LEGISLATIVE COUNCIL

Thursday 15 October 1987

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Department of Agriculture—Report, 1986-87.

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

Local Government Act, 1934—Amendment to Local Government Superannuation Scheme—Membership.

QUESTIONS

TOURISM SURVEY

The Hon. L.H. DAVIS: I direct my question about surveys to the Minister of Tourism. Will the Minister indicate the purpose of an $18 000 survey in Western Australia into the travel shop of the Department of Tourism? Would she also say which firm undertook the survey and what were its results?

The Hon. BARBARA WIESE: I take it that the honourable member refers to a Department of Tourism survey. I do not recall that there has been a Department of Tourism survey into the South Australian Travel Centre (and I presume that that is what he is referring to), which deals with South Australian travel and which is a private enterprise organisation with which Tourism South Australia (as the department is now known) works closely. The department has had a good relationship with that organisation since the office opened in Western Australia last year, and we have worked with it in various promotional campaigns in Western Australia, and this has helped to raise South Australia's profile as a tourist destination in Western Australia and has given us the first opportunity that we have ever had to have a presence and promote our State there.

The South Australian Travel Centre (as it is known) has been very successful in gaining an increased number of bookings for South Australian holiday tours, and certainly the department has worked closely with that organisation in compiling statistics in relation to the level of success since the centre opened. As to a specific survey, before I can answer that question the honourable member will have to provide more information as to whether he means a survey of the work of the travel centre itself or a consumer survey; then I will know what he is talking about.

PAROLE SYSTEM

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about confusion in the parole system.

Leave granted.

The Hon. K.T. GRIFFIN: In this morning's *Advertiser* a spokesperson for the Attorney-General is reported to have said that statements made yesterday by the Chief Justice in relation to a decision of the Court of Criminal Appeal in the case of Gibson stood for themselves. The report also said that the Attorney-General was not aware of any complaints about confusion experienced by courts involving non-parole periods. In the past 3½ years the Opposition has highlighted the faults in the Government's parole scheme which it rushed through Parliament in December 1983. It was only two weeks before the 1985 State election that the Government finally admitted that there were problems and promised to introduce amendments. Even then it was a year before those amendments were introduced into Parliament.

I am told that there is utter confusion in the courts and among lawyers on both sides, prosecution and defence, as to how the Government's complex parole system works. I am informed that:

1. There are over 100 cases in which convicted persons have been incorrectly sentenced; some being released early and others being released after serving a longer period than they should have served;

2. Judges, magistrates, Crown counsel and defence lawyers cannot understand the system;

3. In courts, correctional service officers are asked advice on how the non-parole/parole system operates before the courts sentence a criminal;

4. Judges' associates telephone correctional services officers, generally in the prison system, to get advice on how the parole/non-parole system works prior to sentencing a criminal; and

5. Police were not told of the significance of the non-parole system in December 1983 and the need to keep records identifying non-parole periods for particular criminals and did not in fact keep those records.

It may be that somewhat—

The Hon. C.J. Sumner: That is not the fault of the parole system. What are you talking about?

The Hon. K.T. GRIFFIN: The Attorney knows that the non-parole—

The Hon. C.J. Sumner: That is ridiculous.

The Hon. K.T. GRIFFIN: You know that the non-parole period is relevant to determining whether a criminal ought to be out or in and, if that criminal commits other offences, it is also relevant, particularly if the offences are committed whilst on parole. I am told that perhaps only in the last few months the police may be keeping details of non-parole periods which, as I say, are relevant to determining whether a person arrested for a particular crime has committed an offence whilst on parole or for other purposes related to sentencing, such records generally being handed up to a magistrate or a judge during submissions on the sentence. Those records are critical in the sentencing process.

I am told that even in Gibson's case during the various matters which came before the court the magistrate made at least three errors. In the subsequent appearance the Supreme Court judge against whose decision the appeal was lodged made three errors also. As a result of the confusion, yesterday the Court of Criminal Appeal said that a criminal who is not a suitable candidate for parole is at large. That criminal has probably absconded interstate after serving only five months of a total prison sentence of eight years and eight months, a non-parole period of six years having been fixed by the Court of Criminal Appeal. That non-parole period of six years really means four years after taking into account automatic remissions for good behaviour.

Other aspects of the parole system, and of Gibson's case in particular, indicate clearly that the law as passed by Parliament is difficult to interpret and understand. My question to the Attorney-General is: in view of the serious confusion about the Government's parole system, will the

Government appoint a suitably qualified and experienced person to conduct a totally independent review of the system?

The Hon. C.J. SUMNER: I am sorry that the honourable member is confused, but I suppose one can only suggest that that is some kind of reflection on the honourable member's capacity to understand.

The Hon. K.T. Griffin: I didn't say I was confused.

The Hon. C.J. SUMNER: The honourable member now says he is not confused. If the honourable member is not confused, it seems to me that there is no reason why eminent judges, magistrates and lawyers should be confused. I am pleased to see that the honourable member is not confused, and it is nice to have on record that he has interjected 'I am not confused'. The starting point is—

The Hon. K.T. Griffin: You're on the back foot.

The Hon. C.J. SUMNER: I am not on the back foot at all. The starting point for the discussion is that the Hon. Mr Griffin has admitted that he is not confused. If he is not confused, then I cannot see any reason why the allegations he makes about the judiciary being confused or the magistrates being confused should be correct.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, the honourable member knows the way the system works. It is clear; it is precise; it is determinate. The courts know where they stand. The prisoners know where they stand, and correctional services officers know where they stand. The courts fix a sentence; they fix a non-parole period if they wish at whatever level they wish. The legislation provides that if prisoners are of good behaviour in prison, then they get a third off their non-parole period before they are entitled to release. That is the system. What is complicated about that? Do you understand that, Madam President? I suppose I should not ask you. The Hon. Mr Griffin obviously understands it.

The PRESIDENT: Are you implying that I would be confused?

The Hon. C.J. SUMNER: The Chief Justice is not under any misapprehension about it, and that is the reason we have appeal courts. If magistrates make mistakes or if judges make mistakes, then there are appeals to appeal courts. If everyone was completely clear about how the law worked or what the interpretation of a particular law was, there would not be any need for any appeal courts. The High Court could be scrapped; the Court of Criminal Appeal could be scrapped, and so could the Full Court of the South Australian Supreme Court. The fact is that at times mistakes are made by public officials, magistrates and judges, and those decisions can be reviewed by the appeal courts of the land, and that is what has happened. That is what has happened in these particular cases that have been referred to. In fact, in the *Advertiser* article, only two or three cases were referred to in which problems had arisen.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Just a minute. On my reading of those few cases, most of that was as a result of administrative error. It has not been as a result of the parole laws which the Hon. Mr Griffin is not in any confusion about, on his own admission in this Chamber. He understands the parole laws that were introduced. He understands that it is a—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: It is not a confusion about the system. The honourable member understands—

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —that the sentencing judge imposes a sentence. He imposes, if he wishes, a non-parole period at whatever level he wishes, and if prisoners are of good behaviour while in prison, they get a third off that non-parole period before they are released. That is the system. Is the honourable member confused by it? No, he is not confused by it and neither am I. The reality is, Madam President, that the advantage of that system is that the judges, when imposing sentences, know exactly how long the prisoners will spend in prison, provided that they are of good behaviour. The judges at the time of sentence know exactly how long the persons will spend on parole. They are, therefore, in a position to determine whether they want the prisoner to spend 50 years in prison (if the offence is such as to permit that) with a non-parole period of 50 years, or they are in a position to say whether the person ought to spend two years actually in custody. They can adjust the non-parole period to determine how long they want the person to spend on parole. The important changes that were made to the Act last year mean that the judges now know, when imposing the sentence, exactly how long the prisoner will spend in prison. This is quite clear. The honourable member knows that, and he should not misrepresent the situation by saying—

The Hon. K.T. Griffin: I am not misrepresenting the situation.

The Hon. C.J. SUMNER: You have.

The Hon. K.T. Griffin: I have not.

The Hon. C.J. SUMNER: You certainly have, on occasions.

The PRESIDENT: Order!

The Hon. K.T. Griffin: It just shows how ignorant you are of what happens in the prison system.

The Hon. C.J. SUMNER: It doesn't. I have just outlined the situation. The honourable member has not disagreed with that. He said that he is not confused by the parole laws. In this particular case—in the two or three mentioned in the *Advertiser*—obviously some administrative errors occurred. However, that does not condemn the law—which is quite clear—that was passed by the Parliament. As I said, the advantage of the system is that everyone—judges when sentencing, prisoners when being sentenced, correctional services officers, and the community—knows precisely how long that prisoner will be in prison.

The Hon. C.M. Hill: The public don't.

The Hon. C.J. SUMNER: The public do. There is no reason why they should not know. They know more than what one would under the system that is advocated by the Hon. Mr Griffin. That system is a completely discretionary system, and there is incredible confusion about how long people spend in prison. However, with the determinate system that has been operating since 1983, and was modified last year, everyone—all the actors in the system—knows precisely what is going to happen to that prisoner. That is the advantage of the system. It is a determinate system of sentencing that has in it an element of parole, depending on what view the sentencing judge takes of the period of imprisonment that should be imposed, and the period that the prisoner should be on parole.

I have conceded that, in the changeover from the old system to the new system, there were some problems with the transition. The few cases mentioned in the *Advertiser*, to my way of thinking, were problems of administrative error that do not attack the fundamental law. The honourable member understands the law. It is clear and precise, and it is a determinate system as far as the prisoner is concerned. At this stage I do not believe that there is any basis for re-examining it.

FOOD ACT

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Health a question about the Food Act.

Leave granted.

The Hon. M.B. CAMERON: In February last year the Food Act came into force, replacing the Food and Drugs Act. Under the changes, responsibility for the checking of food prepared and sold at places such as snack bars, supermarkets, hotels and restaurants was taken out of the hands of local councils and the Metropolitan County Board and replaced with a situation where now both the South Australian Health Commission and municipal authorities enforce the Food Act.

Under that Act local authorities have responsibility for checking on the general storage and handling of food, while the commission has jurisdiction over the sampling of foodstuffs and the checking for contamination of any products sold for human consumption. I am told, however, that the break-up of this responsibility is not as clear cut as that. In fact, were a person to find, say, a cockroach in a bottle of soft drink or a razor blade in a loaf of bread, in most cases a municipal authority investigates a consumer's complaint.

Sometimes breaches of the Act cannot be amicably resolved and prosecutions are initiated. Under the old Food and Drugs Act municipal authorities recouped some of the costs of prosecuting people or organisations which breached the Act when they were awarded money obtained from fines handed down in the courts.

Under the new Act there is no such provision. Rather, the money I understand is picked up by State Treasury and used for general revenue. This, to local authorities, appears to be unjust, particularly when it is learnt that mainly local authorities are still initiating prosecutions for breaches of the law and not the Health Commission. I have been told that one small group of Adelaide local authorities has missed out on at least $5 000 in court determinations in recent months.

I just wonder what the sum is that has been paid into the Government's revenue on a Statewide basis. I have also been told that since the Health Commission took over responsibility for administering food quality and food labelling sections of the Food Act a number of specialised staff—formerly employed by the metropolitan county board—have resigned or retired and have not been replaced. This might account for claims I have heard from local government circles that the Health Commission appears to have no policy on food labelling—that might be right and it might be wrong—but that is the claim made to me and that 14 months after the start of the Food Act the commission still had not initiated any prosecutions regarding food quality standards. It might also explain why the Health Commission has been less than helpful when some councils have sought assistance in enforcing the Act.

It seems hard to believe that the standard of food sold in this State is of such quality that it was unnecessary for the commission to take any complaints about the quality of food to court. Of course, from time to time we read in the press cases where someone has been fined for selling or serving food that is unfit for human consumption, but it appears it is local authorities that are doing all the work and bearing all the costs, while the courts hand out fines which when paid go straight into the State Treasury. Therefore, my questions are:

1. Will the Minister seek legislative changes to the Food Act to enable penalties determined in the courts to be paid to local councils or a prosecuting authority, where that local council is the prosecuting authority, instead of State Treasury?

2. Will the Minister reveal how many additional staff the commission has taken on since it became responsible for administering food quality and labelling provisions of the Food Act and, if staff have not been taken on, how many staff have been lost?

3. Will the Minister indicate how many prosecutions the commission has initiated under section 18 of the Food Act, which covers food quality standards?

The Hon. J.R. CORNWALL: I do not think that the editors need to hold the front page on that lot. The simple fact is that the staff and responsibilities of the old metropolitan county board were transferred to the Public Health Division some time ago. Certainly, that was done, and done through this place, as part of a package when the new food legislation was passed. I might also say with regard to food labelling that there has been a quantum leap in relation to standards, labelling and codes for labelling. We have at last in this country obtained uniformity between the States. It took 10 long weary years but, as a result of all the States having now adopted what was called model food legislation, the standards are now adopted by reference. The standards are developed nationally by the National Health and Medical Research Council and those standards, virtually without exception, are adopted by each of the States by reference. Whether we are talking about food labelling codes in Queensland, South Australia or Western Australia, or in any of the other States, at this point we are about to be able to say for the first time in the history of the Commonwealth that we have uniform standards right around the country. That has been an enormous leap forward.

I do not know where the Hon. Mr Cameron gets his advice from, whether the odd disgruntled council or simply the odd employee, but I find it a strange proposition indeed to want to use the fine system as some sort of fundraising measure for local government, presumably *vis-a-vis* the fines going into the consolidated revenue of the State. That proposal does not commend itself to me; I find it rather difficult to take it seriously.

Let me come back to the point that I do take seriously; under our new food legislation, as I said, we have adopted model legislation. All of the Australian States in one way or another now have legislation that is similar. All of the States in Australia, since the early part of this year, have now adopted their standard by reference. Those standards are developed nationally by the NH&MRC. The situation overall with regard to labelling and standards is not only uniform but very much better than it has ever been in the history of the country.

LOCAL GOVERNMENT GRANTS COMMISSION

The Hon. C.M. HILL: I direct my question to the Minister of Local Government. As the Minister's predecessor in office, the Hon. Mr Hemmings, was responsible for the removal of the former Director of Local Government, Dr McPhail from the Local Government Grants Commission in August 1983 because of a conflict of interest by virtue of the Director's office, why did the Minister appoint her Director of Local Government, Ms Ann Dunn, to that same Local Government Grants Commission in April of this year?

The Hon. BARBARA WIESE: Ms President, it is my view that it is desirable for an officer of the Department of Local Government to have close contact with the work of the South Australian Grants Commission and in this instance

I cannot think of a more appropriate appointment than the current Director of the Department of Local Government. For that reason when a vacancy occurred some months ago I was very happy to appoint my Director to that position.

WOMEN'S CANCER SCREENING

The Hon. CAROLYN PICKLES: I seek leave to make a brief statement before directing a question to the Minister of Health regarding Commonwealth funds for screening programs for women.

Leave granted.

The Hon. CAROLYN PICKLES: Many women in the community are afraid of contracting cancer. The South Australian Health Commission has promoted programs to educate women on ways of detecting early cancer, either by way of self breast examination or regular cervical cancer screening by a medical practitioner. It is a well known fact that, if many cancers are detected in the early stages, there is a much better chance of a cure.

In the 1987-88 budget the Commonwealth Government indicated its intention to provide funds for screening programs for women, especially in the area of mammography and cervical screening. I understand that the South Australian Health Commission has now developed two proposals to put to the Commonwealth under these funding arrangements. Could the Minister please indicate:

1. What was South Australia's allocation of funding for this purpose?

2. Could he please give details of the proposals?

The Hon. Diana Laidlaw: Didn't you read last Monday's *Advertiser*?

The Hon. J.R. CORNWALL: Ms President, as even the Hon. Ms Laidlaw is able to observe, the Government has very recently announced the establishment of a task force on women's cancers, that is breast cancer, of course, and all cancers of the reproductive organs. That is very important because reliable figures indicate that breast cancer, for example, affects one woman in every 15, and 21 per cent of deaths from malignancies in women are due to breast cancer.

The task force will have a quite ranging brief. It will look at everything from the social acceptability of screening programs and their efficiency, through to developing protocols for informed consent, when the cancers may be diagnosed, and early detection. As I said, the task force will look at the range of cancers of the breast and the reproductive organs right across the spectrum.

In addition of course—and this is the matter to which Ms Pickles refers, rather than last Monday's *Advertiser*—in the recent Federal budget the Minister of Community Services and Health, Dr Blewett, announced that $1.1 million would be made available in the remainder of the financial year 1987-88, and $2 million full year funding over a period of two years, for the States to develop pilot screening programs in these areas.

South Australia, from that $1.1 million, was initially and notionally allocated $100 000 for the remainder of this financial year, subject to detailed proposals being received from the South Australian Health Commission and accepted by the Commonwealth. To date, we have developed two specific proposals which at this moment have been submitted to the Commonwealth for funding. The first is a demonstration program in the Iron Triangle for cervical cancer screening. Discussions have been held with the Port Augusta hospital, the Pika Wiya Community Health Centre, local general practitioners and the Iron Triangle Women's Health Committee in developing this proposal.

A six month demonstration program is proposed in Port Augusta and district, and it will be extended to the Iron Triangle and hinterland over a three year period. That is the proposal. In the first six months the aim is to undertake cancer smears on 4 000 women in Port Augusta and to follow up any women of the 4 000 who have abnormal smears. The program will assess the most successful way of inviting women to have a smear and to define the various places and personnel that different women find acceptable for cancer smears. At this stage it is a proposal rather than a firm program, but I am determined that it will be given every support necessary to attract Commonwealth funding.

It is enormously important for a range of reasons, some of which are documented and some of which are not. Pap smear screening has not been well accepted by women in this State or indeed, I think it is fair to say, by women around this country. That is despite the fact that, if it is used on a mass screening basis and it is used with competence, it is possible to virtually eliminate deaths from cancer of the cervix. Provided that pap smear screening is done on a regular basis and is done effectively and efficiently, there is early detection and it is virtually possible, as I said, to almost eliminate deaths from cervical cancer. That is important for a number of reasons, one of which is that more recently, because of some viral sexually transmitted diseases, the incidence of cervical cancer is increasing among young women.

There are a number of reasons why it is important, based on all the experiences that have been documented overseas, that over a period we get to a point (on all the advice that I am given) where we have an effective mass pap smear screening program in a comfortable series of situations which are acceptable to women. Obviously we cannot do it on a compulsory basis: therefore, we must make it socially acceptable so that we have a high level of compliance. In many ways South Australia is uniquely placed to achieve that level of compliance, so I find the proposed pilot program in the Iron Triangle very exciting.

The second scheme is a demonstration program in mammography screening. The technology for mammography is available at the three major hospitals, that is, the Royal Adelaide, the Flinders Medical Centre and the Queen Elizabeth Hospital. At the moment the most pressing need in South Australia is to develop sufficient numbers of professionals with expertise and technical skills to diagnose and treat non-palpable breast cancers so that the introduction of a State-wide screening program would ultimately be possible.

Of course, we had the old breast self-examination scheme which I am sure many members would recall. It was introduced in (I think) 1981 and had very limited real use in the sense that by the time the cancer was palpable very often it had reached the second stage: in other words, the stage where it had already become invasive. Therefore, the diagnosis at that point did not significantly improve the prognosis with regard to the various methods of treatment that might be employed.

More recently, the Anti Cancer Foundation developed a rather more sophisticated method of breast self-examination, but all the advice that I receive—particularly from talking to people on my recent overseas trip—is that even that method is very limited as opposed to the exciting possibility of early diagnosis of breast cancer when it is still at a non-palpable stage. If it is detected at that stage, the potential (based on overseas work—and this has been documented in areas such as Boston for more than 10 years) is that you can improve survival rates by as much as 30 per cent. Federal contributions to this pilot program in

mammography will be for evaluation only in the first instance.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: It is a pilot program and not a State-wide survey because at this stage no one is in a position to know what the costing would be. We certainly do not have enough trained professionals to implement it at short notice, but it is important for a number of reasons that we evaluate it; for example, we want to find out (among other things) what the unit cost might be and whether it can be justified. The suggestion at the moment is that it would cost something of the order of $40 per procedure, even on a mass screening basis.

As I said, Federal contributions will be for evaluation only. However, South Australia, through its State cancer registry and hospital based cancer registries, is in a unique position to evaluate the effects of screening on the extent of the disease at diagnosis before and after a screening program. We happen to have, under Dr David Roder, the best epidemiology unit in the country—that is not a political statement but an unchallenged statement of fact. We have a very good cancer registry, so we already have on file a large amount of material pre-mammography screening, and therefore would be in a unique position, as I said—

The Hon. Diana Laidlaw: How many papers have you got?

The Hon. J.R. CORNWALL: Most of this is in my head. If you do not want to hear about some very exciting prospects to substantially reduce mortality from breast cancer in this State, that is your business. However, I am sure that the rest of the Council and the people of South Australia—particularly the women of South Australia—will be vitally interested in this. I can assure the Council that much of what I am saying has not been previously announced. Some members opposite seem to suffer from short-term memory loss.

The offer by South Australian medical specialists in radiology, pathology and surgery to cooperate across the public and private sectors and the three hospitals to ensure uniform assessment and reporting on films and tissue has recently been negotiated and warmly welcomed by the South Australian Health Commission as it will very much assist in our application for Commonwealth funds.

Subject to our funding application to the Commonwealth being successful, the first six months of the demonstration program will be undertaken at either the Royal Adelaide Hospital, the Flinders Medical Centre or the Queen Elizabeth Hospital (the hospital is yet to be selected), and it will then be progressively extended to the other hospitals. I will keep the Council informed, despite the Hon. Ms Laidlaw's protests, as further information becomes available.

WATER QUALITY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Water Resources, a question about water quality.

Leave granted.

The Hon. M.J. ELLIOTT: From time to time, particularly over the last couple of years, concerns have been raised about water quality, in particular the water quality of Adelaide, and also that of some of the towns on the pipelines fed from the Murray River. Some of the greatest concerns have been in relation to trihalomethanes which form when chlorine that is used to kill bacteria in the water interacts with some of the organic matter. I am aware that earlier this year the Government, after denying any major problems, changed the procedure of chlorination to what I think they call chloramination.

The Hon. J.R. Cornwall: Chloramination has been developed over a number of years.

The Hon. M.J. ELLIOTT: But it has been actively implemented in South Australia mainly during this year. I want to bring to the Minister's attention, before asking my questions, a statement made by the Technical Services Director of the Engineering and Water Supply Department, Peter Norman, who said, 'I am aware of those compounds, THMs, but those levels have been decreased by minimising chlorine dose rates and introducing water filtration.' He said that the US had introduced regulations advising on the level of THMs in water during the 1970s. The E&WS Department had tried to keep the THM levels down to the US regulation in the past two years, but before then had overstepped this limit several times by from two to six times. The advised maximum level of THMs in the US was 100 micrograms per litre. Mr Norman said that currently there were up to 200 micrograms per litre in our water but that this conformed to a level about to be recommended by the Australian National Health and Medical Research Council.

I think it is worth noting that the US has set a level of 100 micrograms per litre, but for some reason the NH and MRC have decided that 200 is more appropriate, and it appears that Adelaide water is hovering around that 200 level most of the time. It is the view of many experts that there is no such thing as a safe level for carcinogens, but rather there are what can be called tolerable levels, where the effects are what society can put up with. No argument has been put to me about chlorination being a problem. It is inevitable. If we did not have it many people would be dying due to the various bacteria in the water.

Will the Minister inform the Council of the trihalomethane levels detected in water from Adelaide reservoirs over the last two years that is going into the water supply? Also, does the Minister feel that levels currently detected can be tolerated during the next two years while the Mount Lofty Ranges review takes place and however many years after that it takes to implement its recommendations?

The Hon. J.R. CORNWALL: Was that question directed to me?

The Hon. M.J. Elliott: You can answer it if you like.

The Hon. J.R. CORNWALL: I would love to, because it is a matter in which I have taken a very keen interest for a long time. THMs are not new. Their existence has been well-documented for well in excess of a decade. South Australia has a particular problem in this respect because, as everybody knows, it has inevitably a relatively high content of organic matter in its domestic water supply. That is particularly true at times when water for domestic consumption has to be pumped from the Murray River. It is also obvious that without chlorination the absolute safety of the domestic water supply in Adelaide could not be guaranteed in relation to enteric organisms; in other words, organisms that cause diarrhoea and bowel infections.

When those two matters are put together we have a potential problem at all times with regard to THMs. A good deal of the work in this area has been done at the Bolivar water laboratories. South Australia is regarded as being one of the top authorities in the world in the matter of trihalomethanes.

The Hon. M.J. Elliott: We still have a high level of them in our water. That was the question.

The Hon. J.R. CORNWALL: What an extraordinary fellow.

The Hon. M.J. Elliott: You can't take that question.

The Hon. J.R. CORNWALL: I have explained why we have a particular difficulty.

The Hon. M.J. Elliott: We all understand that.

The Hon. J.R. CORNWALL: It is as well that you understand something because you are not terribly bright.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I have explained why we have a particular difficulty, and even Mr Elliott is not suggesting that our water should not be chlorinated. A number of things have been done. Chloramination, which the honourable member has just discovered, has been developed for many years. From recollection, the Tailem Bend to Keith pipeline has been chloraminated for something in excess of four years, and chloramination has been successively introduced into a number of pipelines around the State.

I will not go into the technical details, but it means that chlorine levels are not dissipated at anywhere near the same level. This is particularly valuable in country water supplies in controlling the *naegleria fowleri*. Again, South Australia has a specific problem in that *naegleria fowleri*, which causes amoebic meningitis, is found in domestic water in a number of our country regions. So they are just physical facts of life.

The E&WS Department keeps THMs monitored very carefully. Obviously, filtration, which is proceeding apace, significantly reduces the level of organic matter and therefore reduces the amount of organic substances that are available to react with the chlorine to form trihalomethanes. That work has been ongoing, and many millions of dollars have been spent in recent years on filtration. Also, many millions of dollars will be spent between now and the early-to-mid 1990s to complete the filtration of the whole of the Adelaide water supply.

As to what is an acceptable level—acceptable in the sense that it is unlikely to cause any measurable increase in bowel or liver cancers—the NH and MRC, as Mr Elliott rightly says, has set the level at 200 micrograms per litre. Some authorities suggest that the acceptable level may be significantly higher than that. The US EPA, which very often—and rightly so—is on the side of caution, I believe has set the level at 100 micrograms per litre. However, the fact is that the level of trihalomethanes in Adelaide water is consistently monitored and reduced. It is specifically monitored by the Committee on the Health Aspects of Water Quality which is chaired by Dr Chris Baker, the Executive Director of the Public Health Division of the South Australian Health Commission.

It is my ongoing concern that South Australia has the absolute best that is available, and the latest technology that might be to hand to control THMs is such that in April this year, as a result of my specific instigation, Cabinet approved Dr Baker and a senior officer from the E&WS Department undertaking a trip to North America literally to compare notes on what we are doing in South Australia *vis-a-vis* what is being done in the United States and other parts of the world.

So, the short answer to the honourable member's question is that THMs are continually being monitored, and the present situation is that according to all the best expert advice THMs are being controlled at an acceptable level and will be increasingly lowered as filtration is extended to the entire metropolitan water supply. In regard to country water supplies, chloramination is being progressively extended so that in those areas also THMs will be kept to a minimum.

There has never been—and let me stress this for the Hon. Mr Elliott, whatever purpose he may have had in asking the question—any epidemiological evidence in the metropolitan area or in South Australia to suggest that the incidence of bowel or liver cancers is higher in this State than it is anywhere else in the country. So, South Australians can rest assured at the moment that their interests in this area are being well-monitored.

The Hon. M.J. ELLIOTT: As a supplementary question, would the Minister make available the trihalomethane levels detected in Adelaide water over the past two years?

The Hon. J.R. CORNWALL: I certainly would not have any objections to doing that. I will be pleased to take it up with my colleague the Minister of Water Resources and the committee on the health aspects of water quality. I would be surprised if the levels of THMs were not published in an annual report somewhere. If not, I will ensure that I make them available for the Chamber.

MEN'S HEALTH

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question on the subject of men's health.

Leave granted.

The Hon. R.J. RITSON: I was extremely heartened by the Minister's announcement of new initiatives to improve women's health. Unfortunately, the fact remains that men die younger, have more sickness, have more cancer, suffer more heart disease, have a higher suicide rate and a higher rate of death from trauma than do women. I raised this subject about a year ago with the Minister and he mentioned some Health Commission initiatives, one of which was the sponsorship of a seminar. Now that a considerable time has effluxed, I ask the Minister whether he is able to detail to the Chamber the particular measures he is taking, perhaps in the interests of equal opportunity, to bring the state of men's health up to the level of women's health.

The Hon. J.R. CORNWALL: One of the things I am very actively engaged in at the moment is trying to persuade people like Dr Ritson to give up smoking tobacco. I cannot think of any single initiative which would be more likely to prolong men's lives than that. I am a born again reformer in this matter. We do not know all of the factors which cause the discrepancy of something like six years in the anticipated life span of women *vis-a-vis* men, but the simple fact is that women currently live to be 77 years-plus and men live to be around 71 years-plus. There are obviously a number of reasons for that, and one of them unquestionably is that smoking tobacco was socially acceptable among males for many generations. If one looks back at the generation of men who at this point are elderly, more in the bracket of the Hon. Mr Hill, for example—

Members interjecting:

The Hon. J.R. CORNWALL: Ageing, I am sorry—I was actually thinking—

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: That was said very much with my tongue in my cheek, but—and this is a very serious point—the reason why Mr Hill came to my mind while thinking on my feet is that he is one of those people who served his country with distinction in the great conflagration of the Second World War. All of those people—and this is a chronological fact of life—even though they enlisted at a very tender age, as did Mr Hill, are now in the age bracket that we put charitably, but realistically, between ageing and elderly. As everybody knows, every member of the armed

forces was given a regular tobacco ration. In a number of ways, they were literally encouraged to smoke—is that not true, Mr Hill? It is a statistical fact that something like three out of every four men who returned from the Second World War were addicted to tobacco smoking. That is clearly one of the factors, but there are many others.

There are biological differences which I need hardly explain in any further detail, and there is also the tradition that the male previously has been the breadwinner. Let me say that one of the negative effects of the feminist movement—there are very many positive effects and I am proud to be a neo-feminist myself, well declared—

The Hon. C.J. Sumner: Honorary!

The Hon. J.R. CORNWALL: Well, let me say that I am not fully paid up, but one of the negative effects is undoubtedly that more women are smoking; more women are leading stressful lifestyles, and patterns are changing. I know where we will all be in 50 years time, with the possible exception of Mr Lucas—and I will look down and bless you, my son—but it is very difficult to know what the pattern will be in 50 years time. Of course we are concerned about men's health, and it is a very good point. Through programs like the ones being developed at Noarlunga Health Centre, we are taking the business of stress management and all of those other important things, as well as stop smoking programs, the whole question of men's health, very seriously. Also, of course, in the broader sense, we run the best health and hospital services in the country, so that men by and large are pretty well looked after.

VEHICLE RE-REGISTRATION

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question on the subject of re-registration of vehicles.

Leave granted.

The Hon. PETER DUNN: Recently, what appears to be an anomaly in the re-registration of vehicles has been brought to my attention. I will use an extreme case where a primary producer has a two-wheel trailer on which he may cart wheat for a small period of the year—perhaps one month—to the silo. He wishes only to register it for the minimum period of six months. So, he registers it for six months and the registration lapses. The following year he wishes to re-register it. He does so, and I will cite the figures charged. If he registers it for 12 months, with a primary producer's concession, the cost is $31, and if he registers it for six months with a primary producer's concession, it is $16. However, in 11 months time when he wishes to re-register it, it is $16 plus $11, which amounts to $27.

The Hon. G.L. Bruce: That is not an anomaly. What about caravans?

The Hon. PETER DUNN: Exactly the same applies as Mr Bruce interjects, only the figures are slightly further apart, because it is more costly. My questions are: are these records kept electronically, because if they are, surely it would be very simple to draw them out of the system and register them? The vehicles are not inspected. Are records kept electronically on a computer? Can the cost of re-registering be justified in the cases I have cited? Are registration records destroyed 30 days after registration has expired?

The Hon. J.R. CORNWALL: I get confused; I have so many portfolio responsibilities weighing on me that I have great difficulty remembering them all. I understand that I do represent the Minister of Transport in this place, and I will be very pleased to refer that question to that Minister and bring back a reply.

COMMUNITY CHEST PROJECT

The Hon. DIANA LAIDLAW: I direct my questions to the Minister of Community Welfare. Is it correct that he has received a copy of the report commissioned on the Government's behalf by SACOSS into the feasibility of establishing a Uniting Way or Community Chest-type project in South Australia? Is the Minister able to confirm that the consultants recommended favourably on the concept which involves the deductions from employees' pay packets towards funding of community welfare organsations, and can the Minister advise whether he will be releasing the consultants' report for community assessment and, if so, when, and, if not, why would that be the case?

The Hon. J.R. CORNWALL: The report is the property of SACOSS. SACOSS was specifically funded for it and employed the consultant. The report belongs to SACOSS. I have seen what I might describe as a draft report; I am not sure whether it was the final report. Certainly, as to whether it reported favourably, it did not recommend—and SACOSS is not proposing—that we ought to put it in on a State-wide basis. From my recollection, I know that SACOSS is looking more at regional things. It is not very interested in the United Way lot or in franchising. SACOSS made that clear to me. However, the matter still needs a further rounding-up (in a sense) and I am literally talking to SACOSS at the moment. When final decisions are taken I will be happy to tell the Council about them.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 1061.)

The Hon. M.B. CAMERON (Leader of the Opposition): It is not my intention to speak at great length because this Bill—the budget—is always passed by the Legislative Council. However, I believe that a number of matters should be canvassed at this point. This is the fifth budget of the present Government, and it makes this Government the first billion dollar taxer of South Australians. The Opposition believes that it is an abject failure. It is a budget of a Government that relies on stunts and symbols rather than on real growth in South Australia. Taxpayers are now picking up the tab for the gamble that was made last year when the Government increased borrowings in the hope that there would be a rise in economic activity. Now, more than 50 per cent of the Government's tax revenue will be channelled into paying the interest on these borrowings. I seek leave to incorporate in *Hansard* a purely statistical table without my reading it.

Leave granted.

TAXATION COLLECTIONS ON THE MAINLAND STATES
1981-82 TO 1986-87

	Total Taxation	Land Tax	Stamp Duty	Payroll Tax	Taxation Per Capita
N.S.W.	$	$	$	$	$
81-82	2 282 330 617	143 818 353	588 743 974	1 140 028 391	428.03
86-87*	4 173 933 000	324 000 000	1 075 000 000	1 690 000 000	747.84
	82.9%	125.3%	82.6%	48.2%	74.7%

	Total Taxation	Land Tax	Stamp Duty	Payroll Tax	Taxation Per Capita
Vic.					
81-82	1 945 900 000	115 900 000	454 300 000	795 100 000	484.87
86-87*	3 295 700 000	192 500 000	860 900 000	1 284 900 000	786.88
	69.4%	66.1%	89.5%	61.6%	62.3%
W.A.					
81-82	431 732 812	29 544 705	116 238 490	230 010 115	319.47
86-87	832 823 302	59 020 939	272 899 025	325 169 097	570.93
	92.9%	99.8%	134.8%	41.4%	78.7%
Qld					
81-82	730 262 961	25 249 639	271 240 555	349 703 609	298.08
86-87*	1 085 540 000	42 000 000	368 840 000	515 225 000	414.91
	48.6%	66.3%	36%	47.3%	39.2%
S.A.					
81-82	495 551 085	19 314 736	108 536 539	205 923 817	371.44
86-87	917 069 178	44 208 649	215 297 656	279 695 474	665.07
	85.1%	128.9%	98.4%	35.8%	79.05%

* Budget Estimate

The Hon. M.B. CAMERON: The taxation per capita is based on estimated residential population as at December 1982 and December 1986. Tax revenues to be collected by this Government have risen by more than 106 per cent since 1982—almost twice the rate of inflation for that period. That is a very significant factor. If this Government does not understand the effect that this is having on the community, then at the time of the next election it will have a shock coming to it. The people of this State are starting to talk about the rate of taxation and about the demands that the Government is placing on them. In this budget Government departments are not being asked to carry the burden of budget difficulties and will get a rise in real terms.

This Government's tax policies now equal $740 for every person living in South Australia. Five years ago that figure was $371. It has doubled in that period of time. The per capita interest bill in this budget is $416 for every resident of South Australia, and 56 per cent of the tax people pay in this State goes to meet interest on the Government's past borrowings.

SAFA is increasingly becoming the balancing item in the budget. In 1985-86 SAFA contributed 44 per cent of its surplus to the Consolidated Account but this year it will have to contribute 96 per cent or $240 million of its expected $250 million surplus. This budget is a slap in the face to Canberra—the Federal Government—which has called for restraint. South Australian public sector net borrowings are expected to rise to $385 million this year—up 29 per cent.

The budget shows a rise in real terms of Commonwealth funding of 11 per cent, compared to the last State Liberal Government in 1982, although during the same period the average wage in South Australia has fallen in real terms by 9 per cent. Members on the other side who rely so much on the support of the working people in the community should heed that, because there is no doubt that the demands of the Government are starting to have a real effect on the wage-earners of this State. This clearly shows that despite all the poverty pleas of the Government, the earnings from the Commonwealth are 19 per cent better than the pay packet of a family on the average wage.

At the last State election the Government promised tax cuts of $41 million, but since then it has increased the tax base by $185 million—a rise of 22 per cent. Since the Government came to office per capita taxation in South Australia has risen by more than 79 per cent, and by more than any other State. Land tax collections are also up 130 per cent and stamp duties up 100 per cent, making us the highest taxer for that duty apart from Western Australia. Despite the promise in November 1985—and I am sure every member will remember this—that there would be no major increases in transport fares, STA commuters are now paying fares at least double the rate of inflation since the last election. Massive blow-outs have occurred in the cost of STA projects. The Adelaide railyard and metropolitan area resignalling project has risen from an estimated cost in 1981-82 of $16.35 million to the present estimate on completion of $42.6 million.

The STA's French ticketing system—and I have heard no-one say he is impressed with it—is now expected to cost $10.7 million. Three years ago the estimate was $4.8 million. I wonder whether proper costings were taken into account when the decision was made to introduce that system that has caused so much difficulty. In relation to motor vehicle registrations, South Australia's share of national registrations is at its lowest for at least the past decade. During the past two years there has been a 37 per cent fall in South Australian registrations—6 per cent more than the national average.

In relation to unemployment, five years ago this stood at 6.9 per cent of South Australia's population, now it has gone to 8.5 per cent. But the most disturbing figures are those for 15 to 19 year olds, where unemployment is now at 21.3 per cent. In the past five years 9 600 jobs have been lost in the manufacturing industry, and despite the euphoria over the submarine project it will restore only 33 per cent of those lost jobs.

Of course, we know that in recent times there have been announcements of significant job losses in certain areas. South Australia's share of national home building is at least 1 per cent lower than what it should be on a per capita basis. In relation to retail sales and business generally, for the three-month sales period ended May 1987, it shows a 6 per cent fall. This is 4 per cent higher than the national average. Last financial year—and the Hon. Mr Davis has pointed this out from time to time—bankruptcies in South Australia were at an all time record with 847 being filed. At the same time the real level of private investment in this State has fallen 20 per cent.

Real recurrent spending by this Government this year is up 1.1 per cent compared with 1986-87, but capital spending is down 18 per cent. Total real spending is down 1.4 per cent. Our total interest bill is expected to reach $575 million and the budget deficit is expected to be $355 million, and that is before the borrowings. Interest charges are 16.5 per cent of recurrent expenses, and that is up from 12.2 per cent in 1983-84. As I said previously, the interest bill will take 56c of every dollar collected by the State Government.

I express my disappointment at the way in which the health section of the Estimates Committees of the Lower House was conducted. It is my intention to examine the

health area during the Committee stage. I know that other members—

The Hon. R.I. Lucas: In some detail.

The Hon. M.B. CAMERON: And in some detail. I know that other members on this side will be doing the same thing. It is fair to forewarn the Attorney-General that while we realise that there is some urgency about passing the budget, it is nevertheless important that we obtain information.

I would like to give one example. I went down to the Lower House quite prepared to listen to questions and answers. I hoped the answers would be short and succinct and that we would obtain information. However, for a start in the corridors of this place a senior member of the Health Commission was overheard handing one of the ministerial advisers his answers to questions. So, it was clear that there were some set up questions. One has to expect that, and they are called dorothy dixers in this place. What annoyed me was that in reply to dorothy dix questions up to three public servants answered questions from the Government side. From 11 a.m. to 1 p.m. the Opposition was able to ask six questions in total. In the health portfolio only 40 questions were asked compared to the 70, 80 or 90 questions asked in other portfolios, because of what I call stonewalling. I will give the Attorney an example of the sort of questions that were put up. Mr Groom asked:

I go back to elective surgical procedures. Can the Minister say what is a cystoscopy and what is an endoscopy?

In the Budget Estimates Committee, the Chairman of the commission went into some detail about the difference between those two procedures. At least the Chairman, Dr McCoy, had the honesty to say that it was a long time since he had done an endoscopy, and that he could not claim any personal professional knowledge. As he answered the question, that was clear. I am not blaming Dr McCoy, because he has not been a practising medical practitioner for some time but, based on the little knowledge that I have as shadow Minister of Health, it was clear to me that it was a while since he had done any such procedures and he was relying entirely on memory or some information that he picked up.

The Hon. R.I. Lucas: Perhaps the honourable member wanted a free medical opinion.

The Hon. M.B. CAMERON: Maybe. There was an attempt to ask that question to show that I did not know what I was talking about because I recently raised a question of these procedures being a part of the waiting list.

The Hon. C.J. Sumner: Did you know—

The Hon. M.B. CAMERON: Yes, I did and, now that you have asked me, I will tell you.

Members interjecting:

The Hon. M.B. CAMERON: It is one where one examines through the urethra. I suppose that the Attorney does not want me to go into detail on that. Madam President, an endoscopy covers the whole gamut of any procedure involving an exploration of an orifice of the body. I raised that in relation to waiting lists because certain procedures are done as a follow-up. If a person goes in and has some work on his bowel concerning cancer, there are follow-ups and people get another appointment for further examination. That should not be on the waiting list. That is just the normal follow-up procedure. However, there are certain procedures that are of a diagnostic nature and, before a person's position is determined, they have to be diagnosed.

In some cases such diagnostic procedures are subject to waiting lists. At Queen Elizabeth Hospital I know of one procedure where there is a six-month waiting list for exploration of the oesophagus. In the case of one surgeon he informed me that in fact he had nearly missed two cancers of the oesophagus—massive cancers that would have led to the deaths of those patients—because he was overrun with demands on this procedure and had a waiting list for it. That is all I was raising: I just wanted to make certain that the Health Commission was not ignoring that part of the waiting list. When I say 'ignoring', I mean not that it is ignoring it but that it is deliberately leaving it off the waiting list to try to make the list look better.

Mr Groom and I suppose the Chairman of the commission were trying to show that I did not know what I was talking about. Let me assure them that I have good contacts in the medical area, that I do know what I was talking about, and I do know the situation in this case. Therefore, for the Minister to take up quarter of an hour of the Estimate Committee's time and have the commission's representatives answering for that ridiculous time when he knew the truth really annoyed me. I then decided that we did need to examine matters further. There is also the question of Kalyra. I will not go into details on that. There are a number of questions in the financial area that I want to ask. We started with $11 million to upgrade Kalyra to an acceptable level. Kalyra claimed it would cost $175 000. The Minister had a new figure yesterday of $3 million from the same architect who gave the sum of $11 million, I assume. I am becoming bewildered, and I will be asking questions about the difference between those figures. The first one was given by the Premier and the Minister, but the second figure has been given only by the Minister. The Minister has bewildered everyone at Kalyra. They do not know what he is talking about and, to their knowledge, there has been no visit by a Government architect for the past five years. Perhaps they sneak in at night when visiting a relative. I would like to know the situation and I will be asking questions.

Also, letters on the budget were sent to all hospitals. The Minister refused those to the Estimates Committee and said that he would give the names and addresses so that the Opposition could write and get copies. That is not an appropriate way for members of Parliament to proceed. The Minister must have these letters on file and they should be given to us. There is no secret about it, surely, and the Minister indicated that by saying that we could get them ourselves. Why can we not be afforded the provision of those letters in the Estimates Committee? Why cannot the Minister table those documents so that we can look at them? It leaves one with a feeling that there is something to hide, and I certainly will be seeking those documents. I do not want to ask my staff because, Madam President, you would be aware of our staff problems. I would not want to ask them to write 200 letters and to follow up 200 letters to health institutions. I will be seeking that information from the Minister.

I will be seeking the balance sheet of each of those institutions so that we can examine that, because it is important for us as members of Parliament representing the people to know something of that. I will be looking closely at the Aboriginal health area because there appears to be some difference of opinion between the Minister and the DAA and certain Aboriginal health organisations as to how much money they are receiving. I believe the Aboriginal health organisations are correct, and I do not believe the Minister was properly informed on that matter.

A number of other matters need careful examination in Committee, and I will be looking at them closely. In summing up let me repeat that, if this Government does not believe that the people of this State are getting fed up with the demands of the Government upon them, it is headed

for a big fall. That should please me. The disappointing thing is that it takes a Government to become arrogant, as I believe this Government has become, and then just cast the people aside and go on spending because it seems to sink into the cushions of the ivory towers of Parliament and then ignore the people and the problems that its spending creates for the people. The unfortunate thing is that there are so many areas in the State that need money being spent on them. Unfortunately the Government's priorities seem always to be headed in the wrong direction.

The Opposition supports the budget but, as I have said, we will be looking closely at some areas and, in Committee, I hope that we will finally be given some information and not be subject to the time wasting dorothy dixers that we had in the Lower House with the Minister surrounded by his Sir Humphreys jumping to attention and marching to the front and presenting their typewritten answers to dorothy dixer questions that they themselves had prepared and given to Government members. I was absolutely appalled by that procedure and the way in which the Minister of Health performed.

The Hon. I. GILFILLAN: Ms President, in speaking to this Bill I will comment largely on the Auditor-General's Report. In doing so, I compliment the Auditor-General on an excellent document, full of pertinent observations, recommendations and some criticisms, but all constructive. When we are dealing with the matter of Government expenditure it is not just a question of where certain amounts of money go but, of equal importance, is the question of how that money is used. It is therefore my intention to raise in this second reading speech points that I have taken from the Auditor-General's Report in the hope that the Government will either be able to use them as dorothy dixer initiatives and indicate what good, efficient and conscientious servants they have been to the people of South Australia in following these issues, or that the Government will be reminded to take further action in areas which it might otherwise have neglected.

The first subject I refer to in the Auditor-General's Report is the Institute of Medical and Veterinary Science and the issue of rostering and overtime practices identified in this document. The Health Commission is urged in the report to consider the institute report which is mentioned by the Auditor-General. It will be interesting to hear from the Government what action it has taken on the three particular points which are outlined on page 10 of the report, as follows:

1. A lack of satisfactory cost and activity information to permit adequate management and control of overtime costs;
2. An unusually high incidence of overtime at two metropolitan branch laboratories by comparison with other laboratories of the institute; and
3. The need to review the cost benefit potential of servicing after hours requests performed by the metropolitan branch laboratories through the central laboratories, including the seven-day, 24-hour emergency laboratory, rather than through individual laboratories.

The Auditor-General indicates that a review of the rostering practices is overdue in other public sectors and could warrant serious consideration. I would be interested to hear whether the Government has in fact investigated the rostering practices in other areas of the public sector, what plans it has in that area and what action, if any, the Government has taken, or intends to take, concerning the unnecessarily costly rostering practices in the IMVS itself.

Referring to the Housing Trust, the Auditor-General mentions an identification in his report last year of, first, an increase in rental in real terms and, secondly, a reduction in expenditures through critical examination of methods and procedures in the management support services and operating areas of the trust.

The Democrats would be interested to hear what measures the responsible Minister has taken in the Housing Trust to implement these two recommendations made by the Auditor-General. The Auditor-General has raised these recommendations again this year, and this indicates that he is not satisfied that the Housing Trust has gone as far as it should have gone along both of those tracks. As an aside, I point out that the Auditor-General's Report is traditionally gentle and couched in very moderate language so that one can assume that when he does raise a point in his report it is a matter he is either quite seriously concerned about or wants to be taken very seriously. These are not just throw-away observations as he drifts through the Government's pages of accounts.

I move now to the Emergency Housing Office. The Auditor-General's Report states:

> There are two factors with respect to the operations of the office which are of concern: the substantial increase in administration costs. In 1986-87 those costs amount to $2 million and absorbed 39 per cent of the total funds available to that office.

The Auditor-General's Report also states:

> The table discloses also the low rate of bond recoveries. Assistance with security bonds over the four years to June 1987 amounted to $6.3 million against recoveries of $2.2 million for the same period.

The report also states:

> A separate review of the operations of the office by the Internal Audit Branch of the trust identified an unsettled and poorly structured staffing situation, incomplete financial control procedures, delays in attending to client requests and no effective monitoring of staff attendance.

There are two points there that I will discuss before making other observations. First, it is interesting to see that the Internal Audit Branch of the trust has closely scrutinised the Emergency Housing Office. That is an example of a useful arm of Government bureaucracy, that is, the internal audit resources themselves. I will comment about that again later. Secondly, it is interesting to note that 39 per cent of funding was absorbed in administration in an organisation which (as the Auditor-General points out) does not have complete financial control procedures. This situation cannot be tolerated. I hope the Government can assure us that this is being taken seriously and that steps have already been taken to correct this situation. In fact, I hope to hear that the unacceptably high level of 39 per cent absorbed in administration will be reduced and that the level of bond recoveries will increase.

I do not want to see pressure applied in relation to any denial of assistance with security bonds to those people in the community who require such funding in order to obtain housing. Nonetheless, there is no excuse for inefficient recovery simply because the office is not working properly. I consider that the lamentable state of the office, as highlighted by the Auditor-General, demands clear and close attention by the Minister to see that this situation is rectified.

I turn now to the Department of Personnel and Industrial Relations. The Auditor-General observes that the proposed expenditure in the department's budget not allocated to programs is $2.9 million, which equals 43 per cent of total expenditure. In the event, the actual payments amounted to $3.4 million and equalled almost 50 per cent of the total funds given to the department: this went in expenses other than for those programs that the department is required to implement. As the Auditor-General obviously considers it to be an extraordinarily high proportion in percentage terms, I think the Government is required to look at this area very closely. I hope that the Attorney-General, if he can do so

in responding to this debate, can indicate, first, why the actual amount is so high (it is an extraordinarily high level) and, secondly, what happened to increase the budgeted figure from 43 per cent to 48 per cent.

I turn now to a section which the Auditor-General has headed 'Concessions'. The concessions to which the Auditor-General refers cover concessions from several departments for those who are in need in our community. It involves the E&WS Department, the Department of Transport, the South Australian Housing Trust and ETSA, the electricity supply authority. The Auditor-General refers to the fact that a lot of money is involved. In 1986-87 concessions and subsidies amounted to some $120 million. The Auditor-General states:

> Given changes which can occur in the status of persons, the difficulty in establishing the continuing eligibility of persons to receive concessions each year has been a matter of concern to audit for some time. That concern has been taken up with those agencies administering concession schemes.
>
> The Department for Community Welfare has been able recently to verify their records with the Commonwealth Department of Social Security for persons claiming electricity concessions. The verification revealed that many persons claiming electricity concessions were not registered with the Department of Social Security.
>
> Removal of those persons from the records of the Department for Community Welfare (after formal notification of intention to remove) is likely to reduce payments made for electricity concessions by about $300 000 a year.

The Democrats support concessions and subsidies to those in our community who need them in order to have an adequate and dignified lifestyle. However, the resources to do that are squandered if we do not keep tabs on the authenticity of the people receiving those concessions. It may well be that the allocation of funding so that departments can more accurately identify the people who need and qualify for that funding may result in a saving which can be both a benefit to the Government and also result in increased funding for others who currently deserve it but who have been deprived because of the lack of funds. I hope that the Government will be able to indicate that not only the Department for Community Welfare (in relation to the ETSA situation, which I have outlined) but also other departments have taken this matter firmly in hand and that the Ministers responsible will direct that their departments act accordingly.

I turn now to Government office accommodation. The Auditor-General's Report refers to the need for a review of Government offices. As all members who must actually use these offices would know, Parliament suffers in the extreme from inadequate office space, and even after years of constant badgering there seems to be no improvement in the situation. I think it is important that the Government looks at the Auditor-General's Report in this area. The Auditor-General identifies long-term planning as a major requirement, which obviously means that he does not see it existing at the moment.

The Auditor-General also stresses that there must be a more coordinated approach to achieve more efficient resource utilisation. I hope that the Government can respond to this and indicate whether it intends to do this and to make more efficient use of the Government Office Accommodation Unit, with the aim of being more efficient and cost effective in the provision of the offices that are required. The total office accommodation costs in one year exceed $30 million, so we are talking about a substantial amount of money.

I pause here to indicate that quite obviously honourable members would like to benefit from the more rational use of Government office resources so that your intention, Madam President, to have every member in his or her own room at least can be achieved, and so that before much longer there can be adequate offices for other uses by members of this place.

I turn now to tertiary education. The Auditor-General's Report identifies the unfunded liability for the three tertiary institutions in South Australia for superannuation and long service leave as being $127 million as at 31 December 1986. That is a substantial amount of money, and it is of some concern to the Auditor-General because he states:

> This is a matter of immediate concern . . . There is no formal agreement between the Commonwealth and the State Government with respect to future liability.

The Auditor-General indicates that steps must be taken immediately to correct that. I will be interested to hear from the Government, with this enormous unfunded debt hanging over its head, what steps have been taken to implement a firm formal agreement between the Commonwealth and the States so that we can be assured that the Commonwealth can be relied on to provide its fair share without hassles or bargaining over the amount or any delay in relation to the payment.

I also ask the Government to indicate, as the figure was $127 million in December 1986, what is the current figure. Honourable members will recall that I mentioned internal audit as it applied to the Emergency Housing Office: internal audit in the Housing Trust had been effective in identifying an area of deficiency in the Emergency Housing Office. In my opinion, the Auditor-General makes a very good case for a wide use of internal audit as a measure to improve efficiency, economy and effectiveness of Government departments, but as he clearly says he is not satisfied that full benefit is being obtained. He says that the scope of some internal units should be widened to include system reviews, value for money reviews and transactional auditing.

The Auditor-General also deplores the tendency to draw on internal audit staff to plug operational gaps, thus stalling the internal audit. This latter point refers to the tendency for a Government department which has an internal audit unit, when confronted with a shortage of staff and recognising that the internal audit personnel are highly qualified and competent people, to take them from their extraordinarily important job of assessing the working of that department and put them into a set routine—which is the normal work role of an ordinary member of that department.

I hope that the Government can give some indication that it will heed the Auditor-General's advice and widen the scope of internal audits. I would like to hear the Government assure us that it has directed that internal audit units will be established in all Government departments and organisations which are involved in the handling of Government funds. I would also like an assurance from the Government that a memorandum or directive will be issued to the effect that internal audit personnel are not to be seconded for anything other than emergency purposes to other duties in the department. Those personnel must remain capable of doing this internal audit work free from being obstructed and removed into other areas of operation.

Finally, I would like to comment on accrual accounting, which is the last subject dealt with by the Auditor-General. He has recognised the following:

> One essential component for accrual accounting required by all organisations for effective asset management is an adequate and complete asset register for control, custody, maintenance, costing and replacement funding purposes. The register is also essential to ensure that assets such as property are being effectively utilised. Many organisations do not have registers or have inadequate registers. My officers will be encouraging agency management to take urgent steps to correct this situation.

This is a pretty strong recommendation from the Auditor-General in the way in which he communicates to us in Parliament. If he is directing his officers to take urgent steps to correct this situation, he must regard it as being of the utmost importance. I believe it is important that the Government heeds this recommendation and does not leave it to the Auditor-General and his officers to take these steps. It is important that the Government bites the bullet and instructs the departments and organisations that are under the purview of the Auditor-General to establish the type of registers that are spelt out in the Auditor-General's Report.

In relation to accrual accounting, the Public Accounts Committee tabled a report which identified the increasing burden of asset replacement and the lack of current auditing to take recognition of the deterioration of these assets. Accrual accounting is the subject of a major seminar to be conducted by the Government tomorrow. Entitled 'Rust, dust and bust'. The seminar indicates that the Government has, perhaps somewhat belatedly, had a fright and realised that assets do not just hang about and that they have to be maintained and eventually replaced.

So, finally, I would make this plea to the Government to look very closely at the extraordinarily useful and succinct recommendations made by the Auditor-General in his report and to assure us and the people of South Australia not only that it takes the Auditor-General's comments seriously but also that it is already taking action and has further action planned to deal with the other matters raised by the Auditor-General. I support the Bill.

The Hon. T. CROTHERS: I had not intended to speak today in this debate, but some comments were made by the Hon. Mr Cameron which I feel should stand corrected by way of record in *Hansard*. I never cease to be amazed by the hypocritical humbuggery that emanates from the Opposition benches, and particularly from the front Opposition bench. Repeatedly in this Chamber, day in and day out, we hear their criticisms about lack of services that the Government is providing, about the State's institutionalised hospitals and about all and sundry of the services that are supplied by the South Australian Government in respect of the South Australian people. Yet they then have the gall to criticise what, in my view, would have to be one of the best achievements of the Bannon Government in respect of the fifth budget that has been brought down.

One must clearly comprehend the economic constraints under which the Government in this State—and indeed nationally and in every other State of the nation—is operating. I do not profess to have any working knowledge of economics, because I am mindful of what a fellow country man of mine said on one occasion. I refer to the great, late George Bernard Shaw, who said that if all the economists in the world were stretched end to end they would not reach a conclusion. They are not a breed that would suffer in singular silence in respect to that, because we have just heard a contribution by the Hon. Mr Cameron that clearly shows in my view a complete lack of understanding of the fundamental basics of economics. I would like to pay a tribute to the role that the Australian work force has played in respect of the parlous times economically in which Australia has found itself in the last several years, because no other constituent part of the Australian community has played a better and/or a more constructive role in giving its undivided attention to Australia's parlous economic position.

We have to look in the most simple of terms at the position in which Australia now finds itself. In respect to income that is forthcoming from our exports, we are now something like $9 000 million less well off than we were several years ago, given that the prices for a lot of our rural commodities and exports have fallen—in some instances dramatically—the only exceptions, as I understand it, being wool and beef. For just about every other export commodity the price has significantly fallen to the collective extent that the Australian national income cheque has been slashed by over $9 billion. It was against that backdrop that the South Australia Premier, along with the other State Premiers, went to the Premiers' Conference this year, no doubt expecting a very tough deal from their Federal counterparts, and that is precisely what ensued.

This State came away from the Premier's Conference some $200 million less well off than it ought to have been. So, the fact that the Premier and Treasurer and the Government have produced a budget such as this, in my view, speaks volumes for their endeavour and their understanding of the base economic facts of life, an understanding which, it appears to me, has certainly escaped the Leader of the Opposition in this Chamber. Again, I refer to the political humbug in his statement when he had the effrontery to say that wages had not kept pace with prices. Any trade unionist will tell you that, but let us look at the track record of the Philistines in other States with like philosophical views. Let us look at what they have done and what has not been done in South Australia in respect to reducing the spending capacity and the real wages of the Australian working man and woman.

We find that in Queensland, the Northern Territory and Tasmania, legislation has been enacted to take away the 17.5 per cent holiday loading, yet we hear the Leader of the Opposition of a Party politically aligned with the Governments in Tasmania and the Northern Territory talk about the decline in real wages, when those political Philistines in those other States and Territories have in fact by legislation taken away the 17.5 per cent loading from the Australian worker. I believe that the electorate in Australia has become much more erudite than the Hon. Mr Cameron seems to give it credit for, because at the last electoral test on 11 July, the electorate returned to power the Hawke Federal Government, having given it all that they said they could offer, in the immortal words of Churchill, in blood, sweat and tears, and the electorate still returned it, as indeed they will return the Bannon Government in the next test of political wills in South Australia. In my own estimation, there is nothing by way of intelligent understanding on the Opposition benches. Now and again one gets an odd flicker, but it is as a candle lighted in a wind—one gets an odd flicker, but it is very odd indeed.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: The Hon. Mr Davis talks about Hyde Park. I would put it to him that the calibre of some of the speakers on the stump in Hyde Park far exceeds his much self-hailed esteem with respect to his oratorical abilities.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: You might be. I understand that all sorts of activities go on in Hyde Park. I was, of course, talking about the stump speakers. I am not aware of what the honourable member might have been talking about. However, I do not wish to say too much more. The facts speak for themselves.

The Government and the Premier and Treasurer have done a magnificent job in my view in some of the most economically stringent times that have confronted Australia since the 30s. The trade union movement and their members have certainly shared the burden in respect to trying to get some redress in the present economic position. Of

course, the debate would not be complete if we did not talk about the balance of trade payments that currently confronts the nation. We can see in respect to a lot of moneys borrowed from overseas, relative to takeovers, how much of a part that has played in respect of the figures that currently show us with a very bad balance of trade. Having been able, I hope, to get through to those members of the Opposition who were listening, with respect to the very basic fundamentals of economic life—and I am glad to see that the Hon. Mr Cameron has come back—

The Hon. M.B. Cameron: Somebody told me you were talking about me.

The Hon. T. CROTHERS: I always talk about the honourable member, mostly kindly but always truthfully.

The Hon. M.B. Cameron: We were victorious together last night.

The Hon. T. CROTHERS: The Celts are a very difficult combination to beat, as the honourable member would well know. However, let me say that I hope that my small input has contributed to the ongoing education of Opposition members in respect of ensuring that at least they have a basic grasp of the very basic principles of economic life.

The Hon. L.H. DAVIS secured the adjournment of the debate.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) ACT AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. M.B. CAMERON: I move:

Page 1—

Line 13—Leave out 'This' and insert 'Subject to subsection (2), this'.

After line 13 insert subclause as follows:

'(2) Section 7 will come into operation on 1 July 1988.'

I believe that all the amendments are consequential on my first amendment. I suggest that we debate the essence of my amendments around the first one and that can be taken as an indication of the attitude of the Council to the whole of my amendments.

During the second reading stage I canvassed the purpose of this amendment which is to ensure that in future years, and not this year, half the money collected from licence fees under this legislation is contributed to the Highways Fund. Its history is clear: this legislation was designed to raise money for road maintenance. It replaced the tonne mile tax which was designed to raise money for road maintenance.

However, in 1983-84 this Government started to divert this money to general revenue and ceased to increase the contribution to the Highways Fund. The percentage went from 100 per cent in 1982-83 to 34 per cent this year, at the full year's rate. It will not be long before no funds are contributed from this fee. Road maintenance is essential to a State like ours. It is the basis of many of our industries, particularly our primary industries. We have serious problems with the roads. If the Hon. Mr Dunn was here he would no doubt indicate the problems that there are on Eyre Peninsula roads. We also have serious difficulties with the roads leading to other States, and there is a great need for them to be maintained.

This fund was set up for road maintenance in the first place and to try to bring some relativity between rail and road. Obviously, the Government contributes to repairing rail tracks, and this fee was imposed to ensure that road transport paid its fair share towards road maintenance. There is no point in that if those funds are then diverted into general revenue and not used for the original purpose. It is a shame that this Government, in its big tax grab, has attacked this franchise tax. I ask members of the Council to support this amendment which is designed to start not this year but next year in 1988. It is not designed to change the tax bill for this year but from 1 July 1988, as indicated in new subclause (2).

The Hon. C.J. SUMNER: This is totally unacceptable to the Government—the Council might as well be aware of that at this point in time—and will be unacceptable to the Government in all circumstances. Clearly, this would constitute a significant interference in the budget strategy as determined by the Government, and it cannot be countenanced. This amendment would attribute to a particular aspect of Government activity—namely, the Highways Fund—moneys that are raised by taxation of various kinds. This responsibility, in relation to priorities for spending, lies with the Government to determine in the budget.

I outlined the Government's opposition to this during the second reading debate. We are talking about an integral part of the Government's budget strategy, whether this year or next year. To exclude the allocation to the Highways Fund this year only is not acceptable either. A certain proportion of this franchise fee currently goes into the Highways Fund. That is a matter of historical record; there is an historical reason for it. In 1983 the Parliament agreed that that specific amount should not go beyond what was in the 1982-83 budget.

There is no case now for increasing the specific amount that is allocated by statute to the Highways Fund. Governments have to make determinations across a broad range of priorities in terms of spending. It should be the Government that allocates those priorities in the budget process, as it has traditionally been. That should not be interfered with by the Legislative Council which is what this Upper House is now purporting to do, well knowing that it has conventionally (at least) not interfered with the major budget decisions of the Government. This is a major budget decision of the Government. The Government was elected to govern and, in my view, it would be quite inappropriate in those circumstances for the Legislative Council—the Upper House where the Government is not formed—to interfere with an integral part of the Government's budget strategy.

If, when the time for the election comes, the people of South Australia are dissatisfied with the Government's determination, the allocation of its financial resources and the measures it has taken to raise funds, then that can be dealt with in the electoral context. The general point that needs to be made and emphasised is that the capacity of the States generally in Australia to raise revenue is very limited, and all State Governments over a number of years now have had major difficulties in raising the necessary funds in order to provide the services that State Governments have the responsibility for.

Members would know that some 50 per cent or more of State Government funds comes from the Federal Government. On top of that, the State must use very limited constitutional powers to raise its revenue. It does not have the power to impose an excise; it does not have power to impose a sales tax. The reality is that this fuel franchise fee is one of the few areas where State Governments can raise revenue. As a matter of policy the Government has chosen to do that, while I acknowledge that we are protecting the rural consumers from the impost. I, and the Government, take this approach by the Opposition very seriously. It is quite unacceptable to the Government. It constitutes a major

interference with the Government's budget and economic strategy and ought not to be countenanced.

The Hon. I. GILFILLAN: In typical style the Attorney-General has attempted to gag this debate by intimidation, making the assumption that this is not a responsible House of Parliament and that we should not discuss amendments raised in this place. That is a personal insult, and I think it demeans the standard of debate if we are to be subjected not to argument but to fulmination about what should be the role of this particular House of Parliament. This is a democratically elected Council. It has every right, in fact a responsibility, to discuss the issues.

I, for one, intend to debate and discuss the point and issue as it is raised and, if the Government does not like that, that is its problem and not mine. I feel that the actual question of what the budgetary consequences are is an issue that the Government must address in its overall view. The amendment has been presented in a way that recognises that fact in the timing aspect.

The issue itself is what I want to discuss. There are lamentably neglected areas in the road system in South Australia, in particular in the detached rural areas, for example, the Mid North region. The local government conference in the Mid North area pleaded with me to see what could be done to get some help in funding just for the basic essential road requirements for that area. There are dire areas of need for road expenditure in South Australia. Apart from identifying them as areas that need roadwork, it is also important to recognise that for the health of the State we need to encourage what is commonly known as decentralisation.

The old lip service argument is, 'Yes, we all believe in decentralisation.' Decentralisation requires positive and economically constructive steps to make it amenable to live outside the metropolitan area. In today's society adequate and reasonable road systems are essential for that. There is no excuse for a State Government neglecting to provide, to the best of its ability, adequate and proper roads in rural areas of the State. The new word referred to concerning budget allocations and Treasury deliberations is 'hypothecation' and it is alleged that this amendment moved by the Opposition is an obnoxious hypothecation of a tax.

Let me explain that: it means that the actual expenditure of the funds raised by a tax is specifically attributed to one purpose only. For certain areas, hypothecation is appropriate. I believe that this tax, when it was originally introduced, was with the express purpose of providing funds for the road systems and the supporting of road systems in South Australia, but the amount that has been transferred has remained static in dollar terms at $25.7 million and, when one looks at the reality of the matter, it means that the real amount has taken a nose dive. There has been no adjustment for inflation and no reflection on the fact that there are increasing demands on road use, road maintenance and road replacement. It is quite specifically a sharp decline in the amount taken from this tax for its original purpose. That is a shame and it reflects badly on the Government in its loyalty to the integrity of this tax.

What about the old adage 'the user pays'? That is what I think the benighted motorist, the transporters of freight, and everyone who pays the fuel tax thinks is happening. They are paying over and over again, not only for what they use but for any other use a Government can devise for spending the money that they do not allocate to the highways fund and the provision of services for the roads. So, there is a loss of faith by the motorists of South Australia and those who are involved in transport industries and who use the road services and pay for fuel, that there is any integrity in this taxation as far as the Government is concerned.

The argument that the Attorney raised—that it is an improper amendment for us to discuss—has been laid to rest by the very fact that the Leader of the Opposition has seen fit to move this amendment. He has my respect, and I believe that the Opposition is a responsible body in this place. It had every opportunity to deliberate on what was the significance of this move. I am sure that he and his Party would realise that, if this is a dangerous precedent, they expose themselves to being hoisted on their own petard. Therefore, it is of great significance to me that, after deliberating on it, the Hon. Mr Cameron has seen fit to move this amendment and to argue for it with an understanding of the complications of Government, budgets and the way this Council works. I commend him for that and indicate that we support the amendment. We support the right of this Council to discuss, deal and decide on this amendment, and we will not be browbeaten into avoiding discussing and making decisions on these issues just because it is more convenient and comfortable for the Attorney to try to direct us that way. I support the amendment.

The Hon. M.B. CAMERON: I appreciate the support of the Hon. Mr Gilfillan in this matter. I do take exception to the indication by the Attorney that it is not proper for this Council to discuss and pass amendments in this Committee.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: No, we are not. Don't be ridiculous. We did exactly the same as we did when this matter was first brought in in 1979 when the Hon. Mr Virgo said that this money would be used for highways purposes. Was it interfering with the Government's strategy by dedicating that fund at that time?

The Hon. C.J. Sumner: That was a certain level.

The Hon. M.B. CAMERON: No, it was not; it was 100 per cent. In fact, there was a clear indication by the Hon. Mr Virgo (and his words were clearly understood by us) that anyone who suggested that that would not happen was a parliamentary fool. They were the words that he used, so we understood that all right. What happened? We got the legislation in. The Government came and said that it wanted a slice of the action.

The Hon. C.J. Sumner: Why didn't you—

The Hon. M.B. CAMERON: Because we would have been told that we could not interfere. That argument could go on forever.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: We realised it was reasonable to take a third. We thought that was reasonable, but the Government is not happy with that. Now it is 34 per cent. Now it is taking 60 per cent—two-thirds—instead of one-third. It has gone on and on robbing the fund of this money. The Hon. Mr Cornwall said in the press that he is going to up the franchise tax on tobacco for the purpose of funding sport to replace sponsorship, so we will have that coming in soon. What will happen? He says that it is a fund that will be dedicated, but it will not be.

In about three or four years we will have the Attorney saying 'Yes, that is history, and we are now going to take this money and use it for general revenue', and so it goes on. Ministers should not talk about dedicated funds at all because it is nonsense when we can get this sort of thing happening. Ministers should not come in here pontificating about it. I am glad the Government is taking it seriously. We are not trying to interfere with its budget strategy this year. What we are telling the Government is that next year it had better start putting the money back into the system for which it was intended—the road system.

The trouble with you is that you sit in the ivory tower of your office and you do not get out on the country roads, Mr Attorney, because, if you did, you would realise the needs. Go out and visit councils and hear what they have to say about you. You do not care about them because your seats are all here. You do not care because it is all in the metropolitan area. You do not have to suffer, as do we members who go out into the bush and suffer the road system and represent the people who have to put up with it.

It was in the early or late 1800s when the roles of these Houses were first discussed. Of course there was a role for this House. We could not insist on an amendment to a money Bill. If the Government was stupid enough to ignore us totally, the provision was put in that we could propose a suggested amendment that is sent to the other place and it considers it. When it comes back, it is history. That is your decision, fine, but at least we have a point of view to put and the only way that we can put a point of view is to put in a suggested amendment indicating where we believe the Government should go and trust that the Government will have the commonsense to appreciate that amendment and do something about it.

The Government is robbing the road system of this State of its proper share of the taxes that it, as a Government, brought in. The Attorney-General supported this business franchise tax for the purpose of road funds. He presented this Bill to this Chamber as Leader of the House and said at that time the same thing as the Hon. Mr Virgo said. Now the Attorney is abusing us for daring to suggest that he should get back to the basics (and I have read his speeches very carefully) that this tax was introduced for in the first place. The percentage of this tax spent on the roads has dropped from 100 per cent to 34 per cent. That is a fact of life and the Government is totally ignoring the needs of the road system. It is totally ignoring the fact that this will have an effect on industry. It has to have such an effect because it must add to the cost of transport. The idiocy of the Government adding to the costs of freight in a State as isolated as ours I just cannot comprehend.

I appreciate the Hon. Mr Gilfillan's support for this amendment. I trust that it will go through. I trust, too, that some members on the other side have listened to the arguments and will also support it. I trust that it will go to the other place, be listened to and be accepted.

The Hon. PETER DUNN: I did not contribute during the second reading debate but I want to make a couple of things clear. It was interesting to note the Attorney interjecting and saying that we are interfering with the budget strategy of the present Government and then in the same breath using a term—that he has used in the past—the user pays. Now the users are certainly paying but they are not—

The Hon. C.J. Sumner: I didn't use that term.

The Hon. PETER DUNN: You have used that term in the past on many occasions. What is happening is that the user is paying for something else, not for what he should be getting. At the moment we are spending a fairly large sum of money.

I will deal with a few anomalies. We will be spending $10 million in the next three years on the Gawler by-pass. The problem with this project is the number of accidents which have occurred. I suggest that some of that $10 million could be better spent sealing other roads rather than doing the Gawler by-pass. All we need is a reduction in the speed. Another case is the $7 million allocated for the tollgate on Eagle on the Hill. I suggest that there was no necessity to spend $7 million; maybe $2 or $3 million to put some barriers in the middle was justified. There is an exercise in pedantics of putting a tunnel up so that we can have a straighter road and therefore go faster, killing ourselves more quickly. I suggest that a reduction in speed could quite easily have solved that problem.

At the same time, towns are trying to trade between themselves—towns of 1 000 people, neighbours, with nothing in between them but a dirt road. Because of that dirt road those people are feeling very badly done by. It is very expensive to live there. A car on a dirt road will last approximately 120 000 kilometres, and usually it is in very poor shape when you want to sell it. Put a sealed road in and you can double that number of kilometres, perhaps nearly triple it, and the car is in reasonable condition when you come to sell it. Today, with cars averaging $15 000 to $20 000, a lot of rural people do not have the money to replace them. I think that taking money from them in this fashion, particularly those who live a fair distance from the city, like Eyre Peninsula—

The Hon. C.J. Sumner: How are we taking that wrongly?

The Hon. PETER DUNN: You are taking this money—you are charging them for it through the fuel taxes.

The Hon. C.J. Sumner: We aren't charging the rural people for it.

The Hon. PETER DUNN: No, it is graded. All right, you are going to charge the city people a couple of cents a litre, and then grade it off into the country. But what about all the other charges that come under this similar scheme—the people of Crystal Brook, for instance?

The idea is to grade it off 100 kilometres or more from the metropolitan area. I admit that that is correct, but I only wish that it had happened with the 4c that the Federal Government decided to take off to help with the transportation of fuel into outback areas. I will describe a little story that I heard today on the telephone: I refer to a fuel distributor from Orroroo in the Far North who spends $620 000 a month buying and retailing fuel right up to the border. He buys his fuel for 48.5c a litre. However, when he comes down here, he drives his Volkswagen down to the Caltex depot only to find on the way there that he can buy fuel for 42c a litre. He must add on top of that the freight cost to take the fuel into the Far North.

The Government is taxing the ears off people who live farther out. Of course, it is a Federal matter, but the same thing applies in relation to this tax, and even more so because it taxes people in a particular area but the revenue raised will not be used in that area—instead, the revenue raised will go into consolidated revenue. If you are reducing it from the 100 per cent which should go into highways for the construction of roads, and so on—

The Hon. C.J. Sumner: It hasn't been 100 per cent since 1983.

The Hon. PETER DUNN: It was set up with that intention in mind. In other words, why must petrol be used as a taxing measure? Of course, we are aware that the Federal Government is using petrol enormously as a taxing measure, and I suppose the State Government has seen that it is an easy way to raise revenue and to tax the public. It is not a visible tax: it is paid on a weekly basis when you fill up your car. We all think that we must have cars and that we must all travel. I suppose it is seen in that light: that it is an easy and simple method of taxing the people to fill up the coffers of consolidated revenue.

I make the point that people living farther out would like some money spent on their roads. The Minister, in the press, stated that no more roads on Eyre Peninsula would be sealed. That has not endeared him to the people of that area at all, but I suppose he is not worried about that because there are not many votes for his Party there, any-

way. Admittedly, Eyre Peninsula is on the end of the line because of its small population and the long distances involved. However, to tell the people of Eyre Peninsula that no more of their roads would be sealed was very harsh. About $200 million of export funds comes from Eyre Peninsula, and most of that money finishes up in the city very rapidly. So, it is ridiculous to tell those people that they will have no more sealed roads.

It is ridiculous to think that the Government will spend $10 million on providing a new Gawler bypass. Gawler already has a bypass, although it may require upgrading. That $10 million would correct in one fell swoop all of Eyre Peninsula's road problems and those in the Mid North. I think that changing the rate so that more money can go into consolidated revenue to prop up schemes in this city on which the Government wishes to spend money—social welfare schemes or whatever—is very sad. I do not think that the tax was originally designed for that purpose but, because the Government thinks that it is an easy way to raise revenue, it has decided to change the system. I suppose that next year 10 per cent will go into road funding and 90 per cent will go into consolidated revenue.

The Hon. C.J. SUMNER: The Hon. Mr Dunn has asked why this method is used to raise revenue. The reality is that, as I said before, constitutionally the States have a limited capacity to raise revenue. That is why there are such things as a liquor licensing franchise fee, a tobacco franchise fee and the petrol franchise fee (which is what we are talking about today). There is no necessarily logical reason to say that, just because you raise revenue through a franchise fee on petrol, that automatically ought to go into roads. That does not occur with respect to the franchise fees on liquor or cigarettes. The revenue raised—

An honourable member interjecting:

The Hon. C.J. SUMNER: It is a very logical argument. The revenue raised in those areas does not go to any particular purpose that is associated with alcohol or cigarette abuse; it goes into general revenue, and obviously some of it finds its way into hospitals and health services which can assist in overcoming the problems associated with tobacco and alcohol abuse. There is no logical reason why the fuel franchise fee ought to be specifically allocated to road funding. That does not happen with other areas of revenue raising generally (it can on some occasions, but generally it does not). The Lotteries Commission, for instance, has an allocation to the Hospitals Fund.

The Hon. Peter Dunn interjecting:

The Hon. C.J. SUMNER: And there still is an allocation to the Highways Fund as a result of the legislation that was passed in 1983. At that time it was quite properly said that the amount paid in 1983 ought to be the amount specifically allocated to the Highways Fund for the future and that any balance ought to be available for general revenue. So, essentially, that is the logical reason for saying that the amount raised in revenue ought to go into general revenue and the allocation thereof be determined according to the priorities of the democratically elected Government and not by the Upper House.

The Hon. Mr Gilfillan apparently took umbrage at my remarks. However, I made them seriously and with a serious purpose behind them. The honourable member suggested that I was trying to browbeat him and stop him from discussing things. I am not trying to stop the honourable member discussing anything. He can discuss things and move motions; he has more private member's motions on the Notice Paper than ever before, and he wants to set up four or five select committees. The Hon. Mr Gilfillan pontificates about everything under the sun.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: The Whitlam Government did not have a majority in the Senate in 1975, either—but I did not notice the Democrats at that time supporting the blocking of Supply.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Well, your predecessors at the time.

The Hon. I. Gilfillan: And who were our predecessors?

The Hon. C.J. SUMNER: You certainly did have a predecessor.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: I will be interested to know whether you have changed your mind on the view of blocking Supply. Certainly hitherto the Democrats have opposed the use of the power of the Upper House to block Supply.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: That has been your policy, hasn't it?

The Hon. I. Gilfillan: And it is still our policy.

The Hon. C.J. SUMNER: As long as that is on the record—that is your policy. The Hon. Mr Gilfillan suggested that I was browbeating him and trying to prevent him from discussing issues. In fact, I am quite happy for him to discuss issues—there is no problem there. The Notice Paper indicates the sorts of issues that are being discussed by the Hon. Mr Gilfillan but, on most occasions, he could not care less about those issues.

Anything that will grab Mr Gilfillan a vote, anything that he can do to encourage favour with every possible interested group in the community, he will speak on. He does not really care whether he believes in the issue or not. If he has got a chance to go on radio or television—

The Hon. I. GILFILLAN: On a point of order, Mr Acting President, I ask you to rule whether the remarks of the Attorney have anything to do with the amendments before the Committee.

The ACTING CHAIRPERSON (Hon. G.L. Bruce): I ask the Attorney-General to confine his remarks to the amendments before the Chair.

The Hon. C.J. SUMNER: What he does, as we all know, is curry favour with any particular interest group that comes to him, and he has plenty of time—

The Hon. I. GILFILLAN: On a point of order, I ask you, Sir, to rule on the Minister's remarks.

The ACTING CHAIRPERSON: I ask the Attorney to confine his remarks to the amendments.

The Hon. C.J. SUMNER: The honourable member said that he was being prevented from discussing the issue. As he is raising a point of order, I am establishing that I have not stopped Mr Gilfillan from discussing anything in the Chamber. I have pointed to the Notice Paper and to the motions that he moves on a whole range of topics in an attempt to curry favour with particular interest groups. That is a legitimate response to his argument that I am trying to stop him from discussing issues.

The ACTING CHAIRPERSON: I must say that I would not gag any member of this Chamber on any Bill before the Chair, and Mr Gilfillan is aware of that.

The Hon. C.J. SUMNER: That is quite right. I am not trying to browbeat the Hon. Mr Gilfillan or to stop him from discussing issues. He is quite entitled to do that and, of course, he does it. I was trying to say to him that there is a distinction between moving a motion, and between making points in debate and supporting an amendment which interferes fundamentally with Government budget strategy. That is the point I was trying to make, and I believe that it is a valid point. It was somewhat odd that

the Hon. Mr Gilfillan said that he was supporting the Hon. Mr Cameron because the Hon. Mr Cameron had given serious consideration to this issue, and surely he would not be moving it if he had not considered all its implications. For that reason the honourable member was going to trot along behind him.

I point out that the Liberal Party in the past—not in this Chamber but in other arenas, in Federal Parliament—used its numbers in another House to block Supply and bring down a Government. Is the Hon. Mr Gilfillan suggesting that if the Hon. Mr Cameron came in with that sort of proposition he would automatically tag along behind him? I hope he would say that he would not.

By this amendment the Hon. Mr Cameron is interfering with the Government's budget strategy in a very fundamental way. That is the point that I was trying to make. I am not trying to browbeat the Hon. Mr Gilfillan; I am trying to point out to him that in terms of the principles that have operated in this Parliament the Upper House has not interfered with issues or measures that have been fundamental to a Government's budget strategy. That is a legitimate point to make and, indeed, it is a legitimate point that I should have thought would have some persuasive effect on the Hon. Mr Gilfillan, given that I know that the Democrats have opposed interference with money Bills in relation to the blocking of Supply. That is the point I am making.

The Hon. M.J. ELLIOTT: I must enter this debate, albeit briefly. It was my understanding that the Hon. Mr Cameron was saying that suggestions are being sent to the Lower House, and that they are nothing more than suggestions. I took this as being a money clause with which we cannot interfere. We can either defeat the Bill or not do so, but we can at least send back suggestions to the House of Assembly. For the Attorney-General to carry on about blocking Supply and to make other absurd suggestions is beyond the pale, and he knows very well that that is the case. He realises that we have an hour and 10 minutes to kill and he is going to make the most of it.

I think that some important principles are involved. If we look at the retail price of petrol we see that earlier this year when the retail price was 57.3 cents a litre, Governments, both State and Federal, were taking 34c; in other words, more than half the price of petrol consisted of taxes, excises and levies, etc. The levies that have been put on have often been imposed for supposedly good reasons. The State Government put on a franchise to raise funds to spend on roads, and the people applauded it. When the Federal Government put a special levy on petrol about 10 years ago I understood that it was trying to encourage the finding of further oil supplies in Australia and that most of the money that would be raised was to be used to help find that extra oil or to develop alternative energy strategies. Those are the sorts of arguments that convince people that a levy on petrol is useful.

The truth of the matter is that in relation to the Federal Government, and indeed the State Government, these are simply money-raising exercises. If that is so, we must look at the impact on the economy. Petrol is a basic commodity for our economy and, if we start levying taxes, it will have a multiplying effect that will run through the economy and start knocking up the consumer price index, thus having an impact on the price of goods.

The Government must look very carefully at the sorts of excises that it places upon petrol. An excise on petrol is quite different from an excise on tobacco or alcohol. It is true that some people in our society run on those two products, but they cannot be argued to be essential to our economy in the same way that petroleum products are. The Government must decide whether or not the tax is a necessary one—not necessary to raise funds just for general revenue, but also for specific purposes. If it is for a specific purpose I have heard nobody here complain about that. If the specific purpose was to upgrade roads then it would be applauded, but the Government is moving away from that position.

While I am on my feet I would like to touch on one other matter, namely, the decision at least to divide the levy so that there are three zones in the State. I applaud that, but I find it most interesting when only six months ago in this Council, and also last year, the Attorney-General decried what I said about the problems in country areas in relation to petrol prices and insisted that country people had a terrific deal and were being subsidised by the city.

The Hon. C.J. Sumner interjecting:

The Hon. M.J. ELLIOTT: You are on record in *Hansard* as having said that, yet your own Government recognised that what we were saying in this Council was correct, and it has now introduced zoning. I applaud the Government for at least taking note of arguments that have been put forward by many people.

The Hon. C.J. Sumner: That is a complete misrepresentation.

The Hon. M.J. ELLIOTT: Of what? I will produce the *Hansard* record for you. You said—

The Hon. C.J. Sumner: I know what I said.

The Hon. M.J. ELLIOTT: You said that the city is subsidising the country petrol consumer. That is exactly what you said. I am pleased to see that the Government is not now following the line of reasoning used by the Attorney-General and that it concedes that there are problems with petrol pricing and that country people have been disadvantaged and will now be taken into account by zoning.

The Hon. M.B. CAMERON: I had a feeling of *deja vu* when the Attorney was carrying on about the Opposition blocking Supply and the usual red herrings, because that is exactly the same sort of facetious argument that he used in 1979 when the Bill was first passed and attempts were being made to straighten out that very clause: clause 30. However, that is a matter of the past. I think the Attorney should stop that sort of argument when a suggested amendment is moved to a money clause. That is a totally different concept to the blocking of Supply and something with which I do not agree, as the Attorney-General knows. I supported a motion to condemn the Federal Government of my own persuasion for blocking Supply, so it is ridiculous to raise that sort of nonsense in this Chamber. The fact is that we are merely trying to bring back the original concept of this Bill, and the original Act was passed on the basis that, as I have said, the money would go to the roads.

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: Yes, I felt a bit put about by that. If one is written off after eight years, I can only say that, as I have been here for 16 years, the Attorney must have written me off twice over in his mind. History is much older than that, Mr Attorney. Do not forget that the Attorney was the Leader who introduced the Bill into this place that put 100 per cent of the tax into the road system. That was quite deliberate and was done for one very good reason—that was the intention of the tax. He has done it once and he is siphoning it off again.

Just because areas of the country have been exempt does not mean that they are not hit with it, because they pay freight both ways. If goods leave the city, of course the tax will affect the cost of manufacturing in the metropolitan area, and we will pay that. We will not be totally exempt

from it. There is some idea that we are totally exempt from the rise, and that is simply not the case. In fact, very serious problems will be experienced in managing this legislation because of trying to police it. However, that is another matter. I say to the Attorney that, when we move suggested amendments to money clauses in the future (and we, and he, will do so), he should not bring up the facetious nonsense of blocking supply. That is a nonsensical argument.

The Hon. I. GILFILLAN: My comments are not in any way related to, and I am not attempting to reply to, the sort of petty personal carping to which the Attorney is prone when he is dealing with any substantial contribution of the Democrats in this place. He was unfortunately ignorant of the Bill before us. He said that it would not impact on the rural dwellers. The fact is that the tax does apply. It certainly is staged, but those in remote areas are still paying 5.5 per cent of the value of motor spirits and 7.7 per cent of the value of diesel fuel. What is often forgotten (and it is conveniently forgotten by those who do not actually venture out that far) is that the actual pump price is often 10c to 15c or 20 per cent to 30 per cent more than it is to those who have the privilege and enjoy the luxury of living in the metropolitan area. When the Attorney says that the rural sector is not paying it, perhaps he should look more closely at the detail of the Bill. I rose only to set the record straight on that point.

The Committee divided on the amendments:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, and R.J. Ritson.

Noes (8)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), and G. Weatherill.

Pair—Aye—The Hon. R.I. Lucas. No—The Hon. Barbara Wiese.

Majority of 3 for the Ayes.

Amendments thus carried; clause as amended passed.

Clauses 3 to 6 passed.

Suggested new clause 7—'Manner of dealing with money collected under this Act.'

The Hon. M.B. CAMERON: I move:

Page 4, after line 13—That it be a suggestion to the House of Assembly to insert new clause as follows:

7. Section 31 of the principal Act is amended—

(a) by striking out subsection (2) and substituting the following subsection:

(2) The Treasurer must, in respect of each financial year, make contributions from the General Revenue to the Highways Fund of amounts that, in aggregate, are at least one half of the amount of money collected by way of licence fees in that year;

and

(b) by striking out subsection (4).

This amendment is consequential.

The Hon. C.J. SUMNER: I formally oppose it but, in the light of the result of the previous vote, I will not divide.

Motion carried.

Title passed.

Bill read a third time and passed.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 1075.)

The Hon. L.H. DAVIS: The Opposition supports this Bill, which will amend the Land Tax Act 1936 and the Retirement Villages Act 1987. The Liberal Government of 1980 exempted land tax on the principal place of residence and that gave relief to the majority of people resident in Adelaide and other parts of South Australia. In 1982 the Land Tax Act was again amended to provide exemption from land tax for retirement villages subject to their complying with criteria set down in that Act.

Over the past five years there has been an explosion in the number of retirement villages, and many of these villages have not complied with the criteria. This has resulted in land tax being levied on the corporate body that owned the retirement village, and in turn the residents of the retirement village were required to pay land tax. This matter became a subject of public debate and some concern. Late last year and early this year my colleague in another place, the member for Hanson (Mr Becker), and I raised in public debate the inequity of the situation.

We cited, as an example, the residents of a retirement village in Kensington Mews who, out of the blue, found that they were paying $5 a week for land tax. Although these people had paid $60 000 for their unit they were required to pay land tax by the privately run retirement village, whereas the people next door were not. The reason for this was that the residents did not own their own homes, as such, and this technical defect required them to pay land tax.

In the case of Kensington Mews, the legal position of the residents was that they were licensees, not owners, and because they had agreed to take the units on this basis they were not exempt from the payment of land tax, given the criteria that were set down in the amending legislation of 1982. Anomalies were created by the various structures that were established when retirement villages were set up. For example, residents of privately run retirement villages (such as the one I have instanced) were liable for land tax, but those run by church or charitable groups generally were not.

Concern was expressed by the residents of Kensington Mews that, after writing to the Premier on 18 July 1986, it was only following my raising this matter publicly that they received a reply on 20 February 1987. In other words, the Premier took seven months to reply to these people who found that they were paying $5 a week for land tax.

A similar concern was expressed by people living in the Salisbury East Retirement Estate. They had written to their local member (Mr Rann) but had received no reply from him. They also raised the same matter—that they were paying a significant amount on a weekly basis. One should remember that many of these people are pensioners. Clearly, there was a growing problem, not only in the Adelaide metropolitan area but also in some country retirement villages, where people suddenly found themselves being penalised by the fact that the retirement village fell outside the exemptions of the Land Tax Act. It was absurd that people in units in retirement villages (and clearly this was their principal place of residence) were being required to pay land tax where other people were not.

The Opposition is pleased to see that the Government has finally responded, although not particularly quickly, to this call to rectify this anomaly. The Opposition has no difficulty with the amendments to the Retirement Villages Act, and those amendments as they impact on the Land Tax Act. It should be pointed out that this Bill seeks to continue, for the financial year 1987-88, the remission of 25 per cent of land tax for properties valued at $200 000 or less that was given in relation to those same properties in 1986-87. I am pleased to see that that exemption continues.

I also note that clause 4 seeks to widen the present scope of exemption provisions relating to retirement villages. The Opposition is pleased to see that these measures have been

put in place for the current financial year so that residents of many retirement villages will no longer be disadvantaged.

Finally, I note that land tax receipts in South Australia have dramatically risen in recent years. When the Bannon Government came to office almost five years ago the land tax take for the financial year 1982-83 was only $23.7 million. Of course, that figure had fallen dramatically given the Tonkin Government's commitment to removing land tax on the principal place of residence which was effective from, I think, 1 January 1980.

The Hon. C.M. Hill: When we came in we honoured the promise.

The Hon. L.H. DAVIS: As my colleague the Hon. Murray Hill confirms—and he was a key Cabinet member of the Tonkin Government—the Tonkin Government honoured its election promise with alacrity and introduced the land tax exemption on the principal place of residence from 1 January 1980. It is worth noting that it did honour its promises which is more than can be said for the current Government which, in two elections, has failed to honour its principal promises. Land tax in 1982-83 contributed only $23.7 million to the coffers of the Government. In 1986-87 that figure had all but doubled to $44.2 million. In the current year it is estimated that it will increase by over 30 per cent to $57.5 million. In other words, the increase in land tax, in the five year span of the Bannon Government, has been 142.6 per cent. That reflects, as John Maynard Keynes, the distinguished economist, once observed, that inflation is a mighty tax gatherer. The fact is that the Government has been content to ride with inflation with minor modifications in land tax scales and has gathered a massive 142.6 per cent increase in land tax. It should be put on record that the land tax hike in South Australia—

Members interjecting:

The Hon. L.H. DAVIS: I am glad to see that I am getting so much protection. I just make the point—

The Hon. C.J. Sumner: Tell them why it has gone up.

The Hon. L.H. DAVIS: I have.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. L.H. DAVIS: The increase in land tax taken in South Australia over the past five years is greater than the increase in any other State. The Attorney can say that it is not the Government's fault, that it is simply the strength of the economy and the increase in property values. Of course, that is part of the story. There is no question about that, and I will not deny it for one moment. I know how land tax works, although I suspect that the Attorney may not know the full story. However, that is only part of the reason. The Attorney would realise that the take from land tax also depends on the Government's ability and its commitment to revising land tax scales to take into account inflation, and I would suggest that the South Australian Government has been very loath to tamper with the situation, given that it is such an attractive and insidious revenue earner for the Government. So, with those few words, I would indicate support for this measure.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

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.

In view of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

First, this Bill deals with an inconsistency between provisions contained in the Road Traffic Act and those contained in the Road Traffic Regulations in relation to the width of external mirrors on large commercial vehicles. National draft regulations provide for the width of mirrors to extend to 230 millimetres on either side on vehicles with a gross vehicle mass limit of more than 8.5 tonnes. There is a requirement that such mirrors are capable of collapsing to 150 millimetres. On 1 January 1986 the Road Traffic Act Regulations were amended to enable the large mirrors to be fitted. However in determining the overall width of vehicles including exterior mirrors, the Act restricts the width to 150 millimetres on either side. The amendment is in line with national recommendations and the States of Queensland, New South Wales and Victoria allow for the wider mirrors. It is understood other States and Territories have the matter under consideration and at this time the use of wider mirrors is tolerated by the enforcement agencies.

Secondly, the Bill provides for tighter controls when dealing with the weighing of vehicles suspected of exceeding legal mass limits. There are several provisions of the existing Act that need to be changed. For instance there is a need to overcome a technicality concerning the power of a police officer or an inspector requesting the driver of a vehicle to proceed to a weighbridge to determine the mass of the vehicle. It has been held in a case before a magistrate that, as there was no weighbridge at the site where the driver was directed to proceed (portable weighing instruments carried by the inspector were to be used), the inspector's request was not valid because there was not, at the time of the request, a weighing instrument at the site.

A growing problem occurs where drivers of heavy vehicles either refuse a direction by an inspector or police officer to proceed to a weighbridge or refuse to stop. The maximum penalty for refusing to weigh or stop is $1 000 and the average penalty imposed by the courts is in the order of $200-$300. Penalties for overloading on the other hand can amount to many thousands of dollars. For example the penalty for an overload of 20 tonnes is minimum $3 835, maximum $7 800. During the year ended 30 June 1986, 1 402 overloads exceeding 2 tonnes were reported. Of those 119 exceeded 9 tonnes and 43 exceeded 20 tonnes. The penalty for an overload of 2 tonnes is minimum $235, maximum $600. In other words where the overload exceeds 2 tonnes there is a distinct financial incentive to either refuse to weigh or refuse to stop. With freight rates at approximately $194 per tonne (Sydney to Perth) an overload of 20 tonnes would return an extra profit of $3 880. In 1986 there were 28 reported incidents where drivers either failed to stop or refused to weigh. This figure does not include a substantial number of drivers of heavy vehicles because inspectors were unable to subsequently apprehend the vehicles and obtain information to compile reports.

Overladen vehicles not only place undue stress on pavements, bridges etc, but also place severe stress on vehicle safety components e.g., brakes, steering, tyres, suspension transmission etc thereby placing the vehicle at greater risk with other road users. These heavy loads escalate the deterioration of pavements, bridges and culverts faster than planned and maintenance costs increase. The National Association of Australian State Road Authorities (NAASRA) in a publication released in 1984 estimates that damage to

roads due to overloading results in repair costs of $400 million per annum.

Rather than increase penalties at this time for drivers who fail to stop or refuse to weigh it is considered that police officers should have power to seize the vehicle and drive it to a place to determine its mass. If this power is granted to police it is contended that the majority of drivers will drive their vehicles to a weighbridge rather than allow another person to drive it. In other words the power to seize and drive would be a last resort. The Police Department does have within its ranks trained personnel who have the specific skills and are well qualified to drive the types of heavy vehicles in question. Where skilled police personnel are not available, it is proposed that a police officer has power to second a person with these skills and experience.

The power to seize is not new. Section 160 (2a) of the Act enables a member of the police force to enter used car lots and examine, test or drive vehicles suspected of being unroadworthy. Police in Victoria have power to seize vehicles and drive them to a weighbridge. Furthermore it is considered reasonable to make the request to proceed to a place to be weighed anywhere en route provided the site is not more than 8 km from the route the driver intended to follow. In the past there have been incidents where the driver of a heavy vehicle in attempting to avoid the vehicle being weighed, will drive onto private property or disable the vehicle so that it cannot be driven. Power to enter private property and make a lawful request to weigh the vehicle and if necessary have it towed to an area for weighing is considered essential. Otherwise apprehension will be avoided. Finally, there needs to be an immunity for the police against liability for damage to property which may be incurred bona fide in the execution of their duties. Again there is a precedent for this in section 160 (4a) of the Act.

Clause 1 is formal.

Clause 2 amends section 141 of the Act, which requires that the width of a vehicle must not exceed 2.5 metres at any point.

Proposed paragraph *(c)* of subsection (4) provides that the width of a rear vision mirror projecting not more than the prescribed distance from either side of a vehicle will not be taken into account in determining the width of a vehicle. This width was previously fixed at 150 millimetres. The proposed amendment enables greater flexibility in the projected width of rear vision mirrors. This is appropriate in relation to vehicles that have a large gross vehicle mass limit or where a vehicle is towing a wider vehicle.

Clause 3 repeals section 152 of the Act, which empowers a member of the police force or an inspector to request a driver or person in charge of a vehicle on a road to drive the vehicle or cause it to be driven to a weighbridge or other instrument for determining mass and to permit the mass of the vehicle and its load to be ascertained.

A recent court case has revealed an anomaly with section 152. It does not empower a member of the police force or an inspector to direct a driver or person in charge of a vehicle to have the mass of the vehicle and its load ascertained by the use of an instrument for determining mass, where such instrument is not set up at some place within eight kilometres of the place where the vehicle is at the time the direction is given, for instance, where the instrument is carried in the police officer's or inspector's vehicle.

Proposed subsections (1) and (5) resolve this anomaly. Proposed subsection (2) provides that a direction under subsection (1) may only be given in relation to a vehicle that is not on a road where the member of the police force or inspector has reasonable grounds to believe that the vehicle has been driven on a road in contravention of a provision of the Act relating to mass. Proposed subsection (3) provides that a person must comply with a direction given under subsection (1).

Proposed subsection (4) empowers a member of the police force to enter or break into a vehicle, using only such force as is reasonably necessary, and to move, or cause another person to move a vehicle, where the driver or person in charge of the vehicle refuses or fails to comply with a direction given under subsection (1) or there are reasonable grounds to believe that the vehicle has been left unattended to avoid such a direction being given.

A vehicle cannot be required to go a distance of more than eight kilometres in any direction from the place at which the vehicle was located when the direction was given or at which it was left unattended. However, this limit may be exceeded if the vehicle is driven along the route that the driver is believed to have been following, provided that any deviation from that route does not exceed eight kilometres.

Proposed subsection (7) exempts a member of the police force, or a person moving a vehicle at the request of a member of the police force, from civil liability for any act or omission in good faith in the exercise of powers under subsection (4). Proposed subsection (8) provides that any liability that would, but for subsection (7), lie against a member of the police force or other person lies against the Crown.

The Hon. L.H. DAVIS secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Vexatious proceedings.'

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 8—Insert the following subclauses:

(7) If the court is satisfied that a person against whom an order is sought under this section cannot afford to retain counsel, the court may assign counsel to that person.

(8) This section does not derogate from any other jurisdiction of the Supreme Court.

The amendment arises from matters that I raised in the second reading debate. The first is that under present section 39 there is a provision that the court may assign counsel to a person who might be regarded as a vexatious litigant if that person is in necessitous circumstances. That was not in the amendment proposed by the Attorney, but I think it ought to be in the Act. It does not do any harm if it is there and just allows the court, in perhaps remote circumstances, to assign counsel to a person. To remove it suggests that it is some diminition of the power of the Supreme Court, although I do not rely on that in a highly technical sense. There is merit in leaving that concept in the provision.

The second point relates to whether or not new section 39 really overrides any inherent jurisdiction that the Supreme Court may have with respect to dealing with vexatious litigants. I would have thought that there was a reasonable argument that, if there is a specific section dealing with vexatious litigants, dealing with revocation or variation, and defining who may be a vexatious litigant, that would establish an intention on the part of Parliament to have legislated to deal completely with the vexatious litigants.

I know that there is a contrary view that section 39 is not proposed to be a codification of the law relating to vexatious litigants. Therefore, I think it would be good sense, to ensure that there can be no argument on that

point, merely to add a subsection saying that nothing in section 39 will derogate from any other jurisdiction of the Supreme Court. That then allows dismissal of causes of action by vexatious litigants with or without costs. It allows the ordering of costs and deals with the various other matters that might from time to time have to be dealt with by the court in dealing with an action initiated by a vexatious litigant. I think there is merit in both the proposed subsections which I am moving by way of amendment. Certainly, it does not prejudice what the Attorney is endeavouring to do which, as I have indicated in the second reading speech, I support anyway.

The Hon. C.J. SUMNER: I will take the opportunity of responding to the matters raised by the Hon. Mr Griffin in his second reading speech and thereby also cover the issues that he put forward in support of his amendment. The Hon. Mr Griffin sought clarification of a number of matters in his second reading speech. First, he raised a query regarding the court's power to dismiss a matter with costs or to award costs. The proposed amendment to section 39 does not seek to codify all aspects of the law relating to vexatious proceedings. Rather, it sets out to provide a procedure for dealing with litigants who persistently take out vexatious proceedings. The court's inherent power to strike out vexatious proceedings would be retained. In addition, the general powers of the court to award costs would be applicable in these cases.

The second query concerned the court's power to vary or revoke an order that a person is a vexatious litigant. This matter has been raised with Parliamentary Counsel who is of the view that the proposed section is adequate to provide the court with the power to vary or revoke such orders. The insertion of a specific subsection to empower the court to vary or revoke an order is therefore considered unnecessary.

Thirdly, the Hon. Mr Griffin raised a query relating to the removal of the current subsection (2) dealing with the assignment by the court of counsel to a vexatious litigant. As I pointed out in my second reading explanation, the removal of subsection (2) would result in a person who requires legal aid to defend an action under section 39 having to apply to the Legal Services Commission for representation. He or she would then be subject to the normal criteria of the commission.

Historically, the provisions in subsection (2) would have played an important role in ensuring that persons defending an action under section 39 would have had access to legal assistance. However, now that the Legal Services Commission is charged with the role of providing legal assistance and representation, the Government considers that this is a more appropriate mechanism for dealing with persons who require legal assistance to defend such actions.

I understand that if this power is used by the Supreme Court, that it does refer the matter to the Legal Services Commission in any event. If the Legal Services Commission refuses to grant aid—which I think would be somewhat surprising if the court felt the need to refer it to the commission—and the Hon. Mr Griffin's amendment is carried then the court would have retained power to assign counsel anyhow, and presumably then the taxpayer would have to pick up the tab.

The Hon. K.T. Griffin: The taxpayer does it through legal services.

The Hon. C.J. SUMNER: That is right. That is what I am saying. Therefore it should be left to the Legal Services Commission, which is the body given authority to deal with legal aid issues, to deal with it on its merits, in the sense that no-one is treated more favourably by way of the receipt of legal aid which could occur, of course, if the court decided to provide counsel to a vexatious litigant pursuant to the power that we are seeking to remove from the Bill.

I should say, Madam Chair, that not a lot turns on this issue with respect to the honourable member's amendment relating to whether or not a code has been established for vexatious litigants. The Government's view is that the amendment is not necessary, but I do not suppose it does any particular harm with respect to the legal aid aspect. That is a matter that we feel would be better dealt with by the Legal Services Commission.

The Hon. K.T. GRIFFIN: With respect to the legal aid question, my experience with the Legal Services Commission is that it has very strict criteria, and that, even if the Supreme Court were to refer a person to the Legal Services Commission for consideration as to whether or not the person would be granted legal aid, there is really no guarantee that the person will be granted that legal aid even if the court states that it believes that this is a case where it should be granted. Even if the person satisfied the means test, it may be that, because of the Legal Services Commission's other criteria with respect to the likelihood of success and the nature of the matter, it is quite likely that legal aid would not be granted.

In those circumstances it seems to me that the Supreme Court, having had this power to grant counsel to a person in fairly limited circumstances, ought to retain that power—notwithstanding that there is another statutory body independent of Government and independent of the courts which may or may not grant legal aid in the circumstances to which I have referred. I am concerned about the removal of the power of the court to grant legal aid in these circumstances—and they are special circumstances. Accordingly, I urge the Committee to ensure that this power is retained.

The Hon. I. GILFILLAN: The amendment makes a point on which I would like the Attorney to comment. The Bill seems to take a fairly extraordinary step in preventing a citizen from continuing in a legal action. That is extraordinary. It is possible that there will be times when the Legal Services Commission, through pressure of demands on its services, cannot provide counsel to a litigant even though the court may feel that that person is entitled to be properly represented by counsel. Therefore, under those circumstances, the Hon. Mr Griffin's amendment seems to have some merit.

The Hon. C.J. SUMNER: I point out to the Hon. Mr Gilfillan that it is not a new law in the sense that the court has always had the power to bar vexatious litigants from proceeding. It develops a new procedure—

The Hon. K.T. Griffin: An additional procedure.

The Hon. C.J. SUMNER: An additional procedure whereby the court can refer a matter to the Attorney-General for him to take action to declare someone a vexatious litigant. The court has been concerned that there has been some doubt about the power in this area, although certainly the power has existed. The concern is that the court itself must take the action and that the powers were not clear enough. The court wanted to be able to take action itself to stop a vexatious litigant. We felt that it was better, if there was concern about a vexatious litigant, for the court to refer the matter to the Attorney-General.

So we are not establishing a new law in that sense; we are establishing a new or additional procedure. The first safeguard, I suppose, is that under what we are doing here the Attorney-General must be satisfied that it is in the public interest to take action to have someone declared a vexatious litigant. The second safeguard is the court itself and whether it would actually make a finding that someone is a vexatious litigant.

The Hon. I. Gilfillan: Do you mean that, if the Bill passes, the court would not be able to declare a vexatious litigant on its own authority but would have to refer the matter to the Attorney-General?

The Hon. C.J. SUMNER: I think that is what would be done in normal circumstances. The court has been fully consulted on the Bill and it is not dissatisfied. In fact, it wanted it to go further. At present, someone can apply to have another person declared a vexatious litigant and the court can make that determination. The court was not happy with that.

The Hon. K.T. Griffin: Only the Attorney-General can do that now, can't he?

The Hon. C.J. SUMNER: The current situation is that the Attorney-General can apply to have someone declared a vexatious litigant. (It may be that another litigant could take that action, as well—but let us leave that aside at the moment.) Under current section 39, the Attorney-General can make that application. The court was concerned—and reported in the Supreme Court Report which has been tabled in Parliament—that the procedure should be stricter and that the court itself should have the power to declare someone as a vexatious litigant of its own motion. That was not satisfactory to the Government. The Government felt that the Attorney-General should still be responsible for taking those proceedings because of the general position in the legal system whereby the Attorney-General represents the public interest. The fact that the Attorney-General must take the action is a first step safeguard, if you like.

So it has been changed to enable the court to refer to the Attorney-General a person who is considered to be a vexatious litigant. That is the new procedure. The Attorney-General still has the authority to take proceedings: the court does not have that authority of its own motion. The court now has the capacity to refer someone to the Attorney-General for consideration whether proceedings should be taken. So it is not a major change in the law. In addition, because of the existence of the Legal Services Commission and its provision of legal aid, we have removed the section which enables the court to assign counsel to someone who cannot retain counsel because of poverty, so that in effect the Legal Services Commission provides them with legal aid by way of counsel before the court.

The Hon. I. Gilfillan: So you have removed that power?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. Griffin: And I am trying to put it back in.

The Hon. C.J. SUMNER: That is right. We have done it because the Legal Services Commission now does it. As I have said, nothing major turns on either point.

The Hon. I. GILFILLAN: Why does the Hon. Mr Griffin consider that this rather unique power of the court should be used in this circumstance? Why does this have special character?

The Hon. K.T. GRIFFIN: It is already there in relation to vexatious litigants. I suspect that it was put in originally (I cannot say how long ago, but it was many years) because depriving a person of the right to issue proceedings and take them further through the judicial system is a serious denial of an ordinary citizen's right. Keeping in mind that it is only in those circumstances where a litigant is vexatious or the proceedings are an abuse of process that the court can do it, nevertheless I suspect the reason for having this power in the original section was to ensure that the order preventing a litigant from taking proceedings or taking them further was made only after that person had proper legal advice and proper legal representation. The fact that it is in the Act at present suggests that it should remain and, with respect to the Attorney-General, the Legal Services Commission may not necessarily grant legal assistance, even if the person cannot afford counsel.

It is in those circumstances where the court is seeking to deprive that person of the right to proceed that I think the court ought to retain the power it presently has to assign counsel. It will not happen very often, but I think it is important to retain it in the legislation.

The Hon. I. GILFILLAN: It appears that it is not a matter of enormous moment to either the Attorney or the shadow Attorney. My instinct is that the demands on the Legal Services Commission are already extensive and, assuming that the order of the court would mean that counsel would come from the Legal Services Commission, it is probably unreasonable.

The Hon. C.J. Sumner interjecting:

The Hon. I. GILFILLAN: If you cannot assume it, I wonder whether that is a question I ought to ask. From where would this counsel come if the court assigned counsel to that person?

The Hon. C.J. SUMNER: The procedure is that if the court feels that counsel is necessary the matter is referred to the Legal Services Commission. I understand that it has granted aid in all cases thus far, but if for some reason the Legal Services Commission did not grant aid and the court was dissatisfied with that refusal by the Legal Services Commission to grant aid, the Hon. Mr Griffin's amendment to the present provision would permit the court to assign counsel, and that counsel would then have to be paid out of general revenue.

The Hon. I. GILFILLAN: I intend to oppose the amendment. I do not believe there is sufficient argument to justify an extraordinary process for this person who, one can assume in most instances, would be blocking the legal system and is close to being judged vexatious.

The Hon. K.T. Griffin: He is not judged vexatious until the order is made, and the object of the amendment is to ensure that—

The CHAIRPERSON: Order!

The Hon. I. GILFILLAN: I think the Legal Services Commission would have had the chance to deliberate on the justice or otherwise of having counsel allocated to such a person, and I am prepared to live with that; it is therefore my intention to oppose the amendment.

The Hon. K.T. GRIFFIN: I will not oppose it. I think the honourable member is making a mistake. If the court has power to refer matters to the Legal Services Commission on the basis that the court believes that a litigant who is likely to be declared vexatious ought to have legal aid, the Legal Services Commission is more likely than not to grant the request. If the ultimate authority of the court is removed, then we have a situation where the Legal Services Commission is more likely to flex its own muscles, act independently and refuse legal aid.

As I say, I treat the matter more seriously than the Hon. Mr Gilfillan has given me credit for, because I think that, if someone is to be denied access to the courts and the court believes that they ought to have proper legal representation in arguing whether or not that prohibition ought to be granted, this clause ought to be included. As I indicated, if the honourable member is going to vote against the amendment I will not divide on it. However, I do feel much more strongly about it than the honourable member has suggested.

The Hon. C.J. SUMNER: I thank the Hon. Mr Gilfillan for his support. I wish to say two things by way of clarification. There are two other things which this amendment does but which are not necessarily clear from the existing section 39; that is, it makes it clear that an order can be

made that a person is a vexatious litigant for a certain period, and it makes it clear that it applies to both criminal and civil proceedings. That is not relevant to this debate, but it clarifies that it does those three things. It allows the court to refer an issue of whether or not a person is a vexatious litigant to the Attorney for consideration; it clarifies that it applies to civil and criminal proceedings; and makes it clear that orders can be made for a limited period of time.

Amendment negatived; clause passed.
Title passed.
Bill read a third time and passed.

ADJOURNMENT

At 5.48 p.m. the Council adjourned until Tuesday 20 October at 2.15 p.m.