

LEGISLATIVE COUNCIL

Tuesday 23 September 1986

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

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

MILLION MINUTES OF PEACE

The Council observed one minute's silence in acknowledgment of the International Year of Peace.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—

Pursuant to Statute—

Department of the Premier and Cabinet—Report, 1985-86.

Small Business Corporation of S.A.—Report, 1985-86.
Rules of Court—Supreme Court—Supreme Court Act 1935—Judgment Debtor Interest—General Rules.

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

Pursuant to Statute—

Betting Control Board—Report, 1985-86.
Highways Department—Report, 1985-86.

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

Pursuant to Statute—

Local Government Finance Authority Act 1983—Regulations—Prescribed Body (Amendment).
City of Brighton—By-law No. 1—Bathing and Controlling the Foreshore.

QUESTIONS

RANDOM BREATH TESTING

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about random breath testing.

Leave granted.

The Hon. M.B. CAMERON: This matter has been raised in the Council over a number of years. I sometimes wonder whether it is worth pushing on with an attempt to get the matter properly dealt with. I know that there are some members opposite who would perhaps agree with me and who have sat on various select committees relating to this matter. I can assure honourable members who had nothing to do with those select committees that every time the matter is raised there are familiar voices raised delivering a strong message to those of us who continually attempt to have more random breath testing units on the road.

I know that in my local hotels I am not exactly greeted with open arms and offered free drinks, and every time they start to get friendly I raise the matter again and that seems to cut across what used to be a rather nice relationship. However, on we go. I have received some figures which, once again, are very alarming. There has been some indication from the Government that further funds will be allocated to random breath testing. As members would know, the road toll is very high this year, and this past weekend was once again a disaster although (I repeat what all members who have had anything to do with this matter would know) deaths on the road are not a very good or accurate statistic to use, and the fact that we have had more deaths

this year does not necessarily give a true reflection of the problem.

A better reflection is not the 185 people who have died this year, which is 14 more than the figure for the same period last year but, according to police statistics, the total of 8 022 people injured from January to July this year. The figure for the year before was 7 937 and for the year before that it was 7 627. From these figures it is obvious that the situation is getting worse and that something drastic needs to happen. I know that the Minister of Health would be well aware of the problem that this creates in the trauma units of our public hospitals, particularly after weekends when, quite often, elective surgery has to be cancelled because of the casualties that occur on the weekends. Statistics also prove that South Australia is lagging behind in relation to the number of people tested by random breath testing units to 30 June this year, compared with Victoria and New South Wales. In South Australia about 4.4 per cent of the State's population was tested, compared with 5.8 per cent in Victoria and 10.9 per cent in New South Wales.

The Hon. J.R. Cornwall: What about Queensland?

The Hon. M.B. CAMERON: Yes, they are talking about this at last; they are heading towards it. They need the Minister to go up to have a talk to them, I think.

The Hon. J.R. Cornwall: The National Party isn't too enthusiastic about it, I can tell you.

The Hon. M.B. CAMERON: I do not want to get involved in a discussion on that, but in the past couple of days they do not seem to regard us as being mates. Maybe they will afterwards, but at the moment they do not seem to have a great attraction for or affinity to us.

The Hon. J.R. Cornwall: You are the rural rump of the Party, aren't you?

The Hon. M.B. CAMERON: Not necessarily; if I am the rural rump you are with me, because you came from the same area.

The Hon. J.R. Cornwall: I have been naturalised.

The PRESIDENT: Order!

The Hon. M.B. CAMERON: Again, I offer to pay the Minister's air fare for him to come back and help us in the election campaign.

The Hon. J.R. Cornwall: I don't like the climate!

The PRESIDENT: Order!

The Hon. M.B. CAMERON: My questions to the Attorney are serious questions about a very serious subject, as the Attorney-General would know, as he sat on the first select committee. My questions are:

1. How much money will be allocated to random breath testing this financial year?

2. Is the number of testing units going to double, as has been alluded to on some radio programs and, if so, when will this occur?

The Hon. C.J. SUMNER: The honourable member's concern about the road toll and injuries from motor vehicle accidents, particularly those caused by excessive consumption of alcohol, is shared by the Government and, indeed, it has been for some time. This is not an issue about which there is a significant difference of opinion between the Opposition and the Government. Members on this side of the House participated in the Select Committee on Random Breath Testing that was established during the term of the Liberal Government, and certain recommendations were made and were implemented. Subsequently, there was a further select committee, which made further recommendations, some of which have been implemented and others of which are still under consideration by the Government. In respect of the police, the budget papers reveal that there has been an increase in real terms to the Police Department

this year as a result of the priorities given by the Government in the budget.

I am not sure at this moment of the details as to the extent that that will enable further attention to be given to random breath testing. No doubt next week, when the Estimates Committees are meeting, the Minister responsible can be further pursued on this topic. However, in the meantime I will refer the details of the honourable member's question, namely, how much money will be allocated and in what circumstances random breath testing will be used, to the appropriate Minister and bring back a reply.

ASH WEDNESDAY SETTLEMENTS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government, a question on the subject of Ash Wednesday settlements.

Leave granted.

The Hon. K.T. GRIFFIN: Ash Wednesday, 3½ years ago, caused a great deal of trauma for tens of thousands of South Australians. Many people lost their life's work and savings; others suffered hardship through damage to their homes and farms. In respect of the fire which started at McLaren Flat and devastated areas such as Hope Forest, Kuitpo Forest and Meadows, the legal liability for the fire was established last year to be that of the Electricity Trust of South Australia. That case, which was a test case, involved a claimant, Mr Dunn. I understand that his damages have been agreed and that matter has now been settled.

However, arising out of that fire at least 80 other claims have been made, and only about two have been resolved. Considerable concern has been expressed by other claimants about what they perceive to be an inordinately long delay. There is even a suggestion which several of them have made to me that someone in the Electricity Trust has directed that the matters be dragged out and the toughest possible line be taken on claims.

Whether or not that is so, the fact is that the claimants want to get their claims resolved quickly, to put the traumas of Ash Wednesday behind them, and to get on with living their lives. My question to the Attorney-General, as Leader of the Government, is: what steps, if any, will the Government take to ensure that the Electricity Trust of South Australia adopts a reasonable attitude on the claims and resolves them as a matter of urgency?

The Hon. C.J. SUMNER: There is no suggestion, apart from the assertion made by the Hon. Mr Griffin (without any basis of fact), that ETSA is adopting an unreasonable attitude towards the claims, but I certainly sympathise with the problems of people who sustained injury, loss and damage in the Ash Wednesday bushfires. The issues with respect to liability obviously were complex and, as the honourable member has said, they have been resolved, but the question of assessment of damages is often something also that cannot be resolved quickly. That does not mean that they should not be proceeded with as soon as is practicably possible.

I suggest that I refer the honourable member's question and his comments in the press today to the Minister responsible for the Electricity Trust and have him provide a response, but I do not believe that ETSA is adopting tactics that would unreasonably delay the issues which, as I have said, are usually of some complexity. It may be that, even now, it is not possible to settle some of the claims, but I repeat that the issues raised by the honourable member are of concern to those South Australians who suffered loss and

injury in the bushfires, and I will certainly pursue the matter with the responsible Minister to see whether there are any difficulties that need to be overcome.

DEREGULATION ADVISER

The Hon. I. GILFILLAN: I seek leave to make a short explanation before asking the Attorney-General a question relating to an appointment to the Department of Public and Consumer Affairs.

Leave granted.

The Hon. I. GILFILLAN: In the South Australian *Government Gazette* of 11 September 1986 a position is described as Deregulation Adviser, classification AO5, with salary limits between \$42 039 and \$43 601. I understand that there was not a previous occupant of that position and that it is a new position. I raise the issue in the light of the concern expressed by many people about the reduced funding made available by the Government to the Consumers Association of South Australia which, in my opinion, quite reasonably requested a budget of \$60 000 to continue its work, but the amount was reduced from \$26 000 last year to \$20 000 this year.

The Department of Public and Consumer Affairs is under very close and constant scrutiny as to its regulatory program and, in my opinion, the position of a Deregulation Adviser in that department requires some justification. Bearing in mind the comparison of these funds and the dramatic reduction of funds provided to the Consumers Association of South Australia, I put the following questions to the Attorney-General:

1. Can he explain the need for the appointment of this Deregulation Adviser and at the level of AO5?

2. What will the duties of the appointee be in the department?

3. In what way will the consumers of South Australia be better served by the Government spending \$43 000 for the salary of a Deregulation Adviser as compared to maintaining the Consumers Association of South Australia as a fully viable entity?

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan is a confused person.

The Hon. R.I. Lucas: He is a Democrat.

The Hon. C.J. SUMNER: As the Hon. Mr Lucas says, the Hon. Mr Gilfillan is a Democrat. *Ipsa facto*, he is confused. On this matter he is confused more than usual and he is drawing a long bow by introducing the Consumers Association of South Australia into his question. I understand that last week, when I was absent because I was on business for the Government, he raised a question about the Consumers Association in this Chamber. As he has chosen to do that again today, some things should be put on the record.

First of all, the budget for the Consumers Association of South Australia in the last financial year was \$20 000, not \$26 000. During that year, the Consumers Association overran its budget by \$6 000. It approached the Government before the end of the financial year asking for a supplement, a request to which the Government acceded. Therefore, last financial year an extra \$6 000 was given to the Consumers Association of South Australia, by the Government.

The funding of the Consumers Association of South Australia has not been reduced by \$6 000 from the budget in the previous year. It had to be given an extra \$6 000 because it overran its budget. Is the Hon. Mr Gilfillan saying that any organisation in this State that is in receipt of Government funds can get a budget at the beginning of the financial

year, overrun it and then expect to go to the Cabinet cap in hand for extra funds? Is that the proposal that the honourable member is putting to Parliament? If it is, I would like to hear him enunciate his theory in more detail.

The honourable member has not given Parliament the full details of the situation. He should have known that the budget for the last financial year was \$20 000 and that it was increased by \$6 000 after the Consumers Association had overrun its budget and had not managed its finances. I assume that the honourable member is justifying such behaviour from organisations that are accountable for public funds.

The Consumers Association received funding from the Labor Government in 1979. There was an assumption then that it would broaden its base and seek membership and that the need for increased Government funding would not continue. In fact, when the Hon. Mr Burdett had responsibility as Minister of Consumer Affairs, as in other parts of that portfolio, he allowed a cut of the Consumers Association's funds to \$10 000.

The Hon. J.C. Burdett: For a particular reason.

The Hon. C.J. SUMNER: Nevertheless, there was a cut. When we came into Government we increased funding by 100 per cent to \$20 000, the level at which it remains. The Hon. Mr Gilfillan makes exaggerated comments, but he should bring the full facts to this Chamber instead of coming out with a half-baked story. To suggest, as he did, that we are trying to stop the Consumers Association from participating and making a contribution in the public arena is nonsense. It does a good job.

As Minister, I am in contact with the association and other people who represent Consumers on boards and the like. It is worth noting that its membership is something less than 200, which hardly suggests that it is a mass organisation which represents consumers in this State. The Hon. Mr Gilfillan might have pointed that out. I respect the role that the Consumers Association plays. It does a good job. Its budget has been increased substantially by the Labor Government, and its funding has been maintained since we returned to office. That was our first budget response in 1983-84 and there was a supplement to its funding last year.

The Hon. R.J. Ritson: It is really a branch of the Democrats, isn't it?

The Hon. C.J. SUMNER: I do not think that that is the case. I do not have any problem with the way in which the Consumers Association conducts its activities except insofar as it overran its budget in the last financial year.

The Hon. I. Gilfillan: Its budget was not indexed.

The Hon. C.J. SUMNER: A lot of budgets have not been indexed in this financial year, as the honourable member will see if he examines the budget when it comes to this Chamber. The appointment of a deregulation adviser is a fulfilment of a commitment made by the Labor Party before the last election in response to a report by Mr Bob Bakewell, the former Ombudsman. After retiring, he was appointed by the Government to examine deregulation issues and to identify what can be done to implement the policy that is accepted in the Government and the community—that there should not be unnecessary regulation by Government when it is not in the public interest.

Mr Bakewell's report was accepted in large part by the Government. Part of it involved a commitment to the appointment of a Deregulation Adviser. The appointment merely gives effect to our commitment, made, as I recall, before the last election. He is not a Deregulation Adviser to the Department of Public and Consumer Affairs but an adviser to the Government. The Premier decided that he should be responsible to the Attorney-General and for

administrative reasons has been located with the Department of Public and Consumer Affairs. He is in the same position as the Ethnic Affairs Commission which, for salaries and administrative procedures, is attached to the Department of Public and Consumer Affairs, because I am the Minister responsible. The Commission for Equal Opportunity is similarly attached to the same department, because I am the Minister responsible. I considered it most appropriate for salaries, administrative structures and backup to be provided by that department.

The Deregulation Adviser is Mr Brian Wood, whom honourable members will remember as a diligent person in regard to his attention to the public sector when he was the officer responsible to the Public Accounts Committee in this Parliament. He has been appointed. His role is not to be a Deregulation Adviser in the Department of Public and Consumer Affairs and with deregulation in that area. Some affairs covered by the department will come under his attention but his responsibilities cross the whole range of Government and I am the Minister responsible for his activities.

His activities will not be confined to consumer affairs. He will no doubt look at some aspects of statutory boards to see whether their continued existence is justified or whether there is a case for deregulation. He will no doubt be looking also at issues in legislation, whether there is a case for removing legislation from the Statute Book, the use of sunset clauses and a whole range of issues that have been identified as being ones that can be examined from a deregulation point of view.

The honourable member may be interested to know that the Legal and Constitutional Committee of the Victorian Parliament examined this whole issue from the point of view of legislation and regulation; that is something that will be examined also to see whether or not anything can be done in this area. I do not think that honourable members ought to exaggerate what can be achieved by deregulation. There is certainly a case for it where the public interest demands it. We ought to ensure that we keep Government activities under review and that, if the activities have outlived their usefulness, we ought to do away with them.

The role of the Deregulation Adviser will be to look at those issues across Government, research them, identify particular ones, and come up with recommendations. It is worthwhile remembering that while the business community talks a lot about this matter they do not necessarily want deregulation. Honourable members will no doubt recall the Potato Board, which was a deregulatory exercise promoted by this Government and opposed by a few of the honourable members opposite who wanted to maintain regulation. Also, we came up with a proposal to deregulate the Egg Board and honourable members opposite said that it ought to be maintained. We came up with a proposal to deregulate trading hours for petrol stations: what is the Opposition's point of view on that?

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Yes, you do. The honourable member ought to check with Mr Baker, the Opposition shadow Minister responsible for the area, who has made quite clear on the public record what is his view about the extension of trading hours: he came out strongly in support of the regulations.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That is on the record from the shadow Minister.

The Hon. I. GILFILLAN: I rise on a point of order.

The PRESIDENT: Order!

The Hon. I. GILFILLAN: I ask you to rule, Mr President, that the Attorney-General's answer seems to have shied away from the question somewhat. Perhaps the Minister could reply to the question.

The PRESIDENT: There is no requirement in Standing Orders for answers not to shy away from the question asked, so there is no point of order.

The Hon. C.J. SUMNER: In response to the honourable member's interjection, I point out that he mentioned the Consumers Association of Australia: I have given a full and frank explanation of the situation in that respect. He mentioned the Deregulation Adviser: I have given a full and frank explanation of the role of that adviser.

The Hon. I. Gilfillan: Who is he responsible to?

The Hon. C.J. SUMNER: The honourable member now wants me to continue my answer and he asks a question that I answered only a few minutes ago. I have already said that the Deregulation Adviser is responsible to the Attorney-General. He is responsible, however, across the whole Government and not just within the Department of Public and Consumer Affairs.

I went on to give honourable members a short dissertation on the principles involved in deregulation. This will be further developed as Mr Brian Wood, who has just taken up his position, develops in the position of Deregulation Adviser. In due course a more formal statement will be made on this topic, so there is no connection between the Deregulation Adviser and CASA. As I said at the beginning of my answer, the honourable member has really not got the right end of the stick on this particular matter.

TOURISM RESEARCH

The Hon. R.I. LUCAS: Did the Minister of Tourism ensure that all appropriate guidelines were followed before awarding the contract for the major market research study into tourism announced at the weekend?

The Hon. BARBARA WIESE: Yes.

The Hon. R.I. LUCAS: I ask a supplementary question. Which company was successful in gaining the contract?

The Hon. BARBARA WIESE: I do not have that information in my head—

The Hon. L.H. Davis: You announced it and you don't even know who's got it.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The Government's wish, that wherever possible contracts are awarded to South Australian companies, was foremost in the minds of representatives of my department when this contract was awarded. The scope of the market research that we are undertaking, the nature of the survey to be undertaken and the diversity of the information required were the bases on which the contract was awarded. The relative abilities of the companies which applied for the contract to meet our requirements were also considered. The company awarded the contract was considered to be the one best able to carry out the work involved.

RIFLE RANGE ROAD

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Rifle Range Road.

Leave granted.

The Hon. J.C. BURDETT: I am sure that the Minister has some knowledge of the problem relating to Rifle Range

Road, Petworth, in the Golden Grove area because it has been brought to her notice before. There are now 14 homeowners involved. The subject land was subdivided in 1971 when planning laws were quite different from the present laws. Certain of the land remained in the ownership of the subdividing company. This included Rifle Range Road over which the residents have a right of way.

The contracts of sale to the original purchasers of the allotments provided that the subdivider would maintain Rifle Range Road. For some years it was maintained. The then Chairman of Directors of the subdividing company died and his company sold its interest to another company. Since then not only has the road not been maintained, but it has got into an appalling condition and is now extremely dangerous. The residents cannot proceed at law effectively against the original subdividing company because it has no assets. Legal opinion obtained is that the purchasing company, the current owner, has no legal obligation to maintain the road.

I viewed the road last Saturday morning just after a shower of rain. Where it meets the Golden Grove Road, Rifle Range Road makes a moderately steep ascent. It is a morass of mud. I was invited to drive my car along the road, but no way was I going to do that. A lady then drove me along the road in her car getting partway up the rise before her car slid back. She tried again, this time successfully. Further along the carriageway (if one can call it that) it becomes narrower and I was told at a meeting of residents that in the previous 48 hours four cars had run off the road and that the previous weekend several cars had run off the road one of which had to be rescued the following day by a tow truck. I now quote from the *Gully Gazette*, which states:

The residents of Rifle Range Road are waiting for the inevitable, for someone to be seriously hurt, even killed, on a road which they say is dangerous, substandard and, in winter, nothing more than a muddy quagmire. . . but their anger was sparked off again recently when a visitor to the road suffered a stroke and had to be rushed to hospital by private car, because an ambulance could never have negotiated the sliding mud, ditches, ponds, and jutting rocks on the road.

The matter was aired on channels 7 and 9 last Friday night. There is, in fact, a much used rifle range—which doubtless justifies the name of the road—at the end of the road and the users of this range must also negotiate this road. The Minister wrote to the residents, in response to a letter, on 18 October 1985 and pointed out, correctly, that this was a matter for the local council. I do not want to lay the blame anywhere, but this has become a social problem and in some families children are leaving home. Family problems have occurred because the road is not negotiable and people cannot get to work, and so on. Someone must solve this problem.

The estimated cost of \$100 000 is quite beyond the capabilities of the residents involved. Will the Minister reconsider the matter and work towards a solution? In particular, will the Minister use her good offices to organise a round table conference between officers of her department, the Highways Department, the council, the present owner of the freehold of the road and the residents to see whether a solution can be found?

The difficulty so far has been that residents have been going to one agency after another; they have been duck-shoved between the various authorities. The residents would be most grateful if the Minister could see her way clear to trying to organise a round table conference between all the parties involved. I know that she will be unable to provide an answer off the cuff, but I ask the Minister to undertake to consider this request.

The Hon. BARBARA WIESE: I am aware of this matter. As the honourable member has said, last year I was approached by the local residents, and since then I have also been approached in relation to this matter by the local member for the area, the member for Briggs. I appreciate the gravity of the situation in respect of the road referred to by the honourable member. When the matter was raised with me previously, I asked officers of my department to take whatever action they could to encourage the local council to take steps to remedy the situation with respect to the road. I have not had a report on the matter for some time. I am happy to ask for a report on the matter, and I will ascertain what action I can take to encourage the council to meet its responsibilities.

MORTLOCK LIBRARY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Mortlock Library of South Australia.

Leave granted.

The Hon. L.H. DAVIS: The Mortlock Library of South Australia, located on North Terrace, was named after the late Mr J.T. Mortlock, whose generosity, I understand, has resulted in an annual income of \$400 000 currently being available to the library. For some years, the Libraries Board of South Australia has resolved that a proportion of the Mortlock income should be allocated towards purchases for the reference collection, although it has been made quite clear in recent annual reports of the Libraries Board that this bequest income should not be used in such a way as to relieve the State Government of its duty to provide financial support for the State's library services.

However, there has been growing concern in library circles that the Libraries Board has been forced to divert moneys away from the Mortlock Library to fund not only the reference collection but also staff salaries. I understand that Mortlock funds are now being used to pay five staff salaries as well as to fund a deficit in the reference section. The Government, not content with forcing the raiding of the Mortlock bequest for salaries, has squeezed funding of the Mortlock Library in the current budget, as a result of which the North Terrace entrance to the Mortlock Library, used by thousands of people annually—in many cases being attracted to it by the Mortlock Library sign outside the door—will be closed by Christmas.

Further, the Mortlock field officer position is in jeopardy. The field officer solicits material for the collection and identifies gaps in the collection. I understand that this is the only mainland State Library without a permanent field officer. The budget stringency may result in a withdrawal of or a severe reduction in library services to school children. Currently, there is an 18 person years backlog in processing important historical material and, quite possibly, this will increase because of staff cuts. The archivist who is expected to process this material is forced to spend up to one-third of the week on the desk. The staff shortages are so severe that it often takes several weeks to answer a letter. Further, I understand that the Mortlock Library cannot open on a Sunday, as it has no money.

My questions to the Minister are three-fold. First, is the Minister aware of the plight of the Mortlock Library? Secondly, does the Minister accept that in South Australia's sesquicentenary year, with its emphasis on the history and heritage of this State, her treatment of Mortlock Library funding is inappropriate, high-handed, and an insult to the

top class staff of 27 employed at the library? Finally, what action does the Minister intend to take to rectify this scandalous situation?

The Hon. BARBARA WIESE: When one listens to the sort of drivel that the Hon. Mr Davis goes on with in this place about all sorts of things one really has to agree with the report which was prepared for the Liberal Party and which referred in such derogatory terms to the quality of the candidates that that Party selected and put in this place. The Hon. Mr Davis completely overlooks the fact that the establishment of the Mortlock Library has been quite an achievement, I think, in view of the sorts of financial times in which we live.

The Hon. L.H. Davis: It was on the drawing board for many years.

The PRESIDENT: Order! The honourable member has asked his question, and I ask him to cease interjecting, please.

The Hon. BARBARA WIESE: The library stands as a fine monument to our ability to collect South Australian. It is a fine example of libraries of its kind and a considerable amount of funding has gone towards the establishment of the Mortlock Library. We are doing as much as we can. I do not know what the Hon. Mr Davis expects the Government to do in view of the stringent financial times in which we live.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! If the honourable member interjects again I shall name him.

The Hon. BARBARA WIESE: Members opposite are constantly plying us with pious platitudes, telling us that the Government should cut back here and there, trim Public Service spending, and so on. But whenever any attempts are made to hold back spending or to redirect resources to areas of greatest need the Government gets nothing but criticism and abuse for doing that. What would the Hon. Mr Davis have done in relation to the Mortlock Library budget? It seems to me that the honourable member has a very poor appreciation of the sorts of problems with which we had to deal in framing the budget. In respect of the field officer of the Mortlock Library, I might mention that that position has been retained until June next year. That decision was made against enormous opposition.

It was very difficult to provide the funding necessary to retain that position, but we have done so, and that will enable the field officer to continue the very important collection work. If the information is not collected, it cannot be stored and subsequently made available to people to use for research purposes and for other needs. We have at least been able to ensure that that work will continue by keeping that position until next June. This means that the field officer will be able to collect the material that is currently available and ready to be stored at the Mortlock Library. I repeat, Ms President, that we are doing as much as we can this year. It is a very difficult time for all governments, and we have made decisions which have been very tough decisions in a number of areas. I think those decisions made with respect to the Mortlock Library were the best that we could make under the circumstances.

INSURANCE FOR STUDENTS

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Labour and/or Education a question on insurance for students doing work experience.

Leave granted.

The Hon. PETER DUNN: A student rang me last weekend regarding problems she has with obtaining insurance from a Government department within the State while doing work experience. The student started at Roseworthy College and, because the course was not quite what she wanted, it was recommended that she go to Orange College in New South Wales, as there is a reciprocal course there in agricultural secretarial work. She went to Orange, and part of the course there requires work experience, so she applied at home on Eyre Peninsula to do that work experience in the Department of Agriculture. She was told early in the year not to apply for it during May because there was very little operation during that time, but to apply in September, which she duly did.

Last Friday, the day she was to leave to come home to do the work experience, she was informed that she need not come home because she could not get insurance cover. She was told that she would have to take out her own cover to the tune of \$20 000 for personal accident and \$1 million for public liability for the period of two weeks during which she was asking for work experience. I have since rung the Orange Agricultural College and found that they do not cover students for that, so my questions to the Minister are as follows:

1. What action regarding insurance cover for personal accident and public liability applies to students from secondary and/or tertiary institutions in South Australia when doing work experience?

2. Why does not the Government take a flexible policy which would allow it to nominate persons to the above-mentioned insurance policies for the period of their work experience (and if they cannot do that, come to me and I will organise it for you)?

3. Does the present Labor Government have a policy not to encourage work experience for secondary and tertiary students who live in the State?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

POLICE CAR ACCIDENTS

The Hon. G. WEATHERILL: Does the Attorney-General have an answer to the question I asked on 20 August 1986 in relation to accidents during high speed car chases?

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

1. Accidents involving South Australian police vehicles arising from pursuits:

1981-82	16
1982-83	17
1983-84	26
1984-85	18
1985-86	31
	108

Figures for interstate forces are not available.

2. Of the above pursuits:

3	related to known felony,
34	related to vehicles illegally used,
25	related to vehicles driven dangerously,
18	related to drive under influence/Prescribed Concentration of Alcohol,
10	related to drive under disqualification,
8	related to breaches of Road Traffic Act.
98	

The remaining 10 vehicles involved in pursuits were not

stopped. Consequently the full reasons for trying to flee from police were not established.

3. Injuries/deaths arising from the pursuits were as follows:

1981-82—Two police were killed, one police member and five civilians received minor injuries.

1982-83—One police member and five civilians received minor injuries.

1983-84—Three police and six civilians received minor injuries.

1984-85—Three police and three civilians received minor injuries.

1985-86—Six police and seven civilians received minor injuries whilst one civilian was killed and another received major injuries.

(1) LEGAL INFORMATION RETRIEVAL SERVICE

(2) RESTRAINING ORDERS

(3) COURT SENTENCE

The Hon. K.T. GRIFFIN: Has the Attorney-General answers to three questions; one in relation to legal information retrieval service, one in relation to restraining order procedures and one in relation to appeal against sentence?

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

(1) I shall supply the honourable member with a copy of the agreement entered into between the Government, CLIRS Limited and associated companies. The agreement provides for the establishment of an advisory council to advise me on a number of matters in respect of the operation and management of the system. I am pleased to announce that the Chairman of the advisory council will be His Honour Mr Justice Cox. Subject to CLIRS Limited establishing the data bases containing South Australian materials such as States Statutes, law reports, etc., there will be performance tests carried out. The agreement provides that every endeavour will be made to undertake these tests within 11 months of signing the agreement and to bring the data bases into operation within 15 months of that date. When the system is established access will be provided by CLIRS Limited, subject to potential users entering into a user contract with the company. The cost of inputting this data to the system will be funded by CLIRS Limited.

There are several options in terms of costs to access the CLIRS system. A monthly charge based on the hours of usage, the lowest level of cost being \$210 for two hours access per month, comprising an hourly search fee at \$85 per hour and monthly service fee of \$40. For use at eight hours per month the cost is \$560 comprising an hourly cost of \$70 per hour with no service fee. A new subscription plan has been released which comprises a membership fee of \$350 per annum, search fees at the rate of \$3 per minute of connect time, a support service fee of \$30 per month and costs for training and manuals. The access Telecom cost is a local call cost only with the difference in any costs being met by CLIRS Limited. I am advised that at present the other States participating in the CLIRS system are not receiving royalty payments for accessing Crown copyright material. The Commonwealth Government is receiving payment for the access of material contained on the SCALE system (Statutes and Cases Legal Enquiry) which it developed and is being accessed through the CLIRS system.

(2) As to restraining order procedures, the matters raised in the honourable member's question were taken up with the Minister of Emergency Services, who has responsibility for police. The Minister has now provided me with a report. The first record which can be found of an active police role

in the dispute between Mrs L. and Mrs G. is 28 November 1983, when Mrs G. took out a restraint order pursuant to section 99 (1) of the Justices Act in the Holden Hill court. The complaint relating to this restraint order was withdrawn on 30 May 1984. On 15 September 1984, Mrs G. applied once more for a restraint order. I understand the magistrate subsequently made an interim order and later confirmed this on 7 March 1985. The order was to remain in effect for 12 months. On 2 April 1986, Mrs L. was fined \$80 by Mr Ackland, SM, in the Holden Hill court for having breached the restraint order.

The police role in this on-going neighbour dispute has been to facilitate the use of the provisions of section 99 of the Justices Act by Mrs G. and to represent the complainant in the actions before the court. By the very nature of this dispute is has essentially been the account of Mrs G. against denials and counter allegations of Mrs L. and therefore there has been little scope for investigation. However, the officer in charge of the Holden Hill police prosecution section has advised that, in early 1985, he referred both Mrs L. and Mrs G. to the Norwood mediation centre in an effort to resolve their differences. However, the mediation centre was unable to relieve the situation.

Restraint order actions usually result out of domestic disputes or, as in this case, neighbourhood conflicts which police have been called upon to resolve. Where resolution is not possible and/or one party insists on pursuing the argument, restraint order action is usually recommended and the police facilitate an application. In those instances where the police consider that the evidence does not support an application or both parties wish to apply for restraint orders, advice is given for the parties to make applications personally or through a solicitor to the court. In all instances the court is bound to determine whether sufficient evidence exists to make an order restraining either party. In this case, it would appear that the court was convinced that such an order was necessary.

(3) As to the final question relating to an appeal against sentence, the defendant in this case was charged with two counts of common assault and one count of indecent behaviour, the latter charge being laid as an alternative to one of the counts of common assault. On 31 July 1986 in the Mount Barker Court of Summary Jurisdiction the defendant pleaded guilty to the two counts of assault. In due course the alternative charge of behaving in an indecent manner was withdrawn. The defendant was duly sentenced on 12 September 1986. The defendant was convicted and fined \$1 200 with costs of \$20 in relation to one charge and was convicted and fined a further \$1 000. He then entered into a bond to come up for sentencing on the second charge when called upon within the next 12 months. It was a condition of the bond that he undergo psychiatric treatment as required.

In the view of the Crown Prosecutor, having regard to the facts as alleged and accepted, the total sentencing package was within the discretion of the learned special magistrate. Although there was some element of indecency in his behaviour, it must be remembered that the defendant pleaded guilty to two counts of assault, not indecent assault. Bearing that in mind, fines totalling \$2 200 plus a bond for 12 months to come up for sentencing if not of good behaviour during that time seem to be well within the sentencing discretion. The Crown Prosecutor does not consider an appeal is warranted. The combined penalties may have been moderate, but certainly not so low that they could be considered manifestly inadequate or even arguably so. The 12 months bond is a means of ensuring his good behaviour during that time and the defendant would well realise that

a failure to be of good behaviour may well result in an immediate term of imprisonment.

QUESTIONS ON NOTICE

STORES INVENTORY CONTROL SYSTEM

The Hon. J.C. BURDETT (on notice) asked the Minister of Health: Has the stores inventory control system developed by the South Australian Health Commission at a cost in excess of \$1 million over a period of three years yet been installed in the Royal Adelaide Hospital and the Flinders Medical Centre?

The Hon. J.R. CORNWALL: No. The stock and pharmacy inventory control system (SAPICS) was initiated by the South Australian Health Commission in 1981 to be developed as a common inventory system for the three major hospitals. The Queen Elizabeth Hospital was selected as the pilot site. Following a major change in the South Australian Health Commission computing system strategy, individual major hospitals were given responsibility for the development and installation of computing systems within their own organisations. In March 1985 a post implementation review noted that since the system would not be implemented at the other hospitals, full development costs must be apportioned to the Queen Elizabeth Hospital. Accordingly, the review predicted that SAPICS would reach the break even point in 1990 or 1991.

FOODSTUFF MONITORING

The Hon. M.J. ELLIOTT (on notice) asked the Attorney-General:

1. Is there a monitoring of levels of antibiotics in meat for sale?
2. If such monitoring occurs, how regularly is it carried out and what sampling techniques are used?
3. If such monitoring occurs, what levels are being detected?
4. What other monitoring of foodstuffs for foreign substances is being carried out?

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

1. Yes, monitoring of antibiotics in meat is carried out by the Department of Primary Industry, the South Australian Health Commission and the Department of Agriculture.
2. The Department of Primary Industry takes samples of kidneys and livers from carcasses at abattoirs continuously. The South Australian Health commission samples meat and meat products from retailers on an *ad hoc* basis. The Department of Agriculture samples both kidneys or livers from carcasses at abattoirs and meat and meat products from retailers on an *ad hoc* basis.
3. Generally, antibiotics are not detected at all, and the incidence of violative levels (that is above the maximum residue limit) in meat is very low. During investigation of the last complaint in December 1985, sulphadimidine was detected in a sample of pickled pork at 3 mg/kg concentration. Subsequent follow-up sampling occurred during July this year; the seven samples of pork complied with the standard. The upper level for sulphadimidine, set by the food standards, is not more than 0.1 mg/kg.
4. As needed, foods are examined for compliance with the standards for additives, pesticides and metals. More detailed monitoring of meat for residues is carried out by the Federal Department of Primary Industry as part of its export inspection program. Pesticides and metals have been monitored as part of the national market basket survey

conducted by the National Health and Medical Research Council since 1970.

NURSING STAFF SALARIES

The Hon. R.J. RITSON (on notice) asked the Minister of Health:

1. Does the Minister recall that about two weeks ago he told the Council that the estimated cost of the proposed new nursing career structure would be \$17 to \$20 million?

2. Does the Minister recall the question asked of him as to what percentage of those additional salaries would be paid to clinical and bedside nurses and what percentage would be paid to administrative and teaching nursing staff?

3. Will the Minister give those percentages, that is, the relative distribution of the \$17-\$20 million?

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

1. Yes.

2. Yes.

3. It is not possible to precisely identify the cost differential between clinical nursing, administration and education. However, it is possible to indicate that within the proposed career structure:

- There is a clinical career progression for nurses, from registered nurse to clinical nurse, to clinical nurse consultant, and Assistant Director, Clinical Nursing.
- In the trial presently being conducted, at least 80 per cent of the acting positions are in the clinical area, either as clinical nurses, or clinical nurse consultants.
- While it is not possible to put a dollar value, in global terms, on this distribution, the evidence provided demonstrates that the career structure is not taking people away from the bedside into administration and education, but is actually providing more incentive for people to provide direct care.

SELECT COMMITTEE ON DISPOSAL OF HUMAN REMAINS IN SOUTH AUSTRALIA

The Hon. G.L. BRUCE: I move:

That the time for bringing up the report of the select committee be extended until Tuesday 21 October 1986.

Motion carried.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 August. Page 734.)

The Hon. K.T. GRIFFIN: The major issue to be addressed in this Bill is the Government's proposal for virtual legalisation of the use of marijuana. There are, though, three other important issues: 1. the maximum penalty for trafficking in drugs; 2. the need for consultation with police in the selection of drug assessment panels; 3. the licence for defamation proposed in the Bill with respect to statements by the advisory council. Four weeks ago, at a public meeting at St Michael's College, in answer to a question as to whether or not the Government proposed on-the-spot fines for children under 18 years of age, the Minister of Health said he had not made a decision on that and he was not sure what

would be done about young offenders. When the Bill was introduced 10 days later, fortunately, he indicated that on-the-spot fines would not apply to young people under 18 years of age, and that the procedures currently applying to young offenders under the Children's Protection and Young Offenders Act would be followed.

Three weeks ago, on-the-spot fines were to apply to all offenders 18 years of age and over for smoking and possessing marijuana for personal use. Now we hear that the Minister will be moving an amendment for on-the-spot fines not to be applied to smoking marijuana in public places. This all suggests that the Minister is making policy decisions on the run on a very important social issue affecting the futures of our young people and families. I urge him to withdraw this part of the Bill and listen to the overwhelming majority of the community, which is opposed to this dramatic change in the law.

I have written to every school council in South Australia on this issue. In all of the many replies, not one has supported on-the-spot fines. They are all very concerned about the proposal and express their opposition to it.

The Government's attitude on marijuana contains contradictions—there are to be two types of marijuana, just as there are two types of uranium within the Labor Party. Uranium from South Australia's Roxby Downs is good uranium but uranium from Honeymoon and other developments in Australia has been bad although, after the Federal ALP Government's about-turn on uranium sales to France, no-one knows where the Labor Party stands. Marijuana smoked in public is illegal and bad, marijuana smoked at home is legal and approved. A few plants of marijuana in the backyard are okay, but growing a larger number of plants is not.

But unlike uranium, which has a capacity to do a great deal of good in the world (its use for peaceful purposes should be supported), marijuana has no potential for good and should be banned. The mere fact that some people smoke marijuana, and some of the Government's vocal supporters are pressing the Government for decriminalisation, are not reasons to throw up the hands and say, 'We may as well make it legal.'

The Minister of Health has been dogged by controversy over his views on marijuana. In 1983 the Minister of Health proposed the legalisation of the personal use of marijuana. He came out in favour of allowing marijuana to be grown and used privately. He indicated that he intended to introduce a private member's Bill in the autumn session of Parliament in that year. That was prior to the June ALP Convention in 1983 which had a resolution on the agenda for the legalisation of the personal use of marijuana to become part of the ALP policy. Subsequently, a public opinion survey indicated that three out of four South Australians were against such a course of action. This prompted the Minister to back down on his plans for full legalisation.

However, the Minister did indicate that the Government would amend the law to reduce significantly the maximum penalty for simple possession of small amounts of marijuana from a \$2 000 fine and two years gaol to a fine of \$500. That legislation came into the Parliament in early 1984, was resisted by me, and is now part of the law. At the same time as this reduction in penalty was made, the Government introduced drug assessment panels which were to assess whether or not a person should proceed to court to be prosecuted for a simple possession offence but, as part of the Government's strategy to minimise the flak over the reduction in penalty, a person detected using marijuana was to go direct to court and not to a drug assessment panel first.

In May of this year, the Government announced it was going to introduce so-called 'major reforms' to South Australian marijuana laws, including on-the-spot fines for the possession of the drug for personal use. That was immediately prior to the ALP State Convention, which again had a resolution on the agenda for the complete decriminalisation of the use of marijuana. It is quite obvious, from the political perspective, that the on-the-spot fines proposal was designed to take the heat out of that resolution and to move a considerable way towards legalisation although, in reality, that was the perception created in the community by this proposition.

Apart from my own public opposition to the proposal, the Police Association reacted heatedly against the proposal. A letter from the Secretary of the association, Mr Brophy, to all members of the State Parliament expressed the belief that the proposal—

if adopted will promote wider use of the drug with a resulting increase in demand, catered for by local and interstate suppliers, Mr Brophy asks:

Where will the resources come from to deal with this aspect of enforcement?

Generally, there is widespread public opposition to the Government's ill-conceived plan. The Minister rushes headlong towards decriminalisation of marijuana for personal use. The Minister of Health and this Government are well on the way to the implementation of the recommendation of the Sackville Royal Commission into the non-medical use of drugs, ignoring the recommendation of the Australia-wide Royal Commission into Drugs by Mr Justice Williams that research ought to be undertaken into the effects of marijuana before there is any relaxation of the laws relating to its use.

In April and May of this year, people would at least have received the Commonwealth and State Governments' drug offensive booklet in letterboxes and seen or heard some of the advertising which is part of the \$100 million drug offensive, although there are reports that many people did not receive, or do not recall receiving, that booklet. The opening paragraphs of the drug offensive booklet say:

Why do people fool around with drugs? It makes you wonder, particularly when you consider all the trouble drugs cause.

But it's a fact of life that right now there are a lot of people abusing drugs, and doing themselves and society untold harm in the process.

In talking about a typical drug user, the drug offensive booklet refers to tobacco and alcohol as the two drugs abused more than any other. It then goes on to say:

... there is a serious and growing problem with all of the other drugs. The hard or illegal drugs like heroin, cocaine, hashish, marijuana and hallucinogens.

How does the \$100 million drug offensive propose to tackle the problem? It is stated:

The Federal and State Governments agreed to mount a national campaign against drug abuse and agreed to a long-term strategy. They agreed to attack the problems on three broad fronts: education, rehabilitation and law enforcement.

It was apparent to everybody that an all out effort against drug abuse would involve a considerable investment in facilities and programs. And it does, to the tune of \$100 million. Drug education begins with equipping children from a very early age to resist drugs.

In this climate of concern by this State Government, the Federal Government and the community, therefore, we now talk about on-the-spot fines for some marijuana offences.

The National Drug Offensive arose out of an agreement reached at the National Drug Summit held on 2 April 1985 and attended by the South Australian Premier, all the other Premiers and the Prime Minister. Initiatives to be taken across the nation to deal with drug abuse were agreed. It is interesting to note that one of the agreements, which is

being broken by the Government's legislation for on-the-spot fines for marijuana use, was that existing controls on cannabis should be maintained. That is consistent with the recommendation of the Williams Royal Commission into drugs, which reported to the Federal Government in 1980. On-the-spot fines for some marijuana offences are a giant step towards decriminalisation and will be perceived by the community, particularly young people, as indicating that smoking marijuana or possessing it for one's own use is now acceptable—it becomes a trivial offence and not worth going to court for it. It is appropriate to examine the effects of marijuana because that is relevant to a consideration of the question whether or not the laws against its use should be relaxed.

The Australian Royal Commission of Inquiry into Drugs, to which I have just referred, reported to the Australian Government in 1980 on a comprehensive range of issues related to drug use. In relation to cannabis it concluded:

Cannabis is a drug with a capacity to cause harm; cannabis will always remain an intoxicating drug [and] time may show that the harmful effect on the user and on the community are greater or less than present research has established.

In October 1981, in the Journal of the Council on Scientific Affairs in the United States of America, the health hazards and therapeutic potentials of marijuana were explored. It said:

Any form of drug abuse can have more serious consequences for those individuals who are especially at risk. Children and adolescents are one such group. The effects of drugs on the young, who are in early stages of both physiological and psychological development, can be more pronounced and persistent than effects on older persons.

Marijuana is potentially damaging to health in a variety of ways, but it can be especially harmful when used by children and adolescents, by persons who are psychologically vulnerable, or by those already physically or mentally ill.

That article in the journal went on to refer to the fact that bronchial and pulmonary irritation and other respiratory reactions to marijuana use had long been noted and well documented. It referred to one of the few human studies comparing adverse effects of cannabis and tobacco and said:

Measurements of bronchoconstriction revealed that smoking less than one marijuana cigarette per day diminished vital capacity of the lungs as much as smoking 16 tobacco cigarettes. Because smoking several marijuana joints daily is not unusual among young people, their risk of incurring pulmonary problems may be far greater than that of heavy users of tobacco.

The journal went on to say:

Because marijuana intoxication impairs reaction time, motor coordination and visual perception, it can be dangerous to drive automobiles, operate machinery, and fly aeroplanes under this condition.

In a recent study in California, involving blood samples of 1 800 motorists arrested for driving while intoxicated, marijuana use was detected in 16 per cent of the cases, nearly always in conjunction with the presence of alcohol.

The concomitant use of marijuana and alcohol, which is quite common, has its greatest implications in the area of highway safety. Reduction in reaction time, poor cognition, and impaired co-ordination, observed with the use of either substance alone, are markedly amplified when the two drugs are taken in combination.

The journal made some further observations about the effects of marijuana use on children and the mentally ill:

It has been known for some time that marijuana use can produce panic reactions, 'flash backs' and other emotional disturbances and that children and adolescents are at high risk psychiatically when they abuse psychoactive substances.

It is also now clear that persons with a history of schizophrenia or other major mental disorders place themselves in jeopardy by using marijuana, because even short-term use has been shown to precipitate psychiatric symptoms in such individuals.

There are some arguments that, because tobacco smoking kills more Australians in a year than does smoking marijuana, we ought to be focusing upon the abuse of tobacco

rather than marijuana. There are those who say we ought to focus on the abuse of alcohol and its effects on the home, the roads and the workplace. I agree that we ought to be focusing on the abuse of tobacco and alcohol and doing all that we possibly can to discourage their use. Smoking used to be the 'in' thing, but it took 60 years of research to identify its impact on the health of individuals and our society, and now we are spending fortunes to encourage people not to smoke.

Those who use the figures of deaths from use of tobacco, alcohol and marijuana and rely on the bald numbers without relating them to the total abusers in each category, are dishonestly fiddling the figures to suit their own case. However, the abuse of tobacco and alcohol is not a valid argument against maintaining our legal prohibition against the use of marijuana; nor is it a valid basis for arguing that marijuana ought not to be the focus of major attention. We know there are health and community hazards from marijuana. Why make it acceptable?

In a paper presented by Dr B.J. Earp to a Conference of the Network of Alcohol and Drug Agencies in 1982, he made the point that numerous laboratory trials and studies of accident situations and victims show that marijuana impairs driving skills, and leads to more accidents. The increased heart rate for marijuana use, he concluded, can be dangerous for those with coronary artery disease, possibly contributing to heart attack or even sudden death. And he confirmed that, while a heavy tobacco smoker usually takes 10 to 20 years to develop chronic bronchitis, a heavy marijuana smoker will develop it in six to 15 months.

Dr Earp says that legalisation of marijuana use is not a reasonable solution because 'it says to young people that marijuana must be safe, and would encourage greater use'. Dr McEvoy of the South Australian branch of the Thoracic Society of Australia said recently:

Contrary to popular opinion that marijuana smoke is harmless or even beneficial to the lungs, there is good recent scientific evidence that marijuana smoking has an even more deleterious effect on lungs than tobacco smoke.

Other studies indicate that other known or suspected chronic effects of marijuana—they were identified by the US National Institute of Drug Abuse—include the following:

- 28 per cent of people who smoke pot daily turn to harder drugs such as heroin and cocaine.
- marijuana is about five times more addictive than alcohol.
- One gram of marijuana has 50 per cent more cancer causing substances than one gram of cigarette tobacco.
- women who smoke marijuana during pregnancy are five times more likely to have babies with facial disfiguration than women who do not.
- short-term memory impairment and slowness of learning.
- impaired immune response.
- interference with ovulation and pre-natal development.
- decreased sperm count and sperm mobility.

Only last week, the *News* reported on a Harvard Medical School study as follows:

Just one marijuana cigarette can play havoc with the female reproductive system . . . preventing pregnancy, triggering spontaneous abortion and causing underweight babies. Doctors warned of the danger in a new study which suggests that smoking one reefer can cause harm to both mother and child.

'The bottom line is that pregnant women or women who want to become pregnant shouldn't smoke marijuana,' said Dr Jack Mendelson, Director of Harvard Medical School's alcohol and drug abuse centre. In a related study, researchers also found that chronic marijuana smoking appears to decrease the capacity of the lungs more than heavy cigarette smoking.

Professor Nahas, a consultant to the US State Department, the UN Commission on Narcotics and the World Health Organisation, has said that he campaigns harder against the use of marijuana amongst students than against more destructive drugs such as heroin and cocaine because, if

you stop the first, you drastically reduce the second. He is reported to have said:

Some 28 per cent of daily marijuana users go on to experiment with harder drugs and only 1 per cent of people who have never used marijuana go directly to the more destructive drugs.

There are other studies which indicate a growing body of scientific evidence showing that there are major problems created by the use of marijuana. No-one can argue that it is not harmful.

The Hon. J.R. Cornwall: I don't argue that.

The Hon. K.T. GRIFFIN: I know. No-one should argue that the interests of the community at large are best served by allowing individuals to smoke marijuana in their homes, at parties or so-called 'private' functions without any consequence other than payment of an expiation fee akin to a licence or permit fee or parking fine. The threat to our young people by the deadly drug crack is a related major concern. Two weeks ago the Reverend Ted Noffs of the Wayside Chapel in Kings Cross, Sydney, focused on the new and frightening potential for drug abuse opened up by crack. In the *Advertiser* of 10 September an article on the Reverend Ted Noffs' views reports:

Mr Noffs said the US authorities had all but given up on controlling the drug, which he said could turn users into addicts almost overnight. He warned that Australia was likely to be the next target for the drug. It was so cheap young people were the ones who would be threatened. 'For the first time in my life in the US I saw police officers in a state of panic,' Mr Noffs said on ABC radio. 'They have no way of controlling the epidemic of crack that is sweeping among the very young people of America. We are talking about 12, 13 and 14 year olds who are involved with drugs in a way that is more destructive than ever.'

If this drug affects our children in the alarming way it has in the US then it could be something that threatens a whole population of children,' he said.

'What happens is that the high of a small flake of this form of cocaine only lasts about 10 or 15 minutes and the user wants more immediately afterwards. A police source said he expected the going price for crack could be as low as \$25 a smoke, far cheaper than the \$200 a gram price of cocaine.'

Whatever one thinks of the argument that young people who use marijuana regularly are more likely than non-users to progress to a harder drug, the fact is that the same distribution ring will be flogging crack to the same people who are using marijuana.

The Hon. J.R. Cornwall: That's exactly why we are putting marijuana in a different class, to break that nexus.

The Hon. K.T. GRIFFIN: That is nonsense. Crack is easy to prepare and is available at low cost—so is marijuana. Those who live off others' tragedy are always looking for quick profits. They will use the same distribution network for crack as for marijuana, and young people will be the targets. So the public and Government attitude towards marijuana will have a bearing on the distribution and use of crack.

In June of this year, Mr Bill Morris, a member of the executive of the Knights of the Southern Cross and Project Coordinator for a drug education program sponsored by that organisation, expressed his grave concern that year seven children in some middle-class areas are being offered marijuana by older students at \$20 a time. Also, in June of this year, a random survey of 1 000 Sydney teenagers by the University of Sydney is reported to show that an alarming number are willing to try cocaine: the proportion of teenagers who say they might try cocaine if it were offered increases with age to 21 per cent. Those who conducted the survey say that any increase in cocaine smuggled into Australia could spark 'one of the most rapid escalations in the use of a single drug that we have ever experienced'. According to the report, few of the teenagers surveyed had tried cocaine. Those already smoking marijuana, which comprised 10 per cent of those surveyed, seemed more willing to try cocaine.

Before looking at the on-the-spot fine scheme, I will refer briefly to statistics about marijuana-type offences. The 1985 Police Commissioner's report indicated that in 1983-84 there were 3 820 offences relating to the use and/or possession of marijuana, Indian hemp and hashish which were reported to the police or became known to the police. In 1984-85, that had increased to 4 328, 14 per cent by young offenders under 18 years of age.

The Hon. J.R. Cornwall: And 96 per cent of all drug busts are for marijuana, and nearly all of those are for personal possession.

The Hon. K.T. GRIFFIN: I am talking about marijuana, Indian hemp and hashish offences. I am not talking about other offences. The Minister can give his statistics when he replies and I will look them up, too.

The Hon. J.R. Cornwall: You stick to the truth.

The Hon. K.T. GRIFFIN: I am sticking to the truth. The figures that I have given are referred to specifically in the statistical analysis in the Police Commissioner's report. I am not in any way distorting the truth—they are there in black and white for the Minister to see.

The 1984 report by the Office of Crime Statistics on convictions in the courts, the latest available, indicates that, in the calendar year 1984, 2 014 persons were convicted of using or possessing Indian hemp, and 264 were found guilty but no conviction was recorded. In that same year, 2 004 fines were imposed, the lowest being \$10, the highest \$800 and the average \$110.

It is interesting to note that, while the periods in the Police Commissioner's reports are not identical with those of the Office of Crime Statistics, they do overlap. The difference between offences reported and convictions recorded can, in part, be explained by the police in fact not proceeding to prosecute a large number of offenders. Presumably, the on-the-spot fines proposal will allow those 2 000 or so persons actually convicted who committed their offences in places other than public places to pay an expiation fee yet to be determined but to be proposed in a regulation later.

Let us compare the Government proposal with existing expiation schemes. With a parking fine or traffic offence, the parking inspector or police officer issues a ticket indicating the offence alleged and the amount which is required to be paid to avoid going to court. The offender may pay the fee rather than attending in court. The Police Department has a procedure which enables persistent road traffic offenders to be identified from the speeding ticket or other tickets, and they can be summoned to appear in court even though they may have paid an expiation fee, and demerit points accrue regardless of whether the driver appeared in court or paid the expiation fee. When 12 demerit points have accrued, the licence to drive is suspended.

With parking offences the fee is payable at the local council office and that is the end of the matter, and any number of parking tickets can be paid without at any time in the future having to appear in court. There is no discretion to bring a repeated offender to appear in court even if it might be for the good of the offender. If the Government's proposal in this Bill becomes law, the implementation of the scheme by the police will be difficult. It will not be possible for the police officer detecting the offence to immediately identify whether or not the amount seized attracts an expiation fee or is over the maximum weight which then requires a court appearance. It will be necessary for the marijuana to be seized and an unequivocal determination to be made that the substance is in fact marijuana, if that is not admitted; so the police officer will have to seize what he or she believes to be marijuana and take it to the police

station where, if the nature of the substance is disputed, it will have to be analysed.

The Hon. J.R. Cornwall: That's exactly what they do now.

The Hon. K.T. GRIFFIN: That is correct. However, the Minister's argument is that this scheme will release police resources.

The Hon. J.R. Cornwall: You haven't heard my proposal, old chap.

The Hon. K.T. GRIFFIN: I have read the Minister's amendment. He can tell us about it later. Once it is analysed, it will then be weighed and, if it comes within the criteria to be proposed by regulation, the on-the-spot fine ticket can be sent to the offender. The offender may pay as if it were a parking fine and that is the end of the matter. If the offender disputes the analysis and/or the amount of substance, the matter goes to court and there may well be some interesting court cases, particularly where the defendant alleges that the police officer has substituted marijuana for a substance which was seized or that the quantity of marijuana is less than what the police officer alleges on the ticket.

The Hon. J.R. Cornwall: Which is what happens now.

The Hon. K.T. GRIFFIN: It does not happen in relation to on-the-spot fines.

The Hon. J.R. Cornwall: There are still disputes about quantities and the actual substance involved. Don't be dishonest!

The Hon. K.T. GRIFFIN: The Minister's argument in his second reading explanation when introducing this Bill was to ensure that there would be greater police resources released to enable them to be—

The Hon. J.R. Cornwall: Be honest. This is a sordid little attempt to misrepresent—

The Hon. K.T. GRIFFIN: The Minister's second reading explanation refers to it specifically. If the Minister has not read it, he had better do so, because it says specifically that this proposal is designed to release police resources for other surveillance activities.

I am saying that it will not release police resources in any way, as the Minister asserts. In addition, if the on-the-spot fine proposal is to apply only to offences not in a public place or a taxi or a bus, the police will also have to determine what is a 'public place'. Is a discotheque, where an admission fee is charged but the proprietor reserves a discretion to refuse—

The Hon. J.R. Cornwall: You know what the definition of public place is.

The Hon. K.T. GRIFFIN: There is no definition in the Bill. The Minister's amendment does not in any way define 'public place'. There is reference to a public place in other legislation, but I raise a legitimate question about the definition of 'public place' that the Minister now seeks to propose. Is a discotheque, where an admission fee is charged but the proprietor reserves a discretion to refuse admission to any person, a 'public place'? Even if it is advertised as a 'private party' but an admission is charged is that then covered? There are important legal questions to resolve in relation to the description and definition of a public place.

The Hon. J.R. Cornwall: Other prescribed places.

The Hon. K.T. GRIFFIN: If it is to be covered in that way, that means that the Government will again legislate by regulation. The Government does not have a clear perception of what it wants to do. It throws in regulation-making power so that it can make up its mind on the policy and implementation of it later. This place and the other House only have the opportunity to disallow a regulation, if they can get the numbers, and there is no opportunity

for Parliament as such to debate the substance of any regulation. Even then, if the Minister brings in regulations that deal with this issue and a variety of others, it is difficult then to move for a disallowance of those regulations because, presumably, a large number of regulations will be acceptable, while a part will not be so acceptable. So, the regulation-making power does not in any way deal with the substantive issue. As a Parliament, we have the right to decide what will or will not be in the definition of a public place and not leave that issue to regulation.

Apart from these technicalities, it is the appearance of acceptability of the smoking of marijuana by the payment of a fee akin to a licence fee or a parking ticket expiation fee that causes the most concern. A court appearance clearly indicates society's displeasure and disapproval of particular behaviour. There is always something awesome about being caught and having to go to court. The fine imposes a penalty. While it may not be a complete deterrent for a wilful and persistent offender, the fact that the matter is being dealt with in court is the important perception.

A court appearance involves police, but it is a naive, or perhaps dishonest, argument to assert that on-the-spot fines, imposed in 2 000 cases in 1984 (reduced by those that do not come within the definition of a public place), will relieve the police of the time consuming duties of investigating offences and appearing in court and that the resources, if any, released thereby will be applied to catching the drug traffickers. I suggest that the paperwork required of police officers in every case will be as much as it is now, in case the offender takes the matter to court. Further, there will still be pedlars of the drug. If the use of the drug grows, as it is likely to, because of the appearance of its acceptability conveyed by this legislation, an even more profitable opportunity for the drug dealers will arise. Most users will not bother to grow the drug themselves—they will buy it.

The Government's proposal is ill-conceived, is against the public interest and is likely to aggravate the already difficult task faced by parents and teachers in ensuring their children are not seduced by peer group and other pressures to experiment with and become abusers of drugs. This Government proposal does nothing to help parents, teachers or young people themselves. It removes hurdles to drug abuse and makes the path easier. The Government is creating the perception that the smoking and personal use of marijuana is now more acceptable with all the connotations which that carries. So-called on-the-spot fines will enhance that perception. Mr Justice Williams of the Australian Royal Commission of Inquiry into Drugs made a perceptive observation, as follows:

There are a lot of persons within the community who generally obey laws without having to reach conclusions that the law is good rather than bad. There are a lot of persons who obey laws even though they do not accept that the law is a good law. These people would correctly interpret a relaxation of the prohibition against cannabis as an approval of its use, except under special circumstances. On the other hand, among people in the community who are not disposed to obey a law unless positively satisfied that it is a good law, there will remain a number who are never to be satisfied until all restrictions and prohibitions on the use of drugs are removed.

In summary, therefore, the Opposition rejects the ill-conceived and dangerous proposal of the Government to introduce on-the-spot fines. If it is successful, will the Government then take another step along the path of total legalisation in 18 months time? The Government's past record suggests that it will.

The Hon. J.R. Cornwall: Never while I'm here.

The Hon. K.T. GRIFFIN: Well, its past record suggests it will. I will move to split the Bill so that the on-the-spot fines proposal can be dealt with separately. If my move to

split the Bill is successful, I will then be moving to refer the on-the-spot fines provisions to a select committee of the Legislative Council so that all South Australians with a point of view on this radical proposal will have an opportunity to present their views to the elected representatives of the people through the select committee. Those who support the proposal, equally, will have an opportunity to present their views to the select committee, then to be considered alongside the views of those who are opposed to the move.

The Bill proposes a major social change and it is an issue upon which views around the country ought to be sought and the citizens of South Australia given an opportunity to present those views. After all, we have had a select committee on prostitution and one is being proposed on poker machines, so why not also have a select committee on an important major social change such as that proposed by the Government in this Bill? It may be one of those rare occasions when the Government can be persuaded to listen to the people.

I turn now to the three other matters of concern in this Bill. The maximum penalty for trafficking in large quantities of drugs is 25 years in gaol and a \$250 000 fine, as well as the prospect of the court ordering confiscation of assets obtained through the illegal trafficking activity. Under the present parole system, the maximum that a convicted criminal will ever serve is 16½ years, no matter how serious the court regards the crime. That results from automatic remission of up to one-third of a sentence and there are many examples of the way that system works.

The Liberal Party criticised the Government's parole system as it rushed it through Parliament in December, 1983, to give a Christmas present to prisoners, and the practical consequences of that scheme have clearly demonstrated its serious inadequacies. I know that there is a Bill in the House of Assembly to make some changes to the parole system, but notwithstanding that it is my view and the view of the Liberal Party that the maximum penalties for drug trafficking ought to be extended. In New South Wales the maximum penalties are life imprisonment and \$500 000 fine—

The Hon. J.R. Cornwall: The honourable member knows very well that at this very moment there is a Bill in the House of Assembly to amend the parole legislation. You are a dishonest little man.

The Hon. K.T. GRIFFIN: The Minister did not have the courtesy to listen to what I have just said. I said that I know that there is a Bill in the House of Assembly to make some changes to the parole system but, notwithstanding that, it is my view and the view of the Liberal Party that the maximum penalties for drug trafficking ought to be extended.

So, Mr Acting President, the Minister wants to distort and selectively criticise what I am doing. I have acknowledged that there is a Bill in the other House. In New South Wales the maximum penalties are life imprisonment and a \$500 000 fine, and there is no reason why South Australia should not move to put itself on a par with that State in terms of the penalties which are prescribed by Statute. There is some argument as to whether life imprisonment is the appropriate description of a maximum penalty. There is a good argument that the maximum period of imprisonment ought to be a specified term of years to give a clear direction to the courts as to the seriousness with which Parliament views the crime. There is certainly some merit in that proposal, but the difficulty is that, while we have the present parole system, any specific maximum term will always be discounted by one-third. I propose, as presently advised, to

move to bring the maximum penalties for a drug trafficking on a par with those which now operate in New South Wales.

The next issue is the drug assessment panels. When the Government proposed these in 1984 the Opposition opposed them. They are now in operation and for the moment the obligation, therefore, is to ensure that they work. At the time of the 1984 amendments we sought to involve the police in the determination of the question whether a person charged with a simple possession offence (other than for marijuana, which the Government excluded) a person ought to be brought to court and prosecuted. The Government and the Democrats rejected that proposal.

The present provision in section 34 of the Controlled Substances Act requires the Minister to establish the drug assessment and aid panels comprising one legal practitioner and two who have extensive knowledge of the physical, psychological and social problems connected with the misuse of drugs of dependence or prohibited drugs or the treatment of persons experiencing such problems. Under the Government's Bill it is proposed that the Minister establish a panel of legal practitioners and a panel of persons having extensive knowledge of the physical, psychological and social problems connected with the misuse of drugs of dependence or prohibited substances or the treatment of persons experiencing such problems. Under the proposal, the Health Commission will select the persons to sit on the assessment panel when needed.

The difficulty with this proposal is that the Minister hands over to a Government agency the responsibility for determining who will or will not sit on the panels from time to time and make decisions as to whether or not a person should be referred to the justice system. It is a proposal which is subject to a much higher level of personal preference being exercised in the selection of those persons and has the potential for abuse. I reiterate a view expressed 2½ years ago that the police have a legitimate place in considering matters before assessment panels and I will be moving that, in the selection of the panels, the Health Commission must consult with the Police Department.

The remaining issue which creates considerable concern is the licence to defame which is proposed in clause 5 of the Bill to absolve the Controlled Substances Advisory Council, any member thereof, and the Crown from any liability which might arise from any statement. That provision can only relate to statements which might be subject to action for defamation and it is quite extraordinary that any such advisory council should be given the licence to defame which this will allow. The advisory council advises the Minister, reports to the Minister, and the Minister lays the report on the table of each House of Parliament. One can understand a person like the Ombudsman having a liability from defamatory statements, but even that is limited. Only the courts and Parliament have the wide-ranging immunity from liability which this proposal gives to the Controlled Substances Advisory Council. No reason has been given for this, and I do not believe that any substantial reason can be given for this proposal and it will be opposed.

The Opposition supports the other principal provisions of the Bill:

increasing the penalty for possessing more than 100 grams of marijuana from \$4 000 and 10 years gaol to a \$50 000 fine and 10 years gaol. (I suspect that this is something of a window-dressing exercise to cover up for the on-the-spot fines concessions which have been granted);

control over drug 'analogues' or 'designer drugs';

extending the prohibition from prescribing drugs of dependence for the purposes of drug addition to include

dentists—section 33 penalty applies only to medical practitioners;

allowing drug assessment panels to be used to prepare pre-sentence reports; and

widening the regulation-making power and sundry other matters (although, I should say, I do not ordinarily agree with widening a Government's regulation-making power but it appears to be appropriate in this instance).

Therefore, the Opposition will support the second reading of the Bill because it is necessary to enable the procedural matters of splitting the Bill and establishment of a Select Committee to be dealt with.

The Hon. M.J. ELLIOTT: As I speak in support of this Bill, I wish to make it perfectly clear that I am deeply concerned by the social use of drugs. I was, until my entry into Parliament, involved in programs in schools for the past five years which had as their primary aims the education of young people about drugs, their physiological and psychological effects, and, in particular, attempted to dissuade their involvement with drugs.

I am in the position of being both a parent of a couple of young children and a former teacher, two groups to which the Hon. Mr Griffin alluded as having a real problem. I think, in fact, that there would be more problems if we followed the course of action which he would encourage.

The social drugs are directly implicated in the deaths of 20 000 Australians yearly and are responsible indirectly for the death and injury of many more on the roads, with alcohol almost solely implicated with the latter. Hundreds of thousands more suffer varying levels of ill health, also due to social drugs. Alcohol, when abused, is responsible for incredible social damage destroying lives and families, so let there be no doubt as to my attitude towards drugs.

There is no doubt that our society would be better off without them. The argument we are having in this place is not whether marijuana is a good or bad thing. I believe that the greater majority of us are opposed to it as a substance and its usage. The real issue is how we go about achieving a reduction in drug usage in our society. Despite tobacco killing 16 000 Australians yearly, I have heard nobody in this place arguing that it should be banned. Despite alcohol killing about 3 000 annually in Australia, I have heard nobody in this place arguing for its abolition.

Earlier this century, the United States involved itself in an exercise aimed at abolishing alcohol. It is to be noted that prohibition failed. It succeeded, though, in providing significant funds for organised crime and led to corruption in government and law enforcement. Our attempts of recent times to control marijuana have been an exercise of equal futility. They have used significant State resources, provided enormous funding to criminal elements, made corruption possible and, most importantly, failed—and will continue to do so.

I believe that it is important that we distinguish between a person who has made a personal decision to use a drug and is prepared for any resultant harm which befalls that person, and another person who knows that a drug has the capacity to do harm, yet provides it. The first user is stupid, but hardly the sort of person upon whom I wish to inflict criminal penalties. The providers of the drug, the pushers, are willing to use that stupidity for personal gain, and, of course, will do all in their power to coerce others to use the drug. Those opposing the Bill obviously have no perception of the real world in which we live. Marijuana is already used by a significant section of our society. This does not please me, but this is the way things are. Making criminals

of the users has failed and will continue to fail to control its use. Its significant usage also creates another problem for those who are tackling drug taking in a positive sense. That is the problem of credibility.

A person who has been warned about the dire consequences of smoking marijuana—the sort of thing a parent might say, for example, you will see pink elephants, will turn into a psychotic rapist or whatever tale is spun—will fail to take any warning about drugs seriously if first hand they have observed its use and/or used it themselves and those things simply have not occurred. Certainly marijuana has dangers but the lunatic suggestions about what it might do, which are unfulfilled, will make it extremely difficult to dissuade people from using amphetamines, heroin or crack, or some of the more serious drugs we need to worry about. What credibility does a parent who drinks alcohol, perhaps to excess, have with a child when lecturing on marijuana? What credibility does a society have that tolerates the sponsoring of the Grand Prix by Fosters, yet wants to make criminals of marijuana users? It is absolute and total hypocrisy.

At this time we have before us several Bills involving moral issues. I believe that we need to look at the marijuana smoker just as we look at the tobacco smoker as being a victim, first, of the supplier of the drug or, secondly, a step further back, a victim of our society. Too many people fail to ask: what is the real problem? Certainly, drug taking is a problem, but it is symptomatic of much deeper problems of a society lacking in compassion and which is egocentric, materialistic and selfish. Having created victims, some people wish to victimise them further, but I am not one of those people. I now direct my comments to matters referred to by the Hon. Mr Gilfillan—sorry, the Hon. Mr Griffin.

The Hon. J.R. Cornwall: Don't confuse them, they bear no relationship.

The Hon. M.J. ELLIOTT: They are unlike—sorry, Ian. In relation to acceptability, it has been suggested that the changes in the law make marijuana more or less acceptable. Even in the early 1970s in my early university days I do not believe that the fear of capture or of being caught out and fined was a significant deterrent to people being willing or not willing to smoke marijuana. In fact, it is a little like smoking cigarettes behind the toilet block—it in fact encourages rather than discourages. If some people see a law as being bad and are willing to break that law, they end up losing respect for all law. If the marijuana law is perceived by many people as being a bad one and they are willing to break that, perhaps they will be willing in turn to break other laws. I think that acceptability is something that an individual develops or it may be developed within a family and I do not think that a change in the law will change acceptability or otherwise. We can see already in our society that tobacco and alcohol are becoming less and less acceptable. The changes to the tobacco law that are before us at the moment follow that trend in society. I believe that acceptability is dictated by society and that the law follows that, rather than the reverse.

In relation to the health aspects quoted by the Hon. Mr Griffin, it is very easy to quote selectively and to find a medical expert who says that alcohol, tobacco or marijuana does this, does that, or does something else. In fact, some medical experts say that tobacco does not cause any harm, but nobody takes that statement seriously. There is no doubt that marijuana has harmful effects, but I suggest that the effects and the scale of the consequences are not dissimilar to those that occur with tobacco and with alcohol. The only defence that people then raise is: why allow another drug? That drug is with us already and anybody who does not

know that it is with us and that it is used by a significant section of this society I accuse, once again, of being totally out of touch with reality.

I have been concerned with the question of expiation fees. I have had some discussions with the Minister and with officers of his department and I believe that he will give an explanation as to how the expiation fees will be carried out. It is very important that police officers are not left in an untenable position of trying to enforce an unenforceable law. The explanations that I have been given suggest that what has been proposed is enforceable and that the law will not be left to look like an ass, which was one of my initial concerns with expiation fees.

In relation to analogue drugs, once again it is a matter of the law being made to look like an ass. At the moment, Parliament may outlaw a particular drug and, within a couple of days, the chemist can have an analogue drug, which is not illegal. The clause in the Bill relating to that problem removes that anomaly. I do not support the proposal by the Hon. Mr Griffin for the establishment of a select committee. A number of inquiries into marijuana have been conducted already and there is a large amount of public evidence. The marijuana debate has been continuing for something like 16 years. When I have felt that new and important information and arguments need to be developed on particular subjects, in the past I have supported the establishment of select committees, but I do not think that that will occur in this debate. Unfortunately, I think that the select committee would end up being nothing more than a political exercise resulting in a minority dissenting report with nothing constructive resulting from it. I see that as unfortunate, but I am certain that that would occur. There is now ample evidence before us and there is no denying that, like alcohol and tobacco, we would rather not have marijuana, but making criminals of the users is not the answer. I support the Bill.

The Hon. R.J. RITSON: I support the Hon. Mr Griffin's proposition to split the Bill, which contains a number of other measures which are laudable and non-controversial and which deserve to be enacted, but of course it contains also this one controversial section concerning the question of expiation fees for marijuana offences. Quite frankly, I think that in order to consider all matters fairly, it would be preferable to pass the undisputed sections, because they are not closely related (they cover a wide area) and then to examine the question of expiation fees calmly and quietly as a separate exercise. However, the Hon. Mr Elliott indicated that there may not be the numbers to do that. Nevertheless, I think it is important that I record the view that this is a Bill, like the curate's egg, which is very good in parts but it has one highly contested section. The Parliament should not be under pressure to pass the contested section, because the Bill also contains other very good elements.

I will not canvass the merits and demerits of marijuana usage. My colleague, the Hon. Mr Griffin, has done that very well and he pointed out to the Council a lot of more recently gathered information as to the harmful effects of marijuana. I will not try to make comparisons between that substance and the abuse of alcohol and tobacco, because the comparisons are not on all fours. In one case we have an existing situation with restraints, which is a different question as to whether or not one should remove restraints and whether or not one should prohibit that which is already legal. It is easier to hold things in check than to try and take things back after the horse has bolted. However, the argument that the law is continuously broken and that there are a lot of offenders is never of itself an argument for

repealing such a law. As I have said before in this Council, if that argument stood by itself, we would legalise theft and empty the Statute Books of many penal Statutes on the basis that people bring the law into disrepute by breaking it. That argument can never be advanced as a self-sustaining reason for repealing law.

I have said before (and I say again) that in any society there are three groups of people: there is a group of people who break the law because they do not perhaps expect to be caught, or because they do not have the capacity to fear the penalty. There are people who would never break the law even if there were no penalties because they are highly sensitive and well-adjusted members of society. The third group would behave in a certain way but for the fact of the law and of penalties; this is the purpose of the law. If one repeals a law because it is constantly being broken by the first group, one finds that the second group will join in, and the incidence of the undesired practice will increase.

The Minister of Health said that he would not be legalising the use of marijuana, so obviously he is of the view that sanctions should be retained in an attempt to constrain its use and prevent its spread. He is obviously of that view because he is increasing penalties for those who promote, manufacture and sell these products. So, basically he does not want to promote the increased usage of marijuana but that will be the effect of this change. The deterrent effect on that group of citizens who would obey the law but might otherwise use the drug if its use were not illegal is substantially diminished by the Bill. The Hon. Mr Griffin pointed out that a large part of the deterrent of law is the process of being tried, being publicly convicted and perhaps having one's name in the paper. Many prominent citizens might have been tempted to have a quick try of marijuana at a party but for the fact that they have precious reputations, and they would be actually embarrassed by the fact of being convicted, and their offence perhaps being publicised. The Minister intends to remove that deterrent.

Other deterrents referred to by Mr Griffin include the escalation of penalties for repeated offences. That is a normal aspect of the law of the land. Even with the road traffic offences that carry an expiation fee, there is an incremental deterrent through the points demerit system. With this change, the Minister will remove any incremental deterrent so that the cost of the expiation fee will be predictable and low and regarded by the affluent users as merely a slight extra cost for their recreation, I assume that people would be unlikely to be caught many times in a year, even if they were blatant in their breaking of the law.

If the Government wanted to do anything to bring the law into disrepute, it could not have made the law a bigger ass than by producing a law saying that the stuff is illegal, but the deterrents will be watered down and any expiation fees can be considered in the same way as parking tickets and written off as the cost of recreation with the result that people can smoke to their heart's desire. In effect, the Minister is doing that to the law. Above all else, that is the most effective way to bring the law into disrespect. *De facto*, marijuana is being legalised and, in a way, taxed. We could regard the expiation fee as a revenue taxing of a newly *de facto*, if not *de jure*, legal form of harmful recreation.

There is another serious defect in the Bill. I do not know whether the Minister will be prepared to remedy it in Committee. It is that enforcement difficulties arise. At the moment, we have these so-called on-the-spot fines for certain breaches of the road traffic laws. These are the notices of offences that can be expiated by a subsequent payment. There is no great difficulty in enforcing these, for two reasons. The first is that they are issued on the spot when

the vehicle is stopped after passing through the radar zone. Secondly, because of the system of registration of motor cars, the existence of driving licences and of electronic data retrieval, the identity of the person can be checked quickly and with reasonable accuracy. This is known not only by the police but by every motorist. Every motorist knows that it would be extremely risky to give a false name and address to the police on the roadside. Therefore, expiation notices work reasonably well. However, they would not necessarily do so for marijuana. First of all, the notices cannot be issued on the spot because the policeman does not know whether there is evidence of an offence until the suspect material is chemically analysed in a laboratory.

Secondly, he does not know until the material is weighed whether it is an offence that can be expiated or whether it must be tried in court. I do not know what happens if there is a dilution factor—if it is not a pure substance—and if the weight is close to the statutory limit for personal possession. Between the moment that the suspect has this material confiscated and the moment when it is known that there is evidence of an offence, one or several days may pass. The Government may have to set up a special laboratory section to handle this matter. In the meantime, we have to assume that the person has not been arrested but is free to wander off. Therefore, the notice of the expiation fee will not be handed to the person on the spot but will probably have to be posted to the last known address or the stated address of the person. If there is no response to that, the police will not be able to do anything until the time for the payment of the expiation fee has expired. By that time, many of these people if they are itinerant will have disappeared and the police will have a list of people for whom they have to search the country because they have not paid their expiation fee.

The Hon. J.R. Cornwall: We do not lock them up without bail at the moment.

The Hon. R.J. RITSON: I am not saying that the Government does. Another difficulty on which the Minister should be able to help us in Committee is the question of possession. How are the police to apportion ownership of a package of a substance which is communally owned? Who is the owner if there is more than 100 gms? I oppose the proposal principally because it brings the law into disrepute. It is effectively a tax on *de facto* legal marijuana, and many people will simply regard that tax as a slight increase in the cost of their recreation.

It is interesting to note that the Bill will have a class base. I suppose that the same is true now; some people will easily be able to expiate the offence because of the size of the income that they enjoy, whereas others, who are less fortunate, will be unable to pay the expiation fee. Some people will merely run away from the issue. The police anticipate increased administration and work.

The Hon. J.R. Cornwall: Whom did you talk to?

The Hon. R.J. RITSON: I am not sure that I should name names as the Government punishes public servants who talk to the Opposition.

The Hon. J.R. Cornwall: Did you talk to a union official or a commissioned officer? There is an important distinction.

The Hon. R.J. RITSON: I spoke to commissioned officers. The police are extremely worried about the great potential for increased administration. The proposal brings the law into disrepute by making a Clayton's law which nobody has to obey and which people can buy themselves out of. They must merely set aside \$100 a year extra for recreation expenses. I am surprised that the Minister, who finds trafficking in this stuff so undesirable, believes that he will

diminish trafficking by making it easier for people to use it. If its use increases, as I believe it will for the reasons that I have set out, the amount of money spent upon it will increase, and the prize for traffickers will increase. The motivation for trafficking will increase.

I have severe doubts that penalties are the sole factor determining behaviour. People act on the basis of not expecting to be caught, not on the basis of the possibility of their being caught and that the price for being caught is too high. We seem to be singularly unsuccessful in Australia at catching the top people involved in drug trading. We seem to get only the middle men.

The Hon. J.R. Cornwall: That is the story around the world. People are hankering to get Mr Big.

The Hon. R.J. RITSON: Even Mr Trimboli got away. That is an important part of the problem. As the money pool increases, so the attraction for more Mr Bigs to go into business at the top will increase. They are not too worried about the penalties because they know that they do not get caught. We ought to consider that part of the Bill separately.

I support the Hon. Mr Griffin, although I gather, from what the Australian Democrats have said, that we will not get an opportunity to demonstrate that. Nevertheless, I put my opposition on the record.

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

TOBACCO PRODUCTS CONTROL BILL

Adjourned debate on second reading.
(Continued from 27 August. Page 681.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Bill has been introduced with something of a fanfare. The Minister hailed it as a world first. I first heard of it on the same day as I heard about the Controlled Substances Act Amendment Bill, about which we have just had a considerable debate concerning marijuana.

I was somewhat bewildered by the obvious difference between the two Bills. One Bill provides that smoking marijuana in a taxi or bus would attract a fairly minor fine, but the other Bill provides that smoking another product would attract a \$200 fine. I was pleased to hear the Minister say that he had realised the error of his ways and that he had changed his mind. I remember when I first started in this portfolio he said that I was grappling with my portfolio, but the Minister has shown clearly that he is still grappling with his portfolio, as he obviously does not understand what he is doing.

The Hon. K.T. Griffin: He has lost his touch.

The Hon. M.B. CAMERON: Indeed, he has lost his touch. He is completely out of touch with reality. Blind Freddy could see what the problem was but blind Freddy opposite did not until last week. To give him his due, however, he has finally woken up. I am pleased that the anomaly has been taken out of two pieces of legislation which were introduced on the same day. There was quite a divergence.

The Opposition basically supports the Bill, but there are some areas in which there can be alterations. I shall concentrate first on taxi cabs. I was somewhat worried by a press release on taxis issued by the Minister—I assume that it was issued by him—in which he said that the decision to

ban smoking in taxis had come about to improve conditions for taxi drivers and passengers. The press release said:

We have worked in conjunction with the South Australian Taxi Board for the draft of the Bill. The ban will make taxis healthier and cleaner.

When I started asking people about their opinion of the Bill, which I have taken some time to do, I found that there had been no consultation. I understand from a person associated with the Taxi Cab Board that there was one telephone call, which nobody remembered well, and that the matter had not been considered by the Metropolitan Taxi Cab Board.

I wrote to everybody associated with the industry to get their opinion and to see whether there had been any consultation. I received a number of letters, all of which said that there had been no consultation. That is a bit of a problem. When making a fairly drastic change affecting small businesses, the Minister should consult them. One should do them the courtesy of enabling them to register support or to offer sensible alternative solutions. The Minister said that, if the industry was deregulated, he would be happy for it to do what it wanted.

While it is under Government regulation, it must conform to the rules. The Minister indicated that cab licences are selling for \$70 000. There are two ways of looking at that—first, that they are selling for \$70 000 and, secondly, that a business is being purchased for \$70 000. If a person pays \$70 000 for the pleasure of owning a taxi as a business that person should have rights. An owner has not only to provide the taxi but also, if he is going to get anywhere, must be part of a radio company. Therefore, I think that these people have rights, and we cannot trample over them or not consult with them.

The Hon. J.R. Cornwall: They have obligations, too.

The Hon. M.B. CAMERON: I accept that and do not deny that they have obligations; but when they have been operating in a particular way and a fairly drastic change is to take place, the least that should happen is that they are consulted properly, and one phone call is not sufficient to do that. I am sure that if the Minister is fair he will accept that. One of the replies I received in respect of this matter came from the Taxi Cab Operators Association, and states:

In answer to your question 'Was the matter discussed with you or your association prior to its introduction by the Minister of Health, the Metropolitan Taxi Cab Board, or any of the radio companies' the answer is 'No'.

It then goes on to say that the association holds the view that if a passenger wishes to smoke in a taxi cab he should have the right to do so. As I received a letter from the Taxi Cab Operators Association, I suppose that a copy was sent also to other members, and I assume the Minister received a copy. I wrote to the Suburban Taxi Service, which answered all my questions including the one asking whether it was consulted by anybody, the answer to which was 'No'. It indicated that the Metropolitan Taxi Cab Board was not consulted, either. The cabs owners association said exactly the same thing.

I received a letter today from the Chamber of Commerce and Industry asking that I indicate that it believes that this particular clause is an infringement of the freedom of South Australians and contradictory to clause 11 (2) (b) of the Bill, to which I will refer, because I believe that there is an important difference between what was decided for taxis and what will be the case for small buses. The clause states that a person will be able to smoke in a bus if it is hired for the exclusive use of the members of a group. I will not make a big point of this, but there seems to be an anomaly in the legislation.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I support the proposition that if people hire exclusively they can decide whether to smoke in a bus. I think that that is exactly the same situation as that relating to a taxi cab.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: It depends on the size of the bus: there are some very small buses. I do not think that that is an argument at all. If one gets into a bus that has had smokers in it one can still smell them, so there is no difference from getting into a taxi in similar circumstances. If that is the Minister's concern, then he has created a rather unusual situation, but one that I support. I believe that taxi owners and others should have the right to allow smoking in their taxi if they see fit to do so.

If a passenger gets into a taxi and asks whether he can smoke, the operator should be able to say 'Yes' or 'No'. In his second reading explanation, the Minister indicated that passengers should not have to put up with taxi drivers smoking. In fact, they have been banned from doing that since 1956, so he has obviously not read previous regulations.

The Hon. J.R. Cornwall: They smoke even when I am a passenger.

The Hon. M.B. CAMERON: The Minister should take action if he is really uptight about that.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister says that, by and large, Adelaide taxis are very grubby. I do not agree with that: the Minister should think carefully before he speaks. I have been in taxis in Sydney and Melbourne and can tell members that Adelaide taxis are Rolls Royces compared with some interstate taxis that I have been in. If I were a taxi owner, I would resent what the Minister has just said: I will make sure that they hear about it.

I believe that an owner or a passenger should have the right to say 'No', that they do not want smoking in a taxi. At the moment, the passenger has the right to say that because smoking by drivers has been banned since 1956. If the Minister lets them get away with that, he is obviously not serious about this whole thing. It is fairly obvious that the Minister did not know that, by regulation, drivers were banned from smoking when he said in his second reading explanation that passengers should not have to put up with drivers smoking. I suggest that the Minister read the legislation and catch up with what is in it, because that has been a clear part of the regulations since 1956, and so it should have been.

I am not so worried about smoking: it is when people start lighting cigarettes while driving that I get worried. The daddy of them all, diverging for a moment, was the former President of the Council, who used to smoke in his car. There was nothing like sitting with him when he rolled a cigarette while driving; that was really something. He was a lovely man, but I did not like driving with him. That is the thing that concerns me about taxi operators smoking, because I do not think that one can keep one's attention on the road while lighting a cigarette. I do not think that any driver should smoke while driving; that is a matter of common sense.

It would be interesting to know how many accidents have occurred because people have been smoking in their car and not directing their full attention to the road. I imagine that that is the reason why the ban on drivers smoking was first introduced—it was not so much a matter of smoking, because that was not seen as a problem in those days.

I also contacted the Small Business Association. It was interesting to find that it had not been consulted about this

Bill. The Restaurateurs Association has been asked to take certain actions; any of its members who sell cigarettes will be required to erect certain signs. Yet that association has not been consulted. I found that nobody affected by this legislation appears to have been consulted. I do not know whether it is the Minister or his staff who do not understand how to go about properly informing an industry and attracting its attention to new legislation. Certainly, somebody in the Minister's outfit has a bit to learn. I think that it is the height of rudeness for legislation to be introduced without proper consultation. In this case it is quite clear that the people affected have been ignored.

I am not opposed to changes in legislation relating to smoking and tobacco—I do not think that anybody in this community is opposed. I am a non smoker and have never smoked a cigarette in my life—that is a fact. Unlike other people, including the Minister of Health, I can stand here pure as the driven snow and say to people that my attitude is a clear cut one on this matter.

I have always attempted to persuade my friends and others not to smoke. I have taken a lot of trouble with that. It is interesting—and I think the Minister would find this interesting—that there appears to be a very rapid diminution in the number of people in our age bracket who smoke. I believe that the Minister is one of the people in that category.

It does appear that there is an age problem in relation to smoking. Many people in the older age groups are giving it up but, unfortunately, it does appear that the younger people seem attracted to it. I am not sure of the reason for this. I do not know whether it is because increasingly we are making it semi-illegal; perhaps that is a factor that ought to be kept in mind, or perhaps, as has always been the case, kids at school think that it is the thing to do.

The Hon. J.R. Cornwall: This is he who would be Premier—it is a lamentable contribution.

The Hon. M.B. CAMERON: I do not know what is wrong with the Minister. I think probably he is getting a little embarrassed, because of his absolute failure to consult anyone. I found that to be a lamentable contribution to this whole question. Obviously, his ego says that he shall dictate what people shall do in all the industries that are associated with this problem. I find it amazing that I had to be the one to go out and consult the people involved. It was not the Minister.

If the Minister wants to argue that point, I shall argue it with him in any forum at all. I think it is disgraceful that he failed to consult anyone in the community. The Minister has brought in two Bills that are absolutely contrary to one another. A couple of days ago he had to climb down in relation to the issue, but it took him that long to wake up. He is not very good in his portfolio, as people in this State would know and have noticed over recent months. I support the clause dealing with warnings on cigarette packets. I believe that it is one way of attracting attention to the problem of smoking. I agree that these have tended to become a part of the packet and not really be noticed.

The Hon. J.R. Cornwall: Do you support that smoking is addictive be one of those warnings?

The Hon. M.B. CAMERON: Of course it is. The Minister struggled for a long time to give up. I have watched people associated with me trying to give up smoking for a long time. The Minister is not one of the stronger people, because it took him a long time, I understand.

The Hon. J.R. Cornwall: Would you support that one of the warnings be that smoking is addictive?

The Hon. M.B. CAMERON: Just settle back, sonny, will you?

The Hon. J.R. Cornwall: Would you support that as part of the warnings?

The Hon. M.B. CAMERON: Obviously, the Minister is still having withdrawal symptoms. I am quite happy to make a contribution if the Minister will sit back and shut up for a minute.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: If I have to, I will talk over the top of the Minister.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Of course I support the proposition that tobacco smoking is addictive, you silly little man. I understand that agreement has been reached between the States and the Commonwealth on warnings that should go on packets, but I believe that the Bill should be amended to ensure that the warnings are as agreed between a majority of the States and the Commonwealth. I believe that that is sensible and I suggest that the Minister would probably agree with that. I understand that the Minister has agreed to those warnings, and that they are acceptable to all States.

Frankly, I do not support the banning of packs of 15 or fewer. Obviously, the Minister does not understand young people: if they cannot buy them in packs of 15, they will buy them in 20s and halve the packet. That is what has always happened; kids have always shared packets of cigarettes if they are short of money. I do think that that is a great issue with anyone. I think that one of the problems was that the company which introduced the packs of 15 produced a very doubtful advertisement, to say the least, and that is perhaps the reason for this move. I do not believe that the Minister need get uptight about that issue or that it is one of major concern. The question of cigars is interesting. Information that I have received is that it has not yet been shown that cigar smoking can be correlated with health problems. I do not know whether the Minister has information contrary to that advice.

The Hon. J.R. Cornwall: Only when they are made of tobacco!

The Hon. M.B. CAMERON: I don't know. The information I have received is that they have not been shown to cause the same health problems. I understand that cigars are now all produced overseas and, if South Australia's requirements are different from those in the other States (and my information is that the other States do not require cigars to carry a warning), a special pack would have to be produced in New Zealand or wherever cigars are produced overseas for sale in Australia. I am not sure that that would happen. I intend to move an amendment to take cigars out of that area of requiring a warning but leaving them in as a tobacco product, which obviously they are.

In relation to the provisions of clause 7, there has been some degree of contention, and accusations have been flying around, not the least of which came from a member in this Chamber, that a certain company had issued a blackmail threat. I understand that that was not correct. However, what occurred did indicate to people the potential effects of clause 7 in relation to sponsorship. As a result of the incident, a woman associated with the group involved, the State Theatre Company, wrote a letter to the Premier, outlining this problem, but perhaps in stronger terms than the company itself first indicated. I understand that the letter left that office at 12 o'clock and was in the hands of a reporter by 3 o'clock. One wonders just how that happened. It was a pretty rapid turn-around and it indicates to me that an attempt was made to embarrass the company con-

cerned. I do not believe that that is proper. It is proper for that company to point out the potential problems of that part of the legislation, if proclaimed.

I do not oppose the 1975 proposition being put into the Bill but, again, I repeat that I think it would be proper for the Minister to consider whether or not to put into the Bill the whole of that 1975 section. The Minister has indicated that he will not proclaim this provision until he has consulted with other States. The Government must consider whether the provision should be on a similar basis as the 1975 amendment, that is, that a majority of the States and Commonwealth combined should move to the same enabling legislation. If that occurred, that part of the Bill would be proclaimed straight away. So, I shall move an amendment along those lines. Clause 8 indicates that a notice shall be displayed indicating the contents of cigarettes. Again, I do not oppose that, but it is the form of the notice that concerns me a little.

The Mixed Business Association has indicated that a notice of very large size would present difficulties. I will be moving an amendment which will lay down a size of A4 paper, and will indicate that such a form should also be available over the counter for the use of customers, having on it the same information. In other words, if people purchase cigarettes they have available to them a notice indicating the contents of cigarettes available for sale in that shop.

I believe that customers should have the right to know just what is the tar content and other content of cigarettes, but the problem with large signs—and I guess this is the reason why rotating warnings are coming in—is that, if they are there for too long, they become part of the delicatessen and people cease to look at them. Sucking tobacco is one thing I honestly had not heard of before I saw it referred to in the Bill, and I was somewhat surprised to hear of it.

The Hon. T.G. Roberts: Chewing tobacco.

The Hon. M.B. CAMERON: No, it is not chewing tobacco. I understand it is like a teabag: you put it in and you suck it. It is available overseas, I believe.

The Hon. J.R. Cornwall: I have some in my sample bag.

The Hon. M.B. CAMERON: If the Minister would like to table the sucking tobacco, I would be interested to have a look at some. I have not seen it yet.

The PRESIDENT: I think that there are problems in tabling such items.

The Hon. M.B. CAMERON: Madam President, I am happy to gaze upon it in wonder that people can be so silly as to chew a piece of rag containing nicotine.

The PRESIDENT: Perhaps the honourable member could have some discussion with the Minister at the close of the session.

The Hon. M.B. CAMERON: I accept your authority in this matter, Madam President, and I bow to your ruling, as long as the Minister lets me have it afterwards so that I can have a good look at it. I do think that a \$2 500 fine is somewhat over the fence in this regard. As I understand it, there is very limited distribution in Australia. It has not taken on.

The Hon. J.R. Cornwall: They are actively promoted in the States.

The Hon. M.B. CAMERON: Yes, but they are not here, and I understand that people who are purchasing them here are primarily Americans working on oil rigs and other things. I suggest to the Minister that we consider the fine and perhaps reduce it to the \$500 level in line with the other fines associated with the Bill. We will have a discussion

about that. The \$2 500 fine in relation to confectionary cigarettes is going somewhat overboard. In fact, I do not think that they should be banned at all, quite frankly. They do not start people smoking; they are more likely to start them eating sweets, and we will be banning lollies if we are not careful. I do not think that this is necessary.

Confectionary cigarettes do not start kids smoking, but that is a subject which will no doubt be debated in the Committee stage. It may get to the point where the Minister is supported, but I believe that a \$2 500 fine is just climbing over the roof and is rather ridiculous. The Minister is some sort of zealot since he gave away smoking: he seems like a convert, going absolutely overboard.

Clause 10 increases from \$500 to \$1 000 the fine relating to mixed business people who sell to minors. I understand that here have been no convictions in this regard, and it seems to be somewhat unusual to double the fine when there have been no such convictions. I do not know whether the Minister can provide me with information to show where there have been problems, but I would suggest that, instead, we consider provision of penalties for the minors who purchase these cigarettes.

I have discussed this matter with mixed business people and, in particular, delicatessen owners. I happened to be discussing the matter with one delicatessen owner when some obviously young children came in, attempting to purchase cigarettes. He rejected them—whether or not because I was there I do not know, but he certainly rejected them very firmly. They came back shortly, poked their heads through the door and waved a packet of cigarettes through the door and said, 'Hah, hah! We got them down the road' and disappeared. I do not even know where they got them, but it seemed to me to be very unfair on the delicatessen owner. I said to him, 'How do you find the situation of dealing with minors?' He said, 'I find it almost impossible to tell their age, I have no doubt that I make mistakes every day, and it worries me that I am facing up to a \$500 fine'—at that time he did not know of the proposition for a \$1 000 fine—for something that is almost impossible for me to ascertain.' It occurred to me then that perhaps we should be looking at not only the seller but also the user. There is a particular problem, as the Minister would no doubt be aware, with vending machines.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I am not sure of that. At the moment, under the Liquor Licensing Act the maximum penalty for offences for which no penalties are specifically provided is \$1 000. Obviously, no minor will be charged \$1 000. Clause 121 of the Liquor Licensing Act—

Members interjecting:

The Hon. M.B. CAMERON: A lot of parents, and that is another problem.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: No, but the Minister has probably sent his kids to buy a packet of cigarettes.

The Hon. J.R. Cornwall: No fear!

The Hon. M.B. CAMERON: Never?

The Hon. J.R. Cornwall: Never.

The Hon. M.B. CAMERON: I am very pleased to hear that.

Members interjecting:

The Hon. M.B. CAMERON: That was not what the Minister's children said. Clause 121 provides that a minor who obtains or consumes liquor in prescribed premises is guilty of an offence, and a person who supplies liquor to a minor—

Members interjecting:

The Hon. M.B. CAMERON: I just laughed: the Minister had to laugh. I was embarrassed for the Lions Club. Getting back to the subject in question—which I have no doubt you are going to make me do any minute now, Madam President—

The PRESIDENT: I am very pleased that the honourable member is observing Standing Orders in that way.

The Hon. M.B. CAMERON: After 15 years I understand Standing Orders very well indeed—but I get away from them as much as I can. I believe that we need to assist shop owners by perhaps restraining some parents—and I describe them as irresponsible—who send their children to purchase cigarettes even with the law as it stands, and it places the delicatessen owner in a very difficult position indeed. The other thing is that at the moment there is no restriction upon young people who go to vending machines, and in that regard I believe that we should look at a penalty similar to that which applies under the liquor licensing laws because, quite frankly, according to my information tobacco is equally bad as, if not worse than, liquor in terms of the long-term effect on people—even after they have given up, as I have no doubt the Minister finds as he trots along the beach.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I am not sure that a \$1 000 fine is suitable and that is what applies under the liquor licensing law, but I certainly will move an amendment to test that issue and to try to assist people who are selling to put some restraint on the kids, so that they can warn the kids. First, the seller could ask, 'Are you a minor?' If they say, 'No, I am not', then the retailer can give them a warning. If a minor purchases cigarettes not only the seller would be in trouble but also the purchaser would be in trouble. It may assist in the war on young children purchasing cigarettes. It bothers me that, although people in our age bracket, who have a little maturity, can be persuaded, without much difficulty, to give up smoking, it is extremely difficult to persuade young people. No doubt the Minister has found with his family, as I have found with mine, that once children start to be subjected to peer group pressure, it is very difficult to stop them. One way of doing it is to stop the supply, and one way of stopping the supply is to place some restraints on children purchasing cigarettes.

I have discussed at length the question of taxis. I will move an amendment to ensure that passengers can smoke in a taxi, with the approval of everyone in the taxi, including the driver: in other words, the driver will have the right to say 'No'. This will ensure that in some taxis in the metropolitan area people may not smoke and it will mean also that taxicab drivers who—

The Hon. G.L. Bruce: They'll get out and get another taxi.

The Hon. M.B. CAMERON: That is okay; I do not mind that. I think that is sensible and that is as it should be. Some of the taxi operators indicated to me that passengers who are picked up in Hindley Street late at night will create some problems. The passenger may be drunk—

The Hon. J.R. Cornwall: They don't have to police it—you know that.

The Hon. M.B. CAMERON: Why the heck bring it in? Who will police it?

The Hon. J.R. Cornwall: The Police Force.

The Hon. M.B. CAMERON: That is ridiculous. I think that it is preferable to leave the situation much as it is, but to give people rights under the legislation, and what I have described would do that. I suggest that the Minister either take this clause back to the Metropolitan Taxi Cab Board and other people and discuss it with them or accept what I

will move, but no doubt that will be discussed in Committee. I make it absolutely plain to the Minister that I am not in the business of promoting smoking, and I never have been. On behalf of the Opposition I support the Bill, but I will move amendments that will provide a reasonable base, at the same time attacking smoking at its most dangerous point—minors—by inserting a harsher provision, which I trust the Minister will accept. I support the Bill.

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

ADJOURNMENT

At 5.21 p.m. the Council adjourned until Wednesday 24 September at 2.15 p.m.