did confess before a Royal Commission his involvement in the murder of Dr Duncan? Certainly, he could be required to answer a question, as the privilege against self-incrimination appears by implication quite clearly to have been removed. If it had not been, Royal Commissions would be largely impotent. But so what? A 'confession' to a Royal Commission could not be used in subsequent criminal proceedings. Therefore, unless some other or independent item of evidence (that is, extraneous to his statements to the Commission) could be marshalled and adduced in a subsequent prosecution, that prosecution would fail for insufficiency of evidence. And, after all is said and done, the role of the Deputy Crown Solicitor and the task force is precisely to obtain such other, independent extraneous evidence to go in aid of a prosecution.

And, even if a 'confession' to a Royal Commission were forthcoming, what then? That person would not be subject to the normal, time-honoured protections of those who stand accused of crime before the ordinary courts of law.

We would have a Star Chamber atmosphere beyond anything experienced now. But perhaps most of all, certain police officers availed themselves of the privilege against self-incrimination before the Coroner's inquest in 1972. They could do the same before a criminal court of law: what use is a confession made to a Royal Commission? The answer is 'None', and the situation would be back to square one and precisely the same as obtained in 1972 and as obtains now. Such a result could bring the whole process into disrepute and undermine public confidence in the administration of criminal justice, a new but avoidable evil.

Another objection against the Royal Commission proposal, at this stage, is the incapacity of such a body to extend its reach, and coercive powers, beyond the territorial limits of this State. Its writ does not run to persons who may be interstate. Royal Commissions are not like the criminal courts in this respect: the latter's process can be served and executed interstate.

The Police Commissioner has advised me that a Royal Commission would inhibit the work of the task force. There have also been some calls for a so-called independent judicial inquiry. Under our law at present the only mechanism for this is through a Royal Commission, which, for the reasons stated, I am not prepared to recommend to the Government at present.

Further Action—Reward and Immunity: The Government hereby issues an offer of reward for $25 000 for the person first giving information leading to the arrest of the principal offender or offenders. In addition, a full immunity from prosecution will be extended to any person not being the person or persons who actually committed the crime who are able to give evidence leading to the identification of any person or persons who committed the crime.

Reluctance to Contact the Police: Any person reluctant to contact the police may contact Mr M. Bowering, Deputy Crown Solicitor (Phone: 227 4880). In addition, where a person seeks to provide pertinent information relating to the circumstances surrounding Dr Duncan's death and the subsequent investigation, and elects to do so through a solicitor, the Government will meet the proper legal costs of that person for the time and work involved for the solicitor in processing any statement and assisting that person in furnishing it to the relevant authorities. Any solicitor so approached should contact the Deputy Crown Solicitor to arrange the terms of engagement by his client.

All that could reasonably be done by this Government has been and will be done. All the allegations made will be investigated, but the primary aim must be to attempt to bring to justice those responsible. However, whatever mechanism is chosen to get to the truth, the full cooperation of the public is the indispensable prerequisite for its success. I can only appeal to anyone who has any information on this matter to contact the task force. This can be done by telephoning Assistant Commissioner Harvey on 274-8520. The major difficulty has always been one of identification. I can only ask anyone involved to search their own consciences to ascertain whether they have fully cooperated with and made full disclosures to the police. When the task force's work has been completed, I undertake to advise this Parliament of the outcome and of any recommendations flowing therefrom.

It is 13 years since Dr Duncan's death. All I am asking is that the prompt and sensible action of this Government and the police be given a fair go. I suggest that the time has come for the media debate to give way to a proper investigation and that any further allegations and supporting evidence be given to the task force.

In Summary:

(1) A task force of senior police/Crown Law officers was established within two days of the allegations being made to reopen the case and investigate the allegations of Mr O'Shea.

(2) All additional allegations including that of a so-called political cover-up will also be investigated.

(3) The task force has been given all relevant material including the Scotland Yard report and has already commenced its work.

(4) The Government and police appeal for the fullest cooperation from all those with information about this matter, and suggest the information be given to the authorities.

(5) The Government will not release the Scotland Yard report or establish a Royal Commission at this stage but will further consider the matter at the completion of the task force's work.

(6) The Government has reoffered a reward and immunity and established a mechanism for providing statements to those who, for one reason or another, do not wish to give statements to the police.

Let me make it perfectly clear that no member of this Government served in the Government of 1972. No member of the current higher echelons of the Police Department was directly involved in the events of 1972. No-one concerned with the present attempt to attain the truth has any vested interest to thwart these inquiries: no-one has a personal or political axe to grind. All are unwitting heirs to this dreadful matter. All concerned will take every possible step to bring it to a successful conclusion.

QUESTIONS

REMAND CENTRE SITE

The Hon. M.B. CAMERON: I seek leave to make a brief statement before asking the Attorney-General, as Leader of the Government in this Council, a question about the remand centre site.

Leave granted.

The Hon. M.B. CAMERON: I have obtained a copy of a letter to the Minister of Housing and Construction on the Brompton Square from Mr Edwards, General Manager of the South Australian Housing Trust. It is a somewhat surprising letter. I know that there have been public statements made about it. It states in part:

> The trust had understood that the Government was fully committed to residential development on the former remand centre site; that it wished to see such development take place as soon as possible; and that it wished the project to be not just another public housing development, but a significant demonstration of public housing as a leader in urban renewal on a significant inner metropolitan site. With this in mind the trust has given the project high priority both in timetabling and in design quality.

The letter indicates that the trust was told recently that Government policy was that the trust should go slow on the project to avoid the risk of adverse reaction from industry. It goes on to explain that there was a meeting held on 3 April between certain people who are involved and interested in the site.

It continues further and states that there was a public statement issued by the Premier which was brought to the trust's attention and says the following about the public statement:

> It is only by accident that the Premier's public statement (about which there has been no prior consultation with the trust) did not coincide precisely with the very public arrival on site of the trust's engineering staff and equipment to prepare the ground for advance planting of the garden area. I suggest with respect that if a major redirection of policy is contemplated involving commitments to industrial concerns and public statements, it should be commonsense as well as courteous to consult with or at least

advise the trust in advance. The trust is the landowner and development authority and is 100 per cent committed to implement its most recent ministerially confirmed understanding of the Government's policy.

Mr Edwards goes on to say that he has ordered all work stopped on the site. He then proceeds to indicate that certain other items appearing in the public statement were incorrect. The Hindmarsh Residents Association has issued a press release on this matter. It is the most frank press release that I have ever read and states:

A statement issued on Wednesday attributed to the Minister for Environment and Planning and Deputy Premier Dr Hopgood, if accurately reported is an 'outright lie' according to resident groups in Hindmarsh.

The disposal of the land to Readymix Concrete was approved by Cabinet last Monday—

a spokeswomen for the Hindmarsh Residents Association said. The press release continues:

The former remand centre site has been for housing development since the Bannon Government came to power in 1982. In the strategy plan released by Dr Hopgood's department in 1983 the site is earmarked for 'predominately residential' use.

Residents in this area are stunned that the Minister should follow a broken promise with a cover-up. Indeed, it is astonishing that any aspirant for government should break an election promise before an election, and then badly lie about it.

We call on the State Government to reassure the people of Hindmarsh and South Australia that the residential redevelopment of Bowden-Brompton, including this site, will proceed as was promised 'during the last election'.

The Liberal Party prior to the last election made no bones about what it would do with the site and indicated that it would be used for the building of a remand centre. Quite clearly, there was some misleading information passed to residents prior to the election. It is quite clear that those residents are now hostile, and understandably so. It is time that the Government cleared this matter up and came clean with these people so that they know exactly where the Government stands. My questions to the Attorney-General, as Leader of the Government in this Council, are as follows:

1. Prior to the last election, did the Government commit itself to a housing development on the former remand site in a statement to the residents of that area?
2. Has the direction of the Minister of Housing and Construction for such development to proceed as soon as possible been countermanded by Cabinet?
3. Why was the change of heart not notified to the Housing Trust and its General Manager?
4. Why did the Government mislead the people of Hindmarsh about the future of this site?
5. What is the Government's final decision on the former remand centre site and the housing development that the Government clearly indicated was to proceed on that site?

The Hon. C.J. SUMNER: I will have to arrange for the answers to those detailed questions to be provided for the honourable member. Suffice it to say at this stage, that is an area where there are many residences and it is also an area where there has been long established industry—

Members interjecting:

The Hon. C.J. SUMNER: No. The Government believes that there is a need for further housing development in that area. Also, it believes that industry in the area has legitimate rights as organisations that have been in the area for a considerable time. I understand that any proposal would certainly result in more housing being put in the area than was ever contemplated by the former Government, and discussions are proceeding. At this stage I am not in a position to announce to the Council the detailed answer to the honourable member's questions. I merely put to him in general terms what the situation is, and I will obtain responses in due course.

MINISTERIAL PORTFOLIOS

The Hon. C.M. HILL: I seek leave to ask the Leader of the Government in this Council a question about Ministerial portfolios.

Leave granted.

The Hon. C.M. HILL: Honourable members will notice on the list on their files that under the heading 'Minister of Labour' his other portfolios are listed as Minister of Agriculture, Minister of Fisheries and Minister of Correctional Services, but no reference is made to his portfolio of Minister Assisting the Treasurer. I notice, too that under the responsibilities outlined on this sheet for the Attorney-General one of his tasks is to act as the spokesman for the Treasurer in this Council. Indeed, I understand that the Attorney as the senior, or what should be the senior, Minister in this Council either prepares this list to which I have just referred or approves it.

I understand that the Hon. Mr Blevins was sworn in by His Excellency as the Minister Assisting the Treasurer. I understand, too, and I am sure we all do, the somewhat meteoric rise in power and prestige of the Hon. Mr Blevins within Cabinet. We saw him on television at the tax summit sitting next to the Premier, both of them representing this State. They did not say very much. They seemed to agree with everything the Prime Minister was saying.

The PRESIDENT: I draw the honourable member's attention to the relevance of this explanation.

The Hon. C.M. HILL: I was just highlighting the Hon. Mr Blevins' position of prestige now in Cabinet.

The Hon. J.R. Cornwall: He is growing in the job—getting better all the time.

The Hon. C.M. HILL: He will need to, because big things have been publicised of his future, being the future Deputy Leader, as successor to the Hon. J.D. Wright.

The Hon. C.J. Sumner: One day he might be Premier.

The Hon. C.M. HILL: The Attorney suggests that one day he might be Premier. The question arises as to why this omission has occurred in our instruction sheet on our files, and I seek some explanation of that. The second question, of course, deals with who is going to take questions that we on this side of the Council would normally direct to the Minister representing the Treasurer.

The Hon. M.B. Cameron interjecting:

The Hon. C.M. HILL: Indeed, who will take money Bills, the Supply Bills and the tax measures that come into this Council? Is it to be the Minister representing the Treasurer or is to be the Minister Assisting the Treasurer whose title, for some reason or other, is not shown on the list before us? There is uncertainty about it and this causes some confusion.

Members interjecting:

The Hon. C.M. HILL: I just want to make two points in further explanation. First, there is rumour in the corridor that the Attorney, when he saw the list, took out his blue pencil and said, 'I am not having any of this,' and he scrawled out the name of the Hon. Mr Blevins as the Minister Assisting the Treasurer and sent the list back to the typist to be retyped. He was not going to have his position undermined in this Council in any way at all.

The second point is that last week I thought the matter could have been cleared up because I directed a question, as I thought proper, to the Hon. Mr Blevins.

The Hon. C.J. Sumner: He referred it to me.

The Hon. C.M. HILL: Not to begin with. He had a go at answering it.

Members interjecting:

The Hon. C.M. HILL: No, it was not; it was a terrible reply. He floundered towards the end and he did not know the answer, so he thought he had better hand it over to the person whom we deem to be his master, but about that fact we are now somewhat unsure. These are my questions:

1. Will the Leader of the Government clarify the whole position about what really happened concerning this official document that is part of our procedure in this Council?

2. Can we expect an amended sheet in the interests of truth?

3. Will the Minister give a clear undertaking that he will leave this kind of ministerial manoeuvring within the obviously disunited Cabinet and not bring the jostling for power and position onto the floor of this Council?

Members interjecting:

The Hon. Frank Blevins: That deserves a round of applause.

The Hon. C.J. SUMNER: That is probably what it deserves. In newspaper parlance—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Hill is shadow Minister for the Arts and is interested in the State Theatre Company. It could well be that it might be interested in engaging him in some cameo role in the future. In newspaper parlance there is such a thing as a beat-up. One can only conclude that the Hon. Mr Hill has taken the words 'beat-up' to new and more extensive lengths in the question that he has asked me today. I would like to clarify one thing. When this document to which the honourable member referred was prepared, I was where I was when the allegations relating to the death of Dr Duncan were made. Along with Hon. Mr Cameron and the Hon. Mr Griffin I was representing this State at the Constitutional Convention in Brisbane.

I can assure the honourable member that there is no justification for his allegation that I saw a list. I am not even sure that it is a particularly official list, and there is certainly no truth in the allegation that I saw a list and put a blue pencil through it. I can only assume that the reason why the Hon. Mr Blevins' other portfolio of Minister Assisting the Treasurer does not appear is a typographical error. Clearly, if we are to give the Minister all his illustrious titles—Labour, Agriculture, Fisheries, Correctional Services and Minister Assisting the Treasurer—all his portfolios should be listed. At a rough glance at the list, I see that the portfolios of all other Ministers are listed.

If the honourable member would like that typographical error corrected, I shall be quite happy for that to be done. It was considered that, as the Minister representing the Premier in this Chamber, I should have the general responsibility for the passage of Treasury Bills.

The Hon. Frank Blevins: There are two lists. It is on one and not on the other.

The Hon. C.J. SUMNER: Yes, it is on one list and not the other, so I think the Hon. Mr Hill should—

The Hon. Frank Blevins interjecting:

The Hon. C.J. SUMNER: Yes, that is right. He would be better off engaging his time and energies in matters of more moment to the State than the particular question that he asked. In general, I will be responsible for taking the Bills relating to the Treasurer's portfolio in the Council and the Hon. Mr Blevins will assist as and when required.

Members interjecting:

The PRESIDENT: Order!

DOMICILIARY CARE SERVICES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation prior to asking the Minister of Health a question concerning domiciliary care services.

Leave granted.

The Hon. J.C. BURDETT: I have received representations both in writing and orally from a doctor operating out of the southern suburbs expressing his grave concern about the lack of adequate domiciliary care services for people in the south of the metropolitan area. I understand that a Dr Laycock has written to the Minister of Health, but, as yet, has not received a reply to his letter dated 30 July. I do not attach any importance to that, of course, because it is hardly time when he could have expected a reply. In his letter, Dr Laycock says:

> It has today been brought to my attention by staff of the Southern Rehabilitation and Domiciliary Care Service that they are unable to accept any new referrals to their service because of a cut in funding which has produced staff shortages. The following brief case history will demonstrate the effect of such limitations of service on the community with resultant dramatic increase in total cost to the community.

Dr Laycock then outlines in his letter the case of an 82-year-old couple, both of whom suffer significant physical and mental health difficulties—the woman has Alzheimer's disease—who have now become unable to receive support previously provided by the southern domiciliary services. As a result, and following subsequent contact from Dr Laycock, the husband has now been forced to be accommodated in a public hospital at a cost of $220 per day whilst his wife is in emergency accommodation in a nursing home. That accommodation is for quite a short period. What will happen after that remains to be seen. Dr Laycock is obviously very angry and upset at the plight of his patients, and he says the situation is not atypical.

I might add that Dr Laycock recently attended a conference on ageing, and the message was how valuable and important were South Australian domiciliary care services. Dr Laycock, in a letter to me, also said that he considers the domiciliary care service is not a service to the community because it is not accepting any referrals. He says:

> Many elderly or disabled people are being deprived of vital assistance to enable them to remain independent. Cost to the community of institutional care—the only option for couples as described in my letter to John Cornwall—is huge and can only increase.
>
> The Government is paying lip-service to programs to assist home management but is depriving, by stealth, elderly people from the stability and security of living at home.

I ask the Minister:

1. What steps will be taken to ensure that the plight outlined can be adequately dealt with?

2. What is the present level of funding for domiciliary care services in this State?

3. Is it true that there has been a cut in funding resulting in staff shortages as indicated by Dr Laycock?

The Hon. J.R. CORNWALL: First of all, it is entirely incorrect to say that there has been any cut in funding. That is not true. The funding for domiciliary care services has consistently been increased over recent years under State Governments of both political persuasions. It was one area in which even the Tonkin Government saw fit to continue to expand funding, albeit at the expense at that time of hospital funding.

I have not seen the letter from Dr Laycock and I do not know Dr Laycock, so I cannot comment specifically on the selected excerpts. I can say that the domiciliary care services in South Australia are considered to be the best in the country, and people come here not only from interstate, but often from overseas to inspect our domiciliary care services. Not only can I give the lie to the fact that there has been

a cut in funding, but under the home and community care programs (and we hope to finalise those arrangements with the Federal Government very soon), there will be a significant boost in funding the domiciliary care services in particular. There has been no cut in funding.

There is an ever-increasing demand on all the services provided by domiciliary care—and they range from paramedical services to domestic assistance—because the South Australian population has the highest percentage of aged persons in Australia, and within that high percentage there is a relatively high percentage of frail aged. Everybody knows that it is not only good and humane practice to assist the frailed aged to remain in their own homes, in their own environments, in their own communities, for as long as is reasonably possible, but it is sound from the economic point of view. Therefore, to suggest that any Government and any Minister would embark upon some course of funding cuts which would result in two frail aged people being either hospitalised or incorrectly placed in nursing home accommodation, would be the height of folly. We would not allow that to happen.

The funding, I suppose one could say, is never enough; but there have been increased allocations, as I said, over a number of years under Governments of both political persuasions, and there will be further additional funding in the near future when the home and community care program contracts are signed with the Federal Government.

CHILD ABUSE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of child abuse.

Leave granted.

The Hon. K.T. GRIFFIN: Last week there were revelations about the failure of the Minister of Community Welfare and his Department to give prompt attention to complaints of child molestation made against a family care giver licensed by that Department. Those extraordinary revelations also indicated inconsistencies in the Minister's and the Department's action, which was dilatory to say the least. One of the matters of concern was the legal position: that although a psychologist's report concluded that the four-year-old child in question could be believed about the facts, no legal action could be taken because the evidence needed to be corroborated. The other disturbing aspect is that this was one of several instances of allegations of child molestation or abuse made against this particular family day care giver.

In South Australia a task force into child sexual abuse was established 18 months ago, but it has not yet presented even a draft report. I understand that the problem within that task force is that its legal subcommittee is bogged down on what legal action ought to be allowed in relation to these sorts of cases. In view of the continuing community concern about child abuse and molestation, my questions to the Attorney-General are:

1. Has the Attorney-General or his officers been consulted on the issue, and, if he has, what is his solution to the problem?

2. Will the Attorney-General do everything possible to have even a draft report published by the task force as a matter of urgency.

The Hon. C.J. SUMNER: The Government has been concerned about this matter for some time. As honourable members know, and as has been reported in the press, the task force on child sexual abuse was established under the auspices of the Minister of Health. It is considering all aspects of this very worrying problem. As the honourable member rightly points out, there was some comment in the press on the legal situation with regard to the evidence of children. I indicated that, while the evidence of a child under 10 could be given at a court, it needed to be corroborated in order to sustain a conviction. That is one of the aspects of the legal situation that is being examined by the task force.

It is simply not true to say that the legal section of the task force has bogged down. A discussion paper will be prepared for consideration, I am advised by the Minister of Health, including discussion on the legal aspects, within the next four or five weeks. I assure the honourable member that the matter is being taken seriously and investigated by the Government, and that one of the issues that is being examined is the question of evidence of children, how it can be got before the court, and the requirements with respect to corroboration.

The Hon. K.T. GRIFFIN: I ask a supplementary question, Sir. My first question was: has the Attorney-General or his officers been consulted and, if he has been, what is his solution to the problem?

The Hon. C.J. SUMNER: They have been consulted and have been involved in discussions with the task force. In fact, two people from the Crown Solicitor's office are on the task force. They are, therefore, fully involved in its deliberations. I cannot pre-empt what potential solutions might be because I am not aware of what the recommendations or suggestions are at this stage. They will be revealed in the discussion paper that will be released in the reasonably near future.

SCHOOL RETENTION RATES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question about retention rates.

Leave granted.

The Hon. ANNE LEVY: I have received an excellent publication put out by the Curriculum Development Centre in Canberra on curriculum development in Australian schools. I am sure that you, Mr President, and other honourable members will remember that the Curriculum Development Centre was abolished by the Fraser Government, but, happily, restored by the Hawke Government. This document shows the retention rates for all the Australian States for children into years 11 and 12, although the most recent date that is presented for this comparison is 1983.

In looking at these data, it is remarkable to realise that South Australia has far and away the best retention rates into both years 11 and 12 of all the States of Australia. For instance, the retention rate into year 12 had risen in 1983 to 47 per cent of the entrants to the first year secondary school. For Queensland it was also 47 per cent; for Western Australia, about 40 per cent; for Victoria, about 39 per cent; New South Wales, 36 per cent; Tasmania, a huge drop down to 25 per cent; and the Northern Territory is down to 20 per cent.

If we look at the retention to year 11, we see that again South Australia leads all States by having a retention rate of 83 per cent; Victoria, 78 per cent; Western Australia, 68 per cent; Northern Territory, 63 per cent; Queensland, 62 per cent; New South Wales, only 48 per cent; and Tasmania a low 38 per cent. The present rates in the Australian Capital Territory are greater than those in South Australia, being about 72 per cent for year 12 and 85 per cent for year 11. But, it is a well-known fact that the socioeconomic composition of the Australian Capital Territory differs markedly from that found in the rest of Australia.

I am sorry if this is taking some time to explain, but I am taking less time than the Hon. Mr Hill took with his question. My question relates to South Australia's remarkable achievement in having a higher retention rate at both years 11 and 12 than all the other States, and second only—and only just—to that found in the Australian Capital Territory, with its very different population.

Has the Minister any researched reasons why South Australia should be performing so well? Is it a measure of the broad and satisfactory curriculum that is offered in South Australia to students in our secondary schools so that they are interested in their education and feel that it is relevant to their needs? Does he feel that South Australia should take considerable pride over this achievement in retaining a higher proportion of schoolchildren into years 11 and 12 than occurs in any other State?

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague in another place and bring back a reply.

THE WHOLESALER

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Labour a question about The Wholesaler.

Leave granted.

The Hon. I. GILFILLAN: I have been informed by the Manager of The Wholesaler of the good news that the storemen and packers have lifted their restrictions on delivery of Nestles products, but that at the same time the Federated Clerks Union has now picketed the site and that trucks of goods being delivered at The Wholesaler are being turned away. Mr Ralph Clarke, the Secretary of the Federated Clerks Union, has told the Manager of The Wholesaler, Mr McArdle, that the intention of the picket is to force The Wholesaler to sign up the storemen and packers and themselves to cover the employees of The Wholesaler. He also said that it is trying to protect its members at Indepedent Grocers, which is an interesting compensation in that it appears that it does not want to be under pressure, as it feels that it would be at Independent Grocers if people were employed at The Wholesaler who could be used as a bargaining point for their employment at Independent Grocers.

The Shop Distributive and Allied Trades Association has complained to Commissioner Stevens, who is organising a conference tomorrow at 11 a.m., which Mr McArdle has been directed to attend. Before asking the Minister questions, I feel that he must share with me and many others complete disgust and frustration. It appears as though there is a coordinated effort by a whole lot of forces to make sure that The Wholesaler does not start.

My questions are: was the Minister aware of this picket line established by the Federated Clerks Union around The Wholesaler? Will he seek to be represented, either by himself or by a representative, at the hearing tomorrow? Will he use his good offices to ensure that all bans and pickets are lifted so that we can see a fair go for The Wholesaler as a novice industry or business starting in South Australia? Does the Minister share my concern that The Wholesaler should be given a fair go to enable it to get a start?

The Hon. FRANK BLEVINS: In relation to the honourable member's first question, 'Yes', I was made aware of the dispute about seven minutes ago. While I work fast, even seven minutes is not long enough for me to fix it up.

The Hon. R.I. Lucas: The Hon. Mr Gilfillan is well informed, then.

The Hon. FRANK BLEVINS: So what?

The Hon. R.I. Lucas: More informed than you as the Minister.

The Hon. FRANK BLEVINS: No-one asked me. If the honourable member had asked me whether I should have been informed before, I might have given a different answer. He asked the question. I can only answer it accurately.

The Hon. I. Gilfillan: Don't be diverted by the interjections.

The Hon. FRANK BLEVINS: I am always polite. If someone speaks to me, I reply. The Wholesaler's position is unfortunate. There appears to be a dispute among the various unions as regards coverage of the employees. My information from the Storemen and Packers Union, which I gave to the honourable member last Wednesday, was accurate: there are no bans by the South Australian branch of the Storemen and Packers Union. I had some discussions with the union. It is correct that the SDA, the union covering shop assistants, has referred to the Industrial Commission the matter of the Federated Clerks Union's actions at The Wholesaler.

Commissioner Stevens will be holding some discussions with the various parties involved in the dispute. I think that that is a very proper course of action. The Industrial Commission is the place where disputes of this nature should be settled. I have every confidence that Commissioner Stevens will be able to get the parties together and point out some of the difficulties being experienced by the employer. It would be quite wrong for me to become involved in a dispute while it is before the Commission. However, if Commissioner Stevens feels that he needs my assistance, I am sure he will call for it.

Until such time as the Industrial Commission feels that it can no longer play any role in the dispute, I certainly will do no more than have discussions with the Secretary of the Trades and Labor Council and, if necessary, I will again have discussions with members of the unions concerned. The proper place for resolving industrial disputes is the Industrial Commission. That is why we have a Commission. If the proper place for resolving industrial disputes was personally with the Minister, there would be no reason to have a Commission. I am sure that the Hon. Mr Gilfillan would agree that that would not be a very wise course.

The Industrial Commission has served this State very well over the years, and I am sure that it will do so in this case. These kinds of disputes are particularly difficult and, as I have said, I have had some discussions with the Secretary of the Trades and Labor Council. We are confident that this dispute will be settled eventually, as is the case with all industrial disputes.

The Hon. I. GILFILLAN: I desire to ask a supplementary question. Will the Minister assure the Chamber that he will make every effort to ensure that there are no further industrial bans and pickets, accepting the fact that as Minister of Labour he is able to intervene with the very significant influence of his office?

The Hon. FRANK BLEVINS: Naturally, I will be monitoring the dispute, as will the Department of Labour. At present, the dispute is being handled by the Industrial Commission—the body established by this Parliament to deal with industrial disputes. I have every confidence in the qualities and the abilities of Commissioner Stevens. I think that he is a fit and proper person to be dealing with this dispute. However, if Commissioner Stevens feels that he requires my assistance, I will be delighted to give it.

The Hon. K.L. Milne: The performance of the Commission in South Australia has been a disgrace, and you know it.

The Hon. FRANK BLEVINS: The Hon. Mr Milne's interjection broadens the debate considerably. What the Hon. Mr Milne has just said is quite outrageous and quite cowardly. It is an attack on the Industrial Commission, which does not have the ability to protect itself in this place.

If, as the Hon. Mr Milne says, the behaviour and the record of the Industrial Commission in this State is a disgrace, why is it that we have by far the best industrial relations record in the whole of Australia—not just marginally, but by far the best?

The Hon. Diana Laidlaw interjecting:

The Hon. FRANK BLEVINS: I know that that fact annoys and offends the Hon. Miss Laidlaw. The Hon. Miss Laidlaw and other honourable members of her Party revel in industrial disputes. They feel that it is to the political benefit of the Liberal Party to have the maximum number of industrial disruptions in this State. That is what the Hon. Miss Laidlaw wants.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: She will not get it—

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: —because people in this State have a great deal of faith and confidence in the industrial tribunal, as I do. That confidence is quite justified. The Industrial Commission is handling this dispute. That is the proper place for it to be done. If there is anything that I can do that the Industrial Commission cannot, I will gladly do it. I will not tolerate the quite offensive and fatuous remarks of the Hon. Mr Milne and the Hon. Miss Laidlaw in condemning the Industrial Commission when its record in preserving industrial peace in this State is second to none.

MAGNETIC RESONANCE IMAGING

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about magnetic resonance imaging.

Leave granted.

The Hon. R.J. RITSON: The Australian Medical Association's Federal Council met in May to consider the method of funding the clinical so evaluation of magnetic resonance imaging. For the benefit of honourable members, I state that this is a method of taking pictures using techniques which are not X-rays and which do not expose people to the radiation hazards associated with X-rays. The technique is very exciting in terms of the types of information that it is able to obtain for diagnosis and assessment of a number of medical and surgical conditions. However, it is very expensive to install.

The Medical Association, interestingly enough, argued that the funding of the clinical evaluation of this technique should be not by 'fee for service' but rather by specific grants. It argued this way because, when one is attempting to discover just what sort of referral patterns are going to occur, in which situations the new technique is superior to others, in which situations it should take over from other techniques, and in which situations it should not do so, one needs a long series of cases and clinical information objectively evaluated without any need to associate the use or non-use of this technology with revenue and profit. The Medical Association was very much afraid that a wealthy entrepreneur might move in with several million dollars and bank roll a private machine.

The Hon. J.R. Cornwall: He was already thinking of ordering one; he wanted it to go with the Swans football team.

The Hon. R.J. RITSON: Really! The Minister will be pleased to know (although I am sure he already knows) that the medical association felt that this is a completely inappropriate method of evaluating how and in what circumstances new technology should be used. Once that evaluation is made it is quite possible for Governments to determine which are the appropriate circumstances in which to offer Medicare rebates and which are not appropriate uses to attach a refund to. Until that basic experience and until the knowledge of the circumstances in which these techniques should be used is arrived at, then one should not distort the evaluation process by the incursion of 'fee for service' remuneration into the studies.

The Federal Government did not accept that argument and allocated some item numbers providing for a refund for investigations using the MRI technique. It restricted those refunds to specified public hospitals, of which the Royal Adelaide Hospital is one, thereby protecting us all from the Medicare football team use of the technology, but there is still the potential distortion of evaluation by the fact that the use or non-use of this technology will have a direct 'fee for service' effect on the revenue of a particular hospital.

Does the Minister believe that the evaluation studies of this technology are better funded by a specific grant than by the operation of fee for service? If he does believe this, has the Minister considered offering a State grant to fund the evaluation of MRI and, if not, why not? Has the Minister argued, fought or pleaded with his federal colleague for a federal grant for this purpose and, if not, why not? Will the Minister continue to strive for direct funding, either State or federal, for the evaluation of MRI?

The Hon. J.R. CORNWALL: There are a number of matters there that are clearly for the Federal Government and not for me. I will say one or two things about magnetic resonance imaging while I am on my feet and I will then respond in detail to the honourable member's questions. First, it is an expensive technology. However, in a number of conditions (the range of conditions is not well resolved at this stage), it gives quite extraordinary resolution and is quite superior to CAT scanning techniques currently in use.

Because of the nature of the magnetic resonance technique as against the use of X-rays it is interesting that it does not show any bony tissue, for example. Its particular value is in getting greater clarity and resolution of soft tissues and therefore particular organs and parts of organs in the head, neck, body or whatever part of the anatomy is to be examined.

It provides greater contrast and clarity and, of course, it cuts down on a number of other procedures, one of the most obvious ones being some of the myelograms that used to be performed where contrast media were injected into the spine and X-rays taken. There is, on the one hand, the considerable expense that goes with any high technology, and nuclear magnetic resonance imaging is high technology. Against that, there are very real benefits to be gained and for that reason I am anxious that we have this technique available in South Australia as soon as possible. That desire is shared by the College of Radiologists.

I have had discussions with a number of radiologists, including Dr Perrett, who has recently returned to South Australia after spending six months in the United States. He is very much up with the current state of the art. There are radiologists from other practices in this State who are currently visiting, have visited or are about to visit overseas to acquaint themselves with the current state of the art in this area. I believe that all these groups should have access to this technology.

On the other hand, I believe (and this belief is strongly supported) that there is only room at this time for one magnetic resonance imager in South Australia. It is also agreed (with the possible exception of those at the Flinders Medical Centre) that this machine should be located at the Royal Adelaide Hospital: indeed, it will be located at that hospital. I am told that, at present, a 'fee for service'

approach, from a private practice point of view, would not be appropriate. We are about the business of pricing individual procedures and only yesterday, in fact, I signed a letter to Dr Blewett in the ongoing negotiations to ensure that South Australians have this technology available to them.

It might well be that it would have been better to be funded by a capital grant. However, the Federal Government, in its wisdom, has decided that that is not the way it wishes to go. That is not for me to comment on one way or the other. We have agreement with the learned college members, with individual radiologists and members of radiology practices and there will be, I am pleased to say, magnetic resonance imaging available at the Royal Adelaide Hospital in the foreseeable future. The exact timing of that I cannot give at this time, but I can assure the honourable member that agreement is imminent and that from the date of agreement to the date of installation should only be relatively a few months. We hope to have this technology in place in South Australia well before the end of 1986 and preferably considerably sooner.

The Hon. R.J. RITSON: Is the Minister aware that I asked him what representations he has made in an attempt to obtain direct funding instead of fee for service? Is he aware that the private practitioners who have advised him that fee for service is inappropriate are acting against their own interest and must therefore be highly motivated? Would he kindly answer that part of my question—what is he doing to obtain direct funding?

The Hon. J.R. CORNWALL: The simple fact of the matter is that the reason why the private practitioners are against fee for service at the moment is that they would not be able to successfully cope financially with the new technology. There is a measure of altruism in that there is also very much a measure of having done their sums and talked to their accountants—let us not mess about and pretend that it is all altruistic.

However, that is not a criticism of the radiologists as my relationship with them is first class. I repeat what I said before: that the question of how it should be funded is principally one for the Federal Government. It is not for me to be an ingrate and to say that my Federal colleague, with whom I have the best of relationships and from whom I have fared well financially, that I do not want to accept the funding offered which will enable us to have this excellent technology in place within months. I would be the last one to cavil about the manner in which it is done. If the Hon. Dr Ritson has any problems about one way versus another, he should take the matter up federally.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 8 August. Page 153.)

The Hon. R.J. RITSON: I support the motion that the Address in Reply be adopted as read. In doing so, I reaffirm my loyalty to Her Majesty Queen Elizabeth II, Queen of Australia, and to her South Australian representative, His Excellency Sir Donald Dunstan. I thank His Excellency for the speech with which he was pleased to open Parliament and I join with his expressions of condolence in relation to the deaths of two former members, Mr Hunkin and Mr Clark.

The program that the Government has outlined is a little sketchy and it is as remarkable for what is not in it as for what it contains, but that is understandable because of the situation in which the present State Labor Government finds itself. It is on the brink of an electoral crevasse and it must know that it will not be too long before His Excellency is reading another Government's program to open a new Parliament—a Parliament controlled by Liberals.

The present time, as the Parties line up to present their best face to the electorate, is a time of posturing and a case of what you see not always being what you get. I am reminded rather vividly of the occasion of my last Address in Reply speech when I analysed some of the philosophical forces in conflict within the ALP, and I reminded honourable members that Mr Robert Hawke would be allowed to present himself to the public as a charismatic working man's liberal democrat and that he would be allowed to do this for the purpose of becoming elected, and he did that.

I predicted also that he would win, and he did, and I predicted that after the Hawke election he would succumb to the forces of the factions, and he did that. Mr Hawke is now a spent force: he is prattling idly away whilst the real powers in the land—the unions and the ideologues—are busily and forcefully putting their doctrines into place. I said then that Hawkeism was the greatest act of deception ever perpetrated on the Australian public, and it was. I said the people would not understand that before the election, and of course they did not: hence Mr Seventy Five Per Cent.

I said also that the people would taste the bitter medicine of social policies after that election, and of course they did and they still are. The mutilation of a basically reasonable tax reform package at the hands of the vested interests present at the tax summit was an example of that Government not being in control, not being able to institute the reasonable liberal democratic policies that people thought they were voting for when they voted for Mr Hawke. What they got was something else.

The complete failure at the tax summit to consider reduction of Government spending was another example. The pyrrhic victory claimed by Mr Hawke on the uranium issue at the federal council was of course a very incomplete one, because subsequently the Bannon Government, which had been forced against its will to accept Roxby Downs by the defection of Mr Norm Foster in this very Chamber, was still able to deny us Honeymoon and Beverley.

The policies of Senator Susan Ryan in relation to non-government schools were part of the bitter medicine that people did not know about when they voted for the Hawke Government. Those policies with their basic anti-Christian bias would surely please some of the Marxist activists like Jenny George. Of course, here in South Australia the battle for ideological control of children's minds is upon us again with the impending South Australian Institute of Teachers election; that is close and people must wonder who is to stand up to the problem of political indoctrination in schools, if the left once more controls the teachers union.

The idea that State politics is different and is not ideological is completely false. The issues spill over from Commonwealth to State, be it health, education, preschool child care or union politics. The ideologies and political and social attitudes come from the same Labor Party, and one can expect that, if Mr Bannon goes to the polls in his middle-class middle of the road business suit to appear as the working man's liberal democrat, then the policies of the Hon. Mr Blevins, the Hon. Miss Levy and some others are behind him and will surface in due course if he is re-elected.

The Bannon Labor Government presently in office in many ways is in a similar situation to Mr Hawke prior to his election. It is attempting to look bland, non-controversial and telling people not to worry, not to think about politics, 'Just get it into your head, folks, that everything is all right in South Australia, because the rain came and the

fires went out.' Perhaps people have forgotten that this is the Government that promised no new taxes, that this is the Government that nationalised the Kindergarten Union. That was an interesting exercise indeed: the Children's Services Bill was an ideological move, not a practical move.

The Kindergarten Union is a middle class community based organisation teaching middle-class values; that was a thorn in the side of certain ideologues. They have the children in the State schools; they do not like the private schools and all that was left was to get rid of the middle class values and the community based involvement by nationalising the Kindergarten Union.

People may have forgotten that this is the Government that attempted to force compulsory unionism on independent contractors. Perhaps Mr Bannon hopes people will forget that his is the Government that expanded the Public Service to pay back the electoral favours that the Public Service Association granted his favoured Party at the last State election. The Premier hopes that perhaps people will forget that his is the Government which so far, after nearly three years in office, has failed to grasp the nettle, to come to grips with the problem of workers compensation premiums.

This problem is gripping South Australian industry and, as I say, after nearly three years in office, the State Labor Government has done nothing to rationalise or alleviate the grave impost upon the cost of production which is represented by these escalating workers compensation premiums. The Labor Party may very well try to deal with that in due course in this Parliament before the next election, but that remains to be seen. We know that any legislative changes will be beholden to the forces within the ALP, the vested interests and the people with political power in unions. Therefore, they will not be framed for the benefit of the people in the community at large and the economy as a whole. Nevertheless, we look forward with some interest to see what the Government will come up with in that direction.

There are some encouraging signs. There are signs that the community is beginning to realise that in this case of the Labor Government's trying to be a bland, middle of the road Party, that what you see is not what you are going to get. In other words, whereas in the case of the Hawke election the public saw it too late, in the case of the Bannon Government it appears the public will see through the deception in time and the Government will fall at the next election. When that happens, we will see the beginning of the rolling back of the veil of pink politics which has covered most of the face of mainland Australia in recent years.

The particular issues that I touched upon I will not occupy the time of the Council by elaborating on them in detail. I am sure that, during the course of the forthcoming election campaign, members on both sides of the Chamber will grasp such issues and in greater detail assault the ears of the electorate with their varying points of view. However, I did want to place my predictions on record before the event, because it is so fascinating to look back on them afterwards and see how they came true.

I do not want to let this occasion pass without making a few comments in response to the contribution to this Address in Reply which was made by the Honourable Mr Creedon. Dear old Cec is a terribly nice fellow. I have enormous personal regard for him. Therefore, it is with a certain amount of regret and one or two little pangs that I feel I have to be critical of his thought processes and of the reasons that he gave for wanting to abolish this Chamber. One of his principal complaints was that the Council is political. He said little more than that on that particular issue. I suppose he left us to assume that it is wrong or bad to be political, but I want to take that point up because a political Parliament is the very lifeblood of a thriving and peaceful society.

The word 'politics' is derived from, I believe, a Greek root meaning 'the people', hence the *polis force*, the police force, is the force of the people, the 'metropolis' is the centre of the people, and so on. 'Politics', therefore, is simply a term which means 'the affairs of the people'. Whether we like it or not, people in any society—be it a dictatorship, a tribal kingdom, a totalitarian republic, or whatever type of society one considers—will have matters of concern and will have differences of opinion with their neighbours and fellow members of that society, and different societies cope with these differences in various ways. In some instances, there is simply total suppression, so that any conflict of ideas is never allowed to be expressed. In other societies, there are limited forms of expression but they can hardly be considered to be societies which permit total freedom of expression.

In our society we have developed the Parliament which has many roles. Although at face value it might seem that its principal role is legislation, in fact one of its very important roles is its expressive role where people want to have their point of view spoken about and propagated through society. That is why, of course, the word 'Parliament' is used. We do not call it the 'Legislament': we call it the 'Parliament'—the speaking place. This is a place where people can have elected representatives who say the things they want said. One might reply, 'Well, what is the use of just speaking?' Of course, if one simply spoke behind closed doors without exercising any power, then there would be no use; but, in fact, we speak before a free press. The press is free to report what we say; it is also free not to be here. However, the fact of the matter is that, if there were any matters concerning society, any conflicts that needed resolution, then, because we have this speaking place with our freedom of speech, our privileges, and because that is linked with the free press, it is not possible to have any great amount of very bad government without the people knowing about it. That is a very important function of Parliament, and this Council has some aspects to it which makes it different from the other speaking place. It causes it to have different sorts of people in it representing different sections of society.

Because of the system of proprotional representation, this Chamber has members of minority Parties. I do not want to be unkind to and critical of members of minority Parties, although I think there are many reasons why members of minority Parties should not have the controlling balance of power in any Chamber. For that reason, but only for that reason, I am not pleased in principle to see the Australian Democrats here. I think that, if we were in a situation where a handful of votes for a minority Party did not give that Party control of the Chamber but gave it a voice in the speaking place where the ideas of that minority group could be heard and spread abroad, then I would say that would be one of the ideal examples of the benefits of proportional representation. Nevertheless, one cannot really argue that they should not be here. We do have proportional representation so it means that in this Chamber, as distinct from the other place, ideas will be propagated that are not propagated in the other place.

The staggered retirements with the longer term of office makes this Chamber a different place. It makes it a place that deals, to some extent, with the politics of yesteryear. It has a stabilising effect, because half of this Chamber at any given time represents the will of the electorate not of two or three years ago but of five or six years ago. That effect is one of the checks and balances, so when the House of Assembly changes and the ownership of the purse strings change with a change of Government, the new Government

is able to govern because its gets the Treasury, but it cannot ignore what were the wishes of the people four and five years ago, particularly because well into the future this Chamber is going to be a finely balanced Chamber in terms of numbers. It is going to have members of minority Parties, and that is a very good thing. It is a good thing for Governments that lose office that our Council is constituted in this way. With a single member electorate system in the Lower House, as people know, a big swing of say 10 per cent at an election can virtually annihilate the Opposition. It can reduce their numbers to the point where they have hardly got enough members to contribute their share to committee work.

Probably, that was one of the difficulties in the olden days when the Labor Party had only four members in this Council. That is not a good thing, but now that we have the Council on a proportional representation basis, whatever happens in the other place with electoral things, Oppositions in this Council will always have a good and strong voice, which is good for democracy.

I do not know how the Hon. Mr Creedon could complain that this place was political and that it ought to be abolished. I do not know how he reconciles that with the attitude of some of his colleagues on the Government benches in this Council, because the Hon. Ms Wiese has been very prominent in promoting the role of the Legislative Council to the general public.

The Hon. R.C. DeGaris interjecting:

The Hon. R.J. RITSON: It has been interesting to see the very thoughtful and responsible efforts that the Hon. Ms Wiese has made in conjunction with her Federal colleague, Senator Rosemary Crowley, to promote the public image and educate the public in the role of Upper Houses. I am not sure whether the Hon. Mr Creedon has listened to or understood his colleague's arguments in this matter or whether he feels that in his parliamentary swan song, as it were, on the eve of his retirement, he would try and throw a spanner in the works and split the Labor Party on that issue. It was, as I say, rather sad to hear him so critical of his colleague's point of view on that issue and to demonstrate so little understanding of the unique differences between Upper and Lower Houses, both in terms of the way they function within themselves and the electoral base and the form of representation that they have.

I do not think that the public ought to be at all afraid of political conflict in Parliament. As I said the confict is there in the community. A citizen wants a bus route past his house, but he wants the bus stop not outside his door but outside his neighbour's door, and conflict arises. From those small examples one can draw greater examples of more fundamental conflicts between groups of citizens. One either creates a forum for people, in some sort of gladiatorial fashion, to join the team or Party of their choice and fight it out with words at 20 paces, or one suppresses it all and hands the functions of government entirely over to a silent, secret, all-pervading Administration that is unquestioned.

In the societies that do that, the conflict does not go away; it explodes. Those are the sorts of societies in which there are machine-guns in the street. The reason we do not have machine-guns in the street is because we stand here and have words at 30 paces, because we have a free press, which prints or broadcasts them, and because people are free to come and stand on the steps of Parliament House and shout abuse at us if they wish. They do that with the protection of our Police Force, which is there to protect their rights to do it. Policemen stand around at demonstrations here not to stop them from doing it, but to protect them from other people who unlawfully might want to stop them from doing it.

I am very proud to be a member of the speaking place. I am very proud to be able to stand up and have a public grizzle on behalf of constituents who come along to me from time to time and say, 'I want you to complain about such and such.' I am very proud to be allowed to stand here as I have just done, and pour a heap of criticism on the Government of the day. Consequently, I do not mind if someone else stands up and pours a heap of criticism on me, because I appreciate so much the freedom that that sort of society has. I appreciate very much the peacefulness of living in a place where one does not have to resort to the machine-gun and the petrol bomb: one simply resorts to the Parliament.

Poor old Cec Creedon! I do not know why he said that. The Committee work, the expressive work done by this Council and the representation that it gives to minor Parties are most valuable to the community. I would rather praise the wisdom of the Hon. Ms Wiese and Senator Crowley in exalting the role of Upper Houses than accept the arguments that poor old Cec has advanced on the very eve of his retirement for the abolition of the Council. I support the motion.

The Hon. I. GILFILLAN: My remarks in this debate will cover several subjects. Just as openers, I comment on what I see as the status of this Council, which has been brought forward in my list of priorities as I have listened to and reflected a little on what the Hon. Dr Ritson has said. It does not seem altogether inappropriate that this Council, with its minority Party representation and because of the way it is elected, could reasonably claim to be the proper House in which to have the Government of the State and that the Assembly, which is certainly far from as democratically elected and as representative of the whole area, could be used very effectively as a House of review, both in location (electorate by electorate) and also in the subject matter.

The Hon. R.C. DeGaris interjecting:

The Hon. I. GILFILLAN: That is an interesting interjection, which adds some substance to my conjecture. The Hon. Ren DeGaris observes that it happened in the last Government. So it is with some pride that the Democrats play their part in this Council, and say without any qualification that they are convinced that the quality of members, regardless of Party, is adequate to provide a very capable and excellent Government for the State of South Australia.

Most members will realise that I have had an ongoing concern about the road toll. There are many aspects to the performance of South Australian drivers and vehicles on the roads, the involvement of the police and the construction and design of roads. A host of factors is involved in a very complicated and complex issue, but I will refer to two or three particular points in my speech. I do not pretend for a moment that this is a comprehensive treatment of the subject, but it gives me the opportunity to emphasise some factors that do not normally get the attention in the media that they deserve if one is to consider seriously the problem of reducing the road toll.

There is considerable debate and a lot of sensitivity about the speed limits. Nobody in debate or in conversation argues with the statement that speed kills. However, when one reaches a point of suggesting that there should be reduced speeds at which one travels on the roads, there are quite extraordinary reactions against that from various quarters. Quite obviously, given the way in which cars are designed and built, there will be an increasing demand for faster performance, and then for drivers to use that capacity.

I refer to an article which appeared in the February edition of *World Highways* and which relates to the United States highway speed limit. I will not explain the article

because I think the text explains the points that I would like to make. The article is headed 'US highway speed limit saves lives, should be continued, study recommends', and it states:

Because of the substantial benefits to safety, the 55 mile per hour (80 kilometres per hour) maximum speed limit in the USA should be retained on almost all of the nation's highways, but the method for determining federal compliance with the law should be changed to better reflect safety priorities.

This conclusion was reached by a 19 member committee of the National Research Council of the National Academy of Sciences following a comprehensive review of the economic and safety costs and benefits of the 55 mp/h law.

In our case, it would be the 80 km/h law. The report continues:

The report of the committee said that even after other factors such as safety improvements to automobiles and highways are accounted for, the reduction in highway speeds resulting from the 55 mp/h law save between 2 000 and 4 000 lives each year. In addition, the committee estimated that reduced speeds have prevented between 2 500 and 4 500 serious highway injuries, making the 55 mp/h maximum speed limit 'one of the most effective highway safety policies ever adopted.'

Although the committee recommended continuation of the 55 mp/h speed limit for most major roads, it was divided over the advisability of exempting from the law some carefully selected interstate highways in rural areas. Representing about 6 per cent of all 55 mp/h limited highways, these roads are typically high quality and sparsely travelled. The question of whether to exempt some of these roads, said the committee, involved value judgments beyond scientific analysis and should be handled at the national level by the US Congress.

The 55 mp/h national maximum speed limit was originally enacted as a temporary energy conservation measure following the Arab oil embargo of 1973, but was made a permanent law by Congress in 1985 in recognition of its safety benefits.

I believe that this is not widely known or understood in Australia. This very substantial restriction on speed is and has been in place in the United States since 1973. The article continues:

Before the law was enacted, many US interstate highways had posted speed limits of 105, 112, or even 120 kilometres per hour, with average highway speeds of about 105 kp/h.

The National Research Council study was requested by the National Highway Safety Administration at the direction of Congress. The committee was asked to examine the costs and benefits of the national 55 mp/h speed limit and to determine whether the laws of the individual States provided a substantial deterrent to speeding violations. Congressional interest in the issue stemmed from the decision by several States to weaken penalties for violating the 55 mp/h speed limit.

Currently the Federal Government monitors the compliance of individual States through a network of automatic speed detection devices embedded in a sample of 55 mp/h limited highways. Fifty per cent of the vehicles on these roads must be travelling 55 mp/h (80 kp/h) or slower, or the State risks losing some federal highway funding. However, because the system allows adjustments in these data to account for sampling and speedometer errors, many States have remained in compliance even as average highway speeds have crept upward from 57.6 mp/h (92.6 kp/h) immediately after the measure became law in 1974 to 59.1 mp/h (95.1 kp/h) in 1983. Without such adjustments, 37 States would have failed the federal compliance test in 1983.

The report suggests replacement of the current speedometer and sampling error adjustments with a point system based on safety priorities. Because the risk to safety is much greater for a driver travelling 128 kp/h than it is for a driver travelling 90 kp/h, the committee said that the compliance system should place greater weight on such violations. Points should also be assigned according to where the violation took place, because it is more dangerous to go 10 mp/h above the speed limit on a two-lane secondary road than on a four-lane interstate highway.

Besides reducing highway fatalities and injuries, the committee found that the 55 mp/h law has lowered highway fuel consumption by just under 2 per cent, a saving of about US$2 000 million per year at current fuel prices, and has saved tax-payers about US$65 million per year in publicly funded medical and social benefits.

The chief cost of the 55 mp/h law is a total of about 1 000 million extra driving hours, or an average of about seven hours per driver per year. Enforcement costs are roughly equal to the revenues collected in fines from speeders.

Acknowledging that safety benefits cannot be numerically balanced with costs in extra driving time, the report calculates that about 350 000 additional hours, or about 40 years, of extra driving time are needed to save one life and avoid one serious, severe or critical injury. For comparison, the report noted that the average remaining life expectancy of motor vehicle accident victims in 1982 was about 41 years. These figures imply that the effect of the 55 mp/h speed limit is to gain approximately one year of life for the expenditure of one year of driving time, the report concluded.

I regard that as a very lucid and powerful argument for considering lowering upper speed limits. It is certainly not a popular measure and, unfortunately, because of that I do not believe that Governments and political Parties will promote substantially lower speed limits. Anyone who looks critically and compassionately at the statistics in the article will realise that a measure such as this involves very tangible savings in relation to enormous human suffering and agony from the loss of life and the horrendous injuries that will be saved. That is without considering its financial consequences.

I now refer to Australia and this issue of speed limits. We have a variation of upper speed limits between the States: Victoria, New South Wales, Queensland and the ACT have 100 km/h as the upper limit, whereas South Australia, Western Australia and Tasmania have a limit of 110 km/h. Incidentally, the Northern Territory has no upper limit.

I refer to two tables which are in my possession by courtesy of the Road Traffic Division of the South Australian Police Force. The tables measured the actual speed that motorists performed in the varying States. I will read through the statistics because they point out a rather remarkable phenomenon: that people drive faster on the roads that have an upper limit of 100 km/h than they do on those roads with an upper limit of 110 km/h.

Victoria, with its speed limit of 100 km/h, had a mean speed of 98 km/h; the 85th speed was 109 km/h, and the standard deviation was 12. The New South Wales speed limit is 100 km/h; the mean speed was 98 km/h; the 85th speed was 112 km/h, and the standard deviation was 14. Queensland had a speed limit of 100 km/h; it had a mean speed of 94 km/h; the 85th speed was 105 km/h, and the standard deviation was 11. South Australia had a speed limit of 110 km/h; the mean speed was 96 km/h (compared to 98 km/h for Victoria and New South Wales); the 85th speed was 108 km/h, and the standard deviation was 12. Western Australia had a speed limit of 110 km/h; the mean speed was 90 km/h; the 85th speed was 99 km/h, and the standard deviation was 13. The ACT had a speed limit of 100 km/h; the mean speed was 96 km/h; the 85th speed was 108 km/h, and the standard deviation was 13. Tasmania had a speed limit of 110 km/h; the mean speed was 83 km/h; the 85th speed was 97 km/h, and the standard deviation was 13. The table spells out the car-free speed parameters on rural roads in Australia. The speed studies were undertaken on a number of roads with either limit (embracing the lower speed limit in each State). Speeds represent a simple average for all sites. The source is Callaghan.

Table 2 is titled 'Car—Free speed parameters on urban roads Australia'. All speeds in this table are given in kilometres per hour. The chart gives three figures, the 'Mean Speed', the '85th speed' and the 'Percentage exceeding limit' for each of the States as follows: Victoria, 72, 80, 62; New South Wales, 67, 76, 69; Queensland, 63, 71, 41; South Australia, 62, 69, 42; Western Australia, 67, 73, 56; Australian Capital Territory, 74, 83, 64; and Tasmania, 62, 68, 44 respectively. The source of that information is Cowley.

Although they may appear to be rather tedious statistics, I have introduced them because those of us who are trying to find a formula that will reduce the road toll are in a

dilemma over speed limits. the American experience is showing a substantial response to a lower speed limit, yet in Australia we are getting an extraordinary phenomenon of performance actually militating against the lowering of an upper speed limit if the driving performance of the varying States is to be taken as a statistic from which we work. My personal view is that it is far easier to say what should be done than actually to implement it either by legislation or by personal example. I find that many people, when discussing road safety, shovel the blame for accidents onto other people and situations and rarely, if ever, accept that they are even in part responsible for the road toll.

The road toll in Australia has been spelt out quite succinctly by the Insurance Council of Australia in its July 1985 bulletin. As it contains statistics that are significant to the Australian scene, I will read part of one of its articles titled 'The $3 billion Australian disaster'. This is the view of Mr Ian Russell, Manager, Traffic and Safety, of the Royal Automobile Council of Victoria. The article states:

Road crashes cost the Australian community nearly $3 billion each year, or 2 per cent of the Australian gross national product.

I pause to reflect, as I have elsewhere, on the extraordinary anomaly that, when we are assessing our gross national product, this $3 billion, which is indicative of horrendous human suffering and a gross waste of material, is scored as part thereof. The article continues:

However, Governments have failed to reflect the community's concern and take action 'before the crash' by providing adequate funds to provide better designed roads, traffic signs, traffic signals, road marking, and maintenance.

This is the view of Mr Ian Russell, Manager, Traffic and Safety of the RACV, who says that in human terms, this high cost represents 3 000 persons killed, with 100 000 injured, ranking only after heart and circulatory disease as a main cause of death.

'In 1983, the cost to provide hospital and medical services for traffic accident victims was nearly $240 million (about 10 per cent of the total cost), loss of earnings about $820 million (34 per cent of the total) and vehicle damage about $800 million (33 per cent of the total),' Mr Russell says.

Referring to after event costs, the article states:

After the event costs, including legal and administrative services, insurance administration, accident investigation, and traffic delays account for $570 million, or 23 per cent of the total.

Mr Russell says that according to researchers, it is estimated that society is prepared 'to pay' about nine billion dollars, nearly three times the original cost ($3 billion) to prevent further road accidents.

Under the heading 'Federal Funds Not Enough', the article states:

This financial year (1985-86), federal funds available through the Australian Land Transport Program will amount to $1 250 million, added to which there is a similar amount from State and local governments. This still falls far short of the community's priority for countermeasures to tackle this serious problem.

Mr Russell points out that an assessment in 1977 of the causes of traffic crashes in the USA attributed 26 per cent to human an and environmental factors combined. These factors directly relate to the driver and the road system.

The inadequacy of the Australian road system was highlighted recently following the release of a study by the National Association of State Road Authorities, in dicating that 25 per cent of travel on urban arterial roads is severely congested, and 30 per cent of 'intersection through-put' is at severely congested intersections. On rural roads, 23 per cent of travellers are subjected to poor driving conditions because the road surface or width is unsuitable for the traffic using it.

Approximately 30 per cent of casualty accidents occur on rural roads, and the problem is mainly the severity of these accidents. In 1982, 345 fatalities (49 per cent of the total for Victoria), occurred in rural areas. the safety benefits of constructing freeway standard roads, that is roads with good alignment, divided carriageways and total control of access from other roads, is reflected in their accident rates.

Under the heading, 'More freeways the answer?', the report continues:

Since the opening of the first freeway in Melbourne over 20 years ago, the State's freeway program has been estimated to have saved over 150 lives and more than 2 000 personal injuries in rural areas, and over 100 lives and 3 000 personal injuries in urban areas. These estimates are based on the accident rates for freeways and arterial roads.

Following the contruction of the South-Eastern and Tullamarine Freeways in Melbourne over a decade ago, there have been major improvements in the design of these major roads. For example, on the most recently constructed Mulgrave, Eastern and Westgate Freeways, statistics show that there have been six casualty accidents per 100 million travelled kilometres, compared to 13 for the other two freeways.

The article continues as follows:

And, he adds, these figures are better than those for undivided arterial roads which show an accident casualty rate of 47 per 100 million travelled kilometres.

Under the heading 'Suggested improvements', the report states:

Mr Russell believes that other improvements, such as widening of road pavements, can reduce multi-vehicle accidents by 35-45 per cent at high accident locations.

'The use of overtaking lanes, which are essential to lessen the conflict between slow and fast traffic, has reduced accidents by 25 per cent where these lanes have been constructed. The use of improved and better located road signs lessen a driver's visual task and reduce accident occurrence. The cost of road signs is relatively small, but they are highly beneficial countermeasures. Evidence is conclusive that more lives could be saved and less people injured by providing high capacity, better designed roads with access control. proper traffic management, signs, signals and markings on all roads,' Mr Russell concluded.

It is important that this article be recognised as pointing out another of the agents that are available to those of us who are keen to reduce the road toll. The first point I made related to the control of speed, and the second, which is so eloquently dealt with in this article, states that, with proper and adequate road design, substantial and tangible reductions in the road toll can be achieved.

My final comment relating to the road toll comes from a booklet issued by the National Association of Australian State Road Authorities. Titled 'Roads and Vehicle Limits', the report contains a section headed 'The Cost of Overloading'. I refer to this article, because I have serious concerns about the way in which so much of our transport is being moved from railways onto already very busy and, in my opinion, grossly over-used road systems with very heavy road transports. Part of the article, headed 'The cost of overloading', states:

A study carried out by the National Association of Australian State Road Authorities (NAASRA) found that the practice of overloading was very prevalent. An analysis of prosecutions for overloading in one State revealed that the average overload was approximately 22 per cent. Surveys carried out by NAASRA have indicated that one in four heavy vehicles is overloaded. If these two findings are applied to the damage power factors mentioned in section 5, it can be shown that the effective life of road pavements is being reduced by about 13 per cent as a result of overloading. Damage to roads due to overloading results in enormous cost and inconvience, in Australia nearly $3 000 million per year is now spent on road and bridge construction and maintenance. The cost of damage caused by overloading in the same period is approximately $400 million. This is a considerable financial burden to the community and represents the cost of about 1 000 km of two lane rural road which could otherwise have been constructed that year.

This is a hidden subsidy to road transport. For far too long we have been conned into believing that road transport is more cost efficient than rail. It is largely presented that way because of the disguised subsidy by taxpayers and roadusers in maintaining at considerable cost, from other than the transport owners (the truck owners themselves), from other road users to the maintenance, repair and construction of the roads, and this is very clearly spelt out in this article in this per year estimate of overloading, let alone the actual cost of the properly loaded semi-trailers and heavy vehicles—just in the overloading alone it is $400 million.

Of course, that does not recognise the other very serious and critical dimension that as roads deteriorate they become more dangerous. Vehicles overloaded have far less response

to braking and their safety factor is reduced. The article makes the point quite clearly that there is inadequate supervision of this abuse, that there is nothing like a penalty structure that will act as a deterrent. I will conclude by completing reference to the booklet, as follows:

In 1982-83, fines for overloading accounted for less than 2 per cent of the cost of damage to roads and bridges caused by overloading during that period.

It is difficult to effectively control the practice of overloading. A comparison may be made between the operation of rail and road traffic. Railway authorities design tracks to carry specific loads, and then oversee the types and loading of rolling stock to ensure these limits are not exceeded. Strict supervision ensures observation of these limits. Road authorities, on the other hand, must rely primarily on the understanding and co-operation of the road-using public and on deterrent measures to enforce the limits.

That is obviously inadequate and costing all of us considerably in money and in the horror and human suffering of death and injury on the roads. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

STAMP DUTIES ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

On coming to office at the end of 1982, the Government undertook a complete review of the State's finances and the budgetary position it had inherited. That review, which was conducted by the then Under Treasurer, Mr R. D. Barnes, showed that the financial position of the State was extremely grave. It stressed that action would have to be taken if the financial problems facing the State were to be contained.

While those problems were not of the Government's making we accepted the responsibility to take that action, and in 1983 announced a number of revenue measures designed to correct the serious imbalance that had developed into the State's finances. At the time of the introduction of those measures, and on many occasions since, we have made it clear that once South Australia's economy improved and the State's financial situation was restored, the Government would act to reduce the burden on South Australian taxpayers. The economic recovery of the last two years, and in particular the strong growth in the housing sector which has been boosted by the economic policies of the Government, means that we are now able to provide relief.

This measure is one of four which are being introduced to give effect to the tax cuts announced on 5 August. They comprise a package of measures which will give benefits to a large number of employers; the majority of people paying land tax; to persons buying property; to young job seekers; and to the wine industry. In addition, they will significantly advance the Government's policy of deregulation.

These measures have been combined with action taken in co-operation with the Electricity Trust of South Australia to reduce electricity tariffs from 1 November. The package of measures has been designed to ensure that South Australia's economic recovery is maintained, and that business and consumer confidence is boosted. The Government believes that all South Australians should benefit from the economic recovery that has taken place, and consequently is introducing these measures now in advance of the Budget.

The Government believes that these measures are responsible. They will provide immediate relief while ensuring that the fundamental financial strength of the State is maintained and that the problems created by the former Government which led to the serious financial situation in 1982 are not repeated.

The Government proposes to make a number of changes to the Stamp Duties Act. These changes are aimed at providing revenue concessions, achieving desirable social objectives and assisting in the process of deregulating business activity. Stamp duty on the conveyance of property is one of the main sources of revenue for all State Governments. Even quite small adjustments to the rate of duty can have a significant impact on revenue collections.

However, the Government considers that the impact of this duty must be reduced. Consequently, we have resolved to relax the conditions applying to the first home stamp duty concession and to make an adjustment to the tax scale which will result in a worthwhile reduction in duty for a great many other property transactions.

When the Government came to office it raised from $30 000 to $40 000 the value of a first home which was exempt from stamp duty. This figure has remained unchanged since 1 December 1982. It is proposed that the exemption now be lifted to $50 000. Together with the proposed change to the tax scale, this is expected to benefit first home buyers by $2 million. Buyers of first homes up to $50 000 in value will pay no duty and those who buy more expensive homes will save an additional $300 in duty. In addition to raising the value of a first home which attracts full exemption from stamp duty, the Government proposes to relax the conditions of eligibility. At present anyone who has held a relevant interest in land is ineligible for the concession. This provision has had the effect of denying the concession to a considerable number of people who qualify for the Commonwealth First Home Owners Scheme. The Government's aim in amending the legislation in this respect is to bring about a situation in which anyone who has never been the owner-occupier of a dwelling, or who has been an owner-occupier only as a minor, is eligible for the concession. Moreover, it is proposed that applicants be given 12 months rather than three months to take up residence.

To qualify for the concession at present, a prospective home builder who buys a block of land must have already entered into a contract to build and must intend to occupy the dwelling within three months of the completion of construction. This is a rather restrictive requirement and it is now proposed to provide in addition for refunds of duty (whether or not there is a contract to build at the time of purchase of the land) as long as the purchaser is occupying the house as his principal place of residence within 12 months of the date of the conveyance.

It is not possible to be accurate about the cost of this relaxation of the conditions of eligibility, but it may be of the order of $0.5 million. The Government has decided to introduce changes to the tax scale for conveyance duty to modify the effects of the progressive rates on transactions in excess of $20 000. This change will produce a saving of up to $100 in duty for transactions of between $20 000 and $30 000 in value and a saving of precisely $100 for transactions of more than $30 000 in value. The benefit to property buyers is expected to be about $4 million. The new provisions will apply with respect to all documents presented for stamping on or after 5 August 1985.

Stamp duty on workers compensation premiums is presently levied at the rate of 8 per cent. There is, in addition, a levy of 1 per cent which is paid to the Statutory Reserve

Fund to finance payments to employers whose insurance company defaults. In order to reward and encourage the employment of young workers, the Government proposes to abolish the requirement to pay stamp duty on premiums paid for the insurance of people under 25 years of age. This is expected to cost about $3 million and will apply in respect of all premiums paid on or after 1 January 1985.

The 1 per cent levy will be retained for all employees. The Public Actuary has reported recently that contributions of this magnitude are still appropriate in order to meet demands on the Statutory Reserve fund. Therefore, any reduction in contributions with respect to young workers would require an increase in contributions with respect to other workers. Given the purpose of the fund, this would not seem to be a logical or desirable outcome. When a residential tenancy agreement is first entered into it is subject to duty at the rate of 1 per cent of the average annual rent. This requirement poses no particular problem for individuals on average or higher incomes but is a burden for the low income families and welfare beneficiaries who tend to be greatly over-represented amongst renters.

The Government has announced its intention to increase the stamp duty concession for first home buyers. We believe it is appropriate at the same time to introduce a concession for those who cannot afford to buy a home. Accordingly, we propose to abolish stamp duty on residential tenancy agreements. While this will benefit some who can afford to pay, its main impact will be on low income earners and welfare beneficiaries who have received nothing from measures such as the first home stamp duty concession. The abolition will apply with respect to all leases or agreements for leases presented for stamping on or after 5 August 1985. At present, duty at the rate of 1.8 per cent per annum is payable on the total amount received from rental business if that amount exceeds $2 000 per annum. Costs incurred in servicing the goods are an allowable deduction.

Because the threshold is so low the legislation requires many part-time and seasonal operators to register and pay duty. The Government believes this serves no useful purpose and is an unnecessary administrative burden both for the operators and for the State Taxation Office. Therefore, it is proposed to raise the threshold to $15 000 and to impose duty only on income in excess of that amount. The allowable deduction for costs will also be calculated by reference to the income received in excess of $15 000. It is estimated that the change will provide full exemption for about 200 small businesses, including a number operating on the fringe of the tourist industry. The proposed new arrangements will also be much more equitable between those just above and just below the threshold. The change will be retrospective to 1 July 1985.

It is common practice in the U.S.A. for financial institutions to raise funds for lending by issuing paper against the security of their mortgages over real property. A similar market is beginning to develop in Australia. In the interests of promoting this market and enabling South Australian borrowers and lenders to participate fully in its development, it is proposed to abolish stamp duty on the transfer of mortgage-backed securities.

In some of the Eastern States duty has been abolished recently on the transfer of corporate debt securities, such as debentures. The rate of duty on transfers of fixed interest securities in this State was reduced to 10 cents per $100 in 1980 but with no obvious effect on the level of activity. It is apparent that the existence of stamp duty has stifled the development of this market and the Government proposes now to remove it. Both these measures are small but important contributions to the process of financial deregulation at present taking place in Australia. They will operate from 5 August 1985.

The Government has identified several provisions of the Stamp Duties Act which it would seem sensible to abolish. This is in keeping with our aim to do away with unnecessary regulation and to enable businesses to concentrate on the tasks of operating efficiently and identifying new opportunities for profits and for jobs. The provisions which we propose to abolish come under three headings: bills of lading; letters of allotment, scrip certificates and scrip; affidavits and declarations.

From 5 August 1985 no duty will be payable on these documents. Since the introduction of Medibank, private medical benefits funds have offered a product called 'health insurance' to the public. This could, in some circumstances, require medical benefits funds to register as insurers and pay duty on premiums received in respect of such business. It has not been the practice in the past to require these funds to pay duty and it is proposed to amend the Act to preserve this exemption.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. It is intended that the Act be deemed to have come into operation on 5 August 1985. Clause 3 strikes out a definition that will no longer be required on account of the amending legislation.

Clause 4 empowers the Commissioner to refund any duty that is overpaid in consequence of the amendments effected by this Bill. Clause 5 provides for the repeal of section 28 with the effect that duty will no longer be payable on an affidavit or declaration. Clause 6 amends the section imposing duty on rental business receipts. The amendments provide for a threshold of $1 250 per month under which duty will not be payable. Furthermore, a registered person who does not receive more than $20 000 per year may apply to lodge returns annually instead of monthly (presently only those who receive less than $2 000 per annum may make such an application).

Clause 7 alters the procedure for allowing service costs to be deducted from receipts. Under the present provisions a registered person may deduct 40 per cent of receipts for goods in relation to which a service agreement exists. It is intended to alter the scheme so that a deduction may only be made once the registered person has receipts in excess of the $1 250 per month threshold with the deduction being made against the excess.

Clause 8 provides for the repeal of section 53 with the effect that duty will no longer be payable on a bill of lading. Clause 9 amends section 71c of the principal Act in several respects (the 'first home-buyers' section). One significant amendment will allow people who have owned real estate but never occupied land as an 'owner/occupier' to apply for the concessional rate of duty. Another amendment raises the complete exemption to $50 000. The amendments are expressed to operate in relation to every conveyance presented for stamping on or after 5 August 1985.

Clause 10 provides for the repeal of section 75 with the effect that duty will no longer be payable on a letter of allotment, scrip certificate or scrip. Clause 11 effects several amendments to the second schedule. The general scales for conveyances or transfers are to be altered. Premiums paid in respect of workers compensation insurance for workers under the age of 25 years will be exempt from duty for an annual licence, as will premiums paid for medical, dental or hospital insurance. Other exemptions from duty are to be provided for the conveyance or transfer of a mortgage or an interest in a mortgage on a conveyance or sale, for the conveyance or transfer of a mortgage by a voluntary disposition *inter vivos,* for the conveyance or transfer of debentures and similar interests on sale and for leases for residential premises. Various consequential amendments are also to be made.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

LIQUOR LICENSING ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

As an incentive to the wine and tourist industries in this State, the Government has decided to abolish the liquor licensing fee with respect to cellar door sales of wine. This will be achieved by removing the requirement in the Act for holders of a producers licence to pay a licence fee in respect of sales of their own product.

The holders of a producers licence will still be required to pay the minimum licence fee, as are all other licence holders. The wine industry is of particular importance to South Australia and one of the main attractions for tourists to this State is the opportunity to buy wine at the cellar door. By removing the licence fee in respect of such transactions, the Government is opening the way for a reduction in prices. This should have a significant impact on tourist numbers and on local industry and commerce in the wine regions. The direct benefit to the industry and to consumers will be about $1.5 million.

Clause 1 is formal. Clause 2 provides for the measure to come into operation on 1 January 1986. Clause 3 amends section 87 of the principal Act. The amendment provides that a fee based on a percentage of turnover will no longer apply to a producer's licence. A producer will in future pay the fee fixed as the minimum licence fee for the purposes of section 87 (9). Clause 4 makes a consequential amendment to section 93 of the principal Act.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The schedule which is the basis for levying land tax was last modified in 1977-78. It has 18 narrow steps with progressively increasing marginal rates. A schedule such as this inevitably produces rapid increases in liability for tax as land values rise. The recovery in South Australia's economy has led to increases in land values and has benefited land owners by increasing the value of their properties. The Government is convinced that land tax should be levied on a progressive basis. Therefore, it follows that taxpayers from time to time will move from one tax bracket to a higher tax bracket and incur a more than proportionate increase in tax. However, we believe it is possible to simplify the basis for levying tax and so reduce the 'bracket creep' which is endemic to the present arrangements.

Accordingly, we propose a schedule with a general exemption of $40 000 and only five other steps. Not only will the proposed new schedule dramatically reduce the frequency with which landowners move into a higher tax bracket but it will also result in actual tax reductions for about 90 per cent of taxpayers. It is estimated that 76 000 of the 100 000 taxpayers otherwise liable will be entirely exempted from tax. These will be owners with land (other than the principal place of residence or land used for primary production) valued at less than $40 000. A further 14 000 taxpayers are expected to pay less tax in 1985-86 than in 1984-85. These will predominantly be owners with land valued at between $40 000 and $80 000.

The remaining 10 000 taxpayers are expected to pay more tax in 1985-86 than in 1984-85. However, the extent of the increase in many cases will be very much less than would have been the case under the existing schedule. The owners affected will be predominantly those with land valued at in excess of $80 000. The new schedule will take effect from 1 July 1985. It is expected to save landowners about $8 million in tax in 1985-86.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. It is intended that the Act be deemed to have come into operation at midnight on 30 June 1985. This time of operation is determined by a provision of the principal Act which provides that taxes imposed for a particular financial year shall be calculated as at midnight on 30 June immediately preceding that financial year. Clause 3 proposes a new scale of land tax. Six new rates are to replace 18 that currently apply. Land with a taxable value not exceeding $40 000 will be exempt. Clause 4 proposes a new scale of land tax for partially exempt land. Land with a taxable value not exceeding $40 000 will be exempt. Other partially exempt land will be taxed at the rate of 2c for each $10 by which the taxable value of the land exceeds $40 000. Clause 5 increases the minimum amount of land tax payable from $2.50 to $5.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

PAY-ROLL TAX ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

On 1 July 1985, the general exemption from payroll tax rose from $200 000 to $250 000. The benefit to employers of this increase is approximately $5 million. Under the present provisions of the Act, this concession is reduced by $2 from every $3 by which payrolls exceed $250 000, so that for firms with an annual liability for wages and salaries in excess of $625 000 no exemption is available. The Government considers that the rate at which the exemption reduces is too rapid and has the effect of applying tax too severely on small firms with payrolls in excess of $250 000. Accordingly, we have introduced this Bill to reduce the rate at which the exemption is phased out from $2 for every $3

by which payrolls exceed $250 000 to $1 for every $4. This will have the effect of extending the 'taper zone' to $1 250 000. All firms with payrolls in the range $250 000 to $1 250 000 will benefit. Some examples of the impact of the change on these firms are given in the following table:

TABLE 1

Payroll $	Present Tax $	Proposed Tax $	Reduction $
400 000	12 500	9 375	3 125
650 000	32 500	25 000	7 500
1 000 000	50 000	46 875	3 125

The effect of this measure will be to give South Australia the lowest payroll tax of any State for firms with payrolls between $300 000 and $1 million. Almost 25 per cent of registered employers fall into this category. For ease of compliance it is proposed to make the change retrospective to 1 July 1985. This will greatly simplify the calculation which takes place after the end of each financial year to adjust the 12 monthly instalments made during the year by a firm with the final determination of its liability. The two are invariably different because the monthly instalments must be made before the amount of the annual wage and salary bill is known.

This adjustment will also pick up any over-payment made in the first month or two of the financial year when tax was being collected on the basis of the old taper zone. A change is proposed also in the method of applying pay-roll tax to travelling allowances. At present all amounts paid to employees on a per kilometre basis for the use of their private vehicles for business purposes must be included by employers in payroll tax returns. It is proposed that employers be required to pay tax only on the excess above a prescribed amount per kilometre, the prescribed amount representing an approximation of the reasonable cost of travel. A similar change is proposed in the method of applying payroll tax to accommodation allowances. The benefit to employers of these measures is expected to be about $5 million. Coupled with the increase in the general exemption level, the total benefit will be approximately $10 million.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. It is intended that the amending Act be deemed to have come into operation on 1 July 1985. Clause 3 amends section 3 of the principal Act and will allow the Government to fix, in relation to travel and accommodation allowances, a prescribed rate so that an employer will only pay payroll tax on amounts of allowances paid over and above the prescribed rates. The prescribed rates will represent an approximation of the true costs of travel and accommodation. Clauses 4, 5 and 6 provide for the alteration of the rate by which an exemption under the Act reduces to a new rate of $1 for every $4. Clause 7 inserts a new section 20a that will ensure that alterations to the Act will not affect a liability that arose before the alterations came into operation. Clause 8 amends section 21a of the principal Act so as to enable the Commissioner to refund any amounts overpaid as a consequence of the amendments proposed by this Bill.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ADJOURNMENT

At 4.40 p.m. the Council adjourned until Wednesday 14 August at 2.15 p.m.