LEGISLATIVE COUNCIL

Tuesday 24 August 1993

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

ADMINISTRATIVE UNITS

The PRESIDENT: I direct that the written answer to the following question, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: No. 37.

37. **The Hon. K.T. GRIFFIN:**

1. Does any administrative unit or agency for which the Minister is responsible have a media, marketing or promotions unit?

2. If the answer to question 1 is yes—
   (a) How many persons are in such unit?
   (b) What are their roles and functions?
   (c) What is the budget provision for such unit?

3. If the answer to question 1 is no, is there provision in the budget for media, marketing or promotions functions to be contracted to the private sector and, if there is, what is that provision?

The Hon. R.J. GREGORY: WorkCover Corporation.

1. WorkCover has a Communication Unit which is involved in some direct media liaison duties. In addition, Managers, Chief Managers and the CEO may also have contact with the media in relation to special issues which impact on their Divisional responsibilities.

2. (a) As at 10 August 1993, WorkCover employs a Senior Writer and a Communications Coordinator (both on contract), who comprise the Communications Unit within the Strategic Services Department of the Strategic and External Service Division. An Administrative Assistant is attached to the Unit to provide administrative support.

   (b) The Unit provides a support service to the WorkCover Executive and managers and is responsible for:

   Coordination of internal and external communication activity in particular:

   - Corporate relations—briefings, events management and speeches
   - Publications, internal and external—newsletters, brochures, information kits
   - Special projects—displays, seminars, conferences, presentations and Annual Report production
   - Media relations—inform the media of developments and respond promptly to requests, writing and placement of news/feature stories
   - Education—writing and printing of operational information for employers, injured workers and providers.

   Functions include:

   - Edit internal and external reports, newsletters, brochures and correspondence.
   - Review the quality of other WorkCover publications and provide brochure/form management.
   - Advise on form design, wording and layout.
   - Devise communication programs and strategies for new initiatives.
   - Prepare presentation materials, speech notes and coordinate special functions.
   - Monitor and report on issues affecting WorkCover and the scheme.
   - Analyse media discussion and commentary in specialist journals.
   - Inform the media of developments and respond promptly to requests.
   - Write articles for employer, union and provider journals.

   The media related activities form a relatively minor part of the Communications Unit's activities.

   Most of the design and layout of publications is now done in-house, but all printing is done externally, using a range of private sector printers and State Print on the basis of competitive tendering.

   (c) The Communications Unit is the responsibility of the Manager, Strategic Services. The budget for total labour cost (including on-costs) for 1993-94 is $134 250, not including any portion of the Manager, Strategic Service salary.

   In addition, the Corporation has budgeted $217 100 to be spent on providing information to employers, injured workers and providers.

Department of Correctional Services

1. Yes—the public relations function for the Department of Correctional Services is carried out by the Corporate Services Division.

2. (a) There are two officers in this Division who are responsible for developing and implementing the Department's public relations strategies—the Coordinator, Public Relations and the Aboriginal Public Relations Officer.

   (b) The Coordinator, Public Relations is responsible for coordinating all public relations strategies aimed at increasing public awareness and understanding of the work of the Department. This includes overseeing the work of the Aboriginal Public Relations Officer—a position created in response to recommendations of the final report of the Royal Commission into Aboriginal Deaths in Custody, specifically to inform Aboriginal communities of the various non-custodial sentencing options available.

   (c) In 1992/93 a total budget allocation of $43 000 was made for the public relations functions of printing, photographic supplies, advertising and media monitoring.

   In addition $10 000 of monies received by the Department to implement initiatives in response to recommendations of the Royal Commission, was allocated to the Corporate Services budget to fund public awareness strategies developed and implemented by the Aboriginal Public Relations Officer.

Occupational Health and Safety Commission

1. The Commission has one full-time publicity and promotions officer.

2. (a)&(b) The Publicity and Promotions Officer is primarily responsible for the development and implementation of activities and strategies which publicise and promote health and safety in workplaces. This includes:

   - writing and producing publications for the general public and specific audiences;
   - developing and organising promotional programs and events;
   - publicising the Commission and its work through the media by issuing press releases placing advertising and coordinating media campaigns;
   - the preparation of reports, position papers and speeches for the Commission and the Minister of Occupational Health and Safety; and
   - other research, marketing or promotional activities and special projects as directed.

   (c) The budget for promotions in 1992/93 was $57 500.

Department of Labour

1. The Department of Labour has a Publicity and Promotions Branch.

2. (a) The Unit has 2.0 FTE's, a Graphic Designer and a Publicity and Promotions Officer.

   (b) The role of the Branch is to:

   - provide a graphic design, desk-top-publishing and editorial service in relation to both internal and external communications.

   The functions carried out are:

   - preparation of the Department's Annual Report
   - provide departmental publications and activities to ensure effective information dissemination within the Department and external to the Department.
   - assist both departmental staff and other agencies by providing expert advice in editorial matters, design and layout, and publicity and promotions techniques.
   - produce an inexpensive, professional, interesting, printed newsletter with content relevant to departmental staff, on a regular basis.

(c) The 1993/94 Publicity and Promotions Branch Budget is:

Salaries (including On Costs)	$112 000
Goods and Services	$23 000
TOTAL	$135 000

PAPERS TABLED

The following papers were laid on the table:

By the Hon. Barbara Wiese, for the Attorney-General (Hon. C.J. Sumner)—

Regulations under the following Acts:

Classification of Theatrical Performances Act 1978—Classification Fee—Restricted.

Criminal Injuries Compensation Act 1978—Commencement.

Police Act 1952—Police Aides.

Real Property Act 1886—Transfer of Allotments—Amendment.

By the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

D.C. of Millicent: By-law No. 2—Moveable Signs.

By the Minister of Consumer Affairs (Hon. Anne Levy)—

Regulation under the following Act—

Liquor Licensing Act 1985—Exemptions of Therapeutic Goods.

QUESTION TIME

CURRICULUM PROFILE

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Education, a question about the national curriculum profiles and statements.

Leave granted.

The Hon. R.I. LUCAS: On 2 July this year the Australian Education Council meeting in Perth voted to refer the planned national curriculum proposals back to the States, for each State to decide whether or not they should be implemented. The motion was in response to the growing public concern from a wide range of academics about the content of the national curriculum profiles and national statements, particularly in the disciplines of mathematics, English and science. Typical of these concerns were those expressed by Professors Paul Davies, Jesper Munch, A.W. Thomas and Dr David Wiltshire, from the University of Adelaide, in a letter in the *Australian* on 28 July 1993, which said in part:

> How any tangible common standards of achievement in science can be extracted from the mumbo-jumbo of the profiles is a mystery.

Similarly, Dame Leonie Kramer, writing in the *Australian* on 16 July 1993, had this to say about the english profiles:

> Both the national statement on english and the profiles are fundamentally flawed, to the extent that, if adopted in their present form, they will exacerbate, not solve, the problems of illiteracy which increasingly cause anxiety to parents, teachers and employers.

Following the AEC's action in Perth, Ms Lenehan said the decision would set back education by 30 years. She was quoted in the *Advertiser* on 3 July as follows:

> I feel deeply angry because I see the decision as a slap in the face for young people. Business and industry have a right to be affronted by this retrograde step which denies their need for access to competent and skilled young workers.

I have now received a copy of a letter, signed by 15 academics from the University of Adelaide and Flinders University of South Australia, including such luminaries as Professor Paul Davies, which says in part:

> It is regrettable in the extreme that the SA Minister for Education, Ms Lenehan, has adopted an intransigent attitude following the AEC decision, and has vowed to press ahead with implementation of these ill-conceived, ideologically driven proposals.
>
> There is no question in our mind that if she does so she will do irreparable harm to the education of South Australia's children and as a consequence will undermine the national and international competitiveness of this State. She will, moreover, so compromise the quality of education that South Australia will be unable to attract foreign students to our schools and tertiary institutions.

Given the significant criticism made by many leading educators, such as Dame Leonie Kramer, Professor Paul Davies and these 14 other Adelaide academics in their letter that I have just referred to, it raises questions as to the advisability of the Education Minister in pressing ahead with her plan to use the existing national curriculum statements and profiles in our schools next year. My questions to the Minister are as follows:

1. Given these significant criticisms, does the Minister still intend to press ahead with the implementation of the existing national curriculum statements and profiles into South Australian schools for the start of the 1994 school year?

2. If it is the Minister's plan to go ahead with the implementation of the national curriculum in South Australia, does she have any worries with the concerns raised by various academics about the existing profiles and, in particular, their claim that, if she does so, she will do irreparable harm to the education of South Australia's children and as a consequence will undermine the national and international competitiveness of this State?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

MABO

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Transport Development, as the acting leader of the Government in the Legislative Council, a question about Mabo.

Leave granted.

The Hon. K.T. GRIFFIN: Only a week or so ago we heard and saw the Prime Minister, Mr Keating, publicly overrule the Federal Attorney-General who had informed the public that the Federal Government would legislate to assist the Queensland Government to validate the Comalco titles for its bauxite deposits at Weipa. Within a few days the Prime Minister had to eat humble pie and acknowledge the Commonwealth's preparedness to legislate to validate the Comalco interests which go back to 1957, well before the Commonwealth's Racial Discrimination Act of 1975 came into effect. It is still not clear exactly what the Queensland or the Commonwealth legislation will do in relation to the validation of those titles, nor is it clear how it will deal with claims for native title by the Wik people. Reports indicate that the Wik people are expressing concern about the decision by the Commonwealth to join with the Queensland Government to validate those titles. I would suggest that what the Queensland and Commonwealth Government's decisions indicate is an acknowledgment that titles issued before 1975 should be validated.

I note that last Friday the Western Australian Attorney-General made a statement to the Western Australian Parliament that that Government would introduce its own legislation without waiting for the Commonwealth to act and that such State legislation could operate with fairness to all

Western Australians. The Western Australian Attorney-General rejected two widespread assumptions, namely:

1. That carefully drawn State legislation to validate land title back to 1975 will necessarily conflict with the Racial Discrimination Act; and

2. That better drawn Commonwealth exempting legislation than that currently under consideration will necessarily fail to achieve the objective of removing the possibility that State legislation will conflict with the Racial Discrimination Act.

I note also today's *Advertiser* report that the present State Government will not be paying compensation and believes that that is a matter for the Commonwealth. My questions to the Minister are as follows:

1. In the light of the Prime Minister's wildly contradicting views over Weipa, can she say whether or not similar contortions are occurring in relation to the broader issues of validating titles across Australia, particularly South Australia?

2. Does the Government agree with the rejection by the Western Australia Government of the two widespread assumptions, to which I referred in my explanation, about State and Commonwealth legislation?

3. In the light of continuing uncertainty about the validity of titles, does the South Australian Government intend to follow the course set by the Western Australian Attorney-General?

The Hon. BARBARA WIESE: As we are all aware, this matter of Mabo seems to be a moving feast. Things seem to change from week to week across Australia with respect to views being taken by various spokespeople for State and Federal Governments. However, at least the Federal Government, in making its decision last week concerning the claim of the Wik people and the company known as Comalco, has clarified at least one part of the large range of issues that are to be addressed with respect to Mabo.

As to the specific questions that the honourable member has asked about the view to be taken by the South Australian Government with respect to these things, that is something on which I will have to seek a report. This is something which is being handled by the Premier and by the Attorney-General, in the first instance, on behalf of the Government. I am not aware of the most recent developments with respect to these matters, or whether or not there has been recent communication with the Federal Government or with other State Governments announcing particular plans of action. I will seek a report from the appropriate Ministers on the matters that have been raised and bring back a report.

TONSLEY INTERCHANGE

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Transport Development a question regarding the Tonsley interchange.

Leave granted.

The Hon. DIANA LAIDLAW: On 16 November last year the Minister issued a media release headed 'Government gives go-ahead to Tonsley Interchange'. The Minister went on to describe the $17.1 million bus/train interchange '. . . as a major step to ease access problems in the southern suburbs'. In addition, she said that subject to Federal Government finance the project should be up and running by the end of 1994. Then on 9 February in answer to a question I asked in this place about the status of the Government's application for Federal funding, the Minister said, 'I have no idea at this point when a reply will be received, but I hope that will happen in the very near future.' That was six months ago.

Today the Minister knows that the Federal Government has no intention of funding the Tonsley interchange. Federal Cabinet made a decision in April or May this year to cancel from 30 June the Urban Public Transport program, an initiative under the Australian Land Transport program. Thus, the Federal program under which the Minister applied for funds to build the Tonsley interchange has been scrapped.

The Minister would also know that the only other possible source of Federal Government funds would be the Better Cities program. However, officers responsible for this program have advised me that all the funds allocated to South Australia have already been committed to area strategies proposed months ago by the State Government. The Tonsley interchange is not one of those area strategies; nor are there any additional funds available under the Better Cities program that could be directed to additional projects such as the interchange. My questions are:

1. When did the Minister become aware that the Federal Government had refused the State Government's application to finance the Tonsley interchange project under the Australian Land Transport program?

2. Recognising that the project defies the Government's own '2020 Vision' planning strategy and is not supported by either the Marion council or the Southern Region of Councils, is the State Government still determined that an interchange be built at Tonsley?

3. If so, will the Government be allocating State funds to build the interchange, or has any private sector source of funds indicated an interest in the project?

The Hon. BARBARA WIESE: I have still not been informed by the Federal Government that no funds will be available for the Tonsley interchange project, although I have indicated previously that my earlier inquiries had revealed that, at that time, the funds for the ALTD for the coming months were fully expended. At that time, it was unclear whether there would be a replacement fund for the ALTD for this new financial year.

It was not until the Federal budget was brought down last week that I became aware that it was the intention of the Federal Government to scrap completely the ALTD fund. However, further inquiries since that time have revealed that the Federal Minister is nevertheless exploring other options and is hopeful that there may be some possibility of a new fund which would make provision for innovative projects such as the Tonsley interchange to follow the ALTD fund when it is wound up at the end of this calendar year.

So, there is still some hope that, through the transport portfolio in Canberra, there may be a source of funding for the future which would be suitable for the Tonsley interchange project. In addition to that, as the honourable member indicated, there is a source of funds through the Better Cities program, and I am informed that there have been some variations to that program which may mean that the Tonsley interchange could be considered as a suitable candidate.

I am interested to hear the information the honourable member said that she has received from Canberra about this matter. From the informal contact that has been made with Canberra through my office, the information received is a little different. So, that is something that will have to be clarified. But, at this stage, that is one of the options that I have asked to be pursued.

As to the future of the Tonsley interchange project, should it not be possible to fund it through Federal sources, I made clear at the time of the announcement last year that the Government was approving this project subject to Federal

funding. At this stage, I do not envisage that the State Government would be in a position to provide State funding for the project should we be unable to find a suitable source of Federal funding.

However, I find it curious that the honourable member draws upon the 2020 Vision statement as a reason to support her view that the Tonsley interchange project should not go ahead. In fact, the 2020 Vision statement and policies that have been put out by the Federal Government as well as the State Government with respect to urban development at large quite clearly support the view that there ought to be nodes of development in particular locations throughout the urban areas and that, where possible, transport should be collocated in order to enable the very best distribution and access to public transport facilities.

So, the development of interchanges which combine rail and bus facilities, and in some other cases taxi facilities and other things, is certainly a part of the State Government's strategy for future development, and it is also a part of the Federal Government's view as to what is an appropriate way of developing the urban centres of Australia. So, it is quite appropriate that we look at ways in which to better utilise our public transport facilities in that part of the metropolitan area.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: If it is not possible for us to attract Federal funding for this project—and as I have indicated, I would be surprised if it were possible to fund such a project through State resources—and if, therefore, we are unable to proceed on that basis, the Government will look at other options that will enable us to better utilise our public transport resources in that part of the metropolitan area.

The Hon. DIANA LAIDLAW: I ask a supplementary question. Further to the Minister's inquiries about other Federal Government options for funds, will she say when she believes such advice will be received, because inquiries that I have made of Federal officers over the past three working days confirm that there is no such flexibility within the budget. Further, does the Minister believe that the Tonsley interchange project will be up and running by the end of 1994, as she said last year and, if not, has she set any other deadline for the commencement and completion of that project?

The Hon. BARBARA WIESE: With respect to the first question, I am not clairvoyant so I am unable to indicate when letters might arrive from the Federal Government; but, presumably, now that the Federal Government knows finally the future of the ALTD fund and the Federal budget has been brought down so that all issues relating to the transport budget are public property, presumably it will be in a position to notify me in the very near future of the future of our submission.

As to the second part of the honourable member's question, if we are not able to achieve funding for the Tonsley interchange within the next few months, it would be highly unlikely that a completion date by the end of 1994 could be achieved, but until I know the outcome of current inquiries regarding funding issues I will not be in a position to re-assess that project and other options in order to form a view about what future deadlines, etc. might involve.

DEPARTMENTAL MERGER

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Public Infrastructure a question about a report entitled 'Review of Strategic Savings—ETSA/E&WS Merger'.

Leave granted.

The Hon. M.J. ELLIOTT: The Minister of Public Infrastructure has released a report entitled 'Review of Strategic Savings—ETSA/E&WS Merger (August 1993: Ernst and Young)'. I understand that the way in which this report is being sold to the public is that it is an independent analysis of the merger. I think that the public of South Australia is keen to see the figures, and the Democrats have indicated to the Minister that a detailed analysis of the merger needs to be done. In the introduction to the report, Ernst and Young make a couple of comments, as follows:

> The review process involved discussions with the relevant directors to substantiate the rationale behind savings identified at the functional level.

The report states further:

> The review process did not include an investigation of individual jobs or work activities.

The last page contains a disclaimer, which states:

> Ernst and Young have prepared this report and based their opinions on information and assumptions provided to us by the client (E&WS/ETSA).

It appears, by careful reading of the report, and particularly looking at those couple of sentences, that the report is an exercise by Ernst and Young where the numbers have been given to them and they have added them up. They have not, it appears in the report at least, actually gone through each individual section of the E&WS and done any sort of management study to see whether or not the job cuts, etc. are or are not achievable. I therefore ask the Minister whether or not this report is nothing more nor less than a exercise in adding up of numbers that have been provided by the directors of ETSA and E&WS—

The Hon. Diana Laidlaw: What did they pay for it?

The Hon. M.J. ELLIOTT: That was the next question, in fact. What did the Government pay to get Ernst and Young to add up the numbers? Finally, is this in fact an attempt of misrepresentation by implication that we have an independent analysis of the merger as distinct from a independent adding up of the numbers?

The Hon. ANNE LEVY: I will refer those two questions to my colleague in another place and bring back a reply

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Transport Development, as the Acting Leader of the Government in the Council, a question about SGIC housing loans.

Leave granted.

The Hon. L.H. DAVIS: The Minister will recollect the controversy surrounding the 35 per cent increase in the salary of the then General Manager of SGIC, Mr Denis Gerschwitz, from around $170 000 to $230 000 in a year when the SGIC reported a record loss of $81 million. Mr Gerschwitz retired not long after this increase in salary and received a significant boost to his superannuation package as a result of this 35 per cent salary hike. The annual salary of the new General Manager of SGIC, Mr Malcolm Jones, was also set at $230 000. I have been advised that Mr Malcolm Jones is in receipt of a loan of $450 000 from SGIC, which is secured by a first mortgage on his residence. Apparently the rate of

interest is fixed annually in accordance with fringe benefits tax legislation which sets an approved interest rate.

The Government Management Board review of SGIC operations in 1991 noted that remuneration to SGIC executives used a combination of base salary, motor vehicles, car parking, superannuation, credit card balances travel expenses and home loans. Some surprise has been expressed in the financial communities about the size of the home loan provided to Mr Malcolm Jones. Will the Minister confirm that Mr Jones is in receipt of a home loan from SGIC of $450 000 and, if so, is this benefit in addition to or part of his last stated salary of $230 000? Has the Government set down any guidelines for the upper limit of home loans, provided as fringe benefits, to senior executives in State Government? Is the Government aware of any guidelines set down by statutory authorities, such as SGIC, with respect to fringe benefits such as home loans? If so, will the Government in both instances public these guidelines?

The Hon. BARBARA WIESE: I will refer those questions to the appropriate Minister or Ministers and bring back a reply.

LIBERAL PARTY

The Hon. CAROLYN PICKLES: I seek leave to make a brief statement before asking the Minister for the Arts and Cultural Heritage a question about a Liberal Party reshuffle.

Leave granted.

The Hon. CAROLYN PICKLES: There was a very curious article in the *Advertiser* on Saturday by *Advertiser* journalist John Ferguson—

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: Well, I am wondering about this one. In the unlikely event of the Liberal Party winning the next election, Mr Ferguson made some kind of forward shot as to who might be in the Cabinet and who might be out of it. It makes for interesting reading. He mentioned, for example, that he would put Mrs Dorothy Kotz into the Cabinet if only she could forget all about hanging people. A surprise omission, of course, was the Hon. Ms Laidlaw who everybody knows is a hard worker. But the most interesting fact of all was that he thought that perhaps Mr Mark Brindal might make a very good replacement for the Hon. Ms Laidlaw by giving him the portfolios of transport, arts and the status of woman.

In her other capacity, as the Minister for the Status of Women, has the Minister any comment to make on this proposal?

The Hon. ANNE LEVY: I must admit, I read this article with great surprise. To suggest that a man would take the position of Minister for the Status of Women is most surprising. I can certainly state that in the whole of Australia there is not one Minister for the Status of Women who is a man, with one exception—that exception being the State of Tasmania, which has no women in its Cabinet. So if it has a Minister for the Status of Women it obviously must be a man. I will not comment on the composition of the Tasmanian Cabinet, Mr President, though people can draw their own conclusions.

However, there is no other Minister for the Status of Women who is male. Every other Cabinet in this country has women members and has a woman with the portfolio of Minister for the Status of Women. I find it absolutely incredible that it should be suggested in this article that the Minister for the Status of Women would be a man, when the article also suggests at least two women members of the Cabinet. So it would not be lack of women in the Cabinet that would result in the position being taken by a man. Presumably, the two women mentioned (both Lower House women) were not considered suitable to be Minister for the Status of Women but Mr Brindal was.

As I say, it is an extraordinary article, Mr President, but I think it raises a very important point: whether Mr Ferguson wrote this article purely off his own bat and dreamt this up through some sort of hallucination in the middle of the night, or—what I think is more important—whether there had been some leak, some discussion, with the office of the Leader of the Opposition that led to this article being written.

I know one cannot rely on the *Advertiser* as always providing gospel truth, but it is also true that very often where there is smoke there is fire, and it could well be that this article comes from—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —a carefully planted suggestion. If this is the case I think there is grave concern for the women of this State. Should a Liberal Government ever get into office, Mr Dean Brown thinks so little of women of this State that he would not appoint a woman to be Minister for the Status of Women. This should concern everyone.

DOMESTIC VIOLENCE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Emergency Services a question about domestic violence.

Leave granted.

The Hon. J.C. BURDETT: Mr President, I refer to a letter in the winter 1993 edition of the *Spark Newsletter*. It starts at page 2 of that publication and is written by a women's shelter worker, who has been at a busy metropolitan shelter for seven years. She refers to her experiences with the police as a shelter worker. She says that her contact with the police was usually restricted to two areas. The first were occasions where there may have been a breach of the peace, and she says that in this area the police generally did the job well, which was to protect her and her client whilst they quickly secured personal belongings from the family home in domestic violence areas. The other area was assisting clients in endeavouring to obtain restraining orders. In this area the correspondent makes complaints about the police.

Personally I have the greatest respect for the South Australian Police Force and, when I have raised matters usually about local law and order problems, I have always got a good response. I ask these questions on this occasion for the rather unusual purpose in this place of getting the answer rather than attacking the police or the Government.

The correspondence talks about assisting clients at the front counter at police stations, which is where the client has to go when she wants to get the police to take action to get a restraining order. She complains that 'most of these police officers, both male and female, were abrasive, rude and lacking in compassion of the issues surrounding domestic violence'. One of her complaints is that her clients were regularly asked, 'Is this the first time he has beaten you?' She questions the relevance of this question. The allegation is one of assault, and she asks whether other persons who allege assault are asked this question.

Her main complaint is that the interview was conducted at the main counter of the police station, in a booming voice on the part of the police officer. Requests for a private interview were almost always refused, she says. I quote her final complaint, where she says:

> In conclusion, police officers need much more training when it comes to domestic violence issues, especially considered—

I guess that should be 'considering'—

> it takes up such a large percentage of their working time.

My questions are:

1. Is it a protocol or a practice that women alleging domestic violence are usually asked, first up, about previous assaults and, if so, what is the justification for this?

2. What is the reaction of the Minister to the allegations about police dealing with alleged victims of domestic violence at police stations?

3. Could not some privacy be given to such alleged victims?

4. What training, if any, is provided to front counter staff in police stations in such cases?

The Hon. BARBARA WIESE: I will be happy to refer that question to my colleague, the Minister of Emergency Services, in another place, but I might make a couple of comments about it. I am not sure what training is available for the front counter police officers in this domestic violence area, but it is widely acknowledged within the South Australian community, and more widely in fact, that the domestic violence unit attached to the South Australian Police Department is regarded very highly by all professionals and client groups who have occasion to deal with it. So there is certainly training of a very high calibre available within the South Australian Police Force but, as to the question of what training takes place for the police officers at the front counter of police stations, I am not sure, but I will certainly seek a report from the Minister on that matter.

ROAD TOLL

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Transport Development a question about road fatalities.

Leave granted.

The Hon. J.C. IRWIN: I am not sure if this is an area within the Minister's responsibility, but this morning I picked up from the mail desk this monthly publication of road fatalities in South Australia for July 1993 as issued on 4 August this year. I see it is published by the Department of Road Transport. Of first glance interest to me is the bar graph showing an accumulated increase in fatalities in every month from January to July this year when compared to the average for the same months from 1990 to 1992. I am not quite sure why a three-year running average is used for these comparisons.

Tragically the graph shows an increase in fatalities, which seems to negate the strong reasons given for speed cameras and for other measures, and for even more speed cameras. The graph, and four pages of statistical information, are interesting but have no real meaning to me or to any other avid reader of this publication. I put it to the Minister that to have some meaning there must be some indication of the number of road users and, as well, the number of cars that are registered. Surely it is not too hard to put that in for comparison purposes. If there is no idea of the number of cars being used and, in fact, if there are more cars being registered each year then there is some comparative relevance in the statistics. In addition, many people, including Sir Dennis Patterson, Di Laidlaw and myself, have pleaded for the statistics on non-fatal accidents to be published in the press, not only because they might justify such things as speed cameras and safety devices, but so people can see any real decline in accidents and not just in fatalities. Allowance should also be made for such factors as road traffic conditions relating to the weather and so on. There may even be justification for the public to demand that if these accident statistics are showing a decline, and not just fatalities—and unfortunately they are not at the moment—the car insurance premiums might be reduced. My questions to the Minister are:

1. Has the Minister made any effort to have monthly accident statistics published as with road fatalities and, if not, why not?

2. Will the Minister ensure that monthly accident statistics are published as soon as possible?

The Hon. BARBARA WIESE: This is something that is of concern to me as well—that the media very much like to concentrate on fatalities when they are reporting road accident information. Since I have become Minister of Transport Development there have been a number of occasions when we have attempted to provide information about injuries in road accidents and have information about the incidence of injuries given some publicity, but on every occasion when there has been an attempt to achieve that outcome we have found that the desire is always to come back to the publication of information about fatalities. This is very unfortunate because, as we all know, the incidence of injuries, and in many cases lasting injuries that leave people in a very serious state for the remainder of their lives, is something upon which there should be greater attention.

There are, from time to time, feature articles written by various people in the media about these matters or about individual cases where road accident victims have become paraplegics for life, and they make appeals to the public at particular times of the year when we can expect much greater use of our roads. Unfortunately it is usually on a case study basis and we do not see the more concentrated approach of reminding people regularly about the fact that there are literally thousands of injuries sustained and some of them affect the individuals for many years beyond the time of the road accident itself. I must say that because of the approach that is taken by the media in recent times many of the statements that have come from my office have tended also to concentrate on fatalities because it seems that that is the only thing that ever gets printed. I am reminded by the honourable member that we should keep trying and from time to time we will provide information to the media about those things.

As to the question about the usefulness of information that is provided from the Department of Road Transport, at least in some publications that emerge from the Office of Road Safety there is information provided about the number of motor vehicle registrations and the number of licensed drivers in South Australia and the increases that have occurred over the past few years. In fact, I was reading something just recently which indicated to me that during the past 10 years the number of licensed drivers and the number of registered motor vehicles has at least doubled; in fact, it might have more than doubled during that period. So, the downward trend that has emerged in terms of both fatal road accidents and road accidents where people have sustained injury is

remarkable in view of the very large increase of traffic on our roads. That information is available through the Office of Road Safety and I will examine the particular publication that the honourable member has referred to with a view to providing some of the information in that publication from time to time.

WOMEN'S INFORMATION SWITCHBOARD

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health, Family and Community Services a question about staff replacement at the Women's Information Switchboard.

Leave granted

The Hon. J.F. STEFANI: Some weeks ago I was invited to pay tribute and bid farewell to Ms Louisa Sheehan who has worked tirelessly for the community as a member of a professional team at the Women's Information Switchboard, which is situated in Kintore Avenue, Adelaide. Ms Louisa Sheehan has given long and distinguished service to the community representing many women's issues and addressing various gaps in services. I was privileged to pay tribute to her for the work she undertook for many women in the Italian community and to thank her, in Italian, on their behalf. Many of these women were in tears as we all paid our tributes at a special gathering which was organised by the management of radio station 5EBI.

The concern which was strongly expressed to me by the Italo-Australian women at this farewell gathering was that Ms Sheehan's position be filled as soon as possible and hopefully with a bilingual, Italian speaking person. Appreciating the special support which Ms Sheehan has provided to many widows of Italian origin, my questions are:

1. Will the Minister advise when the vacant position is likely to be filled?

2. In selecting the replacement person will the Minister ensure that consideration is given to employing a staff member with multi-lingual skills in order to provide support to a wide section of women within our community?

The Hon. ANNE LEVY: I know the honourable member did not direct the question to me but, as Minister for the Status of Women, I should respond to his question. The Women's Information Switchboard is part of the Women's Information and Policy Unit which reports to me on a day to day basis. I would certainly echo the remarks made by the honourable member on the wonderful contribution which was made to the switchboard for many years by Louisa Sheehan. She has been a tower of strength and was the longest serving staff member when she recently retired, and I certainly add my thanks to her for all she has contributed, since the very early days of the switchboard, in so capably fulfilling the role of a multi-lingual worker in the Women's Information Switchboard.

That said, it is certainly desirable to replace Louisa as soon as possible, and I understand that moves are in train to replace her so that the position does not remain vacant for any longer than necessary. I can also indicate that it is intended that she will be replaced by a multi-lingual worker.

As I understand it, inquiries and discussions have been continuing (I have not heard whether they have concluded, although I do not think they have) as to which would be the most appropriate language to have to add to those currently represented in the switchboard. As I am sure the honourable member knows, there are a large number of multilingual workers at the switchboard and attempts are made to cover as wide a field as possible in terms of language. Unfortunately, it is not possible to have 80 workers to cover 80 different languages. Certainly, consideration is being given as to which language should be sought in a multilingual worker. I certainly hope this will be sorted out and a replacement for Mrs Sheehan will be able to take up her position as soon as possible.

ENTERPRISE BARGAINING

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Transport, representing the Minister of Labour Relations and Occupational Health and Safety, a question about enterprise bargaining.

Leave granted.

The Hon. I. GILFILLAN: A news report in today's *Advertiser* reports that the Federal Industrial Relations Minister (Mr Laurie Brereton) has called a meeting with his State counterparts to examine the Federal Government's blueprint to open up enterprise bargaining for non-unionised labour. Industrial Relations Ministers in Western Australia, New South Wales, the Northern Territory and Tasmania have agreed to attend the crucial meeting, but South Australia's Labour Minister, Mr Bob Gregory, has declined to participate.

The Federal Government's enterprise bargaining plan is the same as that put forward by the Democrats during debate on the issue in this place last year, when we attempted to gain access to enterprise bargaining for non-unionised workers. At that time, the Government opposed the move, despite the fact that the Democrats' proposal included a monitoring role for trade unions.

The *Advertiser* reports that a spokesperson for Mr Gregory said that the South Australian Government was 'totally opposed' to Mr Brereton's plan, despite the fact that Mr Brereton is reported as stating that his Government is committed to opening up enterprise bargaining to the non-unionised sector. Given the importance of enterprise bargaining to the future success of industrial relations and South Australia's prosperity—and that importance is recognised by every sector of the South Australian industrial arena, including the union movement, certainly the employer organisations and a lot of others who are concerned about productivity and harmony in the work place—it is amazing to learn that Mr Gregory is refusing even to take part in crucial talks on the matter involving Mr Brereton and other State Ministers. The question must be asked: is the Minister serious about improving productivity and industrial relations in South Australia, or is he locked into some ideological trap in which he will remain to the expense of South Australia? My specific questions to the Minister are:

1. What explanation can he offer for refusing to take part in the meeting called by Mr Brereton, his Federal counterpart?

2. Given that the Federal Government is committed to its course of action, will the Minister reconsider his decision and take part in the general move, right across Australia, being discussed in the Brereton meeting?

3. Can the Minister give an undertaking that he will consider opening up enterprise bargaining in South Australia to non-unionised workers and, if not, why not?

The Hon. BARBARA WIESE: I am not in a position to confirm whether or not the Minister of Labour Relations and

Occupational Health and Safety has declined to meet with the Federal Minister, but I do know that he has opposed the Brereton plan, as does the South Australian Government. Mr Gregory and the Government are as committed as anyone in Australia to bringing about greater productivity in industry, and we have some views as to how that can best and most quickly be achieved. It is the view of the Government that the Brereton plan is not likely to succeed in that regard. I will refer the honourable member's questions to my colleague in another place and bring back a report on the matter.

The Hon. I. GILFILLAN: As a supplementary question, as the Minister has answered the question in part, I ask whether the Government supports enterprise agreements covering non-unionised workers.

The Hon. BARBARA WIESE: I think it is appropriate that the Minister of Labour Relations and Occupational Health and Safety responds to this question on behalf of the Government. We certainly support enterprise bargaining in the workplace, and I am sure the honourable member will receive a full report from the Minister as to the current position on that matter here in South Australia and to the view that is being taken with respect to the national policy.

EXPIATION FEES

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation before asking the Minister representing the Minister of Emergency Services a question about expiation fees.

Leave granted.

The Hon. CAROLINE SCHAEFER: I have been informed that the increase in the amount of each expiation fee for traffic infringements has increased each year disproportionately to expiation fees in other areas. In fact, expiation fees for traffic infringements have increased on average 70 per cent as opposed to the CPI increase of 34 per cent since 1987. For example, in February 1987 the expiation fees for speeding offences under section 49(1) of the Road Traffic Act were either $40 or $50 (depending on the nature of the offence) for travelling at a speed of not more than 15 kilometres an hour in excess of the speed limit. Today the comparable fee for travelling not more than 15 kilometres an hour in excess of the speed limit under section 49(1) of the Act is $86, an increase of about 115 per cent in the case of the $40 fee, and 72 per cent in the case of the $50 fee. Other fees have also increased significantly.

By comparison, certain expiation fees for cannabis offences have not increased at all in the same time. In 1987 possession of less than 25 grams of cannabis incurred a penalty of $50. It still incurs a fine of $50 plus a $6 victims of crime levy. In fact, police have informed me that the cost of imposing a cannabis fine is approximately $70. My questions are:

1. Why has the Government not increased the expiation fees for cannabis offences by 70 per cent or at least by the CPI?

2. Does its failure to increase these fees indicate that it is more concerned about raising revenue than discouraging the use of illegal drugs?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 231.)

The Hon. M.S. FELEPPA: I indicated that I wished to support this Bill, but I would like to draw the attention of the Council to some aspects of the Bill generally and, in doing so, make some general observations. The first interim report of the Select Committee on the Law and Practice Related to Death and Dying contains a list of 301 written submissions and 36 individual people who made oral submissions.

Unquestionably, committee members were set an enormous task of sifting through a mass of evidence so that they could arrive at their conclusion and make their recommendations. There was also a second interim report and more work, and a final report was presented to the Parliament in November 1992. Attached to the final report was a draft Bill, and it is upon this draft Bill that the current Bill before Council is based.

Members of the select committee of the House of Assembly are to be commended for the effort they have made and the result they have produced. This Bill is a matter of conscience, as we all know, because it contains a moral issue: it is about what, in conscience, we ought or ought not to do. We ought not deliberately take human life. That is the first moral principle in all societies, even primitive societies. It is this principle, which is enshrined in our criminal Act, to which I wish to draw the attention of members.

However, this issue contains a matter of compassion. We ought to relieve pain and suffering as death approaches. It used to be in time past that death would come upon us and we could do very little or nothing at all to hinder its approach. However, now, with all these modern technologies that science has given us, we can arrest the approach of death to the degree of being able to keep life in a body even after there is a certainty that the brain is completely dead and that there is little or no chance whatsoever of normal life returning.

Because of this technological advance, there is a concern about and a need for legislation that will allow this matter to take its more normal course. In my view, compassion and moral responsibility, above everything else, are at the heart of this legislation.

The Natural Death Act 1983 was a forerunner of the present Bill and emphasised the death aspect of our concern. The present Bill emphasises the treatment of the patient so that the patient can receive the best care for the quality of life which may only incidentally extend to death. The title of the present Bill reflects truly our compassion and moral concern.

In considering the content of the Bill, my first point falls outside the statute but arises from the Bill. In the debate and the discussion elsewhere, permanent medical power of attorney has been mentioned. If a permanent medical power of attorney is granted, it could be in force for years. Therefore, it is reasonable that this power should be reviewed from time to time as conditions may have changed over the years and the power may have to be transferred or varied. In this, I believe, the review is on a par with one's last will and testament, which should be reviewed from time to time.

The Hon. Anne Levy: It doesn't have to be.

The Hon. M.S. FELEPPA: No, I am not saying 'necessarily'. This is a matter that the public—and I reinforce to the Minister that this is my view—should be encouraged to consider and on which it should be educated: it is not necessary to load the legislation with these details. I take it that in the normal course of events a plain language information sheet will be produced in connection with the content of this Bill, and the point I have just made should be included with other information.

The next point that I wish is make is that the Bill contains in schedule 1 the accepted form by which a permanent or temporary medical power of attorney is granted to a medical agent. The form makes clear the intention to grant the power and the conditions that apply when the patient, himself or herself, is unable to make a choice. But there is no provision in the Bill for a patient to record the intention to refuse or accept the treatment under particular circumstances. The Natural Death Act had in it what came to be called a living will, whereby a person could legally record such an intention. In the second interim report of the select committee, professor Ian Maddocks is recorded as saying:

> . . . if the affected individual has indicated that he or she does not want further resuscitation or transfusion and has been judged by the attending physician to be making an informed and rational statement to that effect, then the physician may indicate to the attending medical and nursing staff that it would be inappropriate to undertake resuscitation and write an instruction to that effect on the patient record. It will assist the doctor in making an order if the patient has previously left written instructions without his or her wishes not to be the subject of resuscitation efforts. . .

In my opinion, the Bill should contain a section making such a provision, which would be for the benefit of the patient and which would ease, somehow, the burden of responsibility from the hospital staff. During the Committee stage, unless I am otherwise persuaded by the contributions of other members or, moreover, by the Minister that such a provision should not be in this Bill, although it was included in the previous Act, I will certainly want to move an amendment to insert a new section 6a. If an amendment to that section is accepted, its meaning and application should be included in the plain language information sheet.

The last point I wish to make this afternoon is that I suspect that there is an anomaly in section 7(2), which provides:

> A person convicted or found guilty of an offence against this section forfeits any interest that that person might have otherwise had in the estate of the person improperly induced to execute the power of attorney.

I am aware of one particular concern that my colleague the Hon. Ms Carolyn Pickles has, and I am sure that during the Committee stage we will overcome this concern.

In the Committee stage in the House of Assembly, this section was unfortunately passed without much comment. From the little that was said during that debate in the House of Assembly, the section seems to have been included in the Bill to prevent abuse of the medical power of attorney where there is an interest in the estate involved. I take it that the interest is in the estate of the terminally ill patient. The section seems to be framed to stop a beneficiary of an estate putting pressure on the medical agent to, as it were, hurry the estate into probate.

As the Bill stands, a person, not the medical agent, who is guilty or convicted under subsection (1) forfeits an interest in the estate of the medical agent. That is how I read it. The medical agent may be a friend of the patient, and the person convicted or found guilty may have no interest at all in the estate of the medical agent. The estate that should be in question is the estate of the patient in which the convicted person may have an interest, but the forfeiture does not touch that interest. So, unless I have read this section completely incorrectly—and I hope that the Minister will clarify the matter—I propose to move an amendment at the appropriate time in the Committee stage to have the forfeiture apply to the estate of the patient instead of to the medical agent, and I will make further comments during that procedure.

In conclusion, let me say that, on the whole, the Bill achieves what it set out to do. It allows patients to choose or refuse treatment that would allow them to meet their end with integrity and depart this life with dignity. Whatever choice a patient makes, no justification has to be given for such a decision. Counselling and comfort can be given by relatives and friends, and religion offers guidance and strength. This is most desirable to ease the mental stress and strain during the last hours.

The conduct of the Bill adds to this comfort. Most of us will not be called upon to assume the role of a medical agent or be placed in the situation of having to choose or refuse treatment, but this Bill makes provision and gives legal protection when such a choice has to be made. As I said, the Bill is moral, it is compassionate, and it should be in place if needed. I reaffirm my support for the Bill.

The Hon. CAROLINE SCHAEFER: I come to this debate late, most members having already expressed their view on this Bill during the last session of Parliament. It is certainly a difficult thing to be asked to decide on a conscience Bill so early in my political career; however, I note that this happened also to the Hon. Robert Lucas early in his career and it has probably happened to other members as well.

I have read the Bill and the speeches of other members carefully and I have sought professional advice. I admit that I, like most of the public, was of the impression that this was the thin edge of the wedge of a euthanasia Bill, and I still feel that that may have been the initial intention of those who called for the select committee. Had that been the case, I would have found my task easy—I would not have supported the Bill. However, on examination of the Bill I am convinced that this is certainly not a euthanasia Bill.

The Bill has three parts. The intention of the first part is to allow a person over the age of 16 years to make certain decisions regarding their health and medical treatment. I agree with my colleague the Hon. Trevor Griffin on this matter in that it would appear incongruous to have children regarded as adults at the age of 16 for the purpose of this legislation when in every other facet of the law they are regarded as adults at the age of 18. I believe that amendments will be tabled to rectify that clause, and I will support those amendments.

The third part of this Bill seeks to provide some legal framework for people working in what must be the most compassionate area of medical care: the care of the dying. Part 3 division 2 allows caregivers to make freedom from pain the major priority in the treatment of those in the final stages of a terminal illness, even if an incidental effect of the treatment is to hasten the death of the patient. I am in favour of the intent of this section of the Bill, as it gives protection under the law to those caring for the dying but does not allow for a final act of termination of life. I do not, however, understand the 'extraordinary measures' interpretation as it applies to section 13, clauses (2) and (3)(b). What is an

'extraordinary measure'? Is it something as commonplace as a saline drip? Who decides under this legislation what is or is not 'extraordinary'?

My great concern, however, is with part 2 division 2 of this Bill, which allows for the appointment of a medical power of attorney; that is, the appointment of a third person, usually one assumes a close family member, to make decisions to continue or discontinue medical treatment on behalf of the patient if the patient is incapable of making or communicating that decision themselves. At the moment, that medical agent has unfettered powers to override the decision or professional advice of the doctor.

My predecessor, the Hon. Dr Ritson, spoke at length on the possibility of a loved one who had become a hated one having this power and the possibility of a trusted one who could gain financially from the death of the patient, and even the implications to the insurance industry of this clause. But what about the loved one who is still a loved one, who has no medical training and who is emotionally traumatised by seeing their nearest and dearest suffering terribly? Will they be in a state of mind that is capable of making a rational decision at such a time? And is it even fair for them to be expected to and then to live with self doubt as to whether or not they have made the right decision?

Last Thursday, I listened to the Hon. Jamie Irwin speak with conviction and personal knowledge of the dilemma involved when his son Campbell was seriously ill and in a coma. As a parent, I do not believe that I would be the best person to make a decision as to the life or death of one of my children at such a time, nor would I trust anyone else to make that decision without the advice of the medical profession. It must be remembered also that this section does not deal just with the terminally ill but could involve something as simple as administering antibiotics to an unconscious patient. The legislation, as I read it, would not allow a doctor to override that directive even if in his or her professional opinion the patient's life could reasonably be saved.

At the moment, there is no clause to provide for the revocation of medical power of attorney; once given it appears to be an enduring power. There is also no provision for appeal against the medical agent's decision. I believe it is essential that these two anomalies be addressed. I note that the Hon. Barbara Wiese has tabled amendments that deal with both of these anomalies. No doubt there will be other amendments, and I will consider each of these during the Committee stage of the Bill. The submission of the Australian Medical Association to the Select Committee on Death and Dying states:

> At all times, the principle of autonomy of the individual must be upheld, requiring respect for the wishes of patients, doctors and other health care professionals in accordance with their own values, consciences and religious convictions or other value systems.

In spite of any amendments, I am still concerned that the legislation does not provide for the autonomy of the patient. An example I give is that of an elderly woman who is a close relative of mine and who is in the early stages of senile dementia. When she was a healthy woman in full possession of her faculties she was a supporter of voluntary euthanasia and was adamant that she did not want ever to be a burden to her family. However, now that old age has taken its toll she has no concept of the fact that she is not in control of her life.

She is quite happy with her life as she lives it now. Any decision to withhold treatment on her behalf should she become physically ill would comply with her earlier wishes but most certainly would be in conflict with her wishes as they are now, and in my opinion would be immoral. Again, who decides? In fact, is any third person capable of deciding how a patient would feel about this issue at the time? After all, the strongest of human instincts is that of self-preservation. I have been led to believe that the opposition to the living will concept of the Natural Death Act is that medical science and changing attitudes may make the person's wishes obsolete and impractical by the time the advanced directive needs to be used. I am not convinced that bringing in a third person, a medical agent, will alter or improve anything.

Clause 6(b)(1) does not authorise the agent to refuse the natural provision or natural administration of food and water. What does 'natural provision' mean? Does it mean that the patient must be able to sit up and eat with a knife and fork? That would be a bit difficult if the patient is unconscious. Does it preclude such normal procedures as a saline drip or the intravenous provision of nutrients? I would think that many accident victims who now live normal lives were at some time kept alive by these measures. I am inclined to think that by denying a patient nutrients the cause of death could be starvation or dehydration, and this would indeed be euthanasia. I am opposed to that clause.

Finally, I believe that two considerations should be paramount in the deliberation of any legislation, that is, compassion and commonsense. That this Bill was born from a desire for compassion is undeniable, but I cannot see that Division 2 of Part 2, relating to the medical powers of attorney, introduces any improvements on the Natural Death Act and in fact is fraught with dangers. It therefore lacks the commonsense component of my rule of thumb. I quote again from the submission of the Australian Medical Association to the Select Committee on Death and Dying:

> There seems to be acceptance by the community of the current management of the terminally ill by the medical profession. Such management includes measures that some would call passive euthanasia.

I agree with that conclusion and wonder therefore why we need to intervene with practices that work well. I am prepared to support the second reading but reserve my position on the third reading until the Committee stage.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I rise briefly to indicate my support for this legislation, for the second reading and for any amendments that might make it more liberal. There has been a great deal of discussion of the principles of this Bill, and I completely agree with the comments of the last speaker that this is not a Bill for voluntary euthanasia, although there has been discussion in the community that it is in fact a Bill for voluntary euthanasia. I think such comments have been misinformed, either intentionally or unintentionally, but there is certainly agreement amongst those who have studied the Bill closely that it is not a Bill for voluntary euthanasia. I might say that more is the pity. I strongly support the principle of voluntary euthanasia, and I do so for two reasons: firstly, on principles of personal autonomy, that as an individual I wish to be in control of my own life, of my own body and of what happens to me and when it happens. As I wish for those principles to apply for myself I extend such principles to other people. The principle of autonomy and decision making about oneself is to me a very important principle, and I presume it is to other people also. Of course, if they choose not to exercise that autonomy, again, that is their wish.

My second reason comes from personal experience. Other speakers in this place have mentioned their personal experience of close relatives who have been injured in accidents or who are elderly. I, too, have personal experience of watching my husband die inch by inch very slowly from terminal cancer, and although this was many years ago it is still a very painful memory indeed. I watched him die. I knew what his wishes were, but I was unable to put them into effect. He was perfectly capable of giving directions himself, until the last 24 hours, but there was no Natural Death Act in operation at that time, or if there had been it would not have been of any assistance to him. I certainly knew what he wished and I imagine any couple with a close relationship would know each other's wishes and would be able to forecast and understand what the other would want in a particular situation.

It is for that reason that I strongly support the medical power of attorney which is in this legislation. At this stage many people have not filled in a Natural Death Act form, but for those who have done so I am glad to see that amendments on file will restore the validity of any Natural Death Act form which has been completed—so mine, for example, will not become a useless piece of paper. But there are occasions when Natural Death Act forms have been mislaid, are not known by the medical practitioner or if known are not acted on and in those situations the wishes of the patient are being deliberately flouted.

With a medical power of attorney the responsibility for making decisions is given to someone whom the individual trusts and I imagine that this would occur mainly between spouses or sometimes between parents and children or perhaps other close relatives, like sisters and brothers. It is people with these relationships who know each other well, who know what the other person would have wanted. It is not, I maintain, what the medical agent wants in a particular situation. It is what the medical agent thinks the patient would have wanted, which they will know if they have a long association and close relationship with someone. If you have lived with someone for 20 years you know how they tick if you have a close relationship, and in such a situation you can rely on the particular individual, be it spouse or sibling, to make the decision which you would want to have had made for you in that situation.

I think it extremely important that if someone has not filled in a Natural Death Act form or there is any suggestion that the instructions on the Natural Death Act form would not be acted on, to have a living person, not just a piece of paper in a drawer, able to indicate what they feel is in the best interests of the patient from their close knowledge of the patient, to whom the patient has entrusted them with that decision making power. I am sure my husband would have trusted me in that situation, as I would have him. I knew exactly what his wishes were.

While I support this Bill completely, I regret that even with the passage of this Bill my husband's wishes, long ago though they were, would still not be acted upon under the law of this State, thereby denying him the autonomy and personal integrity that he so ardently desired.

The Hon. CAROLYN PICKLES: I rise in support of this Bill. It was not my intention to speak in this debate, but I would like to concur with the remarks made by the Hon. Ms Levy. I knew her husband very well and I am quite sure that the relationship that the Hon. Ms Levy and her husband had was a matter of trust between them and he would have wished, if it were possible under the law, for his wishes to be carried out.

However, I rise merely to point out that the Natural Death Act does not really provide the patient with the provisions as intended under the original Act, as moved by the Hon. Frank Blevins when he was a member of this place. My mother had signed the form under this Act and her wishes were not acted upon. I believe that they were not acted upon because there was a large deal of ignorance about the provisions under this Act in this State, particularly in public and private hospitals. It is not always the case that wishes are carried out by the medical practitioner who is present. On two occasions I have had to face people who have signed this particular piece of paper and have not had their wishes carried out under the laws of this State.

I believe that this Bill will go some way towards allowing a person autonomy. This is very important in this day and age, when medical technology can keep a patient unwillingly alive for many, many years. One might say, 'Is that being alive?', when one sees some of the patients who are kept alive under the present law. I believe it is timely that we look at this very closely and sincerely. I commend the Hon. Jennifer Cashmore for originally introducing a motion to set up a select committee in another place. I believe that the select committee has sincerely attempted to provide for the deficiencies in the present legislation (the Natural Death Act), merely by adding the medical power of attorney. It is very important that one leaves enough of those forms lying around. If this legislation does not pass, I would urge anyone who wants their wishes taken into consideration to sign about 25 forms and leave them around the State, and take one into hospital with them if they are still able to do so, because I can assure them that this form is unwillingly acted on.

I will probably have some more comments to make during the Committee stages of this Bill. I think it is a sincere attempt to give people in this State some level of autonomy during the passage of their dying and it is something that I see as a step forward. The legislation is not as liberal as I would have liked, but I am prepared to support it in its present form and hope that one day people in this State can make a decision as adults about whether they wish to live or die.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

TOBACCO PRODUCTS CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 5 August. Page 61.)

The Hon. R.I. LUCAS (Leader of the Opposition): On behalf of the Liberal Party I indicate that we support the Tobacco Products Control (Miscellaneous) Amendment Bill 1993 because we see it as a major public health issue. The shadow Minister of Health, Family and Community Services, Dr Armitage, in another place has already eloquently and articulately put the Liberal Party's position in relation to major aspects of the legislation.

In his lengthy contribution the Hon. Dr Armitage referred to an article by Mr Richard Doll, which was reprinted in the *New Scientist* of 20 February of this year. Whilst I do not intend to quote it at the length that my colleague did in another place, I thought there were one or two statistics that he referred to that brought home the starkness of this

particular issue at the moment and highlighted the importance of smoking as a public health problem in South Australia and Australia.

This particular article highlighted some figures updated from the Imperial Cancer Research Fund, Cancer Study Unit, in Oxford and indicated that half of heavy smokers aged 35 die before their seventieth birthday, compared with one-third of light smokers and only one-fifth of non-smokers. Further on, Mr Doll's article indicates that three out of every 200 heavy smokers might be expected to reach their ninetieth birthday, compared with nine light smokers and 30 non-smokers. So there are dozens and dozens of statistics that bring home the starkness of smoking as a public health issue, but those two figures quoted by Mr Doll in the *New Scientist* of February this year are two interesting perspectives and two further interesting highlights of the importance of smoking as a public health issue.

The Minister, when introducing the Bill in another place, also highlighted the prevalence of smoking by young people in South Australia and referred to a 1990 survey of South Australian school children done by Devenish and Meares. That particular research study estimated that there were just over 13 000 12 to 15-year-olds who were smoking regularly in South Australia underneath that particular estimate; by age 14 one in five schoolchildren were regular smokers; and by age 16 the percentage equates with the adult prevalence rate.

I am sure those members who have any continuing association with teenagers, and young teenagers in particular, will know that pressures remain in relation to experimentation, not only with cigarettes and with alcohol but also with other drugs, and there is a lot of pressure on our young people at school and in social environments, at after-school venues and also on weekends.

It is an important issue and most of us will know that no matter what adults, governments, departments and agencies seem to try to do to discourage young people from taking up smoking most of what is tried seems to fail fairly comprehensively, and for all those people who either die or give up smoking at various stages of their adult life an increasing number of young South Australians and Australians take up smoking for a variety of reasons. Later, I intend to address what I see as some of the pressures on young people and whether or not some of the things which we have sought to do and which we seek to do in this legislation, albeit that we are well intentioned, have much practical effect.

The major features of the Bill that we have before us are to increase the minimum age for sale or supply of cigarettes to a person from 16 years to 18 years, and that provision is widely supported; even the tobacco industry has supported that provision. Again, it raises some interesting questions. We have just had a debate in relation to consent and there will be debate there as to what the appropriate age is. There will be members who will support 16 and others will support 18.

The Hon. Anne Levy: I support New South Wales, which is 14.

The Hon. R.I. LUCAS: Maybe there will be some members, like the Minister, who will support 14. We have this debate on many pieces of legislation. In this case we will move the sign of adulthood, when you can go along and buy a packet of cigarettes, from 16 up to 18 years. Yet, in other pieces of legislation sometimes we seem to move the other way.

The second feature of the Bill is that from 1 January 1994 vending machines will be restricted to licensed premises under the Liquor Licensing Act. The third feature is that the penalties for sale to children will be increased fivefold to a maximum of $5 000. In addition, a person who is convicted of a second or subsequent offence will be disqualified from applying for or holding a tobacco merchant's licence for six months or such longer period as the court orders. The fourth feature will introduce regulations which will allow for national uniform regulations in relation to labelling of cigarette packets. On the fifth area, the Minister's second reading explanation states:

> In order to make the requirements on small business less onerous but at the same time ensure that consumers who wish to compare brands are accommodated, the Bill proposes that retailers be required to produce tar, nicotine and carbon monoxide content information on demand by the customer.

I will be very interested at the end of 12 months to know how many customers request from the young person at the local deli or supermarket checkout information on tar, nicotine and carbon monoxide content. The Minister continues:

> This will also enable the information to be more readily updated without the need to produce new display posters.

The final feature is to enable limits to be placed on various forms of point of sale advertising. The Act will allow for point of sale advertising of tobacco products and there will be further restrictions placed on the point of sale advertising by way of future regulations. Mr President, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADDRESS IN REPLY

The PRESIDENT: I remind honourable members that Her Excellency the Governor will receive the President and members of the Council at 4.10 p.m. today for the presentation of the Address in Reply. I would ask all honourable members to accompany me to Government House.

[Sitting suspended from 4 to 4.49 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to Her Excellency the Address in Reply to Her Excellency's Opening Speech adopted by this Council, to which Her Excellency was pleased to make the following reply:

> I thank you for your Address in Reply to the Speech with which I opened the fifth session of the forty-seventh Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

TOBACCO PRODUCTS CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 262.)

The Hon. R.I. LUCAS (Leader of the Opposition): In relation to the two final features of the Bill that I referred to, namely, the point of sale restrictions and the restrictions on labelling, it is important to note that the important debate on both those issues will occur at the time the regulations are introduced by the Government of the day. Essentially, the legislation provides for regulations to be made in relation to further restrictions at the point of sale, in particular, at retail outlets such as delicatessens and supermarkets and also for

regulations to be made in relation to the labelling of cigarette packets.

The labelling of cigarette packets has probably been so far the most controversial feature of the legislation. When this Bill was introduced earlier this year, it was the intention of the Minister of Health and the Government on that occasion to proceed with what had been a decision made by the ministerial council at some time during 1992 to introduce uniform regulations. The agreement at that time included the following provisions: from July 1993 all cigarette packets would carry, first, health warnings printed on the flip top, occupying at least 25 per cent of the front of the pack; secondly, a detailed explanation for consumers of each health warning, together with a national quit line telephone number taking up the whole of the back of each pack; and, thirdly, information on one entire side of the pack to help consumers more readily understand the tar, nicotine and carbon monoxide content of that brand.

As I said, that was the decision of the previous ministerial council, and the Ministers have decided from July 1993 that that agreement would be implemented in most States. Of course, there were changes of Government in Victoria and Western Australia during that period, and in Victoria there was a change of attitude in relation to this ministerial council decision.

I think it is fair to say that there was some rethinking about the practicality and the advisability of this ministerial council decision. The matter was to be reviewed at a subsequent ministerial council meeting in June of this year. That is why it was probably fortunate or fortuitous that this Bill did not progress through both Houses of Parliament in the last session. It did pass the House of Assembly, but was unable to be considered in the Legislative Council because of the Government's legislative program priorities. As a result, we are now able to consider the legislation in the light of the most recent decision by the ministerial council on this issue, and there has been a significant change of heart by all Ministers. Subsequently, there is now a new agreement. I will outline the details of that new agreement in a moment, but it is an arguable point and I will address this further in my contribution.

There are a number of smokers in this Chamber and in the Parliament. If you were to ask any one of those members, or staff members, who currently smoke, whether the prospect of the whole of the back of a cigarette packet, 25 per cent of the front and all of the side having health warnings would make any difference at all, I do not think any one of them would say, 'Well, now that I see that health warning on the cigarette packet, I am not going to pay the $5 or $6 for a packet of cigarettes.' Indeed, I suspect that if the whole of the labelling of the cigarette packet contained health warnings it would not change members' or staff members' decisions in relation to smoking. This has always been an argument, and again I will indicate some further views in relation to this difficult area.

There is a view in the community that further health warnings will prevent people from smoking or provide them with the information to persuade them to give up. I think it is fair to say that there is not too much evidence to indicate that that approach has been overly successful. There will come a time when there is not much more that we can legislatively do. I suspect we are getting pretty close to that in relation to these labelling restrictions, and members of Parliament will have to review the effectiveness of the decisions that collectively they have taken over the past 10 years or so to ascertain whether or not they have been successful. I think it is a personal view and it is a view that I am sure is shared by a number of other people: smokers know that smoking is not good for them.

Smokers know that, in essence, there is a health problem, be it at the moment or in the near future or certainly in the long term, but for a variety of reasons they continue to smoke. In some cases it may well be an addiction and in others it is a stress related condition that is brought on by certain circumstances in their life or their lifestyle. With others it is peer group pressure. I suspect that that relates to young people particularly: someone else is doing it and therefore they should be doing it, or perhaps a particular role model in the real world is doing it and therefore they should follow suit.

I suspect that, when our young women see Julia Roberts light up a cigarette in the box office smash *Pretty Woman*, as she did quite often throughout that film, or when our young men see Harrison Ford in some of the Indiana Jones movies light up a cigarette they are influenced. They may also be influenced by some of our sporting identities, for example, cricketer Allan Border or footballer Andrew Jarman, if they were caught smoking candidly by a television camera (because they do not generally do it out in the open). That sort of real world and/or television and/or movie modelling, together with peer pressure, I suspect is likely to have more influence on young people than either point of sale advertising restrictions or the size of the print on the front or back of the cigarette packet which warns one about the health problems associated with smoking.

On the other side, I suspect that the one thing which has had some effect in particular on young people to a degree and also on adults is the price response. After I saw the recent price rise in cigarettes which meant that some of my smoking friends are paying $5 and $6 a packet for their habit, I nearly fell over. Given that some of them go through one or two packets a day, if you add up the cost of that, you are talking in terms of almost up to $50 or $70 a week worth of cigarettes being smoked as a result of their habit or addiction. I suspect that, as it continues to rise significantly, that aspect is one of the factors which will act to reduce the possibility for some in the community to continue to smoke or to smoke to the degree that perhaps they might otherwise wish. Those increases in cigarette prices will continue, whether Labor or Liberal Governments are involved. There seems to be a bipartisan view now that cigarette price increases are fair game and, irrespective of the Government, they will continue to rise.

It does not seem that long ago when budgets in the *Advertiser* which had the headline, 'Smokes up to 2¢ a packet' and 'Beer up 1¢' were shock horror headlines. They were seen by working men and women as an anti-working person's budget, whether they involved a Labor or a Liberal Government. Through the 1970s, I can certainly remember my father interpreting the various Liberal budgets in that fashion. But if Governments now increased the price of smokes and alcohol by 1¢ or 2¢ a pop most South Australians and Australians would think they had been let off lightly, because in recent times some of the jumps in cigarettes have been up to 50¢ a packet, and certainly alcohol sometimes it has been 5¢ or 10¢. That certainly will be an important variable and factor, and one which I suspect in the long-term, if it continues to increase significantly, will at least have some effect on some elements of the community in relation to smoking.

The agreement that was made in June this year at the ministerial council to change the labelling requirements indicated a significant winding back of the legislative restrictions that the previous ministerial council had intended to impose on tobacco manufacturers. That agreement is summarised in detail by a joint press release from Senator Graham Richardson and Ms Marie Tehan, the Victorian Health Minister. It indicated that there was a new agreement such that:

> . . . under uniform Government regulations, standard warnings would be printed in black type on a white background on the flip top of the pack, and would occupy at least 25 per cent of the front of the pack.
>
> The warnings would be frequently rotated and would include the following: smoking is addictive; smoking kills; smoking causes heart disease; smoking when pregnant harms your baby; your smoking can harm others; smoking causes lung cancer. . . the new standards would see the top third of the back of the pack devoted to detailed health information, including a national quitline phone number printed in black on a white background.

That was a significant backdown from the previous position when the whole of the back of the pack was going to include that detail. The other changes include:

> . . . more detailed information on an entire side of the pack about the tar, nicotine and carbon monoxide content of the cigarettes, specifically the average yields of these substances and their potential effect on health.

So, the major change was that, instead of the whole of the back of the pack being covered, one-third of the pack would be covered. Approximately 25 per cent of the front of the pack, or the flip top, will have a warning message and one side of the pack will have a warning message. This will mean that the tobacco manufacturers will be able to have their own brands and labels at least on a significant portion of the front and back of the packet, together with one side of the cigarette pack for their information and to highlight their brands.

As I said earlier, there has always been a long debate about the arguments for and against further restrictions on advertising and whether or not they will be successful. As I said, only time will tell, because collectively members in this Parliament and in Parliaments throughout the nation have moved inexorably down the path towards more and more restrictions, whether they involve posters, point of sale advertising or the labelling and advertising on a cigarette pack.

With regard to the cigarette pack as opposed to other debates that we have had, I believe that a whole range of views have been and will be expressed about the possible success or otherwise of the changes which this Parliament is to support in a bipartisan approach through this legislation and which is likely to be supported through the regulations that will be promulgated at some future stage by the Government.

As I said earlier, one body of opinion will argue that young people in particular will read these messages and, having read them, will be discouraged from smoking. The other body of opinion will disagree strongly with that view and will argue that it will not change those sorts of habits and that other factors, such as those to which I referred earlier, namely, peer pressure, role modelling, the Julia Roberts syndrome and the other role models that young women and men will follow will be more powerful factors and influences. For those reasons, young people in particular will continue to take up smoking.

In relation to the arguments for just this aspect of the restrictions on cigarette labelling, I want to place on the record some of the contrary views that have been provided to members in relation to whether this measure (which, as I said, we are all supporting) will eventually prove successful. These comments were made on a report by the Centre for Behavioural Research in cancer labelling on tobacco products. A number of State Health Ministers at the 1992 meeting declared that their proposals for further restrictions on tobacco products labelling were based on this centre's 1992 report entitled 'Health Warnings and Content Labelling on Tobacco Products'. That report was commissioned by the Tobacco Task Force of the Ministerial Council on Drug Strategy. I can only assume that many of those consultants and commentators would have been employed by the tobacco industry to provide views on the report. Members ought to be aware of that background when considering the following summaries that I will place on the public record. The summary of the first report from Mr R.P. Power, of the School of Behavioural Sciences, Macquarie university, states:

> There is no evidence, anywhere in the studies reported, that any changes to cigarette packs will have any effect on the behaviour of the target groups. If any changes in public policy were based on this report, they would be based on research which does not provide relevant answers.

A further study by K.L. Mengersen, University of Central Queensland, and R.L. Tweedie, Colorado State University, states:

> It is our view that many of these claims are not well founded in general and often appear to be based on material or opinions not supported by, and even on occasion, contradicted by the studies.

A further report by R. Fisher, Consultant Psychiatrist, Northside Clinic, Sydney, states:

> In my opinion, the studies are questionable if not frankly specious because of statistical weaknesses such as small sample sizes, widely divergent sample populations, bunching of data upon which to base conclusions and method of statistical analysis.

J.G. Lyle, Consultant Psychologist and Late Reader in Psychology, University of Sydney, states:

> The assumption that underlies all this work is that warnings on cigarette packets will have some effect upon smoking behaviour. One might suppose that this would be the first point to be established, but no evidence that bears upon the behavioural effects of health warnings is present in the report.

Dr B. Crabbe, Department of Psychology, University of Sydney, states:

> Closer examination of the report indicates that the recommendations rather than arising from the research have been devised through an initial brainstorming session.

A study by Price Waterhouse, Economic Studies and Strategies Unit, Canberra, states:

> The CBRC report states openly that it has relied upon the 13 papers and supplementary report undertaken in Australia to provide the basis in the Australian context for its conclusions and recommendations. From our analysis, these studies do not provide the required rigorous support and justification for such a significant policy initiative as that proposed.

Finally, Associate Professor George Cooney, School of Behavioural Sciences, Macquarie University, states:

> In summary, if the recommendations were accepted, the legibility of health warnings would be increased as would the amount of information of the harmful effects of smoking, but there is no evidence in this report to conclude that this would result in an increased number of people reading the warnings and information and result in behavioural changes even among those contemplating quitting and those experimenting with smoking.

That is a small summary of views relating to the measure that this Parliament is supporting. It is fair to say that members are not overly rapt, if I can use that colloquial expression,

with the possibility of success of these further restrictions. As I said earlier, my gut reaction and that of many members of this place is that if we spoke to individuals, whether it be members of Parliament, staff or others in the community, and asked them whether they would change their mind as a result of this further information being printed on cigarette packets, I suspect the answer would be 'No'.

That is basically what these learned persons (professors, academics and economists) are arguing as well: that there is no evidence produced in these reports—and I suspect that possibly there cannot be—to argue the case that what we are doing collectively will make much of a difference in relation to this matter. As I said, there are some contrary views. Certainly, the Minister of Health, Family and Community Services and others are strongly of the view that this measure will do something. I guess we can only hope that they are right and that the rest of us are wrong, that these warnings will have some effect on people who have been smoking for some time or who are contemplating taking up smoking for the first time.

As I said, time will tell. If any of us survive for long enough in this Parliament, when next we consider the measure we may well be in a position to look back and say, 'Yes, we were all wrong on that particular occasion' or 'We were all right on that occasion', but at least what we are doing with this measure is saying, 'Let's give it a go.' The Government is strongly of the view, and that view is maintained by the Liberal Party which has decided at least to support the legislation, that these further restrictions should be introduced. Then, at some future stage, we can sit back and review the success or otherwise of some of the measures that we have introduced this afternoon.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ROAD TRAFFIC (BREATH ANALYSIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 August. Page 107.)

The Hon. DIANA LAIDLAW: The Liberal Party supports this Bill. In the course of speaking to the Bill, I will indicate a number of areas in which amendments will be moved. Before turning to some of the background of the Bill, I would like to thank the Minister for providing me with an opportunity to meet with officers of the Office of Road Safety and representatives of the Random Breath Test Unit of the Police Department. I found those meetings to be a constructive exercise: the officers were most helpful in answering my many questions. On a couple of occasions I have been stopped and checked at a random breath test unit, but fortunately I have never been found to have the prescribed limit of alcohol, whether it be .08 or now .05, and when I applied for my learner's permit many years ago the prescribed limit of zero did not apply. So, I was not familiar with all the procedures that are required if one is found to be over the prescribed limit or over zero if one has a learner's permit or P plates.

I was interested to learn that, in addition to the random breath test screening that one is obliged to undertake at a random breath test station, one must attend an analysing unit and blow into the apparatus 20 minutes after the first screening. At that stage, following a positive breath analysis test at the evidentiary unit, in South Australia the police must inform the driver of his or her right to request the taking of a blood sample to be used in their defence. The police must then facilitate the taking of that sample of a driver's blood by a medical practitioner at a hospital or surgery. For this purpose, two police officers must accompany the driver. The sample must be taken within one hour of the request being made by the driver if the driver has a breath alcohol reading above the prescribed limit, and that sample must be taken at a place not more than 10 kilometres from the site where the breath test and analysis occurred.

I was interested to learn that in South Australia about one in four drivers (approximately 2 000 annually) request a blood test—by far the highest percentage in Australia. In contrast, the number who request a blood test in New South Wales is 1 per cent; in Victoria, 1 per cent; and in Tasmania, 15 to 20 per cent; while in Queensland, Western Australia, the ACT and the Northern Territory requests for blood tests are not common.

One of the reasons why this request for a blood test in South Australia is so high is thought to be the fact that police in South Australia are required to advise the offending driver of their right to undertake a blood test and then to accompany the offending driver to a doctor of their choice or to the nearest hospital. I should note that in Victoria where the blood tests are an option exercised by only one per cent of offending motorists there is no such warning provision in that State. So this Bill does make a number of changes in terms of the requirement for two police officers to accompany the driver who is over the present prescribed limit to a hospital or to a doctor of their choice, but it does not change the fact that a warning must be given to the driver concerned.

The reasons for the changes as proposed are as follows. It is a waste of precious police resources, it costs the police $130 000 per annum, it usually closes down a random breath site due to lack of personnel and it can reduce the perception of a strong random breath test presence on the roads and therefore reduce the effectiveness of this program. Random breath test programs are strongly endorsed by the Liberal Party and I believe have the united support of all members of Parliament. So the last thing we want is for the visual perception of a strong RBT presence on the road to be reduced by this requirement that police officers accompany an offending driver, in terms of alcohol consumption, because it is the visual perception of the presence on the roads that we all know does keep down the numbers of drunk drivers on our roads.

In country areas, the concerns that I have just outlined are compounded by the difficulties that police encounter in locating a medical practitioner to take a sample of blood. In the briefing to which I referred earlier I was given a example of one instance in Port Pirie where all 13 doctors were notified and asked to assist with the taking of the blood sample and all refused. There were various reasons. One was the late hour and I suspect that they had encountered, as all doctors generally do, that the person from whom they had taken a blood sample refused to pay.

It is important to recognise that the taking of the blood sample in South Australia (and I suspect it is the case nationally) is a cost that is borne by the person who requests the blood test and it is not an item that can be charged against Medicare. So it is not the case, as the *Advertiser* reported in writing up the introduction of this Bill, that this Bill introduces payments for blood tests. That is already a provision in the current Act. What is important to recognise in terms of the

procedures that are undertaken at present is that over time there is now a general acceptance amongst the scientific community and road safety officers about the credibility and integrity of the initial breath analysis. I know that the breath analysis is then tested at the evidentiary unit, to which I referred earlier, but it is important for us all to recognise, in addressing this Bill, that no court in South Australia has overridden a breath analysis with a blood sample since the police introduced the infra-red based Drager Alcotest Model 7110 instruments in 1987, and those are the evidentiary instruments.

Not only is it important for us in this place to recognise that but that fact should be widely publicised throughout the community. It would restore confidence amongst people about the accuracy and integrity of the breath analysis process that is undertaken in South Australia at present and also it is a guide to people on whether or not they should be requesting a blood test, which, of course, is their right. It should also be noted that a survey of blood tests taken within 60 minutes of a positive breath analysis at metropolitan random breath test sites between July 1990 and May 1992 found that none of the 1 409 breath analysis results were shown by the subsequent blood test to be inaccurate. That should also help instil confidence about the procedures currently employed by the police in this field.

I indicated earlier that in terms of this Bill it does retain a number of current provisions. For instance, the police can still be required to inform a driver over the prescribed limits of his or her rights to a blood test. Also, a driver who requests a blood test must pay for the blood sample to be taken and analysed and a driver who refuses or fails to submit to a breath test analysis will be charged with the offence of refusing to comply. There are, however, a number of important changes proposed in this Bill, particularly where a driver requests a blood sample. Firstly, in such instances it is proposed that the driver will be handed a card with precise instructions on what procedures must be followed. That is outlined in regulations (schedule 1) and I thank the Minister for arranging for me to see a copy of these regulations.

The Hon. Barbara Wiese: Draft regulations.

The Hon. DIANA LAIDLAW: That is right. I am not sure whether the print in these regulations will be the same print on the card to be handed to a person who is over the prescribed limit. If that person is at .05 it perhaps would not matter but if it was much higher they would find the print immensely difficult to read in terms of knowledge of their rights. I would have thought that in terms of written advice on a card to be presented in such circumstances bigger print would certainly be a requirement. The Liberal Party would go further, however, and argue that it is important that a driver in such instances be provided with verbal advice as well as written information in this card form. I understand that the police propose to provide verbal advice but we think it is important that the Bill be amended to require advice of a person's rights in both written and verbal form. That position is strongly supported by the RAA and the Law Society of South Australia.

The next step to be taken in respect of a driver who requests a blood test is that they will have to sign a form requesting a sealed blood test kit. This kit is to be the same as the kit currently provided to medical practitioners, but it will be minus the syringe. I suppose that is something to do with the taking of drugs, in case they are picked up as being under the influence of some drug, or whether it is an economy measure I am not sure, because we are certainly aware that syringes are given away in other instances.

The drivers themselves will be handed this kit, which they must then take to the doctor or hospital of their choice. The driver will have to make his or her own arrangements to attend a hospital or a surgery. The police will no longer be obliged to attend with the driver. This is one matter that I want to explore a little further in a moment.

The offending driver will also have to sign a certificate—and the form of that is outlined in the draft regulations, schedule 2—which will be completed by the medical practitioner after the driver's blood has been sampled. This provision for signing to request the kit and then signing after the medical practitioner has taken a sample of the driver's blood is important in terms of authenticating the identity of the person first picked up as the driver with an alcohol limit above the prescribed limit. This, of course, has not been an issue in the past where the person has been accompanied by two police officers to the hospital or the surgery. However, we believe that the police will seek to cooperate with a person who is above .05, or zero in the instance of a person who has been disqualified and has had their licence returned and is on P plates. In such instances the police will help the person gain a taxi or ring their friends or family to help them get that blood sample if that is what they request.

There are instances, however—and this has been highlighted by both the RAA and the Law Society—where a taxi or a friend or family member is not available to help the offending driver within the period of one hour within which this blood test must be taken. In such instances we believe that the police should accompany that person to the hospital or surgery. It may be that that is a charge against the person, just as it is a charge if they took a taxi, and it will be a charge for them to have the sample taken. But it is all part of their defence and we believe that such a charge would be reasonable, even if levied by the police. We believe that if they want to exercise this right, and they want to challenge the breath alcohol analysis, then if no other means is available to get them to the hospital or the surgery the police should take them in such instances and may seek to charge them for that service.

The RAA argues very strongly that this safety net should be provided. We believe that, too, and that there would be very limited circumstances in which it would apply. Of course, it is obligatory at present for the police to undertake such a responsibility if a request for a blood test is made.

A number of issues were raised by the Australian Medical Association and I refer in particular to its concern about circumstances in country areas. Its representations to me read as follows:

> We have looked at the proposed amendment Bill and essentially have no problem with it. On a positive note, particularly in the country, it relieves the burden from doctors who are called out at all odd hours to take blood. Our country members have asked whether it is possible to have written into the legislation that in the country it not be necessary for doctors to take the blood sample. This would mean providing for nurses to take blood.

The Liberal Party believes that this is a reasonable request by country doctors, as members of the Australian Medical Association, and we will be moving an amendment to that effect.

I suppose I am more sympathetic with this amendment, having attended in recent weeks with my colleague the Hon. Caroline Schaefer a number of public meetings in which women were encouraged to speak out about issues of concern

to them. In all instances the health services, in particular medical services and services provided by doctors, were raised over and over again as the prime concern for women. It is an enormous problem in country South Australia, as I have no doubt it is throughout Australia, to get doctors to live and work in country areas. This issue of the taking of a blood sample is one that we need not necessarily burden them with—if that is their request—and I believe that by this simple amendment doctors would still have the option to provide the test in country areas but there would also be the option for a nurse to take the sample.

The Law Society, in commenting on this Bill, has raised a number of general concerns about the operation of the current 'driving under the influence' provisions, including the presumption that the concentration of alcohol was present throughout the period of two hours immediately preceding the analysis. I know this is not a matter directly addressed by the Bill but it is one that we should be looking at in time. I believe, from the cases that have been presented to me by the Law Society, that some injustices have been done in this area, albeit unwittingly. But an example I am familiar with is where a person was involved in a car accident, had not been drinking at the time—in fact had not been drinking for some 24 hours beforehand, if not more—went home, and it was when they were at home that the police came around to ask for a breath test reading and they did record a positive limit of above .05 at that time.

The reason why is that within the two hours limit after the accident the person had arrived home and had a couple of stiff brandies because they found it was necessary to steel their nerves and to relax. Because of those two stiff brandies, and the limit being .05, when they were measured after the accident it was presumed that they had had above the prescribed limit at the time of the accident. I think this matter has to be addressed by us in this place at some stage, not necessarily at the present time.

The Law Society again raised the issue of the draconian penalties, and there is no flexibility in the current penalties. If you are above .08 and it is your first offence, you will immediately lose your licence for not less than six months. If it is a second offence and you are above .08, you will lose your licence for a period not less than 12 months, and if it is a third or subsequent offence above .08 you would lose your licence for two years, or as the court thinks fit. I have little sympathy for people caught for second and third offences losing their licences for such periods and it being fixed. I must admit that for above .08, and it being the first offence, I find this penalty particularly harsh.

It may well be that many in the community find it harsh, too, and it is one of the reasons why today we have quite a number of people in gaol because they have been caught driving while disqualified from driving. While I have sought statistics on this matter from the Office of Crime Statistics, Police Prosecutions, and the police area generally, figures are not broken down to the sample that I would like. That sample would be to determine the number of people in gaol today as ordered by the courts because they were driving while disqualified and they were disqualified because they were earlier found to be above a .08 limit and it was their first offence above such a limit. Anecdotal evidence on this matter, however, suggests that, of the vast majority of people in gaol for driving while disqualified, a very high percentage is due to first offenders being above the prescribed limit.

The Law Society continues to advocate that a hardship licence as applies in Tasmania and Western Australia should be a matter that the Government and the Opposition review. I am keen that such a review be undertaken. I have asked questions in the past from the Attorney-General and have received no positive advice in reply—simply that he is considering the matter. It is a matter, however, that I think should come to some conclusion.

In this time of recession there are many people desperate to keep their jobs and desperate to find work. There are also many occasions where, as a one-off offence, people can be caught for .08 and this could mean that they could lose their job at this critical time or would not be able to apply for certain work. I believe that for a first offender one could look at having some flexibility in relation to driving and the introduction of a hardship licence. It is one matter that I am keen to see reviewed. Also I am aware from the discussions that we had with the head of the random breath test unit that there is some need for the breath analysing unit, or the Drager Alcotest Model 7110, to be gazetted as a screening device. Apparently, the new blood test requirements would not be necessary for people who cannot or will not submit to a blood test, because of a physical or medical condition. Studies have been undertaken on this matter by the Flinders Medical Centre. I would ask the Minister whether she is prepared to have gazetted the Drager Alcotest Model as a screening device because I think we could overcome the issue which I will now raise and which is the subject of amendment in this Bill. That amendment deals with people who can show good cause, either because of their physical or mental condition, for not submitting to a breath test or analysis by this Drager unit. Currently such persons are allowed to drive away. In future such a person will have to request a blood test in order to avoid prosecution for refusal or failure to submit to a breath test.

My colleagues believe this is a reasonable provision, although some questions have been raised about the fairness of it when a person has not been drinking at all. If a person is a teetotaller and has a medical condition, and if they do not submit to a breath test, we are now requiring them to undertake a blood test at their own expense. It is in this instance that I think the gazetting of this Drager Alcotest Model as a screening device would be an acceptable compromise because to breathe into this unit one requires much less breath, energy and effort than is required for the general screening devices. As I indicated I support the second reading of this Bill with amendment.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

STATUTES REPEAL AND AMENDMENT (PLACES OF PUBLIC ENTERTAINMENT) BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: Can the Minister indicate what the timetable is for implementation of the Bill and can she say whether it is intended to bring all of the Bill into operation at the one time or to suspend any part of it?

The Hon. ANNE LEVY: As I indicated in the second reading debate, there are a number of matters that do need to be attended to, such as the regulations under the Occupational Health and Safety Act. The proclamation of the Development Act is also necessary before this legislation can be proclaimed. We certainly do not want a situation where this Bill

is proclaimed but there are gaps left because other things to be put in place have not yet been put in place. As I understand it the Development Act is expected to be proclaimed before the end of the year. It is expected that the change in regulations to the Occupational Health and Safety Act might not occur before early next year, and I can only repeat that there is no intention of proclaiming the Act until all these other necessary pieces of legislation and regulation are in place.

The Hon. K.T. GRIFFIN: The other part of my question was whether it is intended to suspend any part of this Bill, in other words, to proclaim it in parts.

The Hon. ANNE LEVY: No.

Clause passed.

Clause 3—'Interpretation.'

The Hon. K.T. GRIFFIN: I thank the Minister for her responses at the second reading stage to the questions I raised. This may be the appropriate time to raise a number of general questions that arise from her response. The first area that I want to raise in response relates to the powers that are believed necessary to ensure proper and safe facilities in places of public entertainment. The Minister said that the Building Act provides that building surveyors and building inspectors have powers of entry which are considered adequate to ensure that building work complies with the requirements of the Act. Can the Minister clarify that in this respect? I appreciate that building surveyors and building inspectors will have appropriate powers of entry during the course of building work, but when the building work has been completed would the powers of the surveyors and inspectors cease, or is there power under the Building Act exercisable on an ongoing basis? That may be linked in with the occupational health and safety provisions which relate to places of employment, but in relation to building surveyors and building inspectors could the Minister clarify whether the powers stop when the building work is completed or continue?

The Hon. ANNE LEVY: Under the provisions of the Act building inspectors and surveyors can enter any place where work is occurring, and they do have the power to enter up to 12 months thereafter. Of course, beyond that they would not have powers of entry except if any further building work was contemplated. If there were any modifications to the building in any way, obviously their rights would start again.

The Hon. K.T. GRIFFIN: Therefore, the inspection provisions depend on the operation of the Occupational Health and Safety Act.

The Hon. ANNE LEVY: Yes, and fire provisions of course; the Metropolitan Fire Service has powers to enter any building at any reasonable time.

The Hon. K.T. GRIFFIN: In relation to temporary structures, the Minister said in her reply that the issue of temporary structures and inspections was a loophole in the past under the Building Act and similar pieces of legislation. She did indicate that the Development Act does include temporary structures in the definition of building work. Under the Development Act she says that tents and other temporary structures—circus tents, and so on, which the honourable member raised—would be classed as building work and as such the requirements of the Building Code of Australia for class 9b buildings, that is, places of assembly, will then be applied, although councils will have powers to grant modifications as felt appropriate. There is no question of lack of control. There are really two issues there. I presume that in talking about temporary structures the Minister would include temporary stands for seating and observation purposes?

The Hon. ANNE LEVY: Yes.

The Hon. K.T. GRIFFIN: The second is the extent to which councils will be involved in the administration of the provisions of the Building Code in relation to these places of assembly and the extent of the powers to grant modifications. Can the Minister give some clarification of that reference in her reply?

The Hon. ANNE LEVY: As I understand it, now that temporary buildings are classed as buildings it means that they come under full building control and the most temporary of temporary structures would still require the building control approvals through local councils as currently apply to permanent structures. I understand that some commonsense leeway has been given to councils in this matter. I do not know the details but I presume it is for the most temporary of temporary structures that councils may be able to waive some portion where there is no question of lack of safety being involved. For some structure which is just going up overnight, they may be able to be slightly more relaxed. I do not know the details on this because it comes through the building branch of planning.

The Hon. K.T. GRIFFIN: I do not want to hold up the consideration of the Bill on this point, but I wonder if between now and when the matter is dealt with in the House of Assembly the Minister may be able to provide some information about the scope of the council's authority, particularly in relation to temporary structures which I presume would apply to Sole Bros Circus, to temporary stands at Memorial Drive and a whole range of temporary structures. It would be helpful to have some information if the Minister could arrange to let me have that before it is debated in the other place so that I can give some consideration to that.

The Hon. ANNE LEVY: I would be happy to do so. I think it relates not so much to circus tents and stands at Memorial Drive but to what might euphemistically be called 'one night stands'.

The Hon. K.T. GRIFFIN: The other area relates to the removal of restrictions on entertainment on Sundays, Good Friday and Christmas Day. I have already expressed some hesitation about the repeal of those provisions, but I acknowledge that in the past five years, according to the green paper, there have been 1 108 applications for entertainment on Sunday, Good Friday and Christmas Day, and all the applications were approved. In the green paper there is a division of those applications into those which related to Sunday entertainment, of which there were 762. There were 322 in relation to Good Friday and 24 in relation to Christmas Day, although five were made in the past three years. The green paper makes the observation that the statistics may support the opinion of the service providers that market forces determine the number and extent of applications made for entertainment on these days. It may also be the fact that there is the general legislative restriction on entertainment that keeps the numbers down.

I do not intend to move any amendment in relation to that but, again before the matter is dealt with in the other place, could the Minister let me have some breakdown of the categories of entertainment for which the applications were made and approvals given over the period actually covered by the green paper?

The Hon. ANNE LEVY: I understand that the honourable member is referring to the 120 for Good Friday.

The Hon. K.T. GRIFFIN: Page 16, paragraph 5.3 states:

There are 1 108 applications for entertainment on Sunday, Good Friday and Christmas day.

The Hon. Anne Levy: That is a five year period.

The Hon. K.T. GRIFFIN: Yes. There may be some statistical data which identifies the categories of entertainment.

The Hon. ANNE LEVY: We will certainly look at that, but over a five year period that detailed data may not be available that far back. I am sure we could do it for the 120 group, which involved a 12 month period, because that is the most recent period, and we would be happy to do that. We will look at the earlier information but the detail required may no longer be available.

The Hon. K.T. GRIFFIN: I appreciate that, and I do not want to put the Minister and her officers to a great deal of trouble over it. I thought that some statistical information may have been categorised. If it is not already kept and it is difficult to provide it for the long period, I would be happy with the last year. Perhaps we can keep the offer open on that basis.

Clause passed.

Clauses 4 to 6 passed.

Clause 7—'Closing times for show grounds.'

The Hon. K.T. GRIFFIN: I note from the second reading explanation that the Government does intend to make regulations for the opening times as much as closing times of the show grounds, and that is to be done by regulation. The second reading speech refers to the Sunday only, that is, there will be no opening before 10 am on a Sunday. Does the Government then propose that no regulations will be made in relation to other entertainment at the show grounds on Good Friday and Christmas Day in particular and that any form of entertainment, including motor cycle racing, motocross racing and all the noisy events, will then thereafter be limited only by the Noise Control Act?

The Hon. ANNE LEVY: As I think I indicated previously, the aim is not to change the existing situation. Currently there is an agreement between the Show society and the Unley council as to the hours that the Show will be open on a Sunday. All that is being suggested is that that agreement become a regulation, and this has the complete support of the Unley council and of the Show society. There is no intention to make vast changes.

Clause passed.

Clauses 8 to 12 passed.

Clause 13—'Interpretation.'

The Hon. K.T. GRIFFIN: I raise some questions about the definition of 'place of public entertainment' for the purposes of the Summary Offences Act. I note that the current definition of 'place of public entertainment' extends not only to the place, whether enclosed, unenclosed or partly enclosed, but also to buildings, premises or structures that comprise, include or are pertinent to that place. The definition in the Bill means a public place whether part of a building or structure or not in which any kind of live entertainment is held. Does this mean that the Government does intend to limit the description of 'place of public entertainment', because it does not appear to be as broad to me as the existing provision?

The Hon. ANNE LEVY: The Summary Offences Act definition of 'place of public entertainment' needs to be amended because the existing definition refers to the Places of Public Entertainment Act which is about to be repealed, so another definition had to be inserted. As I understand it, this new definition came from Parliamentary Counsel, and was based on their belief that this definition as before us fitted better with the provisions of the Summary Offences Act, and that it made more sense in the context of the whole of the Summary Offences Act. I can seek more detail if the honourable member wishes.

The Hon. K.T. GRIFFIN: I just draw attention to the fact that it is more limited.

The Hon. ANNE LEVY: This comes from Parliamentary Counsel, with the comment that:

> Section 73 of the Summary Offences Act 1953 empowers a member of the Police Force to enter a 'place of public entertainment' and use force to remove a person who is behaving in a disorderly or offensive manner. I would think it unlikely that it was intended that police officers should be able to enter private premises and remove people who, although being disorderly or offensive, are not committing any offence. The fact that the current provision enables this to be done is probably a consequence of adopting a definition that was specifically designed for the purposes of another Act.

The same comments apply to the use of the term 'place of public entertainment' in section 11a of the Summary Offences Act 1953. That section makes it an offence to enter a place of public entertainment without paying the admission charge. The making of such a charge is not normally consistent with membership of a club. Once again, it seems likely that this was an unintended consequence of incorporating a definition from another Act.

The Hon. K.T. GRIFFIN: I appreciate the response which the Minister has given. It may be that the definition is adequate for the purposes of the Summary Offences Act, but it tends to focus only on a public place in which any kind of live entertainment is held. Perhaps we do not need to go to dressing rooms and other places that probably do not come within the definition of 'a public place'. The definition refers to a place in which films are screened—and that is fairly much a lift from the present definition—but I draw attention to the fact that, with new technology, the word 'films' conveys the concept of a cinema film whereas video screening through video projection equipment does not necessarily come within the definition of 'films'. If the Minister agrees that this issue ought to be addressed, I wonder whether she would be prepared to look at it and provide information before the issue is debated in the House of Assembly. The other means of depicting material is by computer graphics which, as I understand it, can be projected with the new technology that exists.

The Hon. Anne Levy: That may come under the definition of 'places of amusement'.

The Hon. K.T. GRIFFIN: It may come under 'places of amusement', but if it became available it could occur in the TAB. However, I am just drawing attention to the fact that the definition of 'films' does not seem to keep up with modern technology in the way in which images can be projected or displayed in a place which might be 'a public place' for the purpose of this section.

The Hon. ANNE LEVY: I will take up that matter with Parliamentary Counsel to see whether it has considered this aspect and whether it feels a change will be desirable, and I will let the honourable member know accordingly.

Clause passed.

Clause 14—'Interpretation.'

The Hon. K.T. GRIFFIN: I make the same observation about the reference to 'entertainment', which refers to the screening of a film. Again, if that matter could be looked at before the Bill is debated in the House of Assembly, I would appreciate it.

The Hon. ANNE LEVY: I am happy to do that. This is obviously the same question as that relating to clause 13.

Clause passed.

Clause 15—'Smoking in places of public entertainment.'

The Hon. K.T. GRIFFIN: I know that the Minister's point of view and the advice that she has received is different from mine regarding what is a 'place of public entertainment' and what is an 'auditorium'. I do not want to pursue that matter. I have made the points that have been made to me by the Law Society. I have some sympathy with the possible interpretation that can be placed on that term, but having flagged it, if it becomes a problem later, at least I am on the record. However, I raise an issue regarding proposed section 13a, which provides:

> Smoking in places of public entertainment.
>
> A person who attends a place of public entertainment to be entertained must not smoke a tobacco product in the auditorium of the place of public entertainment at any time before the entertainment commences, during the entertainment or after it has concluded.

That presumes that if someone goes along, perhaps as a caterer or employee of a caterer, not necessarily to be entertained, that prohibition will not apply. What worries me is that if an offence is created, as I suspect it is under the principal Act, the Crown will have to prove that the person who attended actually attended for the purpose of being entertained. I therefore wonder whether it would be appropriate even now on the run to delete the words 'to be entertained'. If not, I think that issue ought to be looked at.

The Hon. ANNE LEVY: I oppose that suggestion. The honourable member mentions people other than those who are going to be entertained. Obviously, anyone who has paid an entrance fee is going to be entertained. However, as far as caterers are concerned, there are plenty of laws relating to smoking when handling food, which I am sure would cover any situation. The reason for that provision is that there are many plays where in the course of the play the actors are required to smoke cigarettes, cigars or pipes and so on. If the words 'to be entertained' were omitted, it would mean that smoking could not occur on stage even if it were necessary as part of the action of a play.

I think that would be a most unnecessary imposition on theatrical productions where smoking is part of the play. For instance, Noel Coward uses cigarettes a great deal in his characterisations. The length of the cigarette holder that is used and so on are very much part of his characterisations, and it seems to me that to prohibit the smoking of a cigarette in a Noel Coward play would be a nonsense.

The Hon. K.T. GRIFFIN: I take the Minister's point about entertainers. My example was not meant to be limited to caterers. I know that there are public health obligations in relation to smoking in the proximity of food. There may be other workers working behind stage, ushers or a whole range of people who do not necessarily come to be entertained. It may also be that an onus is placed upon the Crown in bringing a prosecution to prove that the person who attended actually came to be entertained. That is the technical concern I have with that definition.

The Hon. ANNE LEVY: I point out that many organisations, companies and institutions have set up their own rules about smoking within their premises. They adhere to and enforce those rules without necessarily having the power of the criminal law behind them. Clause 15 makes no mention of smoking in foyers. Legally, smoking in foyers will continue, as it is now, to be permitted, but that has not prevented many places of entertainment, be they live or cinematic, from banning smoking in their foyers. However, that is their own decision without the force of the criminal law behind them. All this section does is to replace in the Tobacco Products Control Act the provisions that are in the Act that is about to be repealed. It does not extend the provision or contract it, it merely repeats it; however, private and Government bodies, of course, are able to make quite different rules for their own premises if they wish. Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 6.22 p.m. the Council adjourned until Wednesday 25 August at 2.15 p.m.