LEGISLATIVE COUNCIL

Wednesday 19 October 1983

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

MINISTERIAL STATEMENT: SANTOS LIMITED

The Hon. FRANK BLEVINS (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. FRANK BLEVINS: This afternoon the Minister of Mines and Energy met with Dr John McKee of Santos and Mr George Essery of Delhi, representing the Cooper Basin producers. They delivered letters which attest that a further 1667 b.c.f. of gas is available to be added to the present production schedule, which contains 2177 b.c.f. This means that Schedule A of the A.G.L. Agreement has been satisfied entirely (that is, to the year 2006) and that an amount equivalent to at least five years of PASA Futures is also available. Both the Government and the producers are confident of ultimately establishing reserves in excess of all PASA Futures Agreement requirements.

Today's announcement is a landmark, finally laying to rest the myth that gas supply to South Australia would cease in 1987. The Government will seek increased effort in gas exploration and development from the producers to further enhance the security of South Australia's long-term gas supplies. Security of supply and price will be the key issues for discussion with the producers in ensuing negotiations. The Government's efforts to pursue gas sharing and the establishment of a petrochemical plant and to deal with the question of the A.G.L./PASA price differential are continuing.

QUESTIONS

REGISTER OF INTERESTS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about Parliamentarians Register of Interests.

Leave granted.

The Hon. K.T. GRIFFIN: In the *Advertiser* of 5 October 1983 the Minister of Housing, Mr Hemmings, said that he had failed to disclose his Elizabeth home in his return of interests. The report says that, as a result of the discussions between the Attorney-General and the Minister, Mr Hemmings would file an amended return. The report continues:

> 'He was under the impression that he was not required to disclose a home which was subject to mortgage,' Mr Sumner said. 'Although that interpretation of the section is possible, I have been advised by the Solicitor-General that the section does require such disclosure. The Minister has advised me that in accordance with this advice he will file an amended return.'
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> Mr Hemmings said yesterday he had been advised by his own Department and by the Attorney-General's Department that it was not necessary to list his house—which he was buying under a mortgage—under section six of the register.

The return tabled yesterday in Parliament discloses that the Minister of Housing has two properties. My questions to the Attorney-General are as follows:

1. Did the Attorney-General's Department give the advice to Mr Hemmings that it was not necessary to list his house, as attributed to Mr Hemmings in the newspaper report?

2. Will the Attorney-General table that advice?

3. If that advice was not given, will the Attorney-General immediately investigate the possible deliberate non-disclosure by Mr Hemmings of information within his knowledge which he was clearly required by Statute to disclose?

4. If there is evidence of a false return by Mr Hemmings, will the Attorney-General prosecute?

Members interjecting:

The Hon. C.J. SUMNER: Honourable members seem to be treating this matter with some jocularity. What I indicated in my statement to the Council yesterday was that I had written to the two members who, on the face of it, may not have filled in their returns in accordance with the Act. I indicated yesterday that the reason for doing that was to give them the opportunity to consider their position, and I trust that they will in fact consider their position and obtain legal advice, because the advice that I have is that they are required under the Act to disclose those interests of their spouses which are known to them.

Honourable members opposite know that that was the Bill that they agreed to, and Parliament knows that that was so, with the excpetion of six dissentients in another place. In regard to the Hon. Mrs Adamson and the Hon. Mr Chapman, the letter I wrote gave them the opportunity to consider their position before any further action was taken. That is what I said yesterday in my Ministerial statement, and I trust that they will take that opportunity and ensure compliance with legislation. In regard to the Hon. Mr Hemmings' apparent non-disclosure, the Hon. Mr Griffin has asked me whether the Attorney-General's Department gave the advice that the house did not have to be disclosed. Certainly, no formal advice of that kind was given by the Crown Solicitor. As honourable members will—

The Hon. K.T. Griffin: Any informal advice?

The Hon. C.J. SUMNER: Just a minute—realise, at the time members were preparing their register of interests for the 30 September deadline, I circularised all members and said that an officer of the Attorney-General's Department would be made available to advise the Clerks and members of their obligations under the Act, and that was done. That advice was given to the Clerks; it was given through the Clerks and also directly to a number of members. No advice to that effect was given by this officer to Mr Hemmings that he did not have to disclose his property, but he was under the impression that he did not have to.

The Hon. M.B. Cameron: He said that he was advised!

The Hon. C.J. SUMNER: He may have said that he was advised. All I know is that he was not advised to that effect by the officer who was given the job of advising members following the circular that I sent to all members of Parliament on both sides.

The Hon. C.M. Hill: He also said that he was advised by his own Department.

The Hon. C.J. SUMNER: He may well have been. I do not know about that. All I can say is that the officer (who was charged with the responsibility of assisting members through the Clerks in complying with their obligations under the Act) was of the view that the house did have to be disclosed.

Obviously, from what Mr Hemmings said in the press, he gained a contrary impression. However, as soon as the matter was drawn to his attention, as soon as I had discussions with him, and as soon as I obtained the Solicitor-General's view of the matter (confirming what I believe to be the case and, indeed, confirming the advice that the officer in the Department had given to those who had asked for it), Mr Hemmings complied with the legislation and declared the fact that he had an interest in real estate, that is, his home. That seems to me to be the end of the matter: the honourable member has complied. Mr Hemmings was under a misunderstanding about the Act. I certainly have absolutely no intention of pursuing members who have made genuine errors in relation to the legislation.

The Hon. K.T. Griffin: You're acting as a judge and deciding whether or not it's deliberate.

The Hon. C.J. SUMNER: Not at all. As the Hon. Mr Griffin knows, the Act states 'wilfully refuses to comply with the legislation'. Those are the words used and, in fact, we had a debate on those very words. 'Wilfully' means that it must be a deliberate act of non-compliance. The honourable member knows what that word means. I would have thought that even the Hon. Mr Griffin, in the circumstances of Mr Hemmings' situation as I have outlined it, would agree that Mr Hemmings did not act wilfully in not disclosing—

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: The legal requirement was pointed out to Mr Hemmings and he complied by disclosing his interest in his home. In those circumstances it seems to me that there is no case for any further action. I am sure that the Hon. Mr Griffin will agree that prosecution in those circumstances would not be sustainable.

The Hon. K.T. GRIFFIN: I desire to ask a supplementary question. In light of the fact that the Attorney-General's Department did not give advice to Mr Hemmings, and in light of the fact that the *Advertiser* report quotes Mr Hemmings as saying that he did obtain that advice, will the Attorney-General have the matter investigated with a view to determining, objectively, whether or not there was deliberate non-disclosure by Mr Hemmings of information within his knowledge which he was clearly required by Statute to disclose?

The Hon. C.J. SUMNER: I did not say that the Attorney-General's Office did not give that advice to Mr Hemmings. I said that the officer charged with the responsibility of advising members, the officer who was specifically made available to members of Parliament to advise them of their obligations under the Act, did not have that view of the legislation and would not have advised Mr Hemmings in that way. Whether Mr Hemmings obtained some other informal advice from the Department, I do not know. The fact is that Mr Hemmings has not wilfully not complied with the legislation. I have indicated that the advice from the officer concerned would have been that Mr Hemmings' house had to be declared. Apparently, Mr Hemmings obtained advice from his own Department and he says from the Attorney-General's Office to the contrary effect. In the light of the perception that he had of the legislation, the fact is that when his misunderstanding was pointed out to him he immediately corrected the situation.

The Hon. K.T. Griffin: He has disclosed two now.

The Hon. C.J. SUMNER: I am happy to look at the disclosure of the other property. I have not had the matter formally investigated, but Mr Hemmings advised me that he had intended to purchase another property. As at 30 September he had not purchased that property.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: In relation to the second property, no. I have only had informal discussions with Mr Hemmings about the matter and I understand that he intended to purchase another property. I can only assume that that is the property which now appears as the second one in the return that has been tabled. I am happy to obtain a statement from Mr Hemmings on that matter.

The Hon. K.T. Griffin: Objectively obtained?

The Hon. C.J. SUMNER: Of course it will be objectively obtained. Honourable members opposite should get the matter into perspective.

The Hon. Frank Blevins: Are they suggesting that Mr Hemmings wilfully failed to comply?

The Hon. C.J. SUMNER: I do not know. As soon as it was pointed out to Mr Hemmings, he complied. That was certainly my advice and the advice from the Solicitor-General in relation to the Act: Mr Hemmings has now complied. I also emphasise that I am giving the Hon. Mr Chapman and the Hon. Mrs Adamson the opportunity to comply also: I have not instituted an investigation at this point of time into their activities. If honourable members opposite listened yesterday to the statement I made, they would have noted that I have written to those two members because—

The Hon. Frank Blevins: Don't honourable members opposite want the law implemented?

The Hon. C.J. SUMNER: Apparently they do not. I would be interested to know what Mr Griffin would do.

The Hon. K.T. Griffin: I am not the Attorney-General—you have to make the decision.

The Hon. C.J. SUMNER: I know.

The Hon. K.T. Griffin: But I will be one day soon.

The Hon. R.I. Lucas: Who gave the advice?

Members interjecting:

The PRESIDENT: Order! That will be sufficient interjecting.

The Hon. C.J. SUMNER: An investigation has not been carried out at this point as to whether or not Mrs Adamson and Mr Chapman have breached the Act. Yesterday I said that I had written to them because certain statements they had made indicated that they might not have complied with the legislation. Secondly, I said that they should be given an opportunity to comply with the legislation—legislation passed by this Parliament with only six dissentients in the whole of the Parliament, those six being in the House of Assembly. I then said, concerning their statements relating to their non-compliance when the register was completed on 30 September, that, if that situation still exists, the matter may need to be investigated. I further made a point about which I would have thought that honourable members in this place would be concerned.

Members interjecting:

The Hon. Frank Blevins: Members opposite think breaking the law is a joke.

The Hon. C.J. SUMNER: Apparently they do. If honourable members are not going to comply with the spirit of the legislation—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If honourable members opposite are going to continue, having voted for this legislation, to provide support for Mrs Adamson and Mr Chapman, the Government is absolutely determined that these artificial means will not be used to avoid the legislation. If necessary, a direct obligation will be imposed on the spouse of every member. I think that that would be a most unfortunate result.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: On the other hand, if Mrs Adamson says that she does not know any of her husband's interests, then I would ask honourable members what they think, objectively looking at that statement, of its credibility. Is it credible that Mrs Adamson does not know where her husband is employed?

The Hon. K.T. Griffin: She said that she did.

The Hon. C.J. SUMNER: Why has she not declared it at this point in time?

The Hon. K.T. Griffin: You are being childish, now.

The PRESIDENT: Order! The Hon. Mr Griffin has asked his question.

The Hon. C.J. SUMNER: Is it credible that Mrs Adamson knows nothing of her husband's interests?

The Hon. K.T. Griffin: Surely that is the point of the legislation.

The Hon. C.J. SUMNER: The point of the legislation is to compel disclosure of those interests which are known to

a member. That is exactly as it should be, because those interests are the interests which could affect a member in the decision-making that that member is involved in as a public figure. I am perfectly happy to recall what the Hon. Mr Cameron said about the matter during the debate on it.

The Hon. M.B. Cameron: You read out the whole speech, if you are going to read it.

The Hon. C.J. SUMNER: The Hon. Mr Cameron said that he had no objection to disclosing his spouse's interests provided there was anonymity. That was said in reference to the Bill which passed this Parliament and became law.

The Hon. M.B. Cameron: Don't you quote any more without quoting the whole thing.

The Hon. C.J. SUMNER: Mrs Adamson and Mr Chapman have been given an opportunity to comply. There is no suggestion in regard to Mr Hemmings at this stage that he has not complied or that, in failing to place his house on the register as at 30 September he wilfully contravened the legislation.

The Hon. K.T. GRIFFIN: I wish to ask a further supplementary question. In light of the Attorney-General's response that the appointed officer in his Department did not give advice to Mr Hemmings, will he make inquiries of his office and his Department to ascertain whether or not an officer of the Attorney-General's Department or the Attorney-General's Office in fact gave the advice to Mr Hemmings which Mr Hemmings alleged in a newspaper report was given to him?

The Hon. C.J. SUMNER: There is little point in conducting such an inquiry as it would lead nowhere.

The Hon. L.H. Davis: Why haven't you asked Mr Hemmings?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The fact is that Mr Hemmings has complied with the legislation. There are grounds to suspect that two other members have not complied with the legislation.

The Hon. K.T. Griffin: How do you know that Mr Hemmings has complied?

The Hon. C.J. SUMNER: In the honourable member's view Mr Hemmings did not comply because he did not declare the house that is his residence, and in which he has freehold interest. I am merely saying that in that respect Mr Hemmings has complied. I have given Mrs Adamson and Mr Chapman the opportunity of considering their position. As soon as the position was pointed out to Mr Hemmings, he placed his register in order.

The Hon. L.H. Davis: Who pointed that out to him?

The Hon. C.J. SUMNER: I understand that initially a reporter approached him and—

The Hon. M.B. Cameron: Asked him where he lived.

The Hon. C.J. SUMNER: —yes, and asked him where he lived, that is right.

The Hon. R.I. Lucas: That's right, but he didn't know.

The Hon. L.H. Davis: He said, 'I don't know, I am only the Minister of Housing.'

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The reporter asked him whether he had real estate and Mr Hemmings then disclosed that he did have and the matter was referred to me. He discussed the matter with me and I advised him of my view of the law as Attorney-General. Mr Hemmings then complied with the legislation.

So, in those circumstances there is little point, it seems to me, in proceeding with any witch hunt as far as Mr Hemmings is concerned. I have outlined the position as known to him. If Mr Hemmings had not complied with the legislation, the same conditions would have applied to him as I have indicated in relation to the other two members. I repeat for the benefit of honourable members opposite and anyone else who happens to be listening that what I have done as far as Mrs Adamson and Mr Chapman are concerned is to write to them and give them the opportunity to consider their position in the light of the statements that they made following 30 September, in the light of the legislation and, in particular, in the light of the overwhelming Parliamentary support for the Bill, including that of every member opposite in this Chamber.

The Hon. K.T. GRIFFIN: I wish to ask a further supplementary question.

The PRESIDENT: The honourable member has asked two supplementary questions; this will be the last.

The Hon. K.T. GRIFFIN: They all arise out of the Minister's answer. There may be another.

The Hon. Frank Blevins: Do you support people breaking the law, Mr Griffin?

The PRESIDENT: Order!

An honourable member: That's not the issue.

The Hon. Frank Blevins: It is.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: In the light of those further responses from the Attorney-General, did the Hon. Mr Hemmings inform him that he had obtained advice from an officer of the Attorney-General's Department?

The Hon. C.J. SUMNER: That was the impression that I gained from Mr Hemmings: that he had obtained such information. All I know is that he was not given that advice by the officer who was charged with the responsibility of advising the clerks and members. I do not intend to go through a witch hunt in the Attorney-General's Office and ask every individual officer.

An honourable member: Just give us the facts.

The Hon. C.J. SUMNER: I have given the facts. I have told the Council.

An honourable member: I just want to know if Mr Hemmings has told the truth.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I have told the Council that the officer concerned with advising members did not advise Mr Hemmings in that way, but I certainly have no intention of interrogating every member of the Attorney-General's Department. There is little point in interrogating every member of the Attorney-General's Department or the Crown Law Office, because it would be a futile exercise. If Mr Hemmings had not complied with the legislation, there would be a case for further investigation, just as I said in relation to Mrs Adamson and Mr Chapman. Mr Hemmings complied in relation to that matter when it was pointed out to him. Mrs Adamson and Mr Chapman still, on the face of it, given the statements that they have made in relation to the matter, may not have complied, and therefore I have given them—just as Mr Hemmings was given the opportunity to correct the register, and he availed himself of it—the same opportunity before any further action is considered.

TEACHER HOUSING RENTS

The Hon. M.B. CAMERON: Has the Attorney-General a reply to a question I asked him, representing the Minister of Education, about teacher housing rents on 22 September?

The Hon. C.J. SUMNER: The Minister of Education has advised that he is unable to comment on the instance of rent increase raised by Mr Cameron without knowledge of the specific facts of the case. The rent changes could have occurred from a change in status of housing (that is, tenant changing from a share basis to sole occupancy) or a change of actual house occupied. The rental increase effective from 7 October 1983 has been determined in accordance with

Government policy and such increases have been restricted to a maximum of 19 per cent (subject to dollar rounding) or $8 ($10 per week 42-week scheme). If the honourable member would care to give the name of the tenant and the location of the house to the Minister of Education, he will be happy to investigate the circumstances.

RIVERLAND CANNERY

The Hon. M.B. CAMERON: Has the Attorney-General a reply to a question that I asked on 13 September concerning the Riverland Cannery?

The Hon. C.J. SUMNER: To date, financial support has not been received for the Riverland Cannery from the Commonwealth Government. The Government made a formal submission to the Minister of Primary Industry in July regarding the redevelopment of the Riverland region. The proposal was unable to be included in this year's Commonwealth Budget. However, a steering committee is being established to formulate the terms of reference for a Riverland Redevelopment Council which, it is envisaged, will be the co-ordinating and funding mechanism for the redevelopment of the region. The steering committee will have both State and Commonwealth Government representation and will be convened by the Department of State Development. The Minister of Agriculture and the Minister of Primary Industry have had ongoing discussions on the concept.

CRUELTY TO FISH

The Hon. C.M. HILL: I address two questions to the Minister of Fisheries. As there is a growing degree of concern among fishermen that the Government is contemplating legislation which would restrict traditional fishing practice, will the Minister advise the Council whether the Government is planning to amend existing legislation preventing cruelty to animals—

The PRESIDENT: I ask the two members who are having a fairly loud conversation to cease or to get a bit closer to each other.

The Hon. C.M. HILL: —so that it encompasses fish within the definition of 'animal' and, if so, will the changes apply to both professional and recreational fishermen?

The Hon. FRANK BLEVINS: The answer to the first question is 'No', and the answer to the second is 'Not applicable'.

SUNRISE INDUSTRIES

The Hon. ANNE LEVY: I seek leave to make a very brief explanation before asking the Minister of Agriculture, representing the Minister for Technology, a question about sunrise industries.

Leave granted.

The Hon. ANNE LEVY: I understand that tomorrow in Whyalla there will be a seminar organised through the Department of Technology on generation of employment and further industrial development. Will the Minister inform the council what he is doing to stimulate ideas for new industries and, in particular, the sunrise industries in industrial areas and will he say whether the seminar tomorrow in Whyalla is part of a campaign in this regard? If so, will he give further details about this campaign?

The Hon. FRANK BLEVINS: The question was addressed to my colleague in another place, and I will certainly refer the question to him and bring back a considered reply to the honourable member, but I can confirm some of the facts that the honourable member gave in her statement.

The seminar will take place tomorrow. I hope that it will be a success in this region that needs all the assistance it can get. I congratulate the organisers of the seminar for taking the initiative to attempt to attract industries of all kinds to that part of the State which at the moment is in a reasonably depressed condition. However, I will have to obtain the precise details of the question from the Minister of Education.

PENSIONER DENTAL SCHEME

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the pensioner dental scheme.

Leave granted.

The Hon. J.C. BURDETT: The pensioner dental scheme was introduced by the former Liberal Government after consultation with the South Australian Branch of the South Australian Dental Association to enable people on the waiting list of the Adelaide Dental Hospital and other public clinics to have their dentures supplied by a local dentist. It was hoped that this would speed up the provision of dentures. To date, treatment has been authorised by letter from the Minister of Health which has been issued by the South Australian Dental Service. I understand that no longer will country residents be given priority under this scheme and waiting times for country people have risen from a few weeks to approximately six months.

During his period in Opposition the Minister of Health strongly attacked the delays which country pensioners in particular had to suffer in awaiting the provision of dentures. I understand that the scheme will now be changed so that country people can be referred to local school dental clinics for clinical assessment by a dentist and, where a school dental service does not operate, a local private practitioner can refer the patient to the South Australian Dental Service. My questions are as follows:

1. Why has there been such a substantial increase in the waiting list?
2. Is a letter of authorisation from the Minister of Health still required? If not, why has there been a change?
3. What is considered clinical assessment?
4. How much work load is this expected to place on the school dental service bearing in mind the expansion of the school dental service to secondary schools?
5. What guidelines have been given to school dentists to carry out these assessments?
6. What is expected to be a reasonable delay for pensioners under the new scheme?

The Hon. J.R. CORNWALL: I do not really know what the honourable member is talking about. A new scheme was introduced by the previous Government, and I have said on numerous occasions that I think it was the most constructive, possibly the only constructive, initiative undertaken in the health area by the Tonkin Administration. There is nothing new about it. We picked it up and we have carried it on. In regard to the alleged substantial increase in waiting times, I understand that the average waiting time at present is between three months and six months; it varies according to areas. There is no doubt that, despite the substantial funding that has been made available for the pensioner dental scheme in 1983-84, it is under some pressure.

There has been in country areas at least what we might call a slight blow-out in waiting times but, to overcome that, dentists and patients are instructed that, if there is any urgent clinical reason why people should be given dentures

immediately or well before the normal waiting time, they should immediately contact the Principal Dental Officer at the Dental Hospital who processes these matters. If there is any genuine clinical need, those dentures can be authorised forthwith. People involved will still need a letter of authorisation from the Minister. The work load on the school dental service is by no means substantial; it is not too difficult to assess whether or not a patient needs new dentures, and the numbers likely to go through the school dental service in country areas are relatively small. Certainly, it is not imposing any inordinate strain on school dentists.

As to what guidelines are given to school dentists to carry out assessments, I cannot say in specific terms; I would have thought that it was left to their professional judgment, but I may be wrong. It is possible that there are some specific guidelines, and I take that question on notice. I will produce a reply after I have made suitable inquiries of the people who run the school dental service. I cannot think why guidelines would be necessary; perhaps there is some reason that I do not know about, and I will bring back a reply. I think that covers the matters raised by the honourable member.

AGRICULTURE RESEARCH CENTRES

The Hon. I. GILFILLAN: I would like to ask the Minister of Agriculture a question about research centres. Bearing in mind that it has been reputed that one of the reasons for problems in research centre vitality has been the running down of staff and general facilities of those centres, will the Minister provide the Council with details of positions within the Department which are acting positions, such as acting managers of research stations? While he is doing that, perhaps he can extend the reply to provide information of other temporary appointments, where are those positions and when will the acting or temporary positions be filled by a permanent appointment? Secondly, I understand that it is A.L.P. rural policy to establish a demonstration centre for dryland farming technology, and that the Minister's predecessor had proposed that that be at Turretfield. Where is it proposed that such a centre will now be based?

The Hon. FRANK BLEVINS: In regard to the first part of the honourable member's question, I will try to get that information for him, although I warn him that it may take a little time. In regard to the second part of the question dealing with A.L.P. policy and the establishment of a dryland demonstration farm, that matter is still under consideration.

The Hon. I. GILFILLAN: I desire to ask a supplementary question. Can the Minister give the Council details of what plans exist for the establishment of that demonstration farm?

The Hon. FRANK BLEVINS: I said that the matter is under consideration. When it has been fully considered I will give information not just to the honourable member, but I will make the result of those deliberations available for the benefit of everyone in South Australia.

TOBACCO SPONSORSHIP

The Hon. DIANA LAIDLAW: My questions are directed to the Attorney-General, representing the Minister for the Arts, and concern sponsorship by tobacco companies. Was the Benson and Hedges company the first and only company approached by the State Theatre Company for assistance towards Lighthouse's 1984 season? If not, how many other companies were approached and what was the response? When did negotiations between the Benson and Hedges company and the State Theatre Company commence? At what stage did the Minister learn of the negotiations?

Has the Minister sought at any stage to advise the Board of the State Theatre Company or, indeed, any of the State's major subsidised companies or other groups receiving Government grants that the Government supports the prohibition of advertising by tobacco companies? If not, why not? Will the Minister give an assurance that, if the private member's Bill to prohibit the advertising of tobacco and tobacco products passes this Parliament, in the period before its proclamation organisations in receipt of both Government grants and sponsorship from tobacco companies will not be penalised in seeking further assistance from Government sources if they do not comply with Government policy on tobacco advertising and sponsorship?

Will he also give an assurance that, if the legislation is proclaimed, companies currently in receipt of sponsorship from tobacco companies will be reimbursed in full for sponsorships that may be withdrawn as a result of the Government's support for the prohibition of the advertising of tobacco and tobacco products?

The Hon. C.J. SUMNER: I will obtain the detailed information for the honourable member and bring down a reply.

FINANCIAL INSTITUTIONS DUTY

The Hon. R.C. DeGARIS: Has the Attorney-General, representing the Treasurer, a reply to the question that I asked on 14 September about the financial institutions duty?

The Hon. C.J. SUMNER: As pointed out by the Treasurer in Attachment II to this year's Financial Statement, the Government's target is to achieve a net increment to revenue from the introduction of financial institutions duty and the reduction of stamp duties of $16 million in a full year and $8 million in 1983-84. These figures will be the outcome of several factors, including the rate at which f.i.d. is introduced, the range of exemptions offered and the accompanying reductions in stamp duties.

To the extent that the figure for stamp duties receipts included in the Budget is over-stated by containing no allowance for the foreshadowed reductions, the figure for f.i.d. receipts is understated. Little point would have been served by guessing at the extent of the stamp duties reductions which will constitute one part of the final outcome.

PURCHASING PREFERENCE SCHEMES

The Hon. R.I. LUCAS: Has the Attorney-General a reply to the question I asked on 20 September about purchasing preference schemes?

The Hon. C.J. SUMNER: My comments on the specific questions asked are as follows:

1. It is doubted whether any basis exists for the Commonwealth to take any legal action against any State in respect of State preference schemes.

2. The Commonwealth may have the legislative capacity to legislate in respect of State preference schemes. The question of the validity of any such legislation would need to be carefully considered when a concrete proposal for such legislation was developed. The State can foresee considerable difficulties in the drafting of any such proposal.

3. The State will await consideration of concrete proposals by the Commonwealth before formulating a strict policy on the matter.

LAMB INSPECTION COSTS

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about lamb inspection costs.

Leave granted.

The Hon. H.P.K. DUNN: The price of lamb to the producer at the moment is very low indeed. In fact, in real terms it is lower than it was 20 years ago. The slaughtering and dressing of these animals has continued to rise steadily, which may be understandable as there has been little improvement in the slaughtering techniques and mechanisation of the industry over the years. However, the inspection of slaughtered carcasses is another matter. Costs have risen rapidly, even though the Government meets half the costs involved.

The inspection process is very fractionated, with meat for export being handled by Commonwealth inspectors and meat for local consumption being handled by State inspectors. In the light of the increased costs and low returns to producers, will the Minister inform the Council how much meat inspection costs in South Australia and what percentage of the wholesale price of the lamb carcass is needed for inspection? Is the Minister making any endeavours to have the extremely high inspection costs ameliorated by streamlining the process?

The Hon. FRANK BLEVINS: The detailed figures sought by the honourable member will have to be compiled because, obviously, I do not have them in my head. I will be pleased to have someone compile the figures for the honourable member. In relation to the question of streamlining, if the honourable member has any practical suggestions that he would care to make, I will be delighted to put them to the Federal Government and to various operators concerned. It is very easy to criticise, but it is very difficult to come up with sensible alternatives.

I also point out that, to some extent, particularly in the export industry, we are in the hands of our customers as regards the standards that they require, including inspection standards. If there is any suggestion of downgrading inspection standards, we will lose our customers in the export market. I would be delighted if the honourable member would come to me with some sensible and responsible suggestions as to how these charges can be ameliorated. As the honourable member said, 50 per cent of the export market charges are paid by the Commonwealth; in effect, they are paid by the taxpayer. That was the policy of the previous Government, and the present Government has gone along with it.

I hope that the Hon. Mr Dunn took up this question with the previous Government when it was in office. I would be delighted to hear of the Hon. Mr Dunn's suggestion to the previous Government, if he did take up this matter with it, and to know what answer he received. Quite obviously, the Federal Government is continuing the previous Government's policy, which is that 50 per cent of the inspection charges in relation to meat for export will be carried by the producer and 50 per cent by the taxpayer in general. I look forward to hearing some constructive suggestions from the Hon. Mr Dunn.

GOVERNMENT AND NON-GOVERNMENT SCHOOL RESOURCES

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question that I asked on 10 May about Government and non-government school resources?

The Hon. FRANK BLEVINS: On 13 September 1983 the Hon. Anne Levy asked a question/questions on the topic of Government and non-government school resources. The working party set up to investigate the honourable member's question of 10 May is at present collating school by school information to ensure definitional exactness and like with like comparison of the data given, in particular the differing interpretations of capital and recurrent expenditure between Government and non-government systems. A further reply should be forthcoming in late November.

INDEPENDENT SCHOOLS

The Hon. L.H. DAVIS: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question I asked on 9 August about independent schools?

The Hon. FRANK BLEVINS: The drift to private schools can be explained by a variety of mutually interactive factors. A major theme is demographic. Historically, periods of overall enrolment decline are periods when private schools prosper. The most recent trends can be seen as the culmination of a variety of factors acting in concert and particularly as the culmination of an extended period of significant State aid to the private sector which took a while to reflect such aid in enrolment growth. Table 1 below shows recent private school enrolments (July). Enrolment growth between 1982 and 1983 is reduced in both absolute and percentage terms compared with the previous year in both primary and secondary grades. I seek leave to insert in *Hansard* without my reading it a table showing non-government school enrolments in South Australia in July.

Leave granted.

Table 1: Non-government Enrolments, South Australia (July)

	Primary		Secondary	
	Enrolment	Change	Enrolment	Change
1980	23 302	1 382	17 814	814
1981	24 684	1 276	18 628	1 384
1982	25 960	1 180	20 012	1 188
1983 (P)	27 140		21 200	

P: Preliminary

The Hon. FRANK BLEVINS: South Australia has always had a significant private sector which peaked at 18.2 per cent of all enrolments in 1946 (after rising sharply) and which averaged above 17 per cent throughout the 1950s. Children at school then are now themselves parents choosing schools for their children.

The Hon. M. B. Cameron: Would you like to incorporate it?

The Hon. FRANK BLEVINS: I would be quite happy to.

The Hon. Anne Levy: No, I want to hear it.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: However, a disposition or tendency is sometimes hindered in its realisation. The reports of the Schools Commission in the 1970s point out that the resource usage of most low fee schools was substandard and needed to be raised. This situation probably deterred many parents from patronising these schools. At one stage the Commissioners were concerned that the money expended in the first few years of the Commission had not resulted in a recovery of non-government enrolments Australia wide. Nevertheless, non-government schools of an acceptable standard were becoming more accessible to parents as a result of State aid despite a tendency to increase places at the expense of raising standards (page 31 of S.C. Triennial Report, 1982-84).

Adverse economic trends and difficulties in finding employment do not have the same effect on all families. There are still many families with two incomes or sufficient income to pay school fees. Two other matters deserve noting. Smaller family sizes tends to make available more disposable income per child, allowing more years of schooling at private schools. Moreover, as the Schools Commission report points out, as a result of Government aid, private input (fees etc.) as a proportion of total recurrent costs is generally becoming less and less each year (page 30, 1982-84 Triennial Report).

Some of the trend to non-government schools can be attributed to the marketing practices of these schools themselves and the impressions parents receive as a result. These impressions are closely related to other social factors at play in families themselves. On matters such as discipline policy, these impressions may present difficulties for the Government system to counter, committed as it is to accepting all children who present themselves and yet whose parents may hold to widely differing views as to policies schools should follow; therefore, they are not able to preclude admission to those whose views may differ from policies the school may be trying to foster.

A particularly influential assertion of some private schools which reflects in favour of the whole sector is that their students have a much better record in finding employment after leaving school than is found in Government schools. We must be careful not to over generalise when explaining increasing enrolments in the non-government sector. The sector is a diverse group by most criteria. Considerable variation exists or has existed in available resources, religious denomination, guiding educational theory, organisation of schools and curricula, of grades, sexes, and, of course, fees. Moreover, the various categories within the sector have different shares of total South Australian enrolments and different rates of growth. The Seventh Day Adventist Group, for example, is experiencing enrolment decline.

In answer to a further point of the question, this Government has already given an assurance that funds will not be directed away from the independent schools. Funding is on a per capita basis moderated by needs, and has been set at 23 per cent of the model cost of the funding spent on a Government student. The per capita basis ensures that an upward fluctuation in non-government school enrolment figures will not be to their detriment.

VETERINARY SCIENCE SERVICES

The Hon. L. H. DAVIS: Has the Minister of Agriculture a reply to my question of 20 September regarding the veterinary science services?

The Hon. FRANK BLEVINS: In response to the honourable member's question asked of me on 20 September, and concerning the implementation of changes resulting from the I.M.V.S. legislation, I wish to provide the following details:

1. Section 5 (3)—Transfer of staff: The transfer of I.M.V.S. Veterinary Sciences Division staff to the Department of Agriculture was completed with a notice in the *Government Gazette* of 1 July 1982.

2. Section 7 (2) *(a)* (vi)—Changes to I.M.V.S. Council: The addition of a registered veterinary surgeon in private practice. Dr P. Slatter is the current council member in this position.

3. Section 14 (1) *(d)* and *(e)*—I.M.V.S. functions: Continuation of I.M.V.S. functions relating to the provision and maintenance of services to the Department of Agriculture, for veterinary laboratory services and the conduct of research in veterinary sciences. The I.M.V.S. has provided and maintained necessary services to the Department during and after the transfer without adverse effects on veterinary science services or research in South Australia. A sound working relationship has developed between the Veterinary Sciences Division of the Department of Agriculture and the I.M.V.S.

The transfer of veterinary science services from the I.M.V.S. to the Department of Agriculture has proceeded smoothly and in almost all respects has been completed. The division will continue to work closely with the I.M.V.S. to ensure expensive facilities and resources are not duplicated and so that complementary research programmes are maintained. Only minor administrative matters relating to the transfer, such as changes to some stationery items, are still to be finalised.

EXOTIC BIRDS

The Hon. C. M. HILL: Has the Minister of Agriculture a reply to my question of 14 September on exotic birds?

The Hon. FRANK BLEVINS: The honourable member recently asked me what stage had been reached in drafting the regulations for the control of exotic birds. I am pleased to advise that, contrary to my earlier expressed suspicions, drafting has in fact not begun. The position is that representatives of aviculturalists, pet traders and dealers have been given lists of information which are likely to be covered by the regulations (lists of bird species, possible specifications of cages, types of permits) and have been asked to comment on and update this information as a preliminary to seeking any drafting instructions.

As yet, we have not received comments from these representatives—not surprising as the task requires much consideration. The representatives have been assured of close consultation during the drafting of the regulations and know that they are free to contact my officers, including the Chairman of the Vertebrate Pests Control Authority, whenever they so desire.

WORKERS COMPENSATION

The Hon. DIANA LAIDLAW: Has the Attorney-General, representing the Minister of Labour, an answer to my question of 16 August regarding workers compensation?

The Hon. C. J. SUMNER: The replies are as follows:

1. The review is currently taking the form of an information gathering exercise by the Minister of Labour, his staff and officers of the Department of Labour. As part of this exercise, the Minister of Labour, his Ministerial Adviser, and the Director of the Department of Labour visited New Zealand in July to study the accident compensation scheme in that country at first hand. Recently, further comments have been sought from various organisations on the recommendations of the Byrne Committee on the Rehabilitation and Compensation of Persons Injured at Work, which reported to the previous Government in September 1980. Although submissions were received at that time, organisations are now being asked to reassess their position. Consideration is also being given to holding a conference on workers compensation in Adelaide early next year, at which it is hoped to have speakers from overseas.

2. One of the recommendations of the Byrne Committee was that the premiums charged by the proposed Workers Compensation Board should be adjusted to reflect a company's accident experience. This principle is a matter to which the Government will be giving serious consideration in its review of workers compensation.

3. The desirability of continuing to permit certain companies to carry their own risk is just one of the many aspects

which will need to be considered in any revised workers compensation scheme for this State.

BURRA COPPER

The Hon. DIANA LAIDLAW: Has the Attorney-General, representing the Minister for the Arts, an answer to my question of 2 June on Burra copper?

The Hon. C. J. SUMNER: The replies are as follows:

1. The Hon. Diana Laidlaw is correct in recognising the S. T. Gill watercolours as an important part of the State's cultural heritage and of particular relevence to the township of Burra. The Art Gallery of South Australia facilitates the lending of its collection where possible and has no objections in principle in this case. However, it is not possible at present to consider lending the S. T. Gill watercolours on a semi-permanent basis as suggested by the honourable member.

As a matter of policy, watercolours are infrequently loaned because of their particular vulnerability to light, heat, relative humidity and other environmental circumstances. Watercolours are particularly prone to deterioration, and the works in question, being of considerable age, are in a deteriorating condition. The Conservator at the Art Gallery of South Australia has suggested the specific environmental conditions which must be met for the temporary loan of such works and it is my understanding that such a controlled environment is not presently available in the township of Burra.

However, when the proposed National Copper Museum is developed in Burra, and if it incorporates a location which meets the environmental and security conditions necessary, the Art Gallery will be happy to reconsider this proposal. In the meantime, the Art Gallery is willing to provide framed photographic reproductions of the works on the condition that the costs involved be borne by the township of Burra.

2. The South Australian Museum does not possess any specimen which, to the best knowledge of staff, has ever been referred to as the 'punch bowl'. It possesses a large piece of uncut malachite coated with azurite which was exhibited in Philadelphia in 1876. The specimen bears little resemblance to a specimen described in a journal of 1851 and named the 'punch bowl'. That specimen was exhibited in London in 1851. The Museum knows nothing further of its history.

The Board of the Museum will be pleased to assist in the development of the proposed Burra Copper Museum. It will consider the gift or loan of a suite of specimens with significance to the Burra area when planting is more advanced. The Board is not prepared to donate or permanently loan its major malachite specimen but will consider lending it for a special occasion, for example, the opening of the museum.

RANDOM BREATH TESTING

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

1. That a Select Committee be appointed to review the operation of random breath testing in this State and any other associated matters and to report accordingly.

2. That in the event of a Select Committee being appointed, it consist 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.

3. That this Council permit the Select Committee to authorise the disclosure, or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to the Council.

Perhaps it would be as well to go through a small part of the history of this event. A Select Committee of this Council was appointed in 1980-81 to canvass the question of random breath tests and associated matters, in particular, to canvass whether or not the introduction of random breath tests of drivers of motor vehicles by members of the Police Force was likely to contribute to a reduction in the road toll. If such random tests were likely to make such contribution: the committee was to canvass what procedures should be followed and what limitations should be placed on the Police in the conduct of such random tests; and what notice, if any, should be given to members of the public and in what manner should that notice be given of the conduct of such tests? The Select Committee was also to consider such other matters relating to the serious problem of persons who consume alcoholic liquor driving after such consumption as may be relevant to the committee's consideration of random testing.

A number of recommendations came from that committee: first, that random breath testing should be introduced in South Australia under the South Australian Police Department; secondly, that random breath test legislation should be 'sunset' legislation with an initial operative period of three years; and thirdly, a Select Committee should be reconstituted at the appropriate time to evaluate the effectiveness of random breath test legislation.

There were other recommendations relating to the methods of random breath testing and the method of reporting to this Council such things as penalties, blood alcohol levels, self-testing for blood alcohol levels, Police Department staffing levels, penalties, 'P' plate and 'L' plate periods, education and rehabilitation measures, State taxes for low alcohol beverages to be reduced, blood alcohol tests at road crashes to be compulsory, regulations for new and redeveloped hotels, and research and evaluation of the testing.

Legislation to amend the Road Traffic Act was introduced into the Legislative Council on 2 June 1981. The legislation embodied a number of the Select Committee's recommendations. In introducing the legislation the then Attorney-General said the following:

> The Government accepts the Committee's view that random breath testing should be introduced for a period of three years only and be reviewed at that time. The Bill provides for this limit and the Government will at the appropriate time take steps to set up a Select Committee to make the review.

This was a clear commitment by the former Government to meet the recommendation of the Select Committee.

Random breath testing has been operating in South Australia for over two years now, and in June next year it will have been running for three years. The legislation introduced by the former Government contains a sunset clause. This means that after three years (in June next year) random breath testing will cease unless we take action to extend it. Before the decision to extend random breath testing is taken, we should look at how it has operated to date and what changes, if any, we should make. Now random breath testing has been introduced into every State except Queensland and Western Australia. It was introduced into New South Wales in December last year and has been most successful. An interim economic evaluation report of random breath testing in New South Wales has shown a dramatic improvement in road safety. From the start of random breath testing to 25 July this year 243 fewer fatalities occurred than for the same period in 1981-82.

Members of that former Select Committee will recall that New South Wales was one of the heaviest poll States in Australia and had shown no signs of dramatic alteration

over a number of years. This is also 215 fewer fatalities than the average for the same period over the previous six years. At least 165 of the reduced fatalities result from factors outside of natural variation. Random breath testing appears to be by far the major factor. New South Wales showed a much larger reduction in fatalities than the rest of Australia for that period. Casualties in New South Wales showed a reduction of approximately 16 per cent compared with the average for the previous six years. One thing which is clear is that random breath testing is especially effective at the time of its initial introduction when it is the subject of extensive public and media discussion. At this stage it is an exceptionally strong deterrent, and the number of fatal road accidents drops.

I must say that it does not matter whether the publicity about random breath testing is opposed to it or in favour of it—the fact that it is on the front page of the papers brings about a deterrent effect. As we all know in this State, some media outlets took great exception to random breath testing, and have continued to do so. However, one must be grateful that they have printed the facts because that is the important factor. I am very pleased with the result. How random breath testing is carried out in the long run will help determine its long-term success. In this regard I believe that many improvements could be made. I believe, too, that the operation of random breath testing could be improved in this State.

First, it is my opinion that there should be more random breath testing units operating. They should be well lit at night and have large signs advising their presence. I recently passed one of these units and must admit that I had to pass it a second time to determine whether or not it was a random breath test station. As honourable members can tell from my remarks, I was perfectly safe in doing so at the time; otherwise, I would have followed the action of many other people and not taken the risk of going past again. It is important that random breath testing units be as prominent as possible. It is important also that their locations be unpredictable, sufficient to keep the motorist on his toes, and side streets in the area of the unit should be monitored. All lanes in a carriageway should be monitored. I have heard that the latest trick is to get into the outside lane and in that way one is supposed to be safe. If that is the case, we certainly have to look at that matter and make a recommendation about it.

It has been said that, because the numbers of people detected with excessive blood alcohol levels by random breath testing units is relatively small, random breath testing has not been successful. In fact, it is the deterrent effect of random breath testing which is most important. It has always puzzled me how some people in the media can assume that, because a low number of people are detected, the random breath testing is a failure. The measure of success of random breath testing is the lower number of people who are caught; that indicates that it is having a deterrent effect. The percentage of people who are pulled up and found to have high blood alcohol levels is an indication of success or failure, and success is shown in having a lower percentage detected. This effect can be measured in a variety of ways; one is the rate of accidents per 10 000 vehicles. In South Australia this rate has fallen, reflecting a long-term favourable trend.

There has been an increase in the number of random breath testing units both in the metropolitan area and in the country. Any increase in the number of units is to be supported. Unless we effectively support random breath testing by having sufficient testing stations, we will not achieve results as good as we can. To some extent, the Government has been dithering over its commitment to review the scheme. That is not said as a violent criticism, because there was sufficient time originally when the review was announced, but time has run out.

In January a spokesman for the Minister of Transport indicated that a review of random breath testing would be carried out this year. In May the Minister formally announced that random breath testing would be examined by an independent committee; yet still it has not met. Its membership has not been announced and its brief is unknown. In announcing the review, the Minister said that the composition of the committee and its terms of reference were being discussed by Cabinet. He said the main guidelines from which the committee's terms of reference would be formed related to:

1. The effect of random breath testing on road accident fatalities and injuries, and on blood alcohol levels of motorists.
2. Community attitudes to drink driving.
3. The cost-effectiveness of the random breath testing programme.

At the time the Minister was quoted as saying:

> I would expect the committee to be operating by the end of the month (June) or early in July. We would want them to report back by the end of the year [that is, this year], if not before, but we do not want it to be a rushed job.

Six months have now passed and the Government has still to act. Time is running out.

As a result of questioning on this matter during the Estimates Committee, the Minister said:

> The review of the random breath test legislation is still being formulated. The review is of great importance, not only to South Australia but nationally as well. Its findings will be received with considerable interest by all groups interested in road safety. As the State conducted surveys before the introduction of random breath testing, we have a better statistical base from which to work than do other States. We are concerned that the review panel should contain sufficient representation, expertise and status to give its findings full credibility.

I do not believe that it is necessary to have other than a Select Committee of this Council for credibility to be obtained. The Minister may have different views. The Minister went on:

> The Government will not be hustled into a rushed or half-hearted exercise on this important review.

In view of the delays, one could hardly claim that the Government is being rushed. In fact, I had previouly notified the Minister that it was my intention to make this move, but that was some months ago. I have not rushed the Minister; I have simply sat back and waited to see what would occur. The Minister went on in his reply to repeat all that he said six months before.

The time to act is now. We need an all-Party Parliamentary Select Committee (hopefully with the same membership as before) to conduct the review. An in-house review is not good enough. A Select Committee would remove the issue from the Party-political scene. It would prevent any single party from becoming the brunt of criticism from media outlets opposed to random breath testing. Conversely, no single Party would be able to use the random breath testing issue as a basis for seeking favour with those media outlets. I was somewhat concerned before the last election when there was some indication from Mount Gambier that such statements had been made. That well may not have occurred, but it concerned me when the allegations arose.

The drink-driving problem remains a serious one. Random breath testing is an important cog in the machinery we use to improve road safety. The Federal A.L.P. has strongly supported random breath testing. In fact, the Federal Transport Minister, Mr Morris, has attacked those States which have refused, because of the pressure of vested interests, to go along with random breath testing. In July he said, with reference to Queensland:

It is inevitable that random breath testing will be introduced in Queensland because decent, honest Queenslanders want to be able to drive safely. If the senseless slaughter of thousands of Australians is to be reduced, we must reconsider our attitudes towards drink-driving.

In September, figures released by the Australian Bureau of Statistics showed that Australia's road toll was the lowest for 20 years. There is little doubt that this reversal of the previously disastrous trend can be attributed to the impact of random breath testing, which now operates in all States and Territories except Queensland and Western Australia. What we need to do now is review random breath testing.

Many questions need to be considered by such a committee, including: how effective is random breath testing in South Australia compared with other States? We need to study the public's attitude towards random breath testing. I anticipate that we would need to take some surveys of the community, not of whether people support random breath testing or not, but an in-depth study to first indicate what is the public's perceived level of risk of detection. That is the most important factor. We do not necessarily want to know only whether they support random breath testing or not, but whether they feel that they are likely to get caught; in other words, whether or not it is acting as sufficient a deterrent as it could.

We need to reassess our penalties and see whether they are tough enough. We also must consider the question of lowering the blood alcohol level from 0.08 to 0.05. This question was considered very seriously in New South Wales, where 0.05 was retained despite pressure to raise the rate to 0.08 on the introduction of random breath testing. It is interesting to note that in Sweden the blood alcohol limit is 0.01! Australian evidence shows that the accident rate for people doubles between 0.05 and 0.08.

In some States P and L plate drivers are not allowed to have any blood alcohol levels at all. This is a question that we should address in South Australia, too. Since the vast majority of L plate drivers and, to a certain extent, P plate drivers are between 16 and 18 years of age and hence below the drinking age anyway, should they be allowed to have positive blood alcohol readings at all?

I know that some problems have been raised by members of this Council in relation to this matter, but it is a matter which should be now readdressed. There are many issues which a review of South Australia's random breath testing can and should address. This should be done now, well in advance of the legislation lapsing, to ensure that we are fully informed and that, if any changes need to be made, they are instituted well before the changeover date from the potential lapsing of the legislation.

In Victoria, after two years of random breath testing (it was first introduced in 1976), it was considered not to be terribly effective. As a result, a review took place and the methods of operation were changed; it was from that point that random breath testing in Victoria showed its real effectiveness. For that reason, if there are any problems with our legislation in this State we should do this review now at the two-year mark and look at what we are doing wrong and whether there are any points that we need to change, and recommend the institution of those changes so that random breath testing has the opportunity of working for the last six months of the present legislation and so that we can see whether any further success rate can be gained.

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

TOBACCO ADVERTISING (PROHIBITION) BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 970.)

The Hon. C.M. HILL: This Bill tries to ban all forms of promotion of tobacco and tobacco products. The Hon. Mr Milne in introducing it indicated that Western Australia was trying to do the same thing as he is trying to achieve with his Bill. He also indicated that a private member's Bill had been introduced in the Tasmanian Parliament. He stated that a private member's Bill was about to be introduced for the A.C.T. The main thrust of the Hon. Mr Milne's comments and cause as stated by him are:

This Bill is really aimed at our children.

In his press publicity the Hon. Mr Milne also stresses the point—

The Hon. Anne Levy: And grandchildren.

The Hon. C.M. HILL: He is talking about children—that he was introducing the Bill because it was aimed at our children. That is an important aspect of the debate which has to be borne in mind when the Council considers the issue. The Government's view of the Bill as expressed by the Minister of Health was that the Government intends to support it. There was a rider to the extent that the Government proposed to make some amendments, the principal thrust of which was that at least three other States or Territories had to introduce comparable legislation or that there had to be a prospect of enactment of comparable legislation in those other regions before this measure became lawful in South Australia.

Despite that particular rider, the Government cannot deny that it is supporting the Hon. Mr Milne's Bill. I oppose the Bill. I support properly instigated and expertly prepared education programmes which aim to reduce the degree of tobacco smoking within the community, as I believe that smoking is dangerous to health. However, as the production of tobacco and its products is legal, I do not believe that in our democratic society all forms of marketing and promotion of those products should be banned by law. Of course, this is what the Bill intends to achieve.

Those honourable members who have contributed to the debate have contributed many points both for and against the proposal, and I do not intend to rehash their arguments and repeat the points that they have made; all that is already in *Hansard.* However, there is one important aspect of the question which has not been stressed in the debate so far and it is particularly relevant to South Australia; that is, the effect of the Bill upon the cultural life of the State. The first point I make is that we call ourselves the Festival State. We are the Festival State of Australia and we have over the years, going back to the early 1960s, built up an excellent reputation for the arts and for cultural activities here in South Australia.

We have our Festival of Arts every two years, a function which is not only famous within this State, within the nation but which is now known favourably throughout the world. We can all be proud of this reputation that South Australia has gained. Therefore, I submit that we should make every effort to preserve this record and reputation which has been built up over the past 20 years or so. One of the important reasons for this achievement is the sponsorship funds which come into the arts from companies associated with the tobacco industry. These funds have amounted to hundreds of thousands of dollars in cash towards our festivals and literally huge amounts in investment of major significance in functions which have been held at the Adelaide Festival Centre since it was built.

Only today I read in the press of a donation of $50 000 being made by the Benson and Hedges company to the State Theatre Company at the Playhouse. There is one point about this which I cannot help making. At 10 a.m. today there was a function at the Playhouse when the Premier of this State gladly accepted the $50 000 donation from this

tobacco corporation; he welcomed it and, I understand, praised the company for being so generous. This is nothing short of political hypocrisy: the Premier of this State has gone down earlier today to the Playhouse to welcome a contribution from this tobacco corporation while at the same time he is trying to rub out that practice in this Parliament.

One cannot have it both ways: one cannot escape that charge of political hypocrisy if one is supporting legislation in Parliament at this time to prevent that practice while on the same day the Premier has gone to the Playhouse and welcomed that donation to the arts from that tobacco company. That is just one example of the kind of benefit that will be stopped if this Bill passes and the legislation is ultimately proclaimed.

The Hon. Anne Levy: One does not have to stop giving money; it will not be illegal to continue to give donations!

The Hon. C.M. HILL: The honourable member is so naive as to suggest that the Peter Stuyvesant Trust and the Benson and Hedges organisation can still go on making donations without having their names mentioned or recorded in any way; frankly, that attitude is quite stupid.

The Hon. Anne Levy: No it isn't.

The PRESIDENT: Order!

The Hon. C.M. HILL: What about the 47 famous paintings that were exhibited by the Peter Stuyvesant Cultural Foundation? That fact was noted on a small plate attached to the bottom of each frame. The exhibition toured all Australian capital cities. Is the honourable member so naive as to tell me that she would be happy for the exhibition to come to Adelaide but first the plates attached to the frames of the paintings would have to be removed to comply with the law? It is absolutely ridiculous to take the action—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. HILL: Of course, tobacco company sponsorship will not continue if the Bill passes. World trusts, of which the Peter Stuyvesant Cultural Foundation is one, will by-pass Adelaide, and I would not blame them. If we want to retain donations and sponsorship for the arts—

The Hon. Barbara Wiese: You want to kill 1 400 people a year to do it.

The Hon. C.M. HILL: That is a ridiculous statement. Since the Festival Centre was built there have been many major functions and musical spectaculars such as *Evita, Oklahoma, Sound of Music, Barnum,* and *Song and Dance*; further, *Oliver* is being staged in about a month. All of those musicals have received money from companies such as the Edgeley organisation, which acts for Benson and Hedges. From where will we obtain that money if the Bill passes? I stress that I have some knowledge of the difficulties of the Adelaide Festival Centre Trust, because I was in charge of it for three years. I have some knowledge of the difficulties that the Trust faces in amassing the financial resources needed to fund and stage productions. It is a difficult market indeed.

In my view the Bill will force the cessation of this funding. It is not only money that these organisations put into the arts in this State; it is also the resources which back up the money that is provided. It might interest members to know that there was another South Australian company without tobacco company interests that was willing to give the State Theatre Company $50 000. However, the Benson and Hedges organisation was accepted as the sponsor because of its expertise in the promotion of the arts. That type of backing is a considerable factor in the final element of success of functions. It seems that members opposite are willing to allow South Australia to lose this money and expertise. In fact, South Australia will lose the reputation that it has gained as a leader in the arts, simply because the Minister got the issue through Caucus by a narrow margin. In my view, the danger to the arts in this State has not been fully appreciated.

The Hon. J.R. Cornwall: It was not a narrow margin—it is Party policy.

The Hon. C.M. HILL: If it was not a narrow margin, some of the reports that I have heard in the corridors must be wrong. The Minister himself knows that it was a narrow margin, despite his reference to Party policy. One must remember the immense amounts of money that have come from corporations and have helped South Australia to gain a high reputation in the arts. Irrespective of the complexion of the Government of the day in this State, public funding is rapidly reaching its limit in relation to the arts. Between 1979 and 1982 I had to approve amounts for the major performing companies and other visual art promotions in this State. At times, I had great difficulty in finding the money necessary to maintain our standards.

A limit has now been reached where State funding cannot really go much higher in regard to helping the arts in South Australia, and costs are increasing. We all know that, and it is a fact that must be acknowledged. First, costs are increasing; secondly, a wide variety of activities must be maintained in the arts; and, thirdly, new initiatives and new proposals are always arising and any State as interested as we are in the arts needs to float experiments in new areas. For example, there are new initiatives in relation to arts and youth affairs. Frankly, in years past we have not spent enough money in that area.

There are also new initiatives in regard to museums and the development of regional museums in this State. That area has been very neglected. Our regional arts centres are just getting under way. Apart from our principal art centres, there is also the question of sub-centres which, in a State of South Australia's geographical size, need funding. Of course, there is also the very wide area of improvement to our visual arts and our visual art galleries. New initiatives are required in all these areas, and that means more money.

The need for increased sponsorship from the private sector is extremely important. With State funding reaching a limit and with the demand for more money increasing, the only answer to the problem is increased sponsorship by private persons and private corporations. That fact was quite evident to me a year or two ago. Indeed, I travelled overseas to investigate the ways and means by which private sponsorship for the arts could be improved in this State. In due course I intended to make a major endeavour to further expand that area. Corporate patrons must be found to fill the gap. The Government and the Hon. Mr Milne, through this Bill, are threatening to reduce the established area of sponsorship. I believe that it would be catastrophic for the arts if tobacco company sponsorship ceased. The Minister's view and the Government's view is that they will pick up the tab. Quite frankly, if this Bill is passed and if similar legislation is passed in other States and Territories the greatest calamity since 1970 would confront the arts.

I believe that the State could not afford to pick up the tab. I speak with some experience in putting forward that view. Standards would suffer, programmes would be reduced and the festival would lose its reputation. These matters are of very great moment, I submit, not only to the cultural interests in this State but also to South Australians as a whole. It seems quite unbelievable that the Government can risk such a real possibility. The Government's credibility in the arts area is therefore at stake. People are asking me how genuine is the Government in opening the door to this possibility.

For those reasons, I am amazed that the Government has decided to support the Bill. The amendments it proposes do not allow the Government to escape the charge that it

is turning its back on the arts. It is, in fact, allowing the door to be opened to this calamity. Not only would immeasurable damage occur to the arts but also such important matters as unemployment and tourism would suffer and other adverse spinoffs would occur. In all sincerity I urge the Government to re-think its decision to fall in behind Mr Milne, and I urge it to give full consideration to this question from the viewpoint of the cultural community.

I refer to the mover and his reasons for introducing the measure. Mr Milne's main thrust, as he explained to us when introducing the Bill, was that 'this Bill is really aimed at our children'. I pose the question: 'What has a proposal to prevent the great artistic sponsorships that South Australians have enjoyed got to do with children?' The recent Australian Ballet Company's performance of *Swan Lake,* sponsored by Benson and Hedges, was not a children's function. I did not see one child in the body of the theatre. Yet, Mr Milne is saying that the Bill is aimed at our children. One could go back into the history of world renowned artistic presentations under the sponsorship of the Peter Stuyvesant Cultural Foundation, which has held exhibitions that adult South Australians have enjoyed mostly as major functions at our Festival of Arts since the early 1960s.

In the 1964 Festival of Arts, the Art In Industry Collection (or the Joy of Life, as it was called) comprised 24 magnificent Dutch paintings and 40 000 people viewed that exhibition in Adelaide before it toured the other capitals of Australia. In the 1966 festival, the Foundation jointly sponsored the bringing to Adelaide of the famous London Symphony Orchestra which earned the highest praise from critics and the public. In 1978, as part of a national tour, 44 pieces of sculpture and art by Auguste Rodin, the genius, were exhibited in Adelaide. The member who introduced the Bill said that it was aimed at children. I want to know how many children went to hear the London Symphony Orchestra during the festival.

The Hon. K.L. Milne: It is aimed at the 9 000 children who begin smoking each year.

The Hon. C.M. HILL: The main thrust is that this Bill is aimed at our children. I am making the point that children do not even attend the major functions sponsored by the large cultural corporations which have involvement with tobacco companies.

The Hon. K.L. Milne: That has nothing to do with the Bill.

The Hon. C.M. HILL: It shows the weakness of the honourable member's argument when he simply hitches his waggon to the star that the Bill is aimed at children. The honourable member is not aiming it at children—he does not know what he is aiming at. I could go on and cite further examples of major functions.

The Hon. K.L. Milne: You do not know what I mean.

The Hon. C.M. HILL: I have read the second reading explanation and surely the honourable member must base his argument on that.

The Hon. R.C. DeGaris: Mr Burke knows what they are aiming at.

The Hon. C.M. HILL: Mr Burke is in so much trouble that he may lose Government over the issue. There was also the 1968 Festival Exhibition of Contemporary Nordic Art, and the Art of the Space Age in December 1968, about which Sir William Dobell commented favourably. There were the 90 paintings under the title 'Recent British Painting' in the 1970 festival and also the Australian landscape exhibition of 57 paintings. Picasso was also shown in 1973—but only in Adelaide, Sydney and Melbourne, because of the importance of those three capitals. They were not children's exhibitions. One could refer to more of the performing arts but I will not do so.

I put to Mr Milne that, if that Foundation cannot publicise its name on catalogues and by other similar means (and its publicity is always moderate and in good taste) in regard to such sponsorships, South Australians will not enjoy the benefit of such exhibitions and performances. Where do children come into consideration in regard to such publicity? Surely Mr Milne must agree that, if his Bill is aimed at children, it should not stop such exhibitions and performances in South Australia. Again, I put that matter to him. In the Committee stage, when questions will be asked of the Hon. Mr Milne (as it is his Bill), I will want to know whether or not he agrees that, if the Bill is aimed at children, it should not stop exhibitions of the kind to which I have referred.

Let Mr Milne and the Government remember that most South Australians who view those exhibitions and attend performances cannot afford to travel overseas for such enjoyment and pleasure. The wealthy can go overseas but the little people of this State, to whom the arts must be accessible (and I hope the Government agrees with me on that point), can only see and enjoy such excellence when it is presented here in Adelaide. I therefore submit that the danger to the arts in this Bill is real and very worrying.

I find it hard to accept that the Government fully understood the danger when it decided to support the Bill. I appreciate the motives of the Hon. Mr Milne and the Government, as they are endeavouring to reduce the incidence of tobacco smoking, but the side effect of the danger to the arts must be considered fully. If the Government pursues its intention, as stated by the Minister of Health, I will be seeking an undertaking from it in the Committee stage that it will provide all extra funds needed to compensate for the loss of private sponsorship to the arts as a result of this Bill. That will not compensate South Australians for the loss of travelling exhibitions arranged by the great corporate patrons of the arts: such patrons have some connection with the tobacco industry. However, it will help to heal the bruises which this Bill will cause to the sensitive, creative and concerned South Australians who are proud of this State's cultural progress and involvement and who want the Government to ensure that such progress and involvement will be maintained in the future. I oppose the Bill.

The Hon. R.I. LUCAS: In introducing this Bill to ban all forms of promotion of tobacco and tobacco products the Hon. Mr Milne is clearly well intentioned. However, good intentions do not necessarily translate into good law. This is such an example and it would be a disaster for South Australia and the Hon. Mr Milne if this Bill was ever enacted. On any objective assessment of the available evidence, this Bill will not achieve what it sets out to achieve. It is based on hope and not on fact. In fact, the Bill will cause many disastrous consequences, some intended and some, I am sure, not intended by the Hon. Mr Milne.

One further major reason for my opposing this Bill is that it will create pressures for further extensions of prohibition to other consumer goods, the most obvious one, of course, being alcohol. It is interesting to note that a recent paper by L. Drew from the Commonwealth Department of Health which was published by the National Information Service of Drug Abuse argues that in one important aspect alcohol is as bad as tobacco.

The study has estimated that in 1980 alcohol related deaths accounted for 94 635 lost years whilst tobacco related deaths accounted for 94 755 lost years. From recollection, L. Drew summarised by saying that in 1980 alcohol accounted for 45 per cent of the total lost years due to drug related deaths, tobacco 45 per cent and the others the remaining percentage. The study goes on to argue that this measure of lost years is of more significance than the one commonly used by proponents of this Bill, that is, the measure of the number of drug related deaths. We have often heard the figure of 16 000 tobacco related deaths quoted and I think that the equivalent figure L. Drew has used is of the order of 3 000 to 4 000 alcohol related deaths.

Therefore, it is clear that the groundwork has already been done for similar moves in relation to alcohol.

To a lesser degree one can envisage, further down the track, health lobbyists calling for prohibition on promotion of other consumer goods such as fast foods, salt and sugar—and the list goes on. Where does one draw the line? Once we act on tobacco the pressure will commence in regard to the next product in line. In my view the answer is obvious—do not start drawing the line in the first place. As a general principle, I believe that it should be possible to legally advertise and promote a generally acceptable consumer item that can legally be manufactured and traded. Some people say that, but then go on to support the present radio and television prohibition on cigarette advertising. The paradox ought to be apparent to everyone.

I am not convinced that the television and radio prohibition on such advertising that was introduced in 1976 in Australia has achieved what it set out to achieve. I believe that properly regulated television and radio advertising should be allowed for tobacco as it is for alcohol. Nevertheless, my views in that area count for nought as this is a matter beyond our control. Whilst I agree with the tobacco industry about this Bill, as a non-smoker I think it is only fair to warn tobacco industry lobbyists that the concept of smoke-free zones in public places certainly holds a particular attraction for me. I am most interested in some, but not all, of the developments that have been occurring in Canada and the United States in recent years. Equally, I also support aggressive but soundly based anti-smoking advertising campaigns. In determining an attitude to this Bill I believe that it is important to look at the results of similar bans in other countries. If there is objective evidence that in most cases similar bans have reduced tobacco consumption below the pre-existing trend line then there ought to be some argument, perhaps, for this Bill.

I intend to refer in detail to a report prepared by Professor Boddewyn, Professor of Marketing and International Business at the City University of New York. The publication is titled, 'Tobacco Advertising Bans and Consumption in 16 Countries' and was published in October 1983. After analysing the 16 countries Professor Boddewyn concluded that advertising bans had not been followed by significant changes in consumption. In fact, in many countries total and per capita consumption increased and in other countries pre-ban trends were maintained. I seek leave to incorporate in *Hansard* without my reading it a table shown on page 7 of that document. I assure the Council that it is of a purely statistical nature.

Leave granted.

CENTRALLY PLANNED ECONOMIES

Growth in per capita cigarette consumption 1970 - 1981

Czechoslovakia	+0.3%
U.S.S.R.	+7%
Poland	+20%
Rumania	+21%
Hungary	+22%
Yugoslavia	+38%
German Democratic Republic	+64%
Bulgaria	+86%
Average	+14%

FREE MARKET ECONOMIES

Annual compound growth rate in per capita cigarette consumption since introduction of advertising ban

	Date of ban	Annual growth rate
Finland	1978	-0.9%
Norway (1)	1975	-0.6%
Sweden (2)	1976	-0.1%
Iceland	1972	+0.7%
Singapore	1970	+1.4%
Italy	1962	+2.7%
Taiwan (3)	1970	+3.2%
Thailand	1969	+4.8%
Free Market average (worldwide) (4)	1975	-0.4%

Notes:

(1) In Norway, cigarette price increases between 1980-82 were + 58 per cent and for RYO/Pipe tobacco + 62 per cent, compared with general inflation of + 29 per cent. This had a major, negative impact on consumption.

(2) Sweden is included for comparative purposes although advertising is still permitted. 1976 is selected as the mid point between the bans in Norway and Finland.

(3) No date is available for Taiwan. A convenient comparative date of 1970 is therefore included.

(4) The Free Market average is included as a basis for comparison. 1975 has been selected as a representative date. The selection of a different date would make little difference to the growth rate.

NB: Data for Finland, Norway, Sweden and Iceland relate to total tobacco consumption.

The Hon. R.I. LUCAS: This table and graph refer to centrally planned economies and free market economies: under the heading 'Centrally Planned Economies', the economies of Czechoslovakia, U.S.S.R., Poland, Rumania, Hungary, Yugoslavia, German Democratic Republic, and Bulgaria are tabled, and the average growth in per capita cigarette consumption from 1970 to 1981 is given. The table shows that the average growth was 14 per cent during that 11-year period.

In relation to the free market economies, statistics are given for the annual compound growth rate in per capita cigarette consumption since the introduction of advertising bans and the countries involved are Finland, Norway, Sweden, Iceland, Singapore, Italy, Taiwan and Thailand. The table also gives a world-wide free market average.

It is interesting to note that five of those free market economies have recorded annual growth rates that are greater than the world free market average while two have recorded growth rates that are marginally less than the free market average. In general, supporters of bans or proposals for legislation such as this do not challenge most of these figures but concentrate on perhaps two or three countries where the results have been challenged by various groups. Those countries are Singapore, Norway and sometimes Finland. For example, the Hon. Miss Levy, in her contribution, argued that the Scandinavian countries and Singapore could be held out as examples of countries where bans have been successful. The Hon. Miss Levy's contribution on this occasion was not as well researched as is usual for that honourable member. I seek leave to incorporate in *Hansard* four tables shown on pages 20, 22, 26 and 29 of the book to which I have been referring.

Leave granted.

SINGAPORE

Year	Total Cigarette Consumption (1) (3)	Total Adult Population	Cigarette Consumption Per Adult	% of Adults Smoking Cigarettes (2)		
	millions	000's	units	Total	Male	Female
1965	2,567	1,302	1,972	–	–	–
1970	2,779	1,452	1,914	–	–	–
1975	3,153	1,558	2,024	19%	33%	4%
1976	3,305	1,578	2,094	19%	35%	4%
1977	3,409	1,600	2,131	21%	37%	2%
1978	3,373	1,643	2,053	20%	36%	2%
1979	3,726	1,689	2,206	21%	38%	4%
1980	4,075	1,731	2,354	(2)27%	48%	6%
1981	3,805	1,753	2,205	26%	45%	6%
1982	4,003	1,775	2,255	24%	42%	5%
Annual Compound Growth Rate						
1965-70	+1.6%	+2.2%	−0.5%	–	–	–
1970-75	+2.6%	+1.4%	+1.1%	–	–	–
1975-82	+3.5%	+1.9%	+1.6%	–	–	–

Notes to the Table:

1. Pre 1979 cigarette consumption figures are not on exactly the same basis as for subsequent years although they are broadly comparable.
2. The market research sample increased significantly in 1980 to improve data reliability. The 1980 and later data should not be taken to represent a real increase over previous years.
3. Cigarette consumption only is examined because it represents 99 per cent of total tobacco consumption in Singapore.

NORWAY[1]

Year	Total Tobacco Consumption		RYO: Pipe Tobacco Consumption Adjusted		Cigarette Consumpt. Adjusted		Adult Pop.	Tot. Tob. Consumpt. Per Adult Adjusted	Tot. Tob. Consumpt. Per Adult Smoker Adjusted	Incidence of Smoking: Prop. of Adults Smoking			Index of Retail Prices			Index of Total Consumer Expendit. At Const. Prices
	Metric Adjust.	Tonnes Actual	Metric Tonnes	% of Total	Millions	% of Total	000's	Grammes	Grammes	Total	Male	Fem.	All Prod.	Cigs	RYO: Pipe	
1960	5,316	5,316	3,149	59%	1,459	27%	2,590	2,053	4,463	46	64	27	100	100	100	100
1965	5,833	5,833	3,719	64%	1,462	25%	2,742	2,127	5,063	42	57	26	120.4	124.3	125.6	122
1970	6,501	6,374	4,129	63%	1,870	29%	2,866	2,272	4,834	47	56	37	150.5	145.9	144.9	149
1975	6,753	6,759	4,576	68%	1,753	26%	2,993	2,256	4,903	46	52	39	222.6	221.6	221.8	178
1976	6,808	6,554	4,580	67%	1,791	26%	3,017	2,263	5,027	45	51	38	243.6	237.8	256.4	188
1977	6,546	6,801	4,224	65%	1,879	29%	3,042	2,146	4,879	44	47	40	264.6	245.9	265.4	201
1978	6,705	6,450	4,365	65%	1,929	29%	3,066	2,192	4,871	45	49	40	289.7	289.2	310.3	192
1979	6,776	6,776	4,335	64%	2,042	30%	3,090	2,193	5,099	43	47	39	306.0	289.2	310.3	192
1980	6,925	7,055	4,362	63%	2,162	31%	3,113	2,223	5,160	43	46	39	326.0	294.6	312.8	192
1981(2)	6,597	6,763	4,272	65%	1,930	29%	3,137	2,103	5,130	41	44	38	375.5	383.8	406.4	194
1982(2)	6,397	6,173	4,201	66%	1,840	29%	3,160	2,025	4,823	42	44	39	420.7	464.9	507.7	n.a.
1982(3)	6,807	-	-	-	-	-	-	2,154	5,130	-	-	-	-	-	-	-
Annual Compound Growth Rates																
1960-65	+1.9%	+1.9%	+3.4%	-	+0.1%	-	+1.1%	+0.7%	+2.6%							
1965-70	+2.2%	+1.8%	+2.1%	-	+5.0%	-	+0.9%	+1.3%	-0.9%							
1970-75	+0.7%	+1.2%	+2.1%	-	-1.3%	-	+0.9%	-0.1%	+0.3%							
1975-80	+0.5%	+0.8%	-0.9%	-	+4.3%	-	+0.8%	-0.3%	+1.0%							
1980-82	-3.7%	-6.4%	-1.9%	-	-7.7%	-	+0.7%	-4.6%	-3.3%							
1980-82(3)	-0.8%	-	-	-	-	-	-	-1.5%	-0.3%							

Notes: (1) All tobacco consumption data has been adjusted to eliminate the effect of abnormal trade purchasing prior to price increases. However, the actual sales have also been included for total tobacco consumption.

(2) The 1981 and 1982 tobacco consumption figures do not include the high border and duty free sales resulting from Norwegians buying tobacco products outside the country.

(3) The second 1982 figure for total tobacco consumption includes an estimate of the border trade with Sweden. No estimate is available for the individual product categories.

FINLAND

Year	Total Tobacco Consumpt.	Cigarette Consumption		Adult Popul.	Total Tob. Consumpt. Per Adult	Total Tob. Consumpt. Per Adult Smoker	Incidence of Smoking: Proportion of Adults Smoking				Index of Retail Prices 1965 = 100			Index of Total Consumer Expend. At Const. Prices
	Metric Tonnes	Millions	% of Total	000's	Grammes	Grammes	Total Tob.	Cigarettes			All Prod.	Cigs	RYO and Pipe Tob.	
								Tot.	Male	Fem.				
1960	6,899	6,287	91%	3,103	2,223	-	-	-	-	-	-	-	-	-
1965	7,407	6,517	88%	3,342	2,216	-	-	-	-	-	100	100	100	-
1970	7,766	6,480	83%	3,480	2,232	6,029	37	34	44	23	125	138	78	100
1975	8,993	8,072	90%	3,688	2,438	7,868	31	29	38	21	220	186	149	125
1976	7,694	6,382	83%	3,714	2,072	6,907	30	27	35	19	251	274	166	125
1977	7,972	6,583	83%	3,754	2,124	7,585	30	26	33	19	284	295	178	122
1978	7,897	6,606	84%	3,768	2,096	7,225	28	24	30	18	305	330	196	125
1979	8,248	6,939	84%	3,795	2,173	7,248	29	26	34	18	327	367	225	129
1980	8,059	7,053	88%	3,823	2,108	7,267	29	26	33	19	365	393	291	131
1981	7,622	6,617	87%	3,839	1,985	6,848	29	26	33	20	403	446	340	134
1982	7,900	6,908	87%	3,900	2,026	7,234	28	25	32	19	442	502	413	138
Annual Compound Growth Rates														
1960-65	+1.4%	+0.7%	-	+1.5%	-0.1%	-								
1965-70	+1.0%	-0.1%	-	+0.8%	+0.1%	-								
1970-77	+0.4%	+0.2%	-	+1.1%	-1.0%	+3.3%								
1977-82	-0.2%	+1.0%	-	+0.8%	-0.9%	-1.0%								

Notes: All tobacco consumption data is actual sales to the trade.
Cigarettes have been converted to tonnes on the basis of 1kg = 1,000 cigarettes in order to obtain a total tobacco consumption figure.

SWEDEN

Year	Total Tobacco Consumpt. Actual	Cigarette Consumption (1) Millions			Snuff Consumpt. Actual	Adult Popul.	Tobacco Consumption Per Adult		Incidence of Smoking: Proport. of Adults Smoking %				Index of Retail Prices	
							Tot. Tob.	Cigs	All Tob.	Cigarettes			All Prod.	Cigs
	Metric tonnes	Actual	(2) Adjust.	% of Total	Metric tonnes	000's	Actual Grammes	Adjusted Units		Tot.	Male	Fem.		
1960	11,752	6,740	6,740	60%	2,655	4,686	2,508	1,438	-	-	-	-	100	100
1965	12,899	8,300	8,300	63%	2,491	4,921	2,621	1,687	-	-	-	-	119	123
1970	13,084	10,269	10,354	64%	2,517	5,072	2,580	2,041	46	38	43	30	148	168
1975	13,289	11,674	11,724	65%	2,943	5,051	2,631	2,321	45	37	39	36	218	230
1976	13,710	11,988	11,988	65%	3,173	5,058	2,711	2,370	46	37	37	37	240	246
1977	13,054	11,355	11,355	63%	3,375	5,065	2,577	2,242	43	34	34	35	268	278
1978	13,220	11,726	11,726	63%	3,442	5,070	2,607	2,312	41	33	34	33	295	294
1979	13,420	11,975	11,975	63%	3,550	5,078	2,643	2,358	41	33	33	33	316	304
1980	13,396	11,911	12,011	62%	3,664	5,092	2,631	2,359	40	31	30	33	359	346
1981(3)	13,058	11,482	11,482	61%	3,759	5,111	2,555	2,247	38	30	30	30	403	377
1982(3)	13,821	12,062	11,812	59%	3,929	5,131	2,694	2,302	39	31	29	33	437	388
Annual Compound Growth Rates														
1960-65	+1.9%	+4.3%	+4.3%	-	-1.2%	+1.0%	+0.9%	+3.2%						
1965-70	+0.3%	+4.3%	+4.5%	-	+0.2%	+0.6%	-0.3%	+3.9%						
1970-75	+0.3%	+2.6%	+2.5%	-	+3.2%	-0.2%	+0.4%	+2.6%						
1975-80	+0.2%	+0.4%	+0.5%	-	+4.5%	+0.2%	0%	+0.3%						
1980-82	+1.5%	+0.6%	-0.8%	-	+3.6%	+0.4%	+1.2%	-1.3%						

Notes: (1) Cigarette consumption figures are in millions but have been converted to tonnes at various rates each year, in order to obtain a total tobacco consumption figure. The conversion rate for 1982 is 0.7kg per 000 cigarettes.

(2) An adjusted cigarette consumption figure has been included in order to eliminate the effect of pre-price increase buying which distorts the true trends in consumption.

(3) 1981 and 1982 consumption figures include some border sales to Norwegians, and so inflate the true consumption in Sweden.

The Hon. R.I. LUCAS: In the case of Singapore, the table shows that pre-ban cigarette consumption per adult growth rate was minus 0.5 per cent and after the ban it was plus 1.1 per cent for a five-year period and then thus plus 1.6 per cent for the next five-year period.

The Hon. Ms Levy tried to explain away those figures by suggesting that they were due solely to a doubling of tourist numbers in Singapore in that period and that these tourists bought copious quantities of duty free cigarettes. The Hon. Mr Burdett gave the lie to that argument quite convincingly in his presentation when he presented the domestic consumption figures for Singapore—not the total consumption figures that are indicated in this table. The domestic consumption figures for Singapore show growth rates as well. So the Hon. Ms Levy's valiant attempt to explain away the Singapore situation floundered rather badly.

The second country to which the proponents of legislation such as this like to refer is Norway. Being quite frank, I believe that the true situation with respect to Norway is not at all clear. Certainly, the 1975-80 average growth rate figures are not significantly different from the 1970-75 growth rate figures, the ban having been introduced in 1975. Both of those averages showed marginal decreases in tobacco consumption per adult. This is one of the points that the proponents of the ban conveniently miss. On many occasions they tend to say that, since the ban, consumption in a particular country has declined, but what they conveniently overlook is the pre-existing trend line.

It may well be that the market for cigarettes in that economy is a mature one and that already, prior to the ban, tobacco consumption in total terms and in per capita terms was on the decline. If one is to judge realistically the effectiveness or otherwise of a ban on advertising, one needs to compare pre-existing trend lines with what happens after the introduction of the ban.

In regard to Norway, one of the problems in interpreting the effect of the 1975 ban is in relation to the consumption figures for the three-year period 1980-82, when there was a significant drop in tobacco consumption. It must be remembered once again that the drop occurred some five to eight years after the introduction of the ban in 1975. The pro-ban lobby obviously argues that this drop in consumption, albeit late, is the result of the 1975 ban, whilst, clearly, the tobacco lobby wants to put the best complexion on its argument and says that tobacco industry prices in the 1980-82 period increased by twice the rate of inflation and that, as a result, significant border trade with Sweden occurred and affected the consumption figures in Norway, and increased artificially the consumption figures for that period in Sweden.

As I said initially, being frank, the true situation in regard to Norway is a little clouded. However, at the very least, the effectiveness or otherwise of the ban in Norway cannot be argued one way or the other.

Finland is another country that is commonly mentioned. As with Norway, the situation there is not clear. When one compares pre and post-ban trend lines, one sees that there is no significant difference in consumption per adult. However, if one looks at the total tobacco consumption per adult smoker, one also sees that there is a significant drop. Once again, as with Norway, the best thing that can be said with respect to the effectiveness or otherwise of the ban of 1978 (I think it was) in Finland is that nothing too much can be said one way or the other.

The fourth country that I want to consider is Sweden, and I do so for two reasons: first, Professor Boddewyn

included Sweden in his booklet because he thought that it would be good to compare the figures for Finland and Norway; and, secondly, the Hon. Ms Levy listed Sweden along with Norway and Singapore in her contribution. There is a slight problem in the Hon. Ms Levy's doing that, because there is no advertising ban in Sweden, although some restrictions exist.

If one goes back to the Hon. Ms Levy's contribution and, in particular, to that aspect, one finds that, after she had made that initial mistake of thinking that there was a ban in Sweden, the conclusions that she sought to draw from that analysis were completely opposite those that she did draw. Nevertheless, the figures, together with table 1 which I have incorporated, show that Sweden, Finland and Norway were experiencing declining tobacco consumption in the latter part of the 1970s of roughly the same order, and of roughly the same order as the free market world-wide average.

In summary, I believe that there is no evidence at all to show that bans on advertising (Professor Boddewyn has looked, as I said, at 16 countries) have had a significant effect on reducing tobacco consumption below pre-ban trend lines.

We in South Australia need to remember also that advertising of tobacco and tobacco products on the electronic media is already banned, so that the present proposal for a further ban of promotion and press advertising is even less likely to have an effect on consumption levels than in some of the countries at which Professor Boddewyn has looked and where complete advertising bans have been imposed.

One interesting side effect of the bans on advertising is that they deprive consumers of important client information, such as in regard to low tar and filtered cigarettes. I seek leave to incorporate in *Hansard* two tables—table 1 on page 7 and table 2 on page 8—from a publication entitled *Advertising and Cigarette Consumption* by M. Waterson, published in September 1983. The tables are of a purely statistical nature.

Leave granted.

Table 1: SALES OF FILTER CIGARETTES IN COUNTRIES WITH AND WITHOUT ADVERTISING BANS

Countries with advertising bans	Per cent filter 1982	Countries with advertising	Per cent filter 1982
Finland	97	Japan	99
Italy	92	Australia	98
Singapore	89	Canada	97
Norway	85	Switzerland	95
Czechoslovakia	70	U.K.	94
East Germany	70	Hong Kong	94
Hungary	70	U.S.A.	93
Poland	44	Germany	90
U.S.S.R.	30	Sweden	90

Source: Lehmann Brothers Kuhn Research New York. Maxwell Estimates.

Table 2: PENETRATION OF LOW TAR (0-15 MGS TAR) CIGARETTES IN COUNTRIES WITH AND WITHOUT ADVERTISING BANS

Countries with advertising bans	Per cent low tar 1982	Countries with advertising	Per cent low tar 1982
Finland	32	West Germany	88
Norway	22	Switzerland	74
Italy	20	U.S.A.	65
Singapore	1	U.K. (0-16 mgs)	53
		Sweden	48
		France	47
		Hong Kong	25

Source: As Table 1.

The Hon. R.I. LUCAS: Members can look at those tables in *Hansard*. Very quickly, the major point that Mr Waterson makes is that there is a higher penetration of filtered and low tar cigarettes in countries which allow advertising. In particular, I refer to Sweden and Norway in relation to the penetration of low tar cigarettes. In Sweden, the penetration of low tar cigarettes is 48 per cent of the market, and in Norway it is 22 per cent.

So, if the claims made by medical researchers that low tar cigarettes reduce by half the incidence of lung cancer are correct (I am sure that the proponents of the Bill like the Hon. Mr Milne and the Hon. Ms Levy would actively endorse them), then one possible side effect of the ban of advertising is that the Norwegian ban, for example, may have a reverse effect to that intended because, if that Norwegian ban means that only 22 per cent consume low tar cigarettes, in Sweden, where one can advertise low tar cigarettes and convert people to smoking them, there is 48 per cent consumption of low tar cigarettes. One can also look at other countries like West Germany which has an 88 per cent penetration of low tar cigarettes.

The Hon. Anne Levy: What is it here?

The Hon. R.I. LUCAS: I do not know. The table lists eight countries, but Australia is not one of those listed.

The Hon. Anne Levy: They can advertise, but it is very low.

The Hon. R.I. LUCAS: I cannot respond to that comment. The point made is that in the broad cross-section of countries that have been examined the general principle is that countries which allow advertising have a higher penetration of low tar cigarettes and filtered cigarettes. I have no doubt that the honourable member, if she looks and digs hard enough, may find one exception.

The Hon. Anne Levy: I say that in Australia low tar is very rare.

The Hon. R.I. LUCAS: I am making the general point that penetration of low tar cigarettes—

The Hon. Anne Levy: Why not look at what is happening here in Australia?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: One of the more interesting parts of researching this Bill has involved reading summaries of dozens of research studies purporting to show the relationship between smoking and health problems. In analysing the results of the epidemiological surveys, it is imperative that the distinction between correlation and causality be understood. Epidemiological surveys can only point out a correlation or statistical association between smoking and diseases. They cannot prove a casual relationship—

The Hon. K.L. Milne: Fair go!

The Hon. R.I. LUCAS: The Hon. Mr Milne can say 'fair go!', but his knowledge of statistics is perhaps not equal, I suggest, to his knowledge in other areas. There is no doubt that those surveys cannot prove causality. They can show correlations and statistical associations, but they cannot prove a causal relationship. That is to say, one cannot say that, based on those particular surveys, smoking causes the disease. Before a statistical correlation can be shown as causal, clinical and experimental evidence is needed to demonstrate the mechanisms of the diseases. Whilst I accept that in most cases it is difficult to prove conclusively that smoking has caused specific diseases, I believe that on the balance of probability—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: If the Hon. Ms Levy will just wait—the evidence is that smoking is related to many common diseases. However, I also believe that many supposedly tobacco related deaths are caused by a number of factors operating together. Whilst referring to the smoking and health equations, I would refer to two specific items. The

first is the paper which has recently been completed and which is likely to be published in an overseas journal in the near future. The article is by Mr John Moore, resident statistician and mathematician for Amatil. He is also a part-time lecturer in econometrics, mathematics and statistics at the New South Wales Institute of Technology. Mr Moore has based his paper on the paper by L. Drew from the Commonwealth Department of Health to which I referred earlier and which is entitled 'Death and Drug Use 1969 to 1980'. It is the original source for the now widely used estimate of 16 000 tobacco-related deaths each year.

Mr Moore has calculated that in South Australia in 1980, the average age of deaths from so-called tobacco related diseases was slightly higher than the average age of death from all causes. If this study is sound (I make no judgment on it at this stage, as I have not seen the detail of it), it would be a strong case against the argument that these deaths were premature. It will be interesting to see how academia treats this paper. As I indicated earlier, Drew's estimate of 16 000 tobacco related deaths each year is now a widely used estimate, and it is even used by the Minister of Health in this State.

The problem with politicians and lobbyists in their desire to simplify even the most complex subjects is that too often they uncritically accept estimates by advisers or academics without knowing the many assumptions upon which the estimates are based. In this debate the 16 000 deaths a year figure is one such example. I seek leave to have incorporated in *Hansard* table 3 from the document 'Death and Drug Use in Australia 1969-80' (page 32).

Leave granted.

TABLE 3: ESTIMATED NUMBER OF DRUG-RELATED DEATHS, ANALYSED BY AGE GROUP, SEX, DRUG INVOLVED AND CAUSE OF DEATH (ICD 9), AUSTRALIA, 1980

Drug involved and cause of death	Age Group 0-14 M	F	T	15-34 M	F	T	35-64 M	F	T	65+ M	F	T	Total M	F	T
Alcohol															
Cancer of the oesophagus	—	—	—	—	—	—	26	9	35	41	24	65	68	34	102
Primary cancer of the liver	—	—	—	—	—	—	22	6	28	25	11	36	47	17	64
Alcoholic psychoses	—	—	—	—	—	—	15	2	17	12	5	17	27	7	34
Alcohol dependence	—	—	—	11	—	11	96	27	123	37	6	43	144	33	177
Non-dependent abuse	—	—	—	2	—	2	2	2	4	—	—	—	4	2	6
Alcoholic cardiomyopathy	—	—	—	6	1	7	111	11	122	34	2	36	151	14	165
Alcoholic liver disease	—	—	—	13	10	23	405	111	516	108	24	132	528	145	673
Diseases of the pancreas	—	—	—	2	1	3	11	2	13	7	6	13	19	9	28
Motor vehicle traffic accidents	101	64	165	743	179	922	301	124	425	133	96	229	1 276	464	1 740
Accidental poisoning	—	—	—	2	—	2	3	2	5	—	1	1	5	3	8
Accidental falls	—	—	—	5	—	5	14	4	18	22	50	72	40	54	94
Accidental drowning	—	—	—	24	4	28	26	4	30	5	3	8	55	10	65
Suicide and self-inflicted injury	1	—	1	100	27	127	109	41	150	30	13	43	240	82	322
Homicide and injury purposely inflected by others	7	3	10	25	20	45	19	13	32	4	2	6	55	38	93
Total deaths—alcohol	109	67	176	933	242	1 175	1 160	358	1 518	458	243	701	2 659	912	3 571
Tobacco															
Cancer of the mouth, pharynx, larynx and oesophagus	—	—	—	—	—	—	276	22	298	315	46	361	591	68	659
Cancer of the trachea, bronchus and lung	—	—	—	—	—	—	1 291	161	1 452	1 993	203	2 196	3 285	363	3 648
Ischaemic heart disease	—	—	—	—	—	—	1 594	290	1 884	3 328	1 819	5 147	4 922	2 109	7 031
Cerebrovascular disease	—	—	—	—	—	—	136	143	279	538	1 217	1 755	674	1 361	2 035
Bronchitis, emphysema and chronic airways obstruction, n.e.c.	—	—	—	—	—	—	369	87	456	2 009	332	2 341	2 378	418	2 796
Total deaths—tobacco	—	—	—	—	—	—	3 666	703	4 369	8 183	3 617	11 800	11 850	4 319	16 169

The Hon. R.I. LUCAS: Drew's estimates for cancer of the mouth, pharynx, larynx and oesophagus category acknowledge that it depends on the results of a study undertaken in the United States by Hammond in the early 1960s, nearly 20 years ago. He concedes that there could be significant differences in the current Australian experience. Also, his estimates are based on an Australian Bureau of Statistics survey of 1977, nearly seven years ago. Once again, there could be significant differences in patterns of tobacco consumption in 1983. However, as this particular category, that is, the category of mouth, pharynx, larynx and oesophagus was a small part of Drew's 16 000 deaths a year estimate, it may not appear on the first instance to have been important.

The other categories in the table—cancer of the trachea, bronchus and lung, ischaemic heart disease, cerebrovascular disease, bronchitis, emphysema and chronic airways obstruction—are the categories that Drew gives, and they total 16 000 deaths. Most of the estimates for those categories in the table are ostensibly based on a survey by Donovan and Hodge in a 1980 National Heart Foundation survey.

However, in tracking backwards we find that Donovan and Hodge based their results upon a paper by L. Garfinkel and, surprise, surprise, Garfinkel used the original 1960 estimates of Hammond in the United States survey. In fact, Drew's estimates of 16 000 deaths is based on a 20-year-old survey and seven-year-old Australian research figures, figures that have not been updated over seven years in Australia and over 20 years in America.

The Hon. Ms Levy, who at least makes some pretence to understand mathemetics and statistics, I am sure would accept the possibility (we do not know) of problems using data that is 20 years old. If the 20-year-old U.S.A. study was soundly based, it would improve the chances of the 16 000 deaths estimate being close to the mark.

I refer to evidence presented to recent United States Congressional hearings. One of the witnesses was a Professor Sterling, who gave evidence in relation to the Comprehensive Smoking Prevention Education Act of 1981. I refer to the report dated 16 March 1982 entitled 'Hearing before the Committee on Labor and Human Resources, United States Senate'. Professor Sterling is a university research professor at Simon Fraser University, Burnaby, British Columbia. The substance of the evidence presented by Professor Sterling and a number of other prominent researchers in the United States is included in a report entitled, 'Why More Research

is Needed—a Review of Recent Medical and Scientific Evidence presented to United States Congressional Committees'. Page 4 of the report states:

The 1 million persons study conducted on behalf of the American Cancer Society by Hammond and Horne in the 1950s and the 1960s—

that study was the basis for Drew's data—

was closely examined. Scientists who had re-examined the data of this study, which was still the basis of the U.S. Surgeon-General's conclusions, testified that the statistical correlations found were not necessarily accurate because the people in the non-smoking and smoking groups:

- Were not randomly selected.
- Had proportionally more smokers in the surveys than in the U.S. population.
- Were not representative of the U.S. population in any of the following factors:
  - physical size.
  - educational status.
  - economic status.
- Contracted disease at different rates to the U.S. population.
- Lived in only 25 States, which were predominately the urban industrialised ones, and not the rural ones.
- Had been interviewed by inexperienced volunteers.

The problems of urban pollution that affect some of the categories mentioned by Drew—

The Hon. J.R. Cornwall: Are you trying to prove that smoking is good for you?

The Hon. R.I. LUCAS: No, not at all. If the Hon. Dr Cornwall had remained in the Chamber, he would know what I am getting at.

The Hon. J.R. Cornwall: I have been here all the afternoon, and you know it.

The Hon. R.I. LUCAS: Perhaps the Hon. Dr Cornwall can look at *Hansard* at his leisure tomorrow and he will then know what I am getting at. The upshot is that the estimate of 16 000 tobacco related deaths per year must now be considered as being very shaky and should not be used as if it was a matter of fact, as did the Hon. Dr Cornwall. Of course, even if the figure was 5 000 deaths or 2 000 deaths, it would still be a tragic situation. However, what it does mean is that all supposed cost estimates of the tobacco industry on the health system would have to be revised downwards. That is a favourite ball game of the Minister's. For example, the Hon. Dr Cornwall dragged the figure of $85 million in South Australia out of the air as the cost of providing medical and hospital services to people with smoking related diseases. It is highly unlikely that the Minister's ball park figure of $85 million is anywhere near the mark.

The Hon. J.R. Cornwall: We have death certificates, hospital records and records of amputees.

The ACTING PRESIDENT (Hon. G.L. Bruce): Order!

The Hon. R.I. LUCAS: Obviously, the Minister is becoming hysterical.

The Hon. K.L. Milne: What the Minister has said is true.

The Hon. R.I. LUCAS: I do not doubt that there are death certificates and amputees. I accept that smoking causes health related problems, but not to the degree mentioned by the Minister. The costs attributed to the health system by the Minister would not come to light in an objective study.

Members interjecting:

The ACTING PRESIDENT: Order! There is too much audible conversation.

The Hon. R.I. LUCAS: The question of figures raises the question of public opinion in relation to the proposed Bill. Members have been inundated with results of survey questions purporting to indicate support for or opposition to the Bill. The Hon. Ms Levy in her contribution to the debate made a monumental blunder when she sought to use the results of the 1981 McNair Anderson survey to prove her case. Clearly, she forgot that her very own Minister of Health was on the record as having said, 'Frankly, your McNair Anderson survey did not stand up at all.' The Minister also had a few other unpleasant things to say about McNair Anderson, but I will not go into them. The Minister was clearly squirming in his seat, and for the first time in his life he could not get a word out. In fact, an independent consultant employed by the tobacco lobby also criticised the structure of the questionnaire. Clearly, one reason for the substantially different results gained by McNair Anderson compared with most other survey results was that the wording of the questions was quite different. The McNair Anderson survey of August 1981 asked:

Should televised sporting events which can be seen by children be used to promote cigarettes?

The resounding result was a 79 per cent negative response. The Morgan poll of September 1983 asked:

Should the Government ban the sponsorship of sporting events, the arts and concerts by tobacco companies?

The result for 'allow as now' was 80.7 per cent. The McNair Anderson survey used quite emotive words such as 'children' and 'promoting cigarettes', whereas the Morgan questionnaire was a little more laid back and used the words 'tobacco', 'arts', 'concerts', and 'sporting events' and did not refer to children.

Several surveys by the *Age* poll and by Morgan and Beacon Research have also replicated the findings of the Morgan poll and have not replicated the findings of the McNair Anderson poll. In addition, a local poll conducted by the Ian McGregor Marketing Organisation only two weeks ago in metropolitan Adelaide, with a sample of 800, shows substantial opposition in Adelaide to the proposed Bill. In fact, 57.7 per cent were opposed to the Bill and 33.8 per cent supported it. I seek leave to incorporate in *Hansard* without my reading it the results of the poll conducted by Ian McGregor Marketing Proprietary Limited. I assure the Council that it is purely statistical.

Leave granted.

IAN McGREGOR MARKETING PTY LTD POLL

Do you agree/disagree with the banning of all forms of tobacco advertising?

	Total	Males	Females
Strongly agree	28.8	22.4	35.0
Slightly agree	5.0	3.6	6.4
Neither agree nor disagree	8.5	6.1	10.8
Slightly disagree	13.8	11.7	15.8
Strongly disagree	43.9	56.1	32.0

The Hon. R.I. LUCAS: A slightly different question asked by the same market research company in May 1983 showed that only 43.3 per cent were opposed to the proposed ban. That figure has moved up to 57.7 per cent. Whilst the two questions are not directly comparable due to different wording, it does provide some circumstantial evidence that there has been a big shift since May of this year, when the Hon. Mr Milne was opposing the proposed ban. Clearly the framing of the questions and their position within the questionnaire are critical matters which can affect the ultimate results of any market survey.

One of the worst questionnaires was done through the Australian Advertising Industry Council. On page 5 of their document headed 'A case for the continuation of the right of cigarette manufacturers to advertise their brands', it is stated:

Manufacturers say that if it is legal to sell a product it should be legal to advertise it, provided the advertising is carried out in a socially responsible way. Do you agree?

Surprise, surprise: 86.5 per cent of people agreed!

The Hon. Anne Levy: Have you stopped beating your wife yet?

The Hon. R.I. LUCAS: Yes, quite clearly that question is biased and 86.5 per cent of people were led down the garden path. That sort of research does that council no good at all in seeking to convince people to support their viewpoint. Bearing in mind the weight of public opinion opposing the ban, it was mischievous of the Hon. Mr Milne to claim in his second reading explanation that public support for controls has increased since he first introduced the Bill this year. To my knowledge, no poll released in that six-month period gave any objective support to such a statement. In fact, there is circumstantial evidence to show a definite swing away during that six-month period. I can only assume that the Hon. Mr Milne's statement is based on gut reaction.

The problem with different figures being bandied about is not limited to public opinion polls: it is also a problem in relation to the amount of sponsorship that tobacco companies say they put into sport. Such estimates have proved very flexible over the period of the Western Australian and South Australian debates. In the booklet released by the Tobacco Institute of Australia entitled 'I don't sit on the sidelines', the figure was given as about $5 million. Some 12 to 18 months later this figure has now skyrocketed to $13 million. I am aware that the Hon. Mr Milne used his own figure of $15 million. I do not believe that there has been an increase of $8 million in the past 12 to 18 months in sports sponsorships. One of the estimates put to us by the tobacco lobbies is clearly wrong. I suspect that it is probably the first one of $5 million.

The tobacco lobby was not the only one to slip up in its estimates of sports sponsorships. I am in receipt of a letter from Mr Coonan on behalf of the Australian Council for Health, Physical Education and Recreation that was, in my view, easily one of the more poorly researched efforts at lobbying members. Mr Coonan suggested that tobacco advertising money is associated with only three major sporting events and then goes on to suggest that Benson and Hedges sponsorship for cricket is only worth $280 000 in Australia. I am sure that the Australian Cricket Board would get a little chuckle out of that and that the Benson and Hedges company would only wish it were true. The sponsorship by Benson and Hedges of Australian cricket is worth $5.5 million over a three-year period.

The Hon. J.R. Cornwall: Where did you get that figure? They wouldn't tell me.

The Hon. R.I. LUCAS: Obviously the Minister does not have the right contacts and does not read the paper. It was stated by the cricket writer for the Melbourne *Age*.

The Hon. J.R. Cornwall: What about the cricket authority?

The Hon. R.I. LUCAS: The Minister will find that the figure is right—it is not $280 000 as suggested by Mr Coonan. Most members would have received late last month a letter and report from Stephen Leeder, the Professor of Community Medicine at the University of Newcastle. Professor Leeder summarised the results of his Newcastle survey as follows:

> Approval of cigarette advertising in 1979 predisposed children to start smoking during the following year.

Once again it is important to clarify exactly what the survey did show. It showed that there was some relationship between having approved of cigarette advertising in 1979 and taking up smoking in 1980. It did not show that approval of cigarette advertising in 1979 caused the child to take up smoking in 1980. It did not prove anything, and Professor Leeder has conceded that, first in correspondence with the local paper and also in a telephone call that I had with him last week.

The Hon. J.R. Cornwall: Why do they spend the money—just for the good of the community?

The Hon. R.I. LUCAS: They are not philanthropists. If the Minister wants to satisfy himself—

The Hon. J.R. Cornwall: That is the case you are putting.

The Hon. R.I. LUCAS: It is not the case—the Minister is very much wide of the mark. The Minister and the mover have to prove that what they seek to achieve they will achieve through this Bill. The Bill is based on hope and not on fact.

The Hon. J.C. Burdett interjecting:

The PRESIDENT: Order! The honourable member must address the Chair. I do not want conversations across the Chamber between various members.

The Hon. R.I. LUCAS: The survey did show that the most important predictive factor (and, therefore, the strongest statistical relationship) was membership of the older age group, followed by having friends who smoked, followed by having siblings who smoked and then came approval of cigarette advertising. That was listed after three other factors. The survey backs up what many have stated before, namely, that peer group pressures are an extraordinarily powerful influence in this area.

The prevalence and problem of children smoking is certainly demonstrated by the survey, and I concede that. Only 26 per cent of 12-year-old boys had never tried a cigarette, and only 45 per cent of 10-year-old boys have never done so. In this respect the survey confirms the results of many other surveys.

However, identifying the problem is one thing but attributing the cause to cigarette advertising is quite another. One matter about the survey design which needs to be considered is the validity of self-reported questionnaires being used to measure responses. The problems of asking groups of 10 to 12-year old children to complete a questionnaire truthfully in a classroom situation should be evident.

There must be a temptation for some children to claim to be smokers when they are not, to claim that they started to smoke at a much earlier age than they really did and to claim to be a much more frequent smoker than they really are. This will be particularly so if peer group pressures are strong. If such a situation has eventuated then, of course, results will be affected significantly. As Professor Leeder notes in one of his earlier papers (not the one sent to members):

> Nevertheless, there is a need for the development of reliable techniques for validating children's responses to questions about their smoking habits.

Professor Leeder concedes that problem particularly among 10 to 12-year-old children. The fact that children smoke the most popular brands of cigarettes ought not be that surprising, in my view. If 50 per cent of the adult market is buying Winfield cigarettes, then adult emulation behaviour is likely to mean that Winfield will be a very popular cigarette amongst children, too. It could be that children are more likely to smoke Winfield not because they are exposed to Winfield advertising but because they are physically exposed to Winfield cigarettes more often in their contact with adult smokers who smoke Winfield cigarettes.

Members would have received this afternoon a letter from Mr Glen Smith, who is the Managing Director of the Children's Research Unit in the United Kingdom. He argues that his research shows that advertising does not cause children to take up smoking. I have not seen the research so I cannot make a comment on whether it is valid or not. However, I will be anxious to sight it before this debate concludes, if that is possible.

I now turn to the vexed question of the civil liberties implications of this Bill. I will certainly be interested in hearing the Attorney's contribution to this debate on this matter and the member for Elizabeth's contribution in the other House, in view of their professed concern for the civil

liberties of a former colleague of theirs. Subclause 4 (3) of the Act is another example of a disturbing trend in modern legislation; that is, reversal of the burden of proof in that any advertisement as defined would be presumed to be an implied inducement to smoke.

The Senate Standing of Bills Committee has drawn the attention of the Senate to a similar clause in a similar Bill in the Senate (moved, I think, by Senator Jack Evans from Western Australia). That Committee has reported that it might be considered to trespass unduly on personal rights and liberties. It states:

> The principal prosecution task of proving every ingredient of a criminal charge beyond reasonable doubt is deeply imbedded in the Australian system of justice, and the criminal process has been developed around this particular requirement. Once that principle is removed, the position of the accused is drastically altered, leaving the trial process structured firmly in favour of the prosecution.

That same Senate Committee also reported that, if a car owner from outside the Australian Capital Territory, for example, whose vehicle displays a bumper sticker promoting Benson and Hedges World Series Cricket drives in the Australian Capital Territory he could be guilty of an offence under the Act. Clearly, in my view, a farcical situation. It is interesting to note that the Human Rights Commission in Report No. 5 of August 1983 has also voiced concern about this growing trend in legislation. The civil liberties of tobacco companies to conduct their legal business will be severely restricted by this Bill, a matter I will explore extensively during the Committee stage. The farcical situation does not end with company activities, as under clause 4 (1) *(b)* it would *prima facie* be an offence for a private citizen in the presence of one other person to express approval of smoking tobacco. However, it would not be an offence to express approval of murder, rape, heroin use, etc.

Therefore, a member of Parliament could not outside the Parliament condone tobacco smoking but could condone marihuana smoking. There are many other examples of specific absurdities in the provisions of the Bill. For example, on one particular reading (and I will be interested in a response from the Hon. Mr Milne about this) of the definition of 'tobacco products' manufacturers of matches and ashtrays will come within the definition of 'tobacco products', as they are items associated with smoking. On that particular reading it may well be that the producers and manufacturers of matches such as Bryant and May and, I presume, I.C.I. and other companies, could be prevented from advertising their products. That is something that I will certainly be exploring with the Hon. Mr Milne in the Committee stage.

I turn now to the contribution made to the debate by the Minister. There is no doubt that the course of action that the Minister has advised and now pursues is causing deep division within the Government. The Hon. Mr Hill referred to this matter. Some of the Government's marginal seat members are openly rebellious in the halls of this Parliament about the problems that the Minister's approach has caused them.

The Minister, in seeking to walk the political tightrope between health lobbyists and sports—art lobbyists, has found that, rather than both sides being happy, neither side is happy with his approach.

The Hon. J.R. Cornwall: I challenge you to name a member of my Party to whom you referred.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: That would be divulging the result of corridor politics. The Minister would be aware that there are members in this Chamber who are not happy with his approach, and not only about this particular Bill. We can only hope that the pressure from marginal seat members who are already feeling the pinch (and, mark my words, they are already feeling the pinch from particular lobby groups) will be enough to force the Minister to reconsider his ill-considered views on this Bill. There are two rather serious errors in the—

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: Do not become hysterical.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: There are two rather serious errors in the Minister's second reading speech. The Minister stated that tobacco companies and advertising agencies have successfully flouted the spirit and intent of the Federal law on so-called 'indirect advertising'. The Minister is obviously blissfully ignorant of the facts relating to the introduction of the 1976 Broadcasting and Television Bill and, in particular, section 100(10), which specifically allows what is known as 'accidental or incidental advertising'. In addition, on 21 May 1976 the Prime Minister, Mr Malcolm Fraser, wrote to Amatil's Chairman, Mr T. Foley, C.B.E., in the following terms:

> You mentioned the matter of sponsorship of sporting and cultural events. I can say that the legislation which is currently being drafted provides only the prohibition of direct advertising and is not directed to the peripheral advertising which is associated with such sponsorship.

So, where the Minister's quaint notion of circumventing the intent and spirit of the Act comes from no-one knows. Quite clearly, it must be the Minister's own intent and spirit that he believes has been circumvented. The second error—and quite serious error—in the Minister's second reading explanation relates to the grounds on which he would support this Bill.

The Hon. J.R. Cornwall: It was not my second reading explanation. I did not introduce the Bill. Get it right!

The Hon. R.I. LUCAS: Touche, Minister—the Minister's contribution to the second reading debate. The Minister in his second reading speech said that he would introduce an amendment which would activate this Bill if three States or Territories and the Commonwealth agree. If the Minister, obviously with grey cells ticking over, examines the arguments he will see that that is correct. The Minister knows that the amendment of which he subsequently gave notice does not match his statement to this House, because the Minister has given notice of an amendment which says 'three States, the A.C.T. and the Commonwealth'. Quite clearly, it does not match the statement that the Minister made to this Council in the second reading debate.

In conclusion, I want to make one comment—the Hon. Ms Levy is not here—in response to her persistent interjections with respect to the penetration of low tar cigarettes in the Australian market. She seemed quite keen to get that across and seemed quite convinced that the penetration of low tar cigarettes in Australia was very low. I can inform the Hon. Ms Levy that she is not well informed and that in the Australian market the low tar proportion is 99 per cent, and I suggest that she cannot get much higher than 99 per cent. In conclusion, the Bill is a farce and will be an absolute disaster if it is ever enacted in its present form. I strenuously oppose the Bill.

The Hon. I. GILFILLAN: I would like first in contributing to this debate to discuss the contention of both the tobacco companies and the opponents of the Bill that advertising and sponsorship are purely matters of brand loyalty competition. It is on the credibility of that sort of statement that thinking people must assess the worth and value of the legislation that is before us. There is no general intention in our minds to limit competition between producers of products by way of advertising; it is not a philosophy that holds any attraction to us. So, obviously, if we felt that there was any validity to that stand there would be no

motive in pursuing this argument. But, it seems so ridiculous a position to hold that I cannot help but doubt the motives of any who put that up as a major argument for opposing this legislation.

I would like to read to the Council a couple of quotes—brief comments which enforce my attitude that the position that tobacco advertising is purely competitive between brands is quite ridiculous. From the *Medical Journal* of March 1983 I quote:

> Advertising creates a positive climate of social acceptability for smoking, which encourages new smokers to join the market.

An honourable member: Who said that?

The Hon. I. GILFILLAN: Simon Chapman of the New South Wales Health Commission. He goes on:

> Smokers are a dying market. It doesn't take a dizzy intellect to work out that failure to capture a cohort of youthful smokers to replace those older ones who quit or die would starve the industry within a few years.

So, obviously, the tobacco manufacturers must convince younger, healthier people to take it up. As further proof of that cigarette manufacturers in the United States in 1980 placed half of their advertising dollars in magazines having high readerships among 18-24 year olds, particularly those with high female readerships. That is targeting at a market which has to be enticed into smoking cigarettes. It is not aimed at winning one group of smokers from one brand of cigarettes to another. Those who base their opposition on this contention that the advertising is not primarily aimed at inducing people to smoke are first grossly under-estimating the persuasive powers of the advertising industry and, secondly, blindly putting their heads in the sand and ignoring the prime reason for advertising in any field, and that is to encourage a wider consumer market.

From a booklet, *Cigarette advertising and children: do you care?*, there is a discussion of the self-regulatory advertising code. It states admirably that the cigarette advertising shall be directed only to adult smokers and shall be intended only to effect a change of brand. Unfortunately, that was proved to be impossible. I read from that booklet:

> The only valid judge of an advertiser's intention is the advertiser himself, but is the industry living up to its avowed intention? The Western Australian Government committee set up to monitor cigarette advertising says 'No'.
>
> The committee, composed of members from each of the tobacco, advertising and newspaper industries, and Government health and education officers said in their final report of September 1981:
>
> > Whatever may be the intent, such advertising clearly does not reach adult smokers only, nor can it be expected that it would. There is considerable evidence that children are very conscious of cigarette advertising and (are) well informed in this area.

As evidence of that, in May 1980 Sir Richard Kirby, Chairman of the Advertising Standards Council, in response to a consumer complaint ruled that the entertainer Paul Hogan should no longer be used in Winfield cigarette advertising. Hogan, he ruled, had major appeal to children, something clearly prohibited by the voluntary code. It is quite obvious that advertising of tobacco products is largely directed to a new market. The biggest and most susceptible new market is the young in our society. So, I can put no credence in the argument that advertising of tobacco products is purely competitive between brands.

Several points have been made in the speeches by honourable members opposing this legislation. I will not attempt to cover all of the points. I am convinced that the points were brought forward in good faith and deserve attention and debate, but because of the restraint of time and because speakers today have raised points that I have not been able to study in detail, I cannot cover all of them. I will refer to some of them.

The Hon. Mr Burdett suggested that there would be some hypocrisy in Governments accepting $1 000 million in State and Federal taxes and levies and then banning the advertising of tobacco. The significant point there is that the benefit, so-called, is now outweighed by the recognised costs to the Government in tobacco use and the various ways in which that works out as a cost on society.

Mr Egger, of the Centre for Health Promotion and Research, and working with the New South Wales Health Department, estimated that in 1980 the benefits then were $915 million (that is, the excise, wages, salaries, advertising and promotions, exports, shareholder dividends and the like), compared with costs of $980 million, which embraced such matters as productivity losses, hospital costs, doctors fees, drugs, pension payments and fires. The estimated cost of fires was $68.7 million, and we have not focused any attention specifically on fires in the debate to date, and I will spend time on that shortly. Other items include research and dividends paid overseas. The point is that the Government is in fact sustaining a net loss in comparison to the alleged benefits of levies and the like.

Mr Egger went on further to consider the effects of tobacco advertising and the increased use of tobacco in certain countries and, in particular, referred to Singapore as having the rate increased to 44 per cent. I pause to say that one of the difficulties in being fair in this debate when dealing with statistics is to try to assess the origin of the statistics and the results of questionnaires.

It appears to me that it is almost impossible to get one set of figures upon which anyone really can be 100 per cent certain, because there is the question of origin and the motives of those who are proposing the figures. For that reason I will comment on some of the statistics that the Hon. Mr Lucas asked to have inserted in *Hansard.* Those statistics were from journals that were put out in one case by the advertising industry and in another by the Tobacco Institute. So, without necessarily going so far as to say that those figures were wrong (I do not have the evidence to say that), we ought to assess the origin of figures before we take them as gospel.

Many of the figures used and supplied by the tobacco industry referred to manufactured cigarettes, and those figures do not necessarily represent an increase in tobacco consumption overall. Of course, the ban on advertising takes away the nexus that exists: it must be okay if it can be advertised. The Advertising Association of Great Britain, which one would hardly expect to be a neutral group when it comes to the issue of stopping advertising, has figures showing that, following the introduction of the advertising ban in Norway in 1975, by 1980 there had been an actual decrease of almost 3.5 per cent in the amount of tobacco sold. The evidence of the Hon. Mr Burdett was that there had been a 16 per cent increase. The British advertising association states that there has been a 3.5 per cent decrease. In Singapore, the figures to which I referred are Government figures: they are not put out by any of the vested interest lobbies and show that the change in tobacco consumption between 1976 and 1980 is a decrease of 23 per cent for cigars, a decrease of 11 per cent for pipe tobacco, a decrease of 10 per cent for locally made cigarettes but an increase in consumption of imported cigarettes of 84 per cent.

However, the Council should bear in mind that over the same period there has been a 71.8 per cent increase in the number of tourists visiting that country. Therefore, it would not be unreasonable to take this increase in tourism into account in regard to tobacco consumption. Consumption averages 170 grammes per extra tourist, the equivalent of seven packets. The point is that, when one is using overseas statistics, it is very difficult to get an accurate interpretation of them. To say that Singapore has had an increase of 44

per cent is wrong: it distorts the accurate assessment of the situation that we are looking at.

The Hon. Diana Laidlaw claimed that cigarette consumption amongst the over 18-year-olds increased after the radio and television ban was introduced. She gave figures indicating that in 1971, 27.931 billion cigarettes were consumed and that in 1981, 34.137 billion cigarettes were consumed. Over that decade, the population increased from 8.630 million to 10.435 million. If one does the simple calculation required, one can see that the same amount of cigarettes were smoked per capita in 1971 as in 1981.

There is not an increase and it is not an accurate reflection of the facts. Certainly, I would be interested to find out the source of those figures. The Australian Bureau of Statistics shows that for the over 15-year-olds in 1975, consumption was 2.88 kg per head and in 1981 it had fallen to 2.53 kg per head—a 12 per cent reduction. If those are the statistics on which the Hon. Miss Laidlaw is resting her argument, she will find them wobbly support indeed.

Today, we heard from the Hon. Mr Hill, who lauded the fact that concern for children had been recognised and acknowledged. However, he spent most of his speech lamenting the fact that, if this Bill were to pass, there would be a reduction in the amount available for culture in this State. With due respect to the motives of the honourable member, if he accepts that the industry which is promoting and sponsoring the cultural life of this State is at the same time responsible for the 16 000 deaths in Australia each year from use of its products and the seduction of 9 000 children in this State to the addiction and use of such products, then I believe his values are distorted from those that most members in this Council would share.

I cannot accept that, if such a product is such a health risk, as a State we have to depend on siphoning off—being bought off—by the transfer of some of the profits to prevent the advertising ban that we are proposing. In such circumstances the basis of decision making in this Parliament must be spurious indeed. I reiterate the point that I made previously: if there were genuine altruistic intentions by the tobacco companies, and assuming that they saved thousands of dollars in advertising costs, they could continue to make some of those funds available for cultural and sporting centres if they have a mind to do so.

The question of the number of deaths a year was questioned earlier by the Hon. Mr Lucas and, for the sake of the record, I indicate that the report by Professor Castleden of the University of Western Australia published research showing that there were over 10 000 deaths per year through smoking and smoking related causes. The Commonwealth Department of Health took the trouble to write to him, telling him that his figure was actually too low because of factors that he had not taken into account. The Department verified the figure of 16 000 deaths. One can assume that that would be as close to an impartial organisation as one can get in this country.

The Hon. Mr Lucas picked several flaws, as he saw them, in the argument supporting this legislation. He took some time to put in doubt claims of the extraordinary health risks and hazards that tobacco has for the Australian population. In any debate it may be a source of entertainment and mental stimulation to play point for point, but the reason for such legislation is to prevent children from buying cigarettes.

If there is validity in taking legislative steps, it can be found in the fact that other Parliaments and bodies of decision makers have accepted without question that smoking is an extraordinarily dangerous cause of ill-health and that legislation should deal with it. In passing, I congratulate the previous Liberal Government, because I understand that it was originally responsible for an anti-smoking campaign conducted in northern Spencer Gulf. Quite obviously, the Liberal Party was concerned to eliminate or reduce smoking, particularly in relation to the young of our State.

The Hon. Mr Lucas questioned sponsorship figures. I refer to the South Australian Cricket Association Annual Report for 1981-82, as follows:

> For the ninth consecutive season, the Benson and Hedges company sponsored internationl and interstate cricket in Australia. Since the commencement of sponsorship in 1973-74, the company has sponsored Australian cricket by $1 749 000.

I am informed that Benson and Hedges sponsorship for 1982-83 amounted to $280 000. There has also been some question about the intrusion on civil rights. There has also been an almost dictatorial determination of how people should refer to or discuss cigarettes and smoking in relation to the legal interpretation of the Bill. We have seen and heard most of what seem to be the common fears. I believe that most of the comments that have been made are purely mischievous and reflect an irresponsible interpretation of the Bill. The question of offering someone a cigarette is specifically covered in clause 5 *(d)*, as follows:

> This Act does not apply to—the offer of tobacco or a tobacco product by one person to another for consumption . . .

There is no point in exploring that argument any further. The question of other infringement such as cigarette price lists, tobacco company letterheads, listings on the stock exchange, and so on, is covered in clause 4 *(3)*, as follows:

> . . . in the absence of proof to the contrary [these activities], be deemed to be an advertisement . . .

That is included in the Bill because there will be many ways in which tobacco companies will attempt to circumvent the effect of the legislation. It is not fair that the people of South Australia and the Government of the day should have to defend vexatious court actions at great expense over and over again. The Bill does not infringe on anyone's rights. The prosecuting body would be the Government or someone with substance to carry through the court action. No-one would interpret a letterhead, a price listing or a listing on the stock exchange in the media as an attempt to advertise. That argument is a red herring and an attempt to drum up false fear in relation to the consequences of the legislation.

Another argument frequently put up is that, if tobacco is a legal product, it should be legal to advertise it. We already have several pieces of legislation controlling the sale of tobacco products. Although we are mostly concerned about the effects of smoking on health, we cannot ignore the effect of fire. I understand that the latest American figures indicate that 28 per cent of all fires in that country result from smoking and discarded matches. An extremely high number of deaths and injuries are caused by people smoking in bed. The fire aspect cannot be ignored.

Several pieces of legislation restrict smoking. We have legislation controlling labelling and the sale of tobacco products to children under 16 years of age. Tobacco is also controlled under drugs legislation in relation to where smoking and the chewing of tobacco should take place. I believe that, if we were considering the introduction of tobacco as a consumer product tomorrow, no-one would allow it to be sold for general consumption in Australia.

I point out that some doctors are prescribing nicotine chewing tablets to wean smokers off tobacco. The tablets come under schedule 4 of the Poisons Act. When comparing nicotine chewing tablets and cigarettes, one finds that they are equivalent in relation to nicotine content. Therefore, it is reasonable to suggest that, if cigarettes were introduced into the market tomorrow for the first time, they would immediately come under schedule 4 of the Poisons Act and would be available only on prescription from a doctor. However, it is less likely that cigarettes would be prescribed,

because the nicotine effect on the blood from smoking cigarettes is considerably worse than the effect from chewing nicotine tablets. In fact, the blood nicotine level is higher after one smokes a cigarette than it is after one chews a nicotine tablet.

When chewed, nicotine is broken down by the liver to pharmacologically inert substances; when smoked, nicotine by-passes the liver and enters the blood stream in a different form. In other words, nicotine in a cigarette is an extremely dangerous substance. Other nicotine forms come under schedule 6, in relation to the control and destruction of pests and vermin, or schedule 7, in relation to exceptionally poisonous substances. Cigarette tobacco is an extremely dangerous substance. The Leeder survey was belittled somewhat by the Hon. Mr Lucas. I believe that was unfortunate, because it is an influential and persuasive piece of research. I refer to the letter that all members received from Professor Stephen Leeder, Professor of Community Medicine who, in part, was responsible for the research work. The letter states:

I wish to draw to your attention a study of factors associated with changes in childhood smoking which my colleagues and I carried out recently in Newcastle, New South Wales. Over 6 000 children aged 10-12 years were studied in 1979 and again in 1980. Using questionnaires to obtain information from them at school, we studied the relationship between factors such as their attitudes to cigarette advertising in 1979 and their smoking behaviour in 1980.

The results of this extensive study have recently been published in a paper in the International Journal of Epidemiology, and I attach a copy of it for you. The Hunter region of New South Wales in which this study was conducted was used to test market 25-in-a-pack cigarettes and other tobacco products. Our findings about the relationship between children's attitudes toward advertising and their smoking behaviour are derived from a population that the tobacco industry considers to be a valid sample market. I believe that our findings with regard to cigarette advertising will be of particular interest to you.

Approval of cigarette advertising in 1979 predisposed children to start smoking during the following year. Children who strongly disapproved of cigarette advertising were unlikely to become smokers over the same period. Peer group pressures, smoking by parents and amount of pocket money were also related to the likelihood of a child becoming a smoker.

Nobody denies that there are extremely strong pressures on those who smoke in our society and it is a naive and null argument to say that, because of that, we should then ignore one of the major factors on which we can have an influence. Obviously, these areas are extremely important. The letter continues:

But of all these factors the one most amenable to change is advertising. Further, the cigarettes most commonly smoked by children were a brand which had recently been the subject of an extensive advertising campaign in the Hunter region. In our study, approval of cigarette advertising can be thought of as a 'risk factor', for the development of smoking. Reduction of exposure to advertising, by reducing advertising, can only have a beneficial effect on childhood smoking rates which at present are disconcertingly high in this country.

All the available evidence on Australian children indicates that cigarette advertising encourages them to start and continue smoking. There is no evidence to the contrary. As a doctor concerned for the health of the community, I consider preventing children from starting to smoke is a key issue which we can now tackle by reducing tobacco advertising.

I believe that that is a significant and powerful statement in support of this legislation and it completely overrides what I regard as minor objections from those who I believe have not taken full cognisance of the massive destruction of health and the future addiction of children in this country. Those people are not accepting the full significance of that and they are allowing relatively minor issues to override their good judgment.

I will quote briefly from another authority to whom I give credence and respect, namely, the Archbishop of Perth, Dr Peter Carnley. In referring to the West Australian legislation, which is very similar to our legislation, Dr Carnley quoted the contemporary bumper-bar sticker, Kissing a smoker is like licking an ash tray', which is just one indication of the social disapproval of smoking. I emphasise that we, in this legislation, do not cast aspersions or criticisms on those who choose to smoke. The Archbishop stated:

However, the alarming fact is that whilst the number of adult smokers is falling, the proportion of children who smoke is rising... Moreover, surveys have shown that Australian children smoke the most heavily advertised brands: there is a clear link between the advertising and the practice.

I am quoting from the *Church Scene* of October 1983: many members may receive that publication. The Western Australian Secretary of the Metal Workers Union, in commenting on the Bill, stated:

The medical profession has been aware for many years that people who both work in the asbestos industry and smoke are at much greater risk of developing lung cancer than people with either of these risk factors... Several Australian studies have shown our members to have higher smoking rates in white collar workers. This means that we suffer more cancer and heart disease as a result.

The article further states:

A State Co-ordinating Committee on Smoking headed by Ms Debbie Fisher has been formed to direct the campaign. Ms Fisher said recently that the factors influencing children to smoke include peer pressure, parental attitudes and cigarette advertising. 'Of these cigarette advertising is the one we can do most about. Cigarette advertisements are important both in predicting whether or not children will begin to smoke and, if so, what brand they will smoke,' she said... The move has been endorsed by the councils of the A.N.W.S.U. and the T.L.C.

That is another interesting expression of support for the legislation. In conclusion, I appeal to all members of the Council. It is a long-term project. I have not heard anyone seriously question the fact that there is an extraordinary risk to the health of people who smoke. I have not heard anyone say that they will enthusiastically encourage their children to smoke. I am convinced that members of this Council are persuaded that we should reduce the amount of smoking in this country, particularly amongst the young, and that we should reduce the pressures on non-smokers that would encourage them to smoke. It is fair enough that some members genuinely have misgivings about the legislation. However, those who have genuine misgivings about the effects of advertising in inducing people to smoke should reconsider the matter, as it is a completely untenable position in logic. If advertising did not encourage people to use and to continue to use the product, there would be no financial advantage in such advertising. The industry itself points out that the sponsorship of culture and sport is a commercial one and commercial decisions are made on increasing the sale of a product. Little doubt exists that there is unanimity in this place that tobacco use should be reduced and also that the effect of advertising in encouraging or seducing people to take up smoking should be assessed objectively and fairly and not under the pressures of a political debate. We should decide what is best for Australia in the long run.

There will be at least a 25-year campaign before a dramatic decrease is seen in the proportion of the population who smoke, because peer group pressures are strong. The youth of the country hero worship such personalities as Dennis Lillee and Greg Chappell, who are constantly seen in advertisements for tobacco and cigarettes, and it will be impinged on the minds of the young that smoking is acceptable. That idea is almost inseparably linked with the glamour surrounding these people.

I believe that, in 20 years, those who vote against this legislation (those who wish to move amendments may be excused) will be grossly embarrassed when they look back and see that they went on record as opposing one of the most substantial means of improving the health of all Australians, particularly young Australians.

[Sitting suspended from 5.50 to 7.45 p.m.]

The Hon. L.H. DAVIS: As we move to the concluding stages of the second reading debate on the Tobacco Advertising (Prohibition) Bill, it becomes increasingly obvious that there is some disarray on the Government benches about this matter. I say from the outset that I do not deny the right of the Hon. Mr Milne to introduce this legislation. Many of the arguments he has put forward have merit. I think that there are not too many people here tonight who would deny that there are indeed harmful side-effects from cigarette smoking. Also, there would be few people here tonight who would deny that there are harmful side-effects from drinking, gambling and eating certain products. That, of course, is one of the fundamental points that we in this Council have to face tonight when we come to the vote on this important matter—to what extent is this Parliament entitled to erode the freedom of the individuals we purport to represent?

I read with some bemusement the second page of this evening's *News*, Wednesday 19 October, under a large headline 'Bannon welcomes tobacco theatre aid', as follows:

> The Premier, Mr Bannon, today thanked a tobacco company for its $50 000 sponsorship for the State Theatre Company's 1984 season. Announcing the theatre company's 1984 programme at a ceremony at the Playhouse, Mr Bannon, who also is Arts Minister, said sport and cultural activities needed sponsorship provided by the private sector.

He is then quoted directly as saying:

> Those private sector companies which are prepared to provide sponsorship should be recognised.

Then later:

> But I would not be a party to one State going it alone without overall support on a national level.

He is, of course, referring to the subject of the debate before us, namely, the prohibition of tobacco advertising. Mr Bannon is further quoted as saying:

> Quite frankly, I don't think that time has arrived yet.

He is referring to the prohibition of tobacco advertising. And, finally:

> I thank the Benson and Hedges company for its donation.

The matter which bemuses me is that on the one hand the Democrats have put forward legislation that they say will come into operation one year after assent, so if one presumes that it takes two or three months for the Bill to pass the necessary stages in the lower House it may well be assented to in early 1985. However, on the other hand, the Government, through the Minister of Health, has moved an amendment which, if put into effect, will see this legislation come into operation immediately similar legislation is passed in the Australian Capital Territory and at least three other States of the Commonwealth. That may well happen within a short time. It is quite conceivable that if legislation is passed in Western Australia, Tasmania, one other State and the Australian Capital Territory, this legislation will be in place, triggered well before the 12-month period that the Democrats have proposed—yet the Premier, who presumably is a party to the Minister of Health's proposed amendment, has said:

> Quite frankly, I don't think that time has arrived yet.

The point is that, if the Premier does not think that the time has yet arrived, in October 1983, he is, by his public comment today, saying that, as soon as three other States and the A.C.T. have passed legislation, which could conceivably be within six months, that time will have arrived. To me, it is an incredible proposition that in October 1983, the Premier of South Australia, the Leader of the Government is putting forward this amendment and saying that October 1983 is a splendid time to be receiving a donation but in April 1984 the time will have passed and these sponsorships will be bad news.

The Hon. Barbara Wiese: A petty point.

The Hon. L.H. DAVIS: The Hon. Miss Wiese says that that is a petty point. However, I would have thought that it is a fundamental point to say that what is good in 1983 is no longer good in 1984. I want to pick up some of the arguments put by the Minister of Health who led the Government's case in this debate. I quote from page 817 of *Hansard* where the Hon. Dr Cornwall is recorded as follows:

> We believe that when that occurs—

that is, when sponsorships are stopped—

> sporting bodies and cultural groups that have become dependent upon tobacco sponsorship should not be left high and dry. The Government is sympathetic to the problems faced by organisations which rely on tobacco sponsorship and will continue to press the Federal Government to provide adequate financial assistance through a realistic period during which these groups can seek alternative sponsors. We would not support a blanket ban which was not accompanied by financial assistance through the transitional period.

So the Minister of Health, the Leader for the Government in this debate, is on record as saying that the Government will not support a ban if it is not accompanied by financial assistance—not from the State Government but from the Federal Government. According to the Hon. Dr Cornwall the State Government has no responsibility in this matter through this transitional period. He does not seek to define that transitional period and, more importantly, has not once during the debate said that he has had a guarantee of financial assistance from the Federal Government. Yet the Government is still committed to supporting this principle. I suggest that for the Government to support this proposal with the amendment suggested by the Hon. Dr Cornwall is in direct contradiction to the guarantee that the Minister gave that he would not support a blanket ban without it being accompanied by financial assistance from the Federal Government.

Let us look at that proposition in more detail. Only last week the Federal Minister for Sport, Tourism and Recreation, Mr Brown, said that it would be hypocritical for the Federal Government to outlaw advertising of a product which brings $800 million a year in excise revenue for the Federal Government, quite apart from what it might bring in for the State Government. I challenge the Hon. Dr Cornwall to unequivocally state whether or not the Federal Government has guaranteed the South Australian Government that it will provide financial assistance in the event that tobacco company sponsorship is banned.

The Hon. Dr Cornwall will have plenty of opportunity when this debate moves into Committee to advise the Council whether that guarantee has been received. I have already mentioned that the Minister for the Arts and Premier, Mr Bannon, has publicly expressed appreciation to a tobacco company for the generous sponsorship to the State Theatre Company today. No mention at all has been made whether he has received a guarantee from the Federal Government that it will move in with financial assistance to fill the vacuum created if this legislation is triggered within a period shorter than the proposed 12 month period contained in the original Bill. I challenge the Premier to state his position on the matter unequivocally because, if he has been accurately quoted in the *News* tonight—I have no reason to disbelieve the quotation—it must surely be true that the Premier is rather less than enthusiastic about this proposal.

So, that is where the Government stands on this position—in a horrible fix, I suggest. Furthermore, by indicating its support for this legislation the State Government is quite clearly indicating that it is prepared to move against the advertising of alcohol products and sponsorship provided

by wine and brewery companies. I wonder what the South Australian wine industry, providing as it does well over 60 per cent of the national production, thinks of that prospect. If the Government is consistent and moves against products which are damaging to health, tobacco is first and wine will very soon be second.

The fact is that we do not live in a perfect world. There are people who lose their lives—perhaps in some circumstances they ruin their lives and those of other people—by their habits of drinking, smoking, gambling and eating bad foods. The list is endless, but there are also basic freedoms. The prohibition era of the late 1920s illustrates the folly of total bans on products that are regarded as harmful. Education and taxation are surely more sensible solutions when it comes to products which may be harmful.

The Hon. J.R. Cornwall: Will you apply that prohibition thing to marihuana?

The Hon. L.H. DAVIS: The Hon. Dr Cornwall for some strange reason has introduced marihuana into the debate.

The Hon. J.R. Cornwall: You said that prohibition is crazy.

The Hon. L.H. DAVIS: That is an incredible interjection for the Minister of Health to make because, on the one hand, while he is trying to restrict tobacco products he is trying to build up the market in the marihuana area.

The Hon. J.R. Cornwall: That is absolutely stupid, and you know it. It ill behoves you.

The Hon. L.H. DAVIS: I will not enter into a debate on marihuana because the Minister, presumably in his own good time, will introduce what arguably will be the first Bill in Australia to legalise marihuana. I am just amazed that he has sought—

Members interjecting:

The PRESIDENT: Order! We will not get into one of those across-the-Chamber discussions again. We have had enough of those.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: The Hon. Mr Cameron, I make this appeal because we have had one of those wretched days when everyone wants to talk at the same time. It is wearing a bit thin, but I warn the honourable member that I will not tolerate too much of it tonight.

The Hon. L.H. DAVIS: I return to matters more directly related to the Bill itself. It seems to effectively terminate sponsorships for cultural groups and sporting bodies. An argument has been advanced that if tobacco companies were really interested they would continue to donate funds for sporting groups and cultural organisations without any necessary accompanying publicity. That is a fatuous argument, at odds with the real world. I would like the Hon. Dr Cornwall or the Hon. Mr Milne to respond to that proposition which has been advanced by some of the proponents of this Bill and suggest other areas where corporate sponsors regularly do that without any acknowledgement. That is typical of some of the arguments which have been put forward in this debate tonight, which sadly may very well be nice in theory but which in practice simply do not work.

I want to talk briefly about cultural sponsorships in South Australia in particular. There may be a view that tobacco companies have become interested in sponsorships only in recent years to protect their own positions, that they really are not inclined in a benevolent fashion to support cultural groups and that they are doing it only as an eleventh hour effort to support their position. That is a superficially attractive argument, but it is at odds with the facts. For example, the Peter Stuyvesant Cultural Foundation has been a long-term supporter of the Festival of Arts in Adelaide, going back to 1964 with the Art in Industry Exhibition. The Peter Stuyvesant Cultural Foundation has supported a string of activities at the Festival Centre: London Symphony Orchestra, and the South Australian State Opera and Writers Week (both of which have been sponsored on two occasions); and it is sponsoring the London Harmonia Orchestra at the 1984 Festival.

The Philip Morris Group in 1982 brought out from America *The World of Edward Hopper,* the major visual arts exhibition at that year's Festival. That exhibition subsequently toured Brisbane, Melbourne and Sydney, arranged by the Art Gallery of South Australia. In 1982, the Philip Morris Arts Grant presented 1 300 works of Australian artists at the National Gallery in Canberra. That admittedly is not here, but it gives some idea of the dimension of the contribution that the group makes in this area. A condition of those 1 300 works by Australian artists at the National Gallery was that those works be available on loan to State and provincial galleries.

W.D. and H.O. Wills, through the Benson and Hedges Company, has supported the Adelaide Festival of Arts by way of donation and in 1978 presented the Eldorado Columbian Gold Exhibition, which opened in South Australia. That company sponsored several other productions, including the London Festival Ballet, the Tchaikovsky Ballet Company, the D'Oyly Carte opera, and Stars of World Ballet. The firm was associated with the Australian premiere of *Evita* in 1980 and more recently with the splendid TV simulcast by the ABC of the Australian Ballet's anniversary performance of *Swan Lake.*

I mention by way of comment that these companies certainly have been involved in sponsorships for a long time. As my colleague the Hon. Mr Hill quite properly observed this afternoon, it is not only a matter of the cash involved in this multitude of functions and activities which they have supported, but it is also the backup which goes with it: the fact that exhibitions are moved from State to State, the professional expertise which goes with the promotion, and so on.

It is all very well to say that other sponsors will move in. It has been suggested that the Federal Government will move in and pick up the vacuum, but I return to the point on which I commenced my speech: we have had no evidence—not one shred of evidence—from the Hon. Mr Milne and most certainly not from the Hon. Dr Cornwall to guarantee that that will occur.

Sporting sponsorships have been well covered by other members in the course of this debate. I will not attempt to put a figure on the total bundle of money involved in sporting and cultural sponsorships in South Australia, but not too many people would argue with the fact that it must be at least $2 million or $3 million in actual cash grants, together with all the other physical effort and labour that is involved with, for instance, art exhibitions.

On top of that, of course, is the economic impact on jobs, which would certainly be involved if this Bill passed into law. Again, I will not seek to quantify those figures, but it stands to reason that at least advertising and employment would be affected. There is little doubt that the tobacco industry is a big industry in South Australia. Tobacco is legally grown and sold in Australia under Government subsidy. Certainly, it is well worth asking whether, if, say, 90 per cent of tobacco leaf was grown in South Australia and supported several hundred people directly and indirectly, the Democrats would be moving their Bill in this manner. I suspect that if I asked the Minister of Health tomorrow whether the Government, after supporting this Bill, would support a similar measure in regard to alcohol products, he would take that question on notice and duck for cover.

Wine companies and breweries advertise alcohol products not only on radio and television but also generally in the media, and they are also generous in their sponsorships. Perhaps the Hon. Dr Cornwall will respond to that. I am now going to do something which some people might say

is rash and foolish. I will review the profitability of tobacco companies in Australia in recent years. First, I refer to a recent survey of the corporate profitability in 1982-83 published by the *Australian Financial Review* on Wednesday 5 October. That report states:

> And it's appropriate, perhaps, that in tough times the top industries were booze (beer and wine) in 1981-82 and in 1982-83 tobacco, despite the increases in taxes.

On the second page of this extensive review of corporate profitability in Australia is a list ranking the top industries of 1982-83. It is fascinating to see that the most profitable movement among industry groups was in the tobacco industry. Its profits moved up 27.6 per cent in 1982-83. That was the biggest movement in pre-tax profit in that fiscal year.

Beer and wine ranked well, as did media, finance, retail, food and other industry groups. In the top 50 profit earners, the three companies making up the basis of the tobacco industry in Australia are ranked as high as eleventh in Australia in 1982-83. Amatil earnt $45.5 million and was ranked eleventh; Rothmans, which was ranked seventeenth, earnt $31.6 million; and Philip Morris, which was ranked thirty-third, earnt $17.9 million. Some honourable members may react and say that those figures suggest that the tobacco companies are ripping off the public. Rather, I suggest, it shows two things: first, those companies are not only tobacco companies, because they have a multitude of products, including food and wine invariably, but they are also efficient managers, distributors, marketers, and promoters. In Australia they contribute 97 000 jobs: 30 000 directly and 67 000 indirectly. It is not a small industry. If one can mix industrial metaphors, the tobacco industry is not small beer.

As I have already stated, the fact is that the Federal Government skims off $800 million through its tobacco excise. It skims off in excess of $1 100 million through excise on beer. The States also get in for their chop, and I refer to the South Australian Government's recent 1983-84 Budget doubling of licence fees from 12.5 per cent to 25 per cent. So, the take from tobacco licence fees almost doubled from $16 million in 1982-83 to $30 million (estimated) in 1983-84. By way of comparison, liquor will contribute only $22 million in 1983-84.

Certainly, it is worth bearing in mind that State licence fees are applied *ad valorem* after the Federal excise has been applied. Therefore, any Federal Government adjustment to excise flows through to the State Government even though there has been no alteration to the State licence fee.

The point that I am making is that the total take in Australia from both Commonwealth and State tobacco taxes exceeds $1 000 million. The Hon. Dr Cornwall has been silent on what the South Australian Government actually does with the $30 million that it takes back by way of licence fees. In his speech in the second reading debate (page 817 of *Hansard*), the Hon. Dr Cornwall stated that the Government had conducted an anti-smoking programme in the Iron Triangle which, in fact, had first been introduced by the Liberal Government. He stated:

> I am delighted to be able to inform the Council that the pilot 'stop smoking' programme that we conducted in the Iron Triangle earlier this year was spectacularly successful. Initial survey results following the programme indicated that more than 96 per cent of people in the Port Pirie, Port Augusta and Whyalla area recalled the campaign—which is, in itself, an exceptional result. We now have a much more detailed and comprehensive analysis of the results that were achieved. The follow-up survey was conducted three months after the conclusion of the programme so as to allow the optimum time for any smoking relapse to occur. The results were gathered as widely as possible . . . Of all smokers in the test area, 11.4 per cent stopped smoking during the programme period. This compares with 4.9 per cent of smokers who stopped smoking in the control city of Mount Gambier during the same period.

That is splendid stuff. I approve of it thoroughly, and it highlights the point that I wish to make—that education is a far more effective tool to induce people to change habits in respect of cigarette smoking.

In July in Western Australia cigarettes were increased in price by 30c a packet, which is an enormous increase. It was the greatest rise of all States, yet in a two-month period to August there was an increase in Government revenue through licence fees in Western Australia from $2.74 million in June to $4.35 million. All the public evidence available suggests that increases in taxation have a moderate impact initially on sales of cigarettes.

They might move down from 5 to 8 per cent, but over an 18 month period they will move back to their original level. In other words, there is a relative inelasticity in demand with respect to the purchase of cigarettes, notwithstanding a savage increase in taxes. However, the Hon. Dr Cornwall observed that 11.4 per cent of people stopped smoking during the programme period in the Iron Triangle. That demonstrates quite conclusively to my analytical mind and I am sure to my statistical colleague, the Hon. Mr Lucas, that education is what it is all about. Education is a much more appropriate tool to use when it comes to persuading people, both young and old, to either quit smoking or not take it up.

The Hon. Dr Cornwall was present in this Chamber during the debate on random breath testing. I am sure he recalls that banning or restricting alcohol advertising or restricting the sale of alcohol products in certain ways was not the measure proposed by this Council; instead, random breath testing, being an educational device, was considered more appropriate. Random breath testing is a device which seeks to deter people from drink driving and was regarded by both sides as one of the many tools that should be used in trying to minimise drink driving.

I do not deny that cigarette smoking, drinking alcohol, eating certain junk foods and gambling all have harmful effects—and perhaps some are more harmful than others. However, if we are to be consistent and also respect the freedom of individuals to make decisions, we must act in a realistic and pragmatic fashion. The South Australian Lotteries Commission produces about $25 000 000 in revenue for this State. It also advertises on television. Legal and illegal gambling amounts to about $450 per head in New South Wales, which equates to 3.2 per cent of household income in that State. I am sure that a lot of children go hungry in some households in New South Wales and that that also happens in South Australia. However, does that mean that we should stop advertising by the Lotteries Commission in South Australia? That is a legitimate argument.

It is worth noting that in Japan the number of road deaths have been halved from just under 17 000 per year to less than 8 500 in the last decade. That equates to eight road deaths per 100 000 people, as against the Australian figure of 22 road deaths per 100 000 people. That reduction has not been achieved through the banning of alcohol advertising: it has been accomplished through heavy education programmes.

The proponents of the Bill have sought to claim that advertising induces people to take up smoking or to maintain their smoking habit. I have read a lot of evidence about this issue. Quite obviously, there are arguments on both sides about what is often an emotive subject. I would like the Hon. Dr Cornwall or the Hon. Mr Milne, if they wish to sustain their argument, to consider why companies involved in the petrol market, the wine market and the car market continue to advertise. Only so many litres of petrol can be sold in any one year, and only so many cars will be bought in any one year in Australia. Why do people advertise?

Do members opposite really believe that Shell, B.P. and Mobil advertise because they believe that they can get someone to buy an extra litre of petrol on Saturday morning? Surely the argument is that they are trying to persuade people to switch brands. On balance, I am persuaded that that is the overwhelming reason why tobacco companies advertise. Children are not fools. I received some interesting evidence only today from a Mr Glen Smith, a Bachelor of Arts in Psychology, with a diploma of social studies from Melbourne University. He is the Managing Director of the Children's Research Unit in London, which is a recognised leading exponent of market research in Europe in relation to children. The letter states:

. . . in researching the reactions of children and young people to advertising including sponsorship and advertising by cigarette companies.

1. Advertising does not have a direct cause and effect relationship where children are concerned—this assumes they are unable to evaluate advertising messages.

2. Children are exposed to a wide variety of advertisements and they can recall advertising of products of remote interest to them. However, knowledge of advertised products and services does not necessarily imply a tendency to consume such products and services.

3. This generation of children are far better informed than their parents' generation (they have at their disposal a vast range of information platforms). For example, children in the United Kingdom evidence knowledge of current anti-smoking campaigns involving health and anti-social aspects of cigarette consumption. Additionally, children who hold anti-smoking views and live in households where both parents smoke are found to be seeking to thwart parental smoking habits.

4. In the context of the consumption decision-making process such factors as what products their friends have, product availability and price, far outweigh advertising in terms of influencing factors.

5. Children are not defenceless vessels waiting to be filled up by the messages of advertisers. In contrast, they develop a healthy scepticism towards advertising and apply their own criteria for evaluating advertising propositions.

The letter also states that the Children's Research Unit:

—found that children are well able to evaluate advertising messages and demonstrate understanding of the persuasive techniques used by advertisers. Additionally, C.R.U. found that children are well aware of the negative aspects associated with smoking (obtained from anti-smoking campaigns, schools, parents, etc). An age split in the results occurred however—children under the age of 9/10 years were primarily impressed by the health arguments against smoking, whereas older children were more impressed by the perceived anti-social aspects of smoking.

C.R.U. have found that children respond more to T.V. advertising than any other kind of advertising such as press/comics/outdoor advertising. These findings tend to weaken the main thrust of the anti-advertising view—that cigarette advertising directly affects children.

That is an interesting observation on the effect of advertising on children. In introducing this Bill in the Council, the Hon. Mr Milne paid particular attention to the effect on children.

In conclusion, I state that I respect the motives that have led the Hon. Mr Milne to introduce this measure. However, I am suspicious of the Government's motives in moving its amendment. I have a real feeling that the Labor Party is in turmoil and is seething on this issue. It is extraordinary that, on the very day that this Bill may well be taken to a vote, the Premier (the Leader of the Party that is supporting the Bill) is saying that tobacco sponsorship is wonderful. However, on the amendment as it has been put forward, I believe he will be saying directly the opposite within six months.

That seems a contradiction and I believe in the Committee stages, the Hon. Dr Cornwall will have plenty of opportunity to explain those basic contradictions and also comment on the views of his Federal colleague, Mr Brown.

The Hon. K.L. MILNE: In concluding this second reading debate, I point out that this is an historic day for South Australia in the anti-smoking campaign. By coincidence, on the same day in 1965 a Bill was passed in the United Kingdom preventing the advertising of tobacco products on radio and on television. I take that as a good omen. In this Chamber, in the press and elsewhere, Mr Brown, the Federal Minister for Sport, Recreation and Tourism has been quoted as though he were the spokesman for the Government. Mr Brown is not the 'be all and end all' of the Federal Government and, in fact, is only one of 27 people and not even in the inner Cabinet. The Federal Government has already legislated against tobacco advertising on radio and on television under section 100 of the Broadcasting and Television Act. It did not have quite the effect the Government intended and I would not be at all surprised to see the Government tidy it up and do it properly. Some people ask: if this Bill passes, what will be next?

The Hon. Diana Laidlaw: We are waiting with bated breath.

The Hon. K.L. MILNE: Well, I will pause and make you sweat. Smoking is the only activity where those people indulging in it inhale the smoke and then blow it out again all over other people. It is the most extraordinary habit to which we have become accustomed.

The Hon. R.I. Lucas: Have you ever been next to a whisky drinker?

The PRESIDENT: Order!

The Hon. K.L. MILNE: It is the only habit where the activity is harmful to other people and where the product (in this case, a lighted cigarette) is harmful whilst merely burning without even being smoked. That is the difference between smoking and other activities of human indulgence of which the Opposition seems to be well aware and in which they participate. At no level is smoking of benefit to the user.

On the subject of sponsorship, if we take the argument put forward by the Opposition, if the motives of the tobacco companies are as they maintain, if the results of sponsorship by tobacco companies are as harmless and as beautiful as suggested, and if we should be promoting cigarette and tobacco products to get more money for the arts and commercialised sport, let us consider for a moment the voluntary code mentioned in one or two speeches although not in the detail in which it should have been mentioned. Part 1 of that code states:

Cigarette advertising shall be directed only to adult smokers and intended to effect a change of brand.

Why only adults? Part 2 states:

Except in a crowd or other scenes, where the background is not under the control of the advertiser, no characters shall be employed in cigarette advertisements who are under 25 years of age.

Why not? Good heavens! Part 3 states:

No family scenes of father and/or mother handling cigarettes in front of children may be included.

Why not? If it does not affect children, why not? Part 4 states:

No advertising for cigarettes may include persons who have major appeal for children or adolescents under 18 years of age.

Why not, if it has no effect? Part 5 states:

Where a cigarette packet is included in advertising, it will bear the health warning.

Why? Other things do not have health warnings. They say that that will happen voluntarily. Part 6 states:

Advertisements shall not include well-known past or present athletes or sportsmen smoking cigarettes nor anyone smoking cigarettes who is participating or has just participated in physical activity requiring stamina or athletic conditioning beyond that of normal recreation.

Part 7 states:

When an advertisement depicts success or distinction it shall not be implied that this due to cigarette smoking. Advertising

may use attractive models or illustrations thereof provided there is no suggestion that the attractiveness is due to cigarette smoking.

What a funny thing to say. Part 8 states:

Cigarette advertising must be aimed only at smokers, but must not be intended to imply or convey that all persons are smokers. In practice, where there is a group of at least four people featured in an advertisement, at least one shall be shown as a non-smoker.

Part 9 states:

Cigarette advertising must not show exaggerated satisfaction from the act of smoking.

Part 10 states:

No advertisement may claim health properties from any cigarette.

How extraordinary! They are voluntary restrictions on advertising and are there because cigarette smoking is harmful and because it affects children. It refers to the parent and family scene over and over again. In South Australia we are merely trying to do three things: to prevent the 9 000 or so schoolchildren each year from taking up smoking. I do not know whether members opposite think that it is funny to see schoolchildren smoking on buses or trains or on the pavements. I do not like it and the tobacco companies do not like it. They are trying to think of some other way and I hope that they do in order to help the programme. They are not against us: they simply do not agree with this part of the programme.

Secondly, we want to make it easier for the 80 per cent of smokers who wish to give up smoking to do so. Why cannot they give it up? They cannot give it up because it is a harmful drug. We wish to make smoking socially unpopular because, unlike indulgence in other drugs, it affects one's health and is a discomfort to non-smokers. We are trying to make it socially unacceptable. Anti-tobacco legislation has been introduced in Western Australia, Tasmania, the Australian Capital Territory and now South Australia.

The Bill in Western Australia has passed the Lower House and is to be debated in the Upper House tonight. People are saying that it will have a rough passage and will not get through, but let us wait and see what happens.

The Hon. H.P.K. Dunn: Are we going to sit all night?

The Hon. K.L. MILNE: If all members speak for as long as Opposition members did this afternoon, the answer is 'Yes'. Of course, I am not saying that they were not good speeches. The State Minister of Health and the Federal Minister for Health have agreed that smoking is to be discouraged. It is the State Minister of Health to whom members should listen—not Mr Brown. The advertising of tobacco products on radio and television was banned by the Commonwealth Government in 1976, 11 years after the United Kingdom banned such advertising, and that has been law since then.

To be effective, anti-smoking campaigns must have three ingredients. Nobody is suggesting or has ever suggested, that the banning of advertising will do the job. First, there has to be a Government education programme aimed at adults, children and particularly parents. We have had that start in South Australia; they have had it in a big way in Western Australia and they have had it in other States. We are going to have another big programme in South Australia run by the Government. I see no sense in spending taxpayers' money on that programme if the tobacco companies are to be allowed to spend enormous amounts of money to counteract it.

The Hon. M.B. Cameron: Would you ban the advertising of alcohol?

The Hon. K.L. MILNE: I will come to that later. Perhaps the Leader was not listening when I described the difference between smoking and any other indulgence of the human race. I do not know what his parties are like, but at my dinner parties very few people take a drink of wine and blow it all over the table.

The Hon. L.H. Davis: I did, don't you remember? I had to leave early.

The Hon. R.C. DeGaris: Would you guarantee that you had never seen that happen?

The Hon. K.L. MILNE: No. They do not do it regularly. Secondly, there is the need to greatly increase the price of cigarettes and that has happened in Western Australia, and to a great extent in South Australia. One of the objects of that increase is to take the price of cigarettes beyond the pocket money level of children. The result of the Hunter Valley survey pointed very definitely to pocket money in this respect. Some people give their children too much pocket money just to get them out of the way and they spend it on smoking and drinking. Thirdly, there has to be a total ban on tobacco advertising and promotion and that is happening this very day. As I have said before, a fourth ingredient is necessary.

I believe that the tobacco companies have a programme in mind regarding this matter, one I think they should have had in mind a long time ago, which involves the total co-operation of parents. It must be arranged, as I have said, that the price of cigarettes is beyond the capacity of a child's pocket money. When one comes to think of it, if there were a programme among parents to stop children smoking, and if it worked and no children took up smoking, as the parents got older and died out, the market would be reduced drastically—in fact, annihilated. So, do not tell me that advertising is not geared to a new range of smokers such as children and other young people. Such advertising has to be aimed at a new group of smokers each year; otherwise, the market would die.

It is estimated that in Australia smoking causes the premature death of about 44 people each day. That does not sound an awful lot of people, but it is a lot more than the number killed on the roads. Smoking is a definite health hazard. The fact that smoking causes a great deal of ill health and thousands of premature deaths is recognised by the medical profession in every country of the world. The Hon. Mr Lucas tried to make a distinction between correlation and causality. That is absolute nonsense, of course, because in language we can all understand a surgeon at Flinders University told me (and the same information has come from the Royal Adelaide Hospital) that operations relating to replacement of arteries in people's legs to prevent their legs being amputated have never been performed at the Royal Adelaide Hospital on a non smoker. That might be causation, or whatever, but it will do me.

The Hon. L.H. Davis: Have they ever operated on someone who has drunk too much?

The Hon. K.L. MILNE: I suppose they have.

Members interjecting.

The PRESIDENT: Order!

The Hon. K.L. MILNE: People talk about the infringement of peoples democratic rights, but in this unfortunate case, when smoking is such an unsociable process, whose democratic rights do we mean? There is no question of trying to stop adults smoking. There is no question of trying to stop young people from smoking if they wish to. The tobacco companies do not have any moral feelings about adults whatsoever. Cigarettes and tobacco products will still be freely available, so do not tell me that people will not know where to get them.

As people rightly say, the market is not going to suddenly disappear. This is a long-term project to which everybody will become accustomed and to which the companies, I trust, will become adjusted. It is simply that cigarettes will not be promoted and people will not be persuaded to smoke, particularly children. I hope that, gradually, the volume of sales will decrease. What is the use of rearing children at great expense just to watch them killing themselves from

the age of 10 or 11 years onwards? Tobacco companies maintain that their advertisements are not designed to make people start smoking but are simply designed to get people to change brands. Well, if the same people changed brands all the time and got older and older and then died, the market would disappear, so of course the advertisements are designed to get people to smoke. They are clever advertisements on which the companies spend thousands and thousands of dollars on design until they get it right. The companies say they only do this to get people to change their brand and not to persuade people to smoke, but if one adds them all together they do both.

The Hon. Diana Laidlaw: Are you denying that there are other reasons why people smoke?

The Hon. K.L. MILNE: I am coming to that. Tobacco companies maintain that their advertisements are not aimed at children, but I have dealt with that and will not do so again.

The Hon. Dr Cornwall has already shown great courage and conviction in connection with this legislation and will before long show the same courage in the drug problem as a whole, and I hope that honourable members will back him up in it, because anyone who does not do so should be utterly ashamed. This is to some extent a David and Goliath encounter between the South Australian people and the enormous wealth and expertise of the tobacco companies, but it is a challenge that I readily accept. The Government has with courage supported me, and I am only sorry that the Opposition has felt with me in principle but is against this legislation.

I thank the Hon. Dr Cornwall and the Government for their support and encouragement and for their courage and sincerity in this matter. It has not been an easy decision. I also thank the Opposition for its contribution to the debate. Opposition speakers were critical but positive and, as such, were of great value and will be of great value when all this campaign is written up in history. I sincerely hope that this Council will support the second reading.

The Council divided on the second reading:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, K.L. Milne (teller), C.J. Sumner, and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. Anne Levy. No—The Hon. C.M. Hill.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

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

Page 1—Leave out clause 2 and substitute new clause as follows:

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

(2) The Governor shall not make a proclamation under subsection (1) unless he is satisfied—

(a) that legislation similar in effect to this Act has come into operation, or is likely to come into operation, in the Australian Capital Territory and at least three other States of the Commonwealth; and

(b) that the publication by way of radio and television of advertisements of a similar kind to those referred to in section 4 (4) is prohibited under the law of the Commonwealth.

Because of the nature of that amendment and the fact that reference has been made to the legality of the Bill as to when it will come into operation, I hope, Sir, that you will allow me a little latitude in this Committee to explain the Government's reason for taking its attitude to the Bill. First, I want to remind members that, despite the vitriol that was thrown about this afternoon by members of the Opposition, this is a private member's Bill; it is not a Government-sponsored Bill. There have been moments when this Milne-Cornwall alliance which has become so evident as the debate on the Bill has progressed has seemed to be not only an unusual one but one with which I was not sure for a little while that I was comfortable. I must say at this stage, with both of us getting on in years, that it is nice to have this splendid rapport.

The Bill is only one facet, as the Hon. Mr Milne has said, of what must be a multi-faceted approach. Nobody seriously suggests for one moment that banning corporate advertising in any way, shape or form will of itself reduce smoking, but it is certainly absolutely imperative as one prong of a multi-pronged approach. We need education, as the Hon. Mr Milne quite rightly said; we need and we have got education programmes in place, and are developing more, with particular emphasis on overcoming the peer group pressure that the Hon. Mr Milne talks about. We have already placed business franchise charges on cigarettes this year.

The CHAIRMAN: Order! I must bring the Minister's attention to the fact that his amendment deals with the deletion of clause 2 and really has nothing to do with the previous debate.

The Hon. J.R. CORNWALL: Quite right, but I did say at the outset that it deals in a sense with the whole Bill, and I appeal to you, Mr Chairman, in that respect.

The CHAIRMAN: I cannot accept that. The meaning of the amendment is clear: it is to delete clause 2 and, if deleted, to insert a new clause.

The Hon. R.I. LUCAS: In his second reading speech the Minister made the following comment—

The CHAIRMAN: Order! Does it relate to clause 2?

The Hon. R.I. LUCAS: Most definitely, it does. The Minister stated:

> The Government believes that the ban envisaged by Mr Milne's Bill should not come into force in South Australia until similar legislation has been enacted in at least three other States or Territories or there is a prospect of enactment and until radio and television advertisements of a similar kind to those referred to in clause 4 (4) of Mr Milne's Bill are prohibited under the law of the Commonwealth.

The amendment moved by the Minister varies significantly from his original intention. He now wishes for similar legislation to come into operation in the A.C.T., at least three other States and the Commonwealth, yet previously he was talking about three other States or Territories. My understanding of that would be that Western Australia and the A.C.T., the Northern Territory, plus the Commonwealth, would have got him past the post. Under this provision he has tightened it up considerably to three States, plus the A.C.T., plus the Commonwealth. Why has the Minister changed the amendment from that of which he originally gave notice in the second reading debate?

The Hon. J.R. CORNWALL: This is the only amendment that has ever been on file, and I have not changed the amendment at any time.

The Hon. L.H. DAVIS: If the amendment to clause 2 is passed, if three other States, the Commonwealth and the A.C.T. introduce similar legislation, and if adjustments are made to existing Commonwealth legislation in regard to radio and television advertisements for tobacco products, does the Minister concede that it is conceivable that three States, the A.C.T. and the Commonwealth could pass legislation in such a period that this Bill will become law before the time stipulated in the original clause of the Democrats Bill? The Bill stipulated that the Act will come into force one year after assent.

The Hon. J.R. CORNWALL: No. That would be the most unlikely prospect yet canvassed. A ban is inevitable on moral grounds and on medical grounds. Whether it occurs within two years, five years or 10 years is open for conjecture, but I believe sincerely (as obviously does the Hon. Mr Milne) that such a ban is inevitable. As I tried to say at the outset, the reason for the amendment is that the Government has continually stated that it has no intention of going one out or of acting unilaterally in the matter of banning direct advertising by corporate sponsorship.

I have said consistently that for us to do that in isolation would simply mean that we would be receiving six hours of televised tests from the Sydney Cricket Ground or the Brisbane Gabba while facing the real prospect of missing out on a test match at Adelaide Oval. I was saying that more than six months ago and Premier Burke in Western Australia has now seen the wisdom of my statements and has acknowledged that in amendments being considered to the Western Australian legislation. Of course, the other reason for my moving this amendment is that the Government has no intention of allowing sponsorship to be removed unless there is an interim period of Federal Government assistance during which sporting and cultural bodies can seek alternative sponsors.

I have said often, and I repeat it now for the benefit of the Committee, that a reasonable period during which sporting and cultural organisations could seek alternative sponsors would probably be three years. In fact, that is what is proposed, as I understand it, in Western Australia. This view is totally consistent with what the Government put before the people at the last election. It is in the Party platform and is available for all the world to see. If the honourable member wants to get into mandates, I point out that we were elected with that policy clearly spelt out. That same view has been promoted not once but three times at Health Ministers' conferences this year. There is nothing inconsistent in the actions of the Government. As I said, it is entirely in accordance with what we put to the people before the last State election. I repeat: a ban on moral and health grounds is inevitable.

The CHAIRMAN: I do not wish to inhibit the Minister, but I point out that, in relation to clause 4, the Minister will have every opportunity to discuss promotion and sponsorship matters quite adequately. We are now dealing with the Minister's amendment to clause 2.

The Hon. L.H. DAVIS: Is the Minister aware whether the Commonwealth Government intends to introduce legislation as covered under proposed new clause 2 (2) *(b)*?

The Hon. J.R. CORNWALL: I raised the matter of the Commonwealth Minister's taking back to his Federal colleagues, from the Health Ministers April conference in Hobart, a message that we would like to see the Federal Government move in that direction. I have not had an indication one way or the other since then. Of course, that does not affect our attitude at present. I believe that ultimately the solution to this problem lies primarily with the Federal Government of the day, whatever its political colour. I have not had firsthand correspondence or communication with the Federal Minister. I would have thought that the appropriate time for the matter to be raised formally would be at the next Health Ministers' conference, which I expect will be in March next year.

The Hon. L.H. DAVIS: I take it from the Minister's response that he will be actively lobbying his Federal colleague to introduce such legislation embraced by proposed new clause 2 (2) *(b)*?

The Hon. J.R. CORNWALL: Again, it is public knowledge that I have already done that at three successive Health Ministers conferences, and more particularly at the first conference that I attended in Hobart in April this year. That is on record and, if the member would like to see a transcript of that matter as debated at the conference, I would be pleased to provide it.

The Hon. L.H. DAVIS: New clause 2 (2) *(b)* seeks to insert provisos to the Bill introduced by the Australian Democrats. One of the provisos alluded to by the Minister in his second reading speech, which was specifically mentioned by the Hon. Mr Hill and me during the second reading debate, is that the Minister would not support a blanket ban of tobacco sponsorship advertising that was not accompanied by financial assistance from the Federal Government through the transition period. Why has the Minister of Health not sought to include that provision in the legislation? If the Minister does not see that as an appropriate course of action, will he inform the Committee whether he has received a guarantee from the Federal Minister of Health or the Prime Minister that the Federal Government will provide adequate financial assistance through a transition period while sporting groups and cultural groups seek alternative sponsorship, if this legislation is passed?

The Hon. J.R. CORNWALL: Were that it were possible for a State Government to legislate to force the Federal Government to give guarantees on anything: I would be the first cab off the rank in the health field, and all our problems would be over. Quite frankly, the honourable member's question is ludicrous. It would be quite stupid for us to legislate to force the Federal Government to do anything in relation to money matters. The honourable member's question is stupid. I think the honourable member's second question related to whether I had received any guarantees from Bob Hawke or Neil Blewett—

The Hon. Diana Laidlaw: Or the Treasurer.

The Hon. J.R. CORNWALL: Or Paul Keating. To the best of my knowledge, there is no firm proposal before Cabinet or Caucus that would move the Government down that track at this time. I have acted to completely fulfil undertakings given prior to 6 November; I have done that at every opportunity available to me since that time. Part of that has been to urge the Federal Government at Health Ministers conferences to move for a ban on corporate advertising where it applies under the Broadcasting and Television Act. That is a Federal Act over which we have no jurisdiction. As I have said, I have canvassed the matter many times, and that is why this State has never tried to act unilaterally.

The Hon. DIANA LAIDLAW: The Minister has indicated that the Government believes that it is not wise to go it alone with this legislation. I think that all members would agree with him in that regard. The Minister has also stated that he will continue to push at Health Ministers conferences for the prohibition of advertising of tobacco and tobacco products. Why is there such urgency in supporting this measure when the Government is ill equipped to provide any guarantees that the Federal Government will support the State Government in regard to the legislation? The Minister is also unable to give any guarantees to the many companies in this State that receive support and sponsorship from tobacco companies.

Why is the Minister prepared to generate a lot of concern, given that he has received no indication of support from the Federal Government? Why is the Minister prepared to move at this time when he could wait for a few months and continue pushing at Health Ministers conferences to achieve a united effort across Australia? In that way much of the anxiety that has been generated in the community as a result of the Government's hasty course of action would dissipate.

The Hon. J.R. CORNWALL: It seems that this legislation creates a moral dilemma for everyone except the Conservative Opposition. I have agonised over the legislation and I have arrived at a very clear position. Any inference that

the passage of this Bill will place sponsorship in immediate jeopardy or danger is complete nonsense. The passage of the Bill will not place sponsorship in jeopardy whatsoever. As I have said, we do not intend to act unilaterally. The Bill, as amended, will simply fulfil an election obligation. I see some urgency to push the tobacco industry a good deal harder. I will try and explain, within Standing Orders, why I see that urgency.

Since coming to Government I have attended three Health Ministers conferences, in April, June and July. All of the Health Ministers of this nation, State and Federal, pushed for a tightening of the voluntary code. That was done through the Standing Committee of Health Ministers for many months in the lead-up to the Health Ministers conference in Hobart. When we applied pressure to adopt a more stringent role for the code, the tobacco industry simply thumbed its nose at us. At that point, I successfully moved, at the third attempt, for uniform draft legislation to be prepared by the Standing Committee of Health Ministers to enforce a more stringent code.

As a Health Minister I do not think that I can cop a situation where the tobacco industry continues to manipulate politicians and continues to attempt to manipulate Governments, especially when in South Australia 1 400 people a year are dying and enduring in their shortened lives a very much reduced quality of life as a result of tobacco. If the honourable member has any doubt about that, I would be delighted to expedite a visit for her to the amputee clinic at the Queen Elizabeth Hospital where 200 prostheses are fitted a year. A senior surgeon has said that he has never seen peripheral vascular disease necessitating amputation in a non-smoker. That is the evidence that I have received.

The great majority of people with peripheral vascular disease and who are having amputations are ageing, heavy smokers. Smoking is affecting the quality of life. I am not looking for eternal life; I am simply looking for a reduction in the incidence of emphysema, lung cancer, peripheral vascular disease, and all of the terrible things that are caused through smoking.

The Hon. DIANA LAIDLAW: The Minister is obviously prepared to go it alone without support from the Federal Government. Is the Minister indicating that the Federal Government does not share the Minister's concern in this area? Earlier, the Minister referred to a mandate. For my benefit and for the benefit of those who are equally perplexed about the way in which the Minister appears to pick between policy and platform as it suits his purposes, I would like the Minister to explain the State Labor Party policy in this area.

When in Opposition, Dr Cornwall forwarded a copy of the A.L.P. health policy to the then Opposition Leader on 22 June and, after extensive consultations and after the then Opposition Leader's approval of a preliminary draft, the Minister had the final policy presentation. That explanation is contained in the covering letter. The policy is headed, 'Health—A new deal for South Australians'.

The CHAIRMAN: Order! I must draw the Hon. Miss Laidlaw's attention to clause 2.

The Hon. DIANA LAIDLAW: My question is relevant to clause 2 and to Dr Cornwall's explanation on clause 2.

The CHAIRMAN: I hope it is.

The Hon. I Gilfillan: It is fairly tenuous.

The Hon. DIANA LAIDLAW: I am only responding to the Minister's argument in relation to clause 2.

The CHAIRMAN: Order! Clause 4 is the most appropriate clause, in my view, under which the honourable member could deal with the general thrust of the Bill. Clause 2 is merely dealing with the time frame.

The Hon. DIANA LAIDLAW: I suggest that the sooner the matter of Labor Party policy is cleared up, the better: it would be to the benefit of the debate on the remaining clauses.

The CHAIRMAN: The honourable member may proceed.

The Hon. DIANA LAIDLAW: I refer to the policy, which states:

> Specifically, a Labor Government will promote a national programme of conferences of Federal and State Health Ministers to restrict advertising and sponsorship by tobacco companies.

That is the policy. The Minister now claims that he has another policy which is contained in the health platform of the Party. That platform may be widely available, but one must pay for it. I have tried to obtain a copy of that platform without success as it is out of print. I want to know whether the Labor Party went to the people on a policy of restricting advertising or whether it went to the people on a platform of prohibiting advertising, a statement that was not widely circulated. If it is the platform that the Minister maintains he can use in this place, does that give the Government the leeway to use the paltform in many other instances when it suits the Government's purpose, even though it was not contained in the policy which the Party used in going to the people?

The Hon. J.R. CORNWALL: I do not know whether it comes under Standing Orders—

The Hon. K.L. Milne: She has gone far enough.

The Hon. J.R. CORNWALL: Yes, I would have thought. The great democratic Party to which I belong has a State convention on the Queen's birthday weekend every year. From time to time we also have special policy meetings. We have a platform committee and a series of subcommitties, including the health subcommittee. We develop Party policy at that level before forwarding motions, in a truly democratic way, to the national conference. If those motions are adopted, they become national policy binding on all State branches.

The Hon. Diana Laidlaw: National policy is to inhibit.

The Hon. J.R. CORNWALL: Where the national policy is more stringent in its application, it overrides State policies of each of the branches. In this case, the policy of the State branch happens to be more stringent than that of the national body, and it provides that the State Labor Government will ban all tobacco advertising.

The Hon. Diana Laidlaw: Ms Levy used the following words:

> The Labor Party would prohibit the advertising of tobacco products.

That is in the platform.

The Hon. J.R. CORNWALL: The platform is always framed in general terms. The timing of the implementation of that platform is, to a significant extent, at the descretion of the Labor Government of the day. It can be interpreted and, in this case, it was interpreted and endorsed by the shadow Cabinet and Caucus at that time, in the policy document which I prepared and which, at this moment, I am attempting to implement on behalf of the Government. I come back to the point that this is a private member's Bill and I, as the Minister of Health, have examined its contents and looked at ways by which we as a Government could either support it, support it with amendments or reject it. Ultimately, the course we have chosen is before the Committee at this moment. It is a significant amendment, but it does not destroy the spirit of the Bill.

The CHAIRMAN: I point out again to the Hon. Miss Laidlaw that, although she believed that her question related to clause 2, which refers to the date of operation, I doubt very much whether it did. I allowed the Minister the right of reply, although his reply also was not related to the date of operation. I hope from here on that members will relate their questions to clause 2.

The Hon. L.H. DAVIS: I refer to proposed new clause 2 (2) *(b)*. Is the Minister confident that new clause 2 (2) *(b)*

will come into effect under the Federal Government, given that the Minister for Sport, Recreation and Tourism, Mr Brown, said that it would be hypocritical for the Government to outlaw the advertising of a product that brings in $800 million a year in excise revenue? Does the Minister agree with what Mr Brown said?

The Hon. J.R. CORNWALL: I am not going to speculate or express any varying degree of confidence as to what the Federal Government may or may not do in regard to the Broadcasting and Television Act. There would be little point in my so doing. If I wanted to know the likelihood of the Federal Government's implementing such legislation, I would be more inclined to ask a senior Minister such as Dr Blewett, not Mr Brown.

The Hon. L.H. DAVIS: The Minister of Health indicated that, when the Bill comes into operation he would expect Federal Government support by way of financial assistance for sponsorships lost to sporting and cultural groups. If the Federal Government does not pick up those lost sponsorships, will the Minister indicate whether the State Government will do so?

The Hon. J.R. CORNWALL: That question is entirely in the realms of speculation. When we get towards the stage where there is a likelihood that legislation similar in effect to this Bill will come into operation in the A.C.T. and in at least three other States of the Commonwealth, and that public display by way of television advertisements similar to those referred to in clause 4 (4) is prohibited under the law of the Commonwealth, I shall most certainly be vigorously urging, on behalf of the South Australian Government, that the Federal Government of the day pick up the tab for sponsorship at least in the interim period. I point out that, in the context of a Federal Government Budget, $20 million (or whatever the figure—the sponsors will not tell us) is a very small amount.

I wrote to all of the people involved, or at least to a group of them, and they were somewhat less than co-operative. When the time comes I will be vigorously putting the case on behalf of the South Australian Government to ensure that sporting organisations are not left in the lurch. I am sure that the Hon. Mr Milne will be urging me on with all the considerable strength at his disposal when I make those endeavours.

The Hon. K.L. MILNE: I have said frequently during this debate, both in this House and in the press that, if we have a Minister of Recreation and Sport and a Department of Recreation and Sport, that is an indication that the community must gradually come to the conclusion that they are there not just to monitor recreation and sport but to encourage them. To me, encouraging means, in many ways, financing them, as they have already started to do. The Department has gone so far as to include lifesaving under recreation and sport.

The PRESIDENT: Order! I intend to keep this section of the debate as close to the clause as possible.

The Hon. K.L. MILNE: Members opposite have asked a question about clause 2 and about whether or not there is a conflict between what the Democrats and the Minister have said.

The PRESIDENT: I did not hear that.

The Hon. K.L. MILNE: I think that the member opposite has asked that question and is trying to make a point about this matter. We have said that this change will not come about in a hurry. I do not think that two or three States will solve this problem, or that this change will happen in a hurry. We are saying that by the time the conditions of this amendment are met, or are likely to be met, Governments will take for granted that they must sponsor sport and recreation. By that time perhaps the Opposition will be first to agree (they might even be in Government and doing this themselves) that this is the correct procedure. I see no conflict in the Government's supporting this move. I believe that this is the best that can be done by the Government, and by us, in the present circumstances.

The Hon. L.H. DAVIS: I wish that I could share the Hon. Mr Milne's optimism, because the answer that he received from the Hon. Dr Cornwall about the Government's attitude if this Bill came into operation was quite at odds with the attitude that he now expresses. I see this as a fundamental point and one that was laboured during the second reading debate by the Hon. Dr Cornwall, who said he expected Federal Government assistance to come into operation once sponsorship was lost.

The Hon. J.R. Cornwall: That is not what I said at all, and I certainly did not labour it.

The Hon. L.H. DAVIS: If the Minister reads page 817 of *Hansard*—

The Hon. J.R. Cornwall: Perhaps the honourable member would like to read it to us.

The Hon. L.H. DAVIS: I am happy to do that. It states:

> The Government is sympathetic to the problems faced by organisations which rely on tobacco sponsorship and will continue to press the Federal Government to provide adequate financial assistance through a realistic period during which these groups can seek alternative sponsors. We would not support a blanket loan which was not accompanied by financial assistance through the transitional period.

We saw no guarantees in that second reading speech, or during the course of this debate, that the Government has this financial assistance from the Federal Government in hand. More incredibly, the Hon. Dr. Cornwall dismissed with a wave of his hand my direct question whether or not the State Government would provide financial assistance and said that it was in the realms of speculation. I think that Council members should know that at page 35 of the Government's health policy delivered by Dr Cornwall prior to the last election he was reported as saying the following:

> Promote a national programme at conferences of Federal and State Health Ministers to restrict advertising and sponsorship by tobacco companies. Under the programme, sporting bodies would be encouraged to find alternative sponsors and financially assisted during the transition period.

I have no doubt about what was intended there. They were talking not about the Federal Government but about the State Government, yet we have not heard one mention of the State Government's commitment in this field. The State Government is picking up almost double the amount from licensing fees for the sale of tobacco that the Federal Government is getting, but is saying that this matter is a Federal Government responsibility. The State Government has received no guarantees from the Federal Government of financial assistance in this matter.

The PRESIDENT: Order! If this relates to commencement, the honourable member should say so.

The Hon. L.H. DAVIS: It relates to the date of commencement if this Bill comes into operation. I maintain that it will come into operation in less than the one year contained in clause 2 if provisions relating to the three States, the Australian Capital Territory and the Commonwealth Government come into force. There is no guarantee, as Dr Cornwall claimed there is, in this matter.

The Hon. J.R. CORNWALL: Somebody said to me the other day that Martin Cameron has not got a sense of humour. I said, 'He must have, to serve with Legh Davis,' who has just proved that. The honourable member is just ranting and raving in the realms of extraordinary speculation.

The Hon. L.H. Davis: Tell that to the sporting bodies.

The Hon. J.R. CORNWALL: We have told the sporting bodies.

The Hon. L.H. Davis: What—that you are not doing anything?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: We have told the sporting bodies quite clearly when it is likely that this sort of legislation will be proclaimed. Quite clearly, their interests will have to be protected.

The Hon. L.H. Davis: You haven't said that tonight.

The Hon. J.R. CORNWALL: I have said that on numerous occasions and have repeated it tonight. I will go on repeating it until I am blue in the face if it will do any good and if I can get it through the thick skull of the member, who seems to think that in some extraordinary way he is scoring political points. We have continually said it, including in the Party platform, and the Premier and various other people have reiterated since to the sporting bodies individually and collectively: we will not see them in the lurch. Unlike some members opposite who live in cloud cuckoo land, I happen to operate in the real world and know that at this moment there is a chance that a Bill will get through the Upper House in Western Australia, but that is far from being a certainty.

The Hon. L.H. Davis: And Tasmania?

The Hon. J.R. CORNWALL: Robin Gray is somewhere to the right of Bjelke Petersen, so there is no chance at all that the current Bill relating to this matter will pass in Tasmania. I have been to Health Ministers' conferences with Mr Austin (the fellow who is about to lose his seat on Saturday), the former Health Minister in Queensland. It is fair to say that he does not spell Liberal with a small 'l', but, unless the happy event arises that there is a change of Government in Queensland, there is no chance in the foreseeable future that this legislation will pass in that State.

There may be a remote chance that people will get around to considering it at some time in the future in the event that there is a Labor Government in Queensland, but that will occur only if they are able to grasp the nettle with regard to the very considerable tobacco industry in Queensland. Therefore, Queensland has a special problem, anyway. It would be my observation, although I am not privy to Cabinet discussions in New South Wales or Victoria, that the likelihood is slim of those Governments acting during the life of the first Bannon Government to enact this sort of legislation.

I come back to the point that I made at the outset, namely, that it is inevitable that this sort of legislation will eventually be enacted both at the Federal level and by the States. There are inexorable pressures for it. There is overwhelming evidence that it is quite stupid for us to run anti-smoking campaigns in isolation, while developing an enormous credibility gap with the kids because we allow glamorous sports to continue to be sponsored and thereby get into indirect television advertising associated with tobacco companies.

The reality is that there are inexorable pressures that will eventually result in the majority of States and the Commonwealth acting in this matter, but I do not see that happening within the next 2 1/2 years, or prior to March 1986. Therefore, while I think that we are taking a major step in the right direction with this legislation, any discussion as to where we might find the odd $2 million a year within the life of the first Bannon Government is at this stage highly hypothetical.

The Hon. M.B. CAMERON: It was not my intention to join in the Committee debate too much at this stage, but I was interested to hear the Minister indicate that the State Government would be prepared at a date of commencement, with these three other States and the Territory, to pick up the tab for any sporting body.

The Hon. J.R. Cornwall: I did not say that.

The Hon. M.B. CAMERON: I have one more point.

The Hon. L.H. Davis: What did he say?

The Hon. J.R. Cornwall: The honourable member is a great one for distortion and misrepresentation. If he likes to sit down I will tell him.

The CHAIRMAN: Order!

The Hon. J.R. Cornwall: Stick to the truth.

The Hon. M.B. CAMERON: I am telling the truth. If the Minister wants to change his word, fine; I am prepared to listen.

The Hon. J.R. Cornwall: *Hansard* has it all down.

The Hon. M.B. CAMERON: And the Minister is notorious for making some alterations there, I must say, because I have noticed some. I will be interested to know whether the Minister is prepared to indicate to sporting bodies and groups or anybody else in the community, as of tomorrow morning when it is seen by tobacco companies that this Bill has passed and that they are obviously no longer wanted in this State, whether he will be prepared to pick up the tab for any sporting body or arts group which ceases to receive sponsorship because of the passage of this Bill.

The Hon. J.R. CORNWALL: The Leader of the Opposition never ceases to amaze me with his play on words and distortions of truth. I did not say that the Government would pick up the tab and, if the honourable member cares to check *Hansard* tomorrow, he will see precisely that that is correct. As to his allegations that I doctor *Hansard*, that is quite scurrilous and, like many things that the honourable member says in this Council, has no accuracy at all and does him no credit. What I did say, to my recollection—and I think that I am close in my recollection—is that the State Government will not see sporting and cultural organisations deprived of sponsorship.

The Hon. L.H. Davis: What does that mean?

The Hon. J.R. CORNWALL: The honourable member is as thick as two short planks, but even he should be able to work that one out.

The Hon. R.I. LUCAS: Exactly what does the Minister mean by the words—and I do not want to misquote him—'The State Government would not see them lose sponsorship'? What exactly will the Minister and the Government give them should they lose private sponsorships?

The Hon. M.B. Cameron: Tomorrow morning.

The Hon. R.I. LUCAS: It does not matter when. What exactly will the State Government give them?

The Hon. J.R. CORNWALL: We are still in the realms of speculation. I have explained this at great length many times. Why do you not get on to the business of how many kids we will be able to stop from picking up this filthy habit. Honourable members opposite have a remarkable preoccupation with dollars and cents, but seem to have none whatever with the health status of smoking.

The Hon. R.I. LUCAS: I repeat the question to the Minister: what exactly, as recorded in *Hansard* (and there are five or six members here who distinctly remember exactly what the Minister said), did he mean, and what will the State Government do when and if sporting and cultural bodies lose sponsorships? How will the State Government and the Minister see them through their having lost those sponsorships?

The Hon. J.R. CORNWALL: I will go through it again slowly, because one or two members opposite are very slow learners. I went through the stages one by one. I canvassed the likelihood of legislation being passed in three States and the A.C.T., and the Broadcasting and Television Act being amended. I said that it was extraordinarily unlikely that that would happen in the life of the first Bannon Government.

The Hon. L.H. Davis: You are not always right.

The Hon. J.R. CORNWALL: No, I have made a couple of mistakes.

The Hon. L.H. Davis: Dr Dutton is one.

The Hon. J.R. CORNWALL: Yes, and the other one I cannot immediately recall. However, I admit that Dr Dutton was one. There is inexorable pressure, based on all the evidence that is available, and there is an overwhelming body of evidence available to show that smoking causes premature death and severely reduced quality of life. It is not just that it is killing people: it has them walking around with oxygen tanks and dying dreadful deaths from emphysema and cardiovascular disease.

The Hon. M.B. Cameron: And sugar diabetes, of course.

The Hon. J.R. CORNWALL: Sugar diabetes has absolutely nothing to do with this.

The Hon. R.J. Ritson: Peripheral cardiovascular disease.

The Hon. J.R. CORNWALL: Which, as the good Dr Ritson would know, is heavily associated with smoking. I challenge him to deny it. Let us not be led down the garden path by silly interjections. I have answered the question at least six times.

The Hon. L.H. Davis: You have got lost half a dozen times. What is the Government going to do?

The Hon. J.R. CORNWALL: The honourable member is very slow. For a person who had a press conference a couple of days ago, he should have picked it up by now. There is very little likelihood of this taking place within the life of the first Bannon Government.

The Hon. L.H. Davis: So you take on legislation expecting it not to be passed.

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: In the event, as I believe will eventually and inevitably happen (he is very ill mannered, Sir) that we have the A.C.T. and a majority of States moving to this position and we have the Federal Government amending the Broadcasting and Television Act appropriately, there will be enormous discussion around the land as to to how this sponsorship can and will be replaced. In my view and that of the Government, it will have to be replaced satisfactorily and in a lasting sort of fashion.

I do get out in the real world and talk to people like the S.A.N.F.L., for example, which suggested that one of the options available to us on this occasion would have been to set up a Select Committee. That did not commend itself to the majority of my colleagues, and would have slowed down the first significant blow. Ultimately, we did not go to the Select Committee option. It would have been quite unthinkable for a Federal Government of any political complexion which was contemplating by the use of the Broadcasting and Television Act banning indirect advertising through corporate sponsorship to not set up, at least for an interim period or even an on-going permanent period, a means whereby it would pick up the tab for that sponsorship.

The Hon. M.B. CAMERON: Other members and I have listened to the Minister. 'Thick as two short planks' is a great expression that the Minister uses whenever he is in trouble. However, in this case it really should apply to him because, whether he likes it or not, there is every likelihood that as of tomorrow morning some sponsorship will be withdrawn. There will be no guarantee that the Soccer Federation will continue to receive the assistance that it has received before the passage of this Bill, regardless of whether or not we are waiting for the Minister's social trigger to come into being or not. I want to know what steps the Min will take to ensure that these sporting bodies will not be disadvantaged by the passage of this Bill. Will he be willing to pick up the tab? It is a simple question and surely he must have a simple reply.

The Hon. J.R. CORNWALL: I am not willing to use my personal cheque book. That is the level that the debate has descended to. It is patently absurd for it to be allowed to proceed along those lines.

The CHAIRMAN: I have no option.

The Hon. J.R. CORNWALL: I am not being critical of the Chair. God forbid, Mr Chairman, that I should ever do that. I am being asked to give a personal guarantee of some description as an individual or as Minister of Health that the Government will somehow do something or other. I have explained a dozen times that no Government worth its salt would see sporting sponsorship or sponsorship of cultural organisations withdrawn without there being some way in which it would be replaced. Our position is clear. We have already told our Federal colleagues, and we will continue telling them that, when indirect tobacco advertising through corporate sponsorship is withdrawn, whether it is in three years, five years or 10 years, we will urge in the strongest way possible to replace it with Government funding at least for a substantial interim period.

I add that any sporting organisation with any common sense ought to start to realise that these pressures are inexorable and that, if they take a long-term view, sensibly they would be looking for alternative sponsorship now. True, that is not easy to find in the present economic climate and relatively it is difficult to find in this situation, but there is an old expression about swimming against the tide. Anyone who does not take cognisance of the fact that at some time (certainly within the next decade) the growing majority support will be such that Governments will have great pressure on them to ban indirect tobacco advertising or corporate sponsorship is taking a very myopic view.

I do not say that in any threatening sense—I am simply stating it as fact. The situation is inevitable (I may be wrong, I may be making the third mistake of my life in saying that). If I were responsible for the administration of a major sporting organisation in this State or country, I would certainly not be hitching my waggon to the tobacco star, because it is well known that tobacco consumption in Australia has decreased by a steady 1 per cent a year over the last decade and tobacco companies themselves are diversifying their activities into many other areas. They are able to see that things are not as they were, and sporting organisations would be wise in the long term, at least, to take a similar view and to cast their net much wider in looking for alternative sponsors.

The Hon. M.B. CAMERON: I have been patient tonight because I think that we will have to get an answer from the Minister eventually, or at least get an indication that he intends to take no action at all. I do not know how to put it so that the Minister understands-

The Hon. R.I.Lucas: He is very slow.

The Hon. M.B. CAMERON: He is very slow. This question has nothing to do with his Federal colleagues or the Federal Government.

The Hon. K.L. Milne: It has nothing to do with clause 2, either.

The Hon. M.B. CAMERON: It does. If the honourable member does not think that this is a vital part of the Bill, then he has much to learn.

The Hon. K.L. Milne: It would apply to certain parts of the Bill, but not clause 2.

The Hon. M.B. CAMERON: It deals with when the Bill comes into operation. In the minds of the people affected there is every likelihood that the Bill will come into operation tomorrow morning. We are saying, regardless of this amendment, 'We no longer want you, you are no longer part of the scene.' There is every likelihood, regardless of the trigger date (which everyone hopes will not come into effect, even though we are passing the Bill), that it will not matter because we will wait for other people to do this to ensure that it does not affect sporting bodies and others. There is every likelihood that tomorrow morning people in this State will be looking for sponsorship who have previously had it

from tobacco companies. That will include soccer and the other sporting bodies in this State. The Minister has said that he has written to people indicating that he will not see them disadvantaged. Is that correct?

The Hon. J.R. Cornwall: No, I did not write to anyone in that vein. I said in this Parliament that it would be unthinkable for us to see anyone disadvantaged.

The Hon. M.B. CAMERON: That is one thing. You are saying that you will replace sponsorship that people lose as a result of this Bill, even if it is tomorrow morning? What time factor are you putting on it?

The Hon. J.R. CORNWALL: I do not know how much longer the honourable member wants to persist with this absurd charade. I cannot stand here and give an unequivocal guarantee without reference to my Cabinet and Caucus colleagues that I will find an undefined amount. That is absurd.

Members interjecting:

The Hon. J.R. CORNWALL: How about honourable members opposite showing a bit of care and responsibility for the sort of people whom we are trying to assist through this anti-smoking programme? How about supporting it and not playing cynical politics and talking absolute nonsense about people withdrawing sponsorship tomorrow morning and about the people of South Australia getting some mistaken view about what will happen at 9 a.m. tomorrow morning? The whole suggestion is puerile and absurd. The Opposition ought to know better and should not continue to debase Parliament in the way that it is doing in this debate.

The Hon. G.L. BRUCE: I do not know that the question is absurd. The Opposition has described the situation where the Government could be blackmailed if the Bill was passed. It has raised an aspect that we have not examined. Possibly, tobacco companies could blackmail South Australia if we passed this Bill, even if it did not become law, because they would get suppport from other States to ensure that legislation was not introduced there. If this Bill passes in South Australia and sponsorship of sporting and cultural bodies is withdrawn, even though the sentiments of the Bill are not law, does the Minister believe that it would be the Government's responsibility to pick up the tab for the withdrawal of sponsorship at this stage of the Bill's life or would he consider each case on an individual basis with no blanket coverage or blanket guarantee?

The Hon. J.R. CORNWALL: I am not in a position to give undertakings on behalf of the Government; the Hon. Mr Bruce would know that. I cannot stand in this place and say unilaterally that I will do something without recourse to Cabinet. I will describe the Government's position again, if that is what members opposite wish. It is not the Government's intention to act unilaterally. The amendment is phrased in such a way that it is impossible for the Government to act unilaterally. I do not know what honourable members opposite think they are achieving. I do not know where the Opposition thinks that its cynicism will get it with the electorate, but I can tell the Opposition that it will get it nowhere at all. In fact, the Opposition is up the proverbial creek without a paddle.

The Government has fulfilled every obligation as described in the Party platform put to the people of South Australia. I started doing that at the Health Ministers conference in April, and I have followed it up ever since. I have made it clear that we believe that the Federal Government ought to pick up the tab, and that is our position. It is a very clear position. Of course, if the Federal Government does not pick up the tab, it will not be introducing legislation—that is the reality. I ask the Opposition to please live in the real world and stop acting like a collective bunch of lunatics.

The Hon. R.I. LUCAS: I think the Hon. Mr Bruce's question was excellent and one which the Minister has not successfully answered, if at all. I ask the Minister to provide more information and indicate whether the matter of sponsorship being withdrawn in South Australia prior to similar legislation being enacted in other States and Territories was considered by Cabinet, or is the Minister talking off the top of his head this evening?

The Hon. J.R. CORNWALL: No, I am not talking off the top of my head this evening. Cabinet considered a hypothetical scenario.

The Hon. L.H. DAVIS: The Hon. Dr Cornwall has put forward a rather remarkable proposition. The Minister is really painting a scenario where he believes that his proposed amendment guarantees that the legislation may not come into effect. The reality is that, if the Bill passes tonight, we will have a situation where the headline tomorrow could result in sporting clubs or people associated with cultural activities seeking sponsorship elsewhere, or they may even take the lead from the Government, believing that the Government's policy will come into effect, and drop their tobacco sponsorship.

It is not for me to speculate whether tobacco companies will redirect their sponsorship out of South Australia to other States. It is difficult to surmise on that. The fact is that we are dealing with legislation that could result in people looking elsewhere for sponsorship. The question asked by the Hon. Mr Bruce shows a clear division and split within the Government ranks, and it points up the problem. Has Cabinet specifically looked at the situation of providing immediate financial assistance to sporting clubs and cultural groups that lose tobacco company sponsorship?

The Hon. J.R. CORNWALL: It is obvious that we are dealing with a very cynical Opposition. I challenge the Opposition to tell the Council whether it has received any indications of retribution by tobacco companies in the event that this Bill passes. The Opposition has developed a concerted line of questioning in an attempt to raise fear and alarm. I doubt that the Opposition has done that entirely on its own. I challenge the Opposition to say whether its line of questioning was suggested as a result of the ongoing discussions and close consultations that it has had with the tobacco industry over the past two or three weeks, and as recently as the dinner adjournment this evening. In fact, Parliament House was crawling with members of the tobacco industry this evening. I challenge the Opposition to say whether or not it has received an indication from the tobacco industry that it should adopt this course of action.

The Hon. M.B. CAMERON: I am quite happy to indicate that I have received absolutely no approaches. In fact, I did not have dinner at Parliament House tonight; I dined at home. I did not see anyone from the tobacco industry during the dinner adjournment. The Minister can put that piece of scurrilous information right out of his mind. That is the sort of thing that he used to do in Opposition. However, we are a little more responsible than he was—he was disgraceful. The Minister is going too far in his attempt to wriggle out of this situation. In fact, the Minister's remarks are somewhat different from the Premier's comment today to the effect that he was happy to thank the tobacco industry for its assistance.

I have a question for the Minister on behalf of sporting and cultural groups, not on behalf of the tobacco industry. Is the Government prepared to pick up the tab for any loss of sponsorship? To allow the Minister to find out just what his colleagues' reaction is likely to be, and I think it is important for the Committee to know of their reaction, I suggest that progress be reported. Accordingly, I move:

That progress be reported.

The Hon. R.C. DeGARIS: Mr Chairman, before that course of action is adopted, I would like to ask the Minister a question. I point out that this debate has taken a long time and I have been waiting to ask a question.

The Hon. M.B. CAMERON: To allow the Hon. Mr DeGaris to ask his question, I seek leave to withdraw my motion.

Leave granted; motion withdrawn.

The Hon. R.C. DeGARIS: My question relates to the point raised, namely, that of sponsorship loss to sporting and cultural organisations. As I understood the Minister, he said that, as far as the State was concerned, the Government was not interested in this sort of thing unless the Commonwealth picked up the tab for the loss of moneys to sporting and cultural organisations. That is the what I understood the Minister to say. In this amendment we have a statement that the Act shall come into operation on a date to be fixed by proclamation. The Government has to proclaim the Act at some stage. Rather than press the Government in relation to the question of loss of sponsorship, has it considered the question of not proclaiming the legislation if there is a serious problem in relation to sporting and cultural activities?

The Hon. J.R. CORNWALL: The Hon. Mr DeGaris is a very wise member of this Council and has been here for a long time. Obviously that matter is covered in the amendment. If the official Opposition had stopped trying to score political points and had read the amendment, it would have seen that new clause 2 (1) is subject to subclause 2 (2) and that the Act shall come into operation on a date to be fixed by proclamation. The Act need not be proclaimed at all. It is our view that it would not be proclaimed until adequate arrangements were made or some sort of alternative sponsorships or some—

The Hon. L.H. Davis: Why didn't you think about that in the first place?

The Hon. J.R. CORNWALL: Of course I thought about that. If the honourable member was not so interested in trying to score cheap political points and if he had been a little more interested in examining the legislation before the Council, he would not have found it necessary to waste the last hour and a half. What the Hon. Mr DeGaris says is entirely right. The Act will come into operation on a date to be fixed by proclamation and, as a further safeguard, the Governor will not make the proclamation under clause 2 (1) unless he is satisfied that the legislation is similar in effect to legislation—

The Hon. R.I. Lucas: You did not say that 30 seconds ago. It is in *Hansard.*

The Hon. J.R. CORNWALL: I was happy to talk about sponsorship. Members opposite were asking me, as Minister for Health, to say unilaterally, without consulting anybody, that the Government will pick up the tab for $2 million. It was a ludicrous question. If members opposite want to create unnecessary alarm and act in a most dishonest and biased sort of way, they will languish on the Opposition benches for a very long time. Members opposite know damn well—

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: Members opposite can read as well as I can and know that the matter is covered under new clause 2 (1). The stupid question was put on a dozen occasions, namely, whether I would give an unequivocal undertaking on behalf of the Government that we would miraculously put our hands on $2 million or so.

Members interjecting:

The CHAIRMAN: Order! Interjections are out of order. If members want to be here when the vote is taken, they should take note.

The Hon. J.R. CORNWALL: I am not in a position to give such an undertaking. I will repeat yet again that the Government would not contemplate the proclamation of the Act until there had been widespread discussion around the nation and until there was at least a likelihood of three other States and the A.C.T. introducing such legislation and until the Federal Government had amended the Broadcasting and Television Act accordingly. It would be unthinkable for a Federal Government—of Liberal or Labor persuasion—to amend the Broadcasting and Television Act to cut out indirect tobacco advertising by corporate sponsorship without negotiating alternative arrangements.

The Hon. G.L. BRUCE: There is no division within the Party. I picked up the ball coming through from the Opposition that we are in for a spate of withdrawals of sponsorship if the Bill went through in South Australia. I only said what the Opposition was trying to say in a roundabout way. I was happy with the answer I received from the Minister when he said that there would be no firm commitment from the Government as he was not in a position to give it. No Government should be asked for such a commitment. If it gave such a commitment I believe it would be encouraging tobacco companies to withdraw their support as such support would be picked up by the South Australian Government. They would use this Government to crucify all other States and to get what they wanted. There is no division within the ranks and I believe that the question I asked of the Minister was adequately answered.

The Hon. M.B. CAMERON: The Hon. Mr DeGaris must have been asleep during the rest of the questioning as I have never been unaware of the fact that clause 2 (1) provides for a date of proclamation to be fixed. The point I was clearly making was that, of tomorrow morning, we are saying to the tobacco companies that we do not like them in this State any more. It is likely that those companies will take that as a hint and go over the border or anywhere, rather than remain in South Australia. I am trying to find out, on behalf of the people who will be affected by the Bill to be passed with the combined forces of the Democrats and the Labor Party, what will happen to them.

In its policy the Government has previously indicated that it would not see people financially disadvantaged. As the Government has given so much consideration to the Bill, why has it not even considered this possibility? It is not prepared to give any commitment. So far we only have something about Federal colleagues. The Minister's Federal colleague to whom I listened was the Minister of Sport, Recreation and Tourism. He was not kindly disposed towards the idea of the Federal Government picking up the tab through the State Government's action. I ask the proponent of the Bill (who I know would not like to see sporting bodies affected by the passage of this Bill and would not want to see that money lost) to move that progress be reported, thereby giving the Minister time to find out whether the Government is going to stick to its policy.

The Hon. K.L. MILNE: Some confusion exists about the Federal and State levels and the effects on each. The Minister has been replying partly on behalf of the Federal Government, which is acting under section 100 of the Broadcasting and Television Act. There has recently been a review of the interpretation of section 100. I suspect that the Liberal Party, like the Democrats and the Labor Party, would have made a submission to the tribunal as to what that section actually means. There were 30 000 submissions made to that tribunal and I expect that some of them came from the Liberal Party around Australia—I hope so. What is likely to happen is that the interpretation of section 100 of that Act, which was introduced in 1974 and which has not been applied severely, will be applied severely in future. It

relates to random and indirect broadcasting of sporting events.

It has been the custom, for instance, at race meetings for cigarette company sponsors' advertisements to appear on television twice in each race and, during the re-run during the evening, once coming into the straight and twice at the finish. The sporting bodies are concerned that the Federal legislation will prevent this happening and that the sponsors of these events will no longer have the advantage of their names being shown on television and will withdraw their support. The Western Australian Government has said straight out that it is going to fill the sponsorship gap left by the tobacco companies in this area.

The Hon. R.I. Lucas: Of $1.5 million?

The Hon. J.R. Cornwall: It is $2 million a year for three years.

The Hon. K.L. MILNE: I think that it is $2.5 million over three years. If it is $15 million in total, which we think it might be, for the whole of Australia surely the seven States and the Commonwealth Government can find that money, as it is not a great amount. I would not mind if the Government were forced into the position of filling that gap, because it would bring the matter well and truly to a head. However, I do not think that that is what the tobacco companies want.

The Hon. M.B. Cameron: That is not the point.

The Hon. K.L. MILNE: It is to me. I said earlier this morning that this is not a health matter but a recreation and sport matter and it is from the budget for that department that this gap must be filled.

The Hon. R.C. DeGaris: They do not use taxation to get money for recreation and sport?

The Hon. K.L. MILNE: What does the honourable member mean?

The Hon. R.C. DeGaris: It does not matter whether or not it is the Department of Recreation and Sport or anybody else who fills this gap: the money still has to come from the taxpayers' purse.

The Hon. K.L. MILNE: I thank the honourable member for explaining that, but it has nothing to do with this matter. The money will not come from the health budget but from the sport budget. I think that will be a normal function for the Department of Recreation and Sport in future. How soon that will be, I do not know. I think that the Opposition has either got an indication that this kind of blackmail will be applied or, if it has not, members opposite are pretending that they have. I do not think that this should distort the question before us, which happens to refer to clause 2.

The Hon. M.B. CAMERON: I asked the Hon. Mr Milne a soundly based question and thank him for providing the information he has in relation to Western Australia. He has said that the Western Australian Government is absolutely dinkum and has taken the step of saying that it will replace the sponsorship money that is lost. However, what I have been attempting to do is ascertain from the Minister, who does not want to answer, exactly what the situation will be in South Australia if this Bill comes into force and whether or not sporting bodies, cultural bodies, or whatever, as of tomorrow, next week, next month or next year, as their contracts run out and are not replaced, will be supported by the Government. I have asked the Hon. Mr Milne to move to report progress to allow the Hon. Dr Cornwall to go back to the Government and find out the answer to that question. There is no urgency about this matter, which can be debated tomorrow if necessary.

The Hon. J.R. CORNWALL: I have already answered the question.

The Hon. M.B. CAMERON: The Minister has not answered. I want the Hon. Mr Milne to move to report progress at this point and we will assist him with the consideration of this Bill tomorrow after further questioning. However, we want to enable the Minister to go back to the Government and find out the answer that we have not yet received. Will the Hon. Mr Milne move to report progress?

The Hon. I. GILFILLAN: I think that the necessity for this question to be answered does not apply because the fears of the Opposition and its questions have been covered in this amendment. By the time the amendment to clause 2 comes into force the Commonwealth will have legislated to apply section 4 (4). As the Chairman rightly said earlier, we are debating 4 (4) and not clause 2 and I congratulate him on his perspicacity. Once the Commonwealth has accepted that amendment there will not be any competition between the States for sponsorship because it will not apply. The attraction of sponsorship is, in this matter, incidental or accidental advertising. Because of the amendment already moved by the Minister of Health, this fear of a shortfall for the State will not apply. Incidentally, the track record of tobacco companies when threatened with some sort of closure or restriction on advertising is to splurge. Members may have noticed already some very colourful Dunhill advertising that has appeared at immense cost. The tobacco companies are already showing a sort of itchy pocket in expecting a restriction on advertising in this State. Instead of a reduction of advertising we will see a steep increase in it. There is a real fear that the sponsorship from tobacco companies will be restricted in this State. However, I predict that there will be an increase in tobacco companies' generosity because they want to establish their position.

The Hon. L.H. Davis: What has this to do with clause 2?

The Hon. I. GILFILLAN: I am putting to rest the persistent and carping fears of the Opposition about an issue that does not arise. I was pleased to hear from the Leader that, when his fears are allayed, the Opposition will facilitate and support the passage of this Bill. I add to this debate somewhat reluctantly because I feel it has gone on far longer than it should have in relation to clause 2 because of the Opposition's fears, which are covered by the amendment.

The Hon. M.B. CAMERON: That extraordinary attempt to assist the Minister makes it clear that the Hon. Mr Gilfillan has not been listening, either. First, I am not worried about whether or not there is competition between the States for sponsorship—that is irrelevant. What I am concerned about is that we are saying in this State, in isolation, that we do not want this sponsorship any more. I wish I could be as confident as the honourable member that the cigarette companies are suddenly going to become very generous in this State. I think that the word 'naive' would have to be applied to him in this instance. I again ask the sponsor of this Bill, who has not answered me yet, whether or not he will enable us to report progress so that the Minister can go back to the Government and return saying whether or not the Government is prepared to indicate support for those sporting and cultural bodies adversely affected by passing of this Bill.

The Hon. K.L. MILNE: No, I see no purpose in that. We are debating this amendment.

The Hon. M.B. CAMERON: I find that very difficult because, in spite of the Minister's protestations that he has continually answered the question, we have not had an answer from him on this question.

An honourable member: At all.

The Hon. M.B. CAMERON: At all.

An honourable member: You have.

The Hon. M.B. CAMERON: No, we have not. What the Minister is doing is leaving these people in limbo. I would have thought that the Hon. Mr Milne, before he proceeded with this Bill would at least have given some reassurance to sporting bodies in this State, because I am sure that he

would not like to see them adversely affected. He has said so.

The Hon. K.L. MILNE: Nobody wants to see those bodies affected. Of course not. I have discussed this matter with the Government and, quite frankly, the Government has said that it is not in a position to guarantee to give me a statement on that because of the financial situation it found when it took office. Do not let us fool around with this: honourable members know what happened. They said that they would reduce taxes; so they did.

Members interjecting:

The CHAIRMAN: Order! We are a long way from the amendment at this stage.

The Hon. K.L. MILNE: I am answering the question as to why I do not need a guarantee now. I guess that if I am forced into it, I would say that one at a time the bodies would be able to find the money, and they would have to.

An honourable member interjecting:

The Hon. K.L. MILNE: Well, I say they would and the honourable member says that they would not.

Members interjecting:

The CHAIRMAN: Order!

The Hon. C.M. HILL: I refer to the damage that will occur to the arts. Leaving aside for just one moment the question of sponsorship by means of actual cash funding and turning to the question of sponsorship and help from the companies by way of their bringing their world-famous exhibitions to Adelaide which, of course, does not involve any money being provided by the Government, I ask whether the proponent of the Bill (the Hon. Mr Milne), backed by his Party, is prepared to admit at this stage that the arts in this State will suffer because such exhibitions will no longer be brought to Adelaide if this Bill is passed and proclaimed.

The Hon. K.L. MILNE: I do not know what evidence the Hon. Mr Hill has that these exhibitions will not be brought to Australia or in regard to why they have to be sponsored by tobacco companies.

The Hon. C.M. Hill: They are owned by the foundations.

The Hon. K.L. MILNE: Why does it have to be the tobacco companies that sponsor them?

The Hon. C.M. Hill: But they own them now.

The Hon. K.L. MILNE: But that is not the only source of sponsorship. The Opposition keeps on talking about dollar needs. It has not put forward an argument tonight that is not attached to dollar needs. We are talking about people—sick people.

The Hon. R.I. Lucas: We will get to that under clause 4.

The Hon. K.L. MILNE: It applies to whatever clause one is referring to. Regardless of what clause we are debating, the whole of the Bill is about people and young children starting to smoke—9 000 people a year.

The CHAIRMAN: I must call the Hon. Mr Milne to order. We will not continue with a second reading debate. We have almost got to perpetual motion on clause 2.

The Hon. K.L. MILNE: It is up to you, Sir, to stop it.

The CHAIRMAN: It is not for me to stop it.

The Hon. R.I. LUCAS: About 10 minutes ago the Minister said (I think in response to a question from the Hon. Mr DeGaris—and a very good question), referring to new clause 2 (1), that the State Government would not proclaim the Act until it was satisfied that satisfactory arrangements had been made with sporting clubs and cultural organisations, or whatever, in South Australia. That is in *Hansard*; it is on the record and it cannot be changed. Is the Minister prepared to incorporate that commitment in his amendment so that it is not only something that was said here this evening, but is incorporated in the amendment that he is moving to the Bill? The amendment already involves the activating paragraphs *(a)* and *(b)* of new clause 2 (2)—the three States, the Territory and the Commonwealth. After that, the Act would not be proclaimed until the State Government was satisfied that sporting and cultural groups would not be disadvantaged financially by the institution of the Act, as the Minister has indicated it this evening.

The Hon. J.R. CORNWALL: That is indeed the undertaking that I have given several times. The Hon. Mr Lucas belongs to a Party which may not know a great deal about honour, but I am sure that you, Sir, and others will know that a gentleman's word is his bond. It is in *Hansard* for all the world to read and once it is in *Hansard* it is inviolate, as far as I am concerned. The undertaking is there in the precise terms mentioned by the Hon. Mr Lucas. I really do now know why he is pursuing it.

The Hon. G.L. BRUCE: Does the Minister agree that, if this Bill passes in South Australia with the proposed amendment, it will have no effect at this stage on the tobacco companies and will not affect in any way sponsorship arrangements with South Australian organisations?

The Hon. J.R. CORNWALL: That would certainly be the effect of the amendment to the Bill in the medium term; in other words, as I said earlier, at least within the life of the first Bannon Government.

The Hon. R.J. RITSON: I wish to raise the matter of the proposed amendment to clause 2 and I invite the Minister and the Hon. Mr Milne to comment on the proviso in the amendment that legislation similar in effect to this Act should come into operation, and so on. I would like to know what is meant by 'similarity'. Because of the rules of the Committee stage of debate, it is not possible for me at this stage to point out the large number of technical anomalies and absurdities which pepper the rest of the Bill. As the night and, indeed, the morning wears on, we will come to that. The point at this stage of the debate is that it will be shown as we proceed with the other clauses that there are a number of difficulties in the drafting and a number of absurdities which other Legislatures are completely unlikely to follow.

It seems to me that, if this amendment requiring similar legislation is taken strictly to mean legislation with the same set of difficulties and anomalies, it is extremely unlikely that any other Legislature will enact a similarly bad Bill. If I can seek a little latitude concerning clause 3 when we get to that, I will discuss the difficulties of manufacturers of matches. The question at this stage directed to both the Minister and the Hon. Mr Milne is: how similar would they expect the Act to be to other pieces of legislation before it was worthy of proclamation? Given the intensity of feelings of the pressure groups on both sides, would he not then expect an enormous quantity of litigation to determine whether or not the Government acted within its powers in terms of the requirement that similar legislation be enacted by these other bearers of sovereignty?

I cannot, by confining myself to clause 2, demonstrate the absurdities yet to come tonight. Has the Hon. Mr Milne addressed himself to the problems created by the word 'similar' in regard to subsequent legislation, if the Act is ever proclaimed, as a result of differing interpretations of that word?

My position is this: I accept without reservation that smoking is harmful to health. I have grave reservations about the relationship between advertising and smoking, believing as I do that the issue is predominantly peer group pressure and that it has more to do with the home and school than advertisements. My reason for opposition—

The CHAIRMAN: Order! That is not what we are on about: we are dealing with clause 2.

The Hon. R.J. RITSON: In talking about clause 2, I am talking about the technical defects in the Bill and the improbability of other Legislatures enacting technical absurdities similar to those that we will find later tonight.

Amongst other things, it is those technical absurdities that are of concern rather than a desire to resist any anti-smoking campaign. Will both the Minister and the Hon. Mr Milne explain what degree of similarity they would expect before the Act would be proclaimed?

The Hon. K.L. MILNE: I can speak only for myself and not for the Government. The word 'similar' means exactly what it says—another Act having a similar intention of banning tobacco advertising. In my view, this Bill is similar to the Western Australian Act.

The Hon. R.J. Ritson: What about similarities such as the banning of giving away folders of matches with the name 'Fred Bloggs' printed on them? Do you require that sort of similarity?

The Hon. K.L. MILNE: The member is being facetious and is referring to the Bill in derogatory terms. The Parliamentary Counsel would not be pleased, nor would serious people like the A.M.A. and the College of Physicians, which backed us up to the hilt. The honourable member called it 'a nonsense' and referred to the Bill in derogatory terms. I believe that the honourable member was wrong and unfair. He asked how similar it has to be. I could talk forever on that matter. The honourable member would have views that are similar to those of his colleagues, yet they have different views at the same time. He is a similar sort of philosophical thinker and so he joins people who he thinks have a similar view.

The Hon. J.R. Cornwall: I think he is unique.

The Hon. K.L. MILNE: Yes. I would have no difficulty in deciding whether a Bill in another State dealt with the banning of tobacco advertising, and whether or not it was similar.

The Hon. R.J. RITSON: The Hon. Mr Milne has glossed over a serious subject involving the example of the matches and in regard to the word 'similar'. Parliamentary Counsel have been instructed with much rigidity and strictness in order to prevent any representation of not just company names but other matters associated with smoking. The resultant Bill will not only prevent florid advertising but will have other effects that other Legislatures, especially the Commonwealth, are unlikely to follow. How similar would other legislation have to be before the Act was proclaimed? At that time people will be asking a judge to decide (as millions of dollars will be involved), saying that the Government is acting beyond its power in regard to the word 'similar'. Is the Minister aware of this situation, or does he just not know about it?

The Hon. J.R. CORNWALL: The argument advanced by the Hon. Dr Ritson is one of the reasons why I suggested that he was unique. It is extraordinary nitpicking that belongs somewhere in the fifth dimension. The amendment provides for 'legislation similar in effect'. It is my advice (I would not be arrogant enough to say that it is my understanding, because I am not anymore learned in the law than is the Hon. Dr Ritson) that 'similar in effect' means exactly what it says, or broadly the same.

The Hon. R.J. Ritson: How broadly? That is what I am asking. One day it will determine whether the Bill is proclaimed.

The Hon. J.R. CORNWALL: 'Broadly the same' is a term that would be easily comprehended by any reasonable person in the law. Again, it is my advice that there should be no difficulty in interpretation not just by people learned in the law but also by average reasonable people.

The Hon. R.J. Ritson: Do you believe that is clear? Will you know instantly, when other legislation is passed, whether or not it is similar in effect and will you decide whether or not to proclaim the Act? You believe there will be no doubt?

The Hon. J.R. CORNWALL: One of the joys of being in Government is that I do not have to know instantly—I have highly paid minders who can tell me.

The Hon R.I. LUCAS: I refer to new clause 2 (2)*(a)*. Can the Minister advise the Committee what he intends specifically by the phrase 'or is likely to come into operation'? Is the Minister referring to similar legislation introduced by another Government being passed by only one House or both Houses; or is he talking about the fact that the Government of the day in another State may well say that it intends to introduce a Bill similar to the South Australian legislation?

The Hon. J.R. CORNWALL: This is really quite extraordinary filibustering. I have seen a lot of nits picked in my time, but the nits being picked tonight are quite beyond belief. The amendment is well worded and is a result of discussions with Parliamentary Counsel over a number of weeks and considerable discussion with my colleague the Attorney-General. The words 'or is likely to come into operation' as I understand them refer to legislation which is passed in another State and which could be reasonably expected to come into operation. It is absurd and nonsensical for the honourable member to suggest that, because a State Government in any State of Australia makes an announcement that it is considering legislation to ban indirect tobacco advertising through corporate sponsorship or in any other way, immediately we in South Australia say that it is very likely to come into operation.

Quite obviously, given the way that things operate in the real world (the one outside this chamber), it would be easy for us to know whether legislation has been passed in another State. I am sure that I will have no difficulty in deciding whether such legislation is about to come into operation. In fact, I am sure that, in practice, even members opposite would have no difficulty in that regard.

The Hon. C.M. HILL: I want to obtain a clear understanding of the amendment from the point of view of the arts in South Australia. The question of sport, sporting bodies and the great volume of radio and television advertising to which reference has been made is not my immediate concern. I am concerned about the people who have approached me and expressed their fears that, if the amendment and the Bill are passed and subsequently the Act is proclaimed at some stage, great damage will occur to the arts as a result of the legislation. I believe that their fears are well justified. Those people claim that, because of the high reputation that South Australia enjoys in the art world and the great pleasure and enjoyment that people can obtain in this State from the arts, it would be a terrible thing for the community and the State generally if the arts were downgraded as a result of this Bill. I have been listening to some of the debate tonight and I think that the Committee must agree that the Government has indicated that it is not in a position to subsidise increased funding for the arts and to fill the void created by the Bill.

The Hon. R.C. DeGaris: Nor could we expect it to do that.

The Hon. C.M. HILL: I certainly would not expect it to do so and, in fact, I know that it could not do it. I am aware of the State's financial situation, and I also know that it is impossible to obtain other private sponsorship immediately to fill the gap.

The Hon. K.L. Milne: How do you know that?

The Hon. C.M. HILL: I know because I travelled around the world studying the ways and means by which private sponsorship can be generated for the arts. I went to sources where private sponsorship is supreme, and I refer to the United States and Canada. I talked to people involved in this area—

The CHAIRMAN: Order! I remind the Hon. Mr Hill that the Committee is debating the amendment. Much of what the Hon. Mr Hill is saying is probably relevant to clause 4.

The Hon. C.M. HILL: Mr Chairman, I was endeavouring to answer a question from the Hon. Mr Milne. I was pointing out my experience and the knowledge that I have gained in this area in trying to encourage further private sponsorship. I assure the honourable member that it is a long, hard road. As the arts have grown in this State since the early 1960s, we have been blessed with a few large corporate operators that have poured immense funds into sponsoring the arts. As a result, South Australia and its people have benefited from entertainment and exhibitions that no other private sponsors or Government could have afforded to bring here.

If the honourable member is under the impression that we could suddenly open another door when he closes this one and bring in other corporate operators to fill the void, he is entirely wrong. We must be quite clear on the subject, because we may be making a decision that will bring great damage to the arts in this State. I do not want to hear at a later date the Hon. Mr Milne or a Government spokesman saying that they did not realise that this problem would occur. Now is the time when the door is being opened, and I think that those who are opening the door should have the courage to admit to the danger that exists. I ask the Hon. Mr Milne and the Minister whether they agree that a danger exists as a result of this Bill. Do they agree that the arts will suffer seriously as a result of this Bill? Certainly, the Minister could not deny that fact. In fact, in answer to questions asked tonight he has admitted that.

Indeed, in answer to a question from one of his own colleagues on the back bench a few moments ago, the Minister said, in effect, that he did not think any problems would occur in the short term or during the term of the Bannon Government. That was an admission that, after the term of the Bannon Government or after this period which he deems to be a short term, danger does loom. By that I would assume he is admitting that he is a party to causing this possibility to arise.

I believe that the Hon. Mr Milne, who initiated the whole matter in this Parliament, has a responsibility to this House. I accept that he has weighed up the dangers against what he deems to be the big advantage of the Bill. Does he admit that the danger exists in regard to the arts? I am not referring to sport or the voluntary advertising on radio and television to which he referred, but rather to the kind of publicity on the front cover of programmes at the Adelaide Festival Centre and on the bottom of the small advertisements in the press.

I am talking about the limited form of advertising which he will prevent if his Bill passes. I ask him and the Government again, because of the seriousness of the matter, whether they fully acknowledge the dangers which will face the arts as a result of their proceeding with this Bill.

The Hon. J.R. CORNWALL: I have written it down this time and I will say it slowly so that *Hansard* and anyone else who is interested will get every last word. We can then put it to a vote. I will put completely to rest the Hon. Mr Hill's expressed fears as well as those of any other Opposition member. I assure members opposite and all sporting bodies and cultural organisations in South Australia that any concern they might have at this time is totally unjustified. The South Australian Government will not proclaim the legislation unless satisfactory replacement of any funding has been arranged by Government funding—(whether it be of an interim nature or otherwise) or by alternative private sponsors. I believe that covers all points which have been laboured and belaboured in this Chamber quite unnecessarily for the last three hours.

The CHAIRMAN: Order! I refer to Standing Order 367, which states:

> When the Chairman shall have directed a Member who persists in continued irrelevance, prolixity, or tedious repetition to discontinue his speech, the Member named shall not be again heard during the discussion of the question then before the Chair.

I do not want to invoke that special provision, but there does seem to be a lot of tedious repetition. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: I do not know why I got the burst, Sir.

The CHAIRMAN: It was not directed particularly at the honourable member; I apologise if he took it personally, as it could apply to to anyone.

The Hon. M.B. CAMERON: I accept that that is a Standing Order, but I must point out that, if some members have been seen to be continuing on a certain line of questioning, it is often not for the reason that we wanted to continue the questioning but because we had not obtained an answer.

The CHAIRMAN: Yes. The honourable Mr Lucas.

The Hon. R.I. LUCAS: Thank you, Mr Chairman. I am suitably chastened. My question pertains to new clause 2 (2) *(a)*. Why has the Minister, on behalf of the Government, introduced a provision covering three States and the A.C.T., rather than covering three States or Territories, as he indicated in the second reading debate. The Minister indicated earlier that it was his intention to move an amendment along those lines in the Committee stage. I accept that the Minister has changed his mind and that he is not bound to what he said in his second reading explanation. I seek an explanation from the Minister of why he has introduced the amendment in new clause 2 (2) *(a)* in relating to three States plus the Capital Territory (that is a total of four) rather than having three States or Territories referred to as originally.

The Hon. J.R. CORNWALL: The nit is being picked again. I think it was about two hours ago when I made clear to the House that there has only ever been one amendment on file, namely, the one now before the Committee. It is the only one that has been around. I did not change, alter or withdraw any amendment. The present amendment was drawn up by senior Parliamentary Counsel and was subsequently considered by my colleague, the Attorney-General and it was presented to the Legislative Council with the *imprimatur* of the Government.

The Hon. R.I. LUCAS: Do I take it from the Minister's response in the second reading debate, when referring to three States or Territories, that he was giving a personal view and not the view of Cabinet, and that after having made his second reading speech and having consulted with the Attorney-General he was advised by Cabinet to move the amendment in the form in which it has been moved this evening?

The Hon. J.R. CORNWALL: The young fellow does not understand how a Government works. He has never been a Minister, and he would not have the remotest idea of the sort of pressures that a Minister faces, particularly an active Minister of Health. If the honourable member had my workload he would not spend so much time beavering away on trivia.

The Hon. M.B. Cameron: Your workload is mostly taken up with—

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: The second reading speech was written for me by a staff member (I cannot remember which one).

Members interjecting:

An honourable member: It may have been the one who gave Terry Hemmings the advice.

The Hon. J.R. CORNWALL: Gentle John does not do his block.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: I might tell honourable members that Gentle John does not do his block in public; my wife thinks it is hell! I go pretty quietly in public. It was a second reading speech that was done on a morning when we probably had half a dozen things going simultaneously. It is an enormously busy office and I am an enormously busy Minister.

The Hon. J.C. Burdett: It was a mistake, was it?

The Hon. J.R. CORNWALL: Of course it was not a mistake. The honourable member should not be so damn silly. I have never seen a performance like that of the Opposition tonight. They are behaving like a lot of schoolchildren, although I will withdraw that remark and apologise because it is a reflection on school children. It was not a mistake. This is a complete nit-pick. The amendment before the Committee is the only amendment that has been before this Chamber. It has been on file for more than three weeks.

The Opposition has not attempted to comment on this clause either publicly or otherwise, has sought no clarification about it and has had no communication with me about it. Yet suddenly, because they have decided to embark on this ridiculous nitpick and this totally irresponsible filibuster, Opposition members keep coming back to each line and each word of the amendment. This is the amendment and I make no apology for it. It has, as I have said six times before, the full *imprimatur* of Cabinet and Caucus. It is the amendment that I have every reason to believe will pass this Chamber whenever this most irresponsible Opposition gets itself into gear and allows the amendment to clause 2 to go to a vote.

The Hon. R.I. LUCAS: The Minister has not answered my question. Will he say whether the statement in his second reading speech was a personal statement or was Cabinet and Government policy?

The Hon. J.R. CORNWALL: Of course it was not a personal statement. Again, the lad, if he stays around here long enough, will learn that Ministers do not make personal statements. That is not a luxury allowed to a Minister of the Crown. It is most unlikely that the honourable member will ever have the experience of being a Minister, but if he has some such aspiration this is something that he had better learn fairly quickly.

The Hon. R.I. LUCAS: The Minister has now conceded, after some harassment, that the undertaking in the second reading speech was Cabinet policy. I take it that he will also concede that the amendment we now see is different from that Cabinet policy. Will the Minister say why Cabinet and the Government changed the view which they held and which was expressed in the second reading speech of 14 September and the view that Cabinet and the Government now hold on 19 October?

The Hon. J.R. CORNWALL: There is only one amendment that this Council is being asked to vote on. Cabinet did not change its mind, I did not change my mind, and Caucus members did not change their minds. I wish that the public of South Australia could see the way in which the Opposition is carrying on at the moment. I really do not see that the Opposition is doing other than wasting taxpayers' money. It is alleged that I said (and no doubt it is in *Hansard* somewhere) in a second reading speech written for me in a hurry by one of my staff on the morning that I was given the speech 'three States or territories', which now comes out as my saying 'three States and the Australian Capital Territory'. There is some difference there.

The Hon. R.I. Lucas: At least you can count.

The Hon. J.R. CORNWALL: Just shut up for a bit and try to learn.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: Let me tell the honourable member how the system works in the great, democratic Australian Labor Party. We have a Caucus system, as the honourable member well knows, and as members opposite might well have if the Valder amendments go through in relation to this much vaunted Liberal right to think and vote as one likes. John Valder in New South Wales has conducted the post mortem picking over the carrion and carcasses of the Liberal Party around the nation—

The Hon. M.B. CAMERON: I rise on a point of order. The Minister is straying completely from the Bill.

The Hon. J.R. Cornwall: No, I am answering the question precisely.

The Hon. M.B. CAMERON: This is a very simple question from the Hon. Mr Lucas which had nothing to do with the Valder Report.

The CHAIRMAN: What is the point of order?

The Hon. M.B. CAMERON: I think that the Minister is straying totally from the question before the Council. Following your statement earlier, Mr President, we stuck closely to the question.

The CHAIRMAN: I do not think that there has been any variation in either the question or the answer in the past hour.

The Hon. J.R. CORNWALL: There has not been any variation in either the question or the answer in the past 2½ hours. That was a very wise observation you made, Mr Chairman, like most of your observations.

The member wanted to know about the minor variation between what appeared in a brief second reading speech some weeks ago and the amendment which has been on the file, as I said, for at least three weeks. In trying to calm him down and put his tiny mind to rest I was explaining how the system works. I think it is necessary that I do so. As I said, it is not like the once great Liberal Party which used to have this much vaunted nonsense about thinking, acting and voting as you like until your next preselection, but Valder, with a lot of help from the—

The CHAIRMAN: I would not get into that again.

The Hon. J.R. CORNWALL: It is important, because the honourable member has been bred and brainwashed and he has some idea of how the Liberal Party works. I will tell him how the Labor Party works because it is important. We have a Cabinet—a very good one too. We have a Caucus—a very wise one. We have a set of rules and we sign a pledge, unlike you mob who are all over the place—headless chooks.

The CHAIRMAN: I do not think you are answering the question.

The Hon. J.R. CORNWALL: With respect, I have to tell this young fellow how the Parliamentary Labor Party works. We have a Cabinet and a Caucus and we sign a pledge.

The Hon. L.H. DAVIS: I rise on a point of order. The way in which the Labor Party operates has nothing to do with the clause.

The CHAIRMAN: I think the Minister has gone away from the clause. I think the Minister ought to come back to it.

The Hon. J.R. CORNWALL: Mr Chairman, you allowed the question and it related to an alleged discrepancy between what was said in my second reading speech and what appeared in this amendment, the only amendment I have ever had on file to this Bill. The Bill was discussed in Cabinet. I suggested to Cabinet that we should respond in a particular way. Cabinet agreed with that. That was then taken to my health committee (we are democratic). The

secretary of my health committee is Miss Levy, for anybody who is interested—that was then taken to Caucus, and Caucus approved it. That was the basis on which Caucus approved it without any difficulty because it was in line with the stated platform.

The Hon. C.M. Hill: It is not in the policy. I have just been reading your policy. There is nothing about the arts in here. You left it out. I have got your policy in my hand.

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: The honourable member is retiring at the end of this term. The point I am making is that there is no flexibility for me to come in here and change things around or make up policy on the run or *ad lib* through a second reading speech as to what sort of amendments we intend to move. The amendments I intended to move are before the Chamber. They are the ones we should have voted on, if the Opposition had been acting responsibility, 2½ hours ago. As soon as we vote on the amendments to clause 2 the better. I have explained at length the Government's position. I have explained 15 times what the position would be in regard to sponsorship.

I have explained that we would not see sporting bodies or your cultural organisations, Mr Hill, and the Premier's cultural organisations deprived of sponsorship without some sort of satisfactory replacement. I have lost count of the number of times I have explained this—I do not know, I have got hoarse saying it. I think it is about time you lot grew up and let this go to the vote and we can get clause 2 and the amendment through.

The Hon. M.B. CAMERON: The Minister seems to think that he can get up here and abuse us with language that is unbecoming and that we will immediately cease questioning him in relation to the matter when we have not had a satisfactory reply.

Let me assure him that at no time will we accept a dictate from him as to what we should do with a particular clause or Bill. This Council is here for the purpose of questioning Bills and Ministers, and any inference by the Minister that we are wasting time or that we should take a course of action will not be accepted. We will continue to probe or question him on any matter at all as we see fit within the time that Parliament allocates to us. That time is now, and we will continue to do it.

The Hon. R.J. RITSON: The Minister has just explained to us on the one hand how in a vague sort of way he would not see sporting and arts bodies suffer through lack of funds, and he has also explained how he is bound by a previous Party decision. I ask him once more: having explained to us how his undertaking cannot guarantee the binding weight of his Bill, will the Minister report progress so that he may take the matter back to his Party and get the backing that he has just explained is so necessary before he can give an undertaking?

The Hon. J.R. CORNWALL: I am not in charge of the Bill.

The Hon. R.J. RITSON: The Minister is in charge of the amendment. It is his amendment, as was pointed out earlier.

Existing clause struck out; new clause inserted.

Progress reported; Committee to sit again.

SHOP TRADING HOURS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 31 August. Page 629.)

The Hon. G.L. BRUCE: I move:

That this debate be further adjourned.

The Council divided on the motion:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. Anne Levy. No—The Hon. C.M. Hill.

Majority of 1 for the Ayes.

Motion thus carried.

BILLS OF SALE ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Bills of Sale Act, 1886. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Bills of Sale Act was enacted in 1886. The legislation has been criticised as being complex and anachronistic, and for this reason the South Australian Law Reform Committee has a reference to undertake a thorough review not only of bills of sale but also of the related areas of stock mortgages, wool liens and liens on fruit. The proposed Bill is not an attemp to pre-empt changes in the law which might be recommended by the Law Reform Committee. It is a Bill designed to remedy problems which the Registrar-General has encountered in the day to day administration of the Act, problems which it was considered should be addressed whilst the Government awaits the report of the Law Reform Committee.

The amendments are of a miscellaneous nature. Matters such as content of the bill of sale, time for regisration of bills of sale, extension of time for registration, discharge of bills of sale and provision for a standard paper size are all dealt with. A detailed explanation of the Bill is contained in the clause notes.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation, but that specified provisions may be brought into opertion at a later date or dates. Clause 3 amends section 2 of the principal Act, the interpretation section, by inserting a definition of a 'dealing with a bill of sale'. This term is defined as meaning a transfer, assignment, extension, variation, correction or discharge of a bill of sale. The expression is used in subsequent clauses of the measure and will be expained by the explanation of those clauses. Clause 4 deletes from section 4, the arrangement section, a reference to Part V of the principal Act. This Part was repealed by an earlier amending Act.

Clause 5 amends section 9 of the principal Act which requires that a bill of sale must state certain specified matters. Paragraph (1) of the section requires the bill of sale to state the names of the grantor and grantee, their residences or places of business and occupations. The remaining paragraphs of the section require the statement of details which in practice, in the case of many bills of sale, are difficult, if not impossible, to state. These requirements (namely, for for descriptions of the consideration, the personal chattels

comprised in the bill, the situation of the chattels and the sums secured by the bill) do not appear in the corresponding legislation in some other jurisdictions (for example, the Australian Capital Territory and the Northern Territory). The clause substitutes for these requirements a requirement that the bill of sale must state the name, place of residence or business and occupation of every attesting witness.

Clause 6 inserts in the principal Act a new section 12b providing that where two or more persons are registered as the grantees of a bill of sale they shall be deemed to be severally as well as jointly entitled to the benefit of the bill except in so far as a contrary intention is expressed in the bill. This provision is designed to assist in the determination of the question whether a bill is held on joint account and, therefore, whether a discharge of the bill or other dealing with the bill must be signed by all grantees or may be signed by one or more of the grantees.

Clause 7 amends section 13 of the principal Act which requires the execution of a bill of sale or any transfer or discharge of a bill of sale to be attested by one or more witnesses. The clause amends this section so that the requirement for attestation extends to all dealings with a bill of sale (as defined in clause 3). Clause 8 repeals section 14 of the principal Act which provides for proof of the execution of a bill of sale or transfer or discahrge of a bill of sale before a Registrar, justice of the peace, commissioner or notary public. This step is considered to be unnecessary in the context of bills of sale. Clause 9 substitutes for section 17 a new section the effect of which is to extend the period for registration of a bill of sale from the existing period of 30 days from the making of the bill to a period of 60 days.

Clause 10 makes a consequential amendment to section 17a. Clause 11 inserts new sections 17b and 17c. Section 17b authorises the Registrar to accept a late application for registration of a bill of sale where the application is made within 30 days after the expiration of the period within which the bill should have been registered in any case where he is satisfied that the omission to register the bill was due to the occurrence of circumstances beyond the control of the grantee and his agents. This provision is designed to cater for such situations, for example, as postal strikes or lost mail. New section 17c provides for an appeal to the Supreme Court against a decision of the Registrar to refuse late registration.

Clause 12 amends section 18 which provides that bills of sale are to be registered in the order of time in which they are produced for that purpose and shall be entitled to priority according to the date of registration. The clause amends this section to make it clear that the relevant time is the time at which a bill of sale is produced in registrable form and that priority may be determined according to the time (rather than the date) of registration. Clause 13 makes an amendment to section 19a that is consequential upon the amendment proposed by clause 17. Clause 14 amends section 19b which authorises the Registrar to extend the period for renewal of registration of a bill of sale. The clause amends this section so that the reference to an appeal against a refusal by the Registrar does not include an appeal to a local court but is limited to the Supreme Court. The clause also removes the requirement that the public notice of the bills of sale in respect of which the Registrar has refused late renewal must describe the chattels comprised in the bill and their situation. This requirement is, in the case of bills of sale which relate to stock in trade or vehicles or aircraft, for example, difficult, if not impossible, to comply with.

Clause 15 makes a consequential amendment to section 19c. Clause 16 amends section 20 of the principal Act which provides that a bill of sale may be transferred or assigned by endorsement on the duplicate bill of sale in the form of the fifth schedule. The clause amends the section so that it is clear that a transfer or assignment of a bill of sale may be effected by a separate instrument. Clause 17 substitutes new sections for sections 21, 22 and 23. New section 21 provides for extension of the time for repayment under a bill of sale. Under the new section it is made clear that this may be effected by endorsement on the duplicate or by separate instrument and in any effectual way selected by the parties. The new section also provides for any variation or correction of a bill of sale to be effected in the same way.

The new section requires that any such endorsement or instrument must be signed by the parties to the bill. New section 22 makes it clear that a bill of sale may be wholly or partially discharged and that personal chattels comprised in a bill may be discharged or partially discharged. Under the new section, such discharge may be effected by endorsement on the duplicate in the form of the fourth schedule or by separate instrument, in either case, signed by the grantees, or where a bill is held on joint account, by one or more of the grantees. New section 23 provides for the registration of any dealing with a bill of sale. The new section makes it clearer that registration of subsequent dealings with a bill of sale is not necessary in order for the dealing to be effectual. Under the new section, the registration procedure is extended to all subsequent dealings with bills of sale, that is, transfers, extensions, variation, corrections and discharges. The section, in addition, authorises any dealing to be effected by endorsement on the original bill in any case where the duplicate has been lost or destroyed and provides that the Registrar may, in such circumstances, dispense with the requirement that the duplicate be produced for the purposes of registering a dealing with the bill.

Clause 18 amends section 25 which authorises the Registrar to correct any error or omission in the registration of a bill of sale or transfer, renewal or discharge of a bill. The clause extends this provision so that it applies to the registration of bills and the registration of all dealings with a bill of sale. Clause 19 makes amendments to section 28 of a consequential nature only. Clause 20 removes the heading to Part V, all of the provisions of which were repealed by an earlier amending Act. Clause 21 repeals section 35 of the principal Act which fixes the fees that may be charged by legal practitioners or land brokers for preparing documents under the Act at unrealistically low levels set out in the seventh schedule. The clause substitutes a new section enabling maximum fees to be set by regulation.

Clause 22 inserts new sections 38a and 38b. New section 38a requires that bills of sale and other instruments to be lodged for registration under the Act must conform to requirements under the regulations as to paper size and quality. The new section authorises the Registrar to dispense with such requirements in such circumstances as he thinks fit. New section 38b authorises the Treasurer, in any case where the grantee of a bill of sale is dead, cannot be found or is incapable of executing a discharge of a bill of sale, to receive moneys payable to the grantee under the bill and, where all such moneys have been paid, to execute a discharge of the bill. The new section provides that moneys received by the Treasurer are to be held by him on trust for the grantee or any other person entitled to the moneys. Under the section a discharge executed by the Treasurer does not discharge any personal covenants of the Bill. Clauses 23, 24 and 25 make consequential changes to the schedules to the principal Act.

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

STOCK MORTGAGES AND WOOL LIENS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Stock Mortgages and Wool Liens Act, 1924. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Stock Mortgages and Wool Liens Act is by virtue of section 2 of the Act to be read as one Act with the Bills of Sale Act. Certain amendments consequential upon the proposed amendments to the Bills of Sale Act are necessary. The impact of these amendments is explained in the clauses explanation.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a date to be fixed by proclamation. Clause 3 amends section 5 of the principal Act which refers to registration of a stock mortgage within 30 days after its making. The clause amends the section so that the period is extended to 60 days in line with the amendment proposed to the Bills of Sale Act. Clause 4 makes a corresponding amendment to section 14 which refers to the period for registration of a wool lien.

Clause 5 makes an amendment to section 23 that is consequential upon insertion in the Bills of Sale Act of proposed new section 38a. Proposed new section 38a which provides for size and quality of paper used for documents registered under that Act will, if enacted, also apply to stock mortgages and wool liens by virtue of section 25 of the Stock Mortgages and Wool Liens Act. Section 25 provides that Parts III, IV and VI of the Bills of Sale Act apply in relation to stock mortgages and wool liens as if they were bills of sale. Clause 6 amends section 26 which provides for proof of execution of stock mortgages and wool liens. The clause removes this provision in line with a proposed amendment to the Bills of Sale Act removing the corresponding provision in that Act. Clause 7 makes an amendment to section 25 which is consequential upon amendments to the Bills of Sale Act.

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

KLEMZIG PIONEER CEMETERY (VESTING) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to vest certain land in the Corporation of the City of Enfield; and for other related purposes. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill has been prepared at the request of the Lutheran Church and the Corporation of the City of Enfield. It concerns land presently owned by the church at Klemzig, which is to be transferred to the council. It is common knowledge that the area now comprising the suburb of Klemzig was as early as 1838 settled by Lutheran immigrants of German extraction who came to South Australia to escape religious persecution. The land that is to be transferred by virtue of this Bill was the original cemetery of these pioneer people.

Over the years, the land ceased to be used as a cemetery and was developed by the church into a memorial garden and park. The church has always considered the land to be a significant part of its South Australian heritage and its historical importance, to both the church and the State of South Australia, is now marked by a granite monument and gateway pillars situated on the land. The land is situated at Second Avenue, Klemzig. The church and the council have agreed upon a proposal under which the land is to be transferred to the council. The church considers that it is now appropriate that the council hold and manage the land. The council equally acknowledges that the land is an important acquisition and has undertaken to maintain the land as a park and garden commemorating the pioneers at Klemzig. Furthermore, the significance of the land to the sesqui-centenary celebrations is obvious.

The church does, however, wish to retain some interest in the land and so the Bill provides that the church may make recommendations about the maintenance of the land to the council and shall be consulted before any development occurs. The church is also to have an express right to conduct one religious ceremony on the land each year.

Clauses 1 and 2 are formal. Clause 3 contains the interpretation provisions. Clause 4 provides that the land is to vest in the council, freed from any trust or encumbrance. the Registrar-General is directed to take appropriate action in relation to the title to the land. Clause 5 relates to the management and use of the land. The clause provides that the land must be kept as a place of public interest and a garden. The council shall consider any recommendations of the church about its maintenance. Development must be consistent with the status of the land and shall not occur without prior consultation with the church. The church shall be able to conduct an annual commemorative ceremony on the land. This Bill is a hybrid Bill and will, in the ordinary course of events, be referred to a Select Committee of this Council.

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

WRONGS ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wrongs Act, 1936. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill implements the twenty-third report of the Law Reform Committee of South Australia dealing with civil actions against witnesses who have committed perjury which was received in 1972. Criminal liability for perjury by witnesses has been long established and is dealt with in the Criminal Law Consolidation Act. However, the Law Reform Committee at page 3 of its report points out 'a consistent

line of cases from Queen Elizabeth's reign has established that there is at present no civil claim for damages against a witness who commits perjury.'

The Law Reform Committee recommended that the law should be amended to provide that a civil action should lie against a witness who has committed perjury in a civil action, at the suit of the person who has suffered damage as the result of perjury. This Bill brings into effect this recommendation. The issue of whether a civil action should lie against a person who has committed perjury in a criminal action was not addressed by the Law Reform Committee as it did not fall within the terms of their 1972 remit, and is not therefore covered by this Bill. It is my intention to refer to the Law Reform Committee consideration of the question of whether a civil action should lie against a person who commits perjury in a criminal case at the suit of the person who has suffered damage as the result of the perjury.

Clause 1 is formal. Clause 2 provides for the insertion in the principal Act of a new section 33. This section provides that a person who gives perjured evidence in civil proceedings is liable to any person who suffers consequential damage. However, the plaintiff to the civil action must establish that the defendant has been convicted of perjury, found guilty of contempt by reason of his perjury, or committed for trial on a charge of perjury. Furthermore, in accordance with a recommendation of the Law Reform Committee, the perjured evidence must have been material to the outcome of the proceedings. It will not be a defence to an action under this section that the perjured evidence was accepted as true by the court before which it was given.

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

MAGISTRATES BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the appointment of magistrates; to provide for the organisation and regulation of the magistracy; and for other purposes. Read a first time.

The Hon. C.J. SUMNER: I move.

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill provides for the removal of magistrates from the Public Service. The Government considers that this is an important step and one that is necessary to ensure that this significant branch of the Judiciary is and appears to be independent of the Executive. The concept of judicial independence is fundamental to our system of justice. It requires independence of individual judicial officers and collective independence of the Judiciary. Since 1976, the significance of the positition of magistrates as public servants has been considered by the Full Court of the Supreme Court on three occasions. In 1976, in *Fingleton v. Christian Ivanoff Pty Ltd* two judges of the court said:

> There are strong grounds for maintaining that no person holding judicial office should be in the Public Service, more especially if he or she has to hear and determine prosecutions or civil causes in which the Crown or some instrumentality thereof is a party (*a fortiori* when Crown counsel appears).

In 1977 in *Lyle v. Christian Ivanoff Pty Ltd,* the court held that a magistrate was not disqualified from hearing a complaint just because the justice of the peace who received the complaint, counsel for the complainant and the magistrate all were subject to the Public Service Act.

In 1982 in *The Queen v. Moss; ex parte Mancini* three members of the Full Court thought that a magistrate who is a public servant could be taken to be biased with respect to a complaint laid on behalf of the Executive. However, four judges of the five hearing the matter considered that Parliament had sanctioned magistrates who were public servants determining such matters.

In New South Wales recently, in Tasmania in 1969, in the Northern Territory in 1976, in the A.C.T. in 1977, and in Western Australia in 1979, the magistracy was removed from the Public Service. The time is overdue in South Australia for this step to be taken. In dealing with the removal of magistrates from the Public Service, the Bill also goes on to provide for a system of administration of the magistracy that is properly independent of Executive Government. It ensures, as is the case with other branches of the Judiciary, that the levels of remuneration applying in respect of the magistracy are not to be subject to reduction by Executive action. It secures the tenure of office of magistrates and establishes appropriate disciplinary procedures. Finally, the Bill sets out rights in respect of long service leave, recreation leave, sick leave, special leave and superannuation that correspond to those currently applying to magistrates.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides definitions of terms used in the measure. Clause 4 is a transitional provision. Under the clause, stipendiary magistrates in office immediately before the commencement of the measure retain their existing and accruing rights in respect of recreation leave, sick leave and long service leave. Clause 5 provides for the appointment of magistrates by the Governor upon the recommendation of the Attorney-General. Under the clause, a person appointed to be a magistrate shall, if the instrument of his appointment so provides, be a stipendiary magistrate, or, if the instrument so provides, an acting magistrate with a term of office not exceeding three months. Subclause (4) requires the Attorney-General to consult with the Chief Justice before recommending an appointment. Subclause (5) provides that a person must be a legal practitioner of not less than five years standing to be appointed a magistrate.

Clause 6 provides for the hierarchy within the magistracy. Under the clause, there is to be a Chief Magistrate, a Deputy Chief Magistrate and such Supervising Magistrates as the Attorney-General determines, each of whom must be a stipendiary magistrate. Subclause (5) provides that a person may resign from an office provided for by the clause but remain a stipendiary magistrate. Notice of such resignation must be of a period of at least one month.

Clauses 7 and 8 provide for the distribution of administrative responsibility in respect of the magistracy. The Chief Magistrate is to be responsible for the administration of the magistracy subject to the control and direction of the Chief Justice. The Deputy Chief Magistrate may act in the absence of the Chief Magistrate. Provision is made for delegation by the Chief Magistrate.

Clause 8 provides that a stipendiary magistrate or acting magistrate is to be responsible to the Chief Magistrate in relation to all administrative matters and, in particular, is to be subject to direction by the Chief Magistrate as to the duties to be performed and the times and places at which the duties are to be performed. The clause provides that a magistrate other than a stipendiary or acting magistrate is to have the same responsibility but only in respect of those magisterial functions that he has consented to perform.

Clause 9 sets out the circumstances and manner in which a person ceases to hold office as a magistrate, namely, by

resignation or by retirement after attaining the age of 55 years (notice in either case being required to be of a period of at least one month), or upon the magistrate attaining the age of 65 years, or, in the case of an acting magistrate, upon the expiration of his term of office, or, finally, upon removal from office by the Governor. The clause also provides that a stipendiary magistrate may, with the consent of the Attorney-General, resign from his office as a stipendiary magistrate without ceasing to hold office as a magistrate.

Clause 10 provides that the Governor may, on the advice of the Chief Justice, suspend a magistrate from office, if the Chief Justice is of the opinion that there are reasonable grounds to suspect that he is guilty of an indictable offence or if an investigation or inquiry has been commenced under clause 11 as to whether proper cause exists for removing the magistrate from office. Under the clause, a magistrate is to be given notice of his suspension and, unless the Chief Justice determines otherwise, is to continue to be remunerated.

Clause 11 provides that the Attorney-General may of his own motion, and shall, at the request of the Chief Justice made after consultation with the Chief Magistrate, conduct an investigation to determine whether proper cause exists for removing a magistrate from office. A report upon the results of any such investigation is to be made to the Chief Justice and the Chief Magistrate. Subclause (3) provides that the Chief Justice or the Attorney-General may determine that a judicial inquiry be held into the conduct of a magistrate, and, in that event, the Attorney-General is to make application for the inquiry which, under subclause (4), is to be conducted by a single judge of the Supreme Court.

Subclause (5) provides that the Attorney-General shall apply to the Full Court of the Supreme Court for a determination whether a magistrate should be removed from office in any case where the magistrate is convicted of an indictable offence or it appears from the findings of a judicial inquiry that proper cause exists for his removal from office. Where the Full Court finds that a magistrate should be removed from office, the Governor is empowered to remove him from office. The Attorney-General and the magistrate affected by proceedings before the Supreme Court may appear and be heard in the proceedings. Under subclause (8), proper cause exists for removing a magistrate from office if he is mentally or physically incapable of carrying out satisfactorily the duties of his office, if he is convicted of an indictable offence, if he is incompetent or guilty of neglect of duty, or if he is guilty of unlawful or improper conduct in the performance of his duties of office.

Clause 12 provides that a magistrate shall not be removed from office except as provided by the clauses outlined above. Clause 13 provides that levels of remuneration for the various offices within the magistracy are to be as determined by the Governor but are not to be subject to reduction. The clause provides for the automatic appropriation from General Revenue of the remuneration payable to magistrates. Clause 14 provides that a stipendiary magistrate is to continue to be able to participate in the superannuation scheme provided for under the Superannuation Act, 1974. Clause 15 provides for recreation leave for magistrates. This is to be twenty days for each completed year of service. Recreation leave is to be taken at times approved or directed by the Chief Magistrate but is not to be deferred for more than one year after it falls due to be taken unless the Chief Magistrate is satisfied that there are special circumstances justifying the deferral and, in any event, is not to be deferred for more than two years. A person ceasing to be a magistrate is to be entitled to a payment in lieu of any recreation leave to which he has become entitled but not taken before ceasing to be a magistrate. Clause 16 provides for sick leave for magistrates. This is to be twelve days for each completed year of service, a proportionate entitlement accruing for each completed month of service.

Clause 17 provides for long service leave for magistrates. This is to be ninety days' leave in respect of the first 10 years of service; in respect of each subsequent year of service up to and including the fifteenth year of service—nine days' leave; and in respect of each subsequent year of service thereafter—15 days leave. The clause provides for the taking of long service leave at half pay, in which case, the period of the leave is doubled. The clause provides for a payment in lieu of long service leave where a person ceases to be a magistrate without having taken long service leave to which he has become entitled. The clause also provides for a pro rata payment in respect of long service leave where a person ceases to be a magistrate after completing seven years' service but before becoming entitled to long service leave.

Clause 18 provides that the Chief Magistrate may grant special leave to a magistrate for any reason that, in the opinion of the Chief Magistrate, justifies the leave. This may be with or without remuneration as the Chief Magistrate thinks fit and for any period not exceeding three days in any financial year. Special leave beyond three days in a financial year may be granted but only with the consent of the Governor. Clause 19 provides that the Attorney-General may determine that a person appointed to be a stipendiary magistrate shall be credited with recreation leave, sick leave or long service leave rights accrued in respect of previous employment or with service in previous employment for the purposes of determining such leave rights or rights in respect of superannuation.

Clause 20 provides for payment to the personal representative or next of kin of a magistrate who dies in office of the monetary equivalent of recreation leave or long service leave owing to the deceased or the monetary sum representing pro rata long service leave where the deceased magistrate had not less than seven years' service but had not become entitled to long service leave. Clause 21 provides that no award or industrial agreement shall be made under the Industrial Conciliation and Arbitration Act affecting the remuneration or conditions of service of stipendiary magistrates. Clause 22 provides that a judge of the Supreme Court, master of the Supreme Court or District Court judge may exercise the jurisdiction, powers or functions of a magistrate.

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

STATUTES AMENDMENT (MAGISTRATES) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act, 1972; the Justices Act, 1921; the Local and Distrtict Criminal Courts Act, 1926; and the Public Service Act, 1967. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It is part of the scheme proposed by the Government for the removal of magistrates from the Public Service. It proposes amendments to the Justices Act, the Local and District Criminal Courts Act and the Public Service Act that are

consequential upon the provisions of the Magistrates Bill, 1983.

It also proposes amendments to the Industrial Conciliation and Arbitration Act relating to industrial magistrates. Under these amendments, industrial magistrates will continue to be appointed under the Industrial Conciliation and Arbitration Act and continue to be responsible to the President of the Industrial Court. However, the Bill provides for the removal of the present provision in that Act under which the provisions of the Public Service Act may apply to industrial magistrates if the Governor so determines. Instead, the Bill contains new provisions under which the office of the industrial magistrate will be filled and regulated in a way that corresponds to that proposed in relation to ordinary magistrates under the Magistrates Bill, 1983.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides for the repeal of section 13 of the Industrial Conciliation and Arbitration Act and the substitution of a new section providing that there are to be such industrial magistrates as are appointed or continue in office under the provisions of the second schedule. The clause proposes an amendment to section 14 providing that a Judge of the Industrial Court may exercise the jurisdiction of an industrial magistrate. The clause goes on to provide for the insertion of a second schedule containing provisions relating to the industrial magistracy that correspond in general terms to the provisions of the Magistrates Bill relating to the general magistracy. The provisions of the proposed new schedule are as follows: Section 1 of the schedule provides definitions of terms used in the schedule. Section 2 is a transitional provision. Under the section, stipendiary industrial magistrates in office immediately before the commencement of the measure retain their existing and accruing rights in respect of recreation leave, sick leave and long service leave.

Section 3 provides for the appointment of industrial magistrates by the Governor upon the recommendation of the Minister (that is, the Minister of Labour). Under the section, a person appointed to be an industrial magistrate shall, if the instrument of his appointment so provides, be a stipendiary magistrate, or, if the instrument so provides, an acting magistrate with a term of office not exceeding three months. Subsection (4) requires the Minister to consult with the President before recommending an appointment. Subsection (5) provides that a person must be a legal practitioner of not less than five years standing to be appointed an industrial magistrate.

Section 4 provides for the appointment of a Supervising Industrial Magistrate who must, under the section, be a stipendiary magistrate. Subsection (5) provides that a person may resign from the office of Supervising Industrial Magistrate but remain a stipendiary magistrate. Notice of such reisgnation must be of a period of least one month. Sections 5 and 6 make provision in respect of the administration of the industrial magistracy. Under this section, the President is to be responsible for the administration of the industrial magistracy. Provision is made for delegation by the President to the Supervising Industrial Magistrate.

Section 6 provides that an industrial magistrate who is a stipendiary magistrate or acting magistrate is to be responsible to the President in relation to all administrative matters and, in particular, is to be subject to direction by the President as to the duties to be performed and the times and places at which the duties are to be performed. The section provides that an industrial magistrate other than a stipendiary or acting magistrate is to have the same responsibility but only in respect of those magisterial functions that he has consented to perform.

Section 7 sets out the circumstances and manner in which a person ceases to hold office as an industrial magistrate, namely, by resignation or by retirement after attaining the age of 55 years (notice in either case being required to be of a period of at least one month), or upon the magistrate attaining the age of 65 years, or, in the case of an acting magistrate, upon the expiration of his term of office, or, finally, upon removal from office by the Governor. The section also provides that a stipendiary industrial magistrate may, with the consent of the Minister, resign from his office as a stipendiary magistrate without ceasing to hold office as an industrial magistrate.

Section 8 provides that the Governor may, on the advice of the Chief Justice, suspend an industrial magistrate from office, if the Chief Justice is of the opinion that there are reasonable grounds to suspect that he is guilty of an indictable offence or if an investigation or inquiry has been commenced under section 9 as to whether proper cause exists for removing the magistrate from office. Under the section, an industrial magistrate is to be given notice of his suspension and, unless the Chief Justice determines otherwise, is to continue to be remunerated. The section requires the Chief Justice to consult with the President before taking any action under the section.

Section 9 provides that the Minister may, of his own motion, and shall, at the request of the Chief Justice after consultation with the President, conduct an investigation to determine whether proper cause exists for removing an industrial magistrate from office. A report upon the results of any such investigation is to be made to the Chief Justice and the President. Subsection (3) provides that the Chief Justice or the Minister may determine that a judicial inquiry be held into the conduct of an industrial magistrate, and, in that event, the Minister is to make application for the inquiry which, under subsection (4), is to be conducted by a single judge of the Supreme Court.

Subsection (5) provides that the Minister shall apply to the Full Court of the Supreme Court for a determination whether an industrial magistrate should be removed from office in any case where the magistrate is convicted of an indictable offence or it appears from the findings of a judicial inquiry that proper cause exists for his removal from office. Where the Full Court finds that a magistrate should be removed from office, the Governor is empowered to remove him from office. The Minister and the magistrate affected by proceedings before the Supreme Court may appear and be heard in the proceedings. Under subsection (8), proper cause exists for removing an industrial magistrate from office if he is mentally or physically incapable of carrying out satisfactorily the duties of his office, if he is convicted of an indictable offence, if he is incompetent or guilty of neglect of duty, or if he is guilty of unlawful or improper conduct in the performance of his duties of office.

Section 10 provides that an industrial magistrate shall not be removed from office except as provided by the sections outlined above. Section 11 provides that levels of remuneration for the various offices within the industrial magistracy are to be as determined by the Governor but are not be subject to reduction. Section 12 provides that a stipendiary industrial magistrate is to continue to be able to participate in the superannuation scheme provided for under the Superannuation Act, 1974.

Section 13 provides for recreation leave for industrial magistrates. This is to be 20 days for each completed year of service. Recreation leave is to be taken at times approved or directed by the Supervising Industrial Magistrate but is not to be deferred for more than one year after it falls due to be taken unless the Supervising Industrial Magistrate is satisfied that there are special circumstances justifying the deferral and, in any event, is not to be deferred for more than two years. A person ceasing to be an industrial magistrate is to be entitled to a payment in lieu of any recreation

leave to which he has become entitled but not taken before ceasing to be a magistrate.

Section 14 provides for sick leave for industrial magistrates. This is to be twelve days for each completed year of service, a proportionate entitlement accruing for each completed month of service. Section 15 provides for long service leave for industrial magistrates. This is to be 90 days leave in respect of the first 10 years of service; in respect of each subsequent year of service up to and including the fifteenth year of service—nine days leave; and in respect of each subsequent year of service thereafter—15 days leave. The section provides for the taking of long service leave at half pay, in which case, the period of the leave is doubled. The section provides for a payment in lieu of long service leave where a person ceases to be an industrial magistrate without having taken long service leave to which he has become entitled. The section also provides for pro rata payment in respect of long service leave where a person ceases to be an industrial magistate after completing seven years service but before becoming entitled to long service leave.

Section 16 provides that the Supervising Industrial Magistrate may grant special leave to an industrial magistrate for any reason that, in the opinion of the Supervising Industrial Magistrate, justifies the leave. This may be with or without remuneration as the Supervising Industrial Magistrate thinks fit and for any period not exceeding three days in any financial year. Special leave beyond three days in a financial year may be granted but only with the consent of the Governor.

Section 17 provides that the Minister may determine that a person appointed to be a stipendiary industrial magistrate shall be credited with recreation leave, sick leave or long service leave rights accured in respect of previous employment or with service in previous employment for the purposes of determining such leave rights or rights in respect of superannuation.

Section 18 provides for payment to the personal representative or next of kin of an industrial magistrate who dies in office of the monetary equivalent or recreation leave or long service leave owing to the deceased or the monetary sum representing pro rata long service leave where the deceased magistrate had not less than seven years service but had not become entitled to long service leave.

Section 19 provides that no award or industrial agreement shall be made under the Industrial Conciliation and Arbitration Act affecting the remuneration or conditions of service of stipendiary industrial magistrates.

Clauses 4 and 5 strike out from the Justices Act and the Local and District Criminal Courts Act, respectively, the provisions of those Acts dealing with magistrates that are no longer required in view of the provisions of the proposed new Magistrates Act.

Clause 5 also inserts a new section 5ca of the Local and District Criminal Courts Act which provides that the Chief Justice may, by instrument in writing, authorize a special magistrate to exercise, upon a temporary basis, the jurisdiction of a District Court judge. Under the proposed new section a magistrate so authorised to exercise the jurisdiction of a District Court judge shall, during the currency of the authorisation, perform such judicial duties as are assigned to him by the Senior Judge and have the same power, authority and jurisdiction as a District Court judge. The clause makes an amendment to section 24 that is consequential upon the proposed new section 5ca.

Clause 6 amends the Public Service Act so that it is clear that that Act does not apply to Industrial Court judges, District Court judges, magistrates and industrial magistrates. The clause also amends section 99 of that Act so that portability of leave and other rights would apply in a case where a magistrate moves to a position in the Public Service.

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

SUPREME COURT ACT AMENDMENT BILL (No. 3)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Supreme Court Act, 1935. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This short Bill proposes an amendment to the Supreme Court Act that corresponds to an amendment proposed to be made to the Local and District Criminal Courts Act by the Statutes Amendment (Magistrates) Bill, 1983. The amendment to the Local and District Criminal Courts Act provides for the Chief Justice to authorise a magistrate to exercise, upon a temporary basis, the jurisdiction of a District Court judge. That amendment is designed to introduce a new element of flexibility in the administration of the Local and District Criminal Courts and to cater for those occasions on which the availability of a further judicial officer would relieve a temporary overloading of the District Court Judiciary that does not of itself warrant the appointment of an acting judge. This Bill proposes in the same way that a temporary overloading of the Supreme Court judiciary be relieved by a District Court judge exercising the jurisdiction of a Supreme Court judge with the authority of the Chief Justice.

Under this proposed arrangement, a District Court judge exercising such jurisdiction would not be an acting Supreme Court judge but would remain a District Court judge and be remunerated as such. The exercise of the Supreme Court jurisdiction would simply be one incident of his duties as a District Court judge.

Clause 1 is formal. Clause 2 inserts a new section 11a which provides that the Chief Justice may, by instrument in writing, authorise a District Court judge to exercise, upon a temporary basis, the jurisdiction of a judge of the Supreme Court. The proposed new section goes on to provide that a District Court judge so authorised to exercise the jurisdiction of a Supreme Court judge shall, during the currency of the authorisation, perform such judicial duties as are assigned to him by the Chief Justice and have the same power, authority and jurisdiction as a Judge of the Supreme Court.

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 18 October. Page 1068.)

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

That this debate be further adjourned.

Motion negatived.

The Hon. R.J. RITSON: I will be very brief. I rise to support the Hon. Mr Burdett, who spoke against the Bill. The whole issue involves a reduction in the quantity and type of representation within the Health Commission. The point has been made that the larger and more diverse

membership in the past has meant that there has been available to the Government a wide-ranging and ever-changing source of advice. This Bill seeks to reduce the number of Commissioners. In so doing, it also alters the balance so that the percentage of people serving within the Health Commission who, in a sense, are Government or Public Service controlled is increased.

The range of skills, disciplines and academic fields encompassed by the health portfolio is immense. People tend to think that medicine consists of doctors and nurses. However, it goes far beyond that into the paramedical, social and actuarial fields. I do not understand why the Minister wants to reduce and diminish that source of expertise. In the past it was well balanced with members from practising professions, members from academia, members with public administration experience and so on. It has been equally represented by both male and female persons. I do not understand why the Minister wishes to condense the Commission in this way.

I hasten to add that I do not see any real adversary politics in this issue and would not attribute any ulterior motives to the Minister in this regard. Opposition to the Bill should not be seen as a criticism of the Minister but rather a question of common sense, as the Commission has functioned by drawing widely upon community professional skills. Moreover, after a period of service on the Commission, the majority of these people return to their practice or place of employment and take with them their wiser and wider view of their role in health delivery after serving as a commissioner. It would seem that the more people who have this experience and carry it back into the profession the greater will be the intercourse between workers at the coal face and the Government overlords. It seems, therefore, that it is not a criticism to contract and diminish the matter, and I do not know why the Minister wants to do this. I am not suggesting that he is concentrating merely on a power basis, but I oppose the Bill.

The Council divided on the second reading:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Noes (8)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson (teller).

Pair—Aye—The Hon. Anne Levy. No—The Hon. C.M. Hill.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

The Hon. J.C. BURDETT: I believe that several members of the Council would like to consider the provisions of the Bill in greater detail, and I would ask the Minister if he would report progress.

The Hon. J.R. CORNWALL: I was just about to do that, but I was beaten to my feet by the Hon. Mr Burdett. I ask that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT

At 11.50 p.m. the Council adjourned until Thursday 20 October at 2.15 p.m.