LEGISLATIVE COUNCIL

Wednesday 31 August 1983

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

QUESTIONS

WINE TAX

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the tax on fortified wines.

Leave granted.

The Hon. M.B. CAMERON: As all members will be aware, in the recent Federal Budget an excise of $2.61 per litre of alcohol was levied on fortified wine. This impost has been roundly condemned by the wine industry and by the Opposition. There is conflict between industry estimates and Federal Government estimates as to the impact of the excise: the Federal Government in the Budget predicted revenue from the excise of $13 000 000 per annum but only $6 000 000 this financial year, whereas the industry predicts a higher figure of $15 000 000 in 1983-84. There is a fair disparity between the two figures and an obvious conflict between the Government and the industry.

Eighty per cent of fortified wine is produced in South Australia; so this is a tax which will have enormous impact specifically on the wine industry in South Australia. I understand that one winery in the Riverland, owned by Consolidated Co-operative Wineries, which is one of the few wholly Australian-owned wine and brandy manufacturers, will have to increase its borrowings in the next two years by about $3 000 000. A smaller winery in the Barossa Valley—Chateau Yaldara—will have $300 000 tied up. This money will have to be paid immediately, or within seven days of the wine or port (or whatever it is used for) being blended; so, it is really a tax on South Australia specifically. My questions are:

1. What estimate does the Minister or his department place on revenue from the new excise on fortified wines as it affects South Australia?

2. If no estimate has been made, will the Minister obtain anticipated production and revenue figures?

The Hon. FRANK BLEVINS: The answer to the first question is 'I do not know'; the answer to the second question is 'I will find out'.

On 24 August the Leader asked me a question on this topic and, in reply, I point out that the South Australian Government made an urgent submission to the Federal Government on the implication of the excise on fortified wine announced in the Federal Budget. The submission was presented to the Minister for Employment and Industrial Relations, Mr Ralph Willis, by the Premier on Friday 26 August.

I have had further discussions with the Minister for Primary Industry, John Kerin, and I am now able to report to the Legislative Council that the Treasurer has indicated that, if the industry as a whole wishes to put a point of view on the method of collection of the excise as distinct from the imposition of the excise, then the Government will be prepared to consider their views. The Minister for Primary Industry intends discussing the collection of the excise with the wine industry at a wine industry meeting scheduled for 19 September in Melbourne and to take forward a submission from the industry to the Government from that meeting. The industry has been notified of these arrangements and the State Government and wine industries in South Australia and New South Wales are now working on a submission.

MENTAL HEALTH SERVICES

The Hon. J.C. BURDETT: Has the Minister of Health received the report of the inquiry into mental health services in South Australia? If not, when does he expect to receive it? If he has received it, when does he expect to release it?

The Hon. J.R. CORNWALL: I received a final draft copy this morning. I have not yet read it. I am going to Surfers Paradise next week to sit on the beach and digest it all (it is a well-earned rest, I can assure the Council, being the first that I have had in nine months). I will then come back and take the report to Cabinet with appropriate recommendations. I will certainly be recommending that it be released as a public document, and I hope that the formalities will be completed so that I can table the report in this Council not later than early October. Of course, that would be subject to being able to get adequate numbers printed so that the report could be made available to members at the time of tabling. At this time I expect to table it immediately after the Budget Estimates Committees have concluded; in other words, in the first week in October when we are back sitting as a Parliament.

SPLATT ROYAL COMMISSION

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the Splatt Royal Commission.

Leave granted.

The Hon. K.T. GRIFFIN: Last week the Attorney-General gave some figures in respect of the cost of the Royal Commission up to 30 June 1983 and an estimate of the costs in the 1983-84 financial year. Those answers indicated that the actual and budgeted costs of the Royal Commission will total about $530 000. I have some doubts that that will be the final cost. The Prisons Royal Commission, which was not as long as the Splatt Royal Commission and which did not involve some of the complexities being considered in this Royal Commission, cost over $400 000 two years ago. However, whatever the final cost, it will be a substantial cost upon the State Budget and I do express concern about that. The Royal Commission commenced with a first hearing in January 1983 and then resumed, as I recollect, in about April of this year.

The Royal Commissioner has been reported on a number of occasions during the course of the hearings as expressing concern about the delays in scientific testing, the length of statements and the nature of them and other matters which clearly demonstrated his concern about the Commission's progress. An *Advertiser* report of 16 July 1983 quotes the Royal Commissioner as saying, in relation to a defence witness's evidence, that the Commission 'had enough serious problems requiring detailed attention without having to flounder around in a great bog of irrelevancies'. The report goes on to say:

> Judge Shannon said he was concerned the Commission could get 'entirely lost' if it considered 'a great amorphous mass of evidence, most of which ultimately would become very peripheral to all of us'.

Prior to the present Attorney-General's establishing the Royal Commission, the Legal Services Commission had commissioned a report from Mr Moran, Q.C., on the Splatt case, seeking his advice as to whether or not legal assistance ought to be granted by the Legal Services Commission to Splatt. That report took some 18 months to prepare and quite

obviously cost a significant amount of money. Accordingly, in the light of the concern about the cost and about the length of time this matter is taking, I wish to ask five questions. I make the point that, if the Attorney is not able to answer immediately, I am prepared to put the following questions on notice for 13 September:

1. What has been the cost to the Legal Services Commission of the preparation of the 'Moran Report'?

2. What is the total cost of the Legal Services Commission in representation of Splatt up to the date of the commencement of the Royal Commission?

3. How many sitting days has the Royal Commission occupied up to the present time?

4. How much per day are the solicitor and two counsel for Splatt being paid and what are they paid for work out of the formal hearings of the Royal Commission and what are their costs to the present time?

5. When is the Royal Commission likely to conclude?

The Hon. C.J. SUMNER: It is totally inappropriate for me, as it is for the Hon. Mr Griffin, to comment upon the Royal Commission established to examine this matter. In so far as the honourable member is critical of the Royal Commissioner, that is a totally inappropriate matter for the honourable member to raise in this Council.

The Hon. K.T. Griffin: I did not make any criticism of the Royal Commissioner.

The Hon. C.J. SUMNER: The honourable member criticised the length of time involved with the hearing.

The Hon. K.T. Griffin: That is no criticism of the Commissioner.

The Hon. C.J. SUMNER: The honourable member should be more careful in the way he selects his words. The fact is that the Commission has been established, has terms of reference which are available to the honourable member and to the public, and is proceeding in accordance with those terms of reference. I am somewhat surprised that the honourable member is apparently ignorant of the cost of obtaining the report of Mr Moran, Q.C., because, as he is well aware, that was compiled during the time he was Attorney-General. However, he is apparently not aware of that fact. I am not sure whether the Legal Services Commission will divulge that information. I remember that the Hon. Mr Griffin on a number of occasions in this Council maintained that he did not have any influence over the Legal Services Commission and that it was a completely independent organisation. One wonders to what extent that was true. I will approach the Legal Services Commission to ascertain whether that information is available and also attempt to obtain the other information that the honourable member has sought.

The Hon. K.T GRIFFIN: In that event, to assist the Council I put my questions on notice for 13 September. I seek leave to make a personal explanation.

Leave granted.

The Hon. K.T. GRIFFIN: I want to make quite clear that, contrary to what the Attorney-General has said, I made no criticism of the Royal Commissioner while explaining my question. I was merely quoting reports of his comments on the way in which progress was being made at the Royal Commission. I made no criticism of the Royal Commissioner at all: in fact, he is doing an excellent job.

EGG AND MILK PRICES

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about egg and milk prices.

Leave granted.

The Hon. R.I. LUCAS: In recent days there have been a number of press and media reports in reference to the egg and milk industries with particular reference being paid to allegedly excessive prices being charged to consumers because of marketing and industry arrangements. The *Nationwide* programme last night on the A.B.C. quoted a Bureau of Agricultural Economics Report saying that the present industry structuring of the egg industry has resulted in consumers paying about 40 cents per dozen more than they should for eggs. There have been a number of recent press reports about these matters and I refer particularly to one which appeared in the *News* of 30 August as follows:

> National milk marketing arrangements are costing consumers an unnecessary $90 000 000 a year, or 6 cents a litre, according to an Industries Assistance Commission report.
>
> This means a family buying between one and three litres of milk a day is subsidising the dairy industry by between $22 and $65 a year.

The article also states:

> The current arrangements are forecast to result in prices to consumers of some leviable dairy products being up to 60 per cent above world prices in 1983-84.

The article concludes:

> The latest Commission report on the dairy industry, the first since the mid-1970s, was issued yesterday in Canberra to promote industry and community comment.

My questions to the Minister are as follows:

1. Does the Minister agree with the reports, which indicate that consumers are disadvantaged by up to 40c per dozen on the price of eggs and 6c a litre on the price of milk?

2. Does the Minister intend introducing any legislation in relation to egg and milk industry marketing policies and, if so, when? Will it be this session? If not, what does he intend doing, if anything, in relation to the industries if he is not going to introduce legislation?

3. Will the Minister or his department make a submission to the Industries Assistance Commission (because I understand that it is an interim report) on national milk marketing arrangements?

The Hon. FRANK BLEVINS: Obviously, I am aware of the two items mentioned by the Hon. Mr Lucas, namely the B.A.E. report on the egg industry and the I.A.C. report on the dairy industry. The figures quoted by the honourable member come from the B.A.E. in relation to eggs (40c a dozen) and from the I.A.C. in relation to milk (6c a litre). In both cases, it is alleged that the increased retail price is blamed on the very stringent controls that apply in those industries.

Before answering the honourable member's question in detail I think the two prices mentioned by the honourable member, namely, 6c a litre in relation to milk and 40c a dozen in relation to eggs, should be taken in context. The price of milk includes a subsidy from the consumer to the industry. If that figure is considered in the context of the subsidy paid by consumers, and more particularly by the rural industry to secondary industry, then the subsidy may be small change indeed. I do not think that we should get too carried away by the figures to which the Hon. Mr Lucas referred. I point out that there are numerous primary and secondary industries in Australia that are experiencing a great deal of difficulty at the moment.

The Hon. H.P.K. Dunn: You'll end up with egg on your face.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: It seems to me that one could easily study these reports, say 'Fine' and then move to deregulate everything. However, the benefits to be gained from deregulation may be illusory, because it could result in destabilisation of these industries, which could get into trouble in much the same way as lots of other industries that are already in trouble, and the taxpayer might be left

to pick up the bill, anyway. I do not think that this is an issue that requires a knee-jerk reaction, such as the Hon. Mr Lucas is inviting me to take in his question.

The Hon. R.I. Lucas: I'm seeking information.

The Hon. FRANK BLEVINS: I ask the Hon. Mr Lucas to wait a moment; he asked me whether I agreed that the figures he mentioned were correct. That was the honourable member's first question.

The Hon. R.I. Lucas: I simply asked you 'Do you or don't you agree.'

The Hon. FRANK BLEVINS: That is correct, and I am trying to answer the honourable member's question. I will invite—

The Hon. R.I. Lucas: I'm not inviting you to do anything—I'm asking you.

The Hon. FRANK BLEVINS: The honourable member does not want me to answer the question.

The Hon. R.I. Lucas: Yes, I do.

The Hon. FRANK BLEVINS: The honourable member wants to argue.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: You want to debate—

The PRESIDENT: Order! The honourable Minister must address the Chair.

The Hon. C.J. Sumner: What about the Hon. Mr Lucas? The Minister was trying to answer the question and they were interjecting on him.

The PRESIDENT: Order! I do not need the Attorney's assistance to settle the dispute. The Hon. Mr Lucas has asked his question, and I ask him to listen to the answer. I also ask the Minister to give his answer to the Council and to not argue across the Chamber.

The Hon. FRANK BLEVINS: There will not be an immediate reaction from me or from the Government. The B.A.E. and I.A.C. reports, in effect, give this side of the story. I will be interested to hear the industry side of the story before I make any comment on the reports or on the figures that were quoted because, as I said, to quote completely out of context, as the Hon. Mr Lucas did, can give a misleading impression. I am sure that the honourable member is not trying to do that. I will therefore listen to the industry side of the question before I make any specific comment on those two reports. The answer to the second question is 'We will see,' but I have no idea what the question was: I wrote down only the answer.

The Hon. R.I. Lucas: Do you intend to introduce legislation in respect of those industries and, if so, when?

The Hon. FRANK BLEVINS: It may be that amendments to legislation or new legislation will be appropriate.

The Hon. R. I. Lucas interjecting:

The Hon. FRANK BLEVINS: I do not have anything planned, and I will first hear the industry side and the consumer side of the story to obtain a general picture of those two industries. I have no intention of introducing legislation at this stage: it would be quite wrong to do so. The answer to the question whether the Government and the department are preparing a response to these two reports is 'Yes'.

ROXBY DOWNS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about access to Roxby Downs.

Leave granted.

The Hon. I. GILFILLAN: There seems to be some confusion as to the legality of the mining company, the joint venturers, at Roxby Downs blocking road access to the mining site. There is a confusion of legal opinion. In an attempt to clarify the situation, I would like to ask the Attorney-General a series of questions, because public inference indicates that the protestors are committing violence in attempting to move on to ground on which they believe they are legally entitled to be. The question is whether the blocking of public access along a public road is in itself an act of violence, in which case the joint venturers would have committed an act of violence themselves. I ask the Attorney the following questions:

1. Is the Attorney aware that the Pastoral Board sought a Crown Law opinion in regard to public access to roads on pastoral leases in the northern pastoral area? I understand that the opinion states that any road from a recognised point to another point is subject to unfettered public access and that the public will be restrained from using only those roads that enter a pastoral lease for pastoral purposes. Is the Attorney aware of that opinion?

2. Based on the assumption that has been put about that, in fact, the protestors are trespassing on land on which they are not legally entitled to be, why has no protestor been arrested and charged with trespassing? Does the Attorney believe that the area outside the specific and limited retention lease and miscellaneous purposes lease area is, in fact, open to public access? Is the so-called Main North Road between Olympic Dam village and Hawk's Nest Highway a private or a public road? I refer to the area that is not covered by miscellaneous purposes licences 12 and 13.

The Hon. L.H. Davis: You would like someone on your farm—

The PRESIDENT: Order!

The Hon. I GILFILLAN: I get the impression that the Attorney would have liked notice of these questions. I do not apologise for this because people who are so quick to accuse those who are up there of breaking the law should take a more direct interest in finding out the facts.

3. Is the Woomera road south of the Olympic Dam Village a public way? If not, will the Attorney please detail the legislation under which public access is denied?

4. Is the Andamooka road a public road between its intersection with Main North Road and the mining lease limit? If not, under which legislation is public access denied?

The Hon. C.J. SUMNER: This is a very interesting series of questions. Whilst I have some abilities, they do not extend to carrying all these details in my head. In answer to the first question, I am not aware of that Crown Law opinion obtained by the Pastoral Board, but that does not mean that there is not such an opinion. I will ascertain the position in relation to that matter.

The second question which the honourable member raised related to whether people who are on the land in the vicinity of the mine shaft at Roxby Downs are trespassing and therefore should be arrested for the trespass. I notice that that suggestion was also made today in the press somewhere. The fact is that there is no offence of trespass, to my knowledge. One of the great misunderstandings is in the sign, 'Trespassers will be prosecuted' because, in fact, trespassers are not prosecuted. Trespassers can be sued; they are responsible for committing a civil wrong which can be redressed by the civil law. A person can be sued for trespass but, unless there is a specific statutory authority for an offence of trespass, there is no offence and the people who enter are not subject to arrest.

That is not to say that other offences would not be committed if people were on private land, but there is something of a misunderstanding about what trespass is. So, the answer to that question is that they have not been arrested for trespass because, on my understanding of the law, there is no such offence. That is not to say that there may not be other offences for which they could be arrested.

The other questions that the honourable member raised were very detailed and I do not have a response to them at present. I should say that, as a result of the issues that have been raised and the differing opinions that have been expressed, the Minister of Mines and Energy has today referred the question to me for advice, and I have asked the Crown Solicitor to provide me with an opinion on these matters. I will refer the questions which the honourable member has asked for opinion also.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: Well, I officially referred it to the Crown Solicitor. There have been discussions, but the matter has now come up and I will obtain a formal opinion. It is not that advice has not been given to me, but a formal opinion will now be obtained. In any event, the situation is surely that if the police—or indeed anyone—have acted in a manner which is contrary to the law in this area that matter can be dealt with in the proper way; that is, through the courts.

If people who have been apprehended during this demonstration consider that the police have not had the power to apprehend or have not had other powers, those matters can be raised in the proper forum (that is, the courts, where the charges will be heard). I will attempt to obtain some information for the honourable member, but I point out to the Council that, if these issues are raised in subsequent court proceedings, it may not be appropriate for me to provide answers to all the questions which the honourable member has raised, nor to give detailed answers to the other questions that have been raised.

The fact is that these may be issues that will have to be argued before a court, and in that case it may not be appropriate for the Crown to express a view publicly on these issues. Nevertheless, I will refer these questions, along with the other issues that have been raised, to the Crown Solicitor for formal opinion and more formal advice. What arises out of that advice will have to be considered when I have received that advice.

The Hon. I. GILFILLAN: I wish to ask a supplementary question. Does the Attorney consider the boom across the road, erected by the joint venturers, to be a legal obstruction of a public road?

The Hon. K.T. Griffin: That's part of the question that you asked.

The Hon. C.J. SUMNER: That is one of the issues which has been raised and which, again, may be an issue that is the subject of court proceedings. Whether it is appropriate for me to make a public comment on that I will reserve until such time as the issue has been considered.

JOJOBA RESEARCH

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture about jojoba research.

Leave granted.

The Hon. H.P.K. DUNN: The plant jojoba has over the past 10 years attracted considerable public interest in Australia, including South Australia. It has been hailed as the wonder plant, producing substitute oil which is equal to or better than animal products which are used in paints, lubricating oils and cosmetic products. My observations are limited, having seen jojoba plants growing only in two areas.

However, recently there has been criticism in the media about the establishment, growing and sale of jojoba. Because of this, can the Minister tell the Council whether the Department of Agriculture has a section investigating and researching jojoba plants? If so, what results are at hand, and are there indications that it requires further research? What is the projected production in South Australia for 1982-83?

The Hon. FRANK BLEVINS: Some research on jojoba has been done in the department. In fact, the honourable member will be pleased to know that while I was at Minnipa a couple of weeks ago I saw on the research station a few jojoba plants which were struggling to survive. It was not an area where they could prosper.

The Hon. R.C. DeGaris: Most things do over there.

The Hon. FRANK BLEVINS: It is a very good area. However, the department has produced a very interesting paper on this. I will get a copy for the honourable member, but from memory it says in essence that it is a crop which has some potential and should be treated by farmers as any other crop, and that they should make their investment decisions on hard evidence rather than on colourful and optimistic expectations.

A paper has been produced and I will get the honourable member a copy of it. That paper had extensive circulation in the *Advertiser* and the *Stock Journal* a couple of months ago, and this may be an appropriate time to bring it out again, as jojoba is somewhat in the limelight, being in the financial pages of the paper rather than the rural pages. I will dust off the paper and give it another look.

PUBLIC BUILDINGS DEPARTMENT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Public Works, a question about Public Buildings Department contracts.

Leave granted.

The Hon. L.H. DAVIS: In response to a Question on Notice yesterday the Minister of Public Works furnished me with a reply to questions relating to the value of work tendered for and let by the Public Buildings Department. These figures indicated a dramatic fall in the value of work done by both the department and the private sector on its behalf. For the calendar year 1982, the value of work done was $78 600 000, on the figures that were provided yesterday. The indicated value of work done or anticipated to be done for the calendar year 1983 is $58 950 000, a fall of over 25 per cent in money terms. Of course that fall is even greater if one takes into account the rate of inflation at about 12 per cent over that period.

The fall in the value of work done by private contractors is even greater, some 29 per cent. Whereas in the calendar year 1982 the value of work done by private contractors on behalf of the department was $67.4 million, the actual value of work done between January and July 1983 and anticipated for the balance of the year is $47 800 000, a fall of 29 per cent. This highlights the complaint of private contractors who argue that this Government is exacerbating the decline of the private building industry in South Australia by giving preference to the department. Admittedly, these figures have been made available before the bringing down of the State Budget tomorrow, which presumably will give us more indication of the magnitude of this policy change.

The Hon. C.J. Sumner: Ask about the position in dwelling construction.

The Hon. L.H. DAVIS: In fact, there is a growing view amongst private building sector employers that the private sector is only being invited to tender for contracts which would generally be regarded by the department as being in the too hard basket. Therefore, will the Government review the policy of giving priority to the department in respect of capital works to be undertaken, in view of the obvious impact that it is having on the private building sector?

The Hon. C.J. SUMNER: My information on the private building industry sector is that there has been a significant upsurge in the building of private dwellings in recent months.

The Hon. L.H. Davis: We are talking about the P.B.D.

The Hon. C.J. SUMNER: Yes, but it is all very well for the honourable member to pick out one area—

The Hon. L.H. Davis: It's a pretty big question.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —and block out all thought of what is happening in other areas of significance to the economy. I merely point out to the honourable member that the information that I have received indicates that in the area of private dwelling construction there has been an upsurge or some increase in activity, which is a favourable sign. Also, if one looks at the amount of capital funds that are expended by the Government in the construction area, one does not take just one sector and use that as an example for the whole of the Government sector.

There are other activities that the Government supports by the injection of capital funds—in the housing area, in particular. No doubt the honourable member tomorrow, once the Budget has been brought down, will be able to see what the total picture is in regard to the Government. However, the honourable member has raised a number of questions that require an answer by the Minister of Labour, and I will refer the question to him.

ROYAL ADELAIDE HOSPITAL

The Hon. R.J. RITSON: Has the Minister of Health a reply to the questions that I asked on 10 August and 23 August about Royal Adelaide Hospital?

The Hon. J.R. CORNWALL: I refer the honourable member to the comments I made in this Chamber in reply to him on 10 August and in reply to Hon. Anne Levy on 25 August 1983. My remarks on those two occasions covered 10 of the 11 specific questions asked by the honourable member.

The fifth question asked on 10 August was whether any visiting medical officers had offered to extend their sessions for no payment or for a nominal honorarium. I have received advice from the Administrator of the Royal Adelaide Hospital to the effect that honorary service has been offered, but it has not been necessary for the board of management of the hospital to follow up the offer.

LEGISLATIVE PROGRAMME

The Hon. C.M. HILL: I seek leave to make a brief statement before asking the Attorney-General, as Leader of the Government in this Council, a question on the Government's legislative programme.

Leave granted.

The Hon. C.M. HILL: In my speech in the Address in Reply debate I made special mention of the fact that in the Government's programme, as outlined by the Governor when opening Parliament, no mention was made of legislation concerning the Local Government Act revision. Naturally I waited until yesterday, when the Attorney replied to that debate, and I failed to find in his reply any reference to the questions that I asked.

Therefore, I ask them again and emphasise the fact that local government is urgently in need of a major local government revision Bill, that the Bill which was being fashioned over the three years of the former Government's reign was practically in shape to introduce to Parliament last year, and that earlier this year the present Minister of Local Government promised the annual meeting of the Local Government Association that that major piece of legislation would be brought into Parliament this session. I therefore ask, so that local government can be informed of the Government's plans, whether or not this major Bill will be introduced before Christmas. If so, why was any mention of it omitted from the Government's programme as enunciated by the Governor a few weeks ago?

The Hon. C.J. SUMNER: I will refer the question to the Minister of Local Government and bring down a reply. As the honourable member knows, the Governor's Speech does not comprise a comprehensive analysis of every item—

The Hon. C.M. Hill: It should.

The Hon. C.J. SUMNER: It never has in the past, and it did not do so when you were in the Government.

The Hon. C.M. Hill: You didn't even—

The PRESIDENT: Order!

The Hon. C.M. Hill: This is a major piece of legislation.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It may well be. All I am saying is that the Governor's Speech has never in my experience in eight years in this place (I am a bit shamefaced to admit that) contained every item on the Government's legislative programme. The Hon. Mr Hill has raised a matter that is of some concern to him because of his long-time interest in local government as a member and then as Minister of Local Government.

The Hon. Frank Blevins: What did he do when he was Minister?

The Hon. C.J. SUMNER: That is a very legitimate question, and I leave the answer to the Hon. Mr Hill's conscience.

The Hon. C.M. Hill: You had the thing from 1970.

The PRESIDENT: Order!

The Hon. C.J. SUMNER, It is true, however, that there was no Local Government Act Revision Bill forthcoming during the three years of the Hon. Mr Hill's term as Minister of Local Government. Nevertheless, he does have a considerable interest in this matter and I appreciate his raising this question. I will refer it to the Minister of Local Government to ascertain whether or not he can provide the honourable member with a time table for this piece of legislation.

EQUAL OPPORTUNITY MANAGEMENT PLANS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question about equal opportunity management plans.

Leave granted.

The Hon. ANNE LEVY: I recently read a copy of a speech made by the Attorney-General to the Federation of Chambers of Commerce on 12 June this year (and a very good speech it was, too, one I thoroughly recommend to all honourable members). In that speech the Attorney said the following:

> The South Australian Public Service Board has established equal opportunity management plans which are part of the corporate planning framework of each Government department. This has been done administratively.

Then, later:

> The Public Service Board is taking steps to ensure that these management plans are implemented.

Will the Attorney-General give the Council more details on which departments are currently implementing these equal opportunity management plans and say how soon they will be implemented in all Government departments? Can he also give details of advances which have been made in certain departments by means of these management plans? I do not expect the Minister to have such detail at his finger

tips, so I ask whether he will supply this information when the Council resumes after show week.

The Hon. C.J. SUMNER: This is a matter for the Public Service Board and is in the province of the Premier. I will refer the honourable member's question to the Board through him and bring back a reply.

RUST PROOFING

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about rust proofing.

Leave granted.

The Hon. R.I. LUCAS: The latest issue of *Choice* magazine makes a series of disturbing allegations about rust proofing. It states, in effect, that rust proofing is a waste of time and money. I understand that these allegations are made as a result of a survey of some 2 400 cars which found that rust was detected in a higher proportion of rust-treated cars than untreated cars. It went on to say that it investigated three rust proofing operators whose treatments were specifically examined and it is alleged to have found that the operators failed to clean dirt off cars before treating them, missed treating important parts, and blocked the door sill drain holes, thereby trapping water in car doors and creating a rust problem.

As a result of these allegations the *Advertiser* this morning quoted not only the allegations made in *Choice* magazine but also a partial response by the Managing Director of Endrust Pty Ltd Mr R.J.N. Lee. In part, Mr Lee is quoted as saying that he does not believe that *Choice* magazine was examined and it is alleged to have found that the operators failed to clean dirt off cars before treating them, missed treating important parts, and blocked the door sill drain holes, thereby trapping water in car doors and creating a rust problem.

He said his company had approached the Standard Association in 1977 to establish an Australian standard for rust proofing. A standard of rust proofing products, their application and guarantee that they had been set out. These would be published soon.

Before asking my questions I declare my personal interest: I have spent some hundreds of dollars on rust proofing over recent years, so I will be interested to hear the Minister's replies to my questions as follows:

1. Will the Minister initiate an urgent investigation by his department into this report?

2. More importantly, once the results of that report become available, will he make them available not only to the Parliament but also (and more importantly) to consumers in South Australia who, like me, have invested some hundreds of dollars in rust proofing in recent years?

3. Will the Attorney make some comment on the likely success or otherwise of the standards that Mr Lee from the Endrust Company was reported as referring to in this morning's *Advertiser?*

The Hon. C.J. SUMNER: The honourable member and I have one thing in common, at least: we have both had rust proofing done to our vehicles. My car also was rust-proofed when I bought it some two years ago. I must confess that I was looking at it the other day and noticed that the rust proofing had not been entirely effective because there are specks of rust appearing on it. The honourable member may or may not be aware that last year (I think it was) I raised in this Council the question of techniques and effectiveness of rust proofing. As a result of my question the then Minister of Consumer Affairs, Mr Burdett, obtained a report from the Commissioner of Consumer Affairs. That report was very critical of many rust proofing techniques. There has certainly been much criticism of dealer-applied rust proofing. In general, the report was quite critical of rust proofing techniques being used in South Australia and, indeed, in Australia.

I should add that much of the information on that point came from the United States of America where there was particular criticism of dealer-applied rust proofing methods. As a result of the report, the Department of Public and Consumer Affairs took certain action. I point out that the report was publicly released by the Hon. Mr Burdett and it received a great deal of publicity. *Choice* magazine has in effect confirmed what the former Minister ascertained. I will certainly refer the honourable member's question together with *Choice* magazine's findings to the Commissioner for Consumer Affairs to enable him to assess and prepare a report for me on *Choice* magazine's conclusions. I am sure that the Commissioner's report will also advise me about the action that was taken following the report that was released last year and also what progress has occurred in the development of the standard mentioned by *Choice* magazine.

The Hon. J.C. BURDETT: I desire to ask a supplementary question. I understand that the Hon. Mr Lucas just asked the Attorney a question about rust proofing, but I am sure that my question is different. I refer to an article in this morning's *Advertiser,* entitled 'Rust proofing waste of money: Choice', as follows:

The Australian Consumers Association will discuss a proposal before the Standards Association of Australia to introduce a standard for rust proofing treatments.

This problem has been around for some time. When in Opposition, the Attorney asked questions about this matter. On Tuesday 17 August 1982 I released a press statement, as follows:

An investigation by my Consumer Affairs officers has revealed that of 63 vehicles inspected, only three were passed as satisfactory.

I also said at that time that there had been very few complaints. The problem is that consumers do not usually complain because they do not become aware of a problem until some years after the rust proofing treatment has occurred. Consumers do not promptly realise that the rust proofing has not been carried out satisfactorily, because it is not until two, three or even four years after the treatment occurs that the consequences of the lack of effective rust proofing become apparent.

When making a press statement about this matter last year I said that I would (and I did) introduce a regulation to make rust proofing of motor vehicles a prescribed service. I said that I would consider introducing by regulation a standard in relation to rust proofing based on the present draft standard of the Standards Association when that draft standard was finalised and became a firm standard. I gather from the article in this morning's *Advertiser* that that has not yet occurred and the standard has not yet been finalised. Because monitoring is obviously necessary and complaints will not necessarily reduce the incidence of unsatisfactory rust proofing, my questions are as follows:

1. What steps are being taken by the department to continue to monitor rust proofing of vehicles?

2. Has the Standards Association finalised its standard in relation to the products used and the method of application of rust proofing products?

The Hon. C.J. SUMNER: My impression is that the standard has not been finalised yet. I have undertaken to obtain a report on this matter for the Hon. Mr Lucas. When I am obtaining information for the Hon. Mr Lucas I will also obtain information for the Hon. Mr Burdett.

ST JOHN AMBULANCE SERVICE

Adjourned debate on motion of the Hon. J.C. Burdett:

That—

1. A Select Committee be appointed to inquire into and report upon all aspects of the St John Ambulance Service in South Australia with particular reference to—
   (a) The part which volunteers play within that service and the community.
   (b) The appropriate relationship within the service between volunteers and paid staff.
   (c) The appropriateness or otherwise of volunteers being required to enter into contractual agreements.
2. That in the event of a Select Committee being appointed, it consists of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

(Continued from 24 August. Page 448.)

The Hon. J.R. CORNWALL (Minister of Health): I am extremely disappointed to have to speak to this Liberal Party motion for a Select Committee to inquire into all aspects of the St John Ambulance Service in South Australia. In the past nine months St John, the South Australian Health Commission and the relevant unions have co-operated with Professor Opit and strived to reach agreement with his interim report and recommendations. The negotiations which followed the Opit Report have been complicated and delicate. I do not pretend that there were not serious reservations about the proposals put forward by Professor Opit as a basis for resolution of the conflicts identified within the ambulance service. However, as I reported to the Council on several occasions, all sides persevered in the hope that agreement might be reached. The immediate aims were to urgently resolve the long-standing industrial conflict and to put in place the elements which were approved by all parties. The strategy—and I emphasise this was specifically agreed by St John and the unions—was to identify and implement the areas on which there was concurrence, and proceed to further negotiations once we had established an atmosphere of co-operation, goodwill and trust.

I was delighted, of course, to be able to inform the Council on 23 August 1983 that St John, the Federal Miscellaneous Workers Union and the Ambulance Employees Association had notified us in writing of their endorsement of the package which was drafted in talks with senior Health Commission officers. This set the stage for the agreement to be signed and then ratified by the Industrial Commission. Members of the Opposition, unfortunately, did not share my sense of relief and achievement. On the contrary, they were seriously embarrassed by the progress that had been made despite their concerted campaign to sabotage the negotiations. They put aside their principles—and I will explain that in some detail later—to launch a fresh attack upon me and to seek a Select Committee of the Council with all the attendant dangers which that course entails.

The motion proposed by the Hon. Mr Burdett denies the very real spirit of conciliation and compromise which characterised the negotiations and which augured well for the future of the ambulance service in South Australia. The Hon. Mr Burdett and his Liberal Party colleagues have sought to undermine that process. They have justified their behaviour by claiming to speak for a large number of volunteers who, they say, have not been consulted in the negotiations and have not been properly represented by the St John Council and management.

I reject the hypocrisy of the Hon. Mr Burdett and his fellow saboteurs. I condemn the Liberal Party for its cynical and callous campaign against the St John Council and management. This pious plea for an impartial, Parliamentary Select Committee must be exposed for what it is—a calculated and irresponsible attempt to do the very thing that St John fears most, that is, to treat this organisation as a political football. By inflaming the situation and peddling rumours and falsehoods, the Opposition risks destroying the St John Ambulance Service. Its policy of incitement and distortion has put the St John Council and management under extraordinary and grossly unfair pressure. The Hon. Mr Burdett, posing as a supporter of St John, spent a considerable period of time during his Address in Reply speech on the 900-year history of the Most Venerable Order of the Hospital of St John of Jerusalem, from which the St John organisation is derived.

He purports to be a man of honour and integrity and presents himself, following some considerable urging from me, as a person who is concerned for the welfare of patients. In his closing remarks on this motion, Mr Burdett foreshadowed 'protestations of horror and the insults which the Minister will no doubt heap on my head.' I propose to do much worse. I propose to present a little bit of history myself. Perhaps, when I have finished, Mr Burdett and his colleagues will appreciate why they should be ashamed of themselves and why the Chairman of the St John Council for South Australia, Mr Don Williams, has felt compelled to write to Mr Burdett urging him to withdraw or defer his motion.

Let me remind the Council of the motion that came before the A.L.P. State Convention in 1982:

> That the South Australian Government run a fully professional ambulance service funded out of a comprehensive national health scheme.

That motion was amended after I successfully moved, on the floor of the A.L.P. Convention (the amendment was carried and is now Party and Government policy):

> That a State Labor Government will establish a public inquiry into the St John Ambulance service. The inquiry should have particular regard to:
> - the organisation, business management and financing of the State's ambulance services;
> - the legitimate career aspirations of professional staff;
> - standards of training and service;
> - the extension of advanced casualty care ambulance services, particularly in strategic country areas.

During a personal explanation recorded in *Hansard* of 28 July 1982, I read to the Council the text of a letter I had written to the then Commissioner of the St John Ambulance. In that letter I explained that I considered that the original motion (that is, the motion that came before the 1982 State A.L.P. Covention), proposed by an A.L.P. sub-branch, would have been disastrous both politically and financially. However, referring to the amended motion for an inquiry, I said:

> I would have hoped that such a move would be considered unexceptional by a service which receives $5 000 000 annual funding from the Government. Had the original motion been passed I could well have understood the consternation. Three things are very clear in my mind—

We must remember that this letter was written in June 1982, well over 12 months ago—

> *(a)* the ambulance service in South Australia will continue to be run by St John under a Labor Government. I am sure St John will still be thriving long after I have been interred, either politically or physically.
> *(b)* The 'feeling' between professional and volunteer ambulance officers must be resolved.
> *(c)* It is essential that we continue communications in an amicable way, preferably by personal communications rather than by correspondence.

> I would be delighted to discuss any or all of these matters with you at any time.
>
> Yours sincerely,
> John Cornwall, M.L.C.

Honourable members will note that I was emphasising as far back as 28 June 1982 (when that letter was written) that St John would continue to run the ambulance service in

South Australia under a Labor Government and that the 'feeling' between professional and volunteer ambulance officers must be resolved. *Hansard* shows that I also felt strongly—as I do now—that I was grossly misrepresented by those who were trying to beat up political mileage out of the situation. In particular, I resented the remarks made by Dr Ritson, who so snidely tried to distort the issues and misrepresent me. In his opening remarks during the Address in Reply debate in 1982, Dr Ritson said he was going to have what he described as 'a major grizzle about the political threat which hangs over the St John Ambulance Brigade service in South Australia'. They were his exact words as recorded in *Hansard*. Anybody who cares to peruse *Hansard* will see that I immediately interjected as follows:

I hope you tell the truth. There is no threat at all, and it is a bloody lie to say there is.

Members interjecting:

The PRESIDENT: Order! Interjections are out of order.

The Hon. J.R. CORNWALL: I am quoting from *Hansard*, Mr President. I am not responding to any interjections, inane or otherwise, and I do not intend to do so in what will be a very lengthy contribution.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Towards the end of his Address in Reply speech, Dr Ritson expressed some strong opinions about the question of a public inquiry into the ambulance service and the damage he feared such an inquiry would do. The Hon. Mr Burdett would do well to look up his colleague's remarks in this Council on 28 July 1982 so that he can appreciate what a mind-boggling backflip the Liberal Party has now performed. Dr Ritson said:

The real political connivance that I see in this whole situation is the Labor Party's decision to encourage industrial activity by promoting a State Government inquiry.

A little later he returned to that theme by saying:

I have seen first hand what public inquiries can do to good organisations. I would like to illustrate by drawing from the only public inquiry of which I have had intimate experience, that is, the *Voyager* Royal Commission. I have seen the destruction that that commission caused in relation to people and institutions.

By way of example, Dr Ritson quoted the *Voyager* inquiry and the anguish that was caused to individuals and their families when reputations were destroyed by newspaper publicity of allegations made during the proceedings. He again warned the Council:

I have seen public inquiries do much damage.

Not content with that, Dr Ritson then went on to advance more reasons why what he called the 'sensitive' and 'marvellous St John organisation' should be protected. Honourable members themselves will marvel at the ability of the Opposition members to perform somersaults when they recall how worried Dr Ritson and his colleagues were about the impact of a public inquiry on St John. This is what Dr Ritson had to say:

Similar anxiety comes through from a letter of the General Manager (Mr D.W. Jellis) of St John in a letter to the Editor that he wrote to the *Advertiser* on 11 June 1982. I will not read out that letter but basically it is a gentle defence, and a statement that any information that anyone wants can be obtained at any time by walking in. Certainly, I found that to be so. The letter is in effect a gentle plea to Dr Cornwall saying, 'Please do not do that to us—

a public inquiry—

please come and talk to us and find out anything you want. Please do not push an organisation like this through the trauma of a public inquiry' which is what is proposed. A political public inquiry, moved by resolution of a State convention of a political Party, would be as destructive as most other political public inquiries are.

Any fair-minded person who reads what the then Government was saying and compares it with the statements Opposition members have been making in the past few weeks can see how they have weasled out of their commitment to St John. The contrast is staggering and, I must say, depressing. I find it very sad that I have to stand here and trace the public record of their cynicism and hypocrisy so that we can view the problems of St John in the proper perspective and try to reach a point where the falsehoods and distortions can be wiped off the slate, once and for all. Time and again I have appealed to the Opposition to play a responsible role and stop politicising the issues. Members opposite have ignored my appeals and jeopardised the prospects of a long-term solution. I hope they will listen carefully to what I have to say, consider the wise words of the St John Council chairman, Mr Don Williams, and come to their senses.

Let me now remind honourable members what happened when the Bannon Government won the election of last November and, as Minister of Health, I implemented the policy and the strategy we promised. The parties at that time came to me and expressed their fears about the damage that could be caused by a public inquiry. The Opposition should be under no illusions about this. Both the St John representatives and officials of the Ambulance Employees Association pointed to the ongoing problems that could be created and magnified by a public washing of the conflicts and issues. I acknowledged their point of view and recommended to Cabinet the appointment of the distinguished Professor of Social and Preventive Medicine at Monash University, Professor Lou Opit, to conduct an independent and impartial inquiry free from the pressures of public controversy.

On 11 May 1983 I tabled Professor Opit's preliminary report for the information of honourable members. I do not intend to canvass the details of that interim report now. However, it should be noted that Professor Opit explained that he concentrated his interim report on the metropolitan service because 'it is the largest component and has been the major source of industrial friction and unrest'. Professor Opit was quite explicit. He said:

I have chosen the areas of inquiry and recommendation which I believe are of most importance and whose solution I see as a *sine qua non* of any other more technical consideration.

Professor Opit continued:

I am also acutely aware of the possibilities of creating even more political, administrative or industrial friction, since almost any suggestions for change are likely to be regarded as too radical by one party or insufficiently radical by the other.

I invite honourable members to keep in mind that statement by Professor Opit when they weigh up the success of the package which all parties have now accepted following a series of conferences with senior Health Commission officers. I do not pretend that the agreement—which I have pleasure in telling the Council, has now been formally signed by St John and the unions and lodged with the Industrial Commission for ratification—signals the end to all disagreements or conflicts, but I do say emphatically that it represents a major triumph for all those concerned. Despite the protestations of the Opposition and their anonymous informants, the agreement did represent a compromise and it does reflect the genuine goodwill and sense of duty exhibited by all the parties. It remains a basis for future co-operation and an example of what can be achieved through patience, understanding and a readiness to consider the other side's point of view.

The Opposition, of course, fuelled by the information it received from their disgruntled informants, portrayed the package as a sell-out. Mr Burdett and his colleagues have behaved disgracefully. They have accused the St John Council management of failing to consider the views of the volunteers and failing to represent the volunteers. They have fomented the complaints of an anonymous group of volunteers who

are dissatisfied and determined to wreck any negotiated agreement, no matter what the terms. Dr Ritson even stooped so low as to make the offensive and scurrilous suggestion that Professor Opit's report could not have been impartial because a union leader drew $66 in expenses to take him to lunch. The Opposition has been petty, irresponsible and hypocritical.

As we look to the future, let us recall the closing remarks of Professor Opit. He said that the preliminary report did not consider the details of training provided for ambulance crews or middle-management staff, the status or implementation of ambulance Advanced Care Services or the Air Ambulance Service. Professor Opit's exact words were:

> These omissions have been deliberate, since it is considered essential to obtain agreement on improved administrative mechanisms and to find solutions to industrial friction before embarking on these more technical aspects of this inquiry. To make recommendations in such areas without agreement on the mechanism by which implementation could occur seems both unwise and extravagant to this reviewer. It is hoped that this report can promote a more satisfactory industrial climate within the ambulance service and create an appropriate public accountability so that a subsequent report could deal with the other matters raised in the terms of reference.

I believe that I can rightly claim that we were achieving progress in the direction that Professor Opit envisaged. The approach which was adopted by St John is reflected in a letter to the Acting Chairman of the South Australian Health Commission on 30 June 1983. The General Manager of St John, Mr Don Jellis, wrote, in part:

> We re-emphasise the attitude of the council which was stated in the council's submission to the Opit inquiry and is reinforced in the attached documents; that is, the council offers its full co-operation to the Government in its efforts to find a mutually acceptable solution to the industrial problems which have plagued St John for a number of years.

Honourable members should also note the tone of letters sent to the Health Commission advising acceptance of the package designed to resolve the afternoon shift dispute. Mr Jellis wrote:

> We look forward to the implementation of the agreement and its ratification by the Industrial Commission. Finally, may I express our appreciation for the co-operative way in which you have conducted these difficult negotiations.

Mr Mick Doyle, General Secretary of the Ambulance Employees Association, wrote on the same subject, in part:

> Similarly to the St John Council, the Ambulance Employees Association does have some reservations about certain areas contained within the proposal; however, it is our belief that in keeping with the spirit in which this proposal has been formulated, it would be more appropriate to remedy any areas which are causing problems on an ongoing basis between the parties.

So, again, there is a true spirit of conciliation and co-operation. Let us contrast the tone of those letters and the constructive and responsible attitudes adopted by both the St John representatives and the union officials, with the picture painted by Mr Burdett and the anonymous volunteers whom he insists represent a significant force within the ranks of the ambulance service. On 18 August, Mr Burdett said that he was advised that the unanimous acceptance by a representative meeting 'was more the outcome of a Russian roulette-style approach by the Manager of St John than a free and frank consultation between the parties'. Mr Burdett then raised the ludicrous proposition that Mr Jellis had threatened that the Minister of Health would 'withdraw' the volunteers within the St John Ambulance Service if the package was not accepted. What a preposterous suggestion! In my reply to Mr Burdett's mischievous question I immediately pointed out that I could not possibly withdraw volunteers, let alone threaten to do so.

Notwithstanding my statement, the Leader of the Opposition (the Hon. Mr Cameron) was beating his head on a brick wall later the same day. He wanted to know whether I considered the withdrawal of volunteers an option if there was a breakdown in relations between St John, the volunteers and the union. When I said I did not understand what he meant by 'the withdrawal of volunteers' he interjected he meant by me. Once again, I pointed out that that was an absurd notion.

On several occasions I have pointed out to the Council the difficulty experienced by the Government and the Health Commission in dealing with representatives of St John and the unions. I have consistently stressed to all parties that genuine negotiations cannot take place unless those representatives can legitimately claim that they are in a position to negotiate in good faith. That is the only basis upon which any Government can operate. I have insisted that the unions stick by their word and that St John do the same. I accept that all the parties to those negotiations have attempted to do their very best to meet those conditions. However, I sympathise with the St John Council and management because of the Catch 22 situation in which they find themselves. Not only have they been subjected to sniping and backbiting by a small number of volunteers, but they have also been subjected to a campaign of intimidation and distortion by the Opposition.

I was pleased to hear the Hon. Mr Milne indicate his insistence that the proposed Select Committee inquiry should be open to the public. If there is to be a Parliamentary inquiry then it must be public and those who make damning allegations and scandalous, unsupported charges of wrongdoing will no longer be able to do so behind the cloak of anonymity. The Opposition has refused to acknowledge the progress we have made and has descended to shabby criticism of Professor Opit, even to the point of questioning his impartiality and his integrity. Under those circumstances, there can be no question of staging a further inquiry behind closed doors. There must be no shirking the issues which have brought us to this point. Let me outline, for the benefit of honourable members, the areas which must be covered by an inquiry into all aspects of St John, if one does proceed:

Organisation issues:

- accountability of St John to the South Australian Government in the provision of ambulance services.
- relationship between the various arms of St John in providing ambulance services.
- autonomy or independence which should be accorded to the St John organisation in the conduct of the South Australian ambulance services.
- ability of St John to provide integrated statewide services, that is, country and metropolitan ambulance services.
- appropriateness of the St John Priory to provide ambulance services in South Australia, and
- whether a Government-run ambulance service would provide a more or less efficient service than at present.

Funding issues:

- relationship between Government funding and subscriptions.
- alternative means of raising subscriptions, for example, a levy.
- level of cover provided by subscription scheme.
- efficiency and effectiveness in administering subscription scheme.
- universality of the subscription scheme and whether needy groups are covered.
- level of reserves build up by St John and their appropriate use.
- capital funding arrangements.
- who owns the assets of St John Ambulance Service if it ceases to operate as such.

- a method of financing which would be universal, simple and equitable if the relationship with the subscription schemes is not continued with, and
- the costs of funding alternatives. For example, changing the ratio of volunteer staff to fully paid officers, to 50/50, or a fully paid officer service.

Quality of care issues:

- standards of training.
  - uniform level of training for volunteers and career officers or if such a situation presently exists.
  - need for inservice training, continuing assessment and staff development.
  - common in-service assessment for all crews.
- minimum number of shifts for volunteers.
- procedures for the recruitment of career and volunteer officers.
- variable response rate on calls in different locations, and
- distribution of ambulance centres in metropolitan Adelaide and in the country.

Industrial relations issues:

Without the cynical intervention of the Hon. Mr Burdett and his Opposition colleagues, we were so close to solving these, but I hope we will resolve the matter.

- St John's ability to provide a proper industrial relations service to staff, and
- morale of volunteer and career officers.

Manning issues (minimum questions to be addressed):

- appropriateness of a mixed volunteer/career officer structure.
- use of mixed crews in a single ambulance.
- command structure when mixed crews on a shift.
- use of career officers at times currently staffed by volunteers.
- overtime at end of shifts.
- manning levels in metropolitan stations, and
- length of shifts worked by career and volunteer officers.

Country service issues:

- ability of St John to provide a competent ambulance service across the State.
- location of non-metropolitan services.
- whether career officers should/should not be involved in country services, and
- accountability of Government funds made available to autonomous country services through St John.

Air ambulance services:

- relationship between St John and the air ambulance service with particular reference to services delivered by St John Air Ambulance *vis-a-vis* the Royal Flying Doctor Service in remote areas of the State.
- policies re acquisition, maintenance and replacement of aircraft, and
- appropriate location of air ambulance services.

I presume that all honourable members of the Council will have received a copy of a letter written to the Hon. Mr Burdett on 26 August by the Chairman of the St John Council for South Australia, Mr Don Williams. Mr Williams said in that letter that he intended to distribute copies because of his concern that St John should not become a political football. It is an important letter because it rebukes the Hon. Mr Burdett for his over-statements and exaggerations, corrects some of the distortion he has peddled in the Council and indicates he should withdraw or defer his motion. As honourable members already have a copy, I will not read the entire text into *Hansard.* However, there are some sections which should be emphasised because they bear out my contention that the Hon. Mr Burdett has been irresponsible and less than truthful.

Mr Williams makes the point on page 1 of his letter that the Hon. Mr Burdett's major concern about the volunteers signing a contractual agreement was covered in pages 7 and 11 of his address in the Council. Mr Williams continues:

> Your remarks on page 10, lines 9 to 11, include 'If he (the Minister) reconsiders this matter the complaints of the volunteers would be considerably ameliorated.' On the matter of the volunteers signing an agreement, the Commissioner of the St John Ambulance Brigade, Dr G. Davies, saw you, at your request, on Monday 22 August and gave you a copy of 'Special Routine Order issued 17 August 1983' which makes it quite clear THAT THEY DO NOT have to sign any agreement. After you did read it, your comments to Dr Davies were that clauses 3 and 5 were—

to use the Hon. Mr Burdett's words—

'fine'.

Honourable members will recall that the Hon. Mr Burdett and his colleagues tried unsuccessfully to make political capital by accusing me of misleading the Council on the negotiations to ensure volunteers were available for a minimum number of duties in any given month—a very reasonable proposition. Mr Williams's letter shows that when the Hon. Mr Burdett was shown the relevant clauses in the special routine order issued by Dr Glyn Davies, Commissioner of the St John Ambulance Brigade, his comments were 'fine'. I also acknowledge the contribution by the Hon. Mr Milne, who told the Council last week that he joined the debate without attacking the Minister of Health. I remind honourable members that Mr Milne said:

> I do not believe and will not support that the Minister has misled the Council—not at all.

In his letter to the Hon. Mr Burdett, Mr Williams dealt at length with the question of the afternoon shift and the overtime problem. This is what he had to say about the special meeting of the St John Executive on Thursday 11 August:

> After a long meeting, at which the Commissioner of the Brigade was present, we concluded that we would not reject the afternoon shift in our desire to solve the problem of the 'overtime clause'. We did discuss a 10-point plan prepared by management—which we finally adopted and which was subsequently endorsed at the meeting with the Health Commission, the Ambulance Employees Association and the Federated Miscellaneous Workers Union on 16 August and, on the same day, a meeting of the Divisional Superintendents of all metropolitan centres. That 10 point plan, we believe, included benefits to the volunteers and to the community, enabling us to give a better 24-hour service of patient care.

It is interesting to note how the St John view is at variance with the Hon. Mr Burdett and his colleagues. I assure the Council that the agreement meant that both sides were giving something and that its acceptance would be a major step forward. Mr Williams has given the lie to Mr Burdett's claims. I remind members of what Mr Burdett said on 24 August in the Council:

> In the agreement between the Health Commission, the St John Council, the Ambulance Employees Association and the Federated Miscellaneous Workers Union, the volunteers have gained nothing.
>
> There has been no compromise except in the sense that the Ambulance Employees Association has gained only part of what it wanted. The matter has not been solved and there is every warrant for a Parliamentary Select Committee.

This sort of line was also pushed by the Hon. Dr Ritson, who insisted the same day that the agreement 'will not be the end of the matter, even if we do nothing. It will not be the end of the matter, even if all those people who are probably sick and tired of negotiating wish the matter away'.

When we look at other points made in the letter sent by Mr Williams to the Hon. Mr Burdett, we can see how the misleading statements made by the Opposition have compounded the problems of the St John organisation. Mr Williams noted Mr Burdett's statement that a small percentage of paid staff harass the volunteers. He went on in his letter to say:

We deplore their attitude and we believe this is shared by the Minister. We also deplore the very small percentage of volunteers who do not appreciate the efforts of the council and management and are not prepared to accept the decision of Brigade management.

They are not my words, but those of Mr Williams in the letter that he wrote to Mr Burdett! As the Hon. Mr Burdett sits on the front bench, it is almost impossible to see his face at the moment for the egg on it. If the Hon. Mr Burdett and his colleagues have a true commitment to the interests of St John and the welfare of patients in South Australia they would do well to reflect upon the path that they have been pursuing. They are in danger of pushing St John to the point where the highest echelons of the organisation feel they must call a halt. The constant harassment and misrepresentation by the Opposition puts the role of the volunteers at risk and raises the prospect that St John will refuse to allow its good name to be dragged into further public controversy.

Mr Williams' letter contains another precise example of the mischievous stance adopted by Mr Burdett. It points to Mr Burdett's claim that:

Many of the volunteers are furious at the outcome. They say they have done nothing but give ground for years.

The version presented by Mr Williams flatly contradicts that.

The Hon. J.C. Burdett: What does he know about volunteers?

The Hon. J.R. CORNWALL: The Hon. Mr Burdett interjects, 'What does he know about volunteers?' That remark really ought to be on the record because it is a real gem. 'What would Mr Williams know about volunteers?', the Hon. Mr Burdett asks. Well, this is what the St John Council Chairman had to say:

The only variations to their time to my knowledge, which covers 25 years, are the addition of two crews from midnight to 8 a.m. and the regulars doing public holidays, which created no real hassle with the volunteers at that time. At one stage the regulars manned the ambulance on a Saturday morning . . .

'Clearly the Opposition has not only been insensitive to the problems of the St John Council and management, it has perpetuated the sort of myth and misrepresentation that worsens the conflicts and tensions within the ambulance service.

I do not under-estimate the problems of friction between volunteers and paid staff. I sympathise with the St John Council and management and applaud their attempts to resolve their problems through negotiation and genuine compromise. I deplore the cynical moves by the Opposition to exploit the fears and grievances of a small number of volunteers who refuse to acknowledge the discipline of the brigade. Let me again recall the words of Professor Opit as follows:

These antagonisms between volunteer and career staff, whether based on real or imagined grievances, are of serious significance and the perceptions of hostility or threat are likely to be the basis of continuing disruption. There can be no doubt that volunteers and paid staff carrying out identical duties in a single public service must remain a source of friction. One cannot imagine any other public sector services (such as the police, medicine and nursing) in which this would be tolerated.

In his letter to Mr Burdett, Mr Williams also stated specifically: 'We agree with Professor Opit's remarks on page 41 of his report,' where Professor Opit said the following:

I am also acutely aware of the possibilities of creating even more political, administrative or industrial friction, since almost any suggestions for change are likely to be regarded as too radical by one party or insufficiently radical by another.

If that sentence has a familiar ring to honourable members, it is because I have emphasised it time and time again in this Council. When I tabled Professor Opit's report back in May, I ended my remarks by underscoring his concern that his work and his recommendations should not result in even more political, administrative or industrial friction.

Mr Burdett represented himself as staying out of the picture until he was compelled to enter the fray on behalf of a certain number of volunteers. I dispute the Hon. Mr Burdett's threat that I would find 'to my detriment' that the complaints by volunteers came from a significant majority. The actions undertaken by the Hon. Mr Burdett and his colleagues are not to my detriment but to the detriment of all the people of South Australia and to those dedicated members of the St John organisation who have worked so hard over the past nine months to reach agreement by negotiation and compromise. They (the Opposition led by the Hon. Mr Burdett) are putting at risk the ongoing role of the volunteers and the involvement of the honourable name of St John with the ambulance service; let there be no mistake about that. They seek a select committee which would preclude the return of Professor Opit to continue his fine work and complete his report to the South Australian Government. They play politics in the most cynical manner.

There is no practical or political kudos for the Government or, more particularly, for me as Minister of Health, in the complicated and protracted problems of St John. Nevertheless, the Government remains determined to do everything in its power to assist all those involved to find long-term solutions to those problems and ensure that the people of South Australia are served by an ambulance service of the highest standard. My commitment and the Bannon Government's commitment to the continuing role of the St John organisation, and to the role of the volunteers within St John, has been publicly stated and restated. I deeply regret the unsettling effect of the actions of Mr Burdett, some of his colleagues and the mischievous group of anonymous agitators within the ranks of volunteers. It is my firm conviction (and I believe that this feeling is shared by St John and the unions) that the best course now would be to allow the industrial package to be put in place and the parties to continue talking.

I think that the worst thing we can do is continue to try in any way to perpetuate making a political situation out of this matter, which can only exacerbate the situation. The Government, through the Health Commission, will continue to try to foster the process of negotiation and consultation so that we can get away from the pattern of conflict and distrust. The interests of St John and the ambulance service would be best served by a period of consolidation rather than further controversy and dissension.

However, if the Opposition forces the issue by persisting with this motion, the Government will not oppose the appointment of a Select Committee. It would be futile to do so in view of the expressed intention of the Democrats to support the Opposition motion.

I make it clear that this Government has nothing to hide and nothing to fear; my record of endeavour in relation to St John and the ambulance service is well known. However, my advice, as Minister of Health, is that the Opposition should stop meddling and interfering and give the parties more time. That is the best course for St John and, I sincerely believe, for the people of South Australia. I urge the Hon. Mr Burdett to reconsider the wisdom of his motion and heed the request of St John itself. I seek leave to continue my remarks later.

Leave granted; debate adjourned

PERSONAL EXPLANATION: ST JOHN AMBULANCE SERVICE

The Hon. J.C. BURDETT: I seek leave to make a personal explanation.

Leave granted.

The Hon. J.C. BURDETT: The Minister of Health has accused me of hypocrisy and disgraceful and scurrilous conduct; he also said that I was using St John as a political football. I make it quite clear to the Council that at no time during this debate or at any other time have I been hypocritical, disgraceful or scurrilous, and I have never attempted to use St John or any other body as a political football.

The reasons behind my motion have been advanced in the debate and have been set out in this Council and recorded in *Hansard*. Anyone who reads *Hansard* will see that the Minister's accusations are incorrect. I have stated facts and have drawn conclusions from them. In no way were the facts that I have mentioned disgraceful, hypocritical or scurrilous. The Minister did not even seek—

The Hon. J.R. CORNWALL: Mr President, I rise on a point of order. The honourable member is supposed to be making a personal explanation. However, it is quite clear that the honourable member is debating the issue and, therefore, he is clearly out of order. Mr President, I am sure that you do not need me to help you determine that.

The PRESIDENT: Order! I uphold the point of order. The Hon. Mr Burdett is seeking to debate the issue.

The Hon. J.C. BURDETT: I am not seeking to debate the issue at all.

The Hon. J.R. Cornwall: Well, don't do it.

The Hon. J.C. BURDETT: I have not been doing that.

The Hon. J.R. CORNWALL: On a further point of order, Mr President, the Hon. Mr Burdett just reflected on the Chair, and I draw your attention to that.

The PRESIDENT: Order! There is no point of order.

The Hon. J.C. BURDETT: I point out that I have been accused of being hypocritical, disgraceful, scurrilous and of using St John as a political football. They are very serious allegations. In fact, the Minister was probably out of order, because his allegations amount to injurious reflections and they were not contained in a substantive motion, such as a no-confidence motion. The Minister cast serious reflections and, therefore, I believe that I am entitled to make a personal explanation in relation to those reflections.

I am simply explaining that I am none of the things alleged by the Minister. I am not debating the issue at all. When speaking to my motion, I simply said that the matter has not been resolved and that the Ambulance Employees Association is pushing for further parts of the Opit Report to be implemented. I also said that the volunteers are furious—and they are. The member who has made St John a political football is the Minister of Health.

The PRESIDENT: Order! I remind the honourable member that he is supposed to be making a personal explanation, not debating the matter or making accusations against another honourable member.

The Hon. J.C. BURDETT: I am not trying to do that, Mr President. I am simply explaining the serious allegations that have been made against me. When I spoke to my motion, I relied on facts and drew conclusions from those facts. It is the Minister of Health who made scurrilous, hypocritical and disgraceful allegations against me.

The PRESIDENT: Order! The honourable member is not making a personal explanation.

TOBACCO ADVERTISING (PROHIBITION) BILL

Second reading.

The Hon. K.L. MILNE: I move:

That this Bill be now read a second time.

It seeks to reintroduce a Bill to ban all forms of promotion of tobacco and tobacco products. Honourable members will recall that I introduced a Bill for this purpose in the previous session of this Parliament. It was allowed to lapse after the Hon. Anne Levy had spoken on it. This Bill is exactly the same as the previous Bill, but I am hopeful, or should I say confident, that it will receive better treatment than it did last time.

The Hon. Anne Levy: I gave it good treatment.

The Hon. K.L. MILNE: I meant by the Council as a whole. The anti-smoking lobby and the programme to discourage smoking is gaining momentum rapidly. In the short period between when Parliament rose and now, a number of very relevant things have happened. Public support for controls on smoking has increased. Public attitudes to smoking have hardened. The Australian Broadcasting Tribunal has issued a draft policy statement on television advertising (statement No. 389) indicating a very much stricter interpretation of section 100 of the Broadcasting and Television Act of 1942.

Also, the B.B.C. Science Programme is in Australia preparing a documentary on anti-smoking activity in Australia. The Western Australian Government has embarked on a large anti-smoking campaign, prior to introducing a Government Bill to ban tobacco advertising. A private member's Bill, similar to the former private member's Bill introduced by Dr Dadour in Western Australia, has been introduced in Tasmania, and a private member's Bill is about to be introduced by Senator Jack Evans to ban tobacco advertising in the Australian Capital Territory.

The States appear to be moving individually and are not waiting for unanimous agreement—wisely, in my opinion, as State agreement is traditionally difficult and protracted. The tobacco companies, of course, have said nothing—or very little. They continue to work as they have done in the past when under attack—through the various sporting bodies which receive money from the tobacco industry. Sponsorship of sporting events by tobacco companies is relatively new at the level it is estimated now—approximately $15 000 000 per annum throughout Australia. It is largely the result of the new section 100 introduced into the Federal Broadcasting and Television Act in 1976. This legislation, which is already law, is the law which will affect cigarette advertising at sporting events and, in fact, will drastically reduce it or even prevent it altogether; and that will happen whether or not this Bill is passed. Honourable members should grasp this point and take a little more courage from it. It places the responsibility fairly and squarely on the Federal Government.

The sporting bodies, by some magic double-talk and quite dishonest reasoning, have circularised all members of Parliament with the most exaggerated predictions of what will happen to sport if this Bill is passed. Anyone would think that all top level sport will cease. This, of course, is nonsense and the tobacco companies know it—as do the sporting bodies. One of the tobacco industry arguments is that a ban on advertising will have no effect on smoking. Well, if that is so, why are they making so much fuss? I will now read draft policy statement 389 and the Australian Broadcasting Tribunal's explanation of it, No. 393.

The Hon. J.R. Cornwall: Why don't you table them?

The Hon. K.L. MILNE: I cannot get them into *Hansard* without reading them. I do not wish to weary honourable members, but I cannot get them into *Hansard* unless I read them.

The PRESIDENT: Order! The Hon. Mr Milne is quite correct: the material cannot be tabled unless it is purely statistical.

The Hon. K.L. MILNE: I refer to a draft policy statement on advertising matter relating to cigarettes or cigarette tobacco, as follows:

Advertising Matter Relating to
Cigarettes or Cigarette Tobacco

1. Introduction.

1.1 Subsection 100 (5A) of the Broadcasting and Television Act, 1942 ('the Act'), states that:

'A licensee shall not broadcast or televise an advertisement for, or for the smoking of, cigarettes or cigarette tobacco.'

Subsection 100 (10) of the Act states:

'A reference in subsection. . . (5A) . . . to the broadcasting or televising . . . of an advertisement shall be read as not including a reference to the broadcasting or televising of matter of an advertising character as an accidental or incidental accompaniment of the broadcasting or televising of other matter in circumstances in which the licensee does not receive payment or other valuable consideration for broadcasting or televising the advertising matter.'

1.2 The purpose of this policy statement is to outline the principles the tribunal will apply in the administration of subsections 100 (5A) and (10) of the Act.

2. An advertisement for, or for the smoking of, cigarettes or cigarette tobacco.

2.1 The Act does not define the circumstances in which matter amounts to an advertisement for, or for the smoking of, cigarettes or cigarette tobacco. In the tribunal's opinion, any matter which can be reasonably said to promote cigarettes, or encourage the smoking of cigarettes, falls within subsection 100 (5A), whether or not it displays or mentions the name of a brand of cigarettes or of a cigarette manufacturer. Advertising matter which displays or mentions the name of a cigarette manufacturer, but does not explicitly promote cigarettes, or encourage cigarette smoking, may still fall within subsection (5A) if the overall effect can be reasonably said to promote the consumption of all that company's products, of which cigarettes may be one.

2.2 An advertisement (for any purpose) may be constituted by sound effects, music or spoken words and/or the visual display of names, logos, slogans or other identifiably promotional material, whether occupying full screen, or in titles of events, in backdrops or billboards, or on clothing, vehicles, etc.

2.3 Illustrations of matter which would, in the tribunal's opinion, be covered by subsection 100 (5A) are provided in the following hypothetical examples:

Example A: X manufactures a very popular brand of cigarettes which are sold under the brand name 'Y'. X also sells a much smaller number of pipes and cigarette lighters under the name 'Y'. A television advertisement by X shows a pipe and a lighter with the slogan: 'Y—the best in quality'.

Example B: X sponsors a television talk show. Part of the arrangement is that the host conducts some interviews in front of a backdrop which displays the brand 'Y' logo and the slogan 'the best in quality'.

Example C: Brand 'Z' is commonly identified in the public mind with a certain musical theme, and a western image. A televised item shows a cowboy on a horse lighting a cigarette, with the musical theme in the background, but brand 'Z' is not specifically identified.

2.4 Some kinds of advertising are not covered by subsection 100 (5A). Advertisements concerning the adverse medical effects of cigarettte smoking are not prohibited. Also, promotional material for companies whose activities include the manufacture of cigarettes is not prohibited, provided it could not reasonably be said to be an advertisement for the cigarettes produced by the company. For example, a diversified manufacturer (whose products include cigarettes) may wish to promote itself as a vigorous company expanding into new fields and creating new jobs. This would be permissible if the advertisement did not directly or indirectly promote the cigarettes produced by the company. Such corporate promotion is less likely to be at risk where the company name is not readily identified with its tobacco products. In cases where a company name is also a brand name, considerable care should be exercised.

3. Accidental or Incidental Advertising.

3.1 Subsection 100 (10) of the Act provides an exception from subsection 100 (5A) in circumstances where 'matter of an advertising character'—

(a) is an 'accidental or incidental accompaniment' of other broadcast or televised matter; and

(b) 'the licensee does not receive payment or other valuable consideration' for broadcasting or televising it.

3.2 Accidental or Incidental Accompaniment: The broadcasting or televising of advertising matter relating to cigarettes will not be regarded as 'accidental' if the circumstances of the broadcast or telecast show that it is more likely than not that the licensee intended to promote a particular brand of cigarettes or cigarette smoking, in general. For example, television coverage of a sporting event which refers extensively to the fact that the event is sponsored by brand 'Y' and incorporates brand 'Y's' logo into the programme titles, would be *prima facie* evidence of intention to promote brand 'Y'. A similar inference might be drawn if televised interviews with personalities in a sporting (or other) event are all conducted in front of a backdrop advertising brand 'Y', when other interview locations are available which do not show such a backdrop.

3.3 Even where advertising matter for cigarettes is not deliberately broadcast or televised, it will not be within subsection 100 (10) if it is not an 'incidental accompaniment', that is, if it dominates a spoken segment or visual scene, or is a substantial part of the segment or scene. These are questions of judgment and it is not possible to provide any precise or comprehensive tests on the matter. However, questions of 'tone' and 'frequent repetition' are factors in determining these questions.

3.4 Payment or Valuable Consideration: The exception under subsection 100 (10) in relation to cigarette advertising applies only where a licensee does not receive 'payment or other valuable consideration' for broadcasting or televising the matter in question. Direct payments to the licensee are expressly included whether or not they are made by a manufacturer or retailer of cigarettes. 'Valuable consideration' has been defined in law to consist either of 'some right, interest, profit or benefit accruing to one party, or some forbearance, detriment, loss or responsibility given, suffered or undertaken by the other': *Currie v. Misa* (1975) L.R. 10 Ex 162. Provision of goods or services will, of course, be included as 'valuable consideration'.

3.5 More difficult questions arise where a licensee has itself paid for the rights to televise a sporting event, and each party knows and accepts that 'incidental' perimeter cigarette advertising will take place, and that it cannot practicably be avoided in the telecast. The licensee obtains 'valuable consideration' from the sporting body, that is, the right to televise the event, but this will not normally be 'valuable consideration for . . . televising the advertising matter', and hence that limb of subsection 100 (10) will normally apply in those circumstances.

3.6 The situation would be quite different if the evidence showed that an agreement was for the right to televise a sporting event in exchange for—

(a) payment by the licensee; and

(b) an express or implied undertaking by the licensee to televise the perimeter advertising,

especially if it appeared that a discount had been allowed to the licensee by reason of the undertaking. Not only could this amount to 'valuable consideration for . . . televising the advertising matter', but it would probably result in a finding by the tribunal that the televising of the advertising matter was not an 'incidental accompaniment' of the telecast of the sporting event.

4. Enforcement

4.1 It is an offence under section 132 of the Act to fail to comply with subsection 100 (5A), rendering a licensee liable to a fine not exceeding $10 000.

4.2 By virtue of section 129 of the Act, subsection 100 (5A) is a condition of a licence; any breaches will be taken into account at the next occasion on which the performance of the licensee is review: see subparagraphs 86 (11B) *(c)* (iii) and 88 (1) *(a)* (iii).

4.3 This policy statement is intended to avoid the need for more specific action. However, the tribunal points out that failure to comply with the letter and the spirit of subsections 100 (5A) and (10) may lead to the determination of standards elating to incidental cigarette advertising.

There is apparently some misunderstanding about this policy statement; so, the tribunal has issued an explanation (No. NR 393). It states:

Cigarette Advertising Policy Statement Misunderstood Says Tribunal Vice-Chairman: Much of the public comment being received by the Australian Broadcasting Tribunal in response to its draft policy statement on the advertising on radio and television of cigarettes or cigarette tobacco appears to be based on a misunderstanding of the document, the tribunal Vice-Chairman, Mr Ken Archer, said today.

This is not dated, by the way. The explanation continues:

It is important to emphasise two points. First, the tribunal is not creating any new rules. It is a simply providing guidance to

interested persons on the interpretation and administration of laws which were made by the Federal Parliament seven years ago.

Second, the tribunal's draft policy statement does not concern the general issue of sponsorship of sport by tobacco companies. That is not a matter within the tribunal's jurisdiction. Some recent press reports have suggested that the tribunal is creating new regulations. In fact, the opposite is true. The tribunal is responding to requests for guidance, and our draft policy statement makes it clear that it is intended to avoid the need for any additional regulations.

Mr Archer said the existing ban on cigarette advertising on radio and television was contained in section 100 of the Broadcasting and Television Act, 1942, and had been inserted in the Act in 1976.

Mr Archer said anyone wishing to comment on the tribunal's draft policy statement should first seek a copy of it from the tribunal's office in their State, rather than rely on press reports of what the draft statement contained.

Editor: Rosemary James

So it seems to me that this is a *fait accompli*. That being so, you will find that this Bill is really aimed at our children—the next generation of smokers. I understand that the Australian tobacco industry has long adopted the policy that smoking is an adult custom and that the decision to smoke or not is one for adults to make. I have been informed by the industry that it strongly supports initiatives at Government level to up-date penalties for sales of cigarettes to minors. This has been demonstrated by the industry in its public support of Government legislation increasing such penalties in Western Australia and Queensland, and also in the package of proposals that the industry has submitted to all Australian Health Ministers to voluntarily restrict tobacco advertising in locations which possibly have a higher level of exposure to children. I understand that this package of proposals also contains an undertaking to provide to retailers, at the industry's cost, signs drawing public attention, at point of sale, to the fact that cigarettes must not be sold to minors. This is all helpful, and I hope to receive their co-operation still further. Obviously, that is not impossible, as many people have assumed.

Before I go on perhaps I should say, in fairness, that I have had two very positive and sensible talks with representatives from AMATIL. They are very worried indeed (which in understandable), and were very open and frank in their talks. As a result I am very much aware of the importance of the tobacco industry as employers, in excise and tax revenue, in investment and in many other ways. I realise, too, that an anti-smoking campaign is long term, probably 25 years, so that the industry should have ample time to adjust. Furthermore, I am still convinced that the benefits to the nation, through discouraging smoking, will far outweigh any loss of revenue. The hardest decision will be for the people of Queensland and, as they are a tobacco growing State, we can sympathise with their dilemma. However, since the growers are heavily subsidised by the taxpayers, the industry is surely doomed eventually.

In my speech introducing the Bill on 11 May 1983, I dealt with a number of points which I intend to repeat only in summary: the Bill is not to make smoking illegal—it is to discourage smoking; There is no infringement of the democratic rights of smokers. What we are trying to do is to protect the democratic rights of non-smokers. Adult smokers can go on smoking if that is what they wish, and having ignored all the warnings. The cost of smoking-induced disease is enormous.

I mentioned previously some of the organisations supporting this Bill. These have increased in number and have been joined, for example, by the Royal Life Saving Society.

The Hon. Diana Laidlaw: Of which you are President.

The Hon. K.L. MILNE: I am glad that the honourable member mentioned that. I was not going to raise it, but I had nothing whatever to do with it. It was a spontaneous gesture.

The Hon. Diana Laidlaw interjecting:

The Hon. K.L. MILNE: I am grateful for that. People might have thought that I asked the Society to do it, but that is not so. May I add those national and international organisations which have condemned smoking and endorsed a comprehensive programme to eradicate it: World Health Organisation, International Union Against Cancer, International Union Against Tuberculosis, Royal College of Physicians of London, British Medical Association, Royal Australian College of Physicians, United States Surgeon-General, Australian Medical Association, and Australian Senate Standing Committee on Social Welfare.

The State and Federal Health Ministers have met again since April 1983 and have confirmed their position. The attack in various forms by tobacco companies has continued, but I feel that they will need to do something better than in the past. How do they suggest we go about stopping children at school from taking up smoking?

The tobacco companies say that their advertising campaigns are to retain a share of the market. This is partly true (it may be substantially true), but it is also true that school-children smoke the most highly advertised brands.

The effect on sport is exaggerated by the sporting bodies. The Health Minister, Dr Cornwall, in an attempt to find out just how much money and other support the various sporting bodies receive from tobacco companies, sent letters to many of them asking for information. The replies, or lack of replies, are rather indicative—so I understand from his statement in Parliament yesterday, in reply to a question by the Hon. Diana Laidlaw. In Parliament yesterday Dr Cornwall said, among other things, that about 20 per cent of respondents deliberately avoided tobacco sponsorship and supported the Government's initiative. The advertising industry has literally bombarded members of Parliament with letters, which is only natural. There may be some effect on the advertising industry, but I believe that a ban will affect the out-door section the most, and hopefully not nearly as much as they expect. More hopefully, it will not be at all in the long-run. The effect on the advertising industry when the restrictions were first introduced on television was that the total volume of advertising continued to rise.

The health policy of the State Government regarding smoking remains the same, and it is implementing it. Its objectives are exactly the same as ours. I only hope that the attitude of the Liberal Party is also the same. The effect on health is definite. We are no longer guessing. The effect on delicatessens and other outlets will be small and gradual. However, I anticipate very strict laws and heavy penalties for those who continue to make cigarettes available to minors and young children at that.

At this stage I would like to give members some statistics which give a very different view of public opinion from that given to the Council by the sporting bodies. I believe that the South Australian figures would be even more supportive of the additional publicity given to smoking in the past year. I refer to a statement about the promotion and control of cigarette smoking. This is a digest of a McNair Anderson survey conducted in all States and Territories of Australia except the Northern Territory in August 1982. It was commissioned by the Standing Committee of Australian Health Ministers. The survey covered 11 526 people throughout Australia, 1 007 in Western Australia and 1 014 in South Australia.

I sought figures only for Western Australia, which has had such big promotion in the past two years, and for South Australia so that we could make some comparison with the Western Australian situation. Clearly, we can. The statement is as follows:

1. Question: Should the health authorities run campaigns to discourage children from smoking?

Response:

	S.A. per cent	W.A. per cent	Rest of Australia per cent
Yes	94	96	93

That illustrates the effect of the anti-smoking campaign in South Australia and Western Australia, in particular. The statement continues:

2. Question: Do you think these campaigns should be paid for by an increase in taxation on cigarettes?

Response:

	S.A. per cent	W.A. per cent	Rest of Australia per cent
Yes	63	67	64

3. Question: Should televised sporting events, which can be seen by children, be used to promote cigarettes?

Response:

	S.A. per cent	W.A. per cent	Rest of Australia per cent
No	73	73	79

4. Question: In your opinion, should smoking advertisements be banned totally from:

Newspapers?
Magazines?
Cinemas?
Outdoor posters which can be seen by children?

Response:

		S.A. per cent	W.A. per cent	Rest of Australia per cent
Newspapers	Yes	53	58	56
Magazines	Yes	51	59	56
Cinemas	Yes	62	67	67
Outdoor posters	Yes	65	70	66

5. Question: Should non-smokers have equal smoke free space in:

Restaurants?
Aircraft?
Country buses?
Workplaces?
Trains?

Response:

		S.A. per cent	W.A. per cent	Rest of Australia per cent
Restaurants	Yes	87	88	88
Aircraft	Yes	90	93	90
Country buses	Yes	87	92	85
Workplaces	Yes	78	84	79
Trains	Yes	88	93	87

The Hon. Anne Levy spoke when the Bill was introduced last session and was very supportive of the idea behind it but foresaw some problems, most of which are not insurmountable, including a transition period and federal action being necessary. In conclusion, she said:

In summary, the Bill before us contains admirable principles, which are certainly supported by members on this side. However, there are many practical reasons why the South Australian Government does not intend to act to rule out brand name displays through corporate advertising at this time—

I am hoping that it may have changed a little in between—

It would be quite futile for one State to go it alone in this matter—

We now know that we do not have to go it alone, because at least four States are doing something about it. That is how it will develop. The honourable member continued:

Obviously, a State Government can have no control over what appears on television—

We all know that the Australian Broadcasting Tribunal will be controlling it—

Federal Governments must take action in this regard—

They will be taking action in this regard if the lobbyists who are attacking both the Federal Minister and the State Ministers are not listened to—

Likewise, a ban on newspaper advertising here would affect only newspapers that are published in this State and would have no effect at all on the number of newspapers, journals and periodicals that come into South Australia from the Eastern States—

That is true. It does not matter and should not stop the Bill from being passed. The honourable member continued:

This sort of problem must be tackled at a national level: very little can be done at State level—

Much can be done at a State level if there are several States. True, not much can be done by one State, but we are no longer working at just a one State level. Much has been done since the Hon. Anne Levy raised other objections but, in trying to help, she stated:

We must all acknowledge that there is inexorable pressure from a growing majority of responsible and concerned organisations and individuals in our community for a national ban on all forms of tobacco advertising, and to enable further consideration of the matter before us and to indicate support of the principles, I support the second reading of this Bill.

I would like to thank the Hon. Anne Levy for her courage in supporting the second reading last time. I hope that she and her colleagues will do so again. The Hon. Diana Laidlaw secured the adjournment of the debate—and that, of course, was the end of that.

The Hon. Diana Laidlaw: What does that mean?

The Hon. K.L. MILNE: It was not heard of again, except for a squeak when the Hon. Diana Laidlaw was Acting President. May I summarise the objects of this Bill. The Australian Democrats are trying to do three things (I think that we all are):

1. To discourage an estimated 10 000 children annually in South Australia from starting to smoke.

2. To make it easier for smokers to give up smoking, which 80 per cent want to do, apparently.

3. To make smoking socially unattractive. It should not be very difficult. About 70 per cent of smokers started because it was 'sociable' or for some equally unjustifiable reason.

The whole programme will take a long time to work, so those who are involved personally have little to fear. But the question of children smoking is immediate. We are convinced that advertising of cigarettes plays a very big part in this. Therefore, we intend to start right there. The campaign needs the co-operation of the tobacco companies, the parents, the education system (particularly the teachers), the sales outlets (hotels, clubs, delicatessens and so on), the media, and all honourable members in this Council and another place. The question we ask honourable members is this: do you want to be part of the problem or part of the answer? That is your choice, if you are going to talk about choices and you have a chance to make it—right here—right now.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 August. Page 278.)

The Hon. I. GILFILLAN: I am pleased to have this opportunity to support a piece of legislation which is familar to me. I think its intention is similar to that of legislation we dealt with during an earlier session. The purpose of this Bill and that of the Bill previously before this Council are similar, so, because I introduced the previous Bill, I have no hesitation in expressing my pleasure at seeing increased enthusiasm by members of this Chamber for the lifting of the restriction on trading hours during which fresh red meat may be sold. There is a rather interesting aspect of this matter that I will comment upon before commenting further about the substance of the Bill; that is, that there seems to be some confusion as to the procedure by which my Bill came to what I must describe as an untimely end during the previous session. It was with some interest that I found

that Standing Order 346, which I feel may not have been uppermost in members' minds during the last session when my Bill was defeated, states:

A Bill has passed its second reading in either House, but shall not have been finally disposed of at the close of the session, may, in the next session of the same Parliament, be restored to the stage reached in the previous session by the carrying of a motion, after notice, that the Bill be restored to the Notice Paper.

That is an interesting Standing Order and one which obviously would have enabled the restriction on the hours during which fresh red meat could be sold to be well on its way to being considered had that Standing Order been used to reinstate the Bill that I introduced during the last session. Apart from that hiccup, which arose from ignorance, the matter is now somewhat belatedly churning along its merry way.

One of the reasons the Democrats were slow to reintroduce this unfortunately defeated Bill was that we realised that for real effective reform the matter needed the support of the majority of people in this Parliament, not just in this Chamber. Therefore, we undertook to discuss this matter in an amicable way with people in the Government and were delighted to find (and still are) that they were most co-operative and that many of them agreed with the main thrust of the Bill. Therefore, there will be a happy distribution of kudos and credit between, I assume, myself (as initiator of the Bill), the Hon. Martin Cameron (second cab off the rank, who showed great initiative in getting this present Bill before us), and probably, in the fullness of time, the Government when in its wisdom it eventually gives its support to this reform.

The Hon. R.I. Lucas: Did you say that the Government is going to support the Bill?

The Hon. I. GILFILLAN: I believe that it will do so in the fullness of time. I believe that this will be brought about by the wisdom of the Democrats in having discussions with the Government about this matter. This has meant that talks with the unions have been able to take place in a climate of goodwill and without the union people feeling under threat. One of the fears still held by people working in butchers' shops is that if there are unrestricted trading hours they will be asked to work around the clock, which would prove very difficult for those people.

The Hon. Frank Blevins: It is not just the unions, but also the small business people who feel this.

The Hon. I. GILFILLAN: That is not my opinion. I think that the contrary is true: most small butchers realise that they need to be open for these longer hours and are enthusiastic to get those hours in place. I know that those who have looked, as I have, at small butchers' shops will realise that they are now diversifying and making their shops attractive to a wider range of customers. I believe that they have seen an indication that they will be able to compete with other meat outlets during these hours and that they think that they will be able to attract a wider range of customers into their shops by doing this.

As a producer of red meat (something I share with the Hon. Martin Cameron and others in this place) I must say that there has been an incredible distortion put about that consumers who were frightened of fresh red meat, and lamb particularly, when the price was extraordinarily high earlier this year have been reluctant to come back and use what is now a very reasonably priced fresh red meat.

The Hon. M.B. Cameron: Not 'reasonably priced' but 'cheap'.

The Hon. I. GILFILLAN: If one is a consumer, the meat is attractively priced. The market is not presently making the impact on consumers that it should. Any person involved in the fresh red meat trade should be made aware that this product has to be marketed with the same verve, on the same terms and during the same hours as its competitors because people are slowly slipping away from the consumption of fresh red meat and, to a large extent, I believe that that is because of the archaic marketing system presently before the public. I hope that my remarks will convince anyone who thinks I have wavered in my wish to see these restricted trading hours lifted for the sale of fresh red meat that I certainly have not. I look forward to seeing legislation passed soon which will effect this reform. It will give me great pleasure at that time if it receives substantial support in both Houses of this Parliament.

However, I think that the timing of this matter is important. I have been led to understand that discussions are going on, not only with the unions involved, but also between the Government, United Farmers and Stockowners Association and the retail traders involved, so it is important for the groundwork to be laid properly for legislation to have a successful passage through this Parliament. In conclusion, I emphasise that I strongly support the intention expressed in this legislation and look forward to a happy result from it for consumers, producers and retailers in the trade when this reform eventually passes this Parliament.

The Hon. G.L. BRUCE secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL (No. 2)

By leave and on behalf of the Attorney-General, the **Hon. FRANK BLEVINS (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

It amends the Licensing Act, 1967, by imposing a moratorium on the further grant of late night permits pursuant to section 66b of the Act. That section allows holders of full publican's, limited publican's (that is, motel), and restaurant licences to apply to the Licensing Court for a late night permit to authorise the sale of liquor between 9 p.m. and 3 o'clock the following morning (except on Sunday nights to Monday mornings, Good Friday and Christmas Day) without necessarily providing a meal to the patron. If no late night permit is in force, motel and restaurant licensees can only supply liquor at any time to the public with or ancillary to a *bona fide* meal, and the same rule applies to hotels between midnight and 5 a.m.

To obtain a late night permit the licensee must have premises of a high standard, must provide entertainment, and must show that the permit will be of benefit to patrons. Meals must be provided only if requested by patrons. As of recently, 28 such permits have been granted by the court, being 11 to restaurants and 17 to hotels. A further 20 applications are before the court.

The previous Government introduced this provision in 1982 and it was intended to apply only to high class establishments having piano bars and discotheques. The Superintendent of Licensed Premises was given power to apply to the court for revocation of a permit if on the balance of probabilities it was being abused. It was said at the time that the permits would be hard to get and easy to lose. This has not proven to be the case.

The Government is concerned at the proliferation of these permits and the abuses of some conditions by some licensees. It appears that permits are being granted in respect of some premises that are of a lower standard than was intended. Furthermore, it seems that meals are often not available for patrons during permitted hours, overcrowding occasionally occurs and appropriate entertainment is sometimes not

available. Resources are not available for after hours inspections to gain evidence for revocation proceedings.

The reason that restrictions were placed on the grant of these permits was to prevent a reduction of the standards under which liquor was being consumed late at night. A proliferation of these permits does not help achieve this aim. The Government established a review of the Licensing Act earlier this year and it is obliged to consider the effect of these late night permits on the industry and the community. The review may recommend another method of catering for the demand for liquor with entertainment until the early hours of the morning and such a recommendation may be difficult to implement if the proliferation continues.

Accordingly, the Government considers that the best course is to impose a moratorium on the future grant of these permits. This would not affect those licensees who already have the permits but would prevent the court from granting any new permits pending the outcome of the review of the Act. The moratorium will be deemed to have come into effect on 31 August 1983, being the day on which the Bill was introduced in another place. The purpose in adopting this date for the commencement of the measure is to prevent an influx of applications to the court. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that amendments made by the Bill will operate retrospectively from today's date. Clause 3 inserts two new subsections in section 66b of the principal Act. New subsection (10) is a general prohibition against the granting of new permits. So that the holders of existing permits will not be detrimentally affected by this amendment, subsection (11) will allow new permits to be granted in respect of premises to which late night permits already relate. Late night permits remain in force for one year only, and this subsection will allow the holder of a permit or a person to whom a business conducted under the authority of a permit has been transferred to obtain the necessary permit.

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

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

In Committee.

(Continued from 30 August. Page 552.)

Clause 3—'The SAMCOR Deficit Fund.'

The Hon. FRANK BLEVINS: Yesterday the Hon. Mr Cameron asked me the following question:

What rate will be paid by SAMCOR to the Central Lending Authority for borrowing and what was the previous rate paid by SAMCOR to the previous lenders?

SAMCOR will now pay the same rate as every other authority that will be using this method of raising finance. I cannot give precise details about the rate that SAMCOR and other authorities will be paying, because that rate has not been struck. However, I am advised that the rate will be based on an average of the Government's overall debt and the rate at which it raises finance.

The Hon. K.T. Griffin: SAMCOR could be subsidising others.

The Hon. FRANK BLEVINS: I will come to that matter in a moment, and I am sure that the Hon. Mr Griffin will be pleasantly surprised. Had the proposed formula been in operation at the end of June this year, the rate would have been 12 per cent. That is the nearest approximation that can be provided. However, the rate will vary, depending on what happens with interest rates and the rate at which the Government borrows money. The previous rate paid by SAMCOR to lenders was 13.2 per cent. SAMCOR is looking forward to the new method coming into operation. I point out that the arrangement for funding the SAMCOR operation was made by the previous Liberal Government and apply at the 180-day bill rate plus 1 per cent. The 180-day bill rate is 12.2 per cent, and the addition of 1 per cent takes the rate to 13.2 per cent. It is most unlikely that SAMCOR will be disadvantaged by the change.

The Hon. M.B. CAMERON: I also asked the Minister yesterday what was the total rate paid by SAMCOR prior to the change.

The Hon. FRANK BLEVINS: The figures provided by SAMCOR show that in 1980-81 the rate paid to the Enfield council was $21 217, and to the Salisbury council $9 003; in 1981-82, the rate paid was $2 516 and $6 600 respectively; in 1982-83, the rate paid to the Enfield council was $2 732, and to the Salisbury council $3 330. The Enfield council has not yet advised SAMCOR of the rate that it will request for 1983-84, but that rate is being calculated on the assumption that the Bill will pass, and will be based on the formula provided in the Bill. No rate request has yet been received by SAMCOR from the Salisbury council. However, SAMCOR believes that the Salisbury council is also awaiting the passage of the Bill before striking a rate that is applicable to SAMCOR, which anticipates that the Salisbury council will have regard to the Bill and will strike a rate accordingly.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 August. Page 551.)

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank honourable members for their contribution to the second reading debate and for the partial support that was given by some honourable members for at least some of the proposals. The Hon. Mr Cameron stated that he had some difficulty with the legislation but he believed that part of the Bill was not absolutely essential. In fact, I believe it is fair to say that he stated that parts of the Bill were highly undesirable.

Besides feeling that it was highly undesirable, the honourable member believed that the second reading explanation was perhaps somewhat misleading because, in his investigations and through his contact with various amateur fishing groups, his strong impression was that they did not support the Bill. While not wishing to argue with the Hon. Mr Cameron's information, I am happy to cite the information on which the second reading explanation was based. A letter from SARFAC on 3 February 1982—

The Hon. K.T. Griffin: 1982?

The Hon. FRANK BLEVINS: Yes. The honourable member should not get too excited. That was during the period of the previous Government. The letter was in response to an invitation to SARFAC to consider and make submissions on the draft fisheries Bill, which was made available to the council.

The Hon. M.B. Cameron: Who made the request, or didn't you consider that?

The Hon. FRANK BLEVINS: The Government, the then Minister of Fisheries, made the request. As part of the

comment on the draft Bill that was sent to the council, in relation to the provisions that we are discussing, it was stated:

> SARFAC is concerned that this provision would not give sufficient flexibility of response in the event of environmental disturbances, for example, oil spills in aquatic reserves. Support AFIC in effective management in facilitating change to fishing activities by Ministerial notice in the *Gazette* rather than proclamation.

It may well be that since that time SARFAC has had a change of heart, so I am not disputing anything that the honourable member said.

The Hon. M.B. Cameron interjecting:

The Hon. FRANK BLEVINS: Yes. All I am pointing out is that that was the basis of the information in the second reading explanation. It seems pretty clear to me that at that time the council supported the provisions: in fact, that is stated quite clearly.

The Hon. M.B. Cameron: Who signed it?

The Hon. FRANK BLEVINS: P.H. Smith, Chairman of SARFAC.

The Hon. R.I. Lucas: Is that letter about 18 months old?

The Hon. FRANK BLEVINS: It is dated 3 February 1982. I am not arguing that it might have contained—

The Hon. R.I. Lucas interjecting:

The Hon. FRANK BLEVINS: The proposition is identical to that which was put at that time.

The Hon. R.I. Lucas: It is a different organisation, a different body of people.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I did not want to interrupt the Hon. Mr Lucas.

The PRESIDENT: That is very thoughtful of the Minister.

The Hon. FRANK BLEVINS: There is no excuse at all for that. I point out (for those who do not know) that SARFAC is the South Australian Recreational Fishing Advisory Council, which the previous Government and the present Government recognises as representing the interests of fishermen as far as possible. The council has supported Ministerial notice, and I believe that the Council should realise that it is quite difficult to obtain a round view on fisheries from recreational fishing bodies, or from anyone who enjoys fishing. I hope that my comments have cleared up the source of information for the second reading explanation. I do not want to argue with the Hon. Mr Cameron as to whether or not there is present support in amateur fishing for the proposition.

The reason is that the issue is not of sufficient importance to warrant any great debate. The Hon. Mr Cameron stated—and there are subsequent amendments which he foreshadowed—that provision should be made for the prawn fisheries in particular. Whilst the Hon. Mr Cameron doubted the merits of the proposals in the other areas, certainly he thought that there was merit in the proposal concerning the prawn fisheries. I am pleased that he saw fit to leave that in the Bill that will probably come out of Committee.

The Hon. Dr Ritson made some remarks with which I want very briefly to take issue. He quoted from a speech that I made in this place three years ago in which I was dealing on behalf of the Opposition with some shopping hours legislation. I said:

> This clause, which is quite definite and specific, gives the Minister the right to virtually tear up the Act . . .

That clause was clause 4, which gave the Minister the right to issue a certificate. I should have thought that the Hon. Dr Ritson would see quite clearly the difference between that proposition and the proposition which is presently before the Council. The proposition in that Bill gave the Minister the right to exempt an individual's shop from the Act. The Opposition quite properly objected to that. If there was a class of shops, as opposed to an individual shop, which the Minister thought should be exempted from the Act, there was a whole list of exemptions in the Bill; if there was another class of shops or a particular item that he wanted to go into that Bill he could have done that. We as an Opposition objected to individual shops being able to be granted an exemption when other shops in the same category need not have got it. That was clearly a very undesirable power for any Minister to have: to be able to exempt individuals or individual shops.

This proposition falls right across the industry. There is no provision for a Minister to be able to say to an individual fisherman, 'You can only get 30 fish, whilst another can get 60 fish.' If a Ministerial notice is issued it will be across the board, and everyone in South Australia will be equally affected, for good or for bad, depending on which side of the argument one is. There is no analogy with the shop trading hours debate of three years ago.

Also, there is no analogy at all in the other example that the Hon. Dr Ritson gave when he was expressing his doubts about the Bill and trying to demonstrate some inconsistency with my attitude to this and to previous Bills. He spoke of the Boating Act. When the amendments to the Boating Act were introduced by the previous Minister, I objected to the power which the Minister could delegate to the Director. Again, there is no analogy at all here. What we are talking of here is not any diminution of power at all; it still lies with the Cabinet Minister. To take it out of the hands of the Government and put it in the hands of a public servant, as was intended in the amendments to the Boating Act which the previous Government introduced, is 100 miles or even one million miles away from the administrative decision which this Government has taken to delegate this power to a Minister.

The Hon. R.J. Ritson: I was not arguing that each of those was an exact analogy. I was saying that from them one could extract a principle that power could be delegated more to the Cabinet end of the scale than to the administration end.

The Hon. FRANK BLEVINS: That is a fair enough argument, and we could happily debate it at another time. Using the example and relating it to me as a way of alleging some inconsistency is quite wrong and a weak argument because there is no analogy at all.

I found that the Hon. Mr Griffin made the most amusing speech of all. He said that he does not like the principle. He was also quite nasty in his speech.

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

The Hon. FRANK BLEVINS: Yes, the honourable member was—not to me, but to the department. He gave side swipes about the department's pushing material under the Minister's nose.

The Hon. K.T. Griffin: You look at *Hansard.*

The Hon. FRANK BLEVINS: It does not look all that bad in the *Hansard,* but the Hon. Mr Griffin was having a go at the public servants.

The Hon. R.J. Ritson: He is never nasty.

The Hon. FRANK BLEVINS: He was in his usual quite nasty way—

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: Anyway, I just want to say that public servants do not attempt to make radical changes in areas by slipping pieces of paper into huge stacks of paper and hoping that the Minister does not notice.

The Hon. K.T. Griffin: Are you serious? I didn't say that at all.

The Hon. FRANK BLEVINS: That was what the honourable member was implying in his usual rather sneaky way.

The Hon. K.T. GRIFFIN: I take exception to that. I take a point of order, Sir, and ask the Minister to withdraw that. I am not sneaky.

The PRESIDENT: Yes, I ask the Minister to withdraw it.

The Hon. FRANK BLEVINS: If the honourable member does not like the word 'sneaky', it shows that, as well as being nasty, he is also very thin-skinned.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: He should have a go at the Minister and not have side swipes at public servants who cannot defend themselves.

The PRESIDENT: Order! The Minister has been asked to withdraw the word 'sneaky'. I ask him to do that.

The Hon. FRANK BLEVINS: Certainly, I withdraw it.

The Hon. K.T. GRIFFIN: I take a point of order. The Minister either withdraws it absolutely or he does not. He has made some asides that indicate clearly that he is not withdrawing it. I ask him to withdraw it.

The Hon. FRANK BLEVINS: I absolutely withdraw it, without any equivocation whatsoever—the whole box and dice.

What is the real opposition? The fact is that this is in no way taking away any powers from Parliament. Regulations come before Parliament and go before the Subordinate Legislation Committee. If a change was made from that system to a system of proclamations or Ministerial notices, I would concede that there was something in what the Hon. Mr Griffin said, but that is not the case at all. All this does is provide for the Government to arrange its administration as it thinks fit.

The Government on this occasion has decided that these powers can be quite safely delegated to the Minister for speed, efficiency and whatever, rather than their having to go to the full Cabinet. Nothing is taken away from the Parliament at all. No protection is taken away from the people at all. It seems to me that the real reason for this is that in the unlikely event of the Liberal Party's ever forming a Government again, and the even more remote possibility of the Hon. Mr Griffin having the same influence as he had last time, he wants to go on an exercise in which he engaged in the past three years of nitpicking at every other Minister's area and—

The Hon. K.T. Griffin: I didn't.

The Hon. FRANK BLEVINS: Well, the stories and the gossip that came out of Cabinet over the past three years were very interesting, as the honourable member knows. However, it would be extremely difficult not to hear all the stories that were around. I understand that the Hon. Mr Griffin ran the whole Government—he ran everyone else's department. He kept them there for hours—nitpicking.

The Hon. R.I. Lucas: What has that to do with the Bill?

The PRESIDENT: Order! I ask the Minister to return to the Bill.

The Hon. FRANK BLEVINS: I am explaining why the Hon. Mr Griffin is opposed to it—

The PRESIDENT: That is not relevant.

The Hon. FRANK BLEVINS: —and he wants to do it again. The position is up to the Liberal Party. If it wants to revert to the previous system as it has outlined, it can do so. If the Liberal Party does not choose to delegate its power to the Minister, it can introduce a Bill and change it. I have no argument with that. It is just that this Government does not choose to do that.

On the issue of these Ministerial orders, as I said, it is not worth much of an argument. The Federal Government and the Western Australian Government effect these fishing management alterations by Ministerial notice. No-one abuses it. They believe it is appropriate in their areas, just as we do in South Australia. I am not fussed about it. The necessity for speed in some of these areas is not so urgent, although SARFAC and AFIC say that it is. I do not see the delay of a couple of weeks as being terribly traumatic, although I may come to regret that I do not have this power on some occasions.

In regard to the prawn industry, it is desirable only on the basis that there is nothing to stop prawn fishermen from not going out if they believe that it will cost more in fuel than the value of their probable catch; there is nothing to stop them doing that on a voluntary basis, although I understand that there would be some difficulty in getting 100 per cent support for that approach. The industry has requested that I do it, and rather quickly on some occasions, as a very useful tool of management. I am willing to do so as a result of the Hon. Mr Cameron's amendments, for which I am sure the industry will be eternally grateful. I am happy not to oppose the Hon. Mr Cameron's amendments inasmuch as I do not believe that the whole issue is worth any kind of an argument.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

The Hon. M.B. CAMERON: I oppose this clause for the reasons set out in my second reading speech. I appreciate that the Minister has indicated that he will not oppose my foreshadowed amendments. I believe that there has been a breakdown in communication in the organisation of SARFAC, because clearly the people whom I contacted had knowledge of the 1982 meetings. Their impressions were that it affected only the prawn fishery. There need not be great argument about this, and it is my belief that the only area where there needs to be urgent control relates to the prawn fishery.

Clause negatived.

Clause 3—'Proclamations and notices.'

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

Page 1, lines 28 and 29—Leave out '25, 46, 47, 49, 51 or 55' and insert '46'.

This provision ensures that the only matter to be the subject of a Ministerial notice is the prawn fishery.

Amendment carried; clause as amended passed.

Clause 4—'Disturbing seabed under declared waters.'

The Hon. M.B. CAMERON: I oppose this clause for the reasons set out in my second reading explanation.

Clause negatived.

Clause 5 passed.

Clause 6—'Undersize fish.'

The Hon. M.B. CAMERON: I oppose this clause as well as clauses 7 to 10 for the reasons that I have already given.

Clause negatived.

Clauses 7 to 10 negatived.

Remaining clauses (11 and 12) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.33 p.m. the Council adjourned until Tuesday 13 September at 2.15 p.m.