LEGISLATIVE COUNCIL

Wednesday 26 October 1983

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

UNPARLIAMENTARY LANGUAGE

The PRESIDENT: Before calling on Questions, I shall give my ruling on the word 'hypocrite'. On rechecking the annals produced by those who make a living from advising Presiding Officers (I refer to Erskine May, Blackmore, and people like that), I have decided that the word 'hypocrite' is unparliamentary. I appeal to members not to use the word 'hypocrite' and to not place me in such an invidious position again.

QUESTIONS

LETTER TO THE PRIME MINISTER

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about a letter to the Prime Minister.

Leave granted.

The Hon. M.B. CAMERON: Yesterday the Council carried a motion, which I will not repeat, but all members would remember its text. I ask the Attorney-General whether it is his intention to convey the motion to the Prime Minister to ensure that the Prime Minister understands the views of the Council.

The Hon. C.J. SUMNER: It is not my intention to do that, but I am sure that the Premier will convey the text of the motion to the Prime Minister. That is a matter for me to discuss with the Premier, which I will do. I cannot see why the motion cannot be conveyed to the Prime Minister, but I have no doubt that the Prime Minister reads the papers and, therefore, is fully aware of the tenor of the debate.

The Hon. M.B. CAMERON: I desire to ask a supplementary question. I do not see what the Premier has to do with the conveying of the views of the Council to the Prime Minister. I think that it would be important for the Council to express its views, because I understand that a different motion—

The PRESIDENT: Order! What is the Leader's supplementary question?

The Hon. M.B. CAMERON: My supplementary question is this: will the Attorney-General join with me in signing a letter to the Prime Minister, which will contain in very simple terms the expression of the motion carried by the Council yesterday, to ensure that the Council's intention is conveyed to the Prime Minister. As I began to say, I understand that a different motion was carried in another place.

The Hon. C.J. SUMNER: I have no objection to the Prime Minister being made aware of the resolution passed by the Parliament as I indicated. I merely thought that the Premier would be conveying certain information to the Prime Minister about what had transpired in the Parliament yesterday. The Leader of the Opposition has taken the point that a somewhat different motion was carried in this place from that which was carried in the House of Assembly. I have no objection to that motion being forwarded to the Prime Minister. I imagine that the correct procedure would be for it to be forwarded by you, Mr President, as the Presiding Officer. If the Hon. Mr Cameron is happy for that to happen, I am happy to concur in that course of action.

The Hon. M.B. CAMERON: I am not quite sure whether I should ask a supplementary question of you, Mr President. I would indicate that the course of action outlined by the Attorney-General would be acceptable to me and I ask you, Mr President, whether you would be prepared to convey the text of that motion on behalf of the Council.

The PRESIDENT: I will act as directed by the Council, in most matters as least. If there is a motion to that effect, I will most certainly be prepared to do that.

The Hon. C.J. Sumner: We don't need a motion.

The PRESIDENT: I have no authority without the direction of the Council.

The Hon. C.J. SUMNER: I undertake to convey the motion to the Prime Minister.

NURSING HOME BEDS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question on nursing home beds.

Leave granted.

The Hon. J.C. BURDETT: In South Australia there is a fairly gross under-supply of nursing home beds, at least in the sense that the demand is not met. Many people who reach their later years of life have made arrangements 10 or 20 years before to ensure that, when they require full-time nursing care, they can get it. However, there are many who do not make such arrangements and the need for nursing care can arise quite suddenly. The fact that it is not possible to get a nursing home bed in the short-term, or even the long-term, is a great problem to many aged people and their families.

The problem can arise in all sorts of situations: a fairly common situation is where an aged person becomes ill, goes into hospital and then no longer requires hospital care but does need nursing care as the patient is unfit to go home. The patient needs to be discharged from hospital to a nursing home, but beds are not available. A further problem is that, quite often with ageing couples, one or other of the couple is in better health and jointly they can cope. However, when something happens suddenly to the stronger member of the couple, they both require nursing home care at the same time. It is almost impossible to obtain two nursing home beds for a couple at the same time.

In the Health Commission a small unit exists comprising Dr Peter Last and Sister Wright. At least on an *ad hoc* basis that small unit has performed an excellent service in monitoring available nursing home beds, informing the public and providing a great service, particularly for those patients in need of care.

I understand that Dr Last has been sent to another field of duty and has left the unit. My information is that he will not be replaced. I understand that Sister Wright retires at the end of this year and will not be replaced. She has been performing this most excellent service in closely monitoring the nursing home beds that are available. An aged person, or member of that person's family, can ring Sister Wright and she can tell them what beds are available. Usually, there are no beds available, but she contacts the family when one becomes available. This has been a most valuable service, indeed.

I understand that this type of function was traditionally intended to be performed by the domiciliary service—another excellent service provided by the Health Commission. However, the domiciliary care service very properly operates on a regional basis so that it does not have an overview of nursing home beds which may be available through the whole of the metropolitan area. When elderly people and their families become desperate they do not care

that there may be no nursing home beds available in their own suburb and are anxious to get a bed anywhere in the metropolitan area. Will the Minister say whether or not my understanding is correct, that Dr Last and Sister Wright will not be replaced when they leave and, if that is the case, will he tell the Council what arrangements the Health Commission will make to ensure that the same excellent service is continued so that elderly people and their families may obtain information as to what nursing home beds are available in what very often amount to crisis situations?

The Hon. J.R. CORNWALL: Well, Mr President, poor old John has got it wrong again.

The Hon. Frank Blevins: John who?

The Hon. J.R. CORNWALL: The Hon. John Burdett. He does not seem to grasp the periphery of his shadow portfolio. He started by talking about an under-supply of nursing home beds. The fact is that, per head of population over 65 years of age, we have in South Australia more nursing home beds than anywhere else in the nation.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: The honourable member tried to beat up some sort of suggestion that we are short of nursing home beds in South Australia.

The Hon. J.C. Burdett: We are.

The Hon. J.R. CORNWALL: If the honourable member listens, he might learn.

Members interjecting:

The Hon. J.R. CORNWALL: Do not provoke me, as I am gently cultivating my new image.

The Hon. C.M. Hill: Just answer the question.

The Hon. J.R. CORNWALL: Keep them in order, Mr President.

The PRESIDENT: Order! I will manage that part of the proceedings, but the Minister will get on with his answer.

The Hon. J.R. CORNWALL: Let me take the Hon. Mr Burdett through this again slowly. There is not an under-supply of nursing home beds in South Australia.

The Hon. C.M. Hill: Go back to spaying kittens and dogs.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: What an intellectual giant.

The Hon. C.M. Hill: And what an egotistical Minister.

The PRESIDENT: Order!

The Hon. J.C. Burdett: Just ask the families concerned about this matter—they cannot get a nursing home bed.

The Hon. J.R. CORNWALL: When members opposite settle down, I will get back to answering the question.

The Hon. Frank Blevins: Take your time.

The Hon. J.R. CORNWALL: I will. I will now set right what the Hon. Mr Burdett has got wrong. At the moment 4 per cent of the population, as they grow old, end up in nursing homes—96 per cent of us will never see a nursing home. When we talk about comprehensive care for the frail aged, or for those of us who are dementing, we are talking about a relatively small percentage of the population. As I said, 96 per cent of us will not finish up in a nursing home and 4 per cent of us will. South Australia has the highest rate per 1 000 in the provision of nursing home beds in Australia and one of the highest rates for such provision in the world. One of the things that has bedevilled the whole debate on this subject in this country for more than three decades has been the sort of conservative philosophy that the shadow Minister is trying to peddle here again today. The fact is, and we must get it right because we have a burgeoning elderly population, that the provision of nursing home care is only one facet (albeit a very important one) of a multi-faceted approach to the care for the frail aged.

The conservative politicians of this country for three decades, because of the funding arrangements under which they operated and because of the support they gave to private 'for profit' nursing homes, have distorted this debate and have reduced it to the level where there is a knee-jerk reaction when people talk about aged care: they equate it with nursing homes. As I said, that is only one part, albeit a very important part, of aged care.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: You are peddling the old myths.

The Hon. J.C. Burdett: I was not.

The Hon. J.R. CORNWALL: You were. You should read *Hansard.* You do not begin to understand, you poor man! You do not begin to understand the periphery of your shadow portfolio.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: There is no under-supply. One of the real problems is that we have a system of assessment which, by and large, is quite defective. We have a system of Commonwealth funding which, as I said, for three decades has distorted the patterns. At the moment, the Federal Government and the Commonwealth Departments of Health and Social Security, in conjunction with the Health Commission, are working towards a situation where that will be very substantially changed and we will put in place a system of assessment around this country which will ensure that people will not be put in nursing homes unless there is a genuine need for them to be there: they will not 'book ahead'—that was the expression the honourable member used—'Let us book ahead, let us all get in the queue, let us all get on the waiting list because it is inevitable that we will finish up in a nursing home.' That is quite stupid and shows a lack of understanding of what it is all about.

The Hon. J.C. Burdett: I did not say that.

The Hon. J.R. CORNWALL: That is what the honourable member said. If he checks *Hansard* tomorrow morning he will see that he made a goose of himself. He does not understand that care or any other sort of care. I do not know where he gets his information, but it is not too good. He will have to smarten his footwork a bit. The fact is that Dr Last was not sent to another field of duty; Dr Last, who is a distinguished physician, has gone to the Julia Farr Centre.

The Hon. J.C. Burdett: You are a bit sensitive today.

The Hon. J.R. CORNWALL: No, I am not. I just want the honourable member to start to get it right and to stop making a fool of himself. The Julia Farr Centre has been upgraded enormously in the past few months. It used to be a rest home for retired g.p.'s who went to St Peters College, and members opposite know it.

Members interjecting:

The PRESIDENT: Order! Please come to order. I have no jurisdiction over how the Minister answers questions. I ask honourable members to relate their criticism of the answer to a subsequent question.

The Hon. M.B. CAMERON: I raise a point of order, Sir. The Minister is being extremely provocative and his last statement—'The Julia Farr Centre was a retiring place for students from St Peters'—is incredible.

The Hon. J.R. Cornwall: No, retired g.p.'s.

The Hon. M.B. CAMERON: All right—from St Peters College. The Minister is unbelievable.

The PRESIDENT: Order! I have no jurisdiction over whether or not the Minister answers the question or over the manner in which he answers.

The Hon. C.M. Hill: You haven't started to answer it yet.

The Hon. J.R. CORNWALL: You, Mr President, do not have too much jurisdiction over the lengthy explanations that the shadow Minister of Health makes, either. However, that is not a reflection on the Chair. I realise that you, Sir,

are not responsible for the education of John Burdett. As I said, his understanding, to some extent, is correct. Dr Last has gone to the Julia Farr Centre, and I am very proud of the fact that we have upgraded enormously the morale, the medical services and the range of other services at the Centre in the relatively short time in which we have been in government. The previous Government was aware of the quite scandalous things that were going on at the Julia Farr Centre, but it did not have the intestinal fortitude to tackle the problem. I make no apology for saying that the old boy network was working to such an extent that it would not grasp the nettle.

Dr Last has not been sent to another field of duty: he has gone to the Julia Farr Centre but, as I said in the Council quite recently, he has been retained as a senior consultant to me as Minister of Health and the South Australian Health Commission. We have not lost Dr Last from the system at all; in fact, we have expanded his position. Sister Wright is due to retire very shortly—I believe at the end of this year.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: I am well aware of that: I do not go around with my head under my armpit. In regard to the arrangements that will be made, the honourable member, if he read newspapers and if he kept himself abreast of current affairs, as does any other reasonable citizen in South Australia, would know that we are in the process of drafting legislation to establish an office of the Commissioner for Aged Care. One of the proposals that is being developed by Dr Last is that either in that office or in the office of a suitable voluntary agency there should be a bed bureau.

Sister Wright alone (not Dr Last) has done a quite remarkable job in running a bed bureau in the Health Commission. She knows at any given time when there might be a spare bed. Beds are hard to find because of the ridiculous funding with which the conservative Parties in Canberra have persisted for three decades. Under the current funding arrangements, the nursing homes must have 100 per cent occupancy. In fact, a scandalous situation exists in that an acute care nursing home must demand $40 to $50 a day from pensioners as a bed retention fee because the Federal funding arrangements are based on the fact that a nursing home must be full at all times.

That is a scandalous situation, and the honourable member should be complaining about that. He should be pressing Neil Blewett, Don Grimes and me to reform the scandalously unjust system that has been inherited. I have already had discussions about setting up a bed bureau, and I have spoken to Sister Wright personally. I have made clear to her that I would be aghast if we were to lose her formidable skills in this area, her knowledge of nursing homes, and her knowledge in regard to finding a bed in times of crisis.

It is certainly my intention that in her official retirement Sister Wright will be used in at least a part-time capacity in some sort of bed bureau, whether it is in the office of the Commissioner for Aged Care, in one of the voluntary agencies or, indeed, in some way attached to the South Australian Council on the Ageing.

However, the honourable member may rest assured that the talents of Sister Wright will not be lost and that she will have an understudy so that eventually when Sister Wright retires fully someone will have learnt from her vast knowledge in the field. However, I conclude by saying, as I started, that, really, if the Hon. Mr Burdett is to try to venture into the field of care of the frail aged and nursing homes, he should do some homework. I suggest that he begin by reading Professor Andrews' contribution to the Sax Report.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: I rise on a point of order. The Minister of Health has the habit of throwing remarks across the Chamber after replying to questions and resuming his seat. In this instance his remark, to the Hon. Mr Burdett, was 'It's bullshit.' I do not know whether the Minister thinks that that is appropriate language for this Chamber, but I ask him to withdraw that remark and to show a little more courtesy towards the Opposition in the Council.

The PRESIDENT: If the Minister of Health said those words, I ask him to withdraw, because they are most unparliamentary.

The Hon. J.R. CORNWALL: Indeed, Mr President, and I would.

The PRESIDENT: The Minister will, or he does?

The Hon. J.R. CORNWALL: Mr President, if I said those words I would withdraw them.

The PRESIDENT: I do not think that that is quite the point; the Minister knows whether he said them.

The Hon. J.R. CORNWALL: Is a private conversation that I had with the Hon. Mr Burdett to be a matter for that clown Cameron to raise as a point of order?

The PRESIDENT: Order! We were in this position yesterday. I am not concerned about the privacy of the matter.

The Hon. M.B. CAMERON: Mr President, it is not a matter of a private conversation at all. The Minister can throw whatever remarks he likes at me. The fact is that the Minister made across the Chamber the very audible comment that I have alluded to, and I ask him to withdraw it. Is the Minister denying that he made that comment? If so, he is being dishonest, and that is even more serious.

The PRESIDENT: Order! The Minister has been asked to withdraw those words.

The Hon. J.R. CORNWALL: In that event, Mr President, we will all have to watch our private conversations in the Chamber. Since my remark offends the sensitivity of the Leader of the Opposition so badly, Mr President, I will withdraw. In place of that remark, I will tell the Hon. Mr Burdett publicly—

The PRESIDENT: Order! The Minister can tell the honourable member privately, as far as I am concerned.

The Hon. J.R. CORNWALL:—that he does not have a clue what he is talking about, which is the context in which my original remark was made.

The PRESIDENT: Order! I am not concerned about the Minister's argument with the Hon. Mr Burdett; I am concerned about the words used by the Minister, and I ask him to withdraw that remark.

The Hon. J.C. Burdett: You could have given the answer in 30 seconds.

The PRESIDENT: Order! Does the Hon. Mr Burdett intend to come to order?

ADELAIDE RAILWAY STATION DEVELOPMENT

The Hon. K.T. GRIFFIN: My questions to the Attorney-General are as follows:

1. Will the Government release the Heads of Agreement relating to the proposed Adelaide Railway Station development? If not, why not?

2. If not, will the Attorney-General identify to the Parliament the detail of the obligations accepted and guarantees granted by the Government for the proposed development?

3. What subsidies by the Government have been granted in relation to that development?

4. What land title is proposed for the developers in relation to the development?

5. Will Parliamentary approval be sought for the obligations of the Government and the granting of guarantees and subsidies?

The Hon. C.J. SUMNER: I will refer the honourable member's question to the Premier and bring down a reply.

TELEPHONE CONTRACTS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about the validity of telephone contracts.

Leave granted.

The Hon. I. GILFILLAN: This morning I received a letter from the Manager of Refrigeration Enterprises. I will read a couple of paragraphs from the letter to explain the basis of my question, as follows:

> We are a small air-conditioning and refrigeration company. On 24 February 1983 we were phoned by a client who requested us to come out and fix his air-conditioner as the original installer of his unit had not installed and maintained the unit satisfactorily. We went out and collected his unit and brought it back to our workshop.

The letter describes the work done on the unit, and then states:

> Our total charge for this was $76.

Following several telephone calls and after several months, the client conveyed the impression that he would not pay for the work done by the firm. The letter continues:

> We then handed the account to our collection agency for further action. After letters from our agency and no response from the client court action occurred.
>
> On the morning of 24 October 1983 our company director attended the court hearing and to our amazement judgment was awarded against us. The basis for our losing the court action was stated by the magistrate attending—and he said 'that a verbal request over the phone by a client to a service company is not a legal contract and does not have to be honoured'. This is, of course, outrageous. This now means that any person who rings us or any other service company and asks for repairs or maintenance on any type of appliance is under no obligation to pay for the work once completed.

The letter concludes by requesting that I take action. I ask the Attorney-General whether he agrees with the statement made by the magistrate, as follows:

> That a verbal request over the phone by a client to a service company is not a legal contract and does not have to be honoured.

If so, does that not throw into jeopardy thousands of business arrangements, necessitating a need for the law to be changed? If the Attorney-General does not agree with that statement, will he investigate the case concerned and correct the intolerable situation that I have described? If the Attorney will not investigate the case, will he please say why?

The Hon. C.J. SUMNER: I think that it would be inappropriate for me to comment on an extract from a magistrate's judgment without knowing the full facts of the matter and studying the judgment in detail. Certainly, I undertake to do that. I am not sure where the case was heard, but it could well be that the honourable member's constituent who made the representations would have rights of appeal in relation to the matter. That would need to be inquired into and advice sought from legal advisers, depending on the court in which the matter was determined and whether or not it was the Small Claims Court.

The Hon. I. Gilfillan: The letter states that it is court action 14311/83 in the Adelaide Local Court.

The Hon. C.J. SUMNER: That does not assist me a great deal, although it will assist in tracking the matter down, which I will do. I will peruse the judgment. I point out to the honourable member that his constituent may have rights of appeal, and I suggest that the honourable member's constituent seeks legal advice so that, if the magistrate has made an error, it can be corrected by an appeal court. I undertake to obtain details of the judgment of the case and, when I have those details, I will be in a position to provide a considered reply.

ASSISTED SCHOLARS

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question that I asked on 1 June about assisted scholars?

The Hon. FRANK BLEVINS: My colleague the Minister of Education advises me that he has written to the Director of Catholic Education (Mr J. McDonald) and the Chairman, Independent Schools Board (Mr W. Miles), asking for their comments in the matters raised and in particular the degree to which the spirit of Education Department guidelines regarding Government assisted scholars is followed in the non-government schools under their responsibility. Mr McDonald has replied assuring him that, as far as he is aware, in his organisation the guideliness are being followed, and has requested that he be advised of any instances where a breach of this guideline has occurred so that corrective action may be taken.

Mr Miles has replied that, in schools under the Independent Schools Board, students receive Government assistance for the total of the Government grants credited to their book and stationery accounts and states that schools under the independent sector go beyond the spirit of the guidelines in their application of Government assistance and instruction to students and families in need. The Minister of Education is concerned that, where Government funds are allocated, they are used for their intended purpose. The particular Education Department administrative instruction which applies is 33:1, which states:

> Students whose parents are in financial need may be eligible to receive assistance in obtaining books and materials.
>
> Approved free students must not be asked to pay fees and should not be refused permission to participate in activities for which other students pay.

MARIHUANA

The Hon. DIANA LAIDLAW: I seek leave to make a brief statement before asking the Minister of Health a question on the decriminalisation of marihuana.

Leave granted.

The Hon. DIANA LAIDLAW: Last June the Minister announced that he proposed to introduce in the autumn session next year, a private member's Bill to decriminalise the use of marihuana. In July, at a Health Ministers conference, he was instrumental in gaining the concurrence of his Federal and State counterparts to tackle the issue of marihuana reform. Despite these commitments four months ago, he has now decided to back down.

On Sunday last, the Minister announced that he would not be pursuing these measures because of the findings of a public opinion poll commissioned by him and the South Australian Health Commission. In view of the fact that the findings of this poll had such a dramatic impact on the Minister, overriding all his earlier arguments to decriminalise the use of marihuana, is the Minister prepared to release the poll for public perusal? Is he aware whether the policy has equally dampened the enthusiasm of other members of his Party (for instance, the Hon. Anne Levy) to push for the decriminalisation of the use of marihuana? Will the Minister confirm whether or not any other member of the Government proposes to introduce a private member's Bill to implement Party policy on this matter if he is now not prepared to do so?

The Hon. J.R. CORNWALL: There are a few misconceptions in that explanation which I ought to tidy up. I will

be brief, if Opposition members can restrain themselves and refrain from interjecting.

The Hon. J.C. Burdett: Why should we?

The Hon. J.R. CORNWALL: The extraordinary thing about the stage we have reached in this Chamber now is that, on the hearsay of an eavesdropper, we can take points of order. I believe that that ought to be in *Hansard*. It is a ludicrous situation—

The PRESIDENT: The Minister ought to raise that matter quite separately from this question.

The Hon. J.R. CORNWALL: I intend to, Sir.

The Hon. M.B. CAMERON: I rise on a point of order. I imagine that the Minister was referring to me. I ask the Minister to withdraw his comment on the basis that his remarks are often totally audible. In future, every one of the Minister's rather crude remarks across the Chamber will be pronounced to him, and he will be made to withdraw.

The PRESIDENT: That is not a point of order or something that I can do much about.

The Hon. J.R. CORNWALL: Members opposite cannot control themselves at all and their behaviour is quite disgraceful.

The Hon. Frank Blevins: And unseemly.

The Hon. J.R. CORNWALL: Indeed. I intend to give them the icy sort of treatment that they deserve. The honourable member said that I had intended to introduce a private member's Bill to decriminalise marihuana. That is not what I said in June and it is not what I have said since. I said that I intended to lead informed public debate and, if public opinion was such at the end of that period, or if I had been influenced to the extent that I believed that a significant number of people—even a majority of people—were in favour of decriminalisation or only partial prohibition of marihuana to permit personal use, I would then seriously consider introducing a private member's Bill. At no point did I say willy-nilly that I would introduce a private member's Bill: let us get that clear.

Furthermore, I said on several occasions that, as I was a practical practising politician, I had no intention of swimming against the tide of public opinion or bashing my head against a brick wall if it was obvious that the majority of South Australians were not in favour of decriminalisation.

The Hon. Diana Laidlaw: There were polls—

The Hon. J.R. CORNWALL: I also made it clear that a poll would be commissioned by the Health Promotions Unit of the Health Commission—not be done by the Unit, as some people have reported. The poll was done by A.N.U.P., Mr Cameron's organisation, which is arguably the best polling organisation in this country. It was an extremely comprehensive survey and I have acted accordingly. It was clear to me that the great majority of South Australians are not prepared to accept decriminalisation of marihuana. They have a very deep concern about the drugs issue generally and, rightly or wrongly, they are looking for simple legislative solutions.

Unfortunately, legislation is only one aspect of a very difficult series of problems but, most certainly, we will oblige them as a Government by giving them legislation and introducing extremely harsh penalties for drug trafficking.

As to whether I intend to release the poll, I will be taking the results of that poll to my Cabinet colleagues. It has been publicly funded and I believe, in the circumstances, that many parts of the poll ought to be public property. It is my intention at the moment to make certain recommendations to Cabinet and, when they have been made, I will ensure that the Hon. Miss Laidlaw is amongst the first to know.

As to whether the poll dampened the ardour of other members, I have not the slightest idea one way or another what Miss Levy or anyone else intends to do. It is a conscience issue. It is not and has never been Party policy. The matter was debated at the State convention of the A.L.P. this year and, as everyone knows, I led the debate and carried the day. It was made clear right at the outset of the debate that it was a conscience issue. Under the rules, any decision taken on that matter by the convention was not and could not be binding on any member of the Party.

Let us put to rest the misconception that decriminalisation was Party policy: that is simply not true. I do not know whether it has dampened other peoples' ardour or whether any private member in this Parliament—whether it be a member of the Liberal, Labor or National Party or the Democrats—intends to do anything about introducing a private member's Bill to decriminalise marihuana. I can inform honourable members, for their guidance, that any member of either House is able to introduce a private member's Bill along these lines and I guess that at some stage in the fullness of time that may well happen.

CRAYFISH SALES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Fisheries a question regarding facilities for the sale of crayfish.

Leave granted.

The Hon. Frank Blevins: They are not 'crayfish'—they are 'rock lobster'.

The Hon. M.B. CAMERON: Down our way we call them crayfish as we are true to our area.

The Hon. Frank Blevins: They are called rock lobster.

The Hon. M.B. CAMERON: There is a difference between rock lobster and crayfish. A serious situation now exists in south-eastern ports relating to the sale of crayfish from fishing boats. There are cash buyers coming from Victoria who are paying more money for the local product than are local buyers. The result is that people with facilities in the area are receiving low amounts of crayfish to process. The situation now is that several facilities have been closed, another facility is in danger of closing within days in a major port and one fish processor who would normally receive about three-quarters of a tonne of crayfish per day into his depot received 50 kilograms yesterday. Another processor, Safcol, expects the same thing to happen to it today.

These processors have been in the area for a long time and provide bait, fuel and sale of gear facilities and, in a number of cases, financial and taxation services. I think that these are services that the cash buyers are probably not providing. More importantly, Safcol provides a communication service for the fishermen. This is a very important part of the service that Safcol provides. It is through this communication service that fishermen are checked on twice a day. Fishermen have an emergency channel that the Safcol staff monitor for the entire coastal region and thus provide cover for all of the time that fishermen are out of the port. At the moment, the Safcol depot at Port MacDonnell has been closed with the resultant closure of the communications base. Safcol has two alternatives in this matter: one is to hire another processor who is prepared to take over its communications base and the other is to boost its communications base at Beachport to cover the entire area, but that would result in blind spots in the communications network.

People now coming into the area are not providing premises or any of these services that I have mentioned. I know that the Minister would say that this is private enterprise at work, that he does not have the right to interfere with it, and that no-one in the area, including the processors, would be the least bit concerned if some of the facilities

were not provided. This difficult situation could lead to a total close-down of all major processors along the south coast. I believe that the fishermen are being somewhat irresponsible in placing the processors in this position, and I say that knowing that it is a criticism of a large number of fishermen.

The Hon. Anne Levy: You are criticising private enterprise?

The Hon. M.B. CAMERON: Yes. First, is the Minister of Fisheries aware of this situation? Secondly, does he believe that the people who are now purchasing a large proportion of the South-East catch should be required, as part of their service to the community in providing a buying facility, to provide other facilities essential to the industry and, if so, will he give some thought to providing some licensing system or the like whereby they are required, along with the purchase of the catch, to provide facilities for the fishermen otherwise, before long, existing facilities will no longer exist?

The Hon. FRANK BLEVINS: The answer to the first question is, 'Yes', I am aware of the problem. In fact, I was made aware of this problem I think during my first week as Minister of Fisheries—

The Hon. M.B. Cameron: Port Lincoln!

The Hon. FRANK BLEVINS: It was not at Port Lincoln but when I attended a meeting of the Australian Fishing Industry Council in South Australia, where this subject was raised. South Australian fish processors claimed that there should be much more Government intervention in this area to ensure that their interests were protected. That first meeting was quite a lesson to me because instantly, from across the table, other members of this organisation said that that just was not on. One gentleman, a working fisherman from the South-East, said he would not want AFIC to be associated with something that deprived him of competition in the price offered for his product, his fish. I just sat there while the debate went on. Therein lies the problem: the industry cannot come to an agreement on how the cake is shared. I agree that it is extraordinarily difficult. What the Hon. Mr Cameron is suggesting is that we take away this competition from working fishermen—

The Hon. M.B. Cameron: That is not the case. What I said was: should not these people provide facilities because they are important, particularly the safety facility of radio communications?

The Hon. FRANK BLEVINS: If the working fishermen in Port MacDonnell and other ports in the South-East choose to take extra money for their catch, and by so doing put Safcol, SELF and other processors out of business, is that not a decision that they have the right to make? It may well be that it is not in the long-term interests of rock lobster fishermen to do so, but that is a decision that, at the moment, they have the right to take. Is the Hon. Mr Cameron saying that it is the Government's role to take a decision that it sees as being in the long-term interests of the fishermen to stop these cash sales to interstate processors by South Australian fishermen? It would be a very dramatic and large-scale intervention in the industry to do that.

I have been astounded since I have been Minister of Fisheries at the amount of intervention requested by some sections of this industry from the Government. This has not been by the working fishermen but by other sections of the industry. For a group that prides itself on its independence and its adherence to the principles of free enterprise, the demands made on me as Minister by some sections of the industry are quite in conflict with those expressed views. What I will do, as I do in all these matters, is to approach the industry. I will approach AFIC again and say that this matter has been raised in the Parliament and ask whether it wants me to do anything about it. If the industry requests Government intervention, then I will be happy to have a look at the matter. I will also contact the South-East Professional Fishermen's Association and ask if it wishes Government intervention in this area. When I have received replies I will let the Hon. Mr Cameron know what the Government has decided about this matter.

The Hon. M.B. CAMERON: I desire to ask a supplementary question. I have no hassle about these buyers coming into the industry, but does the Minister realise that if no requirement is put upon them to provide the facilities that I have mentioned the existing facilities will not continue to exist and that, if these buyers continue to gain the full amount of the catch, as they are doing at the moment, the mantle of radio safety now provided will no longer exist unless they are required to provide it.

The facilities that the fishermen have at the moment will not exist. The most important are the radio systems. I point out to the Minister that it could well be that he as Minister will be required to provide them if it causes the disappearance of radio safety.

The Hon. FRANK BLEVINS: As I said in answer to the principal question, I am aware of the problem, but I do not want to be in the position of being someone who takes away from working fishermen the right to negotiate for that.

The Hon. M.B. Cameron: I am not asking you to do that.

The Hon. FRANK BLEVINS: Yes, you are. The honourable member is saying that I should impose on them a levy, for example, to assist Safcol to keep its operation going—let us work through the practicalities of it—or that I should say to interstate fish processors who come into this State to buy fish, 'If you come into this State to buy fish there is this obligation on you: you have to provide radio facilities for fishermen with whom you deal, etc.' Is the honourable member seriously saying that this is what I should do? It may well be that the Hon. Mr Cameron considers that that is appropriate. I have undertaken to find out from the South-East Professional Fishermen's Association what its view is on it, and also the view of AFIC, which is the umbrella body for most of the fishing bodies—not all; some associations are not associated with AFIC. Once I have their response as to how they see the problem being solved I will come back and let the Hon. Mr Cameron know.

Again, I just point out that I have been absolutely staggered by the degree of intervention requested by some sections of the fishing industry into their industry by the Government. I am surprised that people who espouse a strong, independent, free enterprise philosophy want this degree of intervention in their industry. However, as I say, I will come back with a more complete reply when I have the response.

LANGUAGE CONGRESS

The Hon. M.S. FELEPPA: Has the Minister of Ethnic Affairs an answer to the question that I asked on 13 September on the subject of a language congress?

The Hon. C.J. SUMNER: The Eighth Annual General Congress of the Applied Linguistic Association of Australia at La Trobe University on 29, 30 and 31 August was attended by several representatives of the Department of Education, including the Principal Education Officer responsible for modern languages, and staff of the Languages and Multicultural Centre. There were also present lecturers from the Adult Migrant Education Service of the Department of Technical and Further Education. Academics from the two universities and the College of Advanced Education also attended.

The area of applied linguistics normally tends to be too technical to warrant representations (particularly interstate) by the South Australian Ethnic Affairs Commission. The appropriateness of the Commission's involving itself prior

to next year's congress in Alice Springs will depend on the theme of the congress. I point out, however, that the congress is primarily for members of the Australian Applied Linguistics Association of Australia, and it would be expected that any meetings in Adelaide prior to the congress would be called by the local representative(s) of the Association, rather than for an outside body such as the Commission.

PSYCHOLOGICAL PRACTICES

The Hon. R.J. RITSON: Has the Minister of Health an answer to the question I asked on 16 August about psychological practices?

The Hon. J.R. CORNWALL: As a result of reports that I have received from the South Australian Health Commission with regard to the 'Sensory Classroom', I have asked the South Australian Psychological Board to investigate the apparatus and associated training course, to determine whether potentially harmful or dangerous practices are involved or whether the provisions of the Psychological Practices Act have been breached.

LETTER TO THE PRIME MINISTER

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

That the President write to the Prime Minister conveying the text of the resolution passed by this Council on 25 October 1983 relating to Roxby Downs.

I move this motion because protocol demands that, rather than a mere Minister of the Government writing to such an elevated personage as the Prime Minister (these communications are usually conducted at a governmental level of Premier to Prime Minister), it would be more appropriate if the message were conveyed by you, Mr President, as Presiding Officer of this Council.

Motion carried.

QUESTIONS RESUMED

OPIT INQUIRY

The Hon. J.C. BURDETT (on notice) asked the Minister of Health:

1. What was the total cost of the Opit Inquiry?
2. How was the total cost divided between:
   (a) Persons involved in the inquiry . . . how much was paid to each such person, and what are the names of each person?
   (b) Travelling expenses . . . how much was expended in respect of each person involved in the inquiry, and what are the names of each person?
   (c) Accommodation expenses . . . how much was expended in respect of each person involved in the inquiry, and what are the names of each person?
   (d) Other expenses, specifying the nature of the expenses?

The Hon. J.R. CORNWALL: The replies are as follows:

1. $5 824.12.
2. *(a)* Professor Opit was paid a total of $5 423.48.
   (b) Professor Opit was paid $1 136.40 for travelling expenses.
   (c) Professor Opit was paid $960 for accommodation expenses.
   (d) Professor Opit was paid $3 300 in consultancy fees and $27.08 for incidental expenses. Printing of the report cost $400.64.

BARMES INQUIRY

The Hon. J.C. BURDETT (on notice) asked the Minister of Health:

1. What was the total cost of the Barmes Inquiry?
2. How was the total cost divided betweeen:
   (a) Persons involved in the inquiry . . . how much was paid to each such person, and what are the names of each person?
   (b) Travelling expenses . . . how much was expended in respect of each person involved in the inquiry, and what are the names of each person?
   (c) Accommodation expenses . . . how much was expended in respect of each person involved in the inquiry, and what are the names of each person?
   (d) Other expenses, specifying the nature of the expenses?

The Hon. J.R. CORNWALL: The replies are as follows:

1. $9 696.60.

2. *(a)* Dr D.E. Barmes was paid an honorarium of $461.25.

The Hon. J.C. Burdett: It is cheaper than Professor Opit, isn't it?

The Hon. J.R. CORNWALL: Quite a good deal cheaper than Q.C.s who are engaged from time to time at $1 000 or $1 500 a day.

Dr D. Heffron was paid an honorarium of $600. Drs Barmes and Heffron were assisted by Dr H. Kennare, Chief Executive Officer, S.A. Dental Service, Dr C. Stevens, Regional Dental Officer, Murraylands and South-East Region, and Mrs R. Bottroff and Mrs L. Coster, dental nurses. These officers received no special payment for this work.

(b) $5 229 was paid on air travel to and from Adelaide for Drs Barmes and Heffron. $718 was paid for air travel between Adelaide and Mount Gambier and return for Drs Barmes, Heffron, Kennare and Mrs Bottroff and Mrs Coster. Direct vehicular costs in Mount Gambier were approximately $52.

(c) Cost of Dr Barmes's accommodation was $1 411.96. Cost of Dr Heffron's accommodation was $334.25. Cost of Dr Steven's accommodation for one night in Mount Gambier was $45.50.

(d) The cost of printing the Barmes Report was $844.64.

I might add that the cost of preparing the answers to these questions was also probably many hundreds of dollars.

ITALIAN EARTHQUAKE APPEAL

The Hon. C.M. HILL (on notice) asked the Attorney-General: With regard to the Italian Earthquake Appeal funds raised during 1981—

1. What was the total sum raised in this State?
2. What was the total sum raised in Australia?
3. What amount has already been expended on completed rehabilitative construction or reconstruction projects in Italy?
4. What were the individual projects, where was each situated, and what was the cost of each project?
5. What amount has already been paid out on uncompleted projects?
6. What are the individual uncompleted projects, where is each situated, what is the estimated total cost of each project presently uncompleted, and what amounts have already been paid out on each uncompleted project?

7. After adjustments for administrative expenses and interest earned, what funds remain for work as yet not commenced?

8. To absorb these funds, what are the proposed separate projects, where is each to be constructed or reconstructed, and what are the estimated individual costs for each proposed project?

9. When is it expected that all work will be completed?

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

1. The total sum raised in South Australia for the Italian Earthquake Appeal was $458 522.

2. The total sum raised in Australia, including Government grants, was $4 304 268.08. As of 11 July 1983 according to the last Treasurer's report received by the South Australian members of the national committee (one of whom is an officer of the Commission) interest was $786 946.10. As of 14 January 1983, and in accordance with the decisions of the November meeting and previous meetings of the national committee, funds transferred to Italy were $4 931 471.26. At 18 November 1982, funds transferred to Italy were earning 19.65 per cent (as compared with 12 per cent in Australia).

3. As of 25 March 1983, for the work in progress (listed below 5., 6. and 8.), amounts allocated to each project and progress of work for nine projects committed by the national committee. An update is expected in October. As of 25 March 1983 no project was completed.

4. As no project was completed at last report, no reply can be given to this question.

5. and 6. Amount spent or committed on five projects which are near completion:

Casa di Riposo San Francesco, Baronissi:		
(Home for aged, due for completion October 1983)	230 m	Lire
Istituto L. Cervone, Campagna:		
(Old-age home due for completion October 1983	480m +125.5m	Lire Lire
Montoro:		
(Home for the aged, due for completion October 1983)	474.5 m	Lire
Cava:		
(Medical and day care centre, due to be completed late 1984. Construction above ground as of May 1983)	750 m	Lire
Potenza:		
(Roof stage as of May 1983)	865 m	Lire

The amount spent so far for the above projects has not been reported to the Australian committee, but a report is expected in October. In view of the dates of completion, most of these funds have been spent.

7. Funds left, and committed to work yet to be commenced, are as follows:

Teora:		
(Mid June expected commencement, but project in doubt)	831.6 m	Lire
Avellino:		
(Geophysical survey expected May)	1 300 m	Lire
Napoli:		
(May commencement date expected)	500 m	Lire
Benevento:		
(Tenders called for May)	815 m	Lire

As I understand it:

(1) Funds have been transferred to Italy as assurance of commitment to the planned and approved projects.

(2) Funds are paid progressively to projects, and it would appear no payments have been made to contractors as yet for these four projects.

The Australian Embassy in Rome (through an officer in Rome, Mr T. Lander) is represented on the Italian committee and monitors progress and expenditure on behalf of the Prime Minister, the co-patron of the national appeal.

8. The financial commitment for incompleted projects is listed in 5. and 6. above.

The projects are:

Teora:

Three 'palazzine' (Homes for the aged—new project).

Benevento:

Centro Morale S. Pasquale (Home for the aged—reconstruction and addition).

Potenza:

Instituto R. Acerenzaa—(Home for the aged—new project).

Avellino:

Centro Di Sviluppo Infantile (Associazione 'Silenziosi operai della Croce')—(Home for handicapped children—new project).

Napoli:

Social Welfare Centre (akin to a half-way house—new project).

Amounts are given in question 7. All appeal funds have been committed.

9. Date of completion for some projects is not clear, but most should be completed by December 1984.

SHOP TRADING HOURS ACT AMENDMENT BILL

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to amend the Shop Trading Hours Act, 1977. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

My second reading explanation will be brief and justified, certainly in part, by previous speeches that I and the Hon. Martin Cameron have made. Both of us have shown enthusiasm for extending the hours during which consumers in South Australia can purchase fresh red meat. This Bill does not provide the ultimate in the requirements for the marketing of fresh red meat, and it will still leave us well short of conditions that prevail in some other States. However, it is a substantial reform, it will provide the opportunity for consumers to purchase fresh red meat in quite a significant extended period, especially during late night shopping periods. We believe that the consumers will benefit and the producers who have been agitating for this measure for a long time have indicated their support.

It is my belief that the retail industry will benefit because of the expected uplift in demand and the opportunity for more effective marketing to potential consumers: it will be good news all around. I expected that members might question the producers' support for this measure, because it is very easy to misrepresent their views and because it may seem to be a retrograde step. I want to make plain that, if I felt that that was the case, I would in no way have considered introducing this Bill. In support of my belief that producers support the Bill, I will cite a letter from the United Farmers and Stockowners of South Australia of 22 November 1983. The letter, which is addressed to me, states:

> My organisation believes that shop proprietors ought to have the option of opening late night or Saturday morning.

This Bill will attempt to achieve just that.

The Hon. R.I. Lucas: Will they open at both times?

The Hon. I. GILFILLAN: They will have one option or the other, and that is stated in the letter. I introduce this Bill with confidence, knowing that it is not the ultimate but believing, as the Hon. Mr Cameron believes, that producers would like to see the restrictions lifted, and knowing that this is a first step. Once these provisions are experienced, the pressure for further reform will be overwhelming.

Those who are not prepared to take improvements step-by-step may feel that this would go against reform. But that is not the way I feel. I believe that there is potential for reform. This Bill may not be the ultimate, but it will certainly help, and I hope that it will receive the support of those in this Council who believe that there is definitely room for improvement in this marketing area and that this Bill offers a step forward. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the amendments made by the Bill will come into force at the expiration of two months after the Bill receives the Royal Assent. This period will enable shopkeepers affected to prepare for the new system of closing times and enable them to benefit from the initial period of one month in which they will be free to experiment with closing times.

Clause 3 inserts five new subsections into section 13 of the principal Act. New subsection (4) provides closing times for butcher shops which will apply for only one month after the Bill comes into operation and which will enable shops to remain open until late on one week night in each week and to open on the following Saturday morning. In country areas the shopkeeper will be able to choose a different week night in each week during the first month on which he may remain open after 5.30 p.m. The purpose of this provision is to give shopkeepers a period during which they can experiment with different opening and closing times.

New subsection (5) prescribes alternative closing times that will apply after the first month of the Act's operation. The effect of the alternatives is that a shopkeeper will have to choose between remaining open after 5.30 p.m. on one week night or opening on Saturday mornings. Subsection (5a) gives him this choice. Subsection (5b) gives a country butcher the choice of which week night he may remain open after 5.30 p.m. Subsection (5c) provides that once a choice has been made under either subsection (5a) or (5b) a further choice may not be made for another year. The result will be that a shopkeeper must comply with the times chosen by him or his predecessor for at least one year from the time the choice was made. It should be remembered that these provisions specify the times at which shops must be closed. A shopkeeper is, of course, free to close his shop at any time before the prescribed closing time.

The Hon. M.B. CAMERON (Leader of the Opposition): I will not take the usual step of immediately adjourning this debate, because I believe that the member who has just sat down has been somewhat conned by someone somewhere along the line in regard to this whole issue.

I do not see this Bill as an improvement at all. I agree with the Hon. Mr Gilfillan when he said that this is not an ultimate solution. I think that is putting it mildly. In fact, it is a substantial understatement. This Bill is not a substantial reform. I fear that, if we allow some butcher shops to close on Saturday mornings, it will be the beginning of the end of butcher shops opening at that time. That could well be the end result of this Bill. That would be the most unfortunate result of the Hon. Mr Gilfillan going into the corridor and doing some sort of peculiar deal with the Government.

I am sorry that the Hon. Mr Gilfillan has taken this step, because I believe that we were on the verge of getting the Government to agree to our proposal. The Government cannot stand up to consumer demand for late night 'red meat' shopping for ever. Eventually, and it may be in 12 months time, three weeks or right now, I believe that the Government will be forced by consumer opinion to agree to a simple amendment to the shopping hours legislation to permit late night shopping for red meat. That could have been and should have been done before. There is an argument that previous Governments should have provided for that, and I agree. However, there is no point in looking back.

We are now being asked to agree to a mish mash that will only further confuse the shopping hours question. We will have a situation where butchers in a supermarket will be open on a Thursday or Friday night, while a butcher shop across the road will be closed. It will be an absolute shambles. I am very sorry that the Hon. Mr Gilfillan has now gone to water and has let down the side. That is most unfortunate. I ask the Hon. Mr Gilfillan to reconsider his action and to give some thought to withdrawing his Bill.

I invite the Hon. Mr Gilfillan to withdraw his Bill and take over my Bill—the Opposition will support him to the end. I introduced my Bill because I had a feeling that the Hon. Mr Gilfillan would go to water; in fact, he has let the side down. The Hon. Mr Gilfillan should contact the United Farmers and Stockowners Association: he may find that he gets a slightly different opinion now that it understands what he is doing. However, I do not want to get into that argument. It is most unfortunate that my Bill was delayed for seven weeks while we waited for this 'great solution' to appear.

The Hon. Mr Gilfillan's great solution has only created a great shambles of the red meat trading concept. We will have a situation where half the butcher shops of Adelaide open on Thursday and Friday nights, while the other half open on Saturday mornings. Once a butcher shop has decided when it will open, it cannot make a change for 12 months. If a butcher finds that he has made a mistake, because he does not know what his opposition in nearby areas is doing, it will be too late when he finds that most of his trade has disappeared. I cannot understand how the Hon. Mr Gilfillan can call his Bill a substantial improvement.

I think that the Hon. Mr Gilfillan's Bill has made a mess of the whole question. If the Hon. Mr Gilfillan persists with his Bill I will certainly look at moving amendments to try and rectify the shambles. This is the first occasion on which I have seen the Bill. I need time to consider amendments and, accordingly, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

RANDOM BREATH TESTING

Adjourned debate on motion of Hon. M.B. Cameron:

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.

(Continued from 19 October. Page 1127.)

The Hon. G.L. BRUCE: I rise to indicate that the Government supports the motion. I remind the Council that I was a member of the Select Committee on random breath testing, which sat about 2½ years ago. I believe that the Select Committee acted with a great deal of responsibility and brought down what I considered at that time to be some of the best legislation on random breath testing in Australia. However, that does not mean that the legislation should not be reviewed. The legislation incorporated a sunset clause which gave Parliament an opportunity to review the legislation at the expiration of three years. I believe that it is necessary to review the legislation within the time specified in the legislation. I do not believe that their should be a hiatus or a period of limbo.

If random breath testing is to be abolished, a Select Committee should consider that possibility now; if the legislation needs to be strengthened and improved, that action should be taken before the expiration of three years. The Hon. Mr Cameron said that this matter was above Party politics. I hope that it remains that way. There is no political kudos for anyone in the legislation. I would hate to see this matter become political. I believe that road safety, drinking and driving, and road accidents are above politics. I believe that Parliament is looking for the best results and the best legislation for the people of South Australia.

In June next year the random breath testing legislation will be three years old. When the legislation was introduced, it was understood that comprehensive surveys would be conducted in South Australia. It was recommended that a Mr McLean from the Road Accident Trauma Unit would survey road tolls during the three-year period of the legislation. I have seen no comprehensive reports since the legislation was proclaimed. I would be very interested to see any trends and any facts from the unit set up at Adelaide University to monitor the introduction of random breath testing in South Australia.

The Hon. Mr Cameron said that Queensland and Western Australia do not yet have random breath testing. It may be that they do not have legislation providing for such testing, but I was in Western Australia about two years ago and I can assure the Council that there were random breathalyser units operating in that State. They did not operate in the way that our legislation provides for. I believe that, if a Select Committee is established, it should investigate what is happening in those States that profess not to have legislation providing for random breath testing. Perhaps a few red herrings have been produced in those States. I believe that a similar system operates in those States, although they do not have formal legislation providing for random breath testing.

The Select Committee took evidence from surgeons at hospitals and hospital administrators. Those people gave evidence on the effects and traumas of road accidents and the involvement of alcohol. I would be interested to have those same people come back to a Select Committee and give evidence on whether they have seen any improvement or change in what is happening in their field of operation. A whole range of evidence needs to be examined to determine the effectiveness of random breath testing. I believe that a Select Committee of this Council is the best forum to obtain such information. I support the call from the Hon. Mr Cameron that the matter not be politicised. No political mileage can be gained by anyone in this matter.

The Hon. M.B. Cameron: That has not been done at any stage.

The Hon. G.L. BRUCE: I agree with that. I have great faith in the Select Committee process and I have advocated for the last three years that our main role should be Select Committee work. That is the way in which this Council can best service the people of South Australia. I fully support it and have no hesitation in saying that we will give full co-operation to the Select Committee. I trust that the report that comes down will be based along the lines of the sentiments expressed by both the Hon. Mr Cameron and myself.

The Hon. R.J. RITSON: I thank the Hon. Gordon Bruce for his expression of support on this matter, recalling as I do the history of earlier legislation that was before this place several years ago. I recall that during that debate I accused the A.L.P. of taking a partisan line. Having subsequently sat on the Select Committee, having been involved in making recommendations on the legislation and having shared that process with A.L.P. Committee members, it was not at all difficult for me to rise in this Chamber and eat humble pie when that report came down. I stated how pleased I was with the complete bipartisan approach of that Committee and how courageous the A.L.P. members were in withstanding some sectional pressures from some of their supporters. I am sure it has done them no harm whatsoever to be seen to join with us over this issue.

The Hon. Frank Blevins: We did not lose our preselection, unlike Mr Carnie.

The Hon. R.J. RITSON: As I was saying, before I was so surprisingly interrupted by a newcomer to the Chamber, I am sure that the A.L.P. members who displayed that statesmanship lost nothing by it. The Select Committee went into the subject very deeply over a long period. It took large amounts of expert evidence, travelled widely and gained some very real understanding of the nature of the problem of drink driving and of the way in which other jurisdictions have sought to control the problem.

The one thing that became clear to the Committee was that the deterrent aspect of it depends not so much on what are the real chances of being caught but rather on what drivers think are the real chances. Thus, even if the chance of apprehension was 30 per cent for any given episode of drink driving, if the driver did not see the police presence, he would not perceive his chances of being caught and would then commit the offence. On the other hand, if he saw a strong police presence—even if the chances of being caught were fairly low—his perception of police presence would be a deterrent. In every jurisdiction where this legislation has been effective, it has been the visible police presence, along with public debate, public awareness and constant public comment on the matter, that has produced the result.

I recall quite vividly attending a seminar conducted by the Road Safety Council on the subject of drink driving at about the time the initial legislation was under debate. In those days it was front-page news—not just for a few days but almost continually. At that time, before the legislation passed this Council, we were experiencing an otherwise unexplained drop in the road toll. At the seminar I was fascinated by some figures which the Government Analyst presented to those attending the seminar. He showed that, concurrent with the drop in the road toll, there was a drop in the mean blood alcohol levels which he determined from specimens sent to him from hospitals and the autopsy room. So, while I am not claiming a relationship, even before the legislation came into being, there was a correlation or association between the actual road toll, the quantity of public debate, and the mean blood alcohol level as determined by the Government Analyst from specimens taken from accident victims.

Sadly, within half an hour or so of the proclamation of the new legislation, and again coinciding with a marked drop in the debate and publicity on the subject, some anecdotal evidence gathered by the newspapers indicated that the number of drink-driving accidents was rising, which led to early conclusions that the legislation was not working. It

would also be possible to conclude that the earlier debates had worked very well and that it was when the newspapers deserted us, as it were, and reduced their level of comment on drink driving, and when people actually discovered that they hardly ever saw a breath testing unit, that the public perception waned and the road toll rose. That is quite different from saying that random breath testing does not work. To say that it does not work is not possible on the information available. I believe that we can deduce that publicity surrounding it does work.

We can pay greater attention than have previous Governments to the work of Dr Peter Vulcan in Melbourne, as Victoria went through a similar experience. At the moment of debate on introduction of the legislation in Victoria, there was an initial reduction in the road toll and then, over the next year or two, the road toll rose due to the issue fading from the public mind. In an experiment Dr Vulcan demonstrated that, by saturating a part of the city with police presence and many signs indicating that breath testing was in action, dramatic reductions in the accident rate were achieved. It was found that the effect lasts for several months before the accident rate begins to climb again.

There is a residual effect after a particularly strong demonstration of a police presence. That evidence was documented and really convinced the Committee that random breath testing could work. I hope that the Committee sits again and, whilst not wishing in advance to argue the case of random breath testing too strongly at this stage, I hope that it will go beyond merely the question of whether or not it does work or can work and looks further at its method of operation and that it will be prepared to give strong advice to the Executive about its methods of operation. The one thing that has become clear is that the methodology of the Executive branch of government in using the powers that it is given and the role of the press in keeping the debate at a high level are very important components of such a policy of random breath testing. After all, random breath testing is only a part of ordinary police powers.

The police have always, of course, had to enforce the drink-driving laws and blood-alcohol limits. Really, the matter boils down to the fact that in the past the police were restrained by statute from testing people unless they had committed certain serious types of road traffic offences, or were involved in an accident. What the random breath testing legislation really did was remove such statutory restrictions from police powers to test for alcohol and simply allowed them to test anybody. It is really a question of how the police use those new powers. I would expect, therefore, that one of the important things that a Select Committee would look into would be the use of such powers and the manner in which testing is administered and set up both in South Australia and in other States; also, that such a Committee would make a recommendation to the Executive on the matter of exercise of the power which is given by this legislation.

I think that it is important to express my personal view now. It may not be the view of particular Parties, persons, or the view that the Committee comes out with, but that view is that the aim of any legislation should be, in the first place, the general deterrent effect, which I have described, and, in the second place (for those who are not deterrable, either because of entrenched alcoholism or complete social irresponsibility), detention and disqualification for a very long time. It is on this question of detention that I wish to address myself to the question of blood alcohol levels. If one examines the accident involvement curve presented to the previous Committee by Dr McLean, one sees that at about .02 there is an apparent improvement in driving performance. One possible explanation would be that people who drink only to that level and then cease are probably generally pretty responsible people who probably drive more carefully rather than less carefully when they have had these drinks. Therefore, that apparent improvement probably does not mean that two drinks improve a person's driving but that people who have only two drinks are probably mature, responsible and competent drivers.

As one gets to the level of .05 and beyond there are distinct increases in accident involvement seen and, indeed, there is a doubling of the risk between .05 and .08. At .05 the risk is still not particularly great when compared with the effect seen further along the curve from about .1 onwards, when the accident rate zooms. It multiplies tenfold and fifteenfold over the next two or three points of increment in blood alcohol content. Regrettably, the blood alcohol level of many people killed in alcohol-related road accidents tends to be up in the .15 to .25 area. People who drink to that extent and drive regularly are probably not deterrable and probably do need to be detected and prevented from driving for a very long time.

It would seem to me that if we are to move in the direction of the lowering of blood alcohol content whilst continuing with a fairly low level of detection units then we are certainly liable to get more convictions without starting to touch the problem of increased detection of the people driving at very high blood alcohol levels. I am not particularly keen to see more convictions. I do not think that that is the test of good legislation at all. I think that the test is fewer accidents. I think that what should be done is to attack that blood alcohol curve, that part of the accident involvement curve which contains the most and the worst accidents. That is at the higher blood alcohol levels. My opinion at this stage (again, without being rigid and I might be convinced otherwise) would be that I would prefer to see larger numbers of patrols, testing stations and much more visible police presence to detect people driving at the most irresponsible end of the scale, rather than not increase the number of detection units but lower the blood alcohol level, thereby getting the effect of more convictions but no fewer accidents. However, all of that remains to be seen. The Committee, which it now appears will be formed as a result of the responsible attitude of the Government on this matter, will have to sift through all these matters, and will have to report to this Council. That report will be debated here. There is a long way to go, but I am delighted that this Council has seen fit to take this course of action and I am sure that members on this side would be honoured to serve with members from the other side of the Council on this Committee.

The Hon. K.L. MILNE: I believe that this Act has done what it set out to do—people are frightened about drinking and driving. I am certain that random breath testing has had a great deal to do with this. It was reported in the press some little time ago that the scheme was a failure because so few offenders had been caught. That proves to me that the scheme is working—if the same number of offenders were being caught then I would think that the scheme was a failure. However, the people complaining about how few people are caught do not realise that there are fewer people in a position to be caught because of this legislation. I think that the new Committee needs support and I hope that it has every success. I support the motion.

The Hon. L.H. DAVIS: I, too, support the motion to form a Select Committee to review the effectiveness of the random breath testing legislation which first passed the Parliament some two years ago. Like my colleagues, the Hon. Martin Cameron and the Hon. Bob Ritson, I was a member of the previous Select Committee, which took evidence not only in South Australia but also in Victoria and the Northern Territory. Indeed, it is true that there was a

bipartisan approach to this very important subject, and the legislation, which took the form of amendments to the Road Traffic Act, was directed very much at reducing the carnage on the roads through educating the public and, in particular, young drivers, to the dangers of drink driving.

It is interesting to note that since this legislation was introduced other States have moved in the same direction. Indeed, there are now only two States in Australia where random breath testing legislation is not in place. That is not to say that we would necessarily argue that random breath testing is a primary deterrent to drink driving. It is not the only deterrent—that is quite clear—but it is one of a number of measures which have been introduced in recent years to seek to lower the death toll on Australian roads.

The most recent figures that I can recollect are that some 3 200 people die on Australian roads each year. Half of those are directly the result of drink driving (that is, 1 600) and half again (namely, 800) are innocent victims of drink driving. So, one might say that close to three people possibly die on Australian roads every day as innocent victims in drink driving accidents. That is an horrendous toll, and we believe that the random breath testing legislation introduced two years ago will act as a deterrent at least for making people more aware of the dangers of drink driving.

Honourable members may recollect that there was some apprehension about random breath testing legislation when it was first introduced and that the Select Committee broke down that apprehension. Nevertheless, the legislation introduced has now been in place for two years. As it was sunset legislation it demands review. I really believe that there are serious deficiencies in the random breath test legislation.

I came home from a party only last week and, as I pulled up in front of my house, I noticed a police car 200 yards to the east. Having seen my wife safely inside, I proceeded in an easterly direction to see what was happening. It turned out to be a random breath test unit. Certainly, it was not obvious that it was a random breath test unit. Members of the Select Committee will remember that when we visited Victoria the random breath test unit was lit up like a Christmas tree. There could be no mistake that one had passed a random breath test unit and that such a test unit was in action in that locality.

In Adelaide it is still possible to pass a random breath test unit on our roads without knowing what it is. Indeed, while I stood with two very enthusiastic policemen who were going about their duties in a very efficient and polite fashion, we saw a four-wheel drive vehicle cross over a fairly substantial median strip on Norwood Parade and head off the other way through a red light to miss the random breath test unit, which the driver had noticed just 50 yards before he reached the spot where the unit was located. We saw other people turn off quickly without indicating their intentions to turn off the main road. I was told by the police that this was a common occurrence. Again, in Victoria drag cars were employed or police cars were set up in appropriate localities to make it more difficult for cars to do that.

An honourable member: And motor bikes.

The Hon. L.H. DAVIS: And motor bikes. It has become a game, sadly, in Adelaide to miss random breath test units. I suggest that this game has been easy to play because random breath test units have lacked sufficient resources. I understand that in recent times new arrangements have been made so that one breathalyser van now services two cars; as a result, some 50 per cent more drivers are being tested. That is satisfactory in the sense that more drivers are no doubt aware that random breath test units are on the roads and more drivers are being tested, but the resources have been so thinly spread that I doubt very much whether random breath testing, as suggested by the Select Committee, is being used as efficiently as it could be.

The Hon. M.B. Cameron: Or than it has ever been.

The Hon. L.H. DAVIS: The Hon. Martin Cameron interjects to say that perhaps this has been the case since it was introduced in 1981, and I agree with that comment. Even on the occasion of the maiden random breath test unit that I saw, I was not at all satisfied with the lighting arrangements and the general set up of the unit. That remains my view, having been apprehended by one in the past three months and having observed one last Friday night.

I observed that random breath test unit with two policemen for one hour between 1.30 a.m. and 2.30 a.m. I was told that the number of drivers apprehended who were over .08 had dropped from .6 per cent to around .4 per cent. In other words, a very small incidence of drivers were above the prescribed minimum blood alcohol level of .08. That, of course, suggests, at least at first sight, that random breath testing is acting as a deterrent: there are fewer drink drivers on our roads, given especially that at least more tests are being undertaken now, with the resources having been doubled, and that two units are being serviced by one breathalyser van.

However, other aspects of the existing legislation concern me. I do not claim to know the answers, but a Select Committee certainly would have the opportunity of finding those answers. First, I believe that our legislation is too restrictive. It is cumbersome from an administrative point of view. For example, do honourable members know that the Commissioner of Police has to sit down every month and sign 200 sheets of paper to say where random breath test units will be established on Adelaide roads? There is no ability to delegate the Commissioner's authority, as far as I can see, and that is a cumbersome administrative form.

Also, the existing legislation may be too restrictive from the point of view of operating random breath test units. It has become fairly common knowledge where random breath test units are established. It is generally known that four units operate on Thursday, Friday and Saturday nights. In New South Wales, I understand—although I am not actually sure—that some flexibility is given to the police so that policemen in patrol cars have the power to submit drivers to an alcotest.

We may think that that power is truly Draconian, but at present I understand that the random breath test units do not have the flexibility to move around as do some of their interstate counterparts. For instance, in Victoria the police can move a unit to three or four different places in the one night, but I suspect that that is not the case in South Australia. Thus, the effectiveness and the impact of random breath testing is reduced here.

Another problem is that the police in South Australia cannot effectively wear anything over their police uniform. Only recently a case came before the courts where a judge upheld an appeal by a driver who claimed that a policeman in a breathalyser van was disguised because he wore a white coat. Although the police have the administrative power to wear white coats, it is prescribed that they should appear to be policemen, and as a result the police feel that they cannot wear restrictive white coats over their uniform because that may give a driver who is caught and who is above the limit good grounds on which to appeal against a conviction. In fact, the judge in the case that came before the courts stated that the police should not be disguised. I believe that that is a very unfortunate state of affairs. The police are entitled to safety and surely common sense should prevail in that area.

Another possible limitation in the legislation is that a driver can demand to have his blood alcohol level taken not at the nearest hospital or at the nearest place that takes blood but at a place of his own choosing. Again, this was the subject of an appeal in the courts. A driver who was over the prescribed limit at Christies Beach recorded .18

after blowing into the bag, but he refused to go to the Flinders Medical Centre, which, quite obviously, was the closest centre. That driver demanded to be taken to Elizabeth, which meant that from Christies Beach he had to go past the Flinders Medical Centre, the Queen Elizabeth Hospital, the Royal Adelaide Hospital and the Modbury Hospital. Thus, that driver, whose blood alcohol level was .18, escaped a conviction because the police had refused to take him to Elizabeth.

Is that what the community expects of the legislation? I do not believe that it is. However, if that is the case, the Select Committee will have the opportunity to take steps to correct that sort of anomaly. I welcome the opportunity to re-establish the random breath test Select Committee. I am particularly delighted that for the most part the members who formed the original Select Committee will be members of the Select Committee that is to be set up. They will be able to review the recommendations that they made at that time and the implementation and effectiveness of those recommendations.

Of course, other issues should be addressed. For instance, what has been the impact of random breath test legislation on young drivers? It is the next generation of drivers that must be educated if there is to be a possibility of reducing the road toll still further in future years. As the Hon. Martin Cameron has observed, is the limit of .08 appropriate? Have the penalties been effective, remembering that the penalties that were introduced in the amendments to the Road Traffic Act were sharply increased? To what extent have those severe penalties had an impact on drivers, resulting in a fall-away in second, third and subsequent offences? How effective has been the deterrent which hopefully has been built into the random breath testing measure in regard to the offences that flow from a person being convicted of an offence?

The Select Committee will have an opportunity to review existing legislation in other States. As we all know, quite recently New South Wales introduced legislation in this area, and at first glance it seems that that legislation has been most effective, perhaps more effective than the legislation that was introduced in South Australia just two years ago.

Finally, there is one matter about which I am particularly concerned, and that relates to statistics. It is one thing for legislation to be introduced in the Parliament but it is quite another thing to measure the effectiveness of that legislation. We should ensure that there is adequate and appropriate statistical data with which to measure the trends in drink-driving accidents and deaths, and statistics generally, with breakdowns for age, sex, location, and so on. Admittedly, my investigations have been fairly superficial, but they lead me to the view that statistics in this very important area are not all that they should be. Again, I suggest that that has been the case for some time.

At least five important groups keep statistics in this area—namely, the police; the Road Traffic Board; the University of Adelaide, Road Accident Research Unit, under the leadership of Dr McLean; the Bureau of Crime Statistics; and the Research Unit in the Department of Transport. I had some difficulty obtaining statistics to measure the impact of random breath test legislation in South Australia. However, I am pleased to note that the University of Adelaide Road Accident Research Unit is carrying out a very exhaustive review of this matter at present. South Australia is in a rather unique position in the sense that it is the first State in Australia (and it might not be too strong to say that Australia is the first country in the world) in which statistics have been taken that will enable us to measure the statistical data before and after the introduction of random breath test legislation.

At the beginning of 1981, before random breath testing was introduced, the University of Adelaide Road Accident Research Unit conducted blood alcohol level tests on 8 000 drivers. At the beginning of 1982, after the introduction of random breath testing, the Unit conducted blood alcohol level tests on 10 000 drivers, and at the beginning of 1983 it conducted tests on a further 12 000 drivers. So, in a period of three years, the Unit conducted tests on over 30 000 drivers, and at least for one of those years (I am not sure whether this applies to all three years) a mail-back questionnaire was sent to the drivers who were tested, with a response of about 50 per cent, which is very heartening.

That response gives a measurement of the age and sex of the driver, the number of front passengers, and the sex of those front passengers. The Victorian experience at least is that on Friday and Saturday nights, when drink-driving accidents are more likely to occur, there is an increasing trend for women drivers rather than male drivers, and the Hon. Mr Bruce may be able to advise me of the reason for that.

I think that any statistical information will be most useful and helpful to the Select Committee. In conclusion, I reaffirm my support for the establishment of a Select Committee. I am delighted to hear from the Hon. Mr Bruce that the Government shares the Opposition's view that this is an important community matter and that a Select Committee is the best way to review the effectiveness of the legislation, which was put in place largely as a result of the initiative of a Select Committee of this Council some two years ago.

The Hon. M.B. CAMERON (Leader of the Opposition): I thank honourable members for their contributions. I am very pleased that the Government has indicated its support for the establishment of a Select Committee. A Select Committee is appropriate at this time because a number of questions, particularly the relatively high number of road deaths, need to be looked at. However, the Hon. Mr Bruce and I know that the number of road deaths is not a good statistic to test the level at which the legislation is working, although it is a matter that must be looked at. I am sure that, if the Committee deems that change is necessary, it will take appropriate action to improve the legislation. I look forward to the sittings of the Committee and the opportunity to work again with those members of the original Committee who still survive. I thank all members for their contributions and I look forward to the Council's unanimous support for the motion.

Motion carried.

The Council appointed a Select Committee consisting of the Hons G.L. Bruce, M.B. Cameron, C.W. Creedon, L.H. Davis, R.J. Ritson, and Barbara Wiese; the Committee to have power to send for persons, papers and records, and to adjourn from place to place; the Committee to report on 6 December.

ELECTRICITY CHARGES

Adjourned debate on motion of Hon. H.P.K. Dunn:

That in the opinion of this Council all citizens of South Australia who are connected to the Electricity Trust grid system, electricity undertakings managed by district councils or corporations and those undertakings operated by the Outback Areas Development Trust, should be charged for electricity on the same basis, and that the 10 per cent surcharge which applies in certain areas be abolished, and those undertakings operated by the Outback Areas Development Trust which charge for electricity at a greater rate than any other country area be placed in the same charging schedule as Metropolitan Adelaide.

(Continued from 21 September. Page 959.)

The Hon. ANNE LEVY: In speaking to this motion, I express absolute surprise that it should be moved by a member of a Party which, as far as I know, espouses the principles of the user pays. It is quite clear that the supply of electricity to country consumers is currently heavily subsidised by metropolitan users of electricity. Electricity supply on the mid and far West Coast of Eyre Peninsula is the responsibility of district councils or, in one case, a private company holding a franchise from a council which owns and operates its own distribution systems.

Originally, electricity was generated locally in a number of small diesel power stations. Several years ago these were closed down as the Electricity Trust's transmission system was extended into the area. In all cases supplies are now obtained in bulk from the Trust. Although the closing down of the diesel generators has reduced costs significantly, the long distances and relatively small amounts of power required inevitably mean that costs are still high and it is not possible for the operators to supply consumers at tariffs equal to or even vaguely approaching metropolitan rates without incurring substantial losses. Therefore, the Government currently provides a subsidy to keep power costs to consumers to within 10 per cent of the tariffs paid in the metropolitan area. This seems to be a reasonable and appropriate level of subsidy.

Several diesel based electricity undertakings continue to be operated by the Outback Areas Community Development Trust at Coober Pedy, Marla Bore, Glendambo, Penang, Kingoonya, and Marree. Schemes at Andamooka, Oodnadatta, and Yunta are owned and operated by private interests under franchise arrangements.

The present subsidy applying to domestic consumption in these areas allows the first 1 300 kWh per quarter to be at rates equal to those applying in the metropolitan area, plus 10 per cent. For higher consumption, increased rates apply which reflect the high cost of diesel fuel in these remote areas without, I understand, reaching user pays principles. It is not correct to say, as the Hon. Mr Dunn has said, that a 10 per cent surcharge applies to these areas. The Government, through the Electricity (Country Areas) Subsidy Act in fact paid $3.1 million in subsidies from city consumers last year. This was the equivalent of a $209 subsidy per consumer, supplied via a council scheme, and a $1 039 subsidy per consumer, supplied by a diesel generated undertaking. These average subsidies of $209 and $1 039 are currently being paid essentially by metropolitan consumers. To increase the subsidy by a further amount equivalent to 10 per cent of the ETSA tariff rate would cost in excess of $500 000.

The suggestion that the subsidies to diesel undertakings be increased to a point where users can consume any amount of power and pay only metropolitan rates, as the motion implies, is quite unrealistic. This not only would result in a dramatic increase in subsidy on the amount of power used at present but also would actually encourage greater levels of consumption, requiring more and more subsidy.

A limitation on the amount of subsidised power provided is therefore absolutely necessary to provide some restraint. I am informed by the Minister of Mines and Energy that the 1 300 kWh per quarter limit is designed to cover what would be considered normal use in a home. However, it may not include allowance for an air-conditioner or a freezer.

I can advise the honourable member that the Minister has asked the Electricity Trust to examine the appropriateness of the level at which the limit has been set, that is, the level of 1 300 kWh per quarter. It is certainly not unreasonable to consider that an air-conditioner in a remote area with high summer temperatures is not a luxury, as long as it does not become a substitute for reasonable energy efficient building standards.

This is in accord with the Government's policy of ensuring pricing structures to provide basic energy requirements for domestic consumers at reasonable charges. I must remind the mover of this motion that the previous Liberal Government did not act on the matter during its three years in office. As the suggestion of re-examining the 1 300 kilowatt hours limit for the higher subsidy arrangements is still under consideration, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TOBACCO ADVERTISING (PROHIBITION) BILL

In Committee.

(Continued from 19 October. Page 1160.)

Clause 3—'Interpretation.'

The Hon. R.I. LUCAS: I refer to the definition of 'advertisement', which includes a reference to a 'price list'. I am in receipt of a letter from the South Australian Mixed Business Association Incorporated (Mr Ron Paddick, Executive Director). Mr Paddick, amongst other things, states:

> S.A.M.B.A. members would be denied information regarding suggested pricing. If this is withdrawn it would cause confusion amongst our membership who rely on our trade publication to keep them advised of up-to-date price changes. The Trade Practices Commission recognises us as a responsible organisation and is one of the very few given authorisation to publish suggested retail selling prices. Following the Federal Budget, there are likely to be at least four price changes during the year, therefore it is essential for shopkeepers to continue receiving this vital information.

Why does the mover incorporate in the definition of 'advertisement' the words 'price list'? Does he intend to deny shopkeepers the right to know the suggested price of products?

The Hon. K.L. MILNE: The definition was taken from a previous Bill—the idea being to be consistent, if possible. I agree that it is a very doubtful area and I would be happy to receive an amendment to delete those words.

The Hon. R.I. LUCAS: Will the Hon. Mr Milne be moving an amendment? Does he accept the logic of the argument put forward by Mr Paddick? Many other people have made representations to all members and also, I am sure, to the Hon. Mr Milne. If he accepts the argument, will he be moving an amendment to his own Bill?

The Hon. K.L. MILNE: It would be better to leave the Bill like it is here and, if a member in another place wishes to amend it, he may do so.

The Hon. L.H. DAVIS: I take it from that answer that, although the Hon. Mr Milne believes that the definition is unsatisfactory, he is willing to allow it to pass it its current form?

The Hon. K.L. MILNE: It is not an unsatisfactory definition. One part of it is not acceptable and I am prepared to discuss it. The idea of the definition is to make the Bill as embracing as possible. If we leave a loophole, those concerned will find it. If members opposite do not approve, they may care to move an amendment and I shall be pleased to consider it.

The Hon. R.I. LUCAS: I thank the honourable member in part for accepting that there is a weakness in the definition. I suggest that we report progress to give time to draft the appropriate amendment.

The Hon. K.L. MILNE: The better thing to do is recommit clause 3 after I have discussed the matter with the Hon. Mr Lucas and after a suitable amendment has been prepared.

Consideration of clause 3 deferred.

Clause 4—'Prohibition of advertising of tobacco or tobacco products.'

The Hon. J.C. BURDETT: I note that clause 4 provides a substantial penalty for, amongst other things, the publi-

cation of an advertisement promoting the sale or purchase of tobacco or a tobacco product. An article appeared in the editorial of today's *West Australian* headed 'The smokes Bill' and, in part, stated:

> There is no doubt that such legislation would impinge upon the principles of free speech and a free press. And, ironically, the Government could end up contributing to the very dangers it believes it is trying to reduce.
>
> For example, newspapers in this State, which have done more than doctors ever could to alert the community to the harmful effects of smoking, would suddenly find themselves unable to report anything that could be seen as promoting tobacco. And that would include such things as research on the tar content of various cigarette brands, and information smokers obviously ought to have. Instead of coming to terms with the dangers and anomalies its legislation represents the Government has chosen a politically inept course in a bid to get its way. Clauses aimed directly at restricting children's access to cigarettes are apparently to be thrown away with the rest of the Bill if the Government is beaten again. It looks more like pique than prudence.

The provisions of this Bill are, in this respect, similar to the Western Australian Bill and I ask the Hon. Mr Milne whether or not he concedes that clause 4 of his Bill will also prevent advertising and will provide a penalty for newspapers reporting things such as research into the tar content of various cigarette brands, which could be interpreted as encouraging the sale or purchase of tobacco products. Does the Hon. Mr Milne concede that things such as reporting research into the tar content of various cigarette brands could constitute an offence and attract a penalty as set out in clause 4?

The Hon. K.L. MILNE: I thank the Hon. Mr Burdett for his question because these are matters that have caused a great deal of worry. I cannot see that a doctor's analysis of the tar content of cigarettes could be called advertising, and that is certainly not intended in the Bill. I think that what we should probably consider is that the rules of statutory interpretation, I am sure, would prevent a court (certainly any minor court) from taking that as an advertisement. The whole idea is to control and discourage the promotion of tobacco products. I do not think that a report from a medical practitioner (and we know that all the medical practitioners' organisations in Australia disapprove of smoking) could be construed as promoting smoking. However, I take the honourable member's point and thank him for raising it.

The Hon. L.H. DAVIS: If one takes the definition of 'tobacco product' in clause 3 as remaining as printed and relates it to clause 4 it can be presumed that matches could constitute a product associated with smoking. The definition of 'tobacco product' in clause 3 is as follows:

> *(a)* a cigarette or cigar;
> *(b)* a manufactured product, intended for smoking, of which tobacco is an ingredient or constituent part;
> *(c)* snuff;
> or
> *(d)* a cigarette lighter, a cigarette roller, cigarette paper, a pipe or any other product associated with smoking:

If a cigarette lighter is deemed to be a product associated with smoking then one would assume that matches are also a product associated with smoking. If one takes that definition and applies it to clause 4 (1) *(a)*, one gets the quite ludicrous result that advertising the sale of a tobacco product such as Redhead matches would be prohibited. I do not ask this question in jest, because this is a construction that could reasonably be put on that clause. Will the Hon. Mr Milne express his view on this matter?

The Hon. K.L. MILNE: The Hon. Dr Ritson raised this matter and mentioned matches. I think that, again, we have to think of the rules of statutory interpretation. The product 'matches' would not be construed as solely concerned with smoking, as matches are used for many purposes of which smoking is only one.

The Hon. R.J. Ritson: So are cigarette lighters.

The Hon. K.L. MILNE: I would not consider matches as being under threat at all. The Hon. Dr Ritson mentioned cigarette lighters. Again, an attempt was made to be consistent with other Bills associated with this matter and to be as all-embracing as possible. If there is a feeling that cigarette lighters being included in the Bill is rather overdoing things, then let us consider that as well.

The Hon. J.C. BURDETT: The Hon. Mr Milne has twice referred to the rules of statutory interpretation. I do not know whether he knows what they are. The first of them is called Lord Wensleydale's golden rule. As far as I can recall, that rule is that any statute, written instrument or other document should be adjudged according to the plain, literal and grammatical sense of the word. The subsequent rules of statutory interpretation are the *Ejusdem generis* rule and the *ut res* rule, which are not applicable in this case. The first rule is that one looks at a statute according to its rules and according to what is set out. One uses the plain, literal, grammatical accepted sense of the word, not anything else. One does not detract from it and say that the results may be silly, or anything like that. One looks at what the word says.

I come back to the question that I asked before in relation to clause 4. If an advertisement promoting the sale or purchase of tobacco products appears in a newspaper, but not an advertisement in the sense we suggest (not a paid advertisement), we can turn to clause 3 and see that 'advertisement' is defined as meaning, in part, 'any notice, circular, pamphlet, brochure, programme, price-list or other document', and then 'newspaper' is defined. The scenario suggested in the *West Australian* is of a newspaper, in an article but not a paid advertisement, or an editorial section, talking about low tar tobacco and findings as to various products and various cigarettes which have a low tar content. If it is suggested in that article or editorial that one brand had a lower tar content than the other and was, therefore, from a health point of view a more desirable product, in terms of clause 4 (1) *(a)* of this Bill that would be promoting the sale or purchase of tobacco or a tobacco product.

Therefore, it would be an offence and attract a penalty. This is in accordance with the rules of statutory interpretation, which look primarily at the main grammatical sense of the word, so that would attract the penalty. The suggestion I make is that, while cigarettes and tobacco are around (and they will be around for a long time whether or not this Bill passes, because I doubt whether it will reduce the incidence of smoking, anyway), it would be a good thing if people could be induced to smoke low tar cigarettes rather than high tar cigarettes.

Again, I ask the Hon. Mr Milne whether he realises that clause 4 (1) *(a)* in relation to promoting the sale or purchase of tobacco could catch an honest newspaper simply publishing an article or an editorial promoting the use of low tar as against high tar cigarettes, because that would be a promotion of the sale for purchase of tobacco or a tobacco product.

The Hon. K.L. MILNE: I hope that the honourable member can distinguish between what people fear and what is intended or defined.

Members interjecting:

The ACTING PRESIDENT (Hon. G.L. Bruce): The question has been asked of the Hon. Mr Milne. Let him answer it.

The Hon. K.L. MILNE: Clause 4 (1) *(a)* means to me that one could as a tobacco merchant have on the window, 'A.B. Jones—Tobacconist'. I do not think that that would be promoting cigarettes.

An honourable member: It is.

The Hon. K.L. MILNE: I am saying that I do not think so.

The Hon. L.H. Davis: You are not a lawyer.

The Hon. K.L. MILNE: Neither is the honourable member. But, if the window said, 'Buy your cigarettes here,' or 'We have better cigarettes,' or something of that kind, it would be caught. We are not preventing a retailer from presenting goods for sale. Honourable members have to remember that there is no prohibition on smoking or on smoking products being displayed and sold. We are not making them illegal. We are simply saying that it is unwise to promote them because they are part of the smoking scene. Regarding discussion about cigarettes (let us say not only about tar content but discussion of a different kind—in the press, a debate or somewhere like that), I do not regard that as promoting smoking.

An honourable member: The Bill does.

The Hon. K.L. MILNE: I do not think that it does.

An honourable member: You are not sure?

The Hon. K.L. MILNE: I am sure, yes; I want it left like this. If a doctor were discussing tobacco smoking one has to remember that he is not manufacturing the products; he is not selling them for profit; he is simply discussing them, and I do not consider that that is promotion in any sense in any of the definitions of this Bill.

The Hon. L.H. DAVIS: I want to examine clause 4 (4) *(c)*, which relates to a company processing tobacco or manufacturing a tobacco product, which has made a donation of any kind to any organisation. Recently, I was chairman of a fund raising appeal for a charity. Many companies supported the appeal and the moneys raised were acknowledged by one of the daily newspapers. Donations were received from companies based in Adelaide and interstate, including a company which manufactures cigarettes. There was no mileage in it for the company; it did not ask for its name to be published, but it was published because that was what the arrangement had been. It is quite clear from my interpretation of clause 4 (4) *(c)* that this clause would effectively exclude the publication of any donation to a cultural area, sporting organisation or charitable appeal. I can recollect with some certainty that one of the tobacco companies provided fire-fighting equipment for a C.F.S. group following the disastrous bushfires in the Adelaide Hills.

The Hon. R.I. Lucas: And bushfire relief donations, too.

The Hon. L.H. DAVIS: And bushfire relief donations. There was never any great mileage for the tobacco companies in the sense of getting great publicity. They did it in an act of generosity and as a community-spirited gesture, but quite clearly any publicity of either a cash donation or a donation in kind would be excluded under the provision of clause 4 (4) *(c)*. I ask the Hon. Mr Milne whether it is his intention to perhaps potentially reduce the level of financial support or support in kind by tobacco companies to charitable, cultural or sporting organisations.

The Hon. K.L. MILNE: If it is promoting tobacco, tobacco products or smoking, the simple answer is 'Yes'. This clause is intended to be an absolute prohibition. Under this clause tobacco sponsorship really would be out. To do otherwise would cause endless debate, expense, misunderstanding and trouble. We either forbid it or we do not.

The Hon. R.J. RITSON: I wish to ask the Hon. Mr Milne a question in relation to clause 4. In explanation of my question, I make the observation that the honourable member has had this provision drafted as a matter of strict liability so that once the material facts are proven (namely, that an advertisement in terms of clause 3 had occurred and that the company had promoted the sale of one of the tobacco products—and I still do not believe, incidentally, that we have dealt with matches finally) the person would be liable to a very substantial penalty, even if the act was inadvertent or unintentional, and the courts would not have the power to deal with the person's possessing or not possessing a guilty mind in the matter of conviction.

Did the Hon. Mr Milne intend that to be a strict liability, or did he intend the question of guilt or innocence to be related to the intent of the person publishing the advertisement, in which case the insertion of the word 'wilful' before the word 'causes' in line 1 of the clause would have dealt with that matter? Why did the Hon. Mr Milne choose to make it a matter of strict liability rather than an offence depending on wilfulness?

The Hon. K.L. Milne: Where would the word 'wilful' go in?

The Hon. R.J. RITSON: I just said that it would go in the first line of the clause. One alternative open to the honourable member would have been: 'A person who wilfully publishes . . . ' The honourable member obviously addressed his mind to that and instructed it to be drafted in terms of strict liability. I wonder whether he could give the Committee his reasons.

The Hon. K.L. MILNE: I believe that the honourable member will find that that is covered under clause 6, which states:

> In any proceedings for an offence against this Act, it shall be a defence for the person charged to prove that he did not know and could not, by the exercise of reasonable diligence, have known that he was taking part in the publication of the advertisement to which the proceedings relate.

That is a standard defence clause, a standard method of protecting those people who might accidentally become involved. For example, a postman who is delivering circulars would not know that those circulars contained advertisements for tobacco or for anything else. Of course, that person will not be liable under this Bill.

The Hon. R.J. RITSON: I do not believe that that is a satisfactory answer to my question—it is an answer to a question which I did not ask but which we will deal with eventually in any case. I make the point that clause 4 is drafted as a Statute of strict liability, and under clause 6 two things happen: there is a qualified defence, with a reverse onus of proof. That is completely different from the Crown's being required to demonstrate the guilty mind. The Crown is not required to demonstrate the guilty mind. Once the facts of the publication are proven, the person will be convicted unless he can prove himself to have lacked a guilty mind. In fact, the wording used in clause 6 is very similar to the wording in a number of qualified defences to strict liability which have developed throughout the law in any case. For example, the malicious act of a third party would be a defence. There are a number of other defences to strict liability, and I hope that the Hon. Mr Burdett will deal with those matters in detail later.

All clause 6 does is to pick up a common type of defence at law, and that is quite different from a presumption of innocence until proven guilty. The answer that the honourable member has given is not an answer to my question. I asked what were the honourable member's reasons for taking away the presumption of innocence until proven guilty that would have applied had clause 4 required wilfulness. I assume that the honourable member had his reasons. Clause 6 merely demonstrates the requirement of the accused to prove his own innocence, and there is no provision that gives the accused the benefit of the presumption of innocence until proven guilty as regards the guilty mind aspect of the offence. For instance, we find in the Members of Parliament (Disclosure of Interests) Act the word 'wilful' used in a number of places, and I am quite sure that there will not be inadvertent offences, so why did the Hon. Mr Milne not use the word 'wilful' in clause 4?

The Hon. K.L. MILNE: There is no special reason, and I wish that the honourable member had raised this matter in the second reading stage.

The Hon. R.J. Ritson: This is the Committee stage.

The Hon. K.L. MILNE: If the honourable member believes that the word 'wilful' should be inserted, I will certainly accept an amendment to that effect. I believe that that is a quite reasonable suggestion.

The Hon. J.C. BURDETT: I would like to take this matter a little further. The point made by the Hon. Dr Ritson is perfectly correct. The general principle is that the prosecution must prove every element of the case beyond reasonable doubt, and that includes proving that the defendant knew what he was doing, that he knew the effect of what he was doing, that he did not do it simply inadvertently, and that it did not occur without his knowledge. It is only in exceptional cases that there are absolute offences, as referred to by the Hon. Dr Ritson.

In some regulatory matters (and I suppose that in a sense this is a regulatory matter), a reverse onus of proof is provided, as is the case under this clause. In this case, it would not be necessary for the prosecution to prove beyond reasonable doubt, in regard to an offence under clause 4, that the defendant was aware of the effect of what he was doing. The defence mechanism is provided under clause 6, but I disagree with the Hon. Mr Milne in that it is not a standard clause at all: it is an unusual clause.

The usual procedure is that the act must be intentional; it must be carried out with knowledge or recklessly, and it must be proven that the act was carried out with knowledge or recklessly. In this Bill the Hon. Mr Milne wants a rare procedure: it is a matter that has been taken up in this Council very often, and, generally speaking, we do not agree with reverse onus of proof. I recall that the Hon. Mr DeGaris has raised this matter on many occasions in the past, and I have raised this issue from time to time. There are cases where a reverse onus of proof is justified, but I cannot see how it is justified in this case. I believe that the point taken by the Hon. Dr Ritson is perfectly correct.

If one looks in detail at all of the offences that could be created under clause 4, I believe that one does not see any reason why they should not be subject to the general provisions of the criminal law and why it should not be required that those offences be carried out wilfully. Simply to provide a reverse onus of proof as a defence mechanism is not adequate. I ask the Hon. Mr Milne again for his reaction to that proposition which has been quite properly put to him at the right time—in the Committee stage.

The Hon. K.L. MILNE: I do not quite understand. Is the Hon. Mr Burdett still talking about the word 'wilful'?

The Hon. J.C. Burdett: Yes.

The Hon. K.L. MILNE: I have suggested that we insert that word into this clause.

The Hon. J.C. Burdett: Are you going to move that amendment?

The Hon. K.L. MILNE: Yes, but the honourable member would know better than I that it is not as simple as that. I have to prepare an amendment.

The Hon. J.C. Burdett: Yes, you do.

The Hon. K.L. MILNE: I would agree to an amendment. I am very helpful. It is a discussion that I have wanted for some time.

The Hon. R.J. RITSON: I wish to make a very quick point, because the honourable member has accepted in principle the matter of making this an advertent offence. I refer to clause 6 in relation to the question of advertence or inadvertence under clause 4, but this impinges on other parts of the Bill so that one could not simply insert the word 'wilful' in one part and then under subclause (2) have the following words:

> For the purposes of subsection (1), a person takes part in the publication of an advertisement if he distributes or supplies to any person the advertisement . . .

Clause 4 (3) refers to the presumption of guilt and states:

> . . . shall, in the absence of proof to the contrary, be deemed to be an advertisement . . .

There is a presumption that an advertisement promotes the use of tobacco and tobacco products and a requirement that a person must show proof to the contrary. In earlier explanations the Hon. Mr Milne said that a court would interpret the advertising of matches, for example, in line with the purpose of the Bill, namely, to prohibit advertisements relating to tobacco, tobacco products, and so on. However, we now find that the court is not really entitled to do that.

Surely the Hon. Mr Burdett's explanation in relation to the interpretation of the Bill indicates that the Hon. Mr Milne's suggestion about what will happen is not correct, that is, the courts will not use common sense and decide that an advertisement for, say, matches did not promote smoking. The will of Parliament expressed in clause 4 (3) is that, in the absence of proof to the contrary, it shall be presumed that such advertisements promote the smoking of tobacco. Does the Hon. Mr Milne see any inconsistency?

The Hon. K.L. MILNE: I think that all honourable members should realise that, before anything can happen, someone has to prosecute. No-one will take the trouble of launching a prosecution unless there is a major breach. I think the Hon. Dr Ritson has misunderstood the effect of the clause. Clause 4 is the only clause where the onus of proof is reversed. It only operates when a product carries the name of a tobacco company. Where the name of a tobacco company and the name of a product are different, there is no breach of clause 4 (3). In that event, the reverse of the onus of proof does not apply. That avoids unnecessary argument and the unnecessary consideration of borderline cases. The clause applies to clear cases. Tobacco companies will know where they stand and, therefore, there will be no breaches. It is unlikely that any breach will occur in those circumstances.

The Hon. J.C. BURDETT: What the Hon. Mr Milne has said in relation to the limited circumstances in which clause 4 (3) will apply is quite correct. However, that does not address the wider question, that is, that offences caught by clause 4 are absolute. There is a reverse onus of proof overall in regard to all matters in clause 4. However, that matter will be resolved if the Hon. Mr Milne proceeds with the undertaking he gave a moment ago to amend the clause and insert the word 'wilfully'. As I have said, it is only in limited circumstances where a brand of tobacco or tobacco product is used that the reverse onus of proof is introduced under clause 4 (3). It is necessary for the word 'wilfully' to be inserted, which would involve the removal of the defence mechanism in clause 6.

The Hon. K.L. MILNE: I am quite prepared to amend the clause and insert the word 'wilfully', but I will seek advice from Parliamentary Counsel as to the effect on clause 6.

The Hon. L.H. DAVIS: The Hon. Dr Cornwall has strongly supported the Bill and put forward an amendment to one of the clauses. However, the reversal of the onus of proof contained in clause 4 (3) appears to be at odds with Federal and State Labor Party policies and, indeed, it is at odds with the International Covenant on Civil Rights, which was ratified by Australia in 1980. Coincidentally, the national Bill of Rights, announced by Senator Evans, seeks to guarantee basic rights and the freedom of individuals which, again, seems to be at odds with the reverse onus of proof contained in clause 4 (3).

I ask the Hon. Dr Cornwall whether he sees this as being in conflict with Labor Party policy in South Australia. In

view of Senator Evans' announcement today to introduce national human rights legislation (which would certainly be in conflict with this clause), does the Hon. Dr Cornwall believe that he and his Government should review their attitude to clause 4 (3)?

The Hon. J.R. CORNWALL: The old debating champion, as he usually does, has reduced the level of the debate to absurdity. The short answer to the honourable member's question is, 'Yes, I do agree.' As to whether the Government agrees, I made it very clear to the Committee previously that my amendment is on file with the full support of Cabinet and Caucus. Therefore, we support it. I cannot speak for Senator Evans, Bob Hawke, Ralph Willis, Paul Keating, John Button, or anyone else in Federal Caucus because I do not happen to be a member of Federal Caucus and I have no aspirations in that direction, either.

The further point arises as to whether or not we should be taking up the time of the Committee nitpicking in the way that the Opposition is doing. The Hon. Mr Burdett is a fine stooge for the tobacco industry. The Hon. Mr Burdett, as shadow Minister of Health, should be ashamed of himself for leading the Opposition on a significant measure such as this. In fact, the Hon. Mr Burdett should resign his position as shadow Minister of Health. The Hon. Mr Burdett is a disgrace to Parliament in the way that he is carrying on in relation to this Bill, and he is certainly a disgrace to his Party.

When this nonsense was first being touted around, I took the trouble to send the Bill to the senior Legal Services Officer in the Health Commission and asked whether he would look at all matters that had been raised. They were raised in hyperbolic and extravagant newspaper releases put out by the industry. He went through the Bill with a fine tooth comb and his written advice to me was that (to paraphrase), if people are fair dinkum about banning indirect tobacco advertising through corporate sponsorship, the Bill should proceed substantially in the form introduced by Mr Milne. That is my position on the Bill. I can be no clearer than to say that my position on the Bill is that, substantially, it should pass with the significant amendment that I have moved.

The Hon. L.H. DAVIS: I take it from that reply that Dr Cornwall's attitude has the full support of the Government, not only in this place but also in another place. No doubt, given the difficulty of the Democrats, the Government will be supporting this legislation and introducing it in another place.

The Hon. J.R. CORNWALL: Either the honourable member is slow-witted, or he is distorting, being mischievous, or both. The position is very clear: it is a private member's Bill. A private member's Bill has been introduced in this place by Mr Milne. With my one significant amendment, we are supporting the Bill. Quite clearly, we had to respond to the Bill once Mr Milne introduced it. We had the option of opposing it as the Opposition is doing. I would hate to be a shadow Minister of Health under instructions from my Party to oppose the Bill. The shadow Minister has been put in an impossible position and he should be given a different portfolio as he does not understand the health area at all.

We did not elect to oppose the Bill as it happens to be part of the State A.L.P. platform. We took the third option of supporting it with a significant amendment in regard to the proclamation. We have taken the view that it is inevitable, but we do not act unilaterally. We believe that this useful debate should proceed in the meantime. I have made my position clear and I believe that, within five to 10 years, the banning of indirect advertising of tobacco products through corporate sponsorship will be demanded by the great majority of Australians.

The Hon. R.I. Lucas: No-one will move it in the other place.

The Hon. J.R. CORNWALL: The Government is not sponsoring the Bill.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Shut up and listen for a minute.

The CHAIRMAN: Order!

Members interjecting:

The Hon. J.R. CORNWALL: I ask for your protection, Mr Chairman.

The CHAIRMAN: The Minister does not need any protection as he is doing very well.

Members interjecting:

The CHAIRMAN: Order! I do not intend to allow the debate to get to the point where members are calling each other stupid names across the Chamber.

The Hon. J.R. CORNWALL: Keep them in order, Mr Chairman. They are a mob of jackasses. They get to me every time I am on my feet.

The CHAIRMAN: I ask the Minister to continue in a more restrained fashion.

The Hon. J.R. CORNWALL: I ask you, Mr Chairman, to protect me; it is my right. I ask to be left alone by the jackasses opposite. Their behaviour is disgraceful.

The CHAIRMAN: That is a matter of opinion. I will not debate the issue with the Minister but ask him to continue.

The Hon. J.R. CORNWALL: I have lost my place. The Government has not picked up the Bill, nor is it sponsoring the Bill.

The Hon. R.I. Lucas: No-one supports it in the other place.

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: Why do you not throw one of them out, Mr Chairman, to show that you are fair dinkum? They interject all the time and I am sick to death of it.

The Hon. L.H. DAVIS: We have an extraordinary contradictory situation which has been unveiled by the Minister of Health. On the one hand, he is saying that it is Labor Party policy. The Bill has been supported by the Government in its original form and in its amended form not only by Cabinet but also by Caucus. Yet, the Minister is now telling the Council that it is a private member's Bill and that he will run away from it in the Lower House. Given the public interest in this, the Minister of Health—

The Hon. Frank Blevins interjecting:

The CHAIRMAN: The Hon. Mr Blevins will not continue in that way.

The Hon. Frank Blevins: The Hon. Mr Blevins has said about three words. Members opposite have said much more than that.

The Hon. J.R. CORNWALL: Members opposite are totally disruptive. It goes on every Question Time. It should not be allowed to continue in the Committee stages of this Bill.

The CHAIRMAN: Order! The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Will the Minister concede that he has been unable to find a sponsor for the Bill in his discussions with members of his own Party in the Lower House?

The Hon. J.R. CORNWALL: I have not looked for a sponsor. The Government has not picked up the Bill in another place. The Government is responding to Mr Milne's Bill. Whether or not somebody picks it up in the Lower House is none of my damned business.

The Hon. R.I. Lucas: You're the Minister of Health.

The Hon. J.R. CORNWALL: You see what I mean, Mr Chairman. We could get to a ludicrous situation where Mr Milne, Mr Gilfillan or any member of the Opposition could

go through the entire State A.L.P. platform, could pluck things out of the air at random, could introduce a private member's Bill in the Upper House whenever they felt like it and, because the Government members support it, we could set a precedent of the Government picking up every private member's Bill in this place if it had some resemblance to the State A.L.P. platform. Members could abuse the system (I am not suggesting that that is being done here), the Parliament would be unworkable and the system would break down. It is absurd to say that I have had difficulty in finding sponsors: I have not looked for sponsors.

The Hon. R.C. DeGARIS: I am sorry the debate on this clause has once again declined into a slogging match across the Chamber. We should all understand exactly what this clause means and what it does. The clause provides:

(1) Subject to section 5, a person who publishes, causes to be published or takes part in the publication of—

(a) an advertisement promoting the sale or purchase of tobacco or a tobacco product . . . .

shall be guilty of an offence and liable—

(c) in the case of a company—to a penalty not exceeding ten thousand dollars and a default penalty not exceeding five thousand dollars;

Clause 4 (3) provides:

For the purposes of subsection (1), an advertisement that contains the name of a brand of tobacco . . .

We then need to look at clause 3 to find out what 'advertisement' means. It states:

'advertisement' means any notice, circular, pamphlet, brochure, programme, price-list or other document, or any package, and includes any announcement, notification or intimation to the public or to any person made—

(a) orally or in writing;

(b) by means of any banner, poster, placard, notice or document affixed to or posted up or displayed on any wall, window, fence, billboard, hoarding, vehicle or any other object;

The word 'advertisement' is defined and the definition is wide. Subsection (1) relates to whether or not an advertisement contains the name of a tobacco or a tobacco product, 'tobacco product' being defined as follows:

(a) a cigarette or cigar;

(b) a manufactured product, intended for smoking, of which tobacco is an ingredient or constituent part;

(c) snuff;

or

(d) a cigarette lighter, a cigarette roller, cigarette paper, a pipe or any other product associated with smoking:

Both definitions are wide. The Bill then states the following, in part, in clause 4 (3):

. . . or the name of a person or body corporate that constitutes the name or part of the name of a brand of tobacco or tobacco product, shall, in the absence of proof to the contrary, be deemed to be an advertisement inducing, encouraging or promoting the use of tobacco or a tobacco product for the purpose of smoking.

I submit to the Council that this clause is an extremely wide one. It makes it extremely difficult for me (I am sorry to criticise the Minister) when the Minister says that the Government is prepared to accept a clause as wide as this one. I think that every member of this Council, irrespective of whether or not that member supports the Bill, would say that this clause was a very wide one if one took into account the two definitions in clause 3. I suggest to members of the Council that they should examine this subclause and make amendments to it if this Bill passes the Council.

The Hon. I. GILFILLAN: I support clause 4 (3) because of its genuine intent to reduce the impact of advertising, and because it is reasonable to work out in the Bill how best that can be effected. It does not take much observation to recognise the ingenuity of those promoting tobacco products in using with great genius all forms of persuasion. Is it reasonable that, if the Parliament and the people of South Australia want the motive of this Bill implemented by way of legislation, we lock the Government, and therefore the people of this State, into a constant state of vexatious law suit after law suit? We would be chasing the brilliant minds, the best available in the world, to promote each little step. I point out one brilliant example: Dunhill is getting past laws governing cigarette advertising on television by advertising cigarette lighters.

The Hon. L.H. Davis: This won't stop them.

The CHAIRMAN: Order!

The Hon. I. GILFILLAN: The point I make in defence of this clause is that it is an attempt not to catch the innocent but to protect them—in this case the people and the Government of South Australia—from a whole series of tedious and costly law suits. First, for this to apply somebody needs to have cared enough about the institution of legal proceedings and, secondly, the company has every right to offer a defence under this clause; if it is a reasonable defence, the case will be dismissed and there will be no penalty. I think that this matter is being over emphasised.

I respect the Hon. Mr DeGaris's contribution, which I believe has been a sincere attempt (unlike some other contributions), but why this Council has to be concerned about how the Bill is to be introduced into the House of Assembly I fail to understand. I would rather that those who are conscientious about this matter cross-examine the Hon. Lance Milne or others who can discuss this matter. I become very upset at what appears to be a syndrome of getting into fruitless exchanges of verbal point scoring. It just shows me the hollowness of the sincerity of some of the people who pretend that they are applying themselves to the contents of this Bill. I hope that we will continue with constructive questions and answers and that we can clamp down on the other.

The Hon. R.J. RITSON: I wish to pursue further the issue of clause 4, particularly in the light of what the Hon. Mr Gilfillan has just said. In the kindest possible way (and I understand his feelings about the rhetoric during this stage of the Bill), the Bill has to come out right. I will not let this matter go, and I say again that the Hon. Mr Milne, when faced with questions about the possible wide definitions of the clause catching innocent people, stated that the courts would have discretion and common sense. Indeed they would, had he left clause 4 at the point where the courts would have seen the will of the Parliament being implemented. However, we come to clause 4 (1) *(b)*, which states:

. . . an advertisement including, encouraging or promoting expressly or impliedly, the use of tobacco or a tobacco product for the purpose of smoking,

If the clause went that far and stopped, it would be up to the court to decide the matter. However, I am saying very sincerely, and I hope that I am being listened to, that it would be for the courts to decide whether or not an advertisement was encouraging, promoting, etc. Thus an advertisement showing someone using Redhead matches to light a cigar may be held to be such a promotion, whereas a Scoutmaster lighting a camp fire with a packet of Redhead matches in front of a small boy may not be. If the court were left with what was a promotion, the position would be as the Hon. Mr Milne believes it to be. However, clause 4 (3) provides as follows:

For the purposes of subsection (1), an advertisement that contains the name of a brand of tobacco or tobacco product, or the name of a person or body corporate that constitutes the name or part of the name of a brand of tobacco or tobacco product, shall, in the absence of proof to the contrary, be deemed to be an advertisement inducing, encouraging or promoting the use of tobacco or a tobacco product for the purpose of smoking.

Therefore, it is not open to the court to decide of its own notion that using a box of Redhead matches in front of a young person is not promoting smoking. It is not open to

the court to do that because the Parliament says that it is promoting smoking unless it can be proved to the contrary.

I totally support the Hon. Mr DeGaris's objection to this clause. I ask the Hon. Mr Milne to realise that what matters is not what he says he believes or wishes but what is written in the Bill in plain words (as dealt with by the Hon. Mr Burdett). I ask, therefore, whether the Hon. Mr Milne would consider the deletion of subclause (3) from clause 4 so that the provision requiring the matter of promotion to be an ingredient of the offence is left to the discretion of the courts, as Mr Milne, I think quite wrongly, believes it is presently left to them.

The Hon. K.L. MILNE: Of course I would consider it, but I would have to seek advice from the Parliamentary Counsel about this matter. I will do that when we have a break to draft other amendments. I will naturally want to discuss this matter with the Minister, the Hon. Dr Cornwall.

The Hon. J.C. Burdett: Why? It's your Bill. It's a private member's Bill.

The Hon. J.R. Cornwall: Because he values my judgment.

The CHAIRMAN: Order!

The Hon. K.L. MILNE: I value the Minister's judgment, and I think that to discuss the matter with the Minister would be a courtesy to him. I know of the legal opinion received by Dr Cornwall. It was said that, if this is to be a total prohibition of the promotion of tobacco products and is to discourage smoking, the Bill can be left substantially as it is. The Opposition is taking up a lot of the Council's time with this matter.

The Hon. R.J. Ritson: It is a very important Bill.

The Hon. K.L. MILNE: I ask Opposition members to say whether or not, if we amend a whole lot of other matters and go to a great deal of trouble to do so, they will support the Bill.

The Hon. M.B. Cameron: Of course not.

The Hon. K.L. MILNE: Well, what is the honourable member aiming at if he will not support it?

The Hon. C.M. Hill: We have to get it in the best possible form.

The Hon. K.L. MILNE: A lot of this is pin-pricking. I will have a discussion with the Parliamentary Counsel on clause 4 (3) and I will invite the Hon. Dr Ritson to be with me.

The Hon. R.I. LUCAS: The Hon. Mr Milne thinks that, as members of this Council opposing this Bill, we ought not to take responsibility for ensuring that, should the numbers in the Council be such that it passes against our objection and this legislation is let loose on the unsuspecting South Australian public, it is in the form in which it does what it is intended to do and not what is unintended.

The Hon. M.B. Cameron interjecting:

The CHAIRMAN: Order!

The Hon. R.I. LUCAS: I would like to pursue the point that was raised by the Hon. Mr Gilfillan. In part, the Hon. Mr Gilfillan suggested that the Dunhill advertisements were a way around the Act, and that this would stop them. I ask the Hon. Mr Milne whether, tying up clauses 4 and 5 (in particular clause 5 *(a)*), the Act would not apply to an advertisement published on radio and television. Would the mover of the Bill kindly inform this Council whether the Dunhill advertisements on television, promoting cigarette lighters and other cigarette products and the Dunhill shops, would be permitted in South Australia under the terms of this Bill?

The CHAIRMAN: Does the honourable member's question relate to clause 4?

The Hon. R.I. LUCAS: It relates to clause 4, linked to clause 5.

The CHAIRMAN: The honourable member should not get into clause 5.

The Hon. R.I. LUCAS: I am not getting into clause 5.

The Hon. J.R. CORNWALL: I rise a point of order, Sir. Quite clearly, the honourable member is getting into clause 5. He has specifically mentioned clause 5. I am very happy to abide by your ruling, Sir, as all other Government members would be.

The CHAIRMAN: I take the point of order. I ask the Hon. Mr Lucas to more clearly define his question so that it relates to the clause under consideration.

The Hon. R.I. LUCAS: Quite clearly, all these clauses are linked. In much of the discussion we have talked about clause 4 and clause 3. Clause 3 is the definition clause. We have talked about clause 6 in relation to clause 4 (3). We have talked also of clause 4 in relation to clause 3.

The CHAIRMAN: The honourable member's question relates to clause 5 and I cannot permit it.

The Hon. R.I. LUCAS: My question relates to clause 4, talking about an advertisement promoting the sale or purchase of tobacco or tobacco products, and then associates itself with clause 5 in relation to exemptions to the Act. The matter was raised by the Hon. Mr Gilfillan in the debate. It is quite a simple question as to whether the interpretation of clause 4, in association with other clauses (in particular, clause 5 and clause 3) means that those advertisements would be permitted. An associated question would be whether we have an anomalous situation in that, if the Hon. Mr Milne agrees that a television advertisement for a Dunhill shop is allowed, he agrees also that we would not be able to have such a shop here in Adelaide under clause 4.

The Hon. I. GILFILLAN: The Hon. Mr Lucas is referring to a statement that I made. It is actually the intended amendment which we have accepted from the Government and which would embrace Dunhill. The Commonwealth would be required to embrace those provisions before this Act came into effect. It certainly would embrace Dunhill.

The CHAIRMAN: The question is to the Hon. Mr Milne. Does he wish to reply to it? It is not necessary if the honourable member does not wish to do so.

The Hon. K.L. MILNE: On the question of a Dunhill shop, it is quite obvious that a person is allowed to continue in business. There is no question that Dunhill could not have a shop or that it would have an office or a letterhead. The honourable member is talking now about whether anyone continuing to sell a product which is still legal would be able to do the normal things which in business are done. We ought to clear up that this does not cover, in my view—and I do not think in the view of anyone else—normal business letterheads.

An honourable member: It does.

The Hon. K.L. MILNE: Not unless it is being used as a promotion.

The Hon. R.J. Ritson: In the absence of proof to the contrary they are presumed to be promotional.

The Hon. K.L. MILNE: I do not think that they are. There are annual reports and stock exchange listings; names on an office, factory or shop; and telephone directories. They have to be promoting cigarettes or tobacco products.

The Hon. R.I. Lucas: They are deemed to be.

The Hon. K.L. MILNE: I say that they do not.

The Hon. R. J. Ritson: The Bill says that they are.

The CHAIRMAN: Order!

The Hon. K.L. MILNE: As I say, I will seek advice on clause 4 (3). I suggest that we defer clause 4 and come back to it as we did on clause 3.

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 (9)—The Hons Frank Blevins, G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, I. Gilfillan, K.L. Milne, C.J. Sumner, and Barbara Wiese.
Noes (8)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, C.M. Hill, R.I. Lucas, and R.J. Ritson.
Pairs—Ayes—The Hons M.S. Feleppa and Anne Levy. Noes—The Hons K.T. Griffin and Diana Laidlaw.
Majority of 1 for the Ayes.
Motion thus carried; debate adjourned.

[Sitting suspended from 5.55 to 7.45 p.m.]

VEGETATION CLEARANCE

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

That regulations under the Planning Act, 1982, concerning vegetation clearance, made on 12 May 1983, and laid on the table of this Council on 31 May 1983, be disallowed.

I move this motion for disallowance with a great deal of concern. My action, I must stress, is tempered by some reluctance which I will outline later. The decision to seek disallowance of these regulations has been made because of the enormous worry and uncertainty which they have generated throughtout rural communities. On 12 May 1983 the Minister for Environment and Planning gazetted new regulations under the Planning Act to subject vegetation clearance in agricultural regions to development control. This action was taken without warning, with minimal consultation and it now seems without any real understanding of either the impact or the method of administering such controls.

The regulations require that a landholder who wishes to clear native vegetation will require the consent of the South Australian Planning Commission, or its delegates in the Department of Environment and Planning. Already, the operation of the new regulations has shown this process to be slow, costly, bureaucratic, and frequently unsuccessful in obtaining clearance approval as initially sought.

I know, for example, of three instances in the Robertstown area (two applications were made in May and one in June) which did not receive a response until the end of late August. Such a delay is appalling. My opposition to the controls needs to be kept in perspective. Most South Australians, especially farmers, would recognise the need to protect our State's native vegetation. Given the widespread clearance of vegetation throughout South Australia's agricultural regions over the past 150 years, there is obviously a need to ensure that sufficient of the remainder is protected to ensure the continued existence of our native flora and fauna.

It is important that we take into account the impact of feral animals (which pose a threat to native flora and fauna) and that the National Parks and Wildlife Service take the necessary steps to ensure that all national parks and areas of native vegetation (including the roadside) are clear of feral animals, and remain clear. Farmer co-operation is an essential part of this process, but unfortunately these regulations have destroyed, to a large extent, farmers' sympathy and support for native vegetation and for the Department of Environment and Planning. This was highlighted at a meeting of farmers on Kangaroo Island, the details of which I will refer to at a later stage in my speech.

Protection of native vegetation and flora and fauna undertaken for the benefit of the community as a whole should not, however, be borne at a significant cost by one section of community. Yet, this is the situation which these regulations create.

I have been contacted by many people who, whilst having some sympathy for the proposals, are greatly concerned by the way in which they have been introduced and by the means of administering them. They are very concerned and they have every reason to be. In many instances it seems that the Minister and the Government wish to expand our national park system at private expense. Farmers are not only expected to bear the cost of setting aside vast tracts of land but in some cases pressure has been applied to them seeking their agreement to fence the areas at their expense. They are not elegible for compensation and their capacity to appeal against unfair decisions is limited.

Environmentalists in the Department are using the Planning Act to pursue their ends, but are not always applying the planning principles as they should be under the Act. Indeed, I am advised that there is conflict between the environmentalists on one hand and the planners on the other. I understand, too, that there is general concern in the Department of Agriculture about the methods of controlling land clearance. It is typical not so much for the Minister of Agriculture, because I think he understands the problems faced by farmers, but for the Government (with only two rural seats) that the needs of the primary producer have been neglected and ignored.

Fundamental to the problem is the complete failure of the Government to recognise that land clearance programmes are often part of a long-term strategy around which a farming family's whole financial plans are developed. Typically, complaints have come to me from primary producers who have borrowed substantial sums of money to purchase uncleared land with the intention of clearing it and receiving a return on their investment on a future occasion. Thus, they have outlayed considerable sums with no prospect of immediate financial return, but expecting a return once the land is cleared at a later stage. Frequently, these plans revolve around another family member such as a son (or sons) joining a partnership. Land is therefore held as an investment in the future in which others can share.

Having let farmers outlay substantial sums in purchasing virgin bushland, the Government is now saying, 'Too bad, the rules have changed. You have purchased land to clear but now you will not be able to clear it. We know you were not given any warning that this would happen but we, on behalf of the South Australian community, are going to make you keep the land just as it is—at your cost! We are very grateful!'

Quite frankly, the evidence that was presented by the Department of Environment and Planning to the Joint Committee on Subordinate Legislation is at odds with the experience of many individuals and councils that are dealing with the Department. The Director of Conservation Programmes has said, as follows:

We are, however, sympathetic to the needs of the farming community, and I emphasise that it is not a prohibition on clearing. It is being administered in a way that we believe will not materially disadvantage the farming community.

In a second submission to the Committee, which was made by the Department of Environment and Planning on 25 July in response to evidence by other parties, this point of view was reinforced. The Director-General, Mr Phipps, said in his summary:

It is of some relevance to reiterate again that the controls are not a prohibition and the needs of the farming community are being considered sympathetically.

In my view, this is not the case. The community should be given time to see the regulations in operation. Many applicants have suffered inordinate delays in receiving replies. They have had to suffer uncertainty and typical bureaucratic insensitivity. When finally they hear something they are invariably asked for more information or directed to reapply with a new proposal, often unsuited to the needs and capacities of an economically sound agricultural unit.

Farmers who have bought land as an investment in the future have had that investment destroyed or withered away. Farmers' sons have their future destroyed by the refusal to allow land bought for them to be cleared or by a decision to so restrict clearance that the viability of farming the approved area is wiped out. Further, there is no compensation in relation to the money that they have already outlayed. Despite the Department's words, this has and will materially disadvantage the farming community.

If the Government considers this expansion of the public virgin land bank is so very important, it should be prepared to compensate those who have undertaken long-term farm and land management programmes, often at high cost, for the losses that they will incur. During hearings of the Joint Committee, the Hon. John Burdett asked two questions of the departmental representatives, as follows:

You are aware of what has been the practice in some parts of the State for farmers to buy uncleared scrub blocks for their children with the intention that the children might clear the blocks and farm the land for themselves later? You are not necessarily opposed to clearing large belts of scrub?

The Director of Conservation Programmes replied:

No. We are entirely sympathetic to people in that situation. We envisage that this will be administered in such a way that these people will not be significantly disadvantaged. They will be given approval to clear the greater part of that land. That will be a consultative process that they will have to agree on those areas with the Department. I hope that as far as possible we can dovetail our requirements so that very few farmers will in fact want to clear the whole of their property. Most farmers are sympathetic to the retention of a proportion of vegetation for shade and shelter and a variety of other purposes.

Whilst it is very true that most farmers would be sympathetic to the retention of a proportion of vegetation, it is regrettable that farmers have been required to set aside large amounts of land (in some cases, at least a third of the total area) in this way. (Indeed, in the Estimates Committee, the Minister for Environment and Planning openly stated that, in some cases, 50 per cent of land could be set aside). Again, I emphasise that it is without compensation. And the Department claims it is administering the scheme in such a way that these people will not be significantly disadvantaged.

In addition to the compromises which have been forced on farmers, there have been, I understand, 10 outright rejections. Quite clearly these refusals have, and will, significantly disadvantage the farming families involved.

Last week, in conjunction with the Hon. Mr Dunn and the Hon. Mr Chapman in another place, I attended a public meeting to discuss the clearance controls on Kangaroo Island. It was an extraordinary meeting and the information provided by an officer of the Department for Environment and Planning at the meeting of almost 200 farmers indicated clearly that officers of the Department totally misled the Joint Committee on Subordinate Legislation. Mr Stuart Pillman, Scientific Officer, Vegetation and Retention Unit, National Parks and Wildlife Service, addressed the meeting and answered questions. He made it very clear that the Department is not, in fact, required under the regulations to give any consideration to the material advantage or disadvantage which the clearance controls have on farmers. The viability of the farming project was not a question that was or should be addressed because it is not part of the regulations.

In fact, he said clearly that, amongst the criteria used in considering an application for clearance, viability was not a question that can or would be addressed. This quite obviously caused concern amongst those present and resulted in a second question to confirm that Mr Pillman was quite clear about what he was saying. When asked, 'Is the viability of the farmer taken into account at any stage during the negotiations or the final decision making?', Mr Pillman answered with a categoric 'No'.

This is totally at odds with what the Department said in evidence to the Joint Committee on Subordinate Legislation, which, I remind honourable members was:

It is being administered in a way that we believe will not materially disadvantage the farming community.

He told the meeting that most of the final approvals for clearance were the result of a compromise. I should make it quite clear that this co-called compromise to which Mr Pillman referred is simply a case of a farmer recognising that, unless he agrees in part to the environmentalists' wishes, he will be unable to clear any of his land and so it is not a compromise freely made, but rather one made under duress. I emphasise that point. The farmer is told that, unless he agrees to the proposal put forward by the Department in answer to his proposal, he may well get nothing. That is of great concern to me as a member of this Council, as I do not believe that farmers should be put into that position. There ought to be a discussion based in equal rights for both parties, particularly if the farmer is not going to get any compensation.

As a result of this meeting I am deeply concerned that there is complete contradication between the evidence presented to the Joint Committee on Subordinate Legislation on the one hand and the informaiton being given to farmers and other applicants by the Department for Environment and Planning on the other hand. Clearly, no consideration whatsoever is being given to the future welfare of the farming unit. This cannot be tolerated.

Were the officers who presented evidence to the Joint Committee on Subordinate Legislation correct when they said that the Department was sympathetic to the needs of farmers, and that the scheme would not be administered in such a way as to cause these people significant disadvantage? Or are the officers who are carrying out the work for the Department in the field (such as Mr Pillman and other officers from the National Parks and Wildlife Services) providing the correct information?

Until this very basic conflict is resolved, it would be quite improper for these regulations to operate. If it is found that Mr Pillman is correct, the Joint Committee on Subordinate Legislation should immediately be reconvened, and the officers who gave evidence should be questioned as to the reasons why they seemed to have misled the Committee. If the Committee cannot rely on the evidence presented to it by officers of the Government, then the proceedings become a farce. If necessary, I will consider moving for a Select Committee to investigate the matter. In fact, if the reply shows a discrepancy, with no satisfactory explanation for the discrepancy, then that course of action may well become inevitable.

Mr Pillman also indicated that, wherever possible, land was to be held adjacent to national parks, and the purpose for this was to provide a buffer zone for the national parks. This is an incredible situation where a virtual extension of the national parks is going to be forced on farmers without any compensation for or consideration of a farmer's viability.

The PRESIDENT: Order! The audible conversation is such that it cannot be tolerated any longer. I ask the Hon. Mr Milne to desist from loud conversation in the middle

of the Chamber. I also ask the Attorney-General to pipe down.

The Hon. M.B. CAMERON: Mr Pillman indicated that such a buffer zone could not be provided inside a national park because, 'it will effect the viability of the national park'. In other words, we have a situation where the viability of the national park has to be considered but the viability of the farmer who is supposed to provide the additional land at no expense to the community is not considered. That is just not on.

The Hon. R.J. Ritson: But he is the man who feeds us and earns our export income.

The Hon. M.B. CAMERON: One would think that that was the case. This is not on and it is totally inconceivable that the Government could expect farmers to provide an extension of national parks at their own expense in terms of fencing, water control, council rates, etc., without the Government and the community providing compensation. It is a sneaky way of increasing national parks at farmers' expense. Can the Minister and others get up and say everyone is happy because there are no appeals? Of course not. They are in the position where they either accept or lose the land. It is not a position in which the farmers have any choice whatsoever. It is straight out blackmail by the Government.

The Hon. H.P.K. Dunn: In other words, might is right.

The Hon. M.B. CAMERON: That is right. As usual, the Government and its agencies have acted without due consultation and without adequate forethought. There are exemptions which apply under the regulations. For example, land clearance for creation of a firebreak does not have to get approval. During a bushfire the controls are completely void and whatever needs to be done from a safety point of view can be done. If any vegetation is a danger to life or property, it can be removed. These exemptions are reasonable but limited. They do not include the provision for broadacre burning which can be an essential from of hazard reduction. It is often too late to wait for the bushfire to start before putting these firebreaks in. Much more thought needs to be given to fire fighting. I do not want to get onto that subject as I have strong views on it and may well go on for some time on that issue alone.

In its evidence in June the Department for Environment and Planning, through the Senior Extension and Information Officer, indicated that, up until that stage, 44 landholders had been visited and spoken with and had had their properties inspected. According to Mr Dendy, 'in virtually all those cases the landholder and the Department have come to an agreement as to a clearing programme'. Agreement may have been reached, but at what cost and at whose expense and, just as importantly, how freely have the so-called agreements been made?

I wish to refer to one instance which has been explained to me. It comes in a letter received in September from an Eyre Peninsula farmer who might well be in your area, Mr President, an immigrant who has, as you will hear, some difficulty with the English language but who, nevertheless, makes his point and indicates his frustration quite clearly. To quote, in part (and anyone who wishes to read the whole story is free to do so), the letter states:

> This is a true story. My wife and I own a scrub-block on Eyre Peninsula. Having just come through our second drought, the first one was in 1977. Last year we had 400 hectares in crop and lost everything—we did not get our seed back. What little there was, was taken care of by a mob of between 60 and 70 emus. Our property is surrounded by scrub on three sides. Our total loss was in excess of $15 000, plus countless hours picking stumps and driving the tractor, for diesel, seed and super. But we do not mind hard work.
>
> To stay alive, I went to work at Leigh Creek for two months. After the contract run out and we all lost our jobs I got myself another job with an Adelaide Hills company at Hahndorf for five months. I got myself burnt out at Paechtown Road on Ash Wednesday and lost all my possessions—all I had in a two roomed flat (total loss in excess of $5 000). After we got drought relief I went back to my wife on the farm to try to put another crop in. We had lost over 120 sheep in the drought. Like a bolt out of the sky we got new vegetation clearance regulations, that's all we needed on top of our troubles.
>
> As soon as I could, I applied for permission to carry on clearing to get the full potential and make this property viable. We must be able to clear at least another 250 ha, otherwise this property is no good to anybody. We must have 250 ha for cropping plus 250 ha to run 800 sheep plus 200 ha to lay fallow for one year. We applied for permission in May. In late June we got a visit of a young man from Adelaide on a Sunday with whom I had a 1½-hour discussion in which the young man assured me that I would have no trouble at all in getting permission to carry on clearing. As I would get my permission back by the end of month, being June, I was happy. He refused to go and inspect my property saying that he already had seen it from our neighbour's place, saying that he know what was on our property. I have been on this place for seven years and I still don't know what's in the uncleared jungle until I start clearing it and leave the sandy places and the sandy rises out. Now after waiting for three month we got a letter rufusing permission—a letter even a lawyer would have trouble working out, pointing to parts of first-class land not to clear yet there would be no restriction in clearing sandy places if I reworked my application—

they were not going to allow him to clear the good parts of the land but going to get him to clear the sandy parts—

> but at the same time giving nothing away, leaving us guessing. But the trouble is we cannot go on this way. the many sleepless nights, the uncertainty of not knowing what's going to happen, the lack of money on top of it all is slowly driving us around the bend. The regulation is not bad if only people knew what they were doing, qualified people like a council of farmers would know but not pencil pushers from Adelaide. How can people tell if they are looking at good or bad land by looking through a pair of glasses onto an aerial photo is beyond me. The new regulation seems to me only an exercise in Government red tape. It does not do us any good, only upsets us, takes the will to succeed away. In fact, it is no good at all. It is an *ad hoc* mixture of ill-prepared and not thought through ideas rushed through Parliament without consultation with the U.F.G. It involves the District Council, the National Parks and Wildlife and last, but not least, the Department of Environment and Planning.
>
> Yet nobody will make a decision, everybody drags things out as long as possible without thinking what they do to the man on the land.

He continues later:

> They want me to simply improve the accuracy in my proposal, yet in aerial photos they themselves state about a surveyed road being only 'approximately'. To be accurate, one would have to get a surveyor in a helicopter—for that I would not have the money.

Clearly, this man and his family are experiencing great frustration. One can understand his worry and can only be appalled at the drawn out and haphazard way in which the regulations are being applied. He had been waiting since May for some indication, and when he got it he did not get the original indication, he got completely the opposite. The writer of the letter indicated openly that he had some difficulty in expressing his point of view because he only learnt English by correspondence in the outback in 1954.

It would be apparent to any thoughtful person that things would have to be clearly and simply explained to him by the bureaucrats. Yet we have a situation where the applicant received only a duplicated reply from the Department with the name, date and contact officer handwritten in. The duplicated reply is, to say the least, wordy and difficult to understand. This is very unfair and insensitive indicating instances where the Department is not reasonably responding to the needs of applicants. The letter would only seek to heighten the frustration of applicants. I would like to quote from the letter to highlight my point.

The letter from the Department starts in the following way:

> The Vegetation Retention Unit of the Department of Environment and Planning is unable to recommend approval of your development application on the basis of the plans and information

you have supplied with your application. This is primarily for two reasons:

1. Legal opinion has advised that a planning consent must be based on the proposal submitted by the applicant. It is considered that the information and plan you have provided is not sufficiently precise to be used for proper consideration of your proposal.

2. The Vegetation Retention Unit does not substantially agree with the proposal you have submitted. Recent advice has indicated that any consent (with or without conditions) must substantially approve of the proposal otherwise consent must be refused.

From the above, it is clear that to allow further consideration of your application you will need to redefine the area you wish to clear and any conditions you wish to place on that clearance. Two choices are available for your amended proposal:

1. You may choose to simply improve the accuracy of your original clearance proposal in which case the Vegetation Retention Unit will have no choice but to recommend refusal of your application to the Planning Commission and the Commission may, or may not, accept that recommendation. If consent is refused then the normal procedures can of course be followed but any appeal must be negotiated on the basis of a development substantially as proposed in your original development application.

2. You may choose to submit an amended proposal. Such an amended application could, if acceptable to the Vegetation Retention Unit, be approved under the Authority delegated to the Unit by the Planning Commission, otherwise the application will be forwarded to the Planning Commission for their consideration.

I have read that letter about five times and, frankly, I fail to understand it. I think that what it really says is that they had not had time to look at his proposal, had found a way of sending it back to him and delaying it again for three months, so there it was. One can imagine this fellow, who has only just learned to speak English, trying to read that letter. I am sure that even the Leader of the Government in this Council would have difficulty in understanding the gobbledegook I have just read out.

The Hon. L.H. Davis: It is not red tape but brown tape for the man on the land.

The Hon. M.B. CAMERON: The honourable member is right about that.

The Hon. G.L. Bruce: And it operated when the Liberals were in office.

The Hon. M.B. CAMERON: That is wrong, it is all your own work.

The PRESIDENT: Order! I ask the honourable member to return to the matter before the Council.

The Hon. M.B. CAMERON: This would typically be confusing and frustrating for the average person and reflects the complexity and inconvenience of the entire regulations. The explanation is less than clear and helpful. During hearings of the Joint Committee on Subordinate Legislation the question of carrying out inspections was raised. Mr Dendy gave the following explanation as to who will carry out the work:

> We have existing staff who are extremely experienced in this area. We are going to employ more people. We are being very careful to select people who are not didactic and we are selecting mature people.

One would, on the evidence provided by some of the landholders, have to dispute that claim. Evidence I referred to earlier is not the only evidence available which indicates the poor and insensitive way regulations are being operated and I refer to an application for land clearance which was lodged in relation to land on Kangaroo Island. I quote from a letter written to a colleague by a farmer who is most concerned about the controls placed over his property, as follows:

> I would like to bring to your attention the unacceptable situation regarding the new landclearing legislation, and the Vegetation Retention Unit. On 20 May 1983 I applied to clear 78 per cent of 421 acres (170 ha) of standing scrub, with the remaining 22 per cent as creeklines, shelter belts and scrub patches (see attached sheets). It took two phone calls to you [to the member] before I heard anything from the Vegetation Retention Unit (V.R.U.). There were a further two phone calls to the V.R.U. before there was any action from their Department. On both instances they stalled with excuses and statements that they did not keep, namely that they were coming the first thing the following week (but they never made those dates).
>
> On 4 August 1983 [three months later] a N.P. & W. officer, Bob Inns, came to survey my scrub. He surveyed it at three points (see attached map). While at my place he informed me of the following things:
>
> 1. That his job was only to survey the vegetation types and not to bother about any other aspects of the land; for example, slopes, soil types and rainfall.
>
> 2. He then had to write up a report on the vegetation of my land for the V.R.U.
>
> 3. He was doing this because the V.R.U. did not have the qualified field staff to conduct the surveys.
>
> 4. That his job was only to do the above, not to approve of or disapprove of applications or to actually recommend anything to the relevant people making the decisions on applications.
>
> On 30 August 1983 we received the reply from the V.R.U. in which they rejected my application (see attached pages). Their accompanying letter was difficult to understand—

I have already read that letter out—

> and the content of the letter I found to be either:
>
> A. irrelevant to my application, or
>
> B. in no way a satisfactory explanation on why it was rejected or how the new application should be designed (what principles or guidelines I should follow).
>
> The V.R.U. also included a recommended plan that they considered acceptable, which was 46 per cent pasture and 54 per cent scrub (see map). I found this plan unrealistic and unacceptable because:
>
> 1. It allowed me to clear only 46 per cent of the scrub, which is way below that which I would need to maintain the property as an economically viable unit.
>
> 2. Their clearing pattern would be difficult to manage as part of my farm.
>
> 3. The rest of the farm's pasture is dominated by Yarloop clover; hence the new Yarloop free land is essential if I am to be able to maintain a profitable sheep breeding system.
>
> 4. Of the clearable land in the recommended plan, we were allowed to clear the land that Bob Inns had surveyed, but had to keep the land that he had not bothered to look at.
>
> 5. It would be literally impossible to clear the land to the planned design without incurring extreme expense.

I guess that that is in terms of fencing. The letter continues:

> After two phone calls to the V.R.U. it became clear that nothing definite or constructive would be achieved over the phone; so Dad and I went to see them in Adelaide. On 20 May 1983 we spent 2¼ hours talking to Stuart Pillman (who was in charge of our application) about my application. During the latter part of the meeting the field surveyor, Bob Inns, was also present. During the meeting it became quite clear that:
>
> 1. Stuart Pillman knew the basic theories of conservation.
>
> 2. Stuart did not have any real knowledge of Kangaroo Island and its unique situation as compared to the rest of the State.
>
> 3. Stuart considered the fact that Kangaroo Island had approximately 25 per cent national parks to be irrelevant to clearing applications on Kangaroo Island.
>
> 4. Stuart was very reluctant to concede that my land was very similar, if not identical, to the Gosse Crown Lands (now National Park) and much of Flinders Chase National Park.
>
> 5. Stuart would not take into consideration the fact that the Gosse Crown Lands is only 6 km away from my property.
>
> 6. They conceded that Kangaroo Island was a special case (that is, regarding amount of vegetation and almost total absence of over-clearing), but would not allow this fact as a negotiating point.

I do not think that that is necessarily so in the north of the island, but it is certainly in the south. The letter continues:

> 7. Neither portrayed any agricultural knowledge of any relevance to our situation on Kangaroo Island or to my application.
>
> 8. Neither were at all concerned about what fauna was present in my scrub, but rather only in preserving some of the vegetation types (which they admitted is quite common in Flinders Chase National Park).
>
> 9. The only rules, regulations, guidelines or principles that they would admit to be working by were:
>
> A. It is better to keep bigger patches of scrub than smaller patches of scrub.
>
> B. That it is better to keep patches of scrub in circles rather than squares (shorter perimeter).

I would love to see people fencing around the corners. The letter continues:

> C. The idea of corridors between both like and unlike vegetation types, but they could not decide how wide, in relation to length, they had to be to be of any worthwhile value.

D. That the Director-General had told them to keep a minimum of 30 per cent—

This is totally at odds with the evidence of the Minister for Environment and Planning to the Estimates Committee, when he said that there was no set figure, but that the amount set aside could vary between 10 per cent and 50 per cent. In this respect, the Minister has also misled a Committee of the Parliament. That is very serious, because the Director-General, according to his officers, had told them that there was a minimum of 30 per cent. The letter continues:

... of all applications as scrub, but they would not include shelter belts, etc., in that figure.

So, that is even more serious. The letter continues:

10. They were unable to relate their theories, etc., in such a way as to be able to put them into practice in a realistic, practical and logical manner. (That is, areas, distances and plans seemed to be just figures and pictures on paper that they played around with. Their proposals were pretty on paper rather than being realistic and practical.)

11. They led us to believe that they were there simply to stop us clearing as much land as they possibly could.

12. They appeared to have a 'typical' opinion or attitude that they were fighting all these farmers who were only out to get what they could for themselves.

13. They would only consider the points which suited themselves, ignoring all aspects of management, erosion, salinity, stock shade and shelter, etc., which led us to believe that they basically considered that:

A. They had not overlooked anything before they spoke to us.

B. The outcome was basically a predrawn conclusion, and basically that:

C. The negotiations were just a motion that they had to go through to get what they wanted.

14. They insisted that they had all the powers to do just as they pleased and that I had none. They even went so far as to state that they were being generous to even let me clear any land at all, not that they were imposing something on me. That is, they considered that they were doing me a service by stopping me from clearing my land.

15. They considered that they knew better than the rest of us what was best for us and the rest of the community.

16. They were not at all concerned (or sympathetic) with or about the hardships and inconveniences—both personal (for example, time and expense) and economic (lost production)—that they were imposing upon landowners, the economy and the State. They stated quite clearly that, sure, people were going to get hurt, but it would all blow over in a few years, everyone would forget about it, and nobody would know any better.

17. Bob Inns drew up the V.R.U.-recommended clearing plan, not the V.R.U. officers.

In the end Stuart Pillman and Bob Inns left the room for a few minutes, and when they come back they stated what they called their 'bottom line', which was 160 m creeklines and a 1.48 km by 250 m strip along the south boundary. They said that they would reduce the strip to 200 m on the condition that I fenced it and the creekline prior to stocking (see attached contract).

That, again, is an expense for the farmer, but that was an attempt at blackmail: 'We will give you a bit more if you will fence it.' The letter continues:

I accepted this plan and signed it under protest for I still considered it unacceptable.

One can only feel sorry for the farmer. The letter continues:

I signed their overlay plan because:

A. I felt that I had no other alternative; namely, that it was that or nothing, and since:

B. Having only just purchased Section 5, Hundred of Duncan, economically, it is literally vital that I establish as much Yarloop free pasture as possible, and as quickly as possible.

C. It will cost me a great deal of money per year in lost production if I don't clear it this year.

D. If I appealed against their decision it would be too late to clear the land this year by the time the appeal worked its way through the bureaucracy (the land would be too dry and hard).

I feel the final contract is unacceptable because:

A. It leaves 50 acres (20.5 ha) of some of the best grazing land in this State uncleared.

B. This uncleared land will cost me $2 000 per year in lost production, using today's dollars.

C. There is no compensation for the arable land that I am not allowed to clear.

D. I must fence most of the scrub that I have to leave before I can stock that which I am allowed to clear and pasture.

E. There is no compensation for the added expense of fencing the scrub.

F. The fenceline (for a race) through the creek has to be within an 80 m distance, and there is no way to tell if that area will be too boggy to put a race through until I have cleared the land.

G. The V.R.U. does not care if I clear every twig of the area that they said that I am allowed to clear and pasture.

And basically, there you have it. A story that should never have been.

I could cite many other examples. How right that farmer is! My colleagues have been told of another case where two farmers with properties on either side of the road lodged applications for clearance approval for approximately 600 acres each. One farmer was allowed to clear 20 acres, over half of which was swamp and creek bed. The other, across the road, was given approval to clear over 500 acres. That is inconsistent. One can well appreciate the concern and ill-feeling that such a decision would have on the parties involved.

The Hon. H.P.K. Dunn: Those neighbours would have been after each other.

The Hon. M.B. CAMERON: Yes, I bet they would. I have been told of another case history today by the U.F.S., as follows:

Case History:

Applications made by primary producers to partly clear land are now being refused by the Commission. The financial and social implications of these refusals can be seen in the following factual example:

In January 1983, a young farmer bought an area of land for $85 000. About 50 per cent was being used for primary production; 25 per cent was regrowth from previous clearing and 25 per cent was natural scrub. He applied almost immediately following the announcement of the regulations to clear a portion of the regrowth and scrub. After waiting anxiously for 3½ months, he was told permission had been refused.

The PRESIDENT: Order! I do not intend to go through the procedure of asking members to tone down their conversations. If everyone in the Council wants to converse, perhaps we should suspend the sitting for a while. The member with the call should be heard, and there should be less audible discussion from other honourable members.

The Hon. M.B. CAMERON: I wish that members would show some interest, because this is a very important matter.

The Hon. C.M. Hill: It sounds like a Royal Commission job to me.

The Hon. M.B. CAMERON: It is getting close to that. It has become extremely difficult to keep track of my thoughts.

The Hon. J.R. Cornwall: You should have to put up with the constant barrage of interjections every day to which I am subjected!

The PRESIDENT: Order! There will be no interjections. I ask the Hon. Mr Cameron to return to the subject.

The Hon. M.B. CAMERON: The person to whom I referred is now the owner of land which has a greatly reduced agricultural value on which he still has to pay rates; on which he has to service debts, even though he cannot use 50 per cent of it for agricultural purposes; and which is a difficult management proposition because of poor access to cleared areas (a feature which would be overcome with a rational clearing programme).

In effect, this farmer is being expected to carry the cost of scrub conservation, his personal investment, because of a political decision, being $85 000. This farmer bought the land to cater for the needs of his young family as an adjunct to his existing property and as part of the natural adjustment process of land aggregation. His is not an isolated example of the effects of this legislation on farm investment, farm families and farm production. I remind honourable members that previously officers of the Department of Environment and Planning stated specifically that farmers who had bought

land for the future use of their sons would be allowed to clear the majority of that land, but a person in just that situation has been refused approval.

Landholders have been told of visits by a young female officer who has little experience, of inspections of the wrong land, and of reliance solely on aerial photos. Little wonder then that these regulations have given rise to an unfortunate antagonism towards scrub on the part of farmers. That is most unfortunate.

The Hon. C.J. Sumner: This is the longest speech in history.

The Hon. M.B. CAMERON: It will be, because these are the worse regulations in history. The effect is very dramatic, and the honourable member would know that if he took the trouble to find out.

The Hon. C.J. Sumner: I know about it.

The Hon. M.B. CAMERON: The Attorney will know more about it. The intention of these regulations is, of course, to ensure greater retention of native vegetation. Unfortunately, these regulations, and probably more significantly the way in which they were introduced and are being administered, are now likely to cause the opposite. Many farmers fearful and frustrated by what is happening will no doubt overstate their claims for land clearance in an 'ambit claim' (with which I am sure members opposite will be familiar) to ensure approval of at least some land for clearance.

There is little doubt, too, that some farmers are applying for clearance permission even though they originally had no intention of clearing land immediately. Now, of course, they want to know what their future will be and they are submitting applications as a precaution. In some cases, they may want to sell the land in the future, and they want to know exactly what the purchaser will be faced with. It is essential that they know.

There is every likelihood, too, that covert, panic land clearance will continue which will result in more land being cleared than is actually necessary. Unfortunately, too, the problems which farmers are experiencing in regard to the regulations will only seek to aggravate them. They will not look as kindly on scrub retention as in the past. And their attitude towards conservation, the environment and environmentalists will not be improved. All the work done to educate farmers about the value of scrub and the work of the voluntary committees, such as the Management Committee attached to the Department, will be lost. It is interesting to note that, as in so many fields, Government authorities are exempt from the regulations. This only aggravates ill-feeling further. All of the associated Government authorities can carry on their business without control and cost. Yet farmers are expected to provide national parks at their own expense.

It was disturbing to note in the evidence given by the Department of Environment and Planning that the Department of Agriculture is only informed of applications that come in. Surely it would be better, from an overall land management sense, to have the two Departments looking at applications jointly. Although the Planning Act is a responsibility of the Department of Environment and Planning, the Department of Agriculture can have an important role to play. Land use needs to be viewed from both an agricultural as well as environmental view. This is where the agricultural experts come into it.

The employment of these regulations under the Planning Act seems to be quite at variance with the general trend of planning controls and decision-making. I quote from the evidence of Mr N.F. Wallman, a planning consultant, presented on behalf of the United Farmers and Stockowners, as follows:

I believe that it is a matter of concern, for those who are looking at the new vegetation clearance controls, that the primary control has to be exercised by the South Australian Planning Commission, certainly in consultation with the Local Council. However, it is a central control nonetheless. It is a central control over an aspect of development which is particularly sensitive to widely varying local conditions, local needs of the people and activities and practices throughout the State.

I refer to practices concerned with the management of land and the gaining of production therefrom. Therefore, one would know that this control appears to be contrary to the objects of the Planning Act, 1982, as one can perceive. It is contrary to an extent which is quite serious because the scope of the control might concern anything (as the committee will be aware) from a small piece of vegetation to a large area of vegetation. As part of the sscheme of the Act, it is also notable that it is easier for minor things to be dealt with more expeditiously than it has been in the past under the old Planning and Development Act.

Here we have a control which does not distinguish between minor clearance and major clearance, all of which has to go to the central authority to be dealt with. As far as consultation with local councils is concerned, that is not much consolation because it is my experience that when local councils are asked to consult or comment on something, they will not find it as important to spend time on consideration of that matter as they would if they were carying the responsibility for the matter themselves. I suppose then that that is a matter of human nature, but it is also a matter of practical administration.

Some councils have no problems with the regulations, because there is no permit system. However, if other councils considered every application deeply, there would be real problems, because they do not have the staff to deal with the situation. Mr Wallman concludes:

Finally, it seems to me that, as a principle of good administration anywhere, one should seek to delegate responsibility for actions as far down the line of command as possible. In this instance, it seems to be quite contrary to that fundamental principle of good management of the State's affairs and control of development, for the reverse to be tending to happen.

I think that one can already see the seeds of problems in this new system of control over vegetation where one has people who are experts, nonetheless people, coming from a central point which will be responsible for a decision to be taken, having to travel long distances to administer the control in ways which I feel will be shown to be unacceptably difficult sooner or later.

Those comments come from an experienced planning consultant who knows his business and who is well aware of the problems with the native vegetation clearance controls.

As I indicated earlier, the requirement that substantial portions of land have to be set aside will involve cost. The cost will be borne by the farmer alone. Yet it will be the general community that benefits. As an example, consider the case of one farming unit that took over 4 000 acres of lease land in the Mallee region at a cost of about $80 000. About 1 200 acres of the land was cleared, 600 acres has been subsequently cleared and it was planned that a further 2 000 acres would be cleared. Originally, approval was given by the soil conservator in 1982 to clear this land.

With the introduction of native vegetation clearance controls an application was made for approval to clear. It was lodged in May and a reply was received in July, indicating that one-third of the land would have to be retained as native vegetation. The reason for this condition was simply expressed in this way:

Conditions have been made to reduce the impact of this development on the natural features of this area, including flora and fauna.

That really is very vague and indeed gives no justification for the condition. No reason is given in ecological terms as to why the land recommended for retention was chosen.

Following an appeal, it was agreed that approximately 500 acres (25 per cent) would be set aside. An additional request was that it was 'hoped that the vegetation would be surrounded completely by fencing'—even though it was within the owner's property. If we consider the costs involved in this restriction, we find that the farmer is expected to bear a substantial burden. The 500 acres had an original

value of $20 per acre (given a total cost of $80 000 for 4 000 acres), making the land that he is now required to set aside worth $10 000. Additionally, an annual average rate of return from crop use for this 500 acres would be $9 000, plus the return from any stock run on the land. Additionally, the farmer has to pay for fencing.

Therefore, the cost to the farmer would be at least $10 000 outright, plus $9 000 per annum for lost crop, plus the cost of fencing ($1 5000 per kilometre), plus any lost return from stock grazing, plus the council rates on the potential value of the land (a potential which will never be achieved), and land tax as well. This is a loss accrued over 10 years of more than $100 000! Hardly 'no material disadvantage', as the Department would have us believe—and remember this is a compromise from the original departmental proposal. It also ignores the damage to crop and livestock that could result from rabbits, kangaroos, emus and foxes that will be able to shelter in the reserved virgin scrub. That is not to say that I do not agree that some virgin scrub should be retained. I am referring to the cost to those farmers who are expected to clear land without any compensation whatsoever.

The land involved lies directly south of uncleared Crown land which itself is adjacent to the Billeat National Park, which covers several thousand square kilometres. One would have thought that the impact on flora and fauna of clearing what in the context of the national park is a mere few hundred acres would be minimal. There are several thousand square kilometres right alongside it. The land was originally acquired under a perpetual lease under which clearing was possible. Now the farmer is expected to fund what is no more than an extension of the National Park, at his expense. The decision will cost the farmer and plans to employ an additional person have been thwarted. The Government talks of the problems of unemployment and the need for employers to take on more people yet, when an opportunity for a permanent job can be created, the Government prevents it. The Government's action clearly speaks louder than words.

If a farmer has purchased land with the intention to clear and he is later prevented from doing so, he has every right to expect compensation. Again, this landholder was concerned by the young officers who inspected the property but who seemed to have little experience in the practical use of land.

I have had some contact with farmers who have, under the Voluntary Vegetation Retention Scheme, indicated the desire to set aside land only to have become totally frustrated by and disillusioned with the Department of Environment. In one case I have close personal knowledge of a farmer who was prepared to set aside 400 acres of scrub land for retention under the voluntary system but became so disillusioned with the speed of the Department and the delays in making fencing materials available, as agreed to, that he nearly decided to clear the land in absolute frustration. Such is not the response which the Department by its actions should seek to encourage.

Here we had a situation where a farmer was prepared to voluntarily set aside land but has been discouraged from doing so because of intransigence and the breaking of firm undertakings by the Department. Yet the Government is now arguing that the voluntary system did not work and that only a compulsory system will be effective. If this is any evidence of the effort put in to ensuring success of a voluntary system, one can only question the Government's real support for it.

The United Farmers and Stockowners have, in their submissions, sought disallowance of the regulations as they presently stand. Of course, this gives rise to a very difficult problem. The Government's hasty and poorly communicated introduction of the regulations has alerted every farmer who has scrub to what he will face in the future. If these regulations are disallowed, it could open the way to a rapid and excessive clearance of scrub throughout the State as farmers act to beat any new regulations. This will be most undesirable, but the Government has brought such a prospect on itself and the community.

I do not support that situation arising. One would be irresponsible now if one actually set about this motion knowing that the end result would be the disappearance of the regulations, because I know that the regulations could be brought in the next morning if such an event occurred. So, that is not a question that needs to be addressed. However, if the regulations were now taken out of existence, I know that virtually every patch of scrub in the State would be knocked down within 24 hours, because such is the feeling of the farmers about the regulations. That is the sort of feeling which has been engendered by the manner of their introduction.

I believe that a compromise is necessary. In my view, it is reasonable to require all holders of scrub to set aside a maximum of 10 per cent for retention in its natural form. Beyond that 10 per cent figure, the Government ought to ensure the payment of compensation, an issue that I will touch upon again later.

There are many practical difficulties in these regulations which have yet to be resolved. Several of the terms referred to in the regulations are poorly defined. The term 'metropolitan area' is referred to, yet is undefined. The term 'township' is also used, referring to an area where the regulations do not apply, yet no definition is given. Does 'township' include those areas which are subdivided and set aside as 'towns' but which have never developed? What is the definition of species indigenous to South Australia?

In relation to the vegetation, it has been suggested by some witnesses that the regulations are counter-productive in that they encourage retention of vegetation over 15 cm in diameter, thus encouraging the removal of smaller vegetation and discouraging, in the long run, the continued growth of native vegetation.

We have heard complaints before about the level of resources available to the Department to carry out its work, yet additional burdens are placed without sufficient additional and experienced staff being made available. Opposition to these controls, as they presently stand, is not confined solely to farmers. A number of councils and other individuals have also expressed concern. Woodcutters have been concerned about the controls placed on them, and some are still not completely covered. Some conditions, quite frankly, seem almost impossible to meet. For example, I know of one application where approval to cut was given provided that timber was of a certain size and type. This is, of course, generally fair enough. But, an additional condition was imposed requiring that no hollow timber be cut down.

I have an example down in my room of a tree that was cut down that was hollow inside. There is no way that anyone could have known it was hollow before it was cut down. These people are breaking the regulations but they have no idea that that is so until they cut into mallee. Some woodcutters are extremely nervous and often get to the stage of trying to get rid of the hollow log before any officer finds them with it. In essence, they are not trying to break the law. How one is expected to determine whether or not a branch is hollow until one chops it down is beyond me. Yet, this condition is imposed.

One is fully aware of this situation with the mallee timbercutters who were held up dramatically in June of this year by the regulations as they had to wait for permits. People without a permit could be fined up to $10 000 for cutting green timber. I recall quite distinctly the time when

those people were meeting to try to get some resolution from the Government. An article in the *Advertiser* of 7 June 1983 stated:

> Cutter Mr Robert Page, of Truro, said he had applied for a permit as soon as the legislation had come in.
>
> 'All I have got is an acknowledgment of my application,' he said.
>
> 'I have now lost three weeks' income—about $1 000—and I have wife and three kids to support.
>
> 'A sheila came out from the department to assess the area I want to cut and all she was worried about was bloody birds. 'There's been a drought out here for three years and she wonders where the birds are,' he said.
>
> Mr Hugh Sobey, who owns Roonka, said the permit issue was 'a lot of bulldust'.
>
> 'I've got nothing against trees but they can be too thick,' he said.
>
> 'I bought this land expecting to clear it for my two sons. Once it is thinned out, grass will grow between the trees and it could carry sheep to six acres. We expect to live off this land, so we aren't setting out to destroy it.'

That article went on with all sorts of problems created by the regulations at that time.

A number of councils have made submissions to the Joint Committee on Subordinate Legislation or have contacted me indicating their concern at the regulations. Councils are unfortunately placed in an unenviable position. Because they are 'post-boxes' for applications, some applicants see them as having greater input and say than they really do. This leaves council members and officers open to pressure if applications are refused or delayed. Such imposition without consultation is unfair. Councils are becoming increasingly frustrated, too, by the fact that applications which they support are being rejected by the Department. It makes them ask 'why bother?' They have no real impact on the Department's decision-making process.

Another area where problems arise is that of dam construction. This was an issue addressed by the Joint Committee on Subordinate Legislation, but which was not adequately responded to by the Department. One earth-moving contractor I know of has raised what he considers to be a 'typical situation' where a bulldozer may be working on one property when the next property decides to have a dam constructed whilst the bulldozer is in the area. This often happens. It may be that only a couple of trees and few yackas are involved, but an application would still be needed. This would take (on the basis of the Department's so-called fastest response) two to four weeks, which is ludicrous. In response to such a position, a departmental officer in evidence said:

> We would be quite happy to give an undertaking to deal with that issue promptly in terms of the individual situations that arise.

Already I have indicated that that is still two to four weeks. He also stated:

> In the situation of a dam, one is dealing with a fairly small removal of vegetation.

If that is the case, surely it shows the absurdity of the controls. If it is only a small amount of vegetation, why not allow an exemption? Why always resort to regulation? It is equivalent to using a sledgehammer to crack a nut. Unfortunately, too, it appears that the sympathetic consideration alluded to by the Department is not always forthcoming. I have been informed of one case where approval for the construction of a dam has been given, provided one tree is kept. That tree is in the middle of the proposed dam.

Construction of the dam would be extremely difficult and one could see the tree dying from excessive water at some future date. Mr President, I said at the outset that I moved this motion with some reluctance.

The Liberal party recognises the need to ensure that of the State's remaining vegetation sufficient is retained to protect our native flora and fauna. But we are unhappy with the regulations introduced by the Government and are aware that should they be disallowed this could well open the flood-gates of land clearance. Such a panic reaction would be most undesirable.

Regettably, we have no power to amend regulations—we can only accept or reject them. Were we able to amend them, the position would be easier. Nevertheless, I believe that the Government should urgently rework the regulations to overcome the deficiencies to which I have referred. New regulations could then be introduced.

I believe there is an acceptable alternative to the restrictive regulations introduced by the Government. The Opposition believes that the following policy on native vegetation clearance should apply:

1. No clearance for the development of new land should be undertaken without approval of the Soil Conservation Branch of the Department of Agriculture.
2. In broadacre development of land deemed suitable by the Soils Branch of the Department of Agriculture for development the landholder may be required to preserve from clearance up to 10 per cent of the land proposed to be developed in each separate location without compensation. The Department for Environment and Planning shall be the responsible Department for delineating areas of vegetation to be retained.
3. Where a Government agency requires further preservation of uncleared land either the land in question will be acquired by the Government or the landowner will be compensated. The land involved will be fenced at Government expense. Compensation and fencing will only apply to land which is deemed suitable for development of agriculture pursuits by the Department of Agriculture.

The Liberal Party believes that our efforts should also be extended beyond the retention of existing native vegetation. The revegetation of cleared land in certain areas of the State should be stimulated. The Liberal Party in Government initiated significant programmes to revegetate certain areas.

A scheme established for the direct seeding of native plants, using familiar techniques of cultivation, seeding and harrowing, in an effort to remedy the disappearance of native vegetation in sensitive areas of the State. As well, the Liberal Party announced a policy at the November election where rural landholders would be encouraged to plant vegetation, as well as fencing off areas of their land to promote natural vegetation. That is an area with which I am very familiar, because I own a farm (I suppose that I express my pecuniary interests in this matter when I say that). When we purchased the farm it had two trees on it. My wife and I planted 1 000 trees a year for seven years. So, personally I am well aware for the need for revegetation. The Liberal Party's policy on this matter states:

> The Liberal Party is committed to work in close co-operation with the private nursery industry in implementing its policy. A Liberal Government will actively encourage private landholders to maintain on a voluntary basis, and where appropriate enlarge areas of native vegetation under private control through heritage agreements—

that should be quite deliberately encouraged—

> Incentives will be provided in the form of remission of local government rates and taxes and the provision by the Government of material for fencing.

Together with the vegetation retention policy, this action will ensure a fair and reasonable balance between the interests of land and agricultural development, on the one hand, and the need to preserve native flora and fauna, on the other. It has been suggested that compensation should not be given to farmers: that it is not possible to adequately determine compensation levels. There has been a scheme operating in Western Australia which I understand works quite well. It involves the following:

1. A farmer in an area where clearing is controlled applies to clear. He is refused and therefore creates a case for compensation. The farmer (usually with help) then works up a claim based on—

(a) The improved value of the land in question

Less—development costs over a five year period.

For example:

Improved value	$800 a ha
Less development costs	$460
Compensatable rate for the timbered land	$340 a ha

2. A special value of 10-20 per cent is also added to the compensatable value because the land is part of the farm. (By not clearing the farmer might have to buy another block somewhere else and could be involved in extra travelling, building costs, etc.)

3. An amount for 'injurious affection' is also added: e.g. the loss of value to watering points, fencing etc.; for example, the farmer might have built a six-stand shearing shed on the basis this would be needed on a fully developed property but clearing restrictions mean only a four-stand shed is needed. He is compensated for the difference.

4. An allowance is also made on council rates.

5. The cost of valuation fees is reimbursed where a private valuer is used.

6. Some claims are also paid out on management problems arising from keeping scrub.

7. Interest at Commonwealth overdraft rate is also paid from the date of claim to the date of settlement. This can be up to 10 months.

It is interesting to note that the departmental officers in charge of the clearance controls do not, and obviously cannot, take viability into account and say that they are unable to do so. Yet we had the situation earlier this week where the Minister for Environment and Planning announced an inquiry into shopping centre expansions and their impact on small business. In announcing the study, the Minister said it was likely that economic impact assessments would have to be carried out before approval of new shopping developments would be given. He said that the effect of new developments on the viability of existing small businesses needed to be assessed before approval was given. Yet when it comes to farms (themselves small businesses) the same Minister is not prepared to consider the impact of government decisions on viability.

It seems that, under this Government, there are two standards—one for people in the metropolitan area and another for country people. These regulations, and the way in which they are being amended, must be changed. They are threatening the viability of many rural producers, discouraging rural employment and depressing the rural economy and business confidence. They are discriminatory, unfair and impose the burden of expanding our national parks and adjacent buffer zones on a minority in our community at a very high cost. Worse than that, I believe that they have caused more clearing of native vegetation in the past six months than would have occurred in the next 10 years.

The Hon. R.C. DeGaris: They have created a few jobs.

The Hon. M.B. CAMERON: They certainly have. The regulations have caused antagonism towards native vegetation in the farming community by leaving farmers high, dry and without compensation. This Government has done more damage by the insensitive way it has introduced and administered these regulations than would have occurred in the farming community in the next 10 years. It is a pity that this has occurred, and I am deeply disappointed about it.

The Hon. R.J. RITSON: I support the remarks made by the Hon. Mr Cameron in opposing these regulations. His remarks have contained so much useful substance that I have only a few points to make. I am not sure that the Australian Labor Party realises what enormous damage has been done to relationships between the Government and the rural community by these regulations.

When the early pioneers began to carve the beginnings of a nation out of the colony they did so with muscle, axe and plough. There was, indeed, a lot of scrub and few people. Nothing would have been further from the minds of those people than conservation needs. Gradually, of course, as clearing occurred (and no-one denies that in certain areas there has been over-clearing) concern arose about that clearing. The Hon. Mr Cameron has pointed out that in 1930 there were substantial restrictions and regulations in relation to vegetation clearing in this State.

One thing has become very clear to me in conversation with farmers, through my experiences and through the action of the former Liberal Government; that is, that in recent years the former Government became very close to the rural community in terms of working out an understanding and a co-operation that worked very nicely. One example is that during the life of the former Government the then Minister for Environment and Planning (Hon. D.C. Wotton) produced a very attractive booklet inviting co-operation on these matters between the rural industry and the Government.

We as then Government back-benchers received an allocation of these booklets. Mine disappeared like hot cakes. I had to ask the Minister for more and they went like hot cakes. I asked for more and he said to be very careful with them because they were very popular and that he was running out very fast. I make the point that the response by farmers to that approach by the Government was very popular and raised great enthusiasm for the cause of general conservation: great enthusiasm and willingness by the farmers to be co-operative towards genuine conservation.

The present Government, with the stroke a pen, has caused enormous offence to the people who previously were co-operative, and it has placed itself in an aggressive confrontationist stance with the people who feed us and provide us with the bulk of our export income. The Government has to think more carefully. The Hon. Frank Blevins is in a situation where he ought to have a straight face-to-face conversation with the Hon. Dr Hopgood on this point. We know that genuine conservation was popular with the rural community, and that there are always fringe people masquerading under the conservation guise who are, by and large, of the Marxist left and who concentrate too often on finding sacred sites in the middle of mining leases. We know that the Australian Labor Party is indebted politically to these people. I wonder how much that influences the present Government's desire to appear to go overboard on this issue.

However, the great disaster is the manner in which these regulations are being implemented. Many examples have been given, but the fact is that quite junior departmental officers, with great insensitivity and demonstrating a great lack of knowledge of the land that they have come to pontificate over, are causing hurt and offence to the rural community. One hears stories, for instance, of someone (apparently a boy of 21) telling a farmer with freehold title over his land that he does not really own the land; he is just a custodian of it. I suppose that I do not really own my house; I am a custodian until I die or sell it. However, to say those sorts of things imperiously to the people who are part of the culture that hacked this country into shape with their axes and ploughs is terribly offensive.

I warn the Minister of Agriculture that his Government is presiding over an enormous confrontation quite unnecessarily (because of the nature of the regulations and because the regulations are unnecessary), given that the former Government was on the brink of a very nice, co-operative relationship with the rural community, and given that the

administration of those regulations has been carried out offensively by junior officers who are probably not deliberately being offensive but who just do not know what they are doing. If the Minister of Agriculture wants to save his Government from an enormous confrontation with the rural industry, he ought to stand up eye-to-eye, if that is possible, with the Hon. Dr Hopgood. If the Hon. Mr Milne and his colleague wish to retain their present representation in this Council (they do need the rural vote; they have indicated it by a number of things that they have done, they are scrambling for it), they had better support our position on these regulations. I oppose the regulations.

The Hon. C.W. CREEDON secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948. Read a first time.

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

That this Bill be now read a second time.

This short Bill increases the maximum penalties for breaches of the minimum wine grape price provisions of the Prices Act, 1948, from $2 000 to $5 000 and extends the time limits for prosecution of such breaches from six to 12 months. The Government has become aware of various schemes being entered into by certain parties which, it is asserted, avoid the provisions of the Act. Pending a detailed study of these schemes, and the possibility of further amendments to prevent these schemes, it is desirable to increase the penalties for breaches of the relevant provisions.

Moreover, the nature and duration of the avoidance schemes is such that the period of six months for the commencement of prosecutions is too short. Complaints have been received at the end of the grape growing season in respect of arrangements entered into at the beginning of the season, and in these circumstances the limitation period may have expired. The Bill will remedy this problem. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 makes an amendment to subsections (7) and (11) of section 22a by substituting a new penalty of $5 000 for the existing penalty contained in the subsections. Clause 3 makes a corresponding amendment to subsections (1) and (2) of section 22b: a penalty of $5 000 is substituted for the existing penalties.

Clause 4 makes a corresponding amendment to section 22d: a penalty of $5 000 is substituted for the existing penalty. Clause 5 makes a consequential drafting amendment to section 50. Clause 6 inserts new section 50a which provides for the commencement of prosecutions under the Act. Such proceedings must be commenced within 12 months of the date on which the offence is committed, and shall not be commenced except by an authorised officer or a person authorised by the Minister.

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

MARKETING OF EGGS ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Marketing of Eggs Act 1941, and to make a consequential amendment to the Egg Industry Stabilization Act, 1973. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

This simple amendment proposes to increase from three to four the number of Government appointments to the South Australian Egg Board. Currently, the membership of the Board consists of three representatives elected by the industry and three Government appointees, one of whom is appointed as Chairman. The egg industry is anxious to ensure that the Egg Board should not be regarded by the public as a body dominated by producers. Accordingly, the Government has been requested to legislate to provide for a clear majority of non-producer members by appointing four members to a Board of seven. The Chairman, now acting in a full-time capacity has, and will continue to have, a deliberative and casting vote at Board proceedings.

The Bill contains a consequential amendment to the Egg Industry Stabilization Act. That Act constitutes a Poultry Farmer Licensing Committee consisting of the three appointed members of the South Australian Egg Board. The amendment enables the Committee to be increased to four, in line with the increase in membership of the Board. The quorum of the Committee is increased from two to three. Clause 1 is formal. Clause 2 strikes out subsection (2) of section 4 and substitutes a new subsection which provides that the Board shall consist of seven members of whom three are to be elected in accordance with section 4a, and four are to be appointed by the Governor. Clause 3 makes consequential amendments to the Egg Industry Stabilization Act, 1973.

The Hon. M.B. CAMERON secured the adjournment of the debate.

APPROPRIATION BILL (No. 2)

Adjourned debate on second reading.

(Continued from 25 October. Page 1284.)

The Hon. R.C. DeGARIS: In speaking on the Budget papers, I touched on three particular matters, namely, superannuation, the use of capital funds and the proposed financial institutions duty. I do not wish to cover these points again, except to ask the Attorney-General to reply to some of the points I raised. First, will the Government consider a full inquiry into public sector superannuation? If so, will the Government inform the Council of the method of inquiry it favours, whether it be a Royal Commission (as suggested by the Hon. Lance Milne), a public inquiry of some sort or a select committee of the Parliament?

Secondly, will the Government consider legislating as all States of America have already done to place restrictions on Governments to continue using capital funds to balance recurrent Budget deficits? The handling of Budgets by Parliament leaves a lot to be desired. I am hopeful that the select committee appointed by the Parliament to examine Parliamentary procedures will come to grips with this question. I have dealt with this matter on previous occasions and all I wish to add is that I hope that the select committee appointed by the Parliament will address this particular question.

The Hon. C.J. Sumner: Which one is that?

The Hon. R.C. DeGARIS: The question of deficits and the use of capital funds.

The Hon. C.J. Sumner: Which Select Committee?

The Hon. R.C. DeGARIS: The one on Government procedures.

The Hon. C.M. Hill: It is not a select committee at all.

The Hon. R.C. DeGARIS: I am referring to the handling of Budgets themselves. I believe that the way in which Parliaments handle the Appropriation Bill leaves a lot to be desired. What I am suggesting is that the select committee should consider this question and make recommendations on changes in regard to the procedures of the Estimates Committees.

The Hon. C.J. Sumner: That is not in regard to the deficit procedures.

The Hon. R.C. DeGARIS: No. There has been some criticism of this Budget and I suppose that that is reasonable from a Party-political point of view. However, this Budget is not a bad Budget. As I have already pointed out, the Government proposes to transfer $28 million from Loan Funds to bolster the $33 million deficit meaning that, if the Budget is accurate, a transfer of $180 million will have been absorbed for this purpose in a four-year period. Income increased in this Budget by 11.7 per cent and expenditure by 7.4 per cent. However, there is still a deficit of some $33 million even after the difference between the income increase and expenditure increase. Taxation in the Budget increased by 14.2 per cent, Government undertakings income increased by 17 per cent and the territorial income increased by 45 per cent.

On the expenditure side, it is more difficult to find where the increases occur, because of the changing structure of administration. For example, accommodation costs and service costs are debited in each department rather than appearing in a lump sum under the public works lines. The partial presentation of the Budget papers in programme form also makes comparisons with previous Budgets difficult. Special comments should be made in that regard. Under 'Special Acts', the major increase is due to increased interest payments and contribution to superannuation. As the question of superannuation has already been mentioned, I will make no further comment in that regard.

Some large increases are proposed in the Premier's allocation for the 150th anniversary celebrations and new units attached to the Premier's Department. Regarding State development, increased expenditure is mainly for grants for incentives to industry, and perhaps the Attorney-General in his reply will expand on the Government's proposals for incentives to industry. The Department of the Arts received a substantial increase, mainly for increasing expenditures to regional cultural centres.

The huge increase of 300 per cent in the Deputy Premier and Minister of Labour lines is due to State and Commonwealth funding for job creation. I believe that the Commonwealth is providing about $25 million and the State is providing about $5.7 million for this project. Once again, I ask the Attorney to expand on the Government's intentions in regard to job creation in South Australia. The Attorney's lines increase substantially, with increases largely being due to the expansion of costs in the Courts Department.

The Hon. C.J. Sumner: That was for the Sir Samuel Way building.

The Hon. R.C. DeGARIS: That is so, but the Attorney will admit that the major increase in his lines has been in regard to the Courts Department.

The Hon. C.J. Sumner: That is right, and the Sir Samuel Way building is the problem. It is costing a fortune.

The Hon. R.C. DeGARIS: It is a nice building though, is it not?

The Hon. C.J. Sumner: With a lot of unutilised space.

The Hon. R.C. DeGARIS: Yes, but we might say that about Parliament House. The increased expenditure in tourism is largely due to advertising expenditure, and there is an increase of almost $500 000 in that regard. Community welfare increases are due to increased subsidies to pensioners for rates, taxes, and transport. Housing and local government increases are mainly due to increased subsidies to local government libraries. There will be a considerable reduction in water resources because of the excellent season we have had with a consequent saving in water pumping costs. There will also be a substantial reduction in the Minister of Agriculture lines because of a predicted decrease in natural disaster moneys, and I hope that the Budget proves to be quite accurate in that regard and that the State does not experience the same dramatic period as occurred in the past 12 months.

The total proposed capital works programme is $378 million, with, as I stated previously, a transfer of $28 million to attempt to balance the present Budget. It is very easy to be critical of any Budget, and this Budget can be criticised in the same way as can any other Budget. However, I must say that it is not a bad Budget. I stress again that in Australia at present, taking into account the Federal Government, State Governments, local government, and statutory authorities, we are spending very close to 50 per cent of the gross domestic product on the public sector. This must be of concern to all of us when we realise that the public sector has grown to such an extent.

I pointed out earlier in relation to the Budget papers that in 1900 about 7 per cent of the gross domestic product was spent on the public sector compared to what must be close to 50 per cent today. If one analyses the percentage of Budget expenditures, one finds that there is a declining expenditure on productive, wealth-producing areas and a massive increase in the non-productive departments.

The Hon. C.J. Sumner: Since when?

The Hon. R.C. DeGARIS: I have compared the 1965-66 Budget with the 1982-83 Budget. It is remarkable to see the changes that have taken place in the percentage of the Budget allocated to certain areas. This is not restricted to South Australia or to Australia. This position is appearing in most Western democracies: that the increased expenditures in the public sector have been largely in areas that are non-productive and non-wealth producing areas.

The expansion of Government moneys in the superannuation scheme has multiplied nine times in size over the past 10 years and, on my figures, it will be at least five times in size over the next 10 years so that, in 10 years time, the contribution from this State will be over $200 million. I do not object to any Government's desire to redistribute wealth. Indeed, that is one of the roles of Government, but let us be sure that we are producing wealth in the first place. This State, above all others, requires a State where costs to industry are lower than those in any other State, where taxation is lower and where prices are lower. Once we reach the point of parity with the Eastern States, our competitive position declines.

I find it extremely difficult in analysing the Budget to understand how the Government arrived at its predictions for the income from the new financial institutions duty and the income from existing stamp duties. The increase predicted from stamp duties does not take into account any reduction once the F.I.D. is introduced, and the income from the new F.I.D. is estimated at $8 million in a half year. As yet we do not know from the Government what stamp duties presently imposed will be removed. Perhaps we are in the peculiar position of wanting an extra $25 million to $30 million from stamp duties and, when the F.I.D. is introduced, only certain duties will be repealed until the extra funds required are satisfied. At this stage it appears to me an odd way to approach budgeting. Perhaps the Attorney-General may be able to tell the Council what areas of stamp duties the Government is considering repealing. Even that may be helpful, because at this stage no-one knows what the Government proposes.

We are handling a Budget for 12 months and the information should have been available to us when the Budget was introduced. There is no way in which one can examine the Budget papers to find out what is to happen. We only know that the Government wants $25 million to $30 million income from stamp duties and that the F.I.D. may be 0.03 per cent or 0.04 per cent.

An honourable member: Or .05 per cent as in Western Australia.

The Hon. R.C. DeGARIS: Yes. During the Budget debate Parliament should be informed. Although one could be critical of any Budget coming before Parliament, I would like to criticise certain areas of this Budget because the important thing in this State is to ensure that we reduce Government expenditure. Unless we reduce Government expenditure there is no way in which we can reduce taxation: our rate of taxation is important to the competitive position of this State.

When speaking on the Budget the Hon. Mr Cameron pointed out that the Liberal Party's long-term objectives are:

1. Limited or reduced taxation.
2. A balanced Budget.
3. Proposed use of capital and recurrent funds.

The Hon. C.J. Sumner: That is a joke. What is the point of reducing taxation and using capital funds? The former Government did not do anything about the proper use of capital funds or about having a properly balanced Budget. The former Government's Budget was the biggest deficit Budget in the history of the State.

The PRESIDENT: Order!

The Hon. R.C. DeGARIS: The three points made by the Hon. Mr Cameron form an admirable objective, and two of those points have also been agreed to by the Premier.

The Hon. C.J. Sumner: What about the Liberal Government's attitude to those last two points over the past three years?

The Hon. R.C. DeGARIS: I am saying that the Hon. Martin Cameron had put forward the objectives of the Liberal Party.

The Hon. C.J. Sumner: Why did he not do anything about it over the past three years?

The Hon. R.C. DeGARIS: I am pointing out that two of those points in regard to a balanced Budget and the proper use of capital funds were also agreed to by the Premier, who said that he favours a balanced Budget and the proper use of capital funds. However, two of those objectives need to be achieved by Parliamenty action, as has occurred in the United States of America. The Parliament's being able to trust Governments to achieve those two ends is quite useless. Already we have constitutional provisions; we have legislation covering public finance in which Parliament has lain down the guidelines that Governments must follow. I believe that it is quite useless to talk about Liberal Party objectives or Labor Party objectives along those lines. I believe that the only way to prevent the continuation of Budget deficits and the absorption of capital funds is for the Parliament to clearly lay down the guidelines that Governments must follow.

The Hon. C.J. Sumner: Did it happen before 1979?

The Hon. R.C. DeGARIS: I believe it happened twice.

The Hon. C.J. Sumner: Twice, to a very limited extent, and it was picked up the following year.

The Hon. R.C. DeGARIS: That is quite correct.

The Hon. C.J. Sumner: Who started it?

The Hon. R.C. DeGARIS: The first one that I can remember occurred during the Playford period, and the second one occurred during the Dunstan period.

The Hon. C.J. Sumner: They were very small amounts.

The Hon. R.C. DeGARIS: I think the figures were $2 million and $6 million. In any case, both of those absorptions of capital funds were paid for in the following year. There will always be the need for Government to absorb capital funds in times of difficulty when things happen. There is no question about that.

The Hon. C.J. Sumner: When did it start on a permanent basis?

The Hon. R.C. DeGARIS: The Labor Party Budget of 1979-80.

The Hon. C.J. Sumner: That is completely wrong. In the 1979-80 Budget there was a transfer of funds from recurrent to capital. The first Budgets in which this occurred were the 1980-81, 1981-82 and the 1982-83 Budgets.

The Hon. R.C. DeGARIS: I think the absorption of capital funds occurred in the 1979-80 Budget.

The Hon. C.J. Sumner: It did not; you are wrong.

The PRESIDENT: Order! The Attorney-General will come to order. I ask the Attorney to desist from interjecting, no matter how right he may think he is. He will have the opportunity to express an opinion later. The Hon. Mr DeGaris.

The Hon. R.C. DeGARIS: I will not argue about the honourable member's outstanding knowledge of Budgets. I suggest that, if the Attorney looks at the figures for June 1980, he will find that there was an absorption of capital for the balance of the deficit in that year. Perhaps I am wrong. I think it is quite clear that after this year South Australia will have absorbed between $180 million and $190 million of capital funds to balance the recurrent deficit. I believe that Parliament should lay down the guidelines, exactly as has occurred in some States of America—

The Hon. C.J. Sumner: Who started it?

The Hon. R.C. DeGARIS: I would say, politicians. However, Parliament passed every one of those Bills. I ask the Attorney whether the Government will decide in its period of office (and I give it three years to do it) that it will introduce legislation to back what it is saying at the moment and restrict Governments under the Constitution or the Public Finance Act in relation to the use of capital funds to balance recurrent deficits. Will the Government adopt that principle which it says is its objective?

The Hon. K.T. GRIFFIN: This Budget, the earlier announcements of increased State taxes and a new State tax that we will hear about tomorrow, when related to the present Premier's promises (made when he was Leader of the Opposition prior to the last State election), together with the Federal Labor Government's performance compared with its pre-election promises, are the reasons why ordinary members of the South Australian public now view politicians' promises with some cynicism.

Prior to the 1982 State election Mr Bannon and his A.L.P. colleagues promised no increases in State charges and State taxes and no new taxes—what a delusion! Following the State election there was a careful softening up programme by Mr Bannon before massive increases in State taxes commenced with increases in tobacco tax, petrol tax, liquor licensing fees, stamp duty on general insurance, and a gas tax. They were all lifted quite dramatically, along with the promise of a financial institutions duty.

The Bannon Labor machine bought State Government with lies in 1982. The Bannon Labor machine seduced the people of South Australia by promising no increases in State charges, yet to the present time at least 75 State charges have been increased by the Labor Government. In the Federal arena taxes were to be reduced, according to the Hawke Labor machine prior to the Federal election. After the election the lie was discovered, because taxes will not

be reduced this year but, according to the Federal Labor Government, perhaps next year—maybe never!

When the Tonkin Liberal Government came to office it promised to abolish succession and death duties. That was done. It also promised to grant concessions for stamp duty on the principal place of residence, and that was done. The abolition of land tax on the principal place of residence was also promised, and that was done. Pay-roll tax exemptions, rebates and concessions to encourage the creation of permanent jobs in the private sector were also granted. Promises were made in other areas by the Tonkin Liberal team, and every effort was made diligently to honour those promises. A substantial number of them were so honoured.

The Tonkin Liberal Government acted with integrity, and conscientiously pursued the implementation of its policies and its promises. At the next State election the people of South Australia—

The Hon. C.J. Sumner: How did you pay for it?

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: At the next State election the people of South Australia will be able to judge between David Tonkin's steady, responsible Liberal Government, which honoured its commitments, and the fumbling Bannon Labor Government which has dishonoured its promises and allowed the Government to spend more of the taxpayers' money, rather than keeping a tight rein on it.

At the next State election the recent experience of South Australians of both Governments and their respective philosophies and performances will enable them to judge the philosophy and plans of the Olsen Liberal team as a team which is equipped with the principles, policies, and capable people best able to lead South Australia through the second half of the 1980s into the 1990s.

The Hon. C.J. Sumner: Who wrote this?

The Hon. L.H. Davis: Top drawer stuff.

The Hon. K.T. GRIFFIN: Yes. It will be repeated at the next election. We will make South Australia great. It will take some time after the Labor Government has been in office for three years, but we will try hard to do it and to achieve it. Let me turn to the Attorney-General's area of responsibility.

The Hon. L.H. Davis: You are not going to talk about the Minister of Health?

The Hon. K.T. GRIFFIN: That is fortunately not my area of responsibility.

The Hon. L.H. Davis: It must be tempting, though.

The Hon. K.T. GRIFFIN: I would be here all night, and I am sure honourable members do not want to be here tonight listening to me talking about the deficiencies of the Minister of Health. But, while I could stay all night talking about the policies of the Attorney-General, I merely wish to highlight several of the areas of his responsibility, comparing his attitude while he was in Opposition with the attitude which he now adopts as Attorney-General, measuring performance against promise.

Let me turn first of all to the disabled. This is an area in which the principles of equal opportunity for persons with disability profess to be shared by both the Liberal Party and the Labor Party. Soon after the last election I was pleased that the Attorney-General recognised the work that the Liberal Government had undertaken in achieving equality of opportunity for persons with disability. At that time he made statements suggesting that some of the initiatives of the Liberal Government would be picked up and pursued, some would not and other new initiatives would be adopted, but it is now 12 months since that election, and disabled people are beginning to express their concern that nothing much appears to have happened in the area of the disabled so far as the State Government is concerned.

Several months ago the A.L.P. announced that it would maintain the Disabled Information and Resource Centre, establish an interdepartmental committee on disability and appoint an adviser to the Premier on disability, but would not establish a disability advisory council. With this package there were a number of questions and I raised them in the Address in Reply debate in this session. Other questions were raised during the Estimates Committees.

With respect to the Disabled Information and Resource Centre, the Government has provided $60 000 in this financial year for a full year of operation of that centre. I have already raised this matter in this Council. The Liberal Government finally approved $60 000 for part of the 1982-83 financial year on the basis that $80 000 would be required in a full year, suitably increased to take account of inflation. We find from the Budget papers that the Government has no intention of keeping pace with inflation in respect of the Disability Information and Resource Centre and that in fact $60 000 is available for 1983-84, a full year. I know that many disabled people are concerned about this, because of the pressures that brings to bear on the operations of this important facility. In effect, there is a severe cut back in real terms of nearly $30 000.

There are other concerns about the Disability Information and Resource Centre. The Liberal Government intended that the Centre would be a focal point for organisations in which the disabled were involved. It was to be used as a means of co-ordinating their work and providing some equipment and some human resources which would assist them in the small things, such as sending out notices and information to members and to give them advice on their operations. I understand that this is no longer to be the case and, if that is correct, it is a matter of grave concern.

The Hon. C.J. Sumner: Why is it not correct?

The Hon. K.T. GRIFFIN: I understood from the information which I received that in fact there was a Government direction that the premises were not to be used by outside organisations.

The Hon. C.J. Sumner: What?

The Hon. K.T. GRIFFIN: That was the information I received. If the Attorney-General is able to correct that information, I would be delighted because I believe that the Information Resource Centre—

The Hon. C.J. Sumner: Who gave you that information?

The Hon. K.T. GRIFFIN: I am not telling the Attorney-General. If it is wrong, I am happy to be corrected on it. I hope that I am wrong and that the Centre is to be used for the purpose for which it was originally established.

The Hon. C.J. Sumner: There has been no change in its charter or constitution.

The Hon. K.T. GRIFFIN: The Attorney-General can reply at the appropriate time. My information was that there had been a direction that the facility and premises were not to be used by outside organisations which were not to have access to equipment such as typewriters and other facilities to assist them in their work. If that is wrong, I would like the Attorney-General to tell me when he replies in the debate. I hope that he is able to correct the information that I have just given to the Council.

There are also questions about the Adviser to the Premier. What Public Service classification will that Adviser have, what are the likely responsibilities of the Adviser, what support services will be given to that officer and when will they be appointed? At the Estimates Committee the Attorney-General stated:

> The Adviser, when appointed, will be provided with whatever secretarial staff is required in order to carry out the work effectively and provide advice to the Cabinet committee, the Human Services Committee of Cabinet and the Interdepartmental Committee on Disability. Any future requirements in that area will be examined

depending on how the Adviser sees his role and on what demands are placed on that office.

That suggestion is that the Government has not formed a job specification for that Adviser and, apart from having a policy on this, the Government is floundering around—

The Hon. C.J. Sumner: What a lot of nonsense. You are making up stories.

The Hon. K.T. GRIFFIN: The Attorney-General can answer when he has the right of reply. In answer to a question in the Estimates Committee, the Attorney-General said that he believed that the Adviser would probably be placed at the AO4 level but that no decision had been taken at that stage. It is important to recognise that an AO4 is about midway in the range of Public Service officers, ranking above clerical officers and below executive officers. If that is the level, I express some concern about it because it is important for decisions to be taken now on the position and to ensure that the Public Service classification is higher than AO4 and that the person has adequate resources to undertake the heavy responsibility which I believe the Adviser will have.

The Hon. C.J. Sumner: What is the Women's Adviser classification?

The Hon. K.T. GRIFFIN: I do not know what the classification is but, to deal effectively with the Public Service,to have entré to the Premier, to be able to deal with departmental officers and statutory bodies (that is necessary in dealing with matters relating to the disabled), and to be able to deal with attitudes that individuals may display, it means that it is important that the Adviser have adequate status within the Public Service. Again, if that officer is to service the Interdepartmental Committee on Disability, the classification ought to be much higher than AO4, so that the person—

The Hon. C.J. Sumner: Do you think it should be higher than the Women's Adviser?

The Hon. K.T. GRIFFIN: I believe that it ought to be at the lower end of the Executive Officer range.

The Hon. C.J. Sumner: Should it be higher than the Women's Adviser?

The Hon. K.T. GRIFFIN: I do not have to answer that. If the Women's Adviser is not at that level, she ought to be.

The Hon. C.J. Sumner: Why didn't you do that? You were in Government for for three years.

The Hon. K.T. GRIFFIN: It is not for me—

The Hon. C.J. Sumner: You have only been out of Government for 12 months. Why didn't you put it up?

The Hon. K.T. GRIFFIN: That is not for me to say; it is for you to answer that. The Labor Government has been in office for 12 months. I was saying that, if the officer is to adequately service the Interdepartmental Committee on Disability, the classification ought to be higher than AO4 for the officer to be effective in dealing with some high-powered Public Service and other officers whom I would expect to be members of the Interdepartmental Committee on Disability; that is, if it is to achieve the objectives which the Liberal Government and, I would hope, the Labor Government have set for the committee.

I have already indicated my concern that there is not to be a Disability Advisory Council. It is interesting to note that only in the last week or two the Commonwealth Government has decided to appoint, and has in fact appointed, a Disability Advisory Council having direct access to the Federal Minister and persons with personal experience of disability on that Council. That replaces the previous National Advisory Council for the Handicapped.

It is still my strong view and that of the Liberal Party that there should be a Disability Advisory Council advising the Attorney-General on matters relating to disability, and that that council ought to be adequately serviced. Many members of the community who are disabled are perturbed at the Government's delay in taking positive initiatives to maintain the momentum established by the Liberal Government to ensure that disabled people have a voice and that it was heard.

I now turn to legal aid. For three years I was criticised by the present Attorney-General for the Liberal Government's attitude to legal aid. Constraints were imposed by the Liberal Government, recognising that the funding for legal aid could not be limitless. During the time that I was Attorney-General, I was able to encourage the Commonwealth Government to spend more money on legal aid in South Australia and to pay a greater proportion of the operating costs of the Legal Services Commission. In addition, increases in funding were made available by the Liberal Government to the Legal Services Commission and budgeting was put on a more certain foundation. Notwithstanding this, the Liberal Government and I were subjected to quite intense criticism by the present Attorney-General. What is the picture now?

In this Budget the funding available to the Legal Services Commission has increased by a mere 10 per cent from $607 000 to $670 000. The Government requested the Legal Services Commission to pay $100 000 to the Government from its reserves to enable the Government to finance the Splatt Royal Commission. At the Estimates Committee, the Attorney-General said that a further $50 000 had been requested from the Legal Services Commission by the Government towards the costs of that Royal Commission.

He went on to say that there was a surplus in 1981-82 and in 1982-83, which indicates that criticism by the present Attorney-General when he was in Opposition was quite unfounded.

The Law Society has been able to negotiate with the banks for interest to be paid on all the moneys in a solicitor's trust account, and from the increased amount of interest some $200 000 more may be available for legal aid, in addition to the funds currently received by the Legal Services Commission from the combined solicitors' trust account.

The Hon. C.J. Sumner: Do you commend the Government for that initiative?

The Hon. K.T. GRIFFIN: You did not take the initiative. It was negotiated in Victoria by the Law Institute of Victoria with Westpac. I took it up with the Law Society, which did the negotiating. The Government had nothing to do with it. The Government got in on the gravy train at the end and took credit for it, and it is taking the $200 000 extra for legal aid funding. So, in spite of his constant harping criticism while he was in Opposition, the Attorney-General is now not making any grand increase available to the Legal Services Commission. He is riding on the coat tails of the private legal profession and of the banks.

The Hon. C.J. Sumner: I wrote to the banks as soon as I heard of the Victorian proposition.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The Attorney has taken the money for the Splatt Royal Commission, and he is financing any increase in legal aid from interest arising from solicitors' trust accounts.

Criminal injuries compensation is the next matter to which I wish to refer. When in Opposition the present Attorney-General was vehement in his criticism of me and the Liberal Government for the changes that we made to the Criminal Injuries Compensation Act and for not being generous with the scheme. Now, as Attorney-General, he has not rushed into a review of legislation nor proposed any major changes as he said he would when he was in Opposition.

During the Estimates Committees the Attorney-General admitted that the scheme provided for 'last resort compensation' from the Government for a person injured as a result of criminal injury. He said:

> Criminal injury compensation is a direct charge on the taxpayer—it is money paid out of general revenue.

He can see that it is a rapidly growing demand on Government resources. In 1981-82, 171 claims were settled for a total outlay of $640 000. In 1982-83, 230 claims were settled for a pay-out of $970 000, a 34 per cent increase over the 1981-82 pay-out. Although there is provision in this year's Estimates for a pay-out of $970 000, I would expect that there would be, at least, an increase of about 30 per cent in the pay-out figure, consistent with the previous year, to an amount in the region of $1.3 million in 1983-84.

When asked about the reference in the programme performance papers to the conduct of a review of the Criminal Injuries Compensation Act and when that review would be completed, the Attorney-General, far from demonstrating any urgency as he expressed so vehemently in Opposition, said:

> That is one of innumerable projects on the desk of legal officers in the Attorney-General's Department.

It was almost as though he had seen the light on the road to Damascus and could appreciate, at long last, that one cannot rush all these policy decisions into the Parliament. Of course, his legislative programme in his first 12 months in office has not been particularly startling: it has been more like the clearing of rats and mice.

His statement to the Estimates Committee did not, as I have said, demonstrate any urgency in his review. Personally, I do not think that it needs any review, but it is interesting to know that the Attorney has lost that sense of urgency that he sought to urge on the Parliament when in Opposition. The Attorney-General went on to say:

> So, I do not know whether there is an alternative, viable method of raising money to fund criminal injuries compensation but, until we find an alternative method, there will always be a limit on the amount of the pay-out because it is a direct charge on revenue.

Now that the Attorney-General has to assume responsibility for this area, he is much more temperate in his views, rather than trying to make political points on an emotive issue.

The Hon. C.J. Sumner: All I was concerned to do—

The Hon. K.T. GRIFFIN: The Attorney-General was concerned to make political points.

The Hon. C.J. Sumner: I wanted to make sure that the honourable member did not turn the clock back. Family members involved in the Truro murder-

The ACTING PRESIDENT (Hon. C.M.Hill): Order! The Attorney-General is not setting the sort of example that a person in his position should set. I ask him to withhold his comments until the appropriate time.

The Hon. C.J. Sumner: It is arrant nonsense.

The Hon. K.T. GRIFFIN: I have touched a few raw nerves. The Attorney is particularly sensitive when they are touched. I turn now to corporate affairs and to the interim report of the special investigator into the Elder share dealings, which was delivered to me shortly before the last State election and which became the responsibility of the present Attorney-General after that election. Prior to the election he was constantly calling for action. However, the Attorney General has now conveniently referred that report to his officers. Every time he is asked for it he says 'It's with my officers.'

I make no criticism of those officers, because I know and recognise their competence. However, it is now 12 months since that report was presented, and still no action has been taken or announcement made that action will not be pursued. It was not until several weeks ago, when I proposed a joint task group comprising officers of the Corporate Affairs Commission in South Australia, the New South Wales Corporate Affairs Commission and the National Companies and Securities Commission that the Attorney-General started to move himself to do something about this matter.

He then announced that he had decided to follow the course that I proposed. The Attorney-General must do something about it and not place all the responsibility on his officers. As a responsible Minister, he must take action and determine whether or not prosecutions are to proceed.

The Hon. C.J. Sumner: Do you think it's my job?

The Hon. K.T. GRIFFIN: It is the Minister's decision ultimately and he must make it on advice. He must make the decision as Minister.

The Hon. C.J. Sumner: As Attorney-General, did you interfere with the police?

The Hon. K.T. GRIFFIN: No. The Minister must ensure that he makes some decisions, because it is not fair to keep people on the hook not knowing whether or not they will be prosecuted 12 months after the report has been presented to him. Therefore, he had better redirect resources into that area.

The Hon. C.J. Sumner: You redirected your resources away from prosecutions and reduced the number of people in the investigation section.

The Hon. K.T. GRIFFIN: We did not. We enhanced the investigation activity and made special provision for the appointment of additional investigators to the investigation section.

Another interesting fact elicited from the Estimates Committee was that the fees payable to the Corporate Affairs Commission have been increased from 1 October 1983 by the Ministerial Council, of which the Attorney-General is a member. It is also interesting to note that Labor Governments have a majority on the council, and I assume that the Attorney-General, as Minister of Corporate Affairs, was keen to participate in the increase in fees charged by the Corporate Affairs Commission. The increase was dramatic, and South Australia stands to benefit by $500 000 extra in a full year. The Government already makes a substantial profit from its corporate affairs operations. According to this year's programme performance papers, that profit is about $3 million a year. The increase in the fees payable to the Corporate Affairs Commission represents yet another burden on the business people of South Australia and is regrettable.

Turning to constitutional and electoral matters, it is interesting to note that the 1982 election, which included a referendum on daylight saving, cost $1.22 million. The Attorney-General told the Estimates Committee that, if a referendum were held separately from a general election, the cost would be about $1 million, and that figure would escalate with inflation. I raise this matter because the Attorney-General's proposal to seek to amend the powers of the Legislative Council, especially in relation to Supply, would, under the Constitution Act, require a referendum. If the referendum is held at the time of the next general election, the additional cost would not be high but, if held separately, it would result in a substantial cost to the people of South Australia.

I hope that the Attorney-General and the Labor Government are rethinking their approach to this question. In any event, however, will the Attorney-General say whether or not a separate referendum is contemplated between now and the next State election or whether it is proposed to hold a referendum on this question in conjunction with the next State election if the appropriate Bill is passed by Parliament. I repeat that a separate referendum would cost over $1 million.

Reference could be made to other matters arising out of the Attorney-General's appearance before the Estimates Committee. I have raised certain significant issues on which I and the previous Liberal Government were criticised, without substance, by the present Attorney-General when he was Leader of the Opposition in this place between 1979 and 1982, but on which he has now adopted a much lower profile because he has to act responsibly rather than shoot indiscriminately from the hip for political gain.

The Hon. C.J. Sumner: What is this garbage?

The Hon. K.T. GRIFFIN: As I said earlier, it has touched a very sensitive nerve. One of the significant areas is the traffic expiation scheme about which the Liberal Government and I were criticised extensively, without any foundation, by both the Attorney-General and the now Minister of Agriculture. What do we see now as a result of the Budget Programme Papers and some of the comments made by the Attorney-General before the Estimates Committee? There was a 20 per cent to 25 per cent increase in the expiation fees.

The Hon. Frank Blevins: Open and honest.

The Hon. K.T. GRIFFIN: Open but dishonest! A 20 per cent to 25 per cent increase is a pure cynical money-raising exercise. That is hypocrisy at its worst.

The Hon. Frank Blevins: Hypocrisy was ruled out.

The Hon. K.T. GRIFFIN: No, it was not.

The Hon. Frank Blevins: Hypocrisy—as long as we know what the rules are.

The Hon. K.T. GRIFFIN: A number of those issues will be raised periodically throughout the life of this Parliament. I do not wish to take any further time in dealing with those major issues raised during the course of the Estimates Committee and in the Budget papers as they affect the Attorney-General. Suffice it to say, this is the Bannon Government's first Budget, presumably the first of three that it will make during the course of this Parliament. It can no longer seek to place blame for any maladministration on previous Governments. It now has to face up to the promises it made at the last State election: it has to deliver the goods and live within its means, and ensure that not only is government contained but that the impost upon the taxpayers of South Australia is reduced rather than being so cynically increased as is evidenced by this Budget. I reluctantly support the second reading.

The Hon. R.I. LUCAS: I wish briefly to refer to two matters before directing a series of questions to the Attorney-General, representing the Government, on the Appropriation Bill. The first matter is one that the Hon. Mr DeGaris raised in his contribution this afternoon, as he has done on a number of previous occasions, and it refers to his call for a constitutional provision to ensure that the Government of the day balances its Budget each and every financial year. My strong personal view is that as a Parliament we ought not to support such a provision. I do not believe that it is appropriate that one ought-

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: I will be interested to hear from the Attorney-General whether he will take up the Hon. Mr DeGaris's challenge and have his Government introduce a constitutional provision or seek to outlaw or provide for balanced Budgets and outlaw deficits. We would be most interested to hear the Attorney's response to the debate. My personal view is that we, as a Parliament, ought not to move in such a restrictive direction. There are good arguments for State Governments as well as Federal Governments sometimes running carefully budgeted for deficit Budgets, in particular, in the State arena where the deficits incurred in recent times have been about $50 million out of the total expenditure of about $2 billion. If the Attorney's maths are as good as his law is meant to be that works out at somewhat less than 2½ per cent.

When one talks about injection into the economy and the money supply of some $50 million odd, when compared with $4 million, $5 million, $6 million, $7 million, and $8 million deficits incurred by the Commonwealth Government, there is no problem.

The Hon. C.J. Sumner: You have misunderstood. There is not an injection of funds; it is a transfer.

The Hon. R.I. LUCAS: If the Attorney will just wait: so, on that point I do not believe that there is any argument. I think, as I said, that on occasions State Governments ought to have the flexibility to plan for deficit Budgets. If the economy is such that through the whole range of revenue items—

The Hon. R.C. DeGaris: For how long do you think—

The Hon. R.I. LUCAS: Clearly, Governments cannot go on forever doing it.

The Hon. R.C. DeGaris: How can you have a—

The Hon. R.I. LUCAS: That is a bit like motherhood change—

The Hon. C.J. Sumner: Can I clarify something? Do you mean recurrent deficits that are covered by capital works money, or do you mean actual deficits—the whole of the consolidated account?

The Hon. R.I. LUCAS: I will ask the Attorney-General to clarify his comment.

The Hon. C.J. Sumner: Do you mean on a deficit covered by capital works transfer, or do you mean an actual deficit on the whole of the consolidated account?

The Hon. R.I. LUCAS: My view would be that on a planned basis there is nothing wrong with transfer of capital account moneys to offset revenue deficits. In addition, I believe that there is nothing wrong, on the consolidated account— both revenue and capital—with running deficits for a period. So, that answers the Attorney's question quite clearly.

The Hon. C.J. Sumner: For how long?

The Hon. R.I. LUCAS: Clearly, one cannot do it forever and a day as a State Government. I argue that, if the State economy were going through a depression or a recessed economy for two or three years so that the revenue items were considerably down, and the Budget papers showed that it was not just affecting the pay-roll tax and things like that, I do not believe that a planned deficit budget programme of roughly 2½ per cent, in total State Government expenditures of $2 billion, is excessive. I think $10 million was under-estimated in Health Commission revenue that was to be collected. The economy affects a whole range of revenue items.

The Hon. C.J. Sumner: Which sort of deficit are you talking about: 2½ per cent on recurrent or 2½ per cent on consolidated?

The Hon. R.I. LUCAS: Regarding the 2½ per cent to which I am referring, the official figure would be about $57 million deficit on—

The Hon. C.J. Sumner: That was a transfer of capital funds.

The Hon. R.I. LUCAS: So, the deficit was roughly $50 million to $60 million in the end. The exact figure would be pin-pricking anyway. The total State expenditure is about $2 billion. That was the figure, which is roughly 2½ per cent. I am not sure what the figures were for the previous two years—I was not in the Council—but they were certainly less than the $50 million to $60 million, which would mean that they would be of the order of 1 per cent or 1½ of the State Government expenditure in those areas.

I am surprised to hear from the Attorney; it is the one response that the Attorney has to all questions economic and financial in this Council. He has grasped one straw in

the economic and financial debate. Whenever a question is raised, this is thrown back. I am surprised that the Attorney, as a member of a Party that would certainly both nationwide and in this State support deficit financing, has made such a great and prolonged play about this particular matter.

The Hon. C.J. Sumner: Primarily to try and find out what the people opposite think about it. When I made this point, people like the Hon. Mr Burdett and the Hon. Mr Griffin denied that it ever happened. The only bloke who has ever admitted that it happened and analysed it properly is the Hon. Mr DeGaris.

The Hon. R.I. LUCAS: Bearing in mind that I have been in the Chamber since November and this will be the first occasion on which I have addressed an Appropriation Bill in relation to the question of deficits and balanced budgets, I challenge the Attorney to turn up in *Hansard* in my 11 months here any reference about denying that they ever existed. I have said that I believe that, in a recessed economy for a short period of time, planned deficit budgeting on both options on which the Attorney interjected is acceptable. Clearly, I agree and accept the viewpoint that the Hon. Mr DeGaris has put and that the Hon. Mr Blevins and Hon. Mr Sumner are pushing, but one cannot do it forever and a day.

The Hon. M.B. Cameron: They have continued it at a higher level.

The PRESIDENT: Order! The Hon. Mr Cameron has already spoken.

The Hon. R.I. LUCAS: They have continued it at a level of about $29 million. That is a significant amount. Nevertheless, the point I make is that, in a recessed economy in the State economy particularly, I cannot see what is so wrong about a State Government planning to help the provision of services, the level of services about which we are talking, and a continuation to a degree operating on a planned deficit Budget for two or three years.

The Hon. Frank Blevins: Why don't we get on with it? You said that 10 minutes ago.

The Hon. R.I. LUCAS: Because I keep getting interjections. The Hon. Mr Sumner spent the last two hours interjecting.

The Hon. R.C. DeGaris: Do you think that this Government can go on for three or four years doing the same thing?

The Hon. R.I. LUCAS: I do not believe that it should. Let us remember that this is the one matter of which the Attorney-General claims some knowledge and credibility, that is, the transfer from capital to revenue. However, I am sure that, to save his own credibility, he will ensure that in coming Budgets this will not occur again.

The Hon. M.B. Cameron: He might have to look at the size of the Public Service in doing that.

The Hon. R.I. LUCAS: It will depend on which promises they will decide to break—whether it is on the expenditure side or on revenue side. However, I do not agree that we should go for six years (that is, the three years of the previous Government and the three years of this Government) continually transferring from capital to revenue. However, aside from the Attorney's interjections, the point that I was making briefly was that I do not believe that the Hon. Mr DeGaris's solution is a solution. I do not believe that we ought to make a constitutional provision to restrict forever and a day the ability of a State Government to go into deficit budgeting. If the case is that all 50 American States have done it, I do not believe that that is any argument for us to do it. I am conducting some research on that matter to find the exact nature of the provisions in each of the 50 States. Let me say that the Hon. Mr DeGaris did raise the possibility of it being instituted in the M.S.A's Budget. However, let me say that I doubt very much that that will be a success at all.

The second matter to which I refer briefly is the role of the Legislative Council in considering expenditure. I believe that one weakness, not the only weakness certainly, in the role the Legislative Council as a House of review is that it does not really have the ability to question, analyse, and review departmental expenditures to the degree that is provided for the Lower House. I do not accept the view that the Legislative Council is not a money House and therefore it ought not to review departmental expenditures. I believe that, if it can be organised (and it is a small Chamber), we should have the ability to review all aspects of Government operations, and that includes departmental expenditure. In the Lower House there is the Public Accounts Committee and also the Estimates Committees, which meet for two weeks each year to consider the Budget.

I understand that a proposal has been prepared by the research officer to the Select Committee that is considering the operations, law and procedures of the Parliament, and that proposal recommends a joint committee of both Houses to consider public expenditure. However, I believe that there is a problem in regard to a further extension of Joint Committees. Other problems will emerge, and I wonder whether it is possible to consider a role for Legislative Council members in the two-week operations of the Estimates Committees that consider the State Budget. I, as a new member of Parliament, was extremely frustrated in having to sit in the gallery and watch my Lower House colleagues probe and ask questions of the Ministers and their departmental advisers on the Budget lines.

The Hon. Frank Blevins: You should have run for preselection for the House of Assembly.

The Hon. R.I. LUCAS: The Upper House has other benefits, of which I am sure the honourable member is aware. I have not considered this matter very deeply, but I feel that perhaps we could explore that possibility so that for those two weeks Legislative Council members may be able to play a role in the Estimates Committees to analyse departmental expenditure. I now take the opportunity to ask a series of questions of the Leader. In my view, this approach is not entirely satisfactory, but it is the only opportunity for Legislative Council members to ask a series of questions, other than asking Questions on Notice.

The Hon. C.J. Sumner: Don't expect the answers tomorrow.

The Hon. R.I. LUCAS: I hope that the departmental officers will have the answers ready for the Committee stage.

The Hon. C.J. Sumner: I don't need officers.

The Hon. R.I. LUCAS: If the Minister does not need officers, he will be able to provide the answers. I am a reasonable person. I will be happy as long as I get replies. I seek your guidance, Mr President. I wish to ask 40 or 50 questions.

The Hon. C.J. Sumner: Incorporate them in *Hansard.*

The Hon. R.I. LUCAS: The Attorney has suggested that I insert the questions in *Hansard* without my reading them. Is that permissible?

The PRESIDENT: If the material is not statistical, that is not permissible.

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

That so much of Standing Orders be suspended as to enable me to move a motion to enable the honourable member's questions to be incorporated in *Hansard* without his reading them.

THE PRESIDENT: I do not really think the Attorney should put the Council in that situation.

The Hon. C.J. SUMNER: Why not? If the Council wants to do it, it can.

THE PRESIDENT: I presume that is so. However, if a fresh rule is going to be made every day, it will mean a fair bit of voting. Notwithstanding that, the motion has been

moved. If it is seconded, we will deal with it. Is the motion seconded?

The Hon. C.W. CREEDON: Yes, Sir.

THE PRESIDENT: There not being a majority of members on the floor of the Council, the question cannot be put.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having being formed:

The Hon. C.J. SUMNER: Now that there is a majority in the Chamber, I want to move my motion again. I move:

That so much of Standing Orders be suspended as to enable me to move that the list of questions of the Hon. Mr Lucas be incorporated in *Hansard* without his reading them.

The Hon. FRANK BLEVINS: I second that, Mr President.

THE PRESIDENT: Irregular as it may seem, I put the question that the motion be agreed to.

Motion carried.

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

That the Hon. Mr Lucas have leave to incorporate in *Hansard* a list of questions without his reading them.

Motion carried.

The PRESIDENT: The motion has been carried, despite it being a most irregular occurrence. How many questions does the Hon. Mr Lucas seek to incorporate in *Hansard*?

The Hon. R.I. LUCAS: I seek leave to incorporate in *Hansard* about 50 questions in relation to State Government expenditure and policy.

Leave granted.

1. For each Government Department and the South Australian Health Commission:

(a) What market research studies have been commissioned in 1982-83 and what are budgeted to be commissioned in 1983-84?

(b) Which companies receive the Government contract for the research work?

(c) Were any other companies invited to tender for the contract?

(d) What is the estimated cost for each market research study?

(e) Are the results of such studies publicly available and, if not, why not?

2. *(a)* What was the total cost of the survey conducted by Mr R. Cameron's ANOP company for the Minister of Health on drug related issues?

(b) Was any other reputable market research company invited to tender for this contract?

(c) What was the sample size, method of selection of that sample and area from which the sample was drawn?

(d) What method of interview technique was used by ANOP?

(e) Will the Minister provide a copy of the questionnaire used?

(f) Will the Minister provide a copy of the results to all questions asked?

(g) Did the ANOP company conduct research for any other body at the time of conducting this study?

3. *(a)* What officers in the Minister's office or in the Health Commission advise him on market research matters and assist him in the proper analysis of such surveys?

(b) What are the relevant qualifications and professional experience of those officers?

4. *(a)* How many projects were funded in 1982-83 under the State Government's programme to expand public and Commission services?

(b) What was the exact nature of each of these projects?

(c) What was the cost involved for each project?

(e) In relation to the Budget for 1983-84, I repeat questions *(a)* to *(d)*.

(f) Will any of the projects referred to above attract matching funding for capital expenditure items?

3. *(a)* Will the Government be introducing f.o.i. legislation in 1983-84 and, if not, when?

(b) Has the Government undertaken an assessment of the total administration costs involved in administration of f.o.i. legislation. If so, what is that estimate?

4. *(a)* Will the Government be introducing legislation to provide for a referendum on the power of the Council to refuse supply in 1983-84 and, if not, when?

(b) Will the referendum be conducted in conjunction with the next State election?

5. Will the Government be introducing legislation to provide for fixed terms in 1983-84 and, if not, when?

6. *(a)* Will the Government be introducing amendments to the Sex Discrimination Act in 1983-84 and, if not, when?

(b) Are there any parts of the proposed Commonwealth Sex Discrimination Act which are not consistent with the State Sex Discrimination Act? If so, will the Government be seeking to amend the State Act to make it consistent with the proposed Commonwealth Act?

7. Will the Minister of Health be legislating for the appointment of a Health Workers Advisory Council in 1983-84 and, if not, when?

8. Will the Minister of Health establish an office of Executive Co-ordinator of Voluntary Health Service in 1983-84 and, if not, when?

9. Will the Minister of Health be abolishing Local Boards of Health in 1983-84 and, if not, when?

10. Will the Minister of Health be appointing a Commissioner of Mental Health Services and, if not, when?

11. *(a)* How much money was provided by way of grant in 1982-83 for support of long term rehabilitation projects for the brain injured?

(b) How much will be provided in 1983-84?

12. *(a)* How much money was made available in 1982-83 by the South Australian Aboriginal Health Organisation to enable them to commission independent surveys of health needs and problems of Aborigines throughout the State?

(b) How much money will be provided in 1983-84?

(c) Which market research companies have undertaken the research?

13. Will the Government be updating and upgrading the regulations for the safe handling, storage, recycling and reclamation of wastes, particularly toxic and hazardous waste products and materials in 1983-84 and, if not, when?

14. *(a)* Has the Government established a research and control programme for tenosynovitis and, if not, when will it be established?

(b) Will results be made publicy available?

15. *(a)* Will the State Government be appointing a market research company to gauge the effectiveness of the promised anti-smoking programme in Adelaide?

(b) Will a number of market research Companies be asked to tender or will the Board again appoint Mr R. Cameron's ANOP.

(c) Will the results of the survey be made available publicly?

16. Does the Barmes report on dental health provide any evidence that the spectacular improvement in dental health of children achieved in the 1970s was being disrupted and lost in the young adults of the 1980s?

17. Has the Government established a committee for food quality and nutrition and, if not, when will it be established?

18. For each of the past five financial years has the amount of revenue raised for the supply of water and sewerage services been greater than the cost of providing those services?

19. For each of the past five financial years has the amount of revenue raised by way of public transport fares

been greater than the cost of providing public transport services?

20. Can the Government give any instance in the past five financial years when a particular State charge has been used as a means of raising general revenue rather than just offsetting the cost of providing that particular service?

The following questions are in relation to recommendations of the Sax Committee:

21. Cost of upgrading the staffing and administration of medical records departments.

22. Cost of establishing a six-month post graduate accident and emergency course for nurses at R.A.H.

23. Cost of appointing obstetric registrars or staff specialists on a rotation basis at certain larger country hospitals.

24. Cost of providing 'hands-on/live-in' refresher courses with appropriate locum support for non-metropolitan G.P. obstetricians.

25. Cost of developing and operating in-service education programmes for hospital Board members.

26. Cost of developing and operating a Hospital Organisation Review Programme.

27. Cost of establishing a system of regular patient opinion studies.

28. Cost of establishing a Patient Telephone Advice Service.

29. Cost of establishing a Patient Advice Office.

30. Cost of establishing a judicial tribunal for a no-fault medical misadventure compensation scheme.

31. Cost of completing role and function studies for all hospitals.

32. Cost of establishing casualty service for minor accident and emergency problems at proposed Noarlunga hospital.

33. Cost of providing new outpatient facilities at Modbury Hospital.

34. Cost of providing second satellite haemodialysis unit in southern metropolitan area.

35. Cost of introducing programme to assist in early diagnosis and treatment of alcohol and drug related problems into selected hospitals.

36. Cost of providing 50 beds in selected private hospitals for provision of inpatient services for pensioner patients.

37. Cost of establishing Personnel/Industrial Relations Departments in large hospitals.

The Hon. C.M. Hill: What if they include unparliamentary language?

The PRESIDENT: Order! That is the affair of the Council. Has the Hon. Mr Lucas concluded his remarks?

The Hon. R.I. LUCAS: Yes, Mr President. Having had the list of questions incorporated in *Hansard*, I thank the Council and support the second reading.

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

BUDGET PAPERS

Adjourned debate on motion of Hon. C.J. Sumner:

That the Council take note of the papers relating to the Estimates of Receipts and Payments, 1983-84.

(Continued from 20 October. Page 1222.)

The Hon. C.J. SUMNER (Attorney-General): I close the debate by assuring the Council that, during my reply to the debate on the Appropriation Bill tomorrow, I will attempt to reply to matters raised by honourable members during the debate on the motion to note the Budget papers.

Motion carried.

HOUSING IMPROVEMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 1271.)

The Hon. C.M. HILL: I support the Bill, which is a relatively minor piece of legislation in which the Government requires that the Housing Trust, as the housing authority in this State, to supply more information in its notices in regard to ineffective housing under the Housing Improvement Act of South Australia. That supply of further information is dealt with by an amendment to section 52 of the principal Act. The second change that the Government introduced is the repeal section 60 of the Act and the introduction of a new section 60 which, again, requires the Trust to supply further information to the applicant in regard to ineffective housing matters.

The third relatively small change is in section 82, which is being amended so that the fees for obtaining information from the housing authority will, in future, be fixed by regulation. The fee, as the Minister pointed out when introducing the Bill, has not been changed since 1940 and, at the moment, stands at 10c. We all recognise that, when the Government brings down its regulations fixing new fees, that new amount must stand the challenge of Parliament and that, therefore, hopefully a sensible amount will be fixed in lieu of the current 10c figure. I would certainly hope that the amount fixed will be a figure simply to cover the administrative costs to the Housing Trust in processing applications for such information and to cover the sorting out of such information for which the Trust would be responsible.

In supporting the Bill I seek from the Minister an assurance that that fee will simply be based on administration costs and will, in no way, be fixed on the basis that further revenue is obtained by the Trust simply for the sake of revenue. I believe the Minister would agree that that would be fair and reasonable. Certainly in Committee, I will have no questions on the legislation, provided that the Minister gives that assurance on future fees. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Hill for his contribution and am pleased to note that, on behalf of the Opposition, he intends to support this relatively simple but important piece of legislation. The Hon. Mr Hill has asked for an assurance that the fee be based on administrative costs and not be used as a significant way of raising money over and above those administrative costs. The Council would be aware from the second reading explanation that, currently, the fee stands at 10c, or 1 shilling as it was in 1941. It is the Government's intention to bring that amount up to a more realistic figure pertinent to the money values of 1983-84.

It is certainly not within my knowledge from any discussions I have had that it was the intention to use it as some sort of revenue raising measure. I can say that I have no intention of doing so. While I cannot give some guarantee that a system was cast in marble for all time I can say that at this time there is no intention to use it to cover other than reasonable costs.

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

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 1272.)

The Hon. C.M. HILL: I support this Bill. The two matters that the Bill introduces for change to the parent Act were issues that were under discussion with me as the relevant Minister last year. The Chairman of the Trust put it to me at the time that he felt that these two changes ought to be made. As I recall (and I stand corrected if my memory fails me somewhat), the Chairman was about, at my request, to put the issues to me in writing so that they could be processed departmentally and the machinery put in train for legislative change. Now we have before us the legislative change, which I welcome.

The first matter is that the current investment funds which the Trust is bound at the moment to invest simply in Government securities or Government guaranteed securities or on deposit with the Treasurer, are funds the revenue from which is very important to the Trust and its income. The proposition was that the Trust ought to be permitted to invest this money, as other statutory bodies are permitted to invest funds, in higher interest bearing investments.

It is proper that the Trust's activity in this area should be supervised by the Treasury. I notice in this Bill that the change is suggested, but at the same time it can be carried through only with the approval of the Treasurer. So, that will help the Trust to invest its money at an improved revenue rate than it can do at present. I certainly have found no objections to that.

The second relatively minor change is that the Trust has sought is to do away with the requirement that its audited returns be printed in the *Government Gazette*. This procedure, which of course took extra time, but more importantly involved some cost, hardly seems necessary in today's world, when the accounts of the Trust must, first, be audited by the Auditor General and, secondly, must in that audited form be shown in the annual report of the Cemetery Trust. That annual report is tabled in both Houses of this Parliament, so all the necessary checks and balances for this statutory body are in force. I also strongly support that second change.

Before resuming my seat I would like to compliment the Chairman and members of the Enfield General Cemetery Trust on their record in recent years which has been a splendid one. I recall that many years ago there were great difficulties at the Enfield cemetery, some of which were occasioned by an inefficient administration and management. However, that situation has changed, and the Trust is running well as a statutory body. I think it is at moments like this that one can commend such people for their dedication and the work they do in an area which does not receive much publicity but which is nevertheless important as a form of community service. Therefore, I pay that compliment to the Chairman, Mr Noblett, and to members of the Trust. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank the honourable member for the co-operative way in which he has responded to this small but sensible piece of legislation. As the Hon. Mr Hill has rightly observed, the Bill is almost exclusively concerned with the sensible administration of the affairs of the Enfield General Cemetery Trust, which is anxious that this legislation be expedited for the good conduct of that Trust.

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

TOBACCO ADVERTISING (PROHIBITION) BILL

Adjourned debate in Committee (resumed or motion).

(Continued from page 1340.)

Clause 4—'Prohibition of advertising of tobacco or tobacco products.'

The Hon. J.C. BURDETT: Clause 4 is the only clause in the Bill which provides for penalties but does not do so in relation to the sale of cigarettes to children. A reason for that may be that section 83 of the Community Welfare Act provides for such penalties, as follows:

> Any person who sells, lends or gives or offers to sell, lend or give to any child under the age of 16 years any tobacco, cigar or cigarette shall be guilty of an offence and liable to a penalty not exceeding $50.

That provision, although the Bill for the 1981 Act was introduced by me as Minister of Community Welfare, was introduced by a member of the then Opposition. One of the problems that I felt always applied to having the only prohibition against selling cigarettes or other tobacco products to minors in the Community Welfare Act was that it was unlikely to be enforced. The administration of that Act is committed to the Minister of Community Welfare, who does not have in his Department law enforcement officers—inspectors or anyone such as that—who can enforce the penalty. While I recognise that, if the Hon. Mr Milne, who introduced this Bill, had wanted to do something positive about this matter as regards penalties and ensuring their enforcement in connection with the sale of tobacco and cigarette products to minors or persons under the age of 16 years, he would have had to repeal that section in the Community Welfare Act, this could be achieved nevertheless.

As the Western Australian Bill stands at present, I understand that the only provision remaining in it, after it had been dealt with by the Legislative Council in that State, is the prohibition of the sale of cigarettes to persons under the age of 16 years. I have said, as other members of the Council on this side said during the second reading debate, that I do not believe that the Bill in its present form will reduce the incidence of smoking at all. In regard to minors, it has been suggested by the Hon. Mr Milne and others that cigarette advertising does influence minors. A fairly cogent letter was read to the Council, on the last occasion that this matter was debated, from an expert in this matter indicating what effect advertisements had on minors and showing that they do not have any effect.

I am surprised that the Hon. Mr Milne did not go to the trouble—and I recognise that it would not be the same problem and that he would have had to repeal a section of another Act—of doing so, which would have had the effect in the sale of cigarettes to minors of providing a realistic penalty which is not provided in the law at present. By putting it in this Bill, presumably, if it is passed and becomes an Act, it would be committed to the Minister of Health, and the Minister of Health has in his Department an enforcement procedure—inspectors who are in the business of law enforcement, which the Department of Community Welfare does not have. Why did the Hon. Mr Milne not consider repealing section 83 of the Community Welfare Act and providing in this Bill, where it has a reasonable chance of being enforced, a realistic penalty for selling tobacco products and cigarettes to children?

The Hon. K.L. MILNE: I thank the Hon. Mr Burdett for those comments. I have been very much concerned; in fact, I had these clauses in my Bill at one time, but was advised—I cannot remember exactly who by; possibly by the Parliamentary Counsel—not to do that because it was in the other Bill. Perhaps through lack of experience I did not realise that it might have been better to remove those clauses from the Community Welfare Act and put them into my Bill. After what the Hon. Mr Burdett has said, I am quite sure that he is right and that it would be better here.

I have already foreshadowed that I will move legislation along these lines. It should be done; it has not been faced

properly and it should be faced. I believe that somebody in Port Lincoln either is or was trying not only to sell cigarettes to children but even provided a room at the back where they could smoke them. I have said to the delicatessen people who have written to me saying that they may suffer, first, that I do not think that they will and, secondly, that they had better lift their game because so many are selling cigarettes to children aged seven, eight, nine, 10, and 11, let alone to 16 year-olds. The Hon. Mr Burdett referred to the Western Australian Bill. Clause 8 of that Bill reads:

A person who sells, gives or supplies any tobacco products or smoking accessory—

(a) to a person aged under 16 years; or

(b) to any other person for the use of a person under the age of 16 years,

commits an offence and is liable to a fine not exceeding $200.

Another two offences have penalties of $100. This is a start. The West Australian Bill has some guidance for it.

The Hon. C.J. Sumner: I don't think that that one is going to do very well.

The Hon. K.L. MILNE: This part will remain in, unless the Government in Western Australia cuts off its nose to spite its face.

The Hon. C.J. Sumner: Why don't you do that here?

The Hon. C.M. Hill: Exactly. That is the point.

The Hon. K.L. MILNE: Now that you have mentioned it, it is not too late.

Members interjecting:

The Hon. K.L. MILNE: Now that it has been explained that there is something that the Hon. Mr Burdett would support, I think that it would be sensible for me to try to incorporate it in the Bill, and I will see the draftsman about that.

The Hon. C.M. Hill: That has been your thrust all along. You are trying to save children, and that is the relevant clause.

The Hon. K.L. MILNE: I had every intention, when this Bill is finally dealt with one way or the other, of bringing up the matter of increasing the penalties in the Community Welfare Act. However, from what the Hon. Mr Burdett has said and from what others have told me, it is the policing that is the trouble, and I will give an undertaking to prepare legislation (not exactly like this necessarily) and try to incorporate it in this Bill.

The Hon. C.J. Sumner: So you can get it put in the Lower House.

The Hon. K.L. MILNE: That is a possibility: we might not have to put it in in this Council, and let them amend it if they need to.

The Hon. L.H. DAVIS: The Hon. Mr Milne has readily agreed with the very valid point made by the Hon. Mr Burdett. The whole thrust of the Bill as presented in the second reading stage was that it was aimed at weaning children away from smoking, yet the Bill does not contain one reference to that point. The Hon. Mr Burdett has observed as I have noted that it seems peculiar that the whole aim of the legislation is not mentioned in any of the provisions of the Bill. It is worth noting that the Milne Bill is largely based on the discredited Dadour Bill which was first introduced in the Legislative Assembly in Western Australia in October 1982. I think it is worth noting that point when discussing clause 4, because when the Burke Government reintroduced legislation designed to prohibit advertisements relating to smoking tobacco products, it certainly did not go back to the Dadour Bill.

The Burke Bill bears very little resemblance to the Dadour Bill and the reason for that is quite clear: the Dadour Bill was torn to shreds in debate, and I hope that the Hon. Mr Milne is listening to this. The Opposition in about 1½ hours of debate on this clause has made several valid observations which have been readily accepted by the Hon. Mr Milne. We already have four amendments which have been placed on file by the Hon. Mr Milne in response to our suggestions and criticisms. On the other hand, his colleague the Hon. Mr Gilfillan claims that we have sought to trivialise this debate. I am disappointed that he has taken that approach. As the Hon. Dr Ritson has rightly observed, when a Bill leaves this Council, it has to leave this Council looking right and being right, and certainly this Bill at the moment is so full of loopholes that one could drive two Melbourne Expresses through it and there would still be room for more.

The Hon. K.L. Milne: You have spoilt it; don't overdo it.

The Hon. L.H. DAVIS: I am not trying to spoil it: I am emphasising the point, which was the first observation of the Hon. Mr Burdett after the resumption of this debate. You have accepted the validity of his point.

The Hon. R.C. DeGaris: He is a very agreeable man.

The Hon. L.H. DAVIS: He may well be an agreeable man. I am wondering how productive it is for this Council to continue with this debate tonight, given that there are many more points of a similar nature which will illustrate quite clearly to the Hon. Mr Milne that this Bill as drafted is not workable, is not satisfactory, and is not subject to what one would regard as a commonsense interpretation.

I would urge the Hon. Mr Milne to carefully consider the comments made by those on this side of the Council and I suggest to him that perhaps he may seek to adjourn the debate at this point to consider the matters that have been raised already and perhaps to seek further advice on this very important subject.

In concluding my observations, I point out that I want to support what the Hon. Mr Burdett has said. I agree wholeheartedly that it is important in legislation of this form to provide for a specific offence to be included in regard to the sale of tobacco and tobacco products to children under 16 years of age. I do not think any of us would disagree with that proposition and also with the view that penalties for this offence should be stiff. That should certainly be incorporated in a Bill of this kind.

The Hon. J.R. CORNWALL: I am only too happy to contribute briefly to the debate at this stage to place the mind of my colleague and friend the Hon. Mr. Milne and the Opposition's collective mind at rest. The whole question of the sale of cigarettes to minors has been considered publicly on numerous occasions in recent years. It is agreed by all parties I think that the present situation of the matter being covered ineffectively in the Community Welfare Act should be changed. I found it amazing that the Hon. Mr Burdett should get to his feet and be critical of this question in the Milne Bill, given, of course, that the Hon. Mr Burdett was in charge of the Community Welfare Act for three years and two months. My predecessor also made substantial noises about increasing the compass of legislation to take into account the control of the sale of cigarettes to minors. That is a problem that I inherited in November last year. I have had the matter under active consideration. It was considered when the Government was getting together extensive drafting instructions for the Controlled Substances Bill, which is with the Parliamentary Counsel at present.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: That is not where it should be, and if the honourable member will hang on for a minute I will explain why. The Controlled Substances Bill will be a very comprehensive Bill which will repeal and replace, among other things, the Narcotic and Psychotropic Drugs Act. It is my view and that of my Cabinet colleagues that the matter of sale of cigarettes to minors is something which ought to stand alone and which ought to be covered by its own legislation, and that it is a matter that should not get lost in the general welter of debate which will no doubt take

place when the Controlled Substances Bill is introduced into Parliament.

The Hon. L.H. Davis: Would you not agree that provisions pertaining to that matter should be in legislation like this?

The Hon. J.R. CORNWALL: No, I do not agree that it should be in legislation like this or legislation of any other sort. I said two minutes ago that I believe that such matters should be covered by a specific piece of legislation, to highlight the problem. It is my intention to recommend to the Government that that is what the Government should do. It will not be possible for me to get such legislation in this side of the autumn session of Parliament, because, as the Hon. Mr Burdett would know, we still have a complete rewrite of the Dentists Act, which is about to go to the Parliamentary Counsel; we have a complete rewrite of the food legislation, which is with the Parliamentary Counsel at present, and, as I said, we have a very extensive new piece of legislation (the Controlled Substances Bill) presently with the Parliamentary Counsel.

However, it is my intention that drafting instructions should go to the Parliamentary Counsel this side of the autumn session, and I shall be recommending to my Cabinet and Caucus colleagues that the Government should introduce a specific piece of legislation in regard to the sale of cigarettes to minors. Of course, there are several difficulties in this area. It is for that reason that I have been perhaps uncharacteristically cautious in my approach to that particular legislation. It is no use the Government's putting up as some sort of show pony any piece of legislation that is not going to work.

We can grandstand on it and say that we will stop children smoking by making sure that they do not buy cigarettes. However, two major problems come to mind: first, the legislation will be extremely difficult to police. It is not possible to have an inspector standing at every corner delicatessen in the State of South Australia at regular intervals seven days and nights a week. We are addressing the matter and, hopefully, to some extent we will overcome the problem when the legislation is eventually presented.

The other problem is the question of the challenge to the peer group. Often in practice a group of young teenagers or adolescents will find one amongst them who looks older than his or her age. No doubt the same happens with underage drinking. Who, in this day and age, can tell the difference between a well developed mature 13-year old and a 16 or 18-year old? I do not know how one overcomes those obvious problems but we are addressing them. I will be recommending to my colleagues that we introduce a specific piece of legislation to highlight the problem of the 10 000 children who take up smoking each year. At the same time, I do not want it to be seen simply as a bit of ineffective grandstanding.

It is a problem that we have to tackle (as I have said many times during this debate) with a multi-faceted approach. For that reason, I would be loath to support anything going into the Bill which would tend to get lost in the welter. I believe that it ought to be the subject of specific legislation.

The Hon. J.C. BURDETT: When I spoke previously on this matter to minors or persons under 16 years of age is not the Community Welfare Act. Yet, the Minister still made an issue of it. I made it clear that, in the Community Welfare Act Amendment Bill passed in 1981, I did not address the question at all as I believed it should be in another Act. It was introduced into this Council by a member of the then Opposition, and not by me, in order to provide this stupid provision of having a penalty of $50 which is quite inadequate in an Act administered by the Minister of Community Welfare, who does not have any power or law enforcement body behind him in order to back up the legislation. It was quite inadequate in the old Community Welfare Act and it was inadequate in the Bill passed in 1981. It was far better to have it introduced in another place in an Act to be administered by a Minister with some law enforcement procedures.

The Minister has said that he proposes to introduce a Bill for an Act and that he will make it a specific Act. He has made it clear that this is not the 'be all and end all' and that, whatever kind of law-enforcement procedures we have, we will not stop the sale of tobacco products to children under 16 years of age. However, we can do something about it.

The Bill for this Act is quite specific. The purpose of the Bill, it was said in the Second Reading explanation by the Hon. Mr Milne, obviously is to try to reduce the incidence of cigarette smoking, particularly by minors. It is the question of minors which has been referred to by the Hon. Mr Milne over and over again. I would have thought that therefore this specific Bill, which has pre-empted or come before the Bill which is talked about by the Minister of Health and which does deal with the question of reducing the incidence of cigarette smoking, particularly by minors (and that is what it is said to be all about) is the place to do it. It should be in this Bill. In that event, if it is and if the Bill becomes an Act, it could be just as well administered as if it were placed in a separate Bill by the Minister, as the Minister has outlined.

The Hon. J.R. Cornwall: If it was not unparliamentary I would have to say that the Hon. Mr Burdett is being hypocritical, and grossly so.

The CHAIRMAN: I do not care how you try to slide around it. I made a request to you and others today that that word not be further pursued. No matter how cunning you presume to be I take offence at your using that word again now. I ask you not to proceed on that line.

The Hon. J.R. CORNWALL: I withdraw that and apologise. I am appalled at the performance of the Hon. Mr Burdett. He was the Minister of Community Welfare for three years and two months, and introduced major legislation in 1980 or early 1981 to amend the Community Welfare Act. He knew all the deficiencies with the regard to prohibition of sale to minors of cigarettes and tobacco that existed at that time. His colleague then, the Hon. Mrs Jennifer Adamson, as Minister of Health, knew also during the long and weary three years and two months that she was Minister of Health of the deficiencies of the legislation, but nothing was done. To stand in the honourable member's place at this time and say that it ought to go in a Bill which specifically deals with the prohibition of advertising through direct or indirect means of course is a nonsense. It is patently absurd.

Is the honourable member seriously suggesting that had the Tonkin Government stayed in office he would have waited until there was a Government sponsored Bill from the Tonkin Administration to ban tobacco advertising before he did something about banning the sale of cigarettes to minors in an effective way? That is so patently stupid that it does the member putting it forward very little credit indeed.

The Hon. K.L. MILNE: Both the Hon. Mr Davis and the Hon. Mr Burdett have spoken. Taking the Hon. Mr Davis first (and this is not personal in any way), I really think that the Opposition has contributed little of consequence—

The Hon. J.C. Burdett: We have got four amendments through already.

The Hon. K.L. MILNE:—other than those matters that have already been dealt with at their suggestion, which was very helpful. Careful consideration has been given to the Bill. I do not think there is any need to defer it for further consideration. It has been considered by the Minister and

his staff. I do not think that the Dadour Bill was all that discredited. It nearly went through, and it has been much improved by our own Parliamentary Counsel.

So, with respect, I do not think we need try to push it away further on those grounds. Again, I thank the Hon. Mr Burdett for his idea. I asked my colleague, the Hon Mr Gilfillan, to seek advice immediately as to what could be done. The Parliamentary Counsel advises quite definitely that this is not the Bill into which to put these alterations. They did it in Tasmania because they set out to do that in the beginning. Their Bill is called the Tobacco Promotion and Sale Bill, 1983.

The Hon. J.C. Burdett: They have done it in Western Australia also.

The Hon. L.H. Davis: The honourable member admitted that. He said that the provision relating to children will be left in the Bill in Western Australia.

The Hon. K.L. MILNE: What I am trying to explain to you, if you would not mind letting me finish, is that in the Western Australian Bill—

The Hon. J.C. Burdett: You said the Tasmanian Bill.

The Hon. K.L. MILNE: I beg your pardon. In the Western Australian Bill the whole thrust was different. They called it the Tobacco Promotion and Sale Bill, 1983. So, it was possible to bring that in, but our Bill, the Bill we are discussing, is specifically dealing with advertising of tobacco products. What the Hon. Dr Cornwall says is quite right. The Attorney-General confirms that it would be very difficult and it would need an instruction from the Council and would cause quite a lot of trouble. It may confuse this Bill, and It would not necessarily highlight what the Hon. Mr Burdett wants to do. I am quite sure that the Hon. Mr Burdett, the Minister and I are all trying to do the same thing. It is a very good suggestion.

The Hon. J.C. Burdett: I would not be too sure about that.

The Hon. K.L. MILNE: I am certainly on the wave length with what the member is trying to do, and I will be pleased to work with him to see that it is done in some way or other because that is a very important part of the anti-smoking programme. I have tried to bring it in before and was advised to take it out again. I had contemplated very seriously and have already spoken to Mr Gilfillan about our bringing in another Bill. We do not particularly care who does it, but we think it is very important that it be done as soon as possible after this Bill is dealt with.

I will ask those who wish to give this matter further consideration to do so in the next two weeks. I understand from the Clerk that it is possible to bring in a measure of this kind prior to the third reading. Let us not give up entirely. But I suspect that it might be better to think up a separate Bill and really highlight the moral grounds on which we wish to discipline the outlets for cigarette smoking.

The Hon. R.I. LUCAS: I am seeking clarification of the Hon. Mr Milne's final comments. He indicated that these provisions will be incorporated in the Bill over the next two weeks and that people can think about them before having them incorporated prior to the third reading. He went on to say, however, that he thought a better option might be a separate Bill. Is the Hon. Mr Milne suggesting that the third reading of this Bill will not be finalised for two weeks and that he will seek an adjournment this evening until that time?

The Hon. K.L. MILNE: Not necessarily. I am hoping that the Committee debate will be concluded, but I do not propose to seek a suspension of Standing Orders to allow the Bill to pass tonight. It is an important Bill. Already, changes have been made to it and, even now, new ideas are being put forward. I think that it would pay to leave the Bill until 9 November, which is the correct date in the circumstances. That is what I will propose, and what I hope will be agreed to.

The Hon. R.I. LUCAS: Is the Hon. Mr Milne suggesting that after the Committee stage of the Bill is finished this evening we can move further amendments during the third reading stage?

The Hon. K.L. MILNE: No.

The Hon. L.H. DAVIS: Clause 4 (3) states:

> . . . an advertisement that contains the name of a brand of tobacco or tobacco product, or the name of a person or body corporate that constitutes the name or part of the name of a brand of tobacco or tobacco product, shall, in the absence of proof to the contrary, be deemed to be an advertisement inducing, encouraging or promoting the use of tobacco or a tobacco product for the purpose of smoking.

Reference has been made to the reverse onus of proof. I will leave that argument aside for the time being because I think that an amendment will cover that point. However, I wish to address myself specifically to an argument touched on this afternoon, namely, companies which sell products other than cigarettes and which could have the name of a cigarette brand. Some people were under the mistaken impression that Dunhill has always been a cigarette company: that is not true. Alfred Dunhill was established initially as a pipe company and then it branched into a range of products such as ties, wallets and luxury items. Only in the past 20 years has that company licensed out its name for the manufacture of cigarettes bearing the brand name Dunhill. Certainly at the moment there is not a Dunhill shop in Adelaide but I understand that there are several around Australia, and it may well be that in time (perhaps before this legislation is triggered) a Dunhill shop may be established here.

There is a similar situation with Cartier, which is better known for jewellery and other luxury goods, but in recent times it has franchised and licensed out its name, which now appears on cigarette packets. My reading of clause 4 (3) suggests that the very existence of Dunhill brand ties or crests, or anything which may intimate the name of the person or the body corporate as defined in clause 4 (3), will be caught by those provisions. That concerns me. For example, overseas Peter Stuyvesant has formed a travel company, and presumably if one was to be set up in Adelaide it would be caught by the provisions of clause 4 (3). It effectively would close down any shop, because it would not be able to advertise its products; nor would it be able to advertise in the print media products that might not necessarily be related to tobacco or tobacco products. Would the Hon. Mr Milne confirm my interpretation of that provision?

The Hon. K.L. MILNE: I think that the businessmen members of this Parliament would be likely to give that sort of interpretation, more from a fear that it might happen than that in reality it would happen. I appreciate the point, but I do not feel that that would be caught under this provision. I discussed this provision at length with the Parliamentary Counsel during the dinner break, as well as with my colleague, the Hon. Mr Gilfillan and the Hon. Dr Cornwall. I indicated that I would be very reluctant indeed to see this clause removed.

The Hon. R.J. RITSON: My remarks refer to the considerable reluctance of the Hon. Mr Milne to accept deletion of clause 4(3), which provides a presumption that any advertisement does in fact promote smoking unless proved to the contrary. Bearing in mind that the display of a brand name other than on the packet of a product is an advertisement, as is defined earlier in the Bill, and given that in spite of the earlier requirement in clause 4 that such advertisement should be such as to promote smoking or tobacco consumption, subclause (3) then states:

> For the purposes of subsection (1), an advertisement . . . shall, in the absence of proof to the contrary be deemed to be an

advertisement inducing, encouraging or promoting the use of tobacco or a tobacco product. . .

Does the Hon. Mr Milne really intend that every person whose name is Philip Morris, Peter Stuyvesant or Peter Jackson be required to prove that he is not promoting smoking, for the subclause says that? Subclause (3) is an absurdity and will continue to be such until its deletion is agreed to by the Hon. Mr Milne.

The Hon. L.H. DAVIS: I want to persist with clause 4(3) following the observations of the Hon. Dr Ritson, with whom I must agree. I will take something unrelated to tobacco or tobacco products as such (for example, one of the funds which have been established by the tobacco companies) and examine the implications of this Bill in so far as it will affect their future. It has been argued by the proponents of this Bill that tobacco companies have become involved in cultural or sporting group support only in recent times, and more particularly following the ban of radio and television advertising, which was introduced in 1973 and which was phased in fully by 1976.

The Hon. Frank Blevins: Do you think that that should be repealed?

The Hon. L.H. DAVIS: I do not disagree with the provisions at the Federal level at all. I have no objection to the law as it now exists at the Federal level. The facts are quite at variance with that. I want to take two or three specific examples. The first example which I lead off with is the Rothmans University Endowment Fund, which was first formed back in 1962, long before the Hon. Dr Cornwall was even in Parliament and crusading as Minister of Health and long before people were objecting to cigarette advertising in any form. The Rothmans University Endowment Fund over that period of 20 years has received in excess of $1 million from Rothmans, and that money has been devoted to fellowships to top class post-graduate students, who have been brought to Australia or retained in Australia—scientists and other scholars who otherwise might have been lost to this country. They embrace a wide variety of skills and interests: science, engineering, agriculture, music, arts, and so on. The fund puts out an annual report.

I hope that the Hon. Mr Milne can see this report. It bears the name of the Rothmans University Endowment Fund, 1962-1982 and contains a list of the fellows who have received funds from that Fund. These people would testify to the financial benefit they have received which has often led, of course, to great success in later life, and many of them are leaders in their field today. There can be no shadow of doubt that under clause 4 (3) that report, distributed widely on an annual or regular basis would constitute an advertisement, because there is no mistake that the Rothmans crest is there: it is the typical Rothmans colour, and it refers to the Rothmans University Endowment Fund. That would constitute an advertisement under clause 4 (3).

I do not accept what the Hon. Mr Milne stated earlier—namely, that he does not really mean that to be caught up in the provisions of clause 4 (3). I am sure that the Attorney-General would agree with that interpretation. I will ask the Hon. Mr Milne to respond to that point because there are certainly more of the same from where the Rothmans University Endowment Fund came.

The final point I want to make is that, really and honestly, no-one could ever say that the prime purpose of distributing such material around the halls of learning (because it relates only to post-graduates who are eligible for these fellowships), would be to further the cause of Rothmans and build up cigarette sales. I do not really think that one could sustain that argument and I would be interested in the Hon. Mr Milne's response.

The Hon. K.L. MILNE: The response to that point is that the Rothmans University Endowment Fund was specifically set up to circumvent what it foresaw would be controls on television and radio advertising.

Members interjecting:

The Hon. K.L.MILNE: On my information, that is what has happened. You say it did not, and I say it did. What the Opposition believes—

The PRESIDENT: Order! There can only be one speaker at a time.

The Hon. K.L. MILNE: I ask Opposition members to please stop talking about money: that is all that they can think of. I wish to heaven that they would talk about people. We are talking about balancing those things. Of course, those kinds of things may suffer gradually and may have to be phased out or dealt with in another manner: I do not know. However, the Bill is not to be changed just to satisfy particular cigarette companies. If one is to start that, then have a list of exceptions; but would members please get into their heads that we are talking about people, not money.

The Hon. L.H. DAVIS: The Hon. Mr Milne has really not answered the question. I was not addressing myself to the Hon. Mr Milne's views on money or his interpretation of how the Rothmans University Endowment Fund came to be established. I was addressing myself to the very real point that that would be scrubbed out under clause 4 (3). They would not be able to distribute anything like that, whether it be to invite prospective fellows to make application for a fellowship, nor would they be able to distribute a report on the progress of that endowment fund.

One may well look at the 1983 annual report of Philip Morris Australia Limited which was released within the last two months and which states that Philip Morris Australia Limited has 2 532 holders of ordinary shares.

That means that at least 2 500 people receive that annual report, together with numerous other people, including those in the media. That, *per se*, under clause 4 (3), constitutes an advertisement. Philip Morris does not produce only cigarettes. That company also has Lindemans Wines, which, incidentally, is the largest producer of wines in Australia with some 15 per cent of the market. Philip Morris is used as a brand name, but other brand names, such as Marlborough, and so on, are also used.

I suggest to the Hon. Mr Milne that there is no question that Philip Morris, by sending out an annual report, is trapped by the provisions of clause 4 (3), because an advertisement that contains the name of a tobacco product, under that provision is deemed to be an advertisement 'inducing, encouraging or promoting the use of tobacco or a tobacco product for the purpose of smoking'. What on earth is the answer to that? There is no question that the annual report of Philip Morris could not be sent out if this legislation came into force.

The Hon. K.L. MILNE: I think it would be wrong to say that a company could not send out an annual report and for it to be able to report on the cigarette section of its operation. That is a business matter, and not a promotion advertising matter. On the question of the future of these funds, the answer is that they will probably have to cease.

The Hon. I. Gilfillan: Or change their name.

The Hon. K.L. MILNE: Or they could change their name or something like that. What does it matter that funds have amounted to $1 million since 1962 (that is over a 20 year period) compared with the number of people who die daily as a result of tobacco promotion?

The Hon. R.J. RITSON: We keep coming back to the Hon. Mr Milne's lack of understanding of his own Bill. When faced with examples of some of the absurd consequences of his proposed legislation, he says, 'Well, of course, it will not mean that; it will not be strictly interpreted in that way; it will be interpreted in a way that requires the advertisement to be such as to promote smoking, and, of

course, an annual report does not promote smoking.' That has been the gist of his answers time and time again. He arrives at that position by reading part of the Bill such as clause 4 (1) (b), which refers to:

An advertisement inducing, encouraging or promoting expressly or impliedly, the use of tobacco or a tobacco product for the purpose of smoking . . .

But we come back clause 4 (3), which states, in part:

For the purposes of subsection (1), an advertisement—

and we come back to the point made by Mr DeGaris that it could be a name contained on a letterhead or anything else—

that contains the name of a brand of tobacco or tobacco product . . . shall in the absence of proof to the contrary be deemed to be an advertisement inducing, encouraging or promoting the use of tobacco or a tobacco product for the purpose of smoking.

Therefore, notwithstanding anything contained in clause 4 (1)(b), because the name 'Philip Morris' is contained in the annual report it could be deemed under clause 4 (3) that that annual report would promote smoking.

I will pause for a moment until the author of the Bill is prepared to listen to the arguments. At the moment he is being lobbied by Government members who seem to have a vested interest.

The CHAIRMAN: Does the Hon. Mr Gilfillan have a point of order?

The Hon. I. GILFILLAN: As the Hon. Dr Ritson was pausing, I was going to make use of the time.

The CHAIRMAN: The Hon. Dr Ritson was pausing to let Mr Milne make use of the time.

Members interjecting:

The CHAIRMAN: Order! If the Minister of Agriculture wishes to join in the debate, I invite him to do so although he is not in a position to do so at the moment. The Hon. Dr Ritson.

The Hon. R.J. RITSON: An unfortunate and mysterious feature of this debate is that, whenever a technical point is explained to the Hon. Mr Milne, Government members (who eschew the Bill, claiming that it is a private member's Bill), engage the Hon. Mr Milne in vigorous lobbying so that he cannot hear our arguments. Almost frenetically they have pursued this course in a way that I have not seen before in this Parliament.

The Hon. J.R. CORNWALL: I rise on a point of order. I draw your attention, Mr Chairman, to Standing Order 186.

The CHAIRMAN: Order! The Minister has drawn my attention to Standing Order 186 which, in fact, is not the right one.

Members interjecting:

The CHAIRMAN: I understand that the point has been made.

The Hon. J.R. Cornwall: No. 367. You are being very technical.

The CHAIRMAN: Does the Hon. Mr Milne wish to reply to the questions put to him? If so, I give him that opportunity.

The Hon. R.J. RITSON: I rise on a point of order. I was in the middle of speaking to clause 4 (3) when a point of order was taken against me. Does that mean that I lose the call?

The CHAIRMAN: No, the honourable Minister still has the call unless I rule in favour of the point of order.

The Hon. R.J. RITSON: What is the point of order? I do not know what I am supposed to do. I only have a number and I have been told to stop speaking.

The Hon. J.R. CORNWALL: I will read Standing Order 186, for the benefit of members opposite who cannot read. It provides:

The President may call attention to the conduct of a member who persists in continued irrelevance, prolixity, or tedious repetition, and may direct such member to discontinue his speech. The member so directed shall resume his seat and not be again heard during the same debate.

If you ruled on that point of order, Sir, I apparently did not hear you.

The CHAIRMAN: If the Minister did not hear me, I shall repeat it. I am pleased to hear the Minister read that Standing Order and I wish he would read it more often.

The Hon. J.R. Cornwall: It is nice to have an impartial Chair.

The CHAIRMAN: I wish more members would read it more often. I am watching the debate and I believe the Hon. Mr Milne is trying to clear up a point that the Opposition is making. At this stage the Hon. Mr Milne need not answer the questions at all.

The Hon. R.J. RITSON: I rise on a point of order. Quite clearly, section 4 (3) is a point of major debate on which I was seeking to make a point. I had the call, was distracted and abused by the angry Minister of Health, and now you have taken the call from me, Mr Chairman.

The CHAIRMAN: I have not taken the call from the honourable member. I did not uphold the point of order.

The Hon. R.J. RITSON: I am sorry, I misunderstood you, Mr President. May I continue on clause 4(3)?

The Hon. J.R.Cornwall: I never mentioned the honourable member's name.

The PRESIDENT: The Minister drew my attention to the matter. The Hon. Dr Ritson.

The Hon. R.J. RITSON: Thank you, Sir, for the protection of the Chair. It is clear that clause 4(3) is of major concern to all members on this side of the Council and was a matter that the Hon. Mr Milne has sought to avoid any compromise on during the dinner recess. I feel that we must pursue this matter. I want to pursue my comments about this document, the annual report of Philip Morris Australia Limited. The Bill makes clear in clause 3, the definition of 'advertisement', that papers such as this annual report are an advertisement. In clause 4 it is clearly stated that it is an offence to publish such an advertisement if it promotes smoking. If the Bill only went that far it would be up to the courts in any dispute to decide whether or not this document does promote smoking. However, it is not good enough for the Hon. Mr Milne to say that he thinks that it does not promote smoking, when clause 4(3) says that it does promote smoking until it is proved otherwise. Mr Milne is saying that it is a breach of the law unless Philip Morris can prove that the front cover does not promote smoking. That is bad law—

The Hon. K.L. Milne: Please address the Chair.

The CHAIRMAN: I will pick up that laxity, when necessary.

The Hon. K.L. Milne: It is about time you picked it up, Mr Chairman.

The CHAIRMAN: Order! The Hon. Mr Milne is the last person I need to take instructions from.

The Hon. R.J. RITSON: I agree, Mr Chairman, and am sorry that I got carried away and addressed my remarks across the Chamber. Through you, Sir, I ask the Hon. Mr Milne whether he is asking this Parliament to enact as law a provision that says that this document is, first, quite clearly an advertisement and, secondly, that it is only in breach of the legislation if it promotes smoking and, that, thirdly, it is a matter of legal presumption until proved otherwise. That document does promote smoking as does this other document which is only distributed amongst postgraduate fellows and which has nothing to do with the real problem of smoking among children. That is ridiculous. I ask the Hon. Mr Milne to attempt to understand the great difference between the real legal effect of clause 4(3) and his euphemistic misconception that the law somehow agrees that the document to which I am referring does not promote

smoking. The law will have regard to the plain words of clause 4(3) and not to the words which Mr Milne has said and which are recorded in *Hansard.*

The Hon. I. GILFILLAN: There are some rather effective displays being flashed around tonight and I am curious whether or not they are standard procedure. I presume that it is in order that various exhibits have been displayed by the Hon. Dr Ritson and that such actions will be tolerated in this place. Is it the Hon. Dr Ritson's considered opinion that Philip Morris is intending to advertise by issuing an annual return?

The Hon. R.J. Ritson: No.

The Hon. I. GILFILLAN: If it is not their intention, then obviously clause 4(3) allows that it will be capably able to prove that it was not its intention to advertise.

The Hon. R.J. Ritson: Why should they have to disprove that?

The Hon. I. GILFILLAN: For the very good reason that anyone who has the intention to advertise tobacco products is caught by this legislation. Because of this legislation the people of this State will not be facing the costly exercise of defending a case that can be so clearly put by articulate and capable bodies such as the Philip Morris Company and therefore is under no such threat.

They are under no threat. They do not fear the risk. It is a petty point, and it is a vexatious complaint. Tobacco companies will take whatever steps they can to prevent this legislation from going through, and I am surprised that members on this side are so gullible as to accept these criticisms as substantial criticisms of the Bill. They are not substantial criticisms. Members could address much wider areas, and I wish that they would study those wider areas more closely. For example, we could consider the effects on children of advertising. This sort of rats and mice issue is taking up a lot of time and it does not convince me.

The Hon. L.H. Davis: This publication has nothing to do with children.

The Hon. I. GILFILLAN: I cannot see that document. Is it an exhibit?

The CHAIRMAN: Order! It is not an exhibit. Exhibits are not permitted.

Members interjecting:

The CHAIRMAN: Order! I call on the Hon. Dr Ritson.

The Hon. R.J. RITSON: I understand the Hon. Mr Gilfillan's argument, which is essentially 'Why should not anyone, in regard to an annual report with a cigarette brand name on the cover, be required to prove that he is not promoting cigarettes?' I understand what the Hon. Mr Gilfillan and the Hon. Mr Milne are saying. We will cast the net so wide that it will catch every aspect of very non-persuasive advertising which has no effect on children because children do not receive the annual reports of companies. The honourable member does not mind that the legal effect of that is that everyone who is baptised 'Philip Morris' has the same burden of proof placed on him. The honourable member does not mind that.

Then there is the rhetoric of saying, 'Why don't you do something about children?' We are arguing about an annual report in relation to clause 4(3). In fact, children will not read that document, so they will not be persuaded by it. We could have a separate debate on what we should really do about under-age smoking and drinking, but this Parliament will not confront that issue. The Hon. Mr Milne is not willing to do that. The Bill could be redrafted with major surgery so that it confronts both issues. We could consider the scientific evidence in regard to what influences children—perhaps peer groups, teachers, mothers and fathers, and uncles. I would vote $5 million off the top of my head for a proper scientific, psychological and controlled programme for under-age smoking, and the same applies in regard to under-age drinking. I would be delighted if the legal smoking and drinking age was increased to 21 years. No Government would do that, of course, but that would do something real about the problem.

The Hon. Mr Milne will be banning the annual report of this company. People who are christened 'Philip Morris' will have to prove that they are not promoting smoking. However, nothing will be done about 14-year old girls vomiting in pubs because they have been drinking. This Bill will do nothing about proper punishments for the sale of cigarettes to minors. This is a badly drafted Bill that is almost beyond correction in the Committee stage, and it needs so much major surgery. However, nothing will be done about that. There will be a law to direct a company that it must not persuade people to smoke.

The CHAIRMAN: The honourable member must come back to the clause.

The Hon. R.J. RITSON: I have finished, Mr Chairman.

The Hon. R.I. LUCAS: My question is to the Hon. Mr Milne who has given as one of his major reasons for the Bill that he is trying to prevent 9 000 to 10 000 young children every year from taking up smoking. The figure is very similar to the figure used in connection with the famous Bill in Western Australia of Dr Dadour. I ask Mr Milne what study this is based on or where this magical figure of 9 000 or 10 000 new young South Australian smokers every year comes from which is, in his own words, 'the major reason for the introduction of this particular Bill.'

The Hon. K.L. Milne: If the Hon. Mr Lucas thinks the figure is wrong I ask him to give me the correct figure.

The Hon. R.I. LUCAS: The Hon. Mr Milne is the mover of this Bill. He is on the public record in an interview with Mark Collier on a Sydney radio station saying that each year 9 000 or 10 000 children are induced to smoke by tobacco promotion. He said that, if he could be proved wrong, he would withdraw the Bill. He was as definite as that on Sydney talk-back radio. I can provide the honourable member with transcripts if he wishes.

He has come up with the major reason for the Bill. He is saying that 9 000 or 10 000 South Australian school children are taking up smoking every year. This is the major reason for this particular piece of legislation. I am asking Mr Milne; it is not up to me to provide the correct figure. I am not moving the Bill in this Chamber.

In all the research I have done on this Bill, which is considerable, the only reference I can find to it is a reference made by proponents in Western Australia (Dr Dadour, and others) saying that 9 000 or 10 000 West Australian school children take up smoking every year. Once again, the proponents over there do not give any source or reference for this particular magical figure that is dragged from the air.

I suspect certainly that perhaps the Hon. Mr Milne has just pinched the Western Autralian figure and said that it is a good enough figure, and he we will use that here in South Australia. I repeat the question: would the Hon. Mr Milne (and it is not up to me in this Chamber to provide the correct figure) give me that information? I have received a less than satisfactory response. The Hon. Mr Milne is the proposer of the Bill. The major reason he gives is to stop 9 000 to 10 000 schoolchildren—

The CHAIRMAN: You had better soon tie this into clause 4.

The Hon. R.I. LUCAS: Clause 4 is the substantive clause of the Bill; it is the offence clause. The major reason for the Bill, as given by the mover, is to stop 9 000 to 10 000 new schoolchildren a year taking up smoking. I am simply asking the mover for the source document and where it comes from so that those of us on this side who are interested in this can look at this piece of research and see how valid it is.

The Hon. Frank Blevins: How much did the tobacco companies pay the Liberal Party?

The Hon. L.H. DAVIS: I rise on a point of order. The Hon. Mr Blevins has asked the question, 'How much did the tobacco companies pay the Liberal Party?' I object to that, and that allegation was made by the Hon. Dr Cornwall. I find it offensive, it is unparliamentary, and it is quite untrue. It should be put on the public record that for my part I have been lobbied heavily by people on both sides—

The Hon. Frank Blevins: What is your point of order?

The CHAIRMAN: Order!

The Hon. L.H. DAVIS: I have not had so much as a free lunch, and I object to—

The Hon. J.R. Cornwall: Would you support a Bill to force political Parties to declare their donations. Of course you would not!

The CHAIRMAN: Order! The Hon. Mr Davis was about to raise a point of order. At this time he has not done so.

The Hon. L.H. DAVIS: The point of order was that the Hon. Frank Blevins intimated that Liberal Party members had accepted money from tobacco companies in return for opposition to the Bill. I object to that.

The CHAIRMAN: The interjection was out of order, anyway. The honourable Minister is quite out of order by continually interjecting.

The Hon. Frank Blevins: Not half as out of order as all those on the other side.

The CHAIRMAN: This is a very late time for you to wake up and start questioning what I am saying.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: Order! The honourable member will desist or I will name him.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: Come again?

The Hon. Frank Blevins: You heard it.

The CHAIRMAN: Right. If you do not desist from interjecting I will name you.

The Hon. FRANK BLEVINS: I rise on a point of order. In all fairness, the amount of interjection from me or anyone on this side is trivial compared to what has come from the other side. You know that, and everyone in this Chamber knows that. If you are going to start naming people I will be well down the list.

The CHAIRMAN: You will be on the list where I put you.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: I have asked you to desist on a number of occasions. You have continued on and on. If you want to take part in the debate I do not mind that. You are quite at liberty to do so, and I invite you to do so, but when I ask you to desist that is exactly what I expect, and as a Minister you should respect that.

The Hon. Frank Blevins: And as a Chairman you should be impartial. Talk to those on the other side first.

The CHAIRMAN: If you want to go on like that, I am not going to be bluffed—

The Hon. Frank Blevins: Everyone knows that I am correct.

The CHAIRMAN: I will name the honourable Minister.

The Hon. J.R. CORNWALL: I seek your guidance, Mr Chairman, as to procedure at this stage. I believe that the member is given an opportunity, is he not, to explain his position.

The CHAIRMAN: I will give the Minister the opportunity.

The President having resumed the Chair:

The PRESIDENT: I have to report to the Council that I have named the honourable Minister of Agriculture for persistently and wilfully disregarding the authority of the Chair.

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

That the Minister of Agriculture be suspended from the service of the Council.

The PRESIDENT: Is there a seconder?

The Hon. J.C. BURDETT: I second the motion.

The Hon. J.R. CORNWALL: I sought your guidance, Sir, when you were still in the Chair as Chairman, if you recall—as I am sure you do with clarity. I sought your guidance because you are an expert on the Standing Orders as to the point at which the Minister could be heard.

The PRESIDENT: I am afraid that Standing Orders do not permit any debate on the motion before the Council. I have no option but to put that motion.

The Hon. M.B. CAMERON: I am prepared—

The PRESIDENT: The Standing Orders are quite clear that there be no debate on the matter. I put the question that the Hon. Minister of Agriculture be suspended. Those in favour say 'Aye', against 'No'. I think the Noes have it.

An honourable member: Divide!

The Council divided on the motion:

Ayes (8)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, C.M. Hill, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, I. Gilfillan, Anne Levy, K.L. Milne, and Barbara Wiese.

Pair—Ayes—The Hons K.T. Griffin and Diana Laidlaw. Noes—The Hons M.S. Feleppa and C.J. Sumner.

Majority of 1 for the Noes.

Motion thus negatived.

The CHAIRMAN: The vote of the Council has created some sort of a dilemma for me which I wish to study for some time. As a result, I suspend the sitting until the ringing of the bells.

[Sitting suspended from 12.13 to 1 a.m.]

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

That the Committee report progress and have leave to sit again.

The PRESIDENT: Would the Hon. Mr Milne care to move that the continued debate on the Bill be made an Order of the Day for—

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

That the continued debate on the Bill be made an Order of the Day for Wednesday 9 November.

Motion carried.

ADJOURNMENT

At 1.3 a.m. the Council adjourned until Thursday 27 October at 2.15 p.m.