LEGISLATIVE COUNCIL

Tuesday, August 26, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

COUNTRY FIRE SERVICES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: On November 22, 1972, there was laid on the table of this Council a report of the working party appointed by the then Minister of Agriculture (Hon. T. M. Casey) on a proposed reorganisation of country fire services in South Australia. The members of the working party were Messrs. F. L. Kerr (Chairman), R. B. S. Sinclair, E. H. V. Riggs, R. E. Munro, D. R. Douglas, and R. D. Orr. As the Government has not yet implemented the working party's recommendations, can the Minister inform the Council whether he intends introducing legislation in accordance with the recommendations and, if he does not, what is the reason for the delay?

The Hon. B. A. CHATTERTON: The working party's report has been examined by the Government, which is at present reconsidering the situation in view of the other report compiled by Mr. Dunsford. We hope to be able to resolve the situation soon and to ensure that legislation is drafted, although I doubt whether it will be possible to introduce it in the current session.

RAILWAYS (TRANSFER AGREEMENT) BILL

The Hon. R. A. GEDDES: Legislation to ratify the Railways (Transfer Agreement) Bill was reintroduced in the Australian Parliament last Thursday. First, can the Chief Secretary explain why the State Government continually refused to allow amendments to the Bill when it was before this Parliament, when the Government knew that the agreement was still subject to ratification by the Australian Parliament? Secondly, will the State Government agree to any amendments that may be made to the legislation by the Australian Parliament? Finally, if the legislation is defeated in the Commonwealth Parliament, will the petrol franchise tax, which has been removed, be reintroduced?

The Hon. D. H. L. BANFIELD: I will seek a report for the honourable member.

VENEREAL DISEASE

The Hon. C. M. HILL: I seek leave to make a short explanation before asking a question of the Minister of Health.

Leave granted.

The Hon. C. M. HILL: First, I refer to the prevalence of venereal disease in South Australia. A press report early this year stated that the number of cases of venereal disease had increased by 21 per cent in 1974 over the number of cases reported in 1973. A few days ago the Health Department issued a pamphlet highlighting the seriousness of the problem and indicating that the incidence was constantly increasing. The second matter to which I refer relates to massage clinics. One can see by reading the morning paper in South Australia that the number of clinics is increasing all the time. First, will the Minister agree that the incidence of venereal disease in South Australia is increasing as a result of the many massage clinics now established; secondly, if so, can he suggest any effective means by which venereal disease can be controlled within massage clinics?

The Hon. D. H. L. BANFIELD: I do not agree that the incidence of venereal disease has increased as a result of the esablishment of massage clinics. Perhaps the number of reported cases has risen because of the better working relationship existing between the Health Department and doctors, who are now reporting cases; that is why the number appears greater. The department does not think that massage parlours are the main places where venereal diseases are contracted but, if a case is reported in relation to a massage clinic, it is much easier to locate the source because the department receives co-operation from those centres. They are not the main causes of the increased number of reported cases.

The Hon. R. C. DeGaris: What is the main cause?

The Hon. D. H. L. BANFIELD: The general social attitude of the people today.

PORT LINCOLN ABATTOIR

The Hon. F. T. BLEVINS: Can the Minister of Agriculture inform the Council of the present position on Eyre Peninsula in relation to the reduction of flocks of stockowners by the introduction of the Government scheme at the Port Lincoln abattoir?

The Hon. B. A. CHATTERTON: Since the scheme was introduced at the end of July, the Port Lincoln abattoir has treated about 6 000 sheep. However, it has had further bookings for about 20 000 sheep and is unable to accept any further bookings at present because the rate of treating sheep through the works is about 2 000 a week. It is quite impossible to accept further bookings at present. The condition of the sheep is disappointing, and we are faced with a most depressing situation. About 10 per cent of the sheep are dying before being processed through the works, but we hope that the situation will improve and that we will be able to lift the ban on further bookings in the not too distant future.

NARACOORTE ABATTOIR

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to the question I asked on August 5 regarding the Naracoorte abattoir and whether the company involved would be able to continue to pay interest rates and capital repayments when the works was closed?

The Hon. B. A. CHATTERTON: The South Australian Government's financial interest in South-East Meat (Australia) Limited is in the form of redeemable preference shares, and not loan moneys. As the company has decided temporarily to cease operations, obviously dividends on the shares are unlikely to be paid; but the conditions of investment were that the Government would be guaranteed the return of its equity money by 1980. This position is unlikely to change, except that, if the company resumes operating successfully, dividend payments will probably be restored.

MINING EXPLORATION

The Hon. R. A. GEDDES: On August 7, I asked the Minister of Agriculture, representing the Minister of Mines and Energy, whether the Australian Government would be able to finance the Mines Department in relation to mining exploration. I understand that the Minister now has a reply to that question.

The Hon. B. A. CHATTERTON: The Minister of Mines and Energy reports as follows:

The honourable member has suggested that the State Government apply to the Australian Government for

financial assistance to help the State's Mines Department in its programme for geophysical and general mineral exploration. Some assistance is already forthcoming from the Australian Government through the States Grants (Water Resources Measurement) Act, 1973. The Australian Government provides assistance for underground water investigations, and in 1974-75 the amount of Australian Government subsidy for this purpose was $282 500. Airborne magnetic surveys are undertaken by the Bureau of Mineral Resources as finances and priorities regarding projects in other States and the Territories allow; these are of direct application in assisting mineral search.

In 1973, the Mines Department applied to the Australian Government for funds amounting to about $250 000 to enable the department to undertake shallow stratigraphic drilling to assist in the search for petroleum in northern South Australia, but the Commonwealth Government declined to participate. Although there have been times recently when it would have been desirable for the Mines Department to have embarked on more ambitious geophysical and stratigraphic drilling programmes, the present revenue budget allocations provide finances adequate for current mineral exploration requirements. The Government has no immediate intention of applying for financial assistance other than in the continuing investigation of underground water resources.

STOCKYARDS

The Hon. C. M. HILL: I understand that representations have been made to the Minister of Agriculture by interests in the Tatiara region regarding the establishment or re-establishment of stock saleyards in or near Bordertown. Will the Minister say whether those interests can expect to receive any financial assistance from the Government for that purpose?

The Hon. B. A. CHATTERTON: It has been the Government's policy that establishment of saleyards should be the responsibility of local government. I think the Millicent District Council has established, or is in the process of establishing, new stock saleyards in that area, which are being financed by local government. The report that was made on the South-East saleyards contained a series of recommendations regarding restructuring saleyards in the South-East. The Government hopes that those recommendations are followed, as it believes that it will rationalise the sale of livestock in the South-East and reduce costs. However, the Government does not intend to force the implementation of those recommendations; they are merely recommendations regarding the saleyard system, and it will be up to local government to implement those recommendations, if it sees fit to do so.

PETROL TAX

The Hon. M. B. CAMERON: I seek leave to make a statement before asking the Chief Secretary a question.

Leave granted.

The Hon. M. B. CAMERON: The Premier announced on today's lunch-time news services that the Government intended to provide assistance, in the form of relief from the petrol tax, to those petrol station owners who could prove that they were in necessitous circumstances because of the requirement to pay the tax. My first reaction concerned how the Government would decide who was in necessitous circumstances, and what criteria would be used to determine this. More importantly, there are other people who are not perhaps in necessitous circumstances but who have been drastically affected through the imposition of the petrol tax. One case referred to me by another honourable member concerned a petrol station proprietor outside whose business premises a roadworks gang had operated for about six months, during which time his gallonage dropped drastically, whereas a neighbouring service station was not faced with the same problem. The proprietor of the neighbouring service station went into price cutting and he experienced a bonanza. However, the proprietor about whom I am concerned must still pay petrol tax based on last year's gallonage. He is in a serious financial loss situation because of this, but he is not necessarily in necessitous circumstances. Nevertheless, he has suffered, because the petrol price cutting stemmed directly from the way in which the petrol tax was introduced and applied. Instead of basing its relief scheme on the criteria of necessitous circumstances, will the Government extend its assistance operation to cover people who have done the right thing in not entering into price cutting and who have therefore suffered loss through price cutting and resultant loss of sales and who have still had to pay tax on the petrol gallonage they have not actually sold?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to the Premier and bring down a reply.

SHACKS

The Hon. C. M. HILL: Has the Minister of Lands a reply to the question I asked on August 19 concerning Government policy on shacks and shack sites?

The Hon. T. M. CASEY: Following an interim report from the Shack Site Review Committee about 12 months ago, the Government decided that existing shacks on waterfront Crown lands and reserves could remain. Based upon decisions taken by the Government at that time and subsequently, current policy with respect to these shacks is:

(1) Existing shacks may remain.

(2) In areas where shack site annual licences are issued by the Lands Department direct to shack owners, the licences are to be replaced by miscellaneous leases, the terms and conditions of which have yet to be determined. In areas controlled by local government, annual licence tenure is to remain.

(3) The Lands Department is to categorise waterfront shack areas into "acceptable areas" and "non-acceptable areas". This definition is primarily for the purpose of determining those sites on which further building work may be undertaken.

(4) In all areas (whether acceptable or non-acceptable) shacks damaged by flooding of the Murray River or by the elements or accidental fire may be repaired, reconstructed or replaced. Normal maintenance of shacks may also be carried out.

(5) In non-acceptable areas—

(*a*) No new sites may be let.

(*b*) Extensions to existing buildings and erection of new structures such as garages, boat sheds, carports, and so on, will not be permitted. The only building work which may be undertaken in non-acceptable areas apart from that specified in paragraph (4) above is any work required and detailed by the health authorities.

(6) In acceptable areas—

(*a*) Any existing vacant sites in local government controlled areas, to which services such as access roads, reticulated water or electricity have already been provided, may be let and built on.

(*b*) Extensions to existing shacks in both local government and departmental areas will be permitted, and erection of subsidiary type buildings will also be allowed.

(7) In any building work carried out in terms of paragraphs (4), (5) or (6)—

(*a*) Solid construction must not be used.

(*b*) Work must not be commenced until local government approval under the Building Act has been obtained, where applicable. Where this is not applicable, the approval of the Minister of Lands must be obtained prior to commencement.

(8) Transfers of shacks are permitted in genuine circumstances.

(9) The Shack Site Review Committee is to continue its investigations into suitable locations for future holiday home development.

The Lands Department is preparing specific advices to district councils in respect of acceptable and non-acceptable areas under their control. Similar advices will be sent to individuals who hold licences directly from the department. It is expected that the department will be in a position to forward these advices within about three weeks.

POSTAL CHARGES

The Hon. R. A. GEDDES: Has the Chief Secretary a reply to the question I asked on August 7 concerning charitable organisations, which raise money through the sale of Christmas cards and which are now most anxious to hear his reply?

The Hon. D. H. L. BANFIELD: As the honourable member is aware, postal charges are not matters over which the State Government has control. I have taken up his suggestion with the Australian Postal Commission and will inform him by letter of its reply.

FAUNA LICENCES

The Hon. C. M. HILL: I understand the Minister of Lands has a reply to my recent question about fauna licences.

The Hon. T. M. CASEY: My colleague, the Minister for the Environment, reports as follows:

A total revenue of $7 661·25 from the sale of permits to keep and sell protected animals has been received for the period July 1, 1975, to August 18, 1975. (This figure includes some excess payments, for which refunds will be made.) Revenue has been derived as follows: 1 929 permits to keep and/or sell protected animals (less than nine)—$1 727·25; 2 638 permits to keep nine or more protected animals—$5 934·00.

ABALONE DIVERS

The Hon. R. A. GEDDES: Has the Minister of Fisheries a reply to a question I asked on August 14 about medical examinations for abalone divers?

The Hon. B. A. CHATTERTON: The Acting Director of Fisheries has furnished me with a comprehensive report and copies of correspondence concerning the standard of the medical examination prescribed for applicants for abalone permits and, to avoid taking up too much of the time of the Council in replying at length to the honourable member now, I am happy to make the file available for his perusal and, if he so desires, supply him with a copy of the relevant information. I do not accept the contention that insufficient time has been allowed applicants for abalone permits to obtain the results of X-ray examinations required for inclusion in the medical certificates that must accompany applications. Nevertheless, I have agreed to extend the time for lodging applications until September 15, 1975.

CATTLE TAGS

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about cattle tags?

The Hon. B. A. CHATTERTON: It is generally accepted that there are problems associated with stick-on tags under wet weather conditions but it has not yet been possible to develop an adhesive that will effectively attach to wet hair. However, if care is taken to keep the tags dry, the wrap-around method of attachment gives a reasonably satisfactory result. A grazier member of the Liaison Committee on Brucellosis and Tuberculosis has suggested that cattle owners should have both types of tag on hand for use under appropriate conditions, because he considers the wrap-around tag is normally easier to apply, and the rachet type gives a better result under some conditions. An examination of yards through which cattle have been moved has resulted in the collection of many tags of both types. The Department of Agriculture field staff believes that the condition of tags collected indicates incorrect application in most cases. The major fault appears to be a failure to put tags on tightly enough to prevent them slipping over the brush, but it is also possible that some tags have been placed on the brush instead of the tail proper. I emphasise the importance of correct placement so that the tag will remain in place.

If a few cattle in a mob lose tags in transit from farm to market, no action will be taken against the owner for failure to tag, provided it is obvious that attempts have been made to comply with the requirements. It is in the owner's interest, however, to ensure that the tag is fitted correctly so that his property can receive a correct status grading as a result of carcass examination. The Department of Agriculture does not recommend any one tag or manufacturer but will take up with the manufacturer any obvious deficiencies in his product if complaints are lodged by owners. It would be wise for owners to seek advice from the District Animal Health Adviser on methods of applying tags, in the first place, if there is an apparent problem. From market reports to date, it appears that tagging is being satisfactorily completed by the majority of cattle owners.

TRUCK SIGNS

The Hon. A. M. WHYTE: Has the Minister of Lands a reply from the Minister of Transport to my question of August 12 about a public relations effort by the Highways Department?

The Hon. T. M. CASEY: The Road Traffic Act and regulations under the Act have always required the owner's name, address and tare weight to be painted in a conspicuous place on certain classes of vehicle. The size of lettering was specified in imperial measurement. In December, 1973, the Road Traffic Act was amended to require the display of gross vehicle mass limit (GV) and gross combination mass limit (GC) in painted letters on such vehicles. The amending Act also stated the direct metric conversion of the imperial measurement of lettering to be used. Considerable publicity was given to these requirements, including the issue of a detailed leaflet by the Chairman of the Road Traffic Board in January, 1975. Copies of these leaflets were handed to vehicle operators when stopped for various road traffic control purposes. Since July 1, 1975, prosecutions have ensued when full details, as required by the Act, have not been painted on the vehicle. Where the GV and/or GC weights have not been shown, owners have been

warned and given an opportunity to rectify the omission. It is considered that ample publicity has been given to this requirement, and Highways Department officers have acted in a very reasonable manner.

MODBURY HEIGHTS HIGH SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Modbury Heights High School.

SUPPLY BILL (No. 2)

Adjourned debate on second reading.

(Continued from August 21. Page 404.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill seeks Supply amounting to $130 000 000 to maintain payments to the Public Service of South Australia, pending the passage of the 1975-1976 Budget. It is the normal type of Supply Bill, which is usually introduced at this time, although one must comment on the fact that Supply Bill (No. 2) this year provides for $30 000 000 more than did the corresponding Bill last year. Perhaps that matter on its own is a matter for comment, but such comment would achieve nothing at this stage. Because it is the normal type of Bill, I support the second reading.

The Hon. C. M. HILL: I, too, support the Bill. However, I wish to raise a matter connected with the following point made by the Minister of Health in his second reading explanation:

Clause 3 ensures that no payments may be made from the appropriation sought in excess of those individual items approved by Parliament in last year's Appropriation Acts and other appropriation authorities.

I refer the Council to questions already asked concerning remissions that have been made in stamp duty to people who have sought to have their matrimonial home transferred into joint names, as a result of an election promise by the present Government. I do not in any way object to the principle involved in this matter. What I take strong objection to is that the Government has already put its promise into operation and is, in effect, refunding stamp duty to these people under a line in the appropriations that have previously been approved by Parliament; I refer to the line "Contingencies—refunds and remissions". I believe that the Government has gone too far in respect of the fairly wide ambit, which this line gives, within which a Government authority is empowered to act. It was never envisaged when Parliament approved the appropriations that included this line that this kind of refund would be involved.

Parliament agreed (and, I think, agreed properly) to the line, because occasionally overpayments may be made in error or refunds may be brought about through appeals made to the department, and so forth. For these traditional and genuine reasons, some flexibility of that kind must be written into the Estimates; I completely agree with that practice. However, the Government, in rushing in to implement its policy, grasped upon this line and is, in effect, paying out money the payment of which has not been approved by Parliament.

The Hon. M. B. Cameron: The Government should not initiate new policies under this line.

The Hon. C. M. HILL: In general terms, that is what I am saying. The Government itself admits that it is doing the wrong thing, because it intends, as the Minister said in his reply to a question on August 13, to introduce new legislation to give effect to this practice. It is when that legislation is passed by Parliament that this kind of refund ought to be made; one would not object to the matter being made retrospective in such legislation. At least, if repayments were delayed until that time, they would then be made with the consent of Parliament.

However, the Government, in following its present practice, is circumventing the processes of Parliament and paying out the people's money in these cases without the consent of those people's representatives in Parliament. The practice is wrong because it makes a mockery of what the Minister has said in his second reading explanation, and I take strong exception to it. Apart from that point, I approve the measure.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (SEX DISCRIMINATION)

Adjourned debate on second reading.

(Continued from August 21. Page 404.)

The Hon. D. H. LAIDLAW: I support the second reading of this Bill. In introducing the Bill, the Chief Secretary said it had two objects: first, to deal in the industrial sense with matters arising out of the report of the Select Committee on Sex Discrimination in the other place; secondly, to facilitate the operation of the principles of wage indexation enunciated by the Australian Conciliation and Arbitration Commission in its judgment on April 30 last. I remind the Chief Secretary that he referred to the Commonwealth Conciliation and Arbitration Commission, but I think he will agree that we need to keep up with the times.

Honourable members will recall that the Select Committee on Sex Discrimination was set up as a result of a private member's Bill introduced in the other place by the present Leader of the Opposition and, when the Bill was debated in the other place, the member for Torrens stated that the Opposition gave complete support for the principles put forward, subject to an amendment regarding a wage loading in the Whyalla region which was subsequently accepted by the Government.

Workers engaged under Federal awards and under awards in other States now have their rates expressed as "total wages", but in South Australia the Industrial Commission is still empowered to set a different living wage for males and females, to which is added margins. In some instances the margins are equal, whilst in others a differential prevails. This Bill aims to abandon the living wage concept. I understand that about 60 per cent of the workers in this State are employed under Federal awards and paid a total wage, so that the effect of this Bill will be to bring the remainder engaged under State awards into line.

As honourable members know, females have attained equal pay for equal work in many Federal and South Australian awards. Abolishing the differential in living wage rates for males and females will probably lead to equal pay in the remaining South Australian awards, but the Chief Secretary stressed that the Government does not consider equal pay should be implemented overnight; rather, the intention is that the Industrial Commission should have the power to make a decision having regard to the circumstances of each case.

This is a wise proviso in view of the economic conditions prevailing in South Australia at present, and I do hope that the Industrial Commission takes heed of these

and of the principles already laid down for establishing equal pay for equal work.

May I make particular reference to the commercial field in Adelaide which employs large numbers of female clerical staff under the South Australian Clerks Award. A differential of about $9 a week still prevails in this award between males and females doing similar work. Many commercial firms (in stockbroking, for example) have been forced to retrench clerical staff in recent months through lack of work. If the Industrial Commission chose to equalise pay hurriedly in this area, it could well provoke further dismissals, and the female clerical staff involved could find it hard to obtain suitable alternative employment.

Hopefully, the commission would follow the lead set in the Federal metal trades and metal industries awards, which involve some 600 000 workers throughout Australia. There, female wages were lifted by stages until they achieved full equality on January 1, 1972. This reduced the burden upon employers and minimised retrenchments.

In the past there has been some reluctance to employ females in secondary industry, but this attitude is fast disappearing and there are many jobs in secondary industry which females do as well as or better than men if given the chance. Employers, although confronted with equal pay, now engage females to do work which in the past was purely a male preserve. Females, for example, make good process welders, and honourable members will, I hope, agree that welding is much like laying icing on top of a birthday cake. Whilst I do not advocate an automatic flow-on of the over-awards for welders into the pastry trade, I do want to draw a comparison.

The Hon. F. T. Blevins: Cooks are higher paid, anyway.

The Hon. D. H. LAIDLAW: Are they?

The Hon. F. T. Blevins: My word. The metal trades industry is one of the worst in Australia.

The Hon. D. H. LAIDLAW: Perhaps we could have a claim in the other direction.

One difficulty has been to persuade shop floor supervisors to employ females. Supervisors are rather conservative by nature and their objections in my experience stem, first, from the fact that the supervisors have previously had a purely male work force, so why change; secondly, if females are assaulted at work the supervisors may well be blamed for not protecting them better; thirdly, females can, of course, be distracting. For example, I well recall a girl in a factory who produced a series of T-shirts each with "I like it" stamped on them. Then, for reasons best known to herself, she chose to carry the label on her back rather than on her front.

Before concluding my remarks on sex discrimination in the industrial sense, which is what this Bill is about, I do want to place on record my own experience of employing females on equal pay for the past four years under the Federal Metal Industries Award in a project at Mile End assembling the chassis for a wellknown brand of Australian motor vehicle.

This operation commenced in May, 1971, and almost from the outset required a work force of about 250 people on two shifts. After some deliberation, we decided to include females and to offer equal pay, even though we were not obliged to do so until the following year. We did this to attract reliable female workers.

Although the South Australian Industrial Code stipulates that employers shall not knowingly allow females to lift weights of more than 35lb. (about 16 kg), we decided, because of its repetitive nature, to confine them in the main to areas where the components weighed 20lb. (9 kg) or less. This was a wise move, because working females are more prone than males to wrist sprains, twisted insides and other odd maladies.

Females proved adept at this type of work and in time they comprised up to 90 of the work force of 250. It is worth recording that there are now four female leading hands in this area with men working for them. Turnover of females in this operation averages only about 40 per cent of that of males. Dubious claims for workmen's compensation are no higher amongst the females than the males, and absenteeism is about the same, although our records show that, for some strange reason, females take "sickies" on Wednesdays and males on Mondays. So much for sex equality.

The second objective of this Bill is to facilitate the operation of wage indexation as laid down by Mr. Justice Moore in his judgment in the Australian Conciliation and Arbitration Commission on April 30 last. As the Act now stands, adjustments to awards may be made at intervals of not less than six months, but under the Moore proposals indexation would operate quarterly.

About 60 per cent of workers in South Australia are engaged under Federal awards and would receive these adjustments quarterly. It is only just that the remaining South Australian workers under State awards should receive a flow-on from the Federal adjustments and, therefore, the second objective of this Bill seems quite sound. For the reasons stated above, I support the second reading of this Bill.

The Hon. J. C. BURDETT secured the adjournment of the debate.

CIGARETTES (LABELLING) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 21. Page 405.)

The Hon. A. M. WHYTE: I spoke on this legislation on June 17, and I have no reason to alter the opinions I then expressed. I believe the legislation is indeed false legislation. It is designed not to protect the individual but to raise revenue. The extra cost of sign alterations will be passed on to smokers and, as such, will provide further revenue for the State. It is significant that the Federal Labor Caucus, on the invitation of the Commonwealth Health Minister, considered this measure and refused to have any part of it, one reason being that the Commonwealth Government's revenue would not be increased as a result of the passing of this Bill.

The Commonwealth Government already receives about $562 000 000 a year from taxation on cigarette sales, so it is fairly pleased with people who smoke. There are many fine people throughout the community who do their best to encourage people not to smoke and who highlight the problems associated with smoking. However, I do not think even this group of people is particularly interested in legislation dealing with the alteration of advertising signs.

The 1971 legislation dealing with the warning that must be given with cigarette advertisements is being complied with. This Bill, which deals with advertising, the warning that must be given, specifies a certain type of advertisement. The problems faced by those people who choose to smoke are not easily solved. Such problems exist in every nation. Indeed, even our own Aborigines have always had some type of sedative, or whatever it might be called, and are known to chew pitjuri. Every nation has something like this which is considered a health hazard.

The Government has had sufficient time to consider the effect of the legislation throughout the world and, if it had sufficient proof, the Government should include in the warning a statement to the effect that it had been proved that smoking contributed to lung cancer. If the Government was able to do that, I would wholeheartedly support the Bill. However, there is no real proof that that is the case.

It is indicated that smoking could contribute to lung cancer or other respiratory or digestive illnesses, but no-one is willing to come out and say, or prove, that this is a fact. Until they can, we should be fair in relation to the warnings that are given. The warning is fair enough, although this Bill, which deals with advertising, will have a devastating effect on charities and sporting organisations, as well as the media which, although it has left its run a little late, is particularly interested in the effect of the ban on advertising.

This industry is a wealthy one, paying as it does $562 000 000 a year in taxes to the Commonwealth Government. Over $10 000 000 a week is indeed a substantial sum, even for a Government such as the present Commonwealth Government, which makes use of $1 000 000 like most people make use of 5c. This large industry employs 6 000 persons and pays about $50 000 000 a year to them in wages. I therefore believe we ought to consider the Bill as carefully as possible.

No-one has been able to prove that smoking contributes to lung cancer. When this can be proved, I think we ought to take more drastic steps. However, at present it has not been proved and there is no real necessity for the legislation. The Government rests strongly on the fact that Tasmania was about to introduce similar legislation. However, that State resoundingly rejected the legislation three or four days ago, and many of the matters raised in that debate—

The Hon. D. H. L. Banfield: The Government didn't reject it.

The Hon. A. M. WHYTE: Well, the Parliament did.

The Hon. D. H. L. Banfield: Only one part of the Parliament.

The Hon. A. M. WHYTE: Very well. The Tasmanian *Mercury* gives a reasonable account of what transpired in connection with this Bill, the Tasmanian Parliament having no *Hansard*. If the Minister studied what the Tasmanian politicians said about this legislation, it would be of some consequence to him when considering this Bill. It was alleged that too many warnings could be counterproductive, and I believe this could be so. There has been no proof that warnings placed around football fields or race tracks have reduced the incidence of smoking. Nor can it be proved that banners not containing the warning that smoking is a health hazard induce people to smoke. As I think the people will smoke anyway, I do not believe there is any real necessity for this Bill.

One aspect that concerns me is the various charities and bodies that are assisted substantially by tobacco companies. This Bill is slightly different from the one considered in this place previously. The Government has been willing to accept some amendments that were moved in this Council the last time that this legislation was before honourable members. However, the Government has only partly accepted those amendments, inasmuch as clause 4 enables advertisements to be exempted, although it does not specify which advertisements.

Therefore, we have legislation which, in fact, is merely a frame on which to hang regulations, and people desire a much clearer definition of which advertising will be exempt and which will not. It would be ludicrous for South Australia (although I know it is a great leader in all of these social reforms) to find itself the only State with such legislation. There could be much difficulty in persuading the other States to be stupid enough to introduce similar measures.

The Hon. D. H. L. Banfield: That's not right, you know. This came about as a result of a conference of Ministers from all States, and it was accepted unanimously by all Ministers.

The Hon. A. M. WHYTE: I understand that. However, the other States seem to be having second thoughts about this.

The Hon. D. H. L. Banfield: They had their second thoughts all right, because it came up in 1974 and again in 1975.

The Hon. A. M. WHYTE: If the Minister is sure that the other States will proceed with similar legislation, he will no doubt be pleased to accept the amendment which I have placed on file and which will make it necessary for at least three States to indicate that they intend to enact similar legislation before this State proclaims the Bill. If the Minister is willing to accept that, I will have no quibble with the Bill. However, if the amendment is not accepted, I will have no option but to vote against the Bill at the third reading stage.

Politically it would be a smart move so far as honourable members on this side of the Council were concerned if the Government was left with this Bill, because the media, charities and sporting bodies are not willing to accept the Minister's assurance. Today, I received telephone calls from various sporting bodies asking me to see whether I could have the Bill amended or whether I could have it rejected. Despite the headline "Assurance on smoke advertisements" the sporting bodies are not willing to accept that assurance: they want something provided in the legislation, and I believe that is a fair request. Certainly, more and more people today are concerned about the amount of control on their lives through regulations, when they can see nothing to that effect in the relevant Acts. I am willing to support the second reading of the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill was passed by this Council in the dying hours of the last Parliament, when certain undertakings were given by the Minister in relation to it. I do not want to canvass all the arguments for and against the Bill, except to say that the undertakings given by the Minister when the Council last examined the legislation should be incorporated in the Bill. I believe that such legislation is another example of over-reaction. Although I do not intend covering the ground again, becuse it has already been covered by the Hon. Mr. Whyte and was previously covered when the Bill was last before the Council, I point out that, so far as conferences of Ministers of Health are concerned (the Chief Secretary has referred to this), I remember a previous Minister of Health expressing his opinion at a Ministers' conference and then, when a Bill was being debated in this Council, deciding to move in the other direction, although he personally agreed with the viewpoint expressed here by other honourable members at that time.

I do not place great store in determinations of Health Ministers' conferences in relation to how people should view

legislation when it is considered by State Houses. The Hon. Mr. Whyte has an amendment on file with which he will deal in the Committee stage. The amendment to be moved by the honourable member merely represents the undertaking given by the Minister when the Bill was last before the Council. I commend the Hon. Mr. Whyte for placing his amendment on file, as I believe it is a reasonable amendment. When the cigarette labelling legislation was first introduced, it was amended to include the undertaking that, before this State proceeded with the marking of cigarette packets with the warning that "Smoking is a health hazard" (and I agree with the Hon. Mr. Whyte that that is not worth anything), a majority of other States would have to indicate that they would introduce similar legislation. If only one State had moved in this regard, it would have thrown the industry into confusion.

That amendment was accepted by this Council, and no move was made by South Australia until a majority of other Australian States agreed to implement similar legislation. I should now like to touch upon another matter, which I have previously raised in this council. This legislation uses an exempt regulation mechanism. I have always opposed this attitude, and once again I point out to the Cheif Secretary that, even with the proviso in this Bill that the majority of States have to indicate their intention of proceeding in this matter, we have a dragnet Bill which brings everything into the legislation and allows the Government the right to make regulations exempting certain advertisements. I believe the correct procedure should be to make regulations to include those advertisements that should be caught by the legislation. Once again, Parliament is handing over to the Government the power to decide the issue, and neither this Council nor another place has any say in what advertisements will be exempt.

If honourable members consider this point, they will see that Parliament, not the Government, should decide which advertisements should be caught within the legislation and which advertisements should be exempt. As pointed out by the Hon. Mr. Whyte, there are many matters which, if caught within this legislation, would lead to a ridiculous situation. Governments are often stupid, especially when matters can be determined by Executive decision, and Parliament cannot take any action itself to solve the problem at hand.

I instance the Peter Stuyvesant art exhibition. Will advertisements for that exhibition have to carry a massive sign with the words, one-quarter the size (or whatever the regulation may be), "Warning—Smoking is a health hazard"? Such a situation would be ridiculous. Then one might have the Marlboro trophy, a massive cup given as a prize to, say, a golfer or a yachtsman: must there be engraved on the cup the warning that smoking is a health hazard? Queensland may not pass similar legislation, and there could be a cricket broadcast from the Wooloongabba Oval, around which there could be erected a big hoarding for Craven A; perhaps that match could not be telecast in South Australia, because that hoarding does not comply with our advertising regulations. As one examines the situation one can see a whole range of topics that can reduce this Bill to something quite ridiculous. For that reason I once again raise my voice against this concept of having dragnet legislation, whereby the Government has the right to exempt certain advertisements by regulation.

Parliament should decide, and should be able to debate, which advertisements should be included in the dragnet, not which advertisements should be exempt, because otherwise Parliament really has no power in such a situation. I support the second reading of the Bill, and I will support the amendment foreshadowed by the Hon. Mr. Whyte. I have also thought about introducing an amendment on the question of exempt advertisments, because I prefer to provide for prescribed advertisements by regulation coming within the ambit of the Act. That would allow Parliament to debate the issue rationally. Looking at the legislation, I have decided that I will not do that, but I will ask the Chief Secretary whether he will consider changing the measure so that we deal not with an exempt advertisement but with a prescribed advertisement, so that Parliament will know exactly what is being caught within the ambit of the legislation and the matter of determining what is to be exempt is not left to an Executive decision.

The Hon. J. C. BURDETT: I, too, support the second reading and what must be the motive for the Bill, namely, to induce people to desist from excessive cigarette smoking. It is trite at this stage, of course, to say that it has been conclusively established that excessive cigarette smoking is, at any rate, a health hazard; it has been established, too, that it increases susceptibility to lung cancer and, more importantly, because of the greater incidence of the disease, cigarette smoking has been established as increasing susceptibility to heart disease. I can say this without being sanctimonious because I am not a cigarette smoker, not through any high-minded motive but because I do not like the things. I question whether the warnings contemplated by the Bill are likely to stop anyone smoking. It has been a fault of this Government to suppose that every problem in the community can be cured by legislation. The news release made by the State Health Ministers at their conference in Perth on May 7, 1975, stated that the Ministers had agreed to include in uniform (and I stress the word "uniform") legislation to control cigarette advertising the various matters set out in the release.

As all Health Ministers agreed on these steps, I accept with some hesitation that such legislation is desirable, but there must, as the Minister said, be uniform legislation in all, or at least most, of the States. I will support the second reading to allow the Bill to go into the Committee stage and I will support the amendment of the Hon. Mr. Whyte. I suggest it is eminently reasonable, because it insists not that all States agree but that only at least three States agree. There is a precedent for this in the parent Act of 1971, section 2 of which provides:

Subject to subsection (2) of this section, this Act shall come into operation on a day to be fixed by proclamation.

Subsection (2) provides:

A proclamation referred to in subsection (1) of this section shall not be made until the Governor is satisfied that (*a*) legislation similar in effect to this Act has been enacted in respect of not less than three of the other States of the Commonwealth; and (*b*) the legislation referred to in paragraph (*a*) of this subsection has, or is likely to, come into operation.

So there is a precedent in the parent Act for exactly what the Hon. Mr. Whyte is seeking to do. If the amendment is unsuccessful, I will oppose the third reading because to me it is absolutely essential, for this Bill to be effective, that it be uniform and that it be enacted also in at least most of the other States. If this were not so, it would, in my view, be an unwarranted and unreasonable imposition on the manufacturers that they would have to design and channel advertisements into South Australia alone. It would be unnecessarily expensive, and this expense would, as always, be passed on to the consumer. That to me is not reasonable and, if the legislation is to be applied in South Australia alone, if the amendment is unsuccessful, I will oppose the third reading. Subject to this, I support the second reading.

The Hon. J. A. CARNIE: Mr. President, we heard last week from the Chief Secretary about a reformed drunk and a reformed gerrymanderist: I come to this Bill as a reformed smoker. I do not quite know where in the scheme of things I come in. I support the second reading with many misgivings. In fact, at this stage I would have foreshadowed an amendment, but an amendment has been placed on file by the Hon. Mr. Whyte and I indicate now I intend to support it. Cigarette smoking has always (and certainly in recent years) been the subject of attacks by individuals, groups and Governments. The main attack used, of course, is that smoking is a health hazard. There are many arguments for and against this. I believe (and I think most people do, whether or not they are smokers) that smoking is not good for the health; but I believe, too, that the anti-smokers have tended to overplay their hands. We have heard several times today that lung cancer is associated with cigarette smoking.

Cancer is a horrifying word, and that is why anti-smoking advertising has picked on lung cancer as being the main disease to promote. But this amounts to scare tactics and, in many ways, they have had an adverse effect; it is like the little boy who cried "Wolf". I believe it is an acknowledged fact that more smokers than non-smokers will contract lung cancer, but it is still a fairly rare disease, and the chances of even a smoker getting lung cancer, statistically, are still small. The main ones that should have been promoted, I believe, are less dramatic, perhaps, but nevertheless diseases that affect a far greater part of the community, and smokers in particular: they are heart disease, peripheral vascular disease, bronchitis, and emphysema. These are all diseases that are, if not caused by cigarette smoking, at least aggravated and made worse by smoking.

I said I had reservations about this Bill, and one serious one is that the warning given on radio and television and on cigarette packets has had very little effect. I would like to quote from the *News* an item of August 12, headed "Startling Increase in Girl Smokers"; and it states:

One in every three girls at secondary school has taken up smoking cigarettes, a shock Federal Government survey reveals. This is a dramatic jump of 19 per cent on a similar survey in 1969 and means that more schoolgirls now smoke than their mothers. The figures indicate that the Government's anti-smoking campaign has been a dismal failure. The latest survey comes on top of an article in the *Medical Journal of Australia*, which claims that one-third of Sydney schoolchildren do not understand the compulsory warning, "Smoking is a health hazard", on T.V. advertising and cigarette packets.

In fact, following that, where it says that schoolchildren do not understand the compulsory warning, there is some psychological evidence that indeed it has the opposite effect, that the very word "hazard" implies "dare" and children are subconsciously, if not consciously, looking on the warning in this way.

The Hon. Anne Levy: Not according to that article in the *M.J.A.*

The Hon. J. A. CARNIE: Mr. President, the *Medical Journal of Australia* claims that one-third of Sydney schoolchildren do not understand the compulsory warning.

The Hon. Anne Levy: They do not understand the meaning of the word "hazard". The word has a bad connotation. Look it up in the Parliamentary Library.

The Hon. J. A. CARNIE: Nevertheless, it is easy to quote authorities one way or another on a matter. It has been stated that there are some authorities who do not think smoking is a health hazard.

The Hon. Anne Levy: I think the *M.J.A.* refers to that.

The Hon. J. A. CARNIE: When I was in another place for a term a few years ago, I mentioned that this Government (and it is still the same Government in office) governed too much by regulation or proclamation, that too little detail was set out in its Bills. I believe this is another case. There are many points in this Bill on which I shall seek information when we go into Committee; in fact, the Minister when he replies to the second reading debate could answer some of them. One of them involves clause 4 (*b*) (the Hon. Mr. DeGaris has already mentioned this) which refers to "exempt advertisement". Does the Minister intend to give this Council any indication at all of what type of advertisement will be exempt, or will he keep us in the dark? Also, mention has been made of the conference of State Health Ministers. The press release after that conference spelled out fully what was intended in the legislation. I would like to read again from the press release from this conference, where it stated:

The warnings would be mandatory on all advertisements for cigarettes in newspapers, magazines, hoardings, handbills, pamphlets, leaflets, cinema slides and films and other written material advertising cigarettes on smoking accessories, articles of wear and on cigarette machines or by other means.

Can the Minister say whether some of these types of advertising will be exempted? I refer now to the term "in the prescribed manner" in new section 4a (1). It was clearly stated at the conference what was intended: that the lettering should be of a height of not less than one-quarter of the maximum dimension of the lettering of the brand or company name. However, the Bill does not set out this requirement. I hope the Minister will tell us whether that is what is meant. Surely the Minister can see that this measure will lead to discrimination between companies, because some brands have inordinately high letters. For example, the "A" in "Ardath" is much higher than any other letter in that name. The same point applies to the name "Marlboro". However, Benson and Hedges use relatively small letters.

The Hon. R. C. DeGaris: The Subordinate Legislation Committee can handle this matter.

The Hon. J. A. CARNIE: Yes. However, the Minister has not indicated that he is following the decisions of the conference of Health Ministers. In his second reading explanation the Minister said:

Clause 5, by the insertion of a new section 4a in the principal Act, provides that, after a day to be fixed by proclamation (which will be fixed in consultation with the authorities of other States), it will be unlawful to advertise cigarettes unless the prescribed health warning is associated with the advertisement.

Does this mean that the Minister will not have this Bill proclaimed until other States have indicated that they will implement similar measures? Or, will the Minister telephone his colleagues in other States and say, "We will pass this legislation, whether you do or not." While the Bill is in its present form, the Minister is able to do this, and it is for this reason that I will support the amendment that has been foreshadowed. The question of only one State having legislation of this nature has already been canvassed. Further, the question of banners, without the prescribed warning, at sporting events has been raised. Will national magazines, such as *Women's Weekly* and *Woman's Day*, and international magazines, such as *Time* and *Newsweek*, have to do a special run for South Australia? Or, will they refuse to accept cigarrette advertising altogether?

The Hon. D. H. L. Banfield: What about section 92 of the Australian Constitution?

The Hon. J. C. Burdett: You tell us.

The Hon. J. A. CARNIE: Introducing such provisions in only one State amounts to harrassment of an industry. About 95 per cent of cigarette advertisements carry a facsimile of a cigarette packet, and cigarette companies voluntarily include the warning on the facsimile. I support the second reading of this Bill so that the many matters that have been raised can be discussed in Committee and so that the Minister can answer the questions that have been asked.

The Hon. C. M. HILL: I support the second reading of this Bill, and I support the Government in its endeavour to introduce the principle behind the legislation. In his second reading explanation the Minister referred to a phasing-in period in the Bill, but I cannot find where any phasing-in period is written into the legislation. The Government may intend to introduce regulations step by step; perhaps this is to be the method of phasing in. Certainly, there are not any time periods mentioned. I therefore ask the Minister to explain this matter.

The Hon. Mr. DeGaris referred to the exemption of certain advertisements by regulation. After this Bill passes, the Government could well decide that it will not bring down any regulations at all. If it made such a decision, there would be no exempt advertisements whatever. The definition of "exempt advertisement" would then have no effect, and the exemption from a penalty of $1 000 in clause 5 would not apply, either, because there would not be any exempt advertisements. Like the Hon. Mr. DeGaris, I believe that a provision of this kind does not make for good legislation. The definition of "exempt advertisement" is as follows:

"Exempt advertisement" means an advertisement or an advertisement of a class for the time being exempted by regulation under this Act.

In respect of this definition the Government is negative in its approach; the provision is indefinite and uncertain, and we are plunging into the unknown. We do not know what the Government has in mind. Further, the Government can, of course, change its mind. As a result, exemptions that the Minister may have in mind may not be proceeded with.

The Hon. R. C. DeGaris: And Parliament can never debate them.

The Hon. C. M. HILL: That is so. It must be agreed at this time that there shall be exemptions. Surely the Minister must admit that nothing whatever need come of this kind of legislation, as it stands. The effect of his Bill would be nullified if the kind of practice to which I have referred was adopted by him or by a future Minister. I therefore disagree with his approach. New section 4a is very wide in its scope, and it is wide in respect of grounds for people to be involved in penalties of up to $1 000, in circumstances where those people should not be endangered in any way. New section 4a (1) provides:

. . . a person shall not publish . . . or be concerned in the publication of any advertisement relating to any cigarettes unless the prescribed health warning is presented in the prescribed manner in conjunction with that advertisement. Penalty: One thousand dollars.

Let us consider who may be affected by this provision. Such people must certainly include all staff members of advertising agencies, right down to the junior copy boy. Should it not also include all staff members of the newspaper that prints those advertisements? As the Bill stands at present, the Parliamentary roundsman could be caught up in this net, because he, being on the staff of the *Advertiser,* is concerned with the publication of that newspaper. The publication of the *Advertiser,* including the advertisements within it, I believe must ensnare such a wide range of staff. Surely, that is not the intention of the Government. I accept that it is not, but I believe that, in the way it is worded, that is how it could be interpreted.

Then we come to the question of publication of some of the advertisements the Government indicates will be exempted by regulation, such as hoardings at football grounds, hoardings under the control of the football clubs involved. What about the people concerned with those football clubs? Will they be ensnared in this legislation? After all, they control the grounds, and it is with the consent of the clubs that the publications are written around the pickets or in other positions around the oval. Therefore, I believe that to include the words "or be concerned in the publication of" could be interpreted in an extremely broad way indeed. If there is any possibility of that happening, now is the time, whilst this measure is before the Council, for it to be corrected. I ask the Minister to comment further at the appropriate time on the three points I have made. Based on his reply, I shall further consider my position.

The Hon. ANNE LEVY secured the adjournment of the debate.

ADJOURNMENT

At 3.42 p.m. the Council adjourned until Wednesday, August 27, at 2.15 p.m.