HOUSE OF ASSEMBLY

Wednesday 11 April 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 11.45 a.m. and read prayers.

QUESTION TIME

ADELAIDE CHILDREN'S HOSPITAL

Mr OLSEN: Will the Premier instruct the Minister of Health to stop blackmailing the Adelaide Children's Hospital into agreeing to come under full Government Control? I have been informed that there is an urgent need for upgrading and redevelopment in some areas of the Hospital to ensure that it continues to provide treatment to our children equal to world class standard. However, the Minister of Health has threatened to withold funding of $16 million for this vital work unless the hospital board agrees to be incorporated so that it comes under the direct control of the South Australian Health Commission.

Discussion of a new constitution for the hospital board has been proceeding since last February, but any attempt to coerce the board into accepting changes would be completely contrary to the Sax Report, which recommended that no constitutional alterations should be made, except with the consent of the hospital board. Successive State Governments have made a significant contribution to funding of the Adelaide Children's Hospital. The hospital accounts fully in its annual financial statements for the use of these funds, which is subject to stringent Government control.

At the same time, there is a substantial non-Government financial contribution. This weekend's Easter appeal is just one example of the types of non-government funding which flow into that hospital. Any discussion of incorporation of the hospital must take into account the fact that it will allow the Government to take control—

The SPEAKER: Order! The honourable member is now debating the matter.

Mr OLSEN: Clearly, the Chairman of the board—

The SPEAKER: Order! The honourable member will take notice of the Chair's ruling.

Mr OLSEN: Indeed, Mr Speaker. The words of the Chairman of the hospital board were that the Government must take control of millions of dollars of funding which the Government itself does not raise. The Minister of Health compared fund raising at the Adelaide Children's Hospital to running a giant-sized chook raffle. Some chook raffle when hundred of thousands of dollars are raised by the public for that purpose! This is an important question, and the hospital board must not be put under the sort of pressure the Minister is attempting to exert. I ask the Premier to take immediate action to ensure that the $16 million allocated so that urgent upgrading works at the hospital can proceed is made available without being subject to any conditions relating to bringing the hospital under direct control of the Minister.

The Hon. J.C. BANNON: It is interesting that the Leader of the Opposition had to point out to us that it was an important question. I guess that, in view of some of the questions that we have been having, it is probably just as well for him to point that out. In answer to the question, I would have thought that what is happening is very clear and there is no question of coercion or blackmail.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Those words may perhaps gain the Leader the headline for which he is so desperately searching, but they are absolute nonsense. Members will recall the unfortunate incidents and confrontations that occurred on this issue last year. However, since that time urgent action and increased resources have been put into the Children's Hospital, and I think that it is fair to say that there have been some considerable improvements in both the attention to and the delivery of the services in this very important hospital. As far as incorporation is concerned, clearly this Government (as had the former Government) has before it the policy desirability of having hospitals incorporated and constituted within the terms of the Health Commission Act. That process is going on in an orderly and civilised manner.

As for the voluntary fund raising of the Children's Hospital, certainly some magnificent work is undertaken in that area. I, some of my colleagues and other members of Parliament lend themselves very freely and actively to doing that and will continue to do so. The Children's Hospital's place in the general area of fundraising is very secure indeed and is supported fully and totally by the Government. So, I do not think that there is any point in the Leader of the Opposition's trying to whip up a controversy around this area at all. The Children's Hospital, as I say, is being given urgent and extra resources in order to deliver its important services to the people of South Australia.

SOUTH AUSTRALIAN ENTERPRISE FUND

Mr FERGUSON: Now that the Premier has announced the appointment of Mr Tom Urban as Chairman-elect of the South Australian Enterprise Fund, can the Premier tell the House when the other board appointments will be made and when he expects the prospectus for the fund to be issued?

The Hon. J.C. BANNON: First, I thank the honourable member for his question. The Government has been extremely fortunate in securing the services of Mr Urban, who is a man of considerable experience in the financial area with the sort of qualification that we need for the Enterprise Fund—qualification not just built on the positions that he has held in the past but also the way in which he attained those positions. He has built up his career the hard way, as it were, and I think that he has the right mix of practical experience and knowledge of the financial area to be very valuable in this position. So, I am very pleased that he has agreed to undertake it.

I guess, too, that in many ways it is quite a symbolic appointment, because it represents the return to Adelaide of a leading business figure who was required to leave this State when the head office of his company transferred to Melbourne. Now he is coming back to South Australia to head a fund which will be attempting to ensure further that that kind of transfer of financial activity does not continue in the future. I will meet Mr Urban next week to discuss with him the next stage of setting up the fund, which includes the appointment of the board. A tremendous amount of preliminary work has already been undertaken.

Members will recall that the report of the study team recommended that the board have a pretty wide representation of skills on it, and our concern is that it has the best people available: an announcement should be made within the next few weeks. It has been the Government's intention that the prospectus of the fund should be issued this year, and we expect that it will be issued towards the end of the year. Of course, it must be issued at a time which takes full advantage of the market place and public response. I take this opportunity to repeat: the Enterprise Fund will operate

on strictly commercial lines. It is being floated as a public company and will be listed accordingly.

It is not in the business of propping up lame ducks or attempting to support industries that do not have a future in this State. It will go to the market place seeking private investors' funds, and the exciting thing about it is that it will allow the South Australian public an opportunity to directly invest in the future of the State's companies, something which I think will be welcomed and something which is pioneering in this country. No other exercise of this kind has been attempted in Australia before.

The Hon. E.R. GOLDSWORTHY: Why has the Premier ignored advice contained in a secret report about the South Australian Enterprise Fund? A report into the establishment and operation of the South Australian Enterprise Fund recommended to the Government last year that the most attractive period for issuing shares in the proposed fund was the June to November period. According to the report, the prospectus should have been issued 24 weeks after the decision was made to proceed with the establishment of the Enterprise Fund. The Premier announced that decision on 11 December, which means that according to the time table set down in that report the share issue should be opening in mid June and closing in mid July. This would coincide with the most attractive period, as recommended in the report.

When the Premier made the announcement last December, he said that it was hoped to have the fund operating by about July. However, in announcing the appointment of the first Chairman of the Fund today, the Premier said that he wanted to meet the end of the year deadline for the issue of the Fund's first prospectus. This would mean that shares and convertible notes would not go on the market until the end of this year or early next year—well outside the optimum period recommended in the report. Also, seven pages from the original report have been removed from the doctored document that has been presented. I remind the House that, when the Ramsay Trust was abandoned because of lack of financial support early this year, the Premier said that one of the main reasons for the failure was the timing of the issue.

The Hon. J.C. BANNON: I have just covered that point. The question really is superfluous in the light of the answer that I gave my colleague the member for Henley Beach: the timing of the Fund will be to ensure that it gets to the market at a time which will maximise the response to it.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: 'Any time from June to November' were I think the words quoted by the Deputy Leader. I am merely saying that the work is in progress to ensure that that deadline is met. It will provide an exciting opportunity for people in South Australia, one that obviously is not welcomed by those members opposite who did not have the nous or understanding to introduce something like this. As with some of the other things that are happening, it is about time that they explained where they stood on this. Are members opposite suggesting and are they attempting already to talk down this venture in a way to jeopardise it? I remind the House that this is a commercial float, and commercial floats are very susceptible to talk which undermines them in any way. I appeal to the Opposition to approach this matter positively.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I can assure honourable members that the appropriate time tables will be met and that the Fund will be a success. The only way it will not is if this sort of negative undermining talk is carried on outside this House. I do not think it will, because I believe that the public will demonstrate its support for the project.

DIVING SAFETY

Mr MAYES: Can the Minister of Emergency Services advise the House of any current findings regarding safe diving practices in view of the recent double tragedy at Piccaninnie Ponds in the South-East? An article headed 'Police diving unit rejects "unnecessary risk" claim' in the *Advertiser* of Tuesday 10 April, states:

> Earlier in the day the Opposition spokesman on police matters, Mr Wotton, called for the dive to be abandoned. He said it was unreasonable to have police risk their lives to recover bodies.
>
> But the officer in charge of the Star Force, Chief Inspector R.M. Wilkin, said exhaustive inbuilt safety procedures and requirements had been observed throughout the operation.

The Hon. J.D. WRIGHT: One should have thought that I would receive a question from the Opposition about this matter yesterday, as it appeared to be showing a great deal of interest in the matter on Tuesday morning. On that morning, there were comments from two Opposition members, one in this House and one in another place, making the point that it was not safe for the police to do these dives and, in fact, asking for the dives to be called off. That was the proposition that was being peddled by the Opposition. I had already at that stage, because of the tragedy itself, called for a report from the Police Commissioner about the matter. One should have thought that the interest by the Opposition would continue yesterday and that it would have asked me whether the methods being used by the police were safe. But, no, the publicity was all that the Opposition was about. It was not trying to establish the facts at all.

Members interjecting:

The Hon. J.D. WRIGHT: That is clearly the point. If the Opposition was interested in the facts, why was not a question asked of me yesterday? It was not interested in the facts at all.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. WRIGHT: Clearly, the Opposition was interested in the publicity it could get. I must apologise to the House for the length of the report. I have checked with the Clerk on the rules for statistical detail and he advised me that it does not apply in this case. Therefore, I apologise because I will read the long report from the Police Commissioner. It states:

> Attached herewith is a brief summary by the Officer in Charge of our Special Tasks and Rescue Force. I am advised that Dr Ritson and Dr Swaine, who have raised the doubts surrounding this operation, have an interest in the Adelaide Diving Medical Centre and I understand are seeking Government funding to further the interests of that body.
>
> In addition to the attached information, I have mounted an intensive media campaign today embracing all media on the safe diving practices and standards employed by our Underwater Rescue Team. I am also advised that, in preparation for the current dive, Sergeant Harnath, in charge of the Unit at Mount Gambier, has confirmed their techniques and tables with HMAS *Penguin*. Arrangements are being made for a detailed news item to be presented on the Jeremy Cordeaux programme in order to catch early morning listeners. In this way we hope to put the true perspective to the community in order to stifle irresponsible comments concerning this operation.

They are not my words but the words of the Commissioner.

Mr OLSEN: On a point of order, Mr Speaker, is the Minister quoting from an official document from the Commissioner of Police to the Minister? If so, I ask that the document be tabled in the Parliament to obviate the necessity for the Minister to read the detailed number of pages.

The SPEAKER: I ask the Deputy Premier whether he is in fact reading from a docket or other official document of a like kind sent to him.

The Hon. J.D. WRIGHT: It is not a docket but an official minute sent to me by the Commissionr of Police and I have no objection to tabling it—none whatsoever.

Mr Olsen interjecting:

The Hon. J.D. WRIGHT: I will read it before I table it. Is that all right?

Members interjecting:

The SPEAKER: Order! The Deputy Premier.

Members interjecting:

The SPEAKER: Order! It is not a question of whether the Leader of the Opposition finds the matter in order, it is a question of whether the Chair finds it in order. The Deputy Premier.

The Hon. J.D. WRIGHT: To continue, after that rude interruption, the report states:

> One of the main elements in the safety practices is a voice-contact communication between the divers and the support surface crew which has been developed by the South Australian Police Force. This ensures that the surface crew are monitoring the conditions of the divers, and should any signs of nitrogen narcosis be evident, appropriate action can be taken.

That is what the Commissioner of Police said. I will read on a little and then table the remaining part of the report to save the time of the House. The report further states:

> The Underwater Recovery Squad dive in accordance with General Order 1118: this General Order is the Diving Manual and the following manuals were referred to for its compilation.

I will not read all of this material and delay the House but will table the remainder of the document after I read the final part of the letter, which states:

> On all dives, the diving team consists of a minimum of five members. This is constituted as follows: one diving supervisor; communications operator; standby diver; and two divers. In those instances, where it is considered 'depths' are required, additional divers are taken because of the limit in respect to diving time per member. There are many aspects in respect to safety which provide back-up systems for the diver in the water, e.g., three air supply systems are used at one time, a standby diver and communications system.
>
> The diving team underwater is constantly in contact with the above-ground members by means of communications line and their condition is continually monitored for any event out of the ordinary, such as nitrogen narcosis. The police divers attend at the sinkholes in the Mount Gambier area on an annual basis in order to gain experience and knowledge in respect to deep diving in these areas. The Underwater Police Diving Squad uses compressed air for dives. Nitrogen narcosis cannot be explained fully; however, practice and experience negate this condition considerably. General Order 1118 is attached.

That report came from Chief Inspector R.M. Wilkin. I seek to have the remainder of this report inserted in *Hansard* without my reading it.

The SPEAKER: I take it that the portion of the letter the honourable member is seeking to incorporate is of a statistical nature.

The Hon. J.D. WRIGHT: No, it is not.

The SPEAKER: Then I cannot grant leave.

The Hon. J.D. WRIGHT: Then, to save time, I table the document.

LIQUID PROPANE GAS

Mr KLUNDER: Will the Minister of Mines and Energy outline to the House the directions he proposes to take in further promoting the automotive use of LPG in South Australia? The Minister officially opened an automotive LPG conference this morning that is jointly sponsored by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association. I would appreciate an outline from him of any new initiatives that the Government may be considering in this area.

The Hon. R.G. PAYNE: I can give such an outline. Before doing so, I commend the honourable member for his question, because it allows me to remind members that LPG will be coming on stream at Port Bonython in September. It would have been available some months earlier except for an unfortunate problem that the producers have encountered with a number of defective flanges that were discovered throughout the liquids recovery scheme equipment. The member asked what sorts of initiatives I am considering. First, I am pressing for a doubling of the number of LPG powered vehicles in the Government fleet. That is one of the first steps I will be endeavouring to achieve. This has been a a successful operation, one which, in fairness, was commenced by my predecessor, the Minister in the previous Government. I understand that he did not have a great deal of success in getting a penetrative use of LPG. I intend to try to improve considerably on his performance, because I am absolutely convinced that it is a proper use of LPG fuel for it to be used in Government motor vehicles that cover a considerable number of kilometres each year.

In addition, I propose that information we gather from the operation of the vehicles in the Government fleet using LPG will be made freely available and distributed to appropriate areas of the private sector. Thirdly, I propose the establishment of an LPG economic advisory service which will be attached to the Energy Information Centre. The function of that service will be to provide personalised advice to private operators on the benefits of conversion to LPG use. Perhaps one of the reasons that there has not been greater penetration by LPG into the transport field to now has been that accurate and reliable information on the advantages of the conversion has not been available.

Use of LPG by the emergency services should be greatly promoted. Quite often an emergency can arise when there is a shortage of liquefied fuel, that is, petrol and diesel, in which case there would be ample supplies of fuel in the form of LPG which could be used to provide assistance needed during such times. Clearly, the supply and use of that fuel is a desirable objective. Finally, I have already set in motion the machinery to establish a joint industry-Government liaison group. The parties involved will commence work together almost immediately, in the period before the LPG comes on-stream at Port Bonython, and following that period. I would envisage that the Government-industry liaison group will be in existence for about a year. I think that that will be all that is necessary. At this stage I do not consider that the group would need to continue its activity for any longer than a year.

SOUTH AUSTRALIAN ENTERPRISE FUND

Mr MATHWIN: Will the Premier say how many business people were approached to fill the position of Chairman of the Government's proposed Enterprise Fund? Yesterday the Premier announced that Mr Tom Urban, a retired businessman now resident in Melbourne, has been appointed Chairman of the proposed Enterprise Fund. In December last year the Premier said that the chairperson would be appointed in January or February. I understand that before Mr Urban was chosen at least nine prominent South Australian business people had turned down offers by the Premier to chair the Fund.

The Hon. J.C. BANNON: I ask what is the member's basis for that information: it is totally wrong.

PITJANTJATJARA LANDS

Mr GUNN: Will the Minister of Aboriginal Affairs ask the Pitjantjatjara Council to review immediately its refusal of a permit to allow members of the South Australian branch of the Land Rovers Club to travel through the Pitjantjatjara lands next week? Six members of this club, travelling in three vehicles, have planned a two-week journey through Central Australia, leaving Adelaide on Friday. After discussions with the Pitjantjatjara Council which began in February, the council advised in a letter dated 19 March that arrangements could be made for the club to travel through Pitjantjatjara lands to the Surveyor-General's post in the north-west corner of South Australia, if the club agreed to hire an Anangu guide at a cost of $50 a day.

The club informed the Pitjantjatjara Council by letter dated 22 March of its acceptance of these arrangements. The club has sought a permit to apply from 17 to 20 April. It proposes to travel only on established tracks through the lands and has given the council a copy of its strict rules covering a journey of this type. Based on the Pitjantjatjara Council's letter of 22 March, the members of the club have proceeded to make the final arrangements for the journey, only to be informed verbally last Monday that the council had decided not to grant a permit after all. Unless this decision is changed, the club will have to cancel the trip altogether.

The club has been able to obtain permits from the Central Land Council to travel through the Hermannsburg and Docker River areas of the Northern Territory, but these permits will be useless without a permit to travel through the Pitjantjatjara lands on the way to the Northern Territory. In other words, members of this South Australian club have been able to obtain permission to travel through Aboriginal lands in the Northern Territory, but have been refused permission to enter similar areas of their own State. The circumstances suggest that the Pitjantjatjara Council has acted capriciously in this matter, and I ask the Minister to immediately look into the matter to determine whether the council is prepared to reverse its decision, even at this late stage.

The Hon. G.J. CRAFTER: I will most certainly take up this matter with the Pitjantjatjara Council. As the honourable member well knows, the council is not the final arbiter in these matters; it is the respective communities through which the party wishes to travel. One of the problems that has arisen concerns the time span whereby such permission is granted, because meetings are held of these councils of the respective local communities to consider each application. Undoubtedly, that accounts for some of the time span delays that have occurred, which have resulted in public criticism of this process. I will most certainly raise this matter and ascertain what are the facts.

SINCERITY PRODUCTS

Ms LENEHAN: Will the Minister of Community Welfare, representing the Minister of Consumer Affairs, please investigate the door to door selling practices of a company that operates under the name of Sincerity Products? Specifically, will the Minister investigate the recruitment, payment and conditions of employment for employees and, secondly, the quality, cost and value for money of the products sold? I ask my question because of a matter that has been brought to my attention by a concerned constituent who has put before me the fact that unemployed young people and, in some cases, school students are selling products on a door to door basis—products such as a writing set containing 12 writing sheets and envelopes for $3. My constituent has drawn to my attention a notice enclosed in the writing set, which reads:

NOTICE TO INTENDING PURCHASER OF THIS SET

The young people selling our products are independent agents. Apart from gaining experience working in the sales field, they have the foresight to use their spare time gainfully and not spend it idly in a group at the local shopping centre. For this reason alone we request you give them your support.

It has been further put to me by my constituent that, as the young people receive only 60 cents per item sold, these people are being grossly exploited, and it is not work experience but exploitation of labour. My constituent has also asserted that the product itself, selling at $3, which would in any normal retail outlet sell for approximately $1.20, is exploiting those people who buy it.

The Hon. G.J. CRAFTER: The honourable member's question raises a number of diverse issues relating to consumer law in this State. I will have her concerns relayed to the Minister of Consumer Affairs in another place and ask him to obtain an urgent report.

CFS WORKERS COMPENSATION

The Hon. B.C. EASTICK: Is the Minister of Emergency Services aware that a number of claims for workers compensation resulting from CFS members being injured during the course of duty, some relating back as far as Ash Wednesday and a number of them for at least eight months, have not yet been met? If known, has he sought to correct the position? If not known, will he now seek a report and seek to have payment effected without undue delay? It has been put to me that a number of people involved with the CFS have not been able to obtain their just deserts from the CFS Insurance Fund. They are in the main younger people with family responsibilities and, inevitably, it has been suggested that if they (that is, the volunteers) are not assured of a safeguard that would allow them to meet their responsibilities to their families they could well seek to withdraw their services.

The Hon. J.D. WRIGHT: I sincerely thank the honourable member for this question, which is very important. He would be aware of my attitude towards payment of workers compensation. Therefore, I will act on it as swiftly as possible. I am not aware of the non-payment of the claims. The only time that I have been involved in this matter was not in my capacity of Minister of Emergency Services but way back after the tragic fire circumstances in trying to formulate some systematic policy about these people, as Minister of Labour. Since then, I have not had a report. I will call for one immediately and attempt to rectify any anomalies. I am not sure what those anomalies are, so I cannot talk about them at this stage. But I will call for that report and further inform honourable members about the circumstances and what is being done about them.

DRIVING INSTRUCTORS

Mrs APPLEBY: Can the Minister of Transport inform the House whether driving instructors are required to have a regular assessment before licence renewal is granted by the Registrar of Motor Vehicles? As driving instructors are responsible for the skills and attitudes that they pass on to young drivers in the process of instruction, the question of instructors has been raised many times in relation to reassessment before renewal to ensure that they are up to date and provide safe and competent driving skills.

The Hon. R.K. ABBOTT: Yes, I recently announced that driving instructors will be required to have regular

reassessments before new licences are issued by the Registrar of Motor Vehicles. I believe that every effort should be made to ensure the professional standard of driving instructors and, as the member said, the skills and attitudes that they pass on to young drivers is very important if we are to promote road safety.

The new procedures will ensure that instructors are retested every six years. The tests, involving traffic laws, driving practices, vehicle manipulation and teaching techniques, will be administered by the Motor Registration Division and the Road Safety Instruction Centre at Oaklands Park. These tests will encourage all driving instructors to keep up to date and maintain professional competence. This is also strongly supported by the South Australian Institute of Professional Driving Instructors.

5AA RADIO STATION

Mr BECKER: Is the Minister of Recreation and Sport aware of the range of listeners covered by radio station 5AA? I understand that the Government supports the takeover of radio station 5AA by the Totalizator Agency Board. Will the Minister say whether the Government has investigated the service area of 5AA compared with that of station 5DN? I believe that 5AA does not cover all the West Coast, the Far North, the Riverland or the South-East. Has the Government investigated this situation and, if the statement is correct, what action will the TAB take so that the station will cover the whole State?

The Hon. J.W. SLATER: I do not think that that type of question should be directed specifically to me. First, the 5AA situation will be administered by the TAB and, as I understand it, it will form a company. It is their prerogative to determine the internal workings of that radio station.

Mr Becker: You have a power of direction.

The Hon. J.W. SLATER: I would not exercise that power of direction in this matter. I recall that only a few weeks ago a question regarding the Minister's direction concerning 5AA was directed by the Leader of the Opposition to the Premier. I do not think that it is my prerogative to make any assumptions regarding the station. I am not aware of the range of listeners of 5AA. Rarely, like most members, do I have an opportunity to listen to the radio. I point out, for the benefit of the member for Hanson and others, that I personally support the move to have a radio station directed specifically to all the codes of racing and sport because I believe it is in the long-term interests of the racing industry. That is as far as I am prepared to go and should go concerning what occurs. We must remember that the proposed station still has to obtain a licence from the Federal Broadcasting Tribunal. As I said, it is a prerogative of the Board of TAB and the company that it sets up to arrange the internal affairs of radio station 5AA.

TAB PROFITS

Mr PLUNKETT: Is the Minister of Recreation and Sport considering any variation of the percentage distribution of profit of TAB to the three racing codes? If so, what is the variation likely to be, and will it provide a fixed percentage to the trotting and greyhound racing codes?

The Hon. J.W. SLATER: I note the humour of the former Minister of Recreation and Sport (the member for Torrens) on this question.

Mr Ingerson: A pretty good question, too.

The Hon. J.W. SLATER: It is a good question, and I know that the member for Bragg has an interest in this matter, as he sought information from me on it last week. It rather amuses me that no-one can be sure of who on the other side is the actual Opposition spokesman on recreation and sport or shadow Minister.

Members interjecting:

The Hon. J.W. SLATER: It makes a lot of difference, because there is a lot of speculation about it. I have been often tempted to ask 'Would the real Opposition spokesman on recreation and sport please stand up?', because after the member for Fisher was relieved of his responsibility as shadow Minister of Recreation and Sport that responsibility was taken over by the Leader of the Opposition. I understand that the member for Bragg is being coached by the former Minister of Recreation and Sport, although I do not know whether he is much of a tutor, because he himself did not do too well in that field. The member for Hanson, who asked a question of me a few moments ago, is probably an aspirant and probably the best of a bad lot.

The situation concerning the distribution of TAB profit is being monitored. There is concern in some quarters that the percentage variation, which has been of a minor nature, favours the galloping code. However, despite this variation in the percentage factor, the important thing is the monetary aspect of that distribution, and the substantial increases to all codes. For the information of the House, I will recite the comparison of turnover of profit distribution between 1983 and 1984. In relation to galloping, the turnover for the 12 months to 9 March 1983 was $104.1 million, representing a share of 70.8 per cent; and for the 12 months to 7 March 1984 the turnover was $128.5 million, representing a share of 71.33 per cent. Harness racing for the 12 months to 9 March 1983 received $27.7 million, compared to $33.7 million to 7 March 1984.

The Hon. Michael Wilson: What percentage was that?

The Hon. J.W. SLATER: I am coming to that. The share was 18.73 per cent, whereas for the previous 12 months it was 18.65 per cent. For the 12 months to 9 March 1983, the greyhound code turnover was $16.7 million, representing a share of 11.27 per cent. For the 12 months to 7 March 1984, its turnover was $17.9 million, representing a slight decrease in the share to 9.94 per cent. However, I repeat that the most important thing is the profit distribution in monetary terms, rather than the percentage.

Consequently, the profit distribution has been increased by $1.57 million for galloping, $395 546 for harness racing, and $136 622 for greyhound racing. So, we can see from those figures that there have been significant increases in all the codes. As I have said, the situation is being monitored continuously, and overall I believe that the three codes of the racing industry are performing exceptionally well.

Of course, I have not included in those figures moneys received from the Race Course Development Board which were significantly increased by the fractions and unclaimed dividends. I do not have those figures with me, but they were very substantial. Consequently, they should be considered and added to the amounts I have already given the House. I believe that any adjustments that we might make need to be taken very seriously, because the important thing is the overall aspect of the industry generally. Any change in distribution would certainly have implications for the whole industry.

KANGAROO ISLAND FARMERS

The Hon. TED CHAPMAN: Will the Minister for Environment and Planning explain why his departmental officers continue to harass, delay and disrupt families and management programmes of Kangaroo Island farmers under the guise of Government clearance regulations whilst those regulations are, first, subject to judicial appeal in a South

Australian court, secondly, subject to a motion of disallowance in the Parliament and, thirdly, are the underlying bases of a Bill currently subject to debate also in this Parliament?

Reports from my constituents on Kangaroo Island indicate that frightening and disturbing threats of both plant and property orders are being made by officers of the Minister's Department. It has particularly been reported that those threats are made during calls and discussions whilst officers visit certain properties: they are made verbally. I have been told that it has been difficult, particularly in one case cited last week in which it was so far impossible to extract from those officers or from the Government the threats in writing.

I do not wish to name a particular landholder's wife who phoned me last week telling me some of the facts I have just given to the Minister, except to say that the property in question would be well known to the Department if I said that it is located in the hundred of Haines on Kangaroo Island. As far as I know, it is the only property in that specific region subject to threatened order for plant, land or both. The most recent report I received relates to what is understood to be the Government's intention to compulsorily acquire some land on Kangaroo Island, also under the guise of the regulations to which I have referred. That land is section 46 in the hundred of Seddon, a property recently purchased about 16 miles west of Kingscote on the main Playford Highway. I understand that in that case the property owner is against acquisition of his land, hence the element of compulsion that is apparently being considered by the Government. In relation to that property in particular, it is true that in December 1983 the new owner applied to clear 200 of several thousand acres of land acquired and that approval was given to clear only 42 acres of the 200 acre application.

It is understood that the disputed 160 acres of the land which is subject to the apparent compulsory acquisition order has already been logged twice since the property was occupied by the previous owners, and the most recent logging operation was conducted about eight years ago. In conclusion, I further understand that the regulations with which we are burdened at the moment require an application to be lodged if the land has been subject to clearance outside a five-year period. It is following that delicate range of requirements under the so-called regulations that people are being disturbed but, more importantly, harassed and threatened on site. Even if people request the reason for those threatened actions in writing, as is considered at my local community level not only desirable but essential if a job is to be done properly and in an acceptable way, that documentation has not been forthcoming.

The Hon. D.J. HOPGOOD: I suggest to the honourable member that, if he is concerned to impute less than the purest of motives to people in relation to this whole matter, he should do so in relation to me, the Government of which I am a part as the author and authors of the policy and the law of which he complains, and he should get off the back of public servants who are endeavouring to do the job to which they have been appointed. If there are any specific matters in relation to people requesting certain things in writing which they have not received and which the honourable member believes have not been properly carried through, I am quite happy to chase that up. However, to suggest as the honourable member seems to have done in his question that the prime motive in relation to the actions of the public servants amounts to harassment rather than what they are supposed to be doing, namely, carrying out the law, I reckon is pretty rich.

My officers are there to carry out their responsibilities under the regulation. I know the honourable member does not like that, but it happens to be the law and will continue to be the law until such action is taken to change that. The honourable member has raised a matter which has been raised previously in this House and privately with me by the member for Flinders. I refer to the propriety of prosecutions under a regulation which is subject to challenge within the Parliament. I make two points: first, a law is a law once it has been gazetted, whatever might happen to it subsequently and, secondly, in relation to the matter which this regulation seeks to control, if the Government is to forgo any opportunity of ensuring that the law is complied with until the possibility of a Parliamentary challenge to that law is put right out of the way, there is every chance that there will be nothing left to control once that whole process has been gone through.

It would be utterly ridiculous—and the honourable member knows what we are talking about here in the nature of the resource that we are seeking to preserve and the fact that once it is gone it is gone—for me to say that we will not seek to ensure that there is compliance with this law until the process of Parliamentary review has been exhausted. For heaven's sake: we could have had a vote on the motion for disallowance that the member for Flinders spoke to last year, if he wanted to have a vote at that time. However, it is still on the Notice Paper at the initiative of the honourable member. One can play that game (and I am not trying to suggest anything other than what the member for Flinders has said that he is on about) for a long time and keep motions before Parliament. However, during that period, of course, large scale clearing could be going on.

I have been concerned to ensure that, in our dealings with the public on this matter, proper procedures are gone through. I will continue to make it clear to my Department that proper procedures are entered into. I can give an assurance to the House that neither I nor the officers of my Department are interested in threats or harassment to people *per se*. We are interested in ensuring that people comply with the law that has been placed under my charge.

SEASIDE COUNCILS COMMITTEE

Mr HAMILTON: Is the Minister for Environment and Planning aware of a suggestion from Mr Don Mason (Mayor of Glenelg) that the Seaside Councils Committee be revived, and what support would the Government make available to enable this to happen?

The Hon. D.J. HOPGOOD: I understand that this was something that came over the radio. I did not hear the statement, but I have since received a transcript of what Mayor Mason had to say. I suppose that the short answer is that the Government is not opposed to the revival of the Committee to which Mayor Mason and the honourable member refer. In fact, it is up to seaside councils to take whatever actions they believe they should take to bring their proper concerns before the Government.

The history of this matter is that in 1973, when the legislation was brought down, it provided for a Metropolitan Coast Protection District Consultative Committee. It was felt that, in the light of that committee's being provided for under Statute, it was no longer necessary for the earlier association of seaside councils to continue its existence. Don Mason, of course, is a member of the Coast Protection Board. As far as I am aware he has not canvassed this initiative before the Board or me. There are one or two problems, not for the Board, but in respect of the consultative committee. It is serviced by the Coast Management Branch of the Conservation Programme Division of my Department. It provides most of the initiatives which are placed before the Committee.

There have been few initiatives that have come from the local government representatives. Sometimes it is difficult to get meetings together. It has averaged, over a period of time, at about three meetings a year. Last year, two meetings

were cancelled because on the morning of the meeting more than 50 per cent of the members rang up indicating that they would have to tender their apologies for that meeting. One of the problems that has arisen has been that often it is just as easy for officers of the Board to deal directly with the local government authority that has the problem than it is to put it through the consultative committee.

The question arises whether in fact there is a function for the committee as constituted to perform. Yet, there is a provision in Statute for there to be such a committee. I want the most effective form of consultation from local government authorities, particularly those with a coastline, to be put together. If the present committee is not effective, I would be only too happy to consider other suggestions for improvement. Since that news release, there have been negotiations to try to arrange a meeting between Mayor Mason, the Chairman of the Coast Protection Board, one or two of my officers, and myself, and I look forward to an interesting and fruitful discussion.

EYRE PENINSULA ROADS

Mr BLACKER: Can the Minister of Transport advise the House whether Eyre Peninsula roads, namely, the Cleve-Kimba and Loch-Elliston roads (which are determined to be priorities by the Eyre Peninsula Local Government Association), will be receiving increased allocations from the $1 million additional funds that were recently announced by the Minister? As has been raised in this House on many occasions, road funding on Eyre Peninsula, and these two particular roads, has been totally inadequate. At the present rate of funding it has been estimated that it will be nearly 30 years before these two roads will be completed, and this is based on the assumption that no other roads compete for the funding.

The Hon. R.K. ABBOTT: I thank the member for his question. Yesterday, I was able to announce that the Government had made an additional $1 million available for rural arterial roads, and the Highways Department is presently contacting councils to make absolutely certain that they can spend the money available within this financial year. The honourable member will recall that earlier in this financial year we were in a situation where we found that cuts had to be made to a number of councils throughout the State. Hopefully, we will now be able to restore the original amount that was offered to them. I know that Eyre Peninsula people are quite anxious about the roads that the honourable member mentioned, particularly the Loch-Elliston road. I will be going over there in the week after next and talking to those people. I am sure that they will get their share restored, along with many other councils throughout the State.

TAB FOOTBALL BETTING

Mr WHITTEN: Does the Minister of Recreation and Sport consider that the Victorian TAB footy bet could be introduced into South Australia and can he explain the system that operates in Victoria?

The Hon. J.W. SLATER: The programme that has been developed in Victoria in only the last few weeks is still in early days. It is too early to monitor it, despite claims by some sections of the media that it is a success. I am not aware of any great demand for the introduction of betting on South Australian National Football League games in South Australia. In Victoria there were two previous attempts at betting on the football which proved somewhat disastrous. It might be more appropriate, if we are going to introduce this form of betting, to introduce it through the TAB on Liberal Party preselection ballots, which are somewhat unpredictable at this time.

I am unable to give full details on how it operates, except to say that there are two ways to invest, namely, betting on the TAB with a points system, picking the team and having a range of points up to six or seven points. One needs to pick the winner in the margin in order to collect. The other method is the 'footy quad', where four games are nominated for the footy quad. One needs to pick four winners and the correct range of each. There are four options, plus a draw.

The projected yearly turnover—which I think is an extravagant one—is $2 million. The 20 per cent commission is split up in the following way: 2 per cent for the TAB; 3 per cent for TAB capital development; 3 per cent for RBB (whatever that might be); and 12 per cent to the Youth, Sport and Recreation Department. It operates only from TAB agencies and subagencies. To my knowledge we have not had any approaches in relation to whether we would desire a similar system in South Australia as in Victoria.

PERSONAL EXPLANATION: POLICE DIVERS

The Hon. D.C. WOTTON (Murray): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.C. WOTTON: Earlier today, in providing providing an answer to a question from a Government member, the Deputy Premier accused me of acting irresponsibly concerning statements I made in relation to the recovery by police of bodies of two divers in the Piccaninnie Ponds. The only statement I made was that which appeared in the *News* on 9 April where I am reported as saying that it was unreasonable to expect the police to risk their lives to recover those bodies. Expressing concern about the safety of police officers can hardly be regarded as acting in an irresponsible manner. My sole concern was for the safety of police officers when diving and, since there was no hope of saving the lives of the lost divers, I did not want officers taking unnecessary risks when, with a delay of one or two days, extra lifesaving equipment may have been made available for the protection of those officers.

The SPEAKER: Call on the business of the day.

PHYLLOXERA ACT AMENDMENT BILL

Second reading.

The Hon. LYNN ARNOLD (Minister of Education): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This short Bill makes a minor amendment to the principal Act, the Phylloxera Act, 1936. The principal Act under which The Phylloxera Board of South Australia was established, had as its objective the protection of the grape industry from the disease 'phylloxera vastatrix'. The Act established a Fund maintained principally by levies raised against vignerons. There is provision for the investment of

the fund in securities of the Commonwealth, Treasury bills, Government bonds or bonds guaranteed by the Government.

In 1982 the Reserve Bank of Australia refused the Board permission to operate as a registered bidder for Commonwealth bonds on the ground that the Board was not a body corporate and did not meet the bank's requirements. The Reserve Bank's refusal highlighted the need for the incorporation of the Board in order more effectively to execute its powers and functions under the Act and to accord appropriate protection to Board members. This amending Bill provides for the incorporation of the Board.

Clause 1 is formal. Clause 2 amends section 7 of the principal Act, which continues the Board in existence. New subsections (2), (3) and (4) are inserted. New subsection (2) provides that the Board is a body corporate with perpetual succession and a common seal. The Board may sue, and be sued, and can hold and deal with real and personal property and acquire or incur any other rights or liabilities. New subsection (3) is an evidentiary provision.

The Hon. TED CHAPMAN secured the adjournment of the debate.

CONTROLLED SUBSTANCES BILL

Adjourned debate on second reading.
(Continued from 5 April. Page 3331.)

Mr INGERSON (Bragg): First, I point out that I am not the lead speaker for the Opposition on this Bill but am speaking before the member for Coles because she has been detained by another long-standing commitment. I have considerable pleasure in speaking to this Bill, having been involved for some time prior to entering this place in the discussions that led to the expression of a need for separation of the Food and Drugs Act into two more relevant Acts. This Bill will clearly enable a distinction between the areas of food and drugs and will allow illicit drugs to be placed in a more logical area.

As clearly set out in the Minister's speech given in the other place, the Food and Drugs Act will be repealed by splitting it into this Controlled Substances Bill and another Bill, which will enter this Parliament at a later date, called the Food Act. One of the major concerns in splitting this Act into two is that the Bill presently before us, the Controlled Substances Bill, does not have with it the regulations that need to be brought forward at the same time. This is an important matter, because the regulations are the nuts and bolts of this legislation and the area that pharmacists, doctors and dentists know—

The SPEAKER: Order! There is far too much audible conversation. I ask members of the House to have some respect for the speaker. The honourable member for Bragg.

Mr INGERSON: Obviously I need to have a little more thrust in what I am saying so that members on the other side will take note. It is important that members of this House understand that the real nuts and bolts of this legislation are the regulations. It is of concern that these regulations are brought quickly before the Parliament so that this legislation can become operative. I will talk firstly about the main thrust of this Bill which, in this instance, relates to the revision of penalties relating to the possession and sale of prohibited drugs, and to drug dependence. There is a maximum penalty of $250 000 or 25 years imprisonment provided for in this Bill for large-scale drug trafficking. The penalty for simple possession of certain drugs of dependence (and one in particular) have been specifically reduced.

This Bill also includes significant powers to enable the charging of financiers for drug trafficking. These powers were suggested in a previous Bill presented in another place by the Hon. Trevor Griffin. I am pleased that the Government has seen fit to take up those clauses. The Bill includes specific powers for a court to consider dissipation of property belonging to anybody involved in drug trafficking. We can do nothing more than support any penalty that clearly sets out that we as a society abhore the peddling or trafficking of any drug and commend any significant penalty or change that will stop that happening.

The Bill also provides increased penalties for the prescribing of drugs of dependence. I will refer to that matter again later. Special mention is made of volatile solvents, a matter that concerns many pharmacists, particularly because of their direct involvement and first-hand knowledge of children's use of those substances, particularly in relation to glue. Any reference to these matters is to be commended. I will refer later to the way that this area has been handled, and perhaps make some other suggestions.

The Bill also deals with the use of drug assessment and aid panels. The concept of such panels is to be lauded, but the way they are to be used needs to be reconsidered. The setting up of a controlled substances advisory council is a matter that goes hand in hand with this Bill. Obviously that will enable the Minister to have a specialist committee to look purely and simply at the problem of drugs. I commend that measure. The other matter of importance is that the Bill provides more control over the use of legal drugs or prescription or over the counter drugs. This Bill goes a long way towards doing that. From discussions with the dental, medical and pharmaceutical professions, I have found that there is total acceptance of the concept of this Bill. Obviously, the professions are concerned about certain areas. I referred earlier to the health food industry's concern that certain clauses might be attempting to promote a crack-down on the health food industry. There is no such attempt to do that in the Bill; when the regulations come before Parliament it will be interesting to see the changes that are likely to occur in that industry.

It is important to note that there are many pharmaceutical items (and I am referring to strict pharmaceutical substances) for which labelling and product knowledge is not as good as it ought to be. The same thing, of course, is applicable to many products sold by the health food industry. I think it is essential that regulations provide for a tightening in the area of labelling and in the identification of items for the benefit of the public and the profession. When the regulations are introduced we will be able to understand more clearly some of these problems. The Food and Drugs Act and the Narcotic and Psychotropic Drugs Act are to be repealed. The various relevant sections have been combined in this Bill. I support that action.

[*Sitting suspended from 1 to 2 p.m.*]

Mr INGERSON: The Bill places importance on advisory committees, which is a concept I and my colleagues support. This committee will be a specialist committee to deal with drugs and related problems. I commend strongly the use of subcommittees in specialist areas, a concept that was put forward by most of the bodies concerned with the drafting of this legislation. I believe the provision for this committee to make an annual report to Parliament is excellent. That will help this Parliament to understand more clearly what is happening in the controlled substances area.

I want to refer now to the declaration of poisons, which is to be controlled totally by the use of regulation. I am concerned that the provisions of the Bill are nowhere near as specific as they should be. Honourable members would know that eight schedules are attached to the Bill which cover the specific classifications for use. I am concerned that the clauses are so broad and nonspecific that almost

anything could be read into them. Instead of spelling out clearly what the Bill prescribes, we are using regulations to state the main thrust of a clause. One of the reasons for concern is that regulations are not debated in this Parliament and it worries me that the working of this Bill falls into this category. If there is any disagreement or need for discussion, Parliament will be unable to discuss that area. The problem could be dealt with only through the Joint Committee on Subordinate Legislation. The regulations in this Bill go far wider than do most other regulations. I believe that in future we should work towards making sure that the guts of a piece of legislation is written into the Bill and not left to the regulatory process.

Another concern is that, because it is a very busy committee, it is sometimes difficult to get a matter before the Joint Committee on Subordinate Legislation and for people to put their case before that committee. I would much prefer a situation whereby more regulations are written into the legislation so that they could be broadly canvassed and discussed by Parliament. Clause 16 (1) clearly spells out what I am talking about when it states:

A person shall not sell a poison for which this section applies to a person under the age of 18 years.

Surely it would be much easier to add that the poison referred to is included in the appropriate schedule. It seems to me that a simple clarification of these clauses of the Bill would make it a lot easier to understand and it would be easier to relate the regulations to it. It has been pointed out to me that the definition of poisons or substances under this Act applies to all schedules and within that are the poisons used in agriculture, and virtually all poisons used in our society, so there is a need to clarify what uses are being referred to. As this Bill has been received from the other place it is different from the original Bill, it is difficult to line up the clauses with the Minister's second reading explanation. I ask the Minister representing the Minister of Health to look at that aspect of my remarks.

I am concerned about the sale of volatile solvents. The measure put forward by the Government is honourable as it is, and I think it is one attempt to deal with potential problems, but it will be difficult to put the person who might sell quite innocently the glue or solvent or whatever in a position of taking responsibility. I think that area needs to be further thought through and tightened up. I do not condemn such a move because, before coming to this House, I was a pharmacist and I know that all pharmacists support the Government in this respect. I am concerned at the reduction in penalty for the personal use of marihuana to $500 instead of the previous penalty of $2 000, recognising clearly, however, that the reduction in penalty in no way removes the use of this drug as an offence. However, it is a possible recognition that this drug might be more acceptable to the community and in particular is being accepted by this Government as perhaps another pleasurable drug, and that concerns me.

I refer now to a few attitudes that became apparent during the Royal Commission in South Australia and also in other reports that have been made nationally, one on social policies on drugs, written by a special committee sponsored by the Australian Foundation of Alcoholism and Drug Dependence. In part, that report states:

Reports have consistently rejected theories that cannabis is addictive or that it leads to violent crime or insanity or results in progression to other harmful drugs. They conclude that the long-term consumption of cannabis in moderate doses has no harmful effects on the user, but that heavy and sustained use carries some risks. One of the striking features which is evident from the findings on the topic of cannabis is that there is a definite gap between actual evidence produced and widely held beliefs. This applies to both supporters and opponents of cannabis . . . It seems that, in the past, debates have been more concerned with values and community attitudes rather than with obtaining facts; one of the results of this being that prohibition of the drug has continued. The first step towards developing a sensible approach to the regulation of drug use must be to disentangle facts from values.

Again, the Government needs to be congratulated on the Minister's recognising the considerable lack of knowledge about the use of this drug and that more research and more committee meetings need to take place about it. I know that the Minister has done this through reporting to a national committee. The report continues:

On present knowledge it seems that cannabis does not have the damaging long-term effects of alcohol and tobacco, both of which are readily available in Australia. Because Australians are highly reliant on drugs (not only alcohol, but also caffeine, aspirins, cigarettes) which are socially accepted and sometimes even encouraged, the debate about cannabis must take into account the fact that society condones the use of other drugs.

We need to examine the risks provided to the individual under the influence of marihuana. Such an individual will perform acts not consistent with his or her normal behaviour, and the drug is especially dangerous in regard to road traffic. Much work needs to be done in the area of marihuana and I am concerned that there is movement at this stage to reduce the penalty prescribed for its personal use, even though we have these doubts about where we may be going in this area.

There is no question that at this stage the long-term effects of cannabis are obscure and no major health defects have manifested themselves as a result of its use, but this does not mean that we can assume that there is none. Reports show that cannabis has an effect on the heart, the lungs, the brain, the immunity area, on pain and on reproduction. It also has a psycho-motor effect. The foregoing highlight the need for further study on the effects of cannabis.

Regarding assessment panels, I support strongly the need for a change in the method of treating addicts and other people affected by some sort of addiction. The assessment panel is one way of treating this problem, but I am concerned about the power the panel is given under the Bill to virtually side step the legal process. I should have thought it more logical, as it is an offence under the Act to be found in possession of the drug, that the legal process should take place, but that, within the legal process, provision should be made to enable the assessment panels to be used more and to virtually place the problem of these people more directly with the panels after the legal process has been gone through rather than to pre-empt the legal process by putting it before.

I support strongly the increase in penalties for drug traffickers, pushers and others engaged in the illegal pushing of controlled drugs. I also support the ability, under the legislation, of the law to investigate all corporate structures, whether trusts or companies or whatever involvement an individual may have, so that he cannot escape from the law if he is guilty. I do not support the reduction in penalty for personal use on the ground that there is much evidence to show that the drug itself has wide motor effects on the body and that in many other areas it has an effect on the individual. However, I note that there is a considerable increase in the use of the drug in the community and this poses a problem with which Parliament needs to come to grips in the future. I support the recommendation of the Minister that this area should be thoroughly investigated, and the sooner that is done the better it will be so that the community may be advised more clearly on the effects of smoking this drug.

Finally, I refer to the need for the schedules to be quickly brought into line so that the Bill can function as soon as possible. I realise that until the food legislation comes before Parliament this Bill cannot be proclaimed, but the sooner we can get the Bill and the regulations into force with their

new direction the better it will be for everyone concerned. On that note I ask the Minister to request that those regulations be brought down as soon as possible.

The SPEAKER: Before calling on the honourable member for Coles to speak in this debate, may I say that, as I understand it, the honourable member will take the role of lead speaker.

The Hon. JENNIFER ADAMSON (Coles): Thank you, Mr Speaker, that is correct. I also thank the member for Bragg for his courtesy in helping me fulfil a long-standing commitment and for his capable speech on the Bill. The Opposition supports the Bill, although it opposes certain key clauses. The Bill is a result of the efforts of two successive Governments to deal effectively by Statute with the problem of the control of drugs and other substances. I well recall the painstaking efforts of at least three Ministers in the previous Government (the Minister of Health, the Chief Secretary, and the Attorney-General) as well as officers of their staffs, and I have no doubt that similar efforts have been made by Ministers in the present Government. Together with their counterparts in other States, these three Ministers combed through the recommendations and the reports of the National Committee of Inquiry on Drugs (the Williams Committee) and, in our case, the Royal Commission into the Non-Medical Use of Drugs, which released its final report in April 1979, just six months before the Tonkin Government came to office.

The collation of the recommendations of the Royal Commission (the Sackville Commission) and the Williams Committee was a time-consuming task in respect of which Cabinet had to take both a philosophical approach and an administrative approach. It may well be that, while the administrative aspect of the present approach differs slightly from that of the previous Government, the philosophical approach is clearly expressed in the clauses relating to the reduction of penalties in respect of marihuana and to the drug assessment panels.

This Bill has already been extensively debated in another place and it is interesting, in reading those speeches, to see that virtually every speaker took a different perspective on the debate and that, although several speakers were involved, there are still vast areas in relation to the Bill that have not been covered in debate. I am grateful to have several pharmacists as colleagues on this side, because this is an extremely technical subject and, although I have had the responsibility for administering the legislation that this Bill repeals (namely, the Food and Drugs Act and the Narcotic and Psychotropic Drugs Act), I freely acknowledge that a lay person has extreme difficulty in coming to terms with the great diversity of complex subjects embraced by the Bill. In this regard, I believe the Minister in charge of the Bill and I are on common ground, although he has the benefit of expert advice.

An examination of the Bill shows (and this is the first thing that strikes a lay person) that, in enacting this legislation, Parliament will give enormous powers to, and place enormous trust in, the bureaucracy that will implement it. One cannot help but be struck by the resemblance of the structure of this Bill to the structure of the Radiation Protection and Control Act which was passed in early 1982 and which also gave very wide regulation-making powers to the bureaucracy in order to administer the Act. At the time I reluctantly recognised that, because a Liberal Government and a Liberal Party would always prefer to see Parliament make the substantive decisions and to see the minimum amount of decision making left to regulation because, the more that is left to regulation, the more Parliament is deprived of its powers and, consequently, the more the powers of the people are diminished.

The whole basis of this Bill rests on a single, simple structure, namely, the Controlled Substances Advisory Council, which will develop the regulations. I noted and shared the wish of the member for Bragg that the legislation should be quickly enacted, but I do not share his confidence that that will be the case. The development of the regulations will be a monumental task; in fact, it will probably be one of the biggest jobs with which the health bureaucracy in South Australia has ever been presented. It is interesting that today we should be hoping that this Bill can be proclaimed in a relatively short time, whereas yesterday a question was asked in another place as to why the Transplantation and Anatomy Act had not been proclaimed, and why recipients of kidneys were at a disadvantage in South Australia through failure to proclaim the Act. The Minister's reply was that he did not have the staff to develop the regulations.

The regulations under that measure will not be nearly as extensive as the regulations under this legislation. I suspect that this legislation will not be proclaimed during the life of this Government. I do not wish to be gloomy and pessimistic, and I would be extremely pleased to be proved wrong, because it is in the interests of South Australians that I should be proved wrong, but, knowing the size of the task and the limited nature of the resources available for the task, I am not hopeful that this legislation will be proclaimed during the life of this Government.

It is worth making some reference to the question of resources, because the question of resources to implement this legislation is inseparable from the nature of the legislation itself. The resources to assist the Advisory Council in developing the regulations will come from the public health area of the South Australian Health Commission. Of the approximate $500 million budget provided to the Health Commission, only .7 per cent of it goes to the public health area, and of that .7 per cent the pharmaceutical services area of the Health Commission receives only about $100 000 for salaries, and less than $10 000 a year for goods and services. How can an administrative organisation which already has ongoing responsibilities of a profoundly important and increasingly burdensome nature, how can that section of the bureaucracy possibly be expected to take on this enormous job of developing regulations under an extremely important and, one might say, watershed piece of legislation (because that is what it is) with resources as limited as that?

I would guess that fewer than a dozen people will have to share the responsibility for this, in addition to their normal ongoing responsibility. The second reading debate and the Committee stage are the times to raise this question. It was certainly raised in relation to radiation protection and control where there was a similar burden of responsibility and a scarcity of resources. It is right that it should be raised here, and I hope that, in giving the Minister fair warning, I am enabling him to obtain some answers, because a very significant number of people in the health services in South Australia will be wanting to know the timing of the enactment of this legislation.

The Advisory Council upon whose advice the Government will depend in order to develop the regulations, monitor them and ensure that they are in accordance with the recognised standards, will be appointed by the Minister. It will consist of a Chairman, who will be an employee of the Health Commission; a medical practitioner; a member of the Police Force; two people who have qualifications and extensive experience in the field of chemistry, pharmacy or pharmacology; one person who has extensive experience in the manufacture or sale of substances or devices to which this legislation applies; two people who have a wide knowl-

edge of the factors and issues involved in controlling the manufacture, sale and supply of substances or devices to which this measure applies; and one who is, in the opinion of the Minister, a suitable person to represent the interests of the general public.

That council replaces the present Food and Drugs Advisory Committee and the mechanisms under the Narcotic and Psychotropic Drugs Act to fulfil basically the same purpose. I commend the composition of this council, because it has the breadth and depth to meet the enormous challenges inherent in the legislation. Certainly, the Police Force has for many years wished to have representation on the Food and Drugs Advisory Committee, and that would have been only right. Under the very broadly embracing provisions of this Bill, the police will have a significant input, as of course will all the other people representing various interests.

I am pleased that the initiative taken by the previous Government in health legislation to ensure representation of consumer interests is being pursued here, and I hope that the inclusion of a lay person representing consumer interests will assist the council in ensuring that the regulations are framed in a manner which is straight forward and capable of understanding by the ordinary consumer, or indeed by anyone who is employed or likely to be employed in any field relating to drugs and therapeutic substances and devices.

I had the pleasure of commending the Minister for the clarity of expression in another piece of legislation. That clarity should be carried through not only to legislation but also to regulation and in this instance it is particularly important that the lay person should be able to understand what is intended. That is, of course, one of the difficulties with this Bill. For, example, clause 13 provides:

> A person shall not manufacture, produce or pack a poison, therapeutic substance or therapeutic device to which this section applies—

and the same intention is repeated in several clauses. Of course, in debating the Bill we really do not know what we are talking about when we use those words. In fact, we are talking about everything from Disprin to Dioxin and a whole range of substances in between. So, the debate both, in the second reading and Committee stages, unless conducted by people who have technical knowledge of the area, must to some extent be conducted in the dark, because the area is so complex and diverse.

I refer to the Williams Report and the Royal Commission into the Non-Medical Use of Drugs. Both those reports were preceded by an extremely important report which is now some years old but the conclusions of which are nevertheless valid—that is the report of the Standing Committee on Social Welfare, published in 1977. It was the first major examination by a State or Federal Parliament in Australia of drug problems in this country. Indeed the report was entitled 'Drug Problems in Australia—an Intoxicated Society'.

That report made a number of recommendations, some of which have been implemented, but many of which have not; some of the recommendations have been picked up by both the Williams and Sackville Commissions, and some are pertinent to the legislation before us. I recommend to honourable members that, despite the fact that the report is now eight years old, it still contains facts and information which are absolutely relevant to the question of drugs in Australia. It deals with alcohol and tobacco (with which the Sackville Commission did not deal) analgesics, cannabis, amphetamines and barbiturates, as well as supplementary policy considerations and education.

Of course, when considering the question of education, it is worth looking at the recommendations of the Sackville Royal Commission and indeed the Minister's second reading reply in the debate in another place to see the huge strides that have been made in drug education in Australia since 1977. The Sackville Commission emphasised the importance of education programmes. It acknowledged that considerable damage had been done by poorly structured programmes, which were in fact counter-productive.

This Bill needs to be seen in concert with other actions which would have been taken by the previous Government and which are under consideration by this Government in terms of dealing with treatment, rehabilitation and, of course, education. That debate will take place when the Alcohol and Drug Addicts Treatment Board legislation is considered by this Parliament, either for repeal or rewrite. In the recommendations of the Sackville Royal Commission it was stated that resources should be made available for an extended community health education programme in South Australia embracing drug education, and that this programme should be conducted by the South Australian Health Commission at the highest level to formulate specific objectives in relation to health behaviour and thereby move beyond objections related to teaching methodologies.

From 1979 to 1982 considerable work was done in South Australia in that regard. The present stop-smoking campaigns conducted by the South Australian Health Commission owe their origin to research work and surveys which were undertaken by the Tonkin Government and to a commitment on the part of that Government to reduce the level of tobacco consumption in South Australia by educative means. Of course, one of the recommended goals of the report of the Senate Standing Committee on Social Welfare was the reduction of tobacco consumption. On that note and in relation to this Bill I think it is relevant to make some comment on Part V which deals with special provisions relating to drugs of dependence and prohibited substances.

On two occasions in the past few years this Parliament has debated the question of tobacco advertising—once in this House and once in another place. It has tried to deal with that subject in isolation. If we were to take a logical and rational look at tobacco as a drug of dependence, in fact the most addictive of all licit drugs, I believe it would be brought into the ambit of this Controlled Substances Bill and would be identified either as a special substance on a schedule of its own with restrictions placed upon it in accordance with that schedule and paralleling restrictions which are placed upon the sale of other legal drugs, or as a substance on a special schedule dealing with carcinogenic substances. At the moment I believe there are eight schedules under the Food and Drugs Act. The National Health and Medical Research Council has developed a ninth schedule to deal with prohibited substances and it has developed a tenth schedule to deal with carcinogenic substances.

In developing that schedule, the council has also developed special regulations designed to apply in industry and where carcinogenic substances are used for scientific purposes in laboratories or where they are found in the environment. That, of course, is an enormous area. Although that schedule has been developed, it does not operate in South Australia, although I believe it operates in some other States. Tobacco certainly could be placed on that schedule of carcinogenic substances along with substances like asbestos, benzine, vinyl chloride and PCBs, in which as I recall the member for Albert Park expressed an interest about three years ago. He asked lots of Questions on Notice.

This expanding scientific knowledge and the development of new technology is revealing year by year the existence and effect of a whole range of substances, which previously have not been identified in any special way for their effect on the human body or on the environment, nor have they been controlled. It is ironic that a known carcinogenic substance such as tobacco is freely sold and subject to absolutely

mininum restrictions. I float that as an idea which should be seriously considered by this and future Governments.

I recognise that public opinion needs to come a considerable way forward, in my opinion at any rate, before the Parliament of this State would support such a proposal. But, when public opinion has come that distance, tobacco should not be dealt with in isolation: it should be dealt with in concert with other carcinogenic substances and brought within the ambit of the Controlled Substances Act.

The other extremely important provisions of this Bill which concern the Opposition relate to three matters: first, the reduction of penalties for the personal possession of marihuana; secondly, the establishment of drug assessment panels, which will transfer from the courts the present powers to deal with adult drug offenders; and, thirdly, the failure of the legislation to identify in the Statute rather than in the regulations the quantity of drugs in relation to which a possessor is deemed to possess with intent to sell or supply to another person.

The Opposition supports fully the greatly increased penalties which this Bill, following the Williams Royal Commission recommendations, imposes for trafficking in drugs. It supports fully the confiscation of property, which is provided for under the law, and the investigation of corporate affairs. However, we do have strong reservations about those other issues. To take the question of marihuana first, I will refer to the report from the Senate Standing Committee on Social Welfare. One could refer to any number of reports, including, of course, the Sackville Report. However, as the Senate Standing Committee took what I consider to be a very balanced approach to this question and one which I believe is still relevant, I think that it is worth quoting from page 140 of the report as follows:

> The community is polarised over the use of cannabis. The reasons for which side is taken in the controversy sometimes appear to have little to do with the merits of a particular case. Some people's beliefs as to the propriety of use or non-use depend on factors which have little to do with the nature and effects of use of the drug.

The report goes on to quote a survey which concluded that:

> . . . Marihuana is a 'political' issue, in that attitudes toward the use of this substance are a function of age, education, urban residence, church attendance and voting intention.

I suppose that, if one looks at people on this side of the House and the other side of the House and assesses the differing reactions to this proposal of reducing penalties, that statement is a very accurate one. However, the Senate Standing Committee deals further with the question of cannabis and driving on page 145 of the report as follows:

> Cannabis has an adverse effect on driving skills. P. Bech and five colleagues, in a joint study, demonstrated that an intake of 300 milligrams of tetrahydrocannabinol delayed braking time by about 20 per cent, and an intake of 500 milligrams by 66 per cent—

a huge delay time—

> In a comparative test, 70 grams of alcohol (equivalent to seven 10-ounce glasses of beer) delayed braking time by 44 per cent.

They are very interesting comparisons between seven 10-ounce glasses of beer (a fair intake on my perhaps conservative standards, but I think my colleagues would agree it is a fair intake of beer; and the timing of that intake is not readily available before me, so that has something to do with the case) delaying braking time by only (and I use that word in the comparative sense) 44 per cent, whereas the 500 milligrams of cannabis delayed braking time by 66 per cent. The report continues:

> Joint studies by F.T. Melges and others, and by V.S. Ellingstad and others, found that cannabis use distorted judgment of time.

And it has various other effects. Leaving aside the political values, the philosophical attitudes, the age, the nature of urban residence, the church attendance and the voting intention, if for absolutely no other reason but its effect upon driving, every member of this House should, I believe, take a very careful view of any legislative action whatsoever which could tend to diminish in the eyes of the public the extreme importance that this Legislature places on driver safety and safety on the roads.

In my opinion and that of my colleagues, by reducing the penalties for personal use, we are signalling clearly to the public that personal use is not as unacceptable now as it once was. I will not put it any stronger than that: we are saying that it is more acceptable to smoke cannabis now than it was 10 years ago and we, the legislators, are reflecting that attitude in a reduction of penalties. At the same time, we the legislators (or the majority of them in this place) are not taking account of the effect of this drug on safety on the roads, the safety of individuals, the lives and the health and happiness of hundreds (and, who knows, thousands) who could ultimately be affected as a result of widespread consumption of cannabis.

So, the Senate Standing Committee recommended further studies and, indeed, those further studies in the interim have been undertaken and more and more evidence is being revealed. However, at the same time it recommended that as soon as possible State and Territory legislation be amended to provide for the introduction and use of appropriate methods of detecting tetrahydrocannabinol in drivers and the imposition of appropriate penalties. On the one hand we have a Federal Committee urging testing methods and penalties; on the other hand we have a State Government saying, 'Let us lighten the burden of penalties on these poor people who would like to smoke marihuana and who we believe are being treated rather harshly under the present law.' The Opposition does not believe that. We are extremely concerned, if for no other reason, about the question of road safety and the lives of people, which could be destroyed by virtue of distorted judgment and delayed braking time.

If there were no other evidence (and there is plenty) than that, that alone should be a signal to any responsible legislators that one should not mess around with anything in the law that will make cannabis appear to be more acceptable to society. I would not like this second reading speech to conclude without paying a tribute to the officers of these three Ministries and departments: Health, Chief Secretary and Attorney-General for the enormous amount of work that has gone into the preparation of this legislation. As I say, because of the diversity and complexity it was a very painstaking task. There were literally hundreds of recommendations that had to be collated, combed through and considered first by officers and then Cabinet.

The legislation unifies or goes towards unification of State law which in turn is governed to a large extent by Federal law which in turn is governed by international conventions, and this history of close knit international relationships in regard to drugs goes back probably some centuries but in terms of modern government to the early twentieth century, I believe 1930, to the League of Nations, when the first international convention on drugs was adopted by countries recognising that it was impossible to exert controls in the borders of one country if similar controls were not enacted in other countries where there was a relationship between the two nations.

Those conventions have really been the basis of our Federal law throughout this century, and in turn it has flowed down to the States. Until now there has not been what I would describe as being good co-ordination between the various State laws. However, this Bill redresses that disadvantage and brings South Australia into line with the other States which have developed laws covering the use of medical and non-medical drugs and other substances. My colleagues will be dealing with other technical aspects of the

Bill. With the exception of the strong reservations that we have, based on attitudes to what we would describe as a diminution in the justice system by taking drug offenders outside of that system for assessment, first, by a panel which is not part of a court and, secondly, the reduction in the penalties in relation to cannabis, and thirdly, the failure of the Bill to identify quantities which will indicate whether possession constitutes a criminal use, the Opposition supports the Bill.

Mr OSWALD (Morphett): This is the most important piece of drug legislation to come before Parliament for many years. It is designed to regulate and control the illicit drug trade as it affects South Australians. The legislation is broad in its base. I commend the Government for that. In most aspects the Bill's strategy is a vast improvement on what has existed in South Australia until now. As honourable members would know, there are many pieces of legislation covering this area of drug regulation, whether for the controlled use of drugs by those in the medical field, or the illicit trade of drugs in the criminal communities.

I intend to support the second reading to allow the Bill to go into Committee where the Opposition will move certain amendments, which I will be supporting. As honourable members would know, the former Liberal Government had a Controlled Substances Bill in the pipeline, so really this Bill is nothing new. I am pleased that the Government has taken the initiative to bring this Bill before the House so we can implement these measures within the community. The Government is correct in providing a comprehensive strategy to control the illicit drug trade. To do anything less would be to court failure. To simply increase criminal penalties is not sufficient. I am pleased that the Government is strengthening areas of control relating to the way that prescriptions are written by doctors, record keeping and monitoring of drug supplies. I am particularly pleased that the Government is to move further into the area of drug education, particularly amongst young people.

I applaud the provision for a new maximum penalty of $250 000 or 25 years imprisonment for large-scale drug trafficking. It is an abhorrent crime, whichever way one looks at it, and is a blight on the whole of the society in which we live. In my opinion a large-scale trafficker in hard drugs such as heroin is one of the lowest forms of criminal with which we must contend in our society. They are murderers in their own right; they are murderers as sure as is any other criminal who puts a gun to someone's head and pulls the trigger. My view is that hanging is too good for individuals who grow rich by trading on the lives of countless victims of their trade. Whilst I applaud the 25-year imprisonment penalty as being a step in the right direction, I believe this is a classic case where the penalty should be in the never to be released category. That may not necessarily be the view of my Party, but I believe that large-scale heroin traffickers should have such a penalty placed on them. The maximum penalty of 25 years means that a convicted criminal, with remissions for good behaviour, and so on, could be a free man back in the community in some eight years or so. That would be regardless of the number of deaths that a man or a woman could have been responsible for as a result of the distribution of countless kilograms of heroin or other drugs in the community.

This is a personal view; I am not putting it down as being the view of the Party of which I am a member. I believe that these people should have the fear put into them that if they are involved in illicit drug trading they may well see their papers stamped 'Not to be released'. Before I move to other areas in the Bill which I believe are necessary I must say that I am pleased that provision is made for courts to confiscate property and give it to the State. That provision was certainly going to be included in the Liberal Government's Bill. Likewise, police will be able to lay charges against those criminals who stay behind the scenes, providing finance by way of cash to the traffickers to enable them to go away and buy their merchandise. These people are to be regarded as criminals and they deserve the full vengeance of the law. They, also, should be subject to a never to be released penalty.

So much for the good parts of the Bill. I now turn to those parts of it which clearly need amendment. First, I cannot agree with a reduction in penalties in relation to possession of cannabis and cannabis resin. The penalties are being reduced from some $2 000 or two years imprisonment or both to a fine of $500. Until such time as I am convinced that marihuana is not harmful, I will not support a relaxation of penalties in regard to its use and possession. Honourable members who have not done so should read the findings of the Williams Royal Commission, which was a federally based inquiry into the use of drugs. That Commission's findings do not agree with our local Sackville Royal Commission which clearly set out to pave the way for decriminalisation of the use of marihuana.

As we know, this would have coincided nicely with ALP official policy on decriminalisation of the offence of possession and use of marihuana for private purposes. I cannot agree with that policy, namely, that, because the courts are now handing down light sentences for the possession of pot, this Parliament should endorse that stand by incorporating reduced penalties for the possession of marihuana. It is my view and that of many of the people I seek to represent that Parliament should stand supreme in setting the standards. The courts are giving more and more lenient sentences for the use and possession of marihuana and the Government is picking up that trend and taking the view that it must be incorporated in the Statutes. In other words, Parliament in those circumstances is not the master of the destiny of the State as I believe it should be. The findings of the Williams Royal Commission must be listened to. It highlights the same areas of concern that I have about drugs as they affect residents. The Commission was of the view that cannabis or the alkaloid in cannabis, which is known as THC, does cause intoxication and drowsiness. That concerns me, having regard to the fact that on many occasions motorists are driving under its influence.

I suppose it is one thing to use it in the privacy of one's home but we also know that the drug lodges in the fatty tissues of the body for up to three days, so the side effects will continue. Motorists who could have been as high as kites on pot one night could still be a menace on the road the next night, particularly if they had been consuming alcohol as well. The Williams Royal Commission stated that the drug has the capacity to do harm to the body by creating this intoxication and drowsiness as well as other serious side effects in men and women in many organs. Also, the Royal Commission suggested, correctly I believe, that 10 years should elapse to allow more knowledge to be acquired about the drug. It acknowledged that we are building up a wealth of information on it and it suggested (and I agree) that if in 10 years that wealth of knowledge has indicated that the long-term effects are at acceptable levels then maybe the Government could move towards reviewing the position of decriminalisation. However, the evidence is not there; in fact, it is to the contrary.

On those grounds the Government should not be moving towards using this particular legislation as the thin edge of the wedge to start to decriminalise the use of marihuana. I have made several speeches in this place on the subject of marihuana and I do not intend to go through all the medical aspects today, except to make the observation that the only reason the Labor Party has used this Bill to reduce penalties

in the Statute Books for the use of marihuana is that they fear an electoral backlash. Members opposite have not yet established the way for decriminalisation of marihuana in line with ALP policy. They want to move to decriminalise it but they are not prepared to do so because of the backlash. An article that appeared in the *Advertiser* 24 October referred to this question. It referred to the Labor Health Minister (John Cornwall) backing down on the issue of marihuana law reform but this would establish where the Labor Party stands. The article highlights the survey taken by Australian National Opinion Polls which caused the Minister to change his previous publicly held views to go against his promises to Don Dunstan's NORML lobby group to decriminalise pot. The article stated:

> The Minister of Health, Dr Cornwall, has denied backing down on the issue of marihuana law reform. 'I have not retreated from any principles', he said last night. 'But my personal views are not shared by the great majority of South Australians.'

Neither are the ALP's views shared by the vast majority of South Australians. The article continues:

> Dr Cornwall was attacked on several fronts yesterday after announcing that he would not introduce a private member's Bill to decriminalise marihuana in the autumn session of Parliament. He said a survey by Australian National Opinion Polls had shown more than 70 per cent of South Australians—or almost three out of four people—did not want marihuana decriminalised. The National Organisation for the Reform of Marihuana Laws—

NORML, of which Don Dunstan was the patron—

> said Dr Cornwall had done an 'about face' and described the survey as extremely questionable.

Then Young Labor came into the act:

> Australian Young Labor said 'backing down' seemed to be a professional occupation for Dr Cornwall. It accused him of bowing to conservative forces, not to public opinion.

He was a political realist, because he realised if he had gone ahead and decriminalised marihuana at that time it would have brought about the defeat of the Labor Party in marginal seats such as Brighton and Newland. The Labor Party would have been written off for ever in those marginal seats and I suppose he was realistic enough to see that. I quoted the article to illustrate that the Labor Party is now using this Bill once again to start its move towards decriminalisation of marihuana.

I would hope that the public will see that particular aspect of the Bill for what it is. That article clearly demonstrates that it is only the fear of defeat at the polls that is stopping the Labor Party from using the Controlled Substances Bill to achieve its aim, which is decriminalisation of marihuana. The public should be warned that given the slightest opportunity of getting away with it electorally, we will see the Labor Government allow pot to be grown for private consumption without penalty and conviction.

Clause 19 refers to the sale of volatile substances and those which are generally referred to as being used for glue sniffing. It states:

> A person shall not sell or supply a volatile solvent to another person if he suspects, or there are reasonable grounds for suspecting, that the other person—
>
> *(a)* intends to inhale the solvent;
>
> or
>
> *(b)* intends to sell or supply the solvent to a further person for inhalation by that further person.

It will be nigh on impossible to ban the sales and bring about convictions. However, I applaud the Government for attempting to do something about this problem because it is a very serious one. It is mind shattering when parents find that their children have been experimenting in this field and anything that we can do to reduce it happening is a duty which we ought to accept. I would like to refer to the public statements made by various people, members of Parliament and members of the media, both electronic and print, which name the various commercial preparations. In this House some time ago an honourable member who is now in the Government referred to a case of glue sniffing and unfortunately he mentioned the name of the product. That name was printed in the press and those potential users then sought out that product with a view to trying it. I think the Government ought to look at amending this legislation to include that it is an offence for the media to publish the trade or chemical name of an offending substance. I suggest that would go a long way to solving the problem of restricting the number of products that are available to the public.

It could be asked what would happen if the Minister of Health wanted to publish the name of a particular product to let the public know that it is a dangerous substance. It could easily be written into the legislation that it is an offence to publish the name of an offending chemical but with the express permission of the Minister that name could be published. That would restrict the publication of chemical names but it would allow publication under certain circumstances which the Minister alone could approve.

I believe to compare drug assessment and aid panels with the Juvenile Aid Panel, as the Minister did in the second reading explanation, is quite inappropriate. It is certainly not comparing like with like, which is what he sets out to do. The comparison is just not valid, yet the Government seeks to pursue the comparison. The Juvenile Aid Panel works well because it is dealing with juveniles who offend for the first time and I support the philosophy behind that panel. However, we are dealing now with adults. In his second reading explanation the Minister said:

> The intention of the Bill is that diversion of offenders to the panel should take place at the first opportunity which is immediately after arrest or apprehension by the police.

In other words, the panel will intervene after the arrest and before the offender comes before the court. The Minister's second reading explanation continues:

> A panel will undertake a full assessment of the person referred and will have power to determine whether the prosecution for the alleged offence should proceed. However, the panel will have no power to determine disputed questions of fact and will not proceed to assessment if the person referred does not admit to allegations against him or does not wish the panel to proceed. The panel will have power to refer the matter back to the court if it considers such a course of action appropriate.

My concern with the aid panels in this Bill is that we are not only dealing with children, and it should be for the court to decide the fate of the offender after considering all the extenuating and mitigating circumstances.

Clearly, the concept of adopting drug assessment and aid panels was accepted when the Bill passed in another place, and it will pass this House because the Government has the numbers to force it through. Assessment panels will become a fact of life. Having said that, I must say that I believe that the correct course of action should now be to ensure that the court initially hears the charge and that the court be allowed to decide whether it shall deal with the offender or refer him or her to an appropriate aid panel. This is, however, a change of roles, and the court should first come in contact with the offender and, having made an assessment, it could convict or refer the offender to the aid panel.

We are dealing with criminal matters and, until the relevant offences are decriminalised, the initial point of contact should be the court, which must be in a position to know what is going on. I believe that the community strongly supports my view in this regard. Court referrals are common in other areas of the law and there is no reason why the court should not use this procedure in South Australia. It happens elsewhere in the world where courts refer drug offenders to aid panels and I suggest that it could happen easily in South Australia. In fact, it should happen. I was pleased to read

in the Minister's second reading explanation that the Government's drug strategy is to place more emphasis on drug education and that we are to see the implementation of improved and reconstructed drug education programmes. I applaud the Government for that move and assure members that the Liberal Party will watch that aspect closely.

The Opposition will also monitor the achievements of the Government in this area, which has been the subject of interest to me for some time. I applaud the Government on the move as I am sure do all South Australians. At this stage members can only give their constructive support to all those positive aspects of this Bill for the benefit of all South Australians who could fall foul of those unscrupulous individuals who choose to peddle drugs to an often innocent and gullible public. I hope that the aims behind the legislation are achieved so that the Government will be more easily able to control the traffic in illicit drugs in this State.

Mr LEWIS (Mallee): Notwithstanding the concern I have about those aspects of the Bill relating to narcotics or, to describe them more simply, drugs that are mood modifying, I have specific concerns about the implications of the legislation for primary industry. I refer to the Planning Act, which was used in ways that were never anticipated when the legislation was passed. Native vegetation clearance controls were introduced by this Government under the umbrella of that Act and those controls were found to be not only obnoxious but unlawful in the courts. Nevertheless it was possible for the Government to believe that it had the power under that Act to introduce regulations. It did so, spent much money, and caused many members of the public much expense and inconvenience. Those members of the general public are primary producers or prospective primary producers who have bought land upon which are established stands of native vegetation substantially in their natural state.

This Bill is parallel to that legislation, when we examine carefully the way in which it is worded. Before explaining my specific concerns, may I say that I support the measure in general in much the same way as other members on this side have expressed support for it. It was necessary to introduce comprehensive legislation in the way in which it deals with problems arising from the use by members of society of certain substances in an irresponsible fashion. Notwithstanding that expression of support, I must express the concern I have identified as regards Part III of the Bill, entitled 'Controlled Substances'. Clause 12 (2) provides that the Governor may, by regulation, declare, individually or by class, a poison to be a prescriptive drug for the purposes of this Act. Many chemicals used by primary producers are already classified as poisonous. The mechanism for the classification of a poison is well known to members of this place: by simple proclamation and publication in the *Government Gazette*.

Subclause (3) provides that the Governor may by regulation, declare, individually or by class, a poison that in his opinion may lead to dependence in humans to be a drug of dependence for the purposes of this Act. Several of such poisons include solvents for substances, the solute. Such solvents like any other solvents, for glues and so on, can be drugs of dependence, so the solvent and solute together can be proclaimed as drugs of dependence.

Again, clause 12 (4) provides that the Governor may, by regulation, declare, individually or by class, any substance that in his opinion may lead to dependence in humans or is of exceptional danger to humans to be a prohibited substance for the purposes of this Act. I point out, however, that that is a subjective judgment as to what is of exceptional danger to humans to be a prohibitive substance for the purposes of this Act. I point out, however, that it is a subjective judgment as to what is of exceptional danger to humans. I have seen much controversy surrounding the use of phenoxyacetic acids: that is, those compounds made by the halogenation of the benzine ring and the organic salt derivatives of that compound. If one hooks on an OH ion to the benzine ring, it becomes a phenol. If one then hooks on other compounds, it makes it phenoxyacetic acid. That substance is further modified by the attachment of chlorine or other halogens, but especially chlorine. By way of chemical process one then has the substances referred to as monochlorophenoxyacetic acid, dichlorophenoxyacetic acid, or trichlorophenoxyacetic acid.

The position at which the chlorine molecules are attached to the benzine ring, because monochloro is always at position two but dichloro is 2,4-D—24 diochlorophenoxyacetic acid and trichloro is 2,4,5-T, trichlorophenoxyacetic acid. It just so happens that those three compounds as derivatives of the halogenation of phenoxyacetic acid are important in agriculture and they are otherwise known as 2,4-D and 2,4,5-T as Agent Orange or the other weedicides used in Vietnam as defoliants. In varying concentrations they are effective as defoliants. Used at the strength for which they are recommended in agriculture, they have the effect of killing the susceptible, undesirable vegetation more slowly, because they simply interfere with the metabolism of the plant and prevent the plant from normally conducting the processes of photosynthesis, assimilation and respiration.

The energy compounds, the carbohydrates, are used up more quickly in the tissue of the treated plant and the reserves of the plant are thereby exhausted. In due course the plant dies. It speeds up (by interfering with the enzyme mechanism) the rate at which they metabolise carbohydrates in their tissues. They are important substances and I know that a significant number of members of the Labor Party and other Australians have been seduced into believing that they are of exceptional danger to humans, and we see then the relevance of my concern, as outlined by my reference to clause 12 (2), (3) and (4).

I have illustrated how this Bill, if it becomes law, could be used to ban the use of those chemicals upon which efficient economic production of agricultural crops in Australia is presently possible. That banning could occur for subjective reasons and not scientifically valid reasons, in the same way as native vegetation clearance control regulations were introduced for subjective reasons and applied in a subjective way: that being not valid scientifically or validated by any scientific evidence.

It is for that reason then that I draw the House's attention to the implication of this measure in that regard. Also, clause 12 (8) provides:

> In any regulations made for the purposes of this section, the Governor may assign a poison . . . to a specified class or specified classes.

That is where the crunch comes. They could be completely banned under that clause. They can be defined under the terms related in subclauses (2), (3) and (4), and banned under subclause (8).

Let us consider that they may not be banned in fact, but that their use is severely restricted for no good reason. Under Part IV, General Offences, we find that, where some regulation has been introduced relating to these substances, clause 13 (1) provides:

> A person shall not manufacture, produce or pack a poison, . . . unless—
>
> *(a)* he is a medical practitioner, pharmacist, dentist or veterinary surgeon acting in the ordinary course of his profession;

That rules out any consideration of those people who presently prepare, manufacture and distribute for sale those weedicides. So, they could not then be manufactured in this

country; or else, as is provided 'if he is licensed to do so by the Health Commission' that reincludes those people, but what the hell does the Health Commission know about the manufacture of agricultural chemicals? We see elsewhere in the legislation that the Advisory Council contains people who have skills relevant to the obvious application which this legislation has, but not one of those people necessarily has any knowledge whatever about agricultural chemicals, the industry that could be most severely affected in economic terms, with very serious implications for the total national economy because it could put at risk the present efficient economic production of substantial quantities of grain, meat and wool. Those are the industries upon which this country depends for its very prosperity, its entire lifestyle. Damage their economic viability in some permanent fashion and this country's prosperity will be destroyed and, by inference, peoples' capacity to enjoy the present standard of living. There simply will not be as many jobs to go around, and we will not be able to buy the things that we normally and presently are able to buy and take for granted.

Referring to clause 14, a substance proclaimed a poison cannot be sold unless the person is a pharmacist or is licensed to do so by the Health Commission. So, we see again that the lawfulness of the manufacture of such agricultural chemicals as I have referred to has to be determined by licence, and so does the wholesaling of agricultural chemicals of that kind. In clause 15 we see the same thing again with regard to retailing. That is horrific. Every store or co-operative throughout the country will have to be licensed by the Health Commission to sell those chemicals just because some subjective opinion about those chemicals determines that it should be so.

In the normal course of events I would not be concerned to draw attention to this matter, but in these circumstances I consider it imperative that the House be aware of what it is doing, and the Minister be aware of my concern about that, because of the way in which this Government cynically applied the Planning Act in a way that was never intended. In the normal course of events that would not have happened. In the normal course of events the things that I am referring to would not have happened, but we have seen this Government do things which are abnormal, probably because it is subnormal. Whether or not members share that view I will leave to them to judge. Clause 16 (1) provides:

> A person shall not sell a poison to which this section applies to a person under the age of eighteen years.

Subclause (3) provides:

> Where a person seeks to purchase a poison to which this section applies, the vendor shall ask the prospective purchaser the purpose for which he requires the poison, and shall not proceed with the sale unless the question is satisfactorily answered.

What is 'satisfactorily'? That is a subjective appraisal, if ever there was one. Clause 16 (4) provides:

> A person who sells poisons to which this section applies shall keep a record of—
>
> *(a)* the names of the purchasers of such poisons;
>
> *(b)* the stated purposes for which those poisons were purchased;
>
> and
>
> *(c)* such other matters as may be prescribed.

This will mean that where those poisons are prescribed under this legislation, and are of the kind that I am referring to, it will be impossible for Dad to tell his son, working with him on the farm, to go and pick up the 2,4-D to use to spray the crop.

When the weather is right, he needs it, he wants to get rid of the three-corner jacks (*Emex australis*, to give it its botanical name). That is one of the weeds most commonly controlled by this substance and about which I imagine there being such a controversy, then it could not be controlled. Even though the Government has never mentioned its intention to do so, this would give it the means by which it could do it. We would be interfering with what would be normal, sensible, reasonable, safe practice by preventing (even if we did not ban the substance but proclaimed it) a son or young man working on the farm from being able to collect the weedicide from Elders or Dalgetys in the nearest town, because of the effect of this clause.

Clause 17 provides:

> A person shall not sell a poison the possession of which requires a licence under this Act unless the purchaser produces his licence.

This would mean that every farmer would have to get a licence to use such chemicals as may be prescribed. In the first instance the fee will not be very much. It will be just a little piece of down off the drumstick of the goose, or wherever else one gets down from a goose.

It will be a bit of a nuisance to have to get the licence and pay a fee in the first year or so. But, I foresee the day when the Government could see the fee as the means by which it could get substantial revenue to do things in the public interest. For instance, it could use this money to find out the effect of this weedicide on domestic cats twinning rates, or some other stupid thing. Like all unnecessary regulations this will be an additional burden on society and would produce nothing useful, if that were to happen. I foresee that it is possible. Clause 21 provides:

> The Minister may, by notice published in the *Gazette*, prohibit the sale or the supply of—
>
> *(a)* any substance or device specified in the order, being a substance or device that should not, in his opinion, be sold or supplied pending evaluation of its harmful properties;

So, it would simply be possible to ban all tree-killing substances to find out whether they are harmful to native animals and birds, even though there has never been any evidence of any related chemical causing such effects in the past, and then use the money for other sorts of spurious research on the side. I do not mind that that kind of research goes on, if it is to go on, but I do mind that it is paid for in this fashion.

I drew attention to those concerns for reasons I have mentioned. I will do so again under clause 47, about which I will have something further to say in a minute in another context. Clause 47 (2) as most members would know, provides:

> Where a person is convicted of an offence against section 32—

which is the bit about owning it, having it, using it, and so on—

> and an application has been made prior to conviction for the forfeiture to the Crown of money or real or personal property that is alleged would become liable to forfeiture under this section in consequence of the conviction, the onus shall lie upon the convicted person to prove that the money or real or personal property is not liable to forfeiture.

So, one sees that under the terms of this legislation, if it is applied in the way to which I have alluded (and it is possible that that could be so) a fellow could lose his farm. The family farm would go down the spout, because there would be no way possible to prove that he was not liable to forfeit it in that it was upon the farm on which he was using the substances referred to. I find that prospect rather odious.

I think that the Government either has made an oversight in innocence or, alternatively, has deliberately obscured the way in which it intends to move in this regard. Knowing how this Government has moved in other ways that I described earlier as abnormal, I am compelled to say that I do not trust it. Therefore, I place on record my concern about that matter. The way in which this Bill is to be applied to agriculture should have been spelt out somewhere, because quite clearly it does now apply and it may be used to apply in ways that we have not foreseen in our initial reading of it.

I turn from that aspect of the measure to the more general concerns that some of my colleagues have spoken about, especially as they relate to the drug scene at present. I refer to narcotics and those substances which modify psychological behaviour and subjective interpretation of the immediate environment (surroundings) by the individual who has been affected by them. I support all the remarks made by my colleagues. I go further and say that, where this clause 47 provides that property is liable to forfeiture when such offences are committed. I would personally go further and say that it simply be confiscated wherever such offences were detected. That would mean that no-one would dare put at risk any assets accumulated by honest, acceptable, lawful means by engaging in drug production or trafficking of any kind. It would be a salutary lesson to all drug peddlers when the first one lost his or her entire assets. It is not necessary for us to go to the extent that is presently the case in some other countries where one's life is taken (one peddles drugs at the risk of that happening), or one's body is emasculated by punitive amputation of limbs or digits, varying according to the kinds of offence committed.

I want to turn particularly to pot (cannabis), the substance that comes from any of the cannabis plants, which is mood modifying—tetrahydrocannabinol. I heard the member for Morphett and probably also the member for Bragg mention that that chemical is an alkaloid. That is not an irrelevant piece of scientific jargon. It is information which is important because of the way in which such substances are assimilated in body tissue. It stays in fatty tissues for much longer periods after it has been ingested by any means whatsoever than does, say, alcohol. It takes much longer for it to be metabolised. We do not know all there is to know about the physiology of the process at this time and the way alkaloids are metabolised in living tissue. But, quite clearly, it extends the time over which the individual whose physical capacity to perform is impaired far greater than would be the case after having been intoxicated using alcohol.

The member for Coles has already referred to its implications for driving behaviour. Although that is very serious, there is an even more serious aspect to this. It falls into two additional parts. A friend of mine who is a doctor (and I will not attempt to identify him any more than to say that his practice, at least through the winter months, is in a town in the snowfields) has pointed out to me that the incidence of serious injury and breakage to limbs of people on the snowfields has gone up dramatically, especially as a consequence of the use of pot by some groups of people who go to the snow for a good time. It seems that they are not only there for the skiing; they also decide to get stoned.

When they are in a state of euphoria believing that they can do anything at all in the world which takes their fancy, they get out on the skis on the slopes and, before they know what has happened to them, they have fallen and broken bones in their bodies or torn ligaments and done themselves serious injury of one kind or another without having given a second thought to the likelihood of its happening before they got out there. What stupid behaviour that is; yet, it is the people who use the stuff who are trying to tell me that it is not detrimental to their health in any way, shape or form. I am told that the difference between the effects of marihuana and alcohol on skiers is that, if a person smokes marihuana, he can still stand up, walk around and get onto skis, whereas, if he gets sufficiently drunk, he cannot really co-ordinate himself well enough and ends up falling over anyway, so he does not get on to the slope. However, with pot a person gets out there and ends up busting his brain, his arm, or his leg. Then other honourable members and I, along with the rest of the people in Australia, have to pay for the medication and the treatment in hospital to restore these people to health and strength under Medicare. I object to that strongly, and I believe that that argument is as valid as the argument against cigarette smoking and advertising, even though I smoke in moderation from time to time. It is no less a valid argument against the commencement of decriminalisation (if you like) of marihuana, and it is the thin edge of the wedge process that we are engaged in now. I cannot see how on earth we can justify a reduction in penalties for people using the stuff.

The other circumstances in which it is regrettable that we are now reducing the penalty for production, personal use and use of the drug called pot relate to industrial accidents, for in the same way as one is more quickly immobilised through alcohol intoxication as opposed to being stoned and the way it affects people on, say, the snowfields, one can be similarly more adversely affected in a factory. A worker puts not only his own safety and life at risk but also that of his fellow workers. Accordingly, given the duration of time over which the incompetence of activity is sustained as a result of a person becoming stoned, and given the way in which the individual so affected is not so effectively demobilised as would be the case with alcohol, there are very serious problems indeed in regard to workers compensation claims in the future.

I do not think that there would be one member who would want to be party to a decision of this place which allowed for a given number of people to die every year as a result of that decision; yet that will clearly be the case if we continue down this path of decriminalising marihuana. We will certainly end up having industrial accidents of a far more severe nature than we have at present, which result from alcohol use by—

The ACTING SPEAKER (Mr Ferguson): Order! The honourable gentleman's time has expired.

Mr MEIER (Goyder): I find that I cannot support this Bill, particularly in its entirety. Many of the factors have already been mentioned by other speakers on this side of the House. I draw honourable members' attention to contributions from members in the other place, and I refer especially to speeches by the Hon. Mr Burdett and the Hon. Mr Griffin, both of whom outlined many factors detailing specific aspects of the Bill. Certainly one of the most positive features is the fact that the penalties for trafficking in drugs have been increased dramatically; in fact, a fine of up to $250 000 and 25 years imprisonment for large-scale drug trafficking should be an effective deterrent.

Mr Mathwin: It is a maximum.

Mr MEIER: It is a maximum, as the member for Glenelg points out, but it should certainly be a much greater deterrent and, therefore, I believe a positive move. It is always very heartbreaking to see how drug traffickers do not seem to have any respect for human life, and without doubt in many cases they are murderers. Yet I know that in many cases these people respect their own life and, if their sons, daughters or other members of the family became involved in drug taking, they would be severely reprimanded and the indication would be given that unless they gave it up punishment by the family would be severe.

At the same time, they have no qualms about poisoning other people. Unfortunately, we are aware that it can at times take shape in a world situation, where a particular country might have a grudge against another country. I know that people in some of the South-East Asian countries feel that they were hard done by the Westerners in earlier years, particularly in the 18th and 19th centuries. In those countries opium was often brought in and the people there were poisoned, too. I think that it was in about 1793 that the Emperor of China wrote a letter to the then reigning monarch in England, pleading that Britain stop sending any more opium to China. The history books indicate that the

letter probably never got to the person on the throne and, of course, opium continued to be sent for many, many years: the damage to many Chinese people was tragic.

Now the tables have turned 180 degrees and it is the people in the West who are feeling the tragic effects in many areas. Until now Australia has possibly been much freer of particularly hard drugs than have some other countries in Europe and America, and we can be thankful for that. However, this Bill at least recognises that we have to take precautions right now by providing heavy penalties for traffickers. It is noteworthy that there are forfeiture provisions, as the member for Mallee detailed in his speech. Under clause 47 there are such provisions, and I think that it is a step in the right direction. Hopefully, it will make people think twice.

I have been told of people who have trafficked in the softer drug of marihuana and who have apparently made millions of dollars. Those people have spent some three years or less in gaol (invariably the term has been for three years, but under our parole system they serve much less than three years), and they have thousands or millions of dollars waiting for them when they are released. These people really do not have a lot to lose because, so far as they are concerned, the money is probably worth the discomfort of an 18-month or two-year gaol sentence. Hopefully, forfeiture provisions will be applied by the courts and these people will find also that they are much worse off after such a venture than they were before they undertook it.

I am greatly concerned that the Bill provides for decreased penalties for smoking or consumption of cannabis or cannabis resin from a maximum fine of $2 000 or imprisonment for two years or both to a maximum fine of $500. People in the community often wonder what Parliamentarians are on about in regard to these matters. One can recall the endeavour made some months ago to have tobacco and smoking advertisements done away with in South Australia. Personally, I feel that that cannot happen at this stage, because our society has had it for so long that the economy is dependent on much of the advertising undertaken. In any event, I do not believe that advertising is a significant factor relating to the incidence of smoking.

I raise that matter because, while certain Parliamentarians are pushing for a ban on tobacco advertising, others are pushing for a lessening of penalties in regard to smoking and possession of marihuana. Some months ago the Minister indicated that the possession of marihuana should be decriminalised. It is all the more ironical having regard to the fact that on Monday of this very week the 'Quit smoking' campaign was commenced. The Minister of Health, who brought in this Bill, is pictured prominently in an advertising supplement which appeared in the daily newspapers, advocating that the Government is committed to helping all smokers who want to give up smoking. Bravo; well done! It was stated in the lead article:

> An estimated 16 000 Australians die each year from tobacco related disease. Tobacco related diseases cost Australian taxpayers up to $950 million a year and an estimated $25 million in South Australia through hospital and medical treatment, death and lost productivity. Interestingly, research in South Australia has revealed that more than 80 per cent of smokers want to give up, 70 per cent want promotional campaigns to help motivate them to stop smoking, and 81 per cent want programmes in schools to stop children smoking.

In other words, the public of South Australia wants every bit of help possible to assist those who smoke to give it up. However, we find that, where we could reduce the effects of a new drug, the Minister says, 'No, we are not going to help the people of South Australia to give up. If they want to smoke marihuana, that is their own right.' Some $400 000 is to be spent on the 'Quit smoking' campaign. I will not argue against that, but one could point out that there are many other things in the State on which that money could be spent. Surely, as legislators we should have the foresight to realise that, if we can stop the taxpayers of South Australia spending $25 million a year through hospital and medical treatment, we should try to do so now, and not let the thing get further out of hand.

Mr Groom: You support the banning of tobacco advertising, do you?

Mr MEIER: The honourable member did not listen to my earlier comment: I said that at this time I do not support the banning of that advertising, because I believe that it has gone on for so long that whether we like it or not our economy is very dependent on tobacco advertising. The anti-smoking campaign will hopefully have a positive effect. Let us strike at the heart of the problem of marihuana. Just as 80 per cent of tobacco smokers want to give up the habit, so, too, I believe, would 80 per cent of marihuana smokers. The effects of marihuana smoking would appear to be much greater than the effects of tobacco smoking. Before referring to those effects, I want to refer to a letter from Mr Alan Barron which states, in part:

> The South Australian public (according to the 1983 ANOP survey of community attitudes to drugs . . .) clearly opposes the lower penalties for possession of 'pot' contained in the Bill. Of those surveyed, 62 per cent wanted the penalty to be heavier or remain the same ($2 000 and/or two years gaol). Only 28 per cent wanted lighter penalties or legalisation.

So, the results there also show that the community is concerned about this. I would not care if there was only 1 per cent or .1 per cent of the population who wanted lighter penalties, because I am determined to do everything I can to protect people in South Australia, and to protect my children and friends of mine, from possibly being open to the negative effects that could arise due to a lowering of the penalties in relation to marihuana, virtually to the extent of it being deemed that there is nothing wrong with it.

Mr Groom: What penalty would you impose for a first offender in regard to marihuana smoking?

Mr MEIER: As the member for Hartley would be aware, the penalty is currently up to $2 000, or up to two years imprisonment, or both. I believe that the provisions should remain the same and that the penalties are a deterrent.

Mr Groom: So you'd fine them too much?

The ACTING SPEAKER: Order! Interjections are out of order.

Mr MEIER: I was misrepresented by the interjection. I did not say that I would fine a person that amount: I said the penalty went up to that amount. There are many facts which indicate the negative aspects of marihuana. I shall refer to just a few. In an article published in the January 1980 edition of the *Reader's Digest*, Peggy Mann stated:

> Scientists round the world are sending warning signals to the millions who smoke marihuana: mounting evidence indicates that pot smokers may be unwittingly damaging their brains, and decreasing their chances of conceiving and producing completely healthy offspring.

In a more recent article by Peggy Mann, published in November 1980, reference is made to a statement of a Dr Lantner, who said:

> We never used to see teenagers with chest pain. In fact, we hardly used to see teenagers; they're over the childhood diseases and usually in the prime of health. But now, young pot smokers show up with a variety of symptoms, some of which—like severe chest pain, certain respiratory conditions and short-term memory loss—are normally associated with middle and old age. Many paediatricians, and I am one of them, are convinced marihuana is the single most dangerous health hazard facing youth today.

The article by Peggy Mann also stated:

> Carlton Turner, director of a NIDA marihuana research project, says there is no other drug used or abused by man 'that has the staying power and broad cellular actions on the body that cannabinoids do.'

The article also dealt with some of the negative effects of marihuana when it stated:

Dr Akira Morishima of New York looked at the white blood cells of 25 apparently healthy young males who had smoked marihuana at least twice a week for four years. He found that one-third of their cells contained only five to 30 of the normal human complement of 46 chromosomes. These are the particles in every cell's nucleus that pass on genetic instructions to the next generation. 'In my 20 years of research on human cells,' said Morishma. 'I have never found any other drug that came close to the chromosome damage done by marihuana.'

Mr Groom interjecting:

Mr MEIER: The member for Hartley keeps interjecting. I thought he had been a lawyer, but it looks as though he apparently was a doctor of some sort, and I apologise if I was under a misapprehension. I will have to have a chat after this debate, because it seems as if he has his facts on this matter better than authorised doctors. I did not realise that he was so well educated. The article also stated:

A survey completed earlier this year showed a relationship between marihuana use and cancer.

We well realise that the cause of many cancers is unknown, but it appears as if this particular drug is one element that could help cause cancer. The article continued:

... Since 1975, some 300 studies of cannabis's harmful effects on animal and human cells have appeared in scientific journals. These effects include: faulty division, slowed growth and abnormal-size nuclei in cells, disturbed production of protein, and also damage to sperm cells and ova, nerve and connective-tissue cells... The many findings of cell damage caused by cannabis explain all the other damaging effects of the drug—on the lungs, sex organs, brain, immune system ...

The article continued:

Marihuana use is now so endemic in every stratum of American society that there is no longer such an identifiable entity as a pot-prone personality. Only one characteristic remains as a 'prone' factor: youth.

Youth, I remind the member for Hartley—youth, the very thing that this 'Quit smoking' campaign is aimed at, and the very area where pot smoking is taking hold most of all.

Mr Groom: Why don't you introduce a private members' Bill to ban cigarette smoking, if you feel so strongly about it?

Mr MEIER: I do not think Standing Orders would allow me to do so. The article continues:

According to a recent U.S. survey, one out of six youngsters in the 12 to 17 age group was a current (within the past month) pot smoker. In the 18 to 25 age group, one out of three Americans was a current pot smoker. In Australia, the 1980 Royal Commission of Inquiry into Drugs found that marihuana use is widespread and increasing. Most Australian users are in the 18-24 age group, and come from all walks of life.

Why promote this? Why not go out of our way to try and put every safeguard possible to help our young, rather than to hinder our young? Certainly, when the full effects of marihuana smoking are still not known. The same article, under the heading 'Risk of Relapse', stated:

In August 1981, Dr Mark Gold completed a study of 100 teenage and adult 'marihuanaholics'—chronic users of pot, who are psychologically, physiologically and socially disabled.

'Our study,' says Gold, 'shows that in the case of youngsters who abstain completely for an average of six months, there is return of concentration, attention and memory to expected levels.

That is good news. The article continued:

This is not true for older marihuanaholics. In respect to short-term memory loss, in some cases they do not appear to come back all the way. Furthermore, because older users are often long-term users, they have made subtle changes in their lives that are hard to undo. For example, they slide into less-demanding jobs.

Gold also found that, like alcoholics, marihuanaholics are always at high risk of relapse. 'Even if off the drug for a year,' he says, 'one or two joints can send them on a pot binge, and they relapse quickly into their former use patterns. And although it may have taken two years to reach their prior seriously disabled state, it may take only two weeks of renewed pot smoking to revert to that same level.'

The inescapable fact is that marihuana will have drastic long-term physical and psychological health effects on young users and, with pot-smoking reaching alarming proportions, on the future of society.

Surely we are charged with looking after the health of the citizens of this State, and even more we are charged with looking after the health of our youth, and to some extent the whole future lives of our youth, and yet it would appear that the Minister is not concerned about this. On the one hand $400 000 or more is being spent on a 'Quit smoking' campaign, a campaign that the Minister recognises as being essential to try to cut down some of the negative effects and disease caused by smoking and on the other hand almost a promotion of marihuana smoking. Things are not right in this State, and it will be a great tragedy for South Australia if this Bill, and particularly this clause dealing with lower penalties, passes this House and this Parliament.

I hope that the Minister handling the Bill in this House will consider that this would be a negative and retrograde step and have that clause suitably amended so that at least it retains the old penalty provisions.

Mr BAKER (Mitcham): My reaction to this Bill is quite simply, to quote a current expression, to say that it is a 'Claytons' Bill, because it does not lay down the rules under which the administration of drugs and therapeutic devices will be carried out. Most of the Bill concentrates on prescribing areas that will be covered by regulation, and we are to await the whim of the Minister as to how this will impact on the citizens of South Australia. I intend to go through the Bill briefly and comment on the parts I believe are totally defective. I wish to place on record my dissatisfaction at the way in which the Bill has been drafted, and the inability of the Minister to show clearly his intent in relation to a number of areas in it.

I do not believe that the Bill will facilitate the future control of the abuse of drugs in South Australia. Indeed, it could go far in the opposite direction. Clause 4 defines 'therapeutic device' and 'therapeutic substance'. Anyone who has read the report of the debate in another place must realise that the Minister has not got a clue on what he wants regarding these definitions. If the Minister does not know what he wants, how can we hope that the regulations will benefit South Australians generally? There has been debate on whether contraceptives should be classified as therapeutic devices. The Minister, when asked whether a tampon would be so regarded, said that there should be controls on some types of tampon because of the shock syndrome, whereas he did not want controls in respect of retail sales. In fact, he could not determine what he wanted in this area. It must concern all members that the Minister has been so indefinite on what he intends for the regulations.

Some areas, such as poisons and therapeutic substances, were canvassed and the Minister could not explain what was required. It is not good enough that we have a Bill introduced about which the Minister cannot say what he intends. Concerning controlled substances, clause 12 (6) provides:

The Governor may, by regulation, declare, individually or by class, any device that, in his opinion, is or may be used, or is designed to be used:

(a) for a purpose related to the physical or mental health or hygiene of humans;
(b) for the purposes of contraception; or
(c) for cosmetic purposes,

to be a therapeutic device for the purposes of this Act.

In that provision the Minister has covered an enormous range of devices. In replying to questions in another place, he showed a complete lack of knowledge of what is meant by the provision, and that is an indictment of the Minister and of his performance in his portfolio. Draconian measures

could be introduced to cover all items sold in chemist shops and many sold in supermarkets because the Minister deemed them to be therapeutic substances or used for contraceptive purposes or whatever.

The Minister has not indicated the areas in which he intends to act, and he is confused about this matter. Concerning clause 13, the Minister talked about those people who should not manufacture, produce or pack a poison, therapeutic substance or therapeutic device, and he said that this provision applied unless such people were medical practitioners, pharmacists, dentists or veterinary surgeons acting in the ordinary course of their profession. However, when questioned on this matter, the Minister was confused about the situation. After all, the physiotherapist and the chiropractor are required to administer drugs in their profession, but they must await the pleasure of the Minister as to whether they get the necessary approval to prescribe certain drugs that they must administer. Again, the Minister is not clear on this matter, especially as to who and which areas will be covered by the Bill.

Reverting to the subject of tampons, it was suggested that, if the Minister controlled certain of these devices, they could not be sold in supermarkets, but he said that that was not correct and that he would control them at the wholesale level, but the Bill clearly says that he will control them at the retail level. Chiropractors and physiotherapists are adversely affected by this clause. An area causing me great concern refers to offences relating to drug dependence and prohibited substances. As members are aware, the legislation provides that a person who possesses for personal use cannabis or cannabis resin shall be subject to a penalty of $500.

In the second reading explanation, the Minister tried to outline what quantities of the drug would be used as indicators of the various offences: possession; possession for sale; and trafficking. This legislation does not prescribe any amounts, so we must await the pleasure of the Minister once more. In his explanation, he specified that 100 grams of marihuana would be sufficient for a person to be deemed to possess marihuana for sale, not trafficking for sale. However, if he had over 100 kilograms, he would be deemed to be trafficking in the drug. There is an enormous difference between 100 grams and 100 kilograms.

Between 80 and 100 cigarettes can be rolled from 100 grams of marihuana, so a person in possession of that quantity who is a heavy smoker of marihuana would be in possession of 16 to 20 days supply of the drug. The Minister may well increase the quantity to 200 g or an even higher figure: we must rely on him. However, anyone carrying marihuana cigarettes or marihuana for his own personal use would have a supply to last him two or three weeks. That is just not what personal habits are about. So, we have a category referring to possession and use that obviously covers people who might sell the drug. Again, we must rely on the Minister to tell us what is the prescribed level.

It is ludicrous to suggest that anything under 100 kg would not be trafficking: indeed, I suggest that a quantity as small as 1kg of marihuana would be getting into the trafficking category. Therefore, we do not have a clear indication of the Minister's desire in this regard. In fact, it could be that the Minister is helping trafficking in the drug, because the low penalty of $500 would be financed by the sale of 1kg of marihuana at current market rates.

Clause 32 refers to the prohibition of manufacture, production, sale or supply of drugs of dependence or prohibited drugs. As it stands, the clause provides that a person who knowingly has in his possession more than a prescribed amount of a drug of dependence or a prohibited substance shall be deemed to have that drug or substance in his possession for the purpose of the sale or supply of that drug or substance to another person. However, what will be the prescribed amount? It could be 100 kg, and that could apply to addictive drugs such as cocaine or heroin. Under subclause (5) *(b)* (i), the penalty in respect of a drug of dependence or a prohibited substance (not being cannabis or cannabis resin) will be a fine not exceeding $250 000 and imprisonment for a term not exceeding 25 years. I am fascinated by some of the penalties prescribed in the various Acts. For murder the penalty is life imprisonment, with a resultant sentence of between seven and 15 years.

This Bill provides for a drug trafficker to be given 25 years. Let me tell the House quite candidly that no court will impose that penalty. It is another piece of flagwaving by the Government to show that it is doing something about drugs, but it is not doing anything about drugs in this State; it is just waving a flag in front of the people to say that it is making an attempt. I am fascinated that where a person is found guilty of an offence of producing cannabis but the court is satisfied that he produced the cannabis solely for his own smoking or consumption that the person shall be liable only to a penalty not exceeding $500.

It is known that one well nourished marihuana plant can produce 8 lb. of marihuana. If it is under nourished and out in the open, it may produce only a few ounces. There is a real divergence in this area which cannot be regulated. What happens if a person has five well nourished plants, the equivalent of 40 lb. of marihuana—that is over a year's supply. If it is grown inside, the number of crops is probably of the order of four or five, so one has the equivalent of some five years supply during any one year. How do people sort out this aspect?

Clause 33 allows medical practitioners to prescribe drugs. If people are on medication, it is necessary to safeguard medical practitioners, but it can also be the leading edge of the supply to addicts. The clause as constituted leaves the way open for the assessment panel to allow certain courses of addiction to continue under the guise of rehabilitation. Subclause (2) provides:

> For the purposes of this section, a person is dependent on drugs if—
>
> *(a)* he has acquired as a result of the repeated administration of a drug of dependence an overpowering desire for the continued administration of any such drug;
>
> and
>
> *(b)* he is likely to suffer mental or physical distress or disorder upon cessation of the administration of the drug.
>
> (3) An application for the authority of the Health Commission to prescribe or supply a drug of dependence under this seciton must—
>
> *(a)* be in writing . . .

It means that a medical practitioner can continue the process of drug addiction, just as happens in England and Holland, and perhaps other countries. This allows for addicts to make sure that their addiction flourishes. We all know of the problems at Northfield and how the drug addicts misuse the system there to get excessive quantities of drugs. We know of persons addicted to certain types of drugs who do the rounds of medical practitioners, and then sell off certain excess to their friends. So, there is widespread drug abuse.

In relation to Division II—Procedures in Relation to Simple Possession Offences, Dr Cornwall gave an assurance in his second reading explanation that simple possession of an addictive drug would mean that a person would be put before the aid panel. Certain conditions applied as to who would qualify for the aid panel. He said that if a person had a criminal offence associated with drug abuse, he would not be brought before an aid panel. However, clause 35 (1) provides:

> Where it is alleged that a person (not being a child) has committed a simple possession offence, the matter shall be referred to an assessment panel.

That does not say anything about other offences which may be concurrent or associated with that drug abuse. We could

have a complete overriding of the law in this circumstance of a person who has been arrested for an offence of breaking and entering or common assault or stealing or whatever, and if he has a drug problem under the Bill as prescribed here, his first stop will be the drug aid panel and not the courts.

We will reduce the force of the law as it is supposed to operate, and there will be some interaction which allows the assessment panel, instead of the courts, to deal with criminal offenders. The Minister has not lived up to his promise. He has not made it clear that if a person has multiple offences he will certainly not have the assessment panel available to him in the form laid down. All it provides is:

Where it is alleged that a person . . . has committed a simple possession offence . . .

What about all the other offences that go with it? An offender would find himself with a very easy way out. Clause 36 provides for the way in which people will enter the panel and be accepted by it. Clause 36 (2) provides:

Subject to subsection (3), a person (not being the person alleged to have committed the offence) shall not—

. . .

(b) fail to answer truthfully any questions put to him by the assessment panel.

Subclause (3) provides:

A person may decline to answer a question put to him by an assessment panel if the answer would tend to incriminate him of an offence.

So, everyone appearing before an assessment panel would say, 'I refuse to answer any question on the grounds that it would incriminate me,' and that person would be quite within his rights. There is no penalty prescribed for not answering questions. A person who has an addiction problem can go before the panel, stay silent on a number of matters and still receive the advantages and privileges of that assessment panel. That is quite disgraceful!

Then there is the soppy clause 37, which deals with certain undertakings. Assessments of drug addicts who have gone down the track of addiction show that they are incapable of keeping promises or undertakings and, in many cases, the drug addiction is so bad that they will lie, cheat, steal or murder to obtain more drugs. It is absolutely farcical that the Bill requires that, provided they give an undertaking to live within a particular programme, they will receive the benefits of that aid panel: I am absolutely amazed.

Mr Mayes: Quote your source.

Mr BAKER: I am quoting the Bill.

Mr Mayes: Quote the source of your statement.

Mr BAKER: For the benefit of the member for Unley, it is clause 36 and clause 37. However, he was referring to my statement about a drug addict, and if he has ever read anything about drug addiction or seen drug addicts, he will understand that that statement is quite true. All he has to do is to go to Northfield or any other centre—

Mr Mayes: I have been there.

Mr BAKER: Have you—and talk to the people who deal with drug addicts—and he will understand that statement is true and correct. They may start with the best will in the world, but a person who is addicted and craves for a drug—

Mr Mayes: You ought to do a bit more homework.

Mr BAKER: I have done a lot of homework on this matter. The former Attorney-General believed it necessary to invoke the forfeiture proceedings. Dr Cornwall has now had inserted clause 48, which provides, in part:

(3) Where a person deals with money or real or personal property that is subject to a sequestration order contrary to the terms of the order—

(a) the dealing is void and of no effect;
and

(b) the person is guilty of an offence.

Penalty: Two thousand dollars or imprisonment for two years.

If an offender has an enormous amount of assets which have been accumulated through drug trafficking, he will be fined $2 000 for disobeying a court order which restrains him from disposing of that property.

Mr Mathwin: That is the maximum.

Mr BAKER: Of course; if anyone looks at cases before the District Criminal Court or Supreme Court he will see that most drug offenders are out on bail. They have adequate opportunity to dispose of their assets. Again, Dr Cornwall has watered down a clause to make it unworkable.

One of my constituents telephoned me and asked whether possession of a contraceptive would give cause for an authorised strip search, provided for in Part VII, 'Powers to search, seizure and analysis'. I assured him that that was taking the Bill too far. But, again, we have to rely on the Minister's discretion. It could be regarded as a therapeutic device. He said that contraceptives have to be covered. We are not too sure how this provision will operate. I assured him that the Minister was not so stupid, but sometimes I wonder.

Let us deal with the two areas that have caused great concern: assessment panels and the reduction in penalties for marihuana use. We are all aware that the use of marihuana is widespread. We are also aware that a certain percentage of marihuana smokers finish up on hard drugs. I have spent a lot of time talking to young people about the path they took between the first abuse of marihuana and taking more serious drugs. In each case where heavy drugs were used persons had used marihuana previously. The path was preset. Certainly, it is a low proportion of people involved.

Mr Mayes: Had they used alcohol before?

Mr BAKER: Certainly, they had used alcohol before but what the member for Unley does not understand is the relationship between—

Mr Mayes: Don't you put words in my mouth; let me speak for myself.

Mr BAKER: I sometimes wonder. The honourable member does not understand the mind modification of drugs. The people to whom I spoke had either tried hard drugs or had friends who had tried hard drugs. They put it quite simply: they said it occurred mainly as a result of the ability of marihuana to improve their outlook on the world wearing off and they wanted something a little heavier, or it was as a result of peer group pressure in a party type of situation.

There is no doubt that those people who were on heavier drugs had gone through the marihuana trip. It is fortunate that only a low percentage have done so, but it must concern everyone that there is a direct relationship between the two. That can be simply shown by surveys. If people talk to drug addicts they will invariably find that those people have tried marihuana beforehand. Most young people who try it might try it once or even twice, but very few stay with the drug itself.

In many ways it does not offer them any release. It has even made some of them quite sick. But, for some, it sets the pattern for later drug abuse. Therefore, we must be ultimately very concerned about this aspect of the Bill. We have to lay down standards. The penalty will be reduced to a quarter of what it was originally and the prison penalty will be removed. As the member for Hartley would understand, penalties are not prescribed for those people who are caught smoking in the street; they are prescribed for those who have a quantity of marihuana in their possession, who are known to have offended on a number of occasions and who have a history of abuse in this area.

Those penalties need to be maintained as they are today, otherwise we shall perpetuate a system of trafficking in South Australia. I would be the last one to suggest that a person caught smoking marihuana should get a penalty of

$2 000 but I certainly suggest that a person who continually supplies marihuana to children should feel the full sanction of the law and that the $2 000 penalty may fall far short of the mark.

Finally, I wish to discuss the general question of drugs, because it is a serious problem. In Holland and England they have attempted to get some control over the drug problem by allowing registered drug addicts to receive supplies of the drug to which they are addicted, on the understanding that the average life expectancy of a person having once taken the drug is approximately five years or less. They do this on the understanding that there will be a massive amount of human flotsam that will need to be catered for by the welfare system because of drug abuse.

They have done it because of costs associated with other criminal elements that are far too high. Drug addicts need massive amounts of money to maintain their habits. In South Australia we know that a large proportion of offences, such as housebreaking, assault, and stealing, are related to the drug scene because people cannot survive on the dole and maintain a drug habit at the same time. By definition, we have an enormous amount of destruction and human misery being caused not only by the use of the drug but the need to get more money to continue the habit.

I believe there is only one treatment that should be used for drug addicts—not the treatment prescribed in the Bill. Anyone who is addicted to drugs should go through a drying out process under medical supervision. This has proved to be one of the only successful methods of ridding people of drug abuse. It gives some hope that they might live past the age of 25.

The ACTING SPEAKER (Mr Whitten): Order! The honourable member for Mitcham's time has expired.

Mr MATHWIN (Glenelg): I will not delay the House long, but I wish to register my objection and opposition to any attempt to decriminalise the use of marihuana. Certainly, if one looks at the very serious case of the pusher—a person who because of greed behaves in this way—he or she deserves to suffer a penalty above that prescribed. Although the penalty has been increased to $250 000 or 25 years imprisonment, that is the maximum. Of course, one does not see courts imposing maximum penalties, which is perhaps most unfortunate in the case of drug pushers.

I wonder why the Government brought in this legislation and made it much easier, because obviously the majority of the population of South Australia is demanding tougher laws in relation to drugs. I refer to a report in the *Advertiser* of 9 December 1983, which, under the heading 'Most want tough drug laws', states:

A majority of South Australians oppose any moves to liberalise laws on marihuana and want harsher drug laws, according to a report to the State Government.

The article continues:

The poll, tabled in the Legislative Council yesterday by the Minister of Health, Dr Cornwall, revealed that a minority of people interviewed (17 per cent) favoured 'reduced penalties for possession of marihuana, but heavier penalties for trafficking or supplying drugs, including marihuana.'

Referring to the findings of the Australian National Opinion Poll, it states:

One of the most surprising findings of the ANOP poll was that 89 per cent of people were 'quite concerned to very concerned' about drugs and drug laws in South Australia. ANOP says 'the concern expressed is very much for stricter controls over drug use'.

That is not what we seem to be getting in this Bill. The report continues:

'At the core of current community concern are beliefs that penalites are not strong enough, that drugs are too easily obtained, and concerns about teenagers' use of drugs and about any softening of laws related to marihuana,' it says. 'When the surface is scratched, drugs and drug laws emerge as sensitive and important issues to the South Australian population.'

Indeed, that sets out what I believe is in the mind of the average person in the community. One suspects that sentencing for the use of these drugs is light; maximum sentences are never given, and few people are put in gaol on drug charges. All those I read about in the *Gazette* were out on bail. It can be expected that people charged with those offences will get an average of about a $100 to a $130 fine for their misdemeanour.

I understand that of the 2 000-odd offenders only 12 went to prison, and that is a reflection on the type of sentencing given to these people. Unfortunately, people in the community (and certainly the Minister of Health, Dr Cornwall) have gone on record as saying that they believe there is no harm in smoking marihuana. I cannot understand that thinking from adult reasonable people who have had any experience in relation to drugs.

I refer to three issues of the *Readers Digest*, and I will not read them all but I will recommend the reading of them to members of this House. An article in the *Readers Digest* of January 1980, under the heading 'Marihuana safe? Hear the Truth!', states:

All through the past decade, evidence accumulated that smoking marihuana may be seriously injurious to health. Striking new studies have further darkened the picture, demonstrating measurable harm to diverse body organs—above all, the brain and reproductive function. Here's an up-to-date account of the recent research.

The article continues for five pages explaining those findings. An article in the *Readers Digest* of November 1980 under the heading 'Marihuana—More of the grim story' states:

In the midst of the continuing debate over whether marihuana use should be decriminalised, experts are discovering just how injurious this drug can be. Research shows that pot permeates body tissues and fluids, and can damage almost every human organ and system tested. Last January, the *Readers Digest* published a report describing how marihuana can harm the brain and reproductive system. Hundreds of reprints were ordered by readers. This follow-up article continues the devastating story, documenting how pot can damage the heart, lungs and immune system.

The article goes on to explain further in another eight pages of that issue. The third *Readers Digest* which I being to the attention of the House, and which I hope some members might find interesting enought to read, is dated January 1982. Under the heading 'Marihuana and the devastation of personality', it states:

Readers Digest has published two previous reports on marihuana. The first, in January 1980, described marihuana-caused impairment to the brain and the reproductive system. The second, in November 1980, emphasised the harm pot does to the lungs, the heart and the immune system. This third report examines the drug's dramatically impairing effects on cells and how this can damage man's most precious possessions: the mind, the personality, the spirit.

The article continues for five pages, relating the shocking harm that this drug does to people. All who have studied the situation know the effects of it. After all that reading and studying, there are still people who say that the smoking of marihuana does no harm at all. If we are to worry about people who have latched on to this sort of thing and who are into the drug system, we must give our greatest concern to young people. What nauseates me is that we have young people led on by different ways and different manners to get on to marihuana. From there on, the traffickers (the people who are making the money through, as I said earlier, personal greed) are not above spiking those marihuana cigarettes with a harder drug to latch them on to the habit, so that they have got them for all time.

That is well known in the area of prostitution, which goes hand in hand with the drug scene. The man who runs the show is the stick man, whose main job is to get the prostitutes latched on to drugs; having latched them on to the drugs,

he gets them addicted. He knows that they are for all time under his power. However, the lowest of the low people, those who try to get young schoolchildren on to drugs, deserve the greatest possible punishment. All of us who think about it seriously know the effects of marihuana.

It is five years since I did a study of juvenile delinquency and crime. During that study I went to a number of countries, including America, where there are rather frighteneing effects of drugs. I went to a juvenile prison in California where one section housed children and young people up to the age of 18, drug users and those who were suffering from drug abuse. It was horrible to see what was happening to these young children. It was explained to me that they were just about on to a new drug in America, which was termed in their reference to it, 'angel dust'. It was a drug which killed pain, very simple and cheap to manufacture, and very hard to get.

The young people there were addicted to the drug. When they went berserk, if they were grabbed by an arm or a leg they would resist so violently that the limb was broken. The only way that they could be controlled was to use sheer weight of numbers and to lay on them until they came out of their tantrum. It was heart-rending to see that. I read recently that that drug is in use in Sydney and in New Zealand. It is frightening that we now have that terrible situation in Australia. I talked to a few of the young people at the centre, and everyone said that they had originally started on the light drug of marihuana. To me there is no argument at all that marihuana does lead to addiction to heavier drugs, and I speak from my knowledge of juvenile prisons in America. At one stage I was in Holland, where I found that the authorities had become very lenient and those involved with the headquarters of the drug scene had been able to move from Rotterdam and Amsterdam to West Germany, which gave the West Germans all the problems. The headquarters of the drug rings in Europe are now in Germany.

Closer to home, last year I visited the prisons in the Northern Territory at Berrimah and at a place called Black Point or Pistol Point, about 30 km north of Darwin. That is an open prison where I met three people who were looking after the radio, doing a good job for the community in keeping radio contact. These people had come from South Australia and upon being introduced to me one of the young men immediately said, 'You're from South Australia; that is where they are going to legalise pot.' I told him that I understood that they were trying to move in that direction. He said, 'That is marvellous, when you get back you can inform the people of South Australia that we are delighted about that because it means that when we get released from here together with all our mates we will head straight for South Australia, knowing that we can smoke pot without any interference from the law.' It became clear to me that there would be an influx of people into South Australia under those circumstances.

I do not want to delay the House for too long. I simply point out that I am pleased that penalties for drug traffickers are to be increased up to a maximum of $250 000 and 25 years imprisonment. It should be borne in mind that that is a maximum and that no court ever imposes a maximum penalty. Nowadays, it would be very difficult to put someone in gaol for 25 years: that cannot be done even for crimes of murder or rape. Probably the most effective way of dealing with these people would be to confiscate their worldly goods, instead of their doing a period of time for maybe three, five or six years, or whatever it may be, and then coming back to luxury, and all the rest of it.

The confiscation of worldly goods would be a greater deterrent than would be any fine. To those involved with crime and the big business of drug trafficking $1 million is nothing. They can spend a million dollars making a break into a prison by helicopter. Only recently, a case was publicised of a drug ring buying an island off Malaysia, and chartering a helicopter. To these people $1 million or $1.5 million is nothing. The maximum penalty of $250 000 and/or 25 years imprisonment may appear large, but in reality that penalty probably will never be imposed. I have my reservations about the Bill. It contains a lot of good points, but other matters worry me considerably, particularly matters pertaining to drugs.

Mr EVANS (Fisher): I have some doubts about the Bill, particularly about any relaxation by way of reduced penalties likely to encourage people to smoke marihuana. I suppose that throughout the Hills there are more individuals attempting to successfully grow their own than there are anywhere else in the State. My contribution will be brief. I agree with most of the comments made by the lead speaker for the Opposition, the member for Coles. There is one other major problem within society arising from the use of alcohol, which probably does more harm in our society than many of the other things we attempt to tackle, such as tobacco. Comparing costs to society of the effects of booze and tobacco one finds that tobacco falls a long way behind as far as degree of harm to the health of people and costs to Government are concerned.

It would be unfortunate to encourage the use of another drug due to a gradual weakening of the law until such time as that drug becomes an article that can be bought and sold in the community on as regular a basis as any other commercial commodity. Any weakening of the law could lead to people renting a plot of land, say, and growing their own marihuana. Whether they would use it for themselves only, no-one would ever know unless the producer was caught handing it to someone else. There is merit in much of the Bill, although I am not happy with the aspect to which I referred. Most of the other matters covered by it are necessary, although some sections of the community are worried about the effects of certain provisions on the sale of goods in which they deal. We will have to wait and see what the result will be. I support the Bill to the second reading stage.

The Hon. H. ALLISON (Mount Gambier): I support the majority of the Bill, but I have to say that I strongly protest against any reduction for the penalties pertaining to the use of marihuana. As several of my colleagues have said, I believe that increased penalties pertaining to harder drugs are still inadequate. One has only to look at what has happened in Australia where we have had the McKay murder at Griffith, and where only last week the body of a former South Australian was found, a gentleman allegedly associated with drugs. He was found with both arms and both legs broken. One realises that, when dealing with the pushers of drugs, one is in the big league. I do not think we will discriminate very much between people who push marihuana, where the markets are worth tens of millions of dollars, and the people who push the harder drugs such as cocaine, opium, and the rest of them.

I was approached a few years ago by a proponent group from the University of Adelaide who were in favour of marihuana. These people supplied me with vast quantities of paper, and all the reports which they gave me supported the legalisation of marihuana. On studying them I found that the majority of those reports were 10 to 15 years old and, although they came from reputable conferences, there was generally an admission at each of those conferences that the amount of information available was negligible, that there had been very little world wide intensive research into the effects, harmful or good, of marihuana, and that

therefore the conclusions to be drawn by those conferences were of questionable benefit.

The handing to me of that material by those university people triggered off an even greater interest in marihuana than I previously had had, and I had been studying its effects for many years as a student counsellor at high school. I have found in the more recent years, in the past 10 years, there would have been over 300 reputable medical researches carried out into the effect of marihuana, and nowhere could I find a positive statement that marihuana should be legalised and that the penalties should be decreased. Invariably, the reports found that at least two of the 61 cannabinol derivatives contained only in the marihuana hashish plants have extremely severe adverse results upon human cells and tissues. I am referring specifically to cannabinol and tetrahydrocannabinol (THC). I believe the most commonly quoted adversely effective part of the marihuana plant is delta 9 THC.

I point out to members that with marihuana, although the proponents keep saying it is a gentle drug, we already know beyond reasonable doubt that there are many adverse effects of this drug on the human system. It is after all not just a minor drug, it is one of the two strongest known euphoriants that mankind has at his disposal: one is mescalin (the truth drug), and the other is tetrahydrocannabinol. They relax a person, admittedly, but, when one considers the 300 plus medical research projects that have been reported on in recent years, one has to question seriously the merit of any Minister of Health's condoning the increased smoking of the drug by reducing penalties.

The recent reports emphasise among other things the harmful effects on human cells and tissues, and one would think that even a veterinarian would have more sense than to say there is no harmful effect, because the initial tests of marihuana on cell tissue have been conducted extensively on animals, rats, mice, Rhesus monkeys, and other animals, and invariably it has been found that whether ingested, or whether cannabinol, THC and tobacco derivatives have been placed on sores of animals, one of the results has been either lung or scar tissue cancers.

I ask members to consider, without even thinking about marihuana and what its implications are, what would be the effect if a national drug house brought on to the market a drug which was to be used as widely as marihuana obviously is, and then was to release the results of any of those 300-odd tests that have been conducted in the past 10 years. The results would be sufficiently conclusive for that drug house to be told that in no circumstances was it to release that drug on to the market. Imagine the effects of thalidomide on our infant population. Had the animal tests on that drug been properly assessed other than by the lady who was in charge of the United States Department of Health and who did comment on the adverse effect of the drug, had it been assessed world wide and reported on properly, as it should have been, that drug would not have been released upon the world markets.

Evidence from recent medical reports shows that already the adverse effects of smoking marihuana are more significant than the results of tests conducted by international drug houses when releasing a new drug or of those tests conducted on animals that had ingested thalidomide before that drug was released to the public. This Bill is a cloak for the personal whims of the Minister of Health who wishes ultimately to legalise the use of marihuana. Therefore, members should carefully consider that part of the Bill and reject it.

In the *North-East Leader* of 22 June 1983 the present Minister of Education (Hon. Lynn Arnold), who then supported my view, was quoted as saying:

> Increased availability of marihuana would cause big problems in schools.

Yet the Minister of Education is now condoning its use by reducing penalties. The press report continues:

> Smoking cigarettes behind the shed would be replaced by children smoking joints (of marihuana) and ruining both their health and their learning ability.

Will the Minister of Education reaffirm in this House today the opinion he expressed publicly only eight or nine months ago? I believe that he should, because there is no reason in the light of medical evidence for him to have changed his mind. We have known for a long while that marihuana is soluble in fats. Many parts of the human body are intensely fatty. For example, the human brain is one-third fat and the ovaries, the testes, the reproductive organs, are essentially fat bodies. The tetrahydrocannabinol, being fat soluble, deposits itself in those fat bodies and remains there for some time. Medical reports 10 years ago hypothesised that THC in fact deposited itself in the central sulcus, the bridge between the right and left-hand sides of the brain, and over the years tended to atrophy (or harden) and to reduce the passage of signals across those synapses that are present across the bridge of the brain, the *pons*. Recent research has done nothing to discredit that finding.

In fact, reports in the last two or three years have indicated that a person who smokes two or three marihuana cigarettes a week has the THC lodging in the fat bodies, and radioactive tests have shown that the THC has a half-life of between five and eight days. So, it remains in the body for that period, whereas alcohol, the other drug under criticism is washed out of the body within 12 to 24 hours. Therefore, anyone smoking marihuana only two or three times a week is increasing the amount of intoxication: he is not reducing his intoxication by refraining from smoking for two or three days. In this way, one can build up a high degree of intoxication by smoking only two or three times a week over a long period. The fat bodies in the human system will continue to release THC to the system so that the degree of intoxication remains.

I have spoken personally, both in my office and in a talkback session over the air from radio station 5SE in the South-East, to people who have been persistent smokers of marihuana and they admitted to a reduced sociability. Marihuana is an anti-social drug. Those people have also admitted to a reduced potency and a more apathetic view of life. These are all points of view which have been borne out by medical studies, some of which I will take the liberty of quoting to the House. These findings over the past three years bear out what has been increased medical knowledge over the past 10 years, and medical statements are now refuting the earlier beliefs that cannabis is not harmful to man.

Let me remind the House, before I mention a few more specific medical tests, that to legalise or to reduce the penalties for marihuana will not remove the drug trafficking problem from Australia. Has it done so in the United States? Of course not! One in six United States school students is allegedly using marihuana: one in three adults in the 18 to 25 group is using marihuana, but has the drug traffic there decreased? Certainly not! There is an even higher incidence of sniffers of cocaine. There are allegations that the recent drug ring which was broken only this week with the arrest in the United States and elsewhere of some 31 long-term drug traffickers has unveiled a $1.6 billion drug traffic in harder drugs.

So, if one says that to soften up on marihuana will result in a reduction of the impact of harder drugs, one is just fantasising. The United States encapsulates what can and will happen in Australia if we continue to soften our approach to marihuana. One finds it extremely hard to imagine why

a Minister of Health would be spending over $500 000 on reducing the number of people who are smoking in South Australia when, in the same Bill at the same time, he is encouraging an increase of marihuana smoking, a drug whose detrimental effect upon the human system is being steadily proven month by month, year by year. At the same time, this man is mouthing hypocritical platitudes about wanting to reduce the impact of lung cancer through the smoking of ordinary cigarettes.

There is just no rhyme nor reason, other than the satisfying of something that must be considered to be a personal whimsy, in his taking this step. The Minister is pandering to a very small minority group in South Australia by his own admission; only last year, in 1983, an Australian National Opinion Poll, which the Minister released in the House, showed that 68 per cent of South Australians were opposed to any lessening of penalties for the smoking of marihuana, and only some 21 or 22 per cent were in favour of reduced penalties. So, what is this man up to? He is not the protector of the health of South Australians.

Should we be trekking down the United States road to despair? Anyone who has been to the United States and seen and spoken to drug addicts on the streets of New Orleans, Los Angeles, San Francisco and New York, as I did with my own children in 1979, would realise that time and time again these youngsters, (and they are mostly youngsters under the age of 25 which is the death age for those on hard drugs—it really hits youngsters hard), as they admit, were led down the path to hard drugs by being introduced somewhere along the line to marihuana and other soft drugs. They had no control over the quality of marihuana or other drugs introduced into the marihuana by irresponsible pushers. So, ultimately they had to get onto something harder and harder until they were on death row at 25 years of age. It is a very saddening and sobering sight to see that. These are human beings whose future we are condemning. I have no qualms at all about condemning the softening attitude towards marihuana, having seen the impact of the introduction to harder drugs through this supposedly non-addictive drug. In the *Readers Digest* it was stated:

> In 1978, Dr Marietta Issidorides of Athens, Greece, one of Europe's most respected biologists, conducted electron-microscope studies on the white blood cells of 40 long-term hashish smokers. 'We learnt,' she reported, 'that long-term use of cannabis ... deformed a significantly high proportion of the cells. Impaired white blood cells are unable to function properly and protect the individual from infections'.

In the past 10 years it has been increasingly reported that marihuana is an immuno-suppressant. It prevents the body from working against those germs that are liable to attack it at any time. The article continues:

> Two years earlier, Dr Akira Morishima of New York looked at the white blood cells of 25 apparently healthy young males who had smoked marihuana at least twice a week for four years. He found that one-third of their cells contained only 5 to 30 of the normal human complement of 46 chromosomes.

Those are the nuclei that pass on genetic instructions to the next generation. People condemn the effects of nuclear radiation, yet they condone the effects of marihuana smoking, both of which are allegedly having the same effect—the ability to produce foetuses which are deformed or liable to be stillborn. Where is the logic in mankind? We have the Minister of Health introducing this Bill but he would be extremely critical of the effects of nuclear radiation, and there is no proof that nuclear radiation in Hiroshima has produced impaired foetuses. There is not. I can see the lady opening her mouth and looking askance. It is quite probable that the people who were prone to be affected by nuclear radiation were unable to conceive or procreate in any case. Irrespective of the cause, there is little evidence of damaged foetuses as a result of radioactive exposure.

With marihuana there is evidence that animals, particularly Rhesus monkeys which were injected with milligrams of THC into the ovaries, had deformed offspring. An experiment conducted on Rhesus monkeys showed that 50 per cent of those injected with a mixture of oil and THC had abortions and stillborn babies, whereas only 4 per cent of those injected with oil alone had baby monkeys that were born dead. Four per cent is the norm for the Rhesus monkey. So, the effects of THC on the Rhesus monkey are inescapable: the offspring are often born dead. If one conducted this sort of research into any other drug on the market, one would condemn that drug.

Yet, here we have a Minister of Health saying that marihuana is not harmful at all to the human system. It is harmful to Rhesus monkeys, and of course we use animals to test our drugs before they are released on to the market. What is the man up to? He must surely have access to these reports just like the rest of us. Not only the reproductive system but the lungs are affected: there is medical evidence to show that people and animals who have been subjected to persistent exposure to marihuana smoke suffer from a great range of pulmonary diseases. Dr Carlton Turner, who is the Director of the National Institute of Drug Abuse in the United States, and who was in charge of the research project, states that:

> ... there is no other drug used or abused by man that has the staying power and broad cellular actions on the body that cannabinoids do.

Dr Turner points out that cannabinoids are chemicals found only in the cannabis plant, only a handful of the 61 cannabinoids identified so far in pot have been studied. Each is metabolised, or broken down, into many other chemicals. Some are psychoactive; some are not, but all are biologically active. He says that only 5 per cent of cannabinoids get across the blood-brain barrier (that is the truth about use of cannabinoids) and that that creates the 'high' in humans; and that 5 per cent causes problems enough. But what concerns Dr Turner even more is what the other unknown 95 per cent of this and the other cannabinoids are doing to the body.

He says that recent research documents show that marihuana smoking is harmful to the entire pulmonary tree (the entire breathing and respiratory system), ranging from the sinus cavities to the deepest recesses of the lungs. Marihuana may be even more injurious to lungs than tobacco smoke (here is the Minister spending $500 000 to stop us smoking tobacco) and its symptons may strike faster.

> Dr Forest Tennant, former Director of a drug-abuse programme, studied more than 1 000 American soldiers stationed in West Germany, and found that heavy cannabis smoking produced sinusitis, pharyngitis, bronchitis, asthma and other respiratory disorders in a year or less. In number and severity, the pulmonary symptoms far outranked those of older soldiers who had averaged 30 cigarettes a day for 11 years or more.

Dr Tennant said:

> I saw chronic bronchitis and emphysema—

that is hardening of the lungs, which lose their elasticity—

> generally found only in 45 or 50 year-olds—in hashish-smoking soldiers who were only 18 years old.

Once again I ask what this Minister is about? He has access to exactly the same information that we have—to the 300 or more reports—and nowhere do I find evidence of the harmlessness of marihuana that is claimed by the Minister. He must be blind or so self-willed that he is single minded about it. There are further effects of marihuana. In March 1979, at a conference in Virginia sponsored by the U.S. National Institute on Drug Abuse, investigators revealed more evidence of marihuana's harmful effects on the reproductive system.

That is an area on which I dwelt briefly when talking about Rhesus monkeys and the high incidence of cannabinol

in fat bodies, including the ovaries and testes. This is borne out in the 1979 American report. Dr Robert Heath, Chairman of the department of neurology and psychiatry at Tulane Medical School, showed the Reims symposium slides of magnified brain cells from the limbic area of Rhesus monkeys. That area directly controls sex drives, appetites and emotions and is very similar to the area in man's brain. That is why Rhesus monkeys are used so extensively for those experiments.

Dr Heath also said that the clinical observation of his team indicates that people might drink for years before serious brain damage occurs. But it would seem from the monkey studies that one has to use marihuana for only a relatively short time in moderate to heavy use before evidence of brain damage begins to develop.

Perhaps the most important structure in the limbic area of the brain is a small lump of tissue in the centre of the brain: the hypothalamus. Hanging from this is a still smaller lump: the pituitary gland. As little as a billionth of a gram of THC affects the hypothalamus, which in turn affects the pituitary, which regulates endocrine function and the hormones controlling sex and reproduction.

Dr John Hall, chairman of the department of medicine at Kingston Hospital in Jamaica, reports that 20 per cent of his male patients who have smoked marihuana for five or more years complain of impotence. Research studies on animals seem to indicate that cannabinoids result in lowered sperm count and a greater number of abnormally shaped sperm. These findings were replicated in humans using high marihuana dosages by Dr Wylie Hembree of Columbia University College of Physicians and Surgeons. Dr Hembree also found a statistically significant decrease in sperm mobility.

The conclusions drawn by those gentlemen individually and collectively are that we are really experimenting on human beings by encouraging the increased use of marihuana. But if the effect on man is significant, what about the effect on women? Men produce millions of sperm cells constantly, but women are born with about 400 000 eggs within the ovary which develop as the woman matures. They are not created as the woman grows older: they are there from a very early age, and there is no way to repair damage to the foetuses. It has been proved by radioactively tagging THC that it accumulates in the ovaries and in other organs. The evidence of what happened to babies which were born of parents who had used marihuana is as follows:

Says Dr Ethel Sassenrath, who conducted the study: the THC exposed babies that survived acted differently from the others. They didn't seem to have normal 'brakes' on behaviour. They showed deficits in attention. This kind of subtle behavioural difference is characteristic of marginal brain damage in early development.

Dr Robert DuPont, former director of the National Institute on Drug Abuse, puts it this way: 'In all of history, no young people have before used marihuana regularly on a mass scale. Therefore, our youngsters are, in effect, making themselves guinea pigs in a tragic experiment. Thus far, our research clearly suggests that we will see horrendous results.'

I would therefore ask members on both sides of the House not to vote on this issue on political grounds, but to reconsider very carefully the arguments put forward by members on both sides in another place, to vote against the reduction of penalties for the use of marihuana, to support very strongly the increased penalties for use of harder drugs, and to question very carefully motives of a Minister who, whilst allegedly trying to stop the smoking of cigarettes is condoning the smoking of marihuana. It is a nonsense that is contained in this cloaked Bill that we see before us.

Mr BLACKER (Flinders): This Bill is a hotch-potch of everything. Principally, it contains provisions for a vast number of regulations. It is really a Committee Bill, because if one explores every one of those clauses which give potential for making regulations, one finds that that is where the real danger in the Bill lies. The Minister in his second reading explanation stated:

The Bill presented to the Parliament repeals the existing Food and Drugs Act and Narcotic and Psychotropic Drugs Act and consolidates controls over drugs, poisons and therapeutic substances and devices. (A new Food Act is being developed for introduction this year. This will replace the outmoded food legislation which forms part of the present Food and Drugs Act). The Controlled Substances Bill implements the recommendations of Sackville in most respects and also takes account of the Williams Report, with its emphasis on increased powers and penalties to deal with drug traffickers.

While the format of the Bill differs somewhat from the Sackville draft, it incorporates most of the essential legislative features of Sackville, either directly or through regulation-making powers. The major features of the Bill are as follows:

1. Revision of penalties in relation to possession and sale of prohibited substances and drugs of dependence including creation of a new maximum penalty of $250 000 and 25 years imprisonment for large scale drug trafficking. Both imprisonment and fine are mandatory.
2. Inclusion of powers to enable the charging of financiers of drug trafficking schemes as principal offenders.
3. Inclusion of powers to enable courts to order forfeiture of property of persons convicted of offences against the Act or of a related person or body.
4. Inclusion of powers to enable courts to prevent the dissipation of such property where a person has been charged with offences under the Act.
5. Doubling of penalties for illegal prescribing of drugs of dependence.
6. Creation of an offence to supply substances containing volatile solvents to persons whom the supplier knows intend to use them for inhalation.
7. Inclusion of provisions to enable establishment of Drug Assessment and Aid Panels.
8. Inclusion of provisions to enable the establishment of a Controlled Substances Advisory Council to monitor and advise upon controls over the licit and illicit use of drugs, poisons and therapeutic substances and devices.
9. Provision of comprehensive and substantially upgraded regulation making powers particularly in relation to controls over poisons, drugs and therapeutic substances and devices.

I have read into *Hansard* that portion of the second reading explanation, for it outlines the Bill's broader aims, some of which I fully support, particularly those increasing penalties for the major drug trafficking offences. I do not believe that this Parliament can be strong enough in providing penalties for drug trafficking, particularly where it affects or is likely to affect the health and well-being of another human being.

If people can affect the health or well-being of a person, they are indeed committing an offence against that person. This Parliament and the courts should treat that matter with the utmost seriousness. It is a similar principle to that involving individuals who cause bodily harm to another individual either by assault or in a vehicular accident: the courts look upon such a matter very seriously. I believe that that same seriousness should apply in this regard.

I oppose very strongly the provisions involving marihuana, and when I look across to the Government benches I wonder how easily those members are sitting there in the knowledge that what they are doing will allow the further propagation in the community of marihuana, with its associated dangers and cost to society. I wonder what that cost will be.

Mention has been made already today of the advertising designed to reduce cigarette smoking, and I applaud that action. I think that we should do everything we can to reduce the smoking habit, yet at the same time that that occurs we have a Government that is opening up and allowing greater use of marihuana, and I cannot understand that. I am quite sure that, if the Minister and Government members went out into the community and got the gut feeling which they can get from people by talking with them and trying to ascertain their general reaction, the message would be loud and clear.

It was only a few months ago that the Minister of Health was in my electorate addressing the Eyre Peninsula Hospitals Association meeting. He opened that meeting and raised the subject of drugs, because at that time it was a hot issue in the press. The Minister then immediately got on his plane and went across to do battle with the Mayor of Port Pirie. However, had the Minister stayed behind on that occasion and had lunch with the delegates (some 70-odd people) who were there he would have got the message loud and clear as to what they thought of his proposed drug laws. There was no way in the world that they would tolerate that sort of attitude. It was a hypocritical attitude: on the one hand, trying to promote a scheme to cut down cigarette smoking and, on the other, reducing penalties for the use of marihuana. I think that that is a hypocritical action of the Government, which I believe is to be condemned for carrying on in this way.

We have all had a tremendous amount of literature forwarded to us, and I notice some Government members reading it now. I wonder how they can answer each of the allegations made in that literature. I have not yet heard a Government member offer alternative suggestions, comments, criticism or proposals to the allegations that have been spelt out by Opposition members in the Chamber. If in fact there were reasonable explanations for some of the allegations that have been made, let us hear them, because I would gladly sit down and listen. I would like to think that the Government's actions were not detrimental to the health of individuals, yet everything that has been said today and previously indicates that the Government intends to embark on something which will be detrimental to health.

What is the Government's role: to promote activity that is detrimental to the health of fellow citizens? I certainly do not think that that is our role, yet the Government is doing just that. With other members I, too, received correspondence, and I would like to read a letter from the Festival of Light. I will not go through the other material because it has been covered by other members, although I concur that that material is factual. I would be interested to hear the Minister in his reply (although I hope that other Government members will enter this debate) at least offering some explanation. I do not really care how feeble that explanation might be, but I would like to think that the Government has some defence for its actions, although so far we have not had any. The letter from the Festival of Light, which I understand every member has received, states:

Dear member—

Mr Groom: It passed the Upper House.

Mr BLACKER: I appreciate that. I will mention that directly, too. The letter continues:

> Public opposes lower penalties for 'pot' possession
>
> We ask you to consider very carefully how you vote on the Controlled Substances Bill now before the House of Assembly. The South Australian public (according to the 1983 ANOP survey of community attitudes to drugs, tabled in Parliament last year) clearly opposes the lower penalties for possession of 'pot' contained in the Bill. Of those surveyed, 62 per cent wanted the penalty to be heavier or remain the same ($2 000 and/or two years gaol). Only 28 per cent wanted lighter penalties or legalisation. The Bill therefore directly opposes public opinion.
>
> Lowering the maximum fine to $500 (and typical fines to tens of dollars?) will encourage many more people to take the risk of flouting the law. Education Minister Lynn Arnold warned last year (*North-East Leader* 22/6/83) that increased availability of marihuana would cause big problems in schools. Smoking cigarettes 'behind the shed' would be replaced, he said, by children smoking 'joints' and ruining both their health and their learning ability.

Here we have the Minister in conflict with his own statements, and it will be interesting to see how he votes on this occasion. Last week a world expert on teenage health, Dr Wolfish, warned in the *Advertiser* of 4 April:

> . . . marihuana usage produces an immediate drop in learning skills, motivation and concentration. The road toll could worsen disastrously because marihuana impairs a driver's judgment at least as much as alcohol—

I will comment on that matter in a minute—

> Evidence of serious health dangers associated with marihuana is mounting. See, for example, the enclosed reports from *Readers Digest* (January 1980, November 1980, January 1982). We do not believe that you want more serious problems for our teenagers and the general community. Please vote against those parts of the Controlled Substances Bill which would lower penalties for marihuana possession and cultivation for personal use.

I think that that is an impassioned plea and one which we should heed, because it really is basic common sense. All the evidence that has been put before us indicates that the use (no matter how small) of marihuana does have some effect upon the human system and, therefore, one should have due regard to that fact. Legislation has been brought before this Parliament to control noise, smells and any other part of our human environment, yet here we are going ahead and saying, 'Yes, you can smoke this stuff or consume it in whatever way you wish, and we will sort of turn a blind eye to it.'

That sort of attitude is hypocritical and one for which the Government must be condemned. On the very next day (4 April) following the Bill's passage through the Legislative Council a publication called *Streetbeat*, described as 'South Australia's own rock magazine' was placed on the table for all members to collect. The magazine states:

> At approximately 11.30 p.m. on Tuesday 3 April 1984 the South Australian Government passed a Bill reducing the penalty for possession of cannabis for personal use—

of course, members would know that that statement is not correct because at that stage the Bill had passed only the Legislative Council—

> *Streetbeat* magazine applauds this decision and commends the pioneering, far-sighted spirit of the current South Australian Government.

Somewhere, someone had their finger right on the pulse, because within a number of hours of the legislation being considered in the Legislative Council the organisation was able to publish those comments. That causes me considerable concern; it shows that the Government is being influenced by pressure groups in the community who are virtually typing up and printing what they want even before the Government has had time to deal with a matter.

Mr Becker interjecting:

Mr BLACKER: The member for Hanson suggests that there may be big money involved: I do not have evidence of that, and I do not know that that is necessarily correct. Somewhere along the line, we know that people get into the use of harder drugs. It is a well-known fact that marihuana impairs a driver's judgment. A statement was made that the road toll could worsen disastrously because of marihuana use. Indeed, it impairs drivers' judgment at least as much as alcohol does. Marihuana and alcohol collectively provide a recipe for disaster because, as was pointed out to me by a medical practitioner, it is not just a case of one and one make two: in these circumstances it is one and one make eight, because of the compounding effect of the influence of marihuana and alcohol.

The effect of marihuana on the human system is increased eight times just by the presence of alcohol within the system. That is a very serious situation. Maybe random breath testing units could be provided with an adequate device to test for the marihuana content in an individual, although the last thing I heard about that suggestion is that it is not feasible. Everyone's fear concerns the progressive nature of drug usage, with people going from minor and relatively insignificant drugs (as they are referred to), such as marihuana, to the heavier drugs. I have not had experience of the effects, but I know of individuals who have been affected.

Personally, I have suffered the effects of hallucination, which I was told was equivalent to an LSD trip. In my case that happened mainly by accident and was primarily due to my ill health at the time. I was in hospital and was being given drugs and because of my state of health at that time my system reacted quite violently to the drugs. If the experience that I had is the equivalent of an LSD trip, I can categorically say that I never want to go through such a trip again. I understand and appreciate not only the effects of drugs on the human body but the way in which people in a depressed state of mind might find it a means of escape, because when I was hallucinating I did have a feeling of euphoria, of being on top of the world, of owning and controlling everything—that is the euphoric nature of the influence one is under. It was not until I was coming out of the influence of those drugs that I realised just what they had been doing to me. I had been thrashing around in the hospital bed, and my first sense of reality occurred when I cracked my funny bone on the steel side of the bed. That brought me back to my senses and I just collapsed, wanting to know what had hit me.

The Hon. G.F. Keneally: Is that when you joined the Country Party?

Mr BLACKER: The honourable member would probably know that I had been in Parliament for three years at that stage. That reaction occurred because I was in ill health; it was not the fault of the hospital or the way the drugs were administered or anything like that, so I am not casting a reflection in any way. Having experienced what I was told was the equivalent of an LSD trip, I certainly appreciate what people in a depressed state of mind do when they apparently find it necessary to become involved with harder drugs, and I understand why people would want to become involved, maybe because of a depressed state of mind or peer group pressure. I appreciate the consequences of dependency on drugs. As I see it, the situation is indeed very serious.

I am greatly concerned that the Bill is basically a regulation Bill. The powers in it allow the Government to set down by regulation any sort of standards it so desires and, heaven forbid, we have gone through the crisis of regulation after regulation. The Government of the day can take relevant matters out of the hands of this House and provide regulations. The Government may well say that members have 14 sitting days during which to object to them, but the Government can then proceed and ignore any objections.

Mr Mathwin interjecting:

Mr BLACKER: They do not even give you time to object. However, when one does object and gives a notice of disallowance in the House, the Government still does not take account of that and proceeds on its normal course, and that is an attitude that worries me about regulations, whether they be right or wrong. I would like to think that they are all right, but occasionally they are not. To me it is wrong that matters should be taken out of the hands of Parliamentarians, who have been elected by their constituents.

People expect that a member of Parliament will have an input into the legislative process. They might not understand the full implication of certain legislation and regulations, but they expect a member to have been part of the decision-making process. I am sorry to raise the vegetation clearance example again, but when that matter arose my constituents came to me in droves asking me why I had not told them that the matter was under consideration. However, we did not know about it. People expect a member of Parliament to at least have an opportunity to oppose a matter or take some other action if a measure is considered to be inappropriate for a certain constituency. However, on that occasion that was not to be the case. I have serious concerns about the regulations, because they effectively take Parliamentary control out of the hands of duly elected members.

I assume that the Government, by introducing this Bill, is pandering to a pressure group within the community. It is fair to say that there are people in the community who believe that there should be a lessening of the penalties for possession and use of marihuana. I accept that the use of marihuana is probably far wider than I had envisaged and maybe its use extends into various sections of the community of which I was not aware. Whether that is right or wrong, I do not know, but I wonder about whether the Government is pandering to a certain section of the community in the hope that it might be able to pick up some votes.

How does it expect to be able to meet the cost of this measure to the community? The Government has already talked about the cost of smoking, the cost to the general health system, and the cost for the advertising programmes that go on, etc. Surely, lessening the penalties will increase the cost to society and the cost to Government. To my way of thinking, and perhaps it is a simplistic view, those persons who will benefit by this amending legislation will in fact not be contributing to the operations and finances of Government. Are those people who stand to benefit from this amendment taxpayers or tax receivers?

Quite frankly, I think that it is other members of the community, the taxpayers, who will be the people taking a serious view of this matter, because they do not see why they should finance the ongoing costs associated with this type of measure. We know that there will be costs, either directly or indirectly, and the costs to this community and society will be quite severe. Should responsible people who play their part in the community and contribute to the development of the State, who pay their taxes, be the ones who have to pay for the Government's pandering to another section of the community in the hope of picking up a few cheap votes? That is the only feasible reason I can find for this legislation, because I do not believe that the Government has evidence to back up what it is trying to do.

It has been mentioned that the use of marihuana has an effect on the brain and the reproductive systems: that has not been denied and, as has been mentioned, if another drug came through medical circles and the clinical system and had the same effect marihuana has on the human body, it would be outlawed overnight. There is no doubt about that, but it does not apply to this one: it is a social drug, not a medical drug and the Government seems to think that there is a difference in that. Because of my concern about the regulations, I hope that the Minister in his reply will explain to me some of the implications of this legislation as it would apply to the general use of chemicals, and here I am referring to agricultural chemicals.

Every farmer handles agricultural chemicals of various potencies, some being dangerous and some not. However, as has been suggested to me, it could be necessary by regulation for this Government or any future Government, by the stroke of a pen, to require every farmer to have a licence, perhaps even sit for an exam, so that they can use the agricultural chemicals that they have been using for the past 10 or 15 years. That is the part that I worry about.

It is another avenue which the Government could use to get its sticky fingers on the agricultural producing sector to control it. Last week we had another avenue through the Planning Act where it did likewise, and I can foresee that if this Government continues in such a way it will totally tie up the agricultural industry and the production section of the community: that section of the community which is carrying the Government on its back. The Government can do this almost overnight. I am concerned about that, and I hope that the Minister will explain the practical application of this legislation.

Some of the chemicals handled are dangerous, but I know that they are not half as dangerous as the farmers used 30 to 40 years ago. In my own experience, when a rabbit problem occurred on a development block which I had some 15 years ago, my father reminded me that there was some strychnine in a certain place, well concealed from anyone, and maybe it was still there. It was there 35 years ago, and I found it. I mixed up a batch and we caught some rabbits all right: in 20 minutes I had caught 102 rabbits.

Mr Groom: Not 103 rabbits?

Mr BLACKER: No—102. I had to be careful that I picked them up, otherwise I would have had a few dogs as well, because if the dogs had taken to the rabbits they would have likewise been affected by strychnine. Nothing can be more dangerous than strychnine in the hands of people not trained in the handling of dangerous substances, and I am pleased that it is not available on the free and open market, and quite rightly so, because it is indeed a dangerous substance. It was available 30 to 40 years ago and farmers had to use it for the destruction of predators, in particular rabbits, and it was an essential part of the farming operation.

If this legislation will control agricultural spraying and the application of chemicals supplied for the control of lice on livestock and the chemicals used for the control of blowfly and things of that nature, where will it all end? The Government has a facilitating Bill which will enable it by regulation to step in and just about control every aspect of primary production, right from the elementary side of it through to the production, processing and even the exporting of the rural commodities.

Whilst we accept that common sense prevails, we have grown to learn that Governments do not always apply common sense and in the hands of departmental officers, who get a bit power hungry from time to time, it can easily get out of hand. I hope the Minister can allay my fears and give me the assurances that I am looking for. However, I hope that he will not give a general assurance and say that he would hope that common sense would prevail. We went through that matter with the Planning Act, and I believe that the Upper House has been going through it today, all because the Government of the day decided to use regulations through legislation, the original intention of which was never designed for that purpose. If we are talking about a specific aspect, let us put it in the Bill and make sure that we treat it in that way.

Mr BECKER (Hanson): Most of the speakers on this side have adequately covered the main points of the legislation. There are certain aspects of the Bill with which I do not think anyone has any argument. However, we have got caught up on probably the worst aspect, and this is the situation dealing with marihuana. I have tried to ascertain how many people smoke marihuana or who really want marihuana legalised. I refer members to an article 'Public Opinion' in the *Bulletin* of 20 March 1984, which, under the heading 'Big increase in smoking of marihuana', states:

> Nineteen per cent of people in a January Morgan Gallup Poll—equivalent to 2.2. million Australians aged 14 years and over—said they had smoked marihuana. The percentage represented an increase equal to 200 000 Australians on a similar survey conducted in March 1982 when 18 per cent said they had tried the drug.

That is totally misleading and an irresponsible assumption made by the survey. If one looks at the details provided, the frequency of use referred to in this article, under the heading 'Smoked in the last week' (and these are the people who said they had smoked marihuana), one reads that 2 per cent said they had smoked it in the last week. In 1982 it was 2 per cent; in 1979, 1 per cent; in 1978, 1 per cent; and in 1977, 1 per cent. I believe that that is a true indication of the percentage of people who smoke marihuana on a regular basis, and it shows the number of people about whom we are really concerned.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr BECKER: Of people who smoked between one week and one month the poll showed 2 per cent; smoked between a month and a year, 4 per cent in 1984, 5 per cent in 1982, 4 per cent in 1979, and 5 per cent in 1978 and 1977; smoked, but more than a year ago, 11 per cent in 1984, 9 per cent in 1982, 9 per cent in 1979, 3 per cent in 1978, and 4 per cent in 1977. If we come back to 1984 and add up the figures, those who had smoked in the last week represented 2 per cent; smoked between a week and a month, 2 per cent; between a month and a year, 4 per cent; smoked, but more than a year ago, 11 per cent. That means that 19 per cent had smoked or indicated they had smoked some type of marihuana in that period of the survey.

Members interjecting:

The SPEAKER: Order! We really should have these conferences outside.

Mr BECKER: Therefore, I contend that when we get a reputable journal such as the *Bulletin* heading up the article, 'Big increase in smoking marihuana', referring to 19 per cent who had smoked it in the past 12 months, and relating that to 2.2 million people, it is all misleading, because really the people who smoke it on a regular basis are probably only 2 per cent. Two per cent of the population of South Australia is 26 000 or nationally about 260 000. So why is the current Government concerning itself to bring in legislation that is unpopular, damaging, and dangerous, when all it wants to do is to help 2 per cent? As far as I am concerned, the 2 per cent who want it can learn to do without it, because that 2 per cent is going to cost this Government an absolute fortune.

Mr Hamilton: Minority groups!

Mr BECKER: The member for Albert Park can laugh because it is the voluntary agencies, the welfare agencies who are involved in the health and welfare field, who are going to have to pick up the tab to help these poor creatures. The member for Mount Gambier gave us quite a detailed explanation of the consequences of continual smoking of marihuana. It does cause brain damage. There is no doubt about it at all. There is conclusive proof now that brain damage is caused by the continual smoking of marihuana. The neurologists at the Adelaide Children's Hospital and at our Government teaching hospitals will say that it costs about $10 000 per annum to treat and care for a person with brain damage. Here we are introducing legislation, being expected to support legislation that is going to be an added burden to the taxpayers of this State. It just does not make any sense at all. It is absolutely ridiculous.

Mr Mathwin: Bowing to pressure by the minorities.

Mr BECKER: I think it is a breed of half-wits who are running around the community who want this sort of situation legalised. I wonder what sort of pressure is behind the whole situation as far as those who have a vested interest are concerned. This survey in the *Bulletin* was done by a very reputable organisation, the Morgan Gallup Poll. The article continues:

> In the latest survey, 2 277 men and women throughout Australia aged 14 and over were asked the following questions about marihuana:
>
> 'In your opinion, should smoking of marihuana be made legal—or remain illegal?'

The answer was that almost two out of three people opposed the legalisation of marihuana smoking. We have also heard so far during the debate that between 69 and 70 per cent of the people in South Australia who have been polled

through the various surveys oppose the legislation of marihuana. The Minister admits that.

The other question asked in the survey was whether or not the possession of small amounts of marihuana should be a criminal offence. In the answer, 49 per cent said it should not be a criminal offence, 46 per cent said it should be, and 5 per cent were undecided. If we analyse the question, of course, it is a double barrelled question. Should the possession of marihuana be a criminal offence? We have only to mention the word 'criminal' and generally the majority of people say, 'No, it is not hurting anyone else, even though the individual who participates is damaging himself.' It is a loaded question and is totally irresponsible. The further question was:

If yes, about how long ago did you last try marihuana?

In the answer 19 per cent said they had smoked marihuana. It comes back to the misleading situation created in articles, such as the one in the *Bulletin*, stating that there is a huge increase in the smoking of marihuana. Nineteen per cent said they had smoked marihuana but they do not give the percentage of people who had only one or two or three puffs. I contend that the statistics prove that somewhere along the line 19 per cent of the population have had a puff or two. Seventeen per cent have smoked it for between a month to 12 months. Really, they have experimented and that is as far as we can go. The regular smokers would be 2 per cent.

Then we have these rat-bag organisations running around the community saying, 'Let's legalise marihuana.' We are looking at 2 per cent of the community, and that 2 per cent is going to cost the taxpayers of this State and this country an absolute fortune if we allow the situation to continue. Being involved in the health and welfare field and voluntary agencies, we will have to look after these people. We will have to pay the bill. We will have to go out to the fetes, the trash and treasure markets, door knocking, raising funds to employ social workers, to provide the facilities for our Government hospitals to look after people who at this stage want to smoke marihuana and in five years time will want to kick the habit and will not be able to do it unless they get a great deal of back-up support.

It is absolutely irresponsible for this Government to bring in this legislation, to even consider lowering the penalties. I very well remember the Minister's being interviewed on radio after this legislation passed another House. He said he was not supporting it, trying to do a Joh Bjelke-Petersen, trying to explain that the penalty had been reduced to $500 for possession and smoking of marihuana because the courts were allocating on average only $115 per fine. If the courts are handing out only small fines and the odd little limp slap on the wrist, it is about time we told the Judiciary that this Parliament expects much higher penalties. If that is not done, then it is about time the Parliament looked at the penalties imposed by the various judges, and it is about time we examined the performance of the members of the Judiciary and reminded them they are not appointed by the State until they are 70 years of age.

It is about time the judges were told they are not there without the opportunity of being replaced. That is the whole trouble with the Judiciary in this country. There is not a Parliament that is game to stand up and tell the Judiciary that it wants them to carry out the law, to impose severe penalties, because it is not going to support this type of system where penalties are being imposed that are insufficient. I think it is about time the judges in this country were put on trial themselves and made accountable to Parliament. It is about time we said to them that they either carry out the wishes of the Parliament or they will be replaced. There is not a politician in this country who is game to do it, and that is the whole tragic situation as far as law and order are concerned in this country.

Members interjecting:

Mr BECKER: I am making it known now that, as far as I am concerned, if the Judiciary does not carry out the penalties and support the penalties prepared by Parliament, I think it is about time that we looked at the judges who are meting out the penalties. Public servants and politicians are accountable. Every level of the Government is accountable. It is now time we made the Judiciary accountable, and accountable to the people who are paying the taxes of this country. Let me remind the member for Albert Park, who interjects from out of his seat, that to legalise marihuana, to pay lip service to marihuana, cocaine and every other situation is not good enough.

The SPEAKER: Order! The honourable member for Albert Park.

Mr HAMILTON: On a point of order, Mr Speaker, the member for Hanson said that I interjected out of my seat, and that was not the case. That is totally erroneous. It was a colleague of mine; it was certainly not me.

The SPEAKER: There is no point of order.

Mr Hamilton: It is in *Hansard*, is it not?

Mr Mathwin: You interjected under your breath—we heard you.

The SPEAKER: Order! I ask the honourable member for Glenelg to come to order.

Mr BECKER: In the *Advertiser* on 9 December 1983, under the heading 'Most Want Tough Drug Laws', the medical writer, Barry Hailstone, had this to say:

A majority of South Australians oppose any moves to liberalise laws on marihuana, favor random breath tests and want harsher drug laws, according to a report to the State Government. According to an Australian National Opinion Poll, 69 per cent believe that marihuana should not be legalised, compared with 92 in a 1971 survey. This was revealed yesterday in an ANOP report to the Government on the attitude of the South Australian community to alcohol and drugs.

The poll, tabled in the Legislative Council yesterday by the Minister of Health, Dr Cornwall, revealed that a minority of people interviewed (17 per cent) favored 'reduced penalties for possessing marihuana, but heavier penalties for trafficking or supplying drugs, including marihuana'. A hard-line anti-drug group (40 per cent) dismissed this policy out of hand, while 36 per cent supported heavier penalties for trafficking. The South Australian Health Commission commissioned the study to help planning and public education.

It is about time the South Australian Health Commission did a little more than pay lip service to a lot of this legislation. The South Australian Health Commission has been found wanting for several years in playing its proper role in community education as far as the effects of drugs and various diseases that cause permanent disabilities to people within the community are concerned. The South Australian Health Commission has failed dismally in its health education programme. It needs to do a lot more than it has done in the past. The former Minister of Health may not agree with me.

The Hon. Jennifer Adamson: No, she does not.

Mr BECKER: The public servants in that Department have a lot to account for in relation to the welfare and treatment of certain groups of disabled persons within this community. I can go back many, many years.

The Hon. Jennifer Adamson: Is that disabled or health promotion?

Mr BECKER: The whole community health education programme. Madame, you will recall that we were absolutely staggered when we found the very small number of people who were immunising their children against measles.

The Hon. Jennifer Adamson: Look what we did about it.

Mr BECKER: We did something. The previous Labor Government did not do anything. It was not interested in that side of the health of the community. We boosted the

programme considerably. Ours was the first Government in a decade to do something, but the Health Commission and Health Department of this State have a long way to go to raise their standards in accordance with those of other Western countries. The article goes on:

> One of the most surprising findings of the ANOP poll was that 89 per cent of people were 'quite concerned to very concerned' about drugs and drug laws in South Australia.

The Minister tabled this survey at the time he brought in this legislation in the Legislative Council, therefore, I would have thought that anyone who was advocating the reduction of penalties would have been mindful of the survey results and would not be saying that, because the courts are not handing out penalties that are high enough, we have to reduce the penalties. I think it is absolutely ludicrous that Parliament is being asked to reduce the penalties, because the courts are not handing out the penalties. It is about time we showed a little gumption and told the courts that they should be increasing the penalties. If the Chief Justice does not like it, bad luck, but he has been given the message.

That is why this area of the legislation concerns me more than anything else. There are some good parts of the legislation. That is a feature of this Government; it introduces legislation which incorporates some fine points and many excellent ideas, but then it throws away some that are abhorrent to the majority of the community.

Mr Mathwin: They are the hidden extras.

Mr BECKER: Yes. That is where we have to be vigilant in protecting the rights and serving the needs of the community. I am delighted to see that at long last the Government, in introducing legislation prepared by the Liberal Party when in Government but time ran out, seeks to introduce the forfeiture of assets of those convicted of drug peddling. I was in New York when several fines were imposed on drug peddlers who were convicted. In one situation a person lost two houses, a block of flats, a Cadillac, and all the deposits in three bank accounts. I advocated this measure when we were in Government. I asked several questions and made representations to the Premier of the day. This is the only way we can stop the illegal growing and trafficking in certain drugs within this State. The only way we can do it is by seizing all the assets of those persons and taking away their property, land and their true assets, particularly the assets of the whole of the family.

I think that situation has been missed in the legislation. We have to go to the whole family, because these people are extremely clever and launder their money right through the family situation. They virtually syndicate the laundering of their money. Whilst a lot of money is coming back into Australia via Hong Kong, I can assure the House that a lot of money that has gone to Hong Kong has come from illegal drug dealings in this country. I believe it is a Committee Bill; that is where we will have the true opportunity to examine the legislation and make the points known to those whom we expect to carry out the law in the future and who will be mindful that this Parliament is not prepared to accept lenient penalties in the future.

The Hon. LYNN ARNOLD (Minister of Education): I do not want to take the time of the House, this but I want to share some views, because this Bill deals with a number of issues. First of all, of course, it deals with a toughening of penalties relating to those who are trading in controlled substances. I am certain that nobody in this House disagrees with the thrust of that. Of course, it also proposes a lessening of certain penalties for personal use of marihuana. I want to make some comments about the relationship of that issue to views which I publicly expressed and which I publicly do not resile from at all. I have been and remain opposed to the decriminalisation of marihuana. I have publicly spoken on that and will continue to do so. I will vote against any measure in this House that calls for the decriminalisation of marihuana.

The Hon. Jennifer Adamson interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I believe that for a number of reasons which I will shortly relate to the House, but I am concerned on this occasion about an ordering of priorities and an understanding of the hazards that face young people in the community from dangerous drugs of one sort or another. We have to recognise that drugs have differing orders of magnitude of danger attached to them. No-one can tell me, for example, that heroin is not more serious in its complications than are certain other forms of controlled substances. One point we need to communicate is that whilst marihuana I believe has serious problems attached to it, both social and I even contend physical, although I know many would disagree with me on that, they are not such serious problems as those pertaining to heroin, cocaine or many other substances.

We need not try to tell young people in our society that marihuana is as dangerous as heroin because the moment we do that we enable them to discover that that is not, in fact, the case. Once they discover that, they question our statement about heroin. That would be a very poor offering for us to give people in our society. Therefore, the concept of differential penalties as between different drugs should not be opposed. I am sure that no member in this House would disagree with that. It then becomes a matter of what level of penalties one attaches to each level of drug. This Bill attempts to do that.

The Hon. E.R. Goldsworthy: Don't you need the Minister's help?

The Hon. LYNN ARNOLD: The Deputy leader is going on in some sort of a way. I suggest that that is a matter about which I have expressed considerable views of personal conscience in the community. I hope that I am entitled in the Legislature to express my views and have them taken into account. I also hope that I am not being deprived of that right.

Members interjecting.

The SPEAKER: Order!

The Hon. LYNN ARNOLD: The real aim of drug penalties and drug action I would hope is an attempt to get the pushers who are proliferating suffering in our society. That is the thrust of the direction of penalties—towards the pusher who seeks to undermine people's lives. To spend time concentrating on the other side with Draconian penalties is missing some of the important social implications. This Bill addresses penalties for pushers of marihuana as well as of other substances.

There are other aspects of marihuana that I do contend against, when people say the substance is not hazardous. I believe it is, and I say that its derivatives, particularly marihuana (tetrahydrocannabinol) has grave potential for physical harm. But, I repeat the point that one needs to compare physical harm from this substance with physical harm from other substances such as heroin, cocaine and other drugs. The other point I want to spend some time on is to comment on the reasons for my belief. Again, the Deputy Leader is trying to get me to finish my comments.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I am opposed to decriminalsation. I want to use the forum of this House to repeat my reasons for that opposition. I say this knowing that I am not supported by many people in the community. Indeed, many people in my area disagree with my opposition to decriminalisation. But, notwithstanding that, I believe my views need to be expressed.

I argue that, first, marihuana has the potential to dull social initiative. It also has the potential to quieten down what should be the quest of every human being to fulfil his or her life to the maximum ability. Anyone who is concerned for human and social progress would be concerned about any such substance. I draw honourable members' attention to South America and the Indian communities whose social progress and quest for social improvement have been dulled by the use of substances such as cocaine that lessen their desire to improve their quality of life. So, at a time when social pressures are increasing, it is perhaps unfortunate to suggest to people that they can dull their desire to improve their social condition by lifting their mind out of reality by taking some substance. Of course, the comment was made that alcohol and the like do the same thing. But, I think we have these in society and it would not be appropriate to talk about moves there.

The other point that concerns me with regard to decriminalistion of marihuana is that, once one accepts the concept that marihuana should be decriminalised, I argue—and I know again I am opposed by many on this—that that makes it more difficult to argue against the decriminalsiation of other substances. To reinforce that argument I suggest that people look at the extent to which cocaine is the subject of considerable debate in the United States for decriminalisation. There is even a group in New York city that is arguing for decriminalisation of heroin. Once one decriminalises a substance like marihuana one reinforces the argument to decriminalise those other products.

We must be concerned about protection for young people in our society. The moment one decriminalises marihuana one makes it readily available for everyone, and young people in particular. I think it would be irresponsible for us to make that product so easily available. We could say it would be illegal to sell it to young people, but once it was readily available it would be the same sort of regulation, with the same difficulties of policing, that we have had in society with cigarettes. Of course, they are readily available, we must admit to young people right throughout the State.

Members interjecting.

The SPEAKER: Order!

The Hon. LYNN ARNOLD: They are some of the reasons why I am unalterably opposed to marihuana. I am not convinced that we have fully answered the medical problems attached to that substance. I raise, for members' attention, the point that whilst certain countries are quite happy to talk about decriminalistion, some societies are not. I suggest that a mere look at societies that are not prepared to decriminalise marihuana would show them as societies with the longest history of that substance, such as Egypt and other Middle Eastern countries. Those countries know (because of its use over the centuries) about its social effects, and they have not been happy to support its decriminalisation. Indeed, in the 1920s, they very strongly requested its proscription.

I also make the point that that issue must be separated from the hierarchy of penalties that must attach to controlled substances. We must be certain of what we are trying to achieve by those penalties. We must not try to mislead young people into believing that there are false dangers in certain substances, but rather alert them to the real dangers in such substances. I have always been totally opposed to decriminalisation, and remain so, I will vote against any such move in this Chamber. I support the measures proposed in this legislation which are very strongly against trafficking in drugs, and deservedly so, and measures which maintain the criminality of the use of marihuana.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I believe that because the Bill does maintain the legislation in regard to criminality of marihuana and also attempts to prevent trafficking in the substance, it should be supported by this House.

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY (Minister of Tourism): I have, of course, been listening to this debte since it began at 2 p.m. today. I have heard most of the speakers, although I had to be out of the Chamber to speak with a Federal Minister who visited the Parliament about an area for which I have responsibility in South Australia. Most, but not all, speakers were listened to in silence. Whilst the views expressed were different, sometimes I believe extreme, nevertheless they were put without a constant barrage of criticism, accusation and recrimination.

During that debate this afternoon there were a number of calls for the Minister of Education to speak in the debate. The Minister of Education would have spoken earlier except that his Ministerial duties kept him out of the House all the afternoon and through most of the dinner break. He now comes back and explains to the House his position on marihuana and the Controlled Substances Bill. That speech, although he was asked by a number of members opposite to make a contribution to this debate, was interrupted by accusations, criticism, and so on. I find that very strange indeed. I find that—

The Hon. Jennifer Adamson: Who asked him to speak?

Members interjecting:

The SPEAKER: Order! The honourable member for Morphett is out of order.

The Hon. G.F. KENEALLY: The member for Coles should take the trouble to check. The member for Morphett and a number of other members on the other side demanded and challenged the Minister to speak.

An honourable member interjecting:

The SPEAKER: I warn the honourable member for Morphett.

The Hon. G.F. KENEALLY: After he explained his view to the House (which was quite consistent), we then had that barrage. To me it seems indicative of a deal of insecurity about the positions that honourable members take, otherwise they would not feel so threatened by someone—

Mr OSWALD: I rise on a point of order. One might say perhaps that I wish to make a personal explanation. It is complete and utter fabrication. I did not ask the Minister of Education to come in and speak in this debate. The request never passed my lips, and I ask the Minister to withdraw.

The SPEAKER: There is no point of order. I ask the honourable member to resume his seat. The honourable Minister.

The Hon. G.F. KENEALLY: If the member for Morphett was not the member who threw out the challenge, I am prepared to withdraw it, but a reference to *Hansard* would show quite clearly that such a challenge was thrown out more than once. This reaction to the Minister's contribution seems to be quite bizarre, to say the least. This particular debate is in a sense a duplication of what has taken place in another House. The amendments are similar, and in the other Chamber, where the Minister of Health and the Shadow Minister of Health reside, there was lengthy debate, as the member for Coles has explained. I agree that it is a Committee Bill, which is a point that has been made consistently since the second reading stage commenced. I am quite happy to do what I can to assist the Committee. I must say that in Committee I will face with some trepidation the three pharmacists on the Opposition benches in relation to

some of the technical questions that may be asked. Like many other members here, I am a lay member in relation to a Bill as complex as this. I expect that I may have to seek the guidance of people who are better informed than I am. If that is the case, I will beg the Committee's indulgence.

However, because it is a Committee Bill I think that the best thing I can do is to allow the Committee stage to start, but I want to thank members who have taken part in this debate. I know that this is a matter of considerable interest and concern not only to members of this House but also to the community at large. I would support my colleague in another place and say that this is a significant contribution towards legislation in South Australia that approaches the problem of controlled substances sensibly. That has not been argued, I believe, by any members opposite, all of whom have indicated their willingness to vote for the second reading. If I have that wrong, that will be indicated soon by the actions of members of this Chamber. Therefore, once again I thank members for their contribution, and I trust that all members support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. JENNIFER ADAMSON: Clause 2 refers to the Act coming into operation on a day to be fixed by proclamation. During the second reading debate I made the point that in enacting this legislation Parliament is placing enormous trust in the bureaucracy and providing the bureaucracy with an enormous task in developing regulations upon which this legislation will rest. I made the point that, if Health Commission officers are to be able to fulfil this task, they will need to have the resources to do it. I alerted the Minister to the fact that in Committee I would be asking aboutthe date of proclamation and the resources that will be made available to the Commission in order to assist it in its task.

In order to do my own research on this subject and to assess the Minister's answer, I have checked the detailed programme information for the Minister of Health in the 1983-84 programme Estimates. At page 51 under the programme title 'Services for the Protection, Promotion and Improvement of Public Health', we see listed the broad objectives, the delivery mechanism, the issues and trends, and the specific targets and objectives which will be sought in 1983-84. This Bill is identified under that heading, and it is stated:

> New controlled substances legislation is proposed to be introduced into Parliament taking into account the recommendations of the Royal Commission into the Non-medical Use of Drugs and the Australian Royal Commission into Drugs.

Other initiatives are also identified. Under a subsequent heading 'Major Resource Variations', certain items are listed as factors which will affect the increase of 8.2 per cent in the resources available. Those factors are as follows:

> Full year effects of salaries, wages and price increases; carryover of 1982-83 initiatives; removal of allowance for 27th pay in 1982-83; provision of funds for Health Development Unit and Anti-smoking campaign; provision for Department of Services and Supply Chemistry Division charges.

Not one additional provision is made here to permit the development of regulations to support this legislation. Therefore, I ask the Minister what resources, if any, are planned in the pipeline (as obviously none have been allocated for the current financial year) for the 1984-85 financial year to assist the Commission in the discharge of its responsibilities under this Act and, given those resources, whether they be additional or existing, what is the expected date of proclamation of the Act?

The Hon. G.F. KENEALLY: Taking the second part of the question first I point out that, as has been indicated in another place, the Minister is unable to give a firm date as to the introduction of the Act as a whole, but there will be provision for parts of it to be proclaimed as necessary. As I understand, the whole Act cannot be introduced until the Food and Drugs Act is repealed and the provision for that exists within this legislation. Of course, the proclamation of that will be dependent upon the Minister's or the Government's being able to introduce into Parliament the new Bill. The Minister gave an undertaking to do that in the Budget session this year. So, as we all know that the Minister is noted for not being a terribly patient man, I imagine that he will want to have this legislation in place and working as quickly as possible.

I do not think that the honourable member would realistically imagine that I could give her a full breakdown of the resources, except to say that the Minister would not introduce a Bill of this nature involving such a dramatic change without also providing the necessary resources. I would suggest that it would be quite foolish for any Government to do so. I shall pass on to the Minister of Health the honourable member's request for that information. I think the honourable member has already alluded to the appropriate course of action, namely, that these matters can be taken up during the Estimates Committees later this year. However, I will certainly take up this matter with the Minister and if he has the information for the honourable member he will provide it. I certainly do not have it at my fingertips, but I give an assurance to the House that the commitments made will be met by the Government.

The Hon. JENNIFER ADAMSON: The Minister has to do his best to support his colleague whose explanations in the other place I found most unsatisfactory. When taking into account that the proclamation of this legislation which is very closely related to the proclamation of the food Bill (which has not yet been introduced and which will also have a huge burden of regulations because it will be similar in structure to the Bill now before us) and when one also considers the other public health legislation that the Commission is now required to administer, notably radiation protection and control legislation, and further, that the Pharmaceutical Services Division, albeit with the aid of a computer (although I do not yet know whether that is required), is required to undertake a huge monitoring task on prescription drugs, then one can say that, notwithstanding the fact that the Minister is an impatient man, all the impatience in the world cannot make two people do the work of 10. I serve notice on the Government that during the Estimates Committees this year the Opposition will be looking very closely at the resources that will be made available to the public health services of the Health Commission, because it is quite clear that that unit is being saddled with more and more responsibilities, without being given the necessary resources to enable those responsibilities to be discharged effectively.

A clear indication of that was in the Minister of Health's acknowledgement yesterday that he simply could not proclaim the tissue transplant legislation because he did not have the staff resources to develop the regulations: if ever there was a self indictment by a Minister of his lack of capacity to convince Cabinet of the need of the Health Commission for additional resources, that was it. It is just no use introducing into the House Bills such as the one we have before us unless some undertaking can be given to Parliament that the Bill has a sporting chance of being proclaimed within the life of the present Government. In this case, I doubt very much whether this legislation will be proclaimed. If it cannot be proclaimed, I will regret that very much, but the Minister's reply gives me no confidence whatsoever that this legislation will be proclaimed this side of 1986.

The Hon. G.F. KENEALLY: The honourable member may have more confidence in the knowledge that either a Crown Law officer will be made available to assist the Pharmaceutical Division with the regulations or another legal person will be seconded for the purpose.

Mr INGERSON: I support the remarks made by the member for Coles. The statement that the legislation will be fixed in the near future and that proclamation will not take very much time is unsatisfactory. Those who have been involved in this area for a long period of time are of the opinion that, if the regulations are formulated in less than 18 months or two years, they will be very surprised. It seems to me that instead of the Minister's bubbling enthusiasm that we continually get we should be able to obtain from him a more accurate assessment of what will really occur with the proclamation of this legislation. As has been clearly pointed out, it is not only this legislation that is involved. The matters dealing with food which have been split off following the repeal of the Food and Drugs Act need to be brought in fairly quickly. I ask that the Minister in the other place be a little bit more precise. From my experience and from discussions I have had with people in the industry it is apparent that the statements made by the Minister are no where near accurate. We should be able to obtain a far more accurate assessment of the time span involved.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

The CHAIRMAN: In regard to the amendment of the member for Coles' which deals with the assessment panel, I point out that that matter is covered by clauses 34 to 40. The Chair is prepared to allow the honourable member to move her amendment and canvass clauses 34 to 40 if she can give an assurance that the amendment to clause 4 will be used as a test case. The Chair does not want a repetition of the debate when dealing with clauses 34 to 40.

The Hon. JENNIFER ADAMSON: I can certainly give you that assurance, but I do not know whether I can speak on behalf of all members of the Committee. I hope that no other member would be bound. I would like to explain my understanding of your ruling. Mr Chairman.

The CHAIRMAN: The Chair is not giving a ruling but endeavouring to seek an assurance that there will not be a repetition of the debate when the Committee considers clauses 34 to 40. The Chair will allow the member for Coles in moving the amendment to clause 4 the latitude to debate clauses 34 to 40 but with the assurance that that debate will not be repeated later.

Mr BAKER: I think I should explain that this clause deals with the definition of the assessment panel, but in regard to the operation of assessment panels a different set of principles is involved.

The CHAIRMAN: The Chair recognises that point. Unless I obtain an assurance that, after the canvassing of clauses 34 to 40 at this time there will not be a repeat of that debate when the Committee considers those clauses, the Chair will not allow the matter to be debated at this time.

The Hon. JENNIFER ADAMSON: I suppose we will simply have to proceed as carefully as possible and in a spirit of good will on all sides. It will be difficult to consider my amendment without canvassing the other relevant clauses; nevertheless, in doing that I would not want to preclude the rights of any other member of the Committee to canvass those matters.

The CHAIRMAN: The Chair will not recognise that.

The Hon. G.F. KENEALLY: I suggest that clause 4 be held over until the Committee considers the clauses dealing with assessment panels later in the Bill. At that time we can come back to consideration of clause 4. If that is the wish of members of the House, I will agree to that course of action.

The CHAIRMAN: The question before the Chair is that clause 4 be postponed and taken into consideration after clause 40.

Consideration of clause 4 deferred.

Clause 5—'Application of Act.'

Mr PETERSON: Does clause 5 (1) mean that a police officer in possession of some material or substance for evidence will be liable to prosecution? How is he to conduct himself or remove himself from risk of prosecution? If a police officer is to take evidence and has a quantity of drugs in his possession, how will he be affected?

The Hon. G.F. KENEALLY: Police officers who are authorised officers under this legislation are not subject to prosecution. They are able to operate under the legislation and be in a sense the agent of the legislation.

Mr PETERSON: Will there be conditions upon the holding of this evidence?

The Hon. G.F. KENEALLY: The police need evidence to be able to sustain the prosecution, and there is no special provision.

Clause passed.

Clause 6—'The Controlled Substances Advisory Council.'

The Hon. JENNIFER ADAMSON: In the second reading debate I commended the concept of this Advisory Council, and in particular the representation of the Police Force, bearing in mind that the police have not had representation on the Food and Drugs Advisory Committee. However, the member for Mallee made the point in the second reading debate that the agricultural chemicals area which is a significant area to be covered by the Bill, is apparently not covered in terms of expert representation on the council. The nearest once could come to it would be clause 6 (2) *(d)* which provides for two people who have qualifications and extensive experience in the field of chemistry, pharmacy or pharmacology.

The reference to chemistry could possibly bring in someone who had extensive knowledge of agricultural chemicals. The other representative would be a person who, in the opinion of the Minister, has had extensive experience in the manufacture or sale of substances or devices to which this legislation applies. My interpretation of clause 6 (2) *(e)* is that there would be representation from a drug company rather than from an agricultural chemical company or from that area. In view of the importance of this matter, which was emphasised and elaborated on by the member for Mallee, can the Minister advise where on this council one might expect to find the kind of expertise that will need to be brought to bear in relation to consideration of matters relating to agriculture?

The Hon. G.F. KENEALLY: That is a very good point, and it is one to which the Government gave considerable attention in drawing up the Bill. There are so many disparate groups in the community which have a vital interest in this legislation and all of which would want to be represented on an Advisory Council—but they cannot all be represented. The final composition of the council was a compromise having regard to all those competing groups. However, the information that the honourable member was seeking would be covered under clause 11 (4), which provides:

> The Advisory Council may establish subcommittees for the purpose of giving advice to the Advisory Council in the performance of its functions.

That means that the Advisory Council can set up specialist committees and one could be in the area raised by both the member for Mallee and the member for Coles. The capacity is there for the Advisory Council to have input from specialist committees, and the Advisory Council, in making its decisions in terms of those substances that impact upon the

agricultural industry, would obviously take advice from experts from within that industry.

Mr OSWALD: I note from clause 6 (2) *(g)* that the nine members of the council will be drawn from a wide range of expertise and interest groups. It will be a very technical council, and I wonder what type of person the Government envisages will be suitable to represent the interests of the public. What contribution does the Minister think that person will make to what is basically a technical committee advising the Minister?

The Hon. G.F. KENEALLY: There is no doubt that the Minister will select the best person to fulfil all those conditions that the member for Morphett has suggested. When a committee is formed to accommodate all sorts of competing groups, it is sensible to allow the Minister to select a person who might not fall into any of those groups but who has the capacity to represent all of the groups and the Bill generally. Quite often legislation, whether drawn up by a Liberal or Labor Government, allows for the Minister to nominate two or three members of an advisory council; on this occasion it is one member. It enables the Minister, once the nominations are made, to then add to that council a person who can provide the additional expertise that the Minister might require for the committee.

The CHAIRMAN: I call on the member for Mallee.

The Hon. G.F. Keneally interjecting:

Mr LEWIS: In response to the last comment made by the Minister, which came just after the Chair recognised me, I would say that that would be a very responsible decision. If this Advisory Council is to be realistic, it ought to contain someone from the agricultural or primary industry area, at least. If the illicit drug trade in this country is presently worth more than $1 billion, then the agricultural chemicals industry, in end user value terms, is worth more than $5 000 million a year. There are an enormous number of chemicals used for a wide variety of purposes; such as the control of insects in crops and on animals; in produce whilst in transit from point of harvest to point of consumption; the control of fungus diseases of crops, be they horticultural, agricultural or floricultural; and chemicals used at the choice and discretion of the farmer for veterinary purposes.

So it is insecticides, fungicides, animal pharmacological needs, and then that other enormous area of weedicides. It is not just for the control of pathogenesis disease, but for the control also of unwarranted competition from other plants. That is no mean spectrum of chemicals and substances, all of which are to some degree toxic to living organisms, and I include human beings as part of that whole fabric of life.

I would have thought it was a gross oversight on the part of the Minister that he did not consider including somebody in there who could and should have been nominated by the Advisory Board of Agriculture. For the Minister representing the Minister of Health, who comes from another place, to say that perhaps we could use 6 (2) *(g)* as the means of doing it is some consolation but not enough. I would not mind having a bet that knowing that Minister, the pigmy King Kong—

The CHAIRMAN: Order! The honourable member must not use that sort of language in Committee reflecting on a Minister.

Mr LEWIS: I was merely trying to more politely put the terminology used in the press recently.

The CHAIRMAN: The honourable member is completely out of order.

Mr LEWIS: Then with your consent I will withdraw that. It would not have surprised me if that Minister, given the public statements he has made on topics referred to on this measure elsewhere from time to time, had in mind appointing a representive from some organisation, as is normal. I sincerely hope that was not his intention and urge him to give serious consideration to the suggestion made by the honourable Minister handling the measure in this place, in response to the question raised by the member for Coles.

Clause passed.

Clauses 7 to 10 passed.

Clause 11—'Functions of the Advisory Council.'

The Hon. JENNIFER ADAMSON: Clause 11 provides the functions of the Advisory Council and identifies them as being:

(a) to keep under review substances and devices that are subject to this Act or that may, in the opinion of the Advisory Council, need to be brought under this Act and the controls (if any) that are, or should be, applicable.

(b) to advise the Minister on the measures that should, in the opinion of the Advisory Council, be taken in relation to imposing, withdrawing or varying controls in respect of any of those substances or devices;

(c) to monitor the administration and operation of this Act; and

(d) such other functions as the Minister may assign to the Advisory Council.

They are very wide ranging functions, taking into account the absolutely vast range of scope of this legislation in each of its areas, controlled substances and therapeutic devices. I understand there are between a quarter and a half million devices alone, and as for the substances, they would probably be almost without number but growing every day because of technological advancement. All of that represents a massive task for the Advisory Council which presumably will in the initial stages perhaps meet more frequently than once a month, but certainly it is not a full-time body.

It is important that the Committee knows what administrative assistance will be available to the Advisory Council in order to ensure that its functions under this Act are effectively carried out and more specifically, whether any staff additional to those already in position be will provided to enable the Council to fulfil its functions.

The more one grasps the scope and significance of this Bill and the more one understands the enlarging and emerging nature of this whole field of controlled substances, the more one realises it simply cannot be administered by as small a group as the present staff of the Health Commission who are working in that area. Can the Minister indicate to the Committee the number of people, their present roles, and how many additional people will be provided to provide support services to the Advisory Council?

The Hon. G.F. KENEALLY: I can assure the honourable member that sufficient resources will be made available to the council to enable it to fulfil its task under the Act. Sufficient resources may vary in light of experience as the time goes by and the need for additional or less resources becomes apparent. The honourable member can be assured those resources that are needed will be provided.

The Hon. JENNIFER ADAMSON: That is a very handsome assurance and I think everyone in the Health Commission would be more than delighted to hear it. 'Those resources that are needed will be provided.' We must make a note of it and underline it in red. It looks like an open cheque book. This is great news, but I think the Minister on the bench may have to sacrifice a bit, and I hope it is not from the tourism portfolio, to ensure that that very generous undertaking is fulfilled.

Now that we have assurance, which we will certainly remember, can the Minister identify in general terms the principal differences or the additional resources that will be required? I am not talking only about the development of the regulations area, which will be an intensive effort over a relatively confined period, let us say two years, to administer this Act over and above what is already required under the Food and Drugs Act and the Narcotic and Psychotropic

Drugs Act, because the scope is enlarged. I would appreciate the Minister's indication as to the extent to which that enlargement will involve increased staff and the nature of the staff.

The Hon. G.F. KENEALLY: The honourable member of course appreciates that I would not have that information at my fingertips, but certainly I am quite happy to pass on to the Minister in another place the request that the honourable member directs to me during this Committee stage so he may respond to her accordingly.

Mr BAKER: The Advisory Council is charged with the responsibility of reporting each year on the administration and operation of this Act. Will this include a report detailing what has happened with people dealt with by the assessment panels, the number of abuses that have taken place and been found by the police in the courts, and what is the outcome of other areas which were in conflict during the year?

The Hon. G.F. KENEALLY: Yes.

Clause passed.

Clause 12—'Declaration of poisons, prescription drugs, drugs of dependence, prohibited drugs, volatile solvent, therapeutic substances, therapeutic devices and volatile solvents.'

Mr BAKER: Clause 12 again is the start of the regulatory process. There is some dissatisfaction on this side on what will in fact be included under this Act. If we approve this Bill we are entrusting the Minister to do the right thing concerning what is to be prescribed under the regulations. A number of areas are dealt with here, including poisons and therapeutic substances. The Minister has been grilled on this subject in the Upper House, but he has failed to reveal the extent of the matters that will be covered by the regulations. In fact, his opinion seems to vary on the question of therapeutic substances. Can the Minister advise whether, since the debate in the Upper House, any further light has been shed on the substances which will in fact be covered under the sections involving poisons and therapeutic substances and say what impact there will be on these items under subclause (6), which provides:

> The Governor may, by regulation, declare, individually or by class, any device that in his opinion is or may be used, or is designed to be used—
>
> *(a)* for a purpose related to the physical or mental health or hygiene of humans;
>
> *(b)* for the purposes of contraception;
>
> or
>
> *(c)* for cosmetic purposes;

There seemed to be considerable doubt in the mind of the Minister when this matter was debated in the Upper House. I am wondering whether the Minister handling the Bill in this place can shed further light on a number of these matters which remained unresolved in the Upper House.

The Hon. G.F. KENEALLY: The honourable member seems to suggest that, if these controlled substances are included in the regulations, somehow or other those regulations are not available for scrutiny. He would have to discuss that matter with the members of his own Party on the Subordinate Legislation Committee, who I think would assure the honourable member that that is not the case. Currently, all the materials that are included in subclauses (1) to (8), with one exception, are subject to proclamation, which is a much tighter provision, as the honourable member knows, and not subject to the scrutiny of the Parliament. We are providing that these substances be subject to regulation, which makes them subject to disallowance by members of Parliament as matters involving subordinate legislation. Therefore, it is a much wider provision, in the sense that it gives members of Parliament a greater say in the prescription of these substances. I think the questions raised by the honourable member are satisfactorily resolved once he understands the process that this Government intends to implement.

The Hon. JENNIFER ADAMSON: Clause 12 (6) *(c)* provides:

> The Governor may, by regulation, declare, individually or by class, any device that in his opinion is or may be used, or is designed to be used—
>
> . . .
>
> *(c)* for cosmetic purposes—

The present Government, in its 1982 pre-election health policy, undertook to ensure ingredient labelling for cosmetics. I presumed that that undertaking would be implemented under this Act. I ask the Minister what consultations, if any, have taken place with cosmetic companies in regard to ingredient labelling, and what consultative process, if any, has taken place with other States.

As the Minister may or may not know, most cosmetics are sold by national and international companies, and it is really quite impossible for one State Government to give an undertaking about ingredient labelling for cosmetics when in fact the manufacture of the product is in another State, if not in another country and the State Government of South Australia has no jurisdiction whatsoever over those products. Whilst I do not disagree with the very sound intent of ensuring that women, and indeed men, may know what they are putting on their faces or persons by way of cosmetics, I see difficulty in the implementation of this provision.

The Hon. G.F. KENEALLY: As to subclause (6) *(c)*, as the honourable member pointed out, the ingredient labelling was part of a 1972 pre-election health policy.

The Hon. Jennifer Adamson: No, your Government's 1982 pre-election health policy.

The Hon. G.F. KENEALLY: As I understand it, it was also part of her Party's policy.

The Hon. Jennifer Adamson: Food.

The Hon. G.F. KENEALLY: No, cosmetics. I do not know the extent of the consultation between the Government and the cosmetic companies, but I am advised that this particular part of the legislation is already included in legislation in all other States. We are not really breaking new ground here. The honourable member asked whether there was consultation with other States: there certainly was consultation.

The Hon. Jennifer Adamson: Is there going to be uniform national legislation?

The Hon. G.F. KENEALLY: The National Medical and Research Council is now working on the model regulations. Unfortunately, I need to be continually advised.

Mr GUNN: As a practical person involved in agriculture all my life, I think I ought to explain to the Committee, as will my other colleagues, that there is a very large range of chemicals and products used for agriculture; first, for weed spraying, and more are coming on to the market every day. To be quite honest with the Minister, I could not tell him the latest ones because, unless one is dealing with them virtually on a monthly basis, one gets somewhat out of touch with them, but there is a range of pre-emergents, post-emergents and hormone weed sprays to control broad leaf. I want to know whether such materials will be affected by this legislation.

Secondly, there is a wide range of chemicals used in the management of stock, including sheep—things like Lucijet and other chemicals which are used and which have been very effective, particularly in the control of blowfly strike. In relation to rabbit poisons there is 10-80; Foxtoxin tablets are used to put down rabbit burrows or for the control of weevils in grain, and so the list goes on. If the average farmer has to obtain a licence in connection with all these things, all hell is going to break loose.

Can the Minister give me an assurance that the current practice will not be interfered with so that people concerned can still go about this business as they have done in the past? There are too many forms and permits involved now; people have to fool around with red tape and bureaucracy. I seek from the Minister a clear assurance on this matter.

The Hon. G.F. KENEALLY: This legislation will not change the agricultural poisons that are presently controlled. However, this provision will allow for inclusion of new poisons, as was the case under the old Act. If the agricultural community has been able to go about its affairs under the provisions of the old Act, it will be able to do so under this measure. We are merely writing into the new legislation a clearer language to cover the situation under the old Act. I have been assured that practices of people on the land will not be inhibited any more under the new provisions than they were under the old provisions.

Mr GUNN: I am pleased that the Minister has given that assurance. He said earlier that these matters would be dealt with by regulation and, therefore, by the Subordinate Legislation Committee. That is strictly correct, but in practice it is a most difficult exercise to disallow a regulation because the Government can reinstate that same regulation the next day. The problem involving regulations has been addressed, and I hope that some improvement will be made in that area in future. I do not believe that most people in agricultural communities are aware of these provisions. My only concern was to insure that the products are freely available. I ask the Minister and those who will administer this legislation whether restrictions are to be placed on these sales. If so, as I say, all hell will break loose, and the matter will get some fairly good publicity on the floor of this House.

Unfortunately, the longer I remain a member of Parliament the more sceptical I become of undertakings given by Governments, because after consideration matters suddenly go to a department and to a group of people who have not read what the Minister said: they are only concerned with setting up their own empires, which makes it difficult. I have had experience over the past few years not only under this Government but under previous Governments, and I have my reservations about delegating too much authority. I will sit back and watch with interest what takes place. I thank the Minister for his assurance and hope that the existing situation prevails. Chemicals for agriculture have become a fact of life. Farmers are using more and more, and they are expensive to purchase. Many are complicated in their application, but they need to be freely available

Mr INGERSON: My comments in the second reading debate have been amply demonstrated, and even though the Minister has assured us that we have clarity in this section, that is not true at all. The six subclauses spell out the particular schedules and the sorts of drugs to be included in them, and I have had some dealings with this matter. But, surely one of the things that we as legislators should be doing is to clearly set out in our legislation what we mean when we say that the Governor may, by regulation, declare individually or by class a poison to be a prescription drug for the purpose of this Act, indicating that it will apply to the schedule of drugs in question. I know it is difficult now, but as this Act will take some time to be proclaimed perhaps this clause should be looked at again and those subclauses clarified. As they contain such wide definitions, only professionals and people working in the Department and dealing with those provisions will understand them.

As I said earlier, surely one of the most important things we should be doing is producing Acts that anyone can look at and understand in very clear terms. The member for Eyre was not sure that agricultural chemicals were involved, but I think that they are covered by clause 5. However, if we made these clauses a little clearer, we would not have this sort of problem. I ask the Minister whether the position can be clarified in that way.

The Hon. G.F. KENEALLY: I do not argue in great detail with the honourable member. The Government has taken advice on this matter and has been encouraged to word the Bill in this way. I guess it is a matter of judgment. The honourable member wishes us to clarify the schedules. Our advice is that this is the most appropriate method. I do not know that we would achieve a great deal by arguing across the Chamber. Although we acknowledge the honourable member's point, we have accepted the advice we have received and it is a matter of judgment as between what Opposition members say and what our technical and legal advice recommends.

The Hon. JENNIFER ADAMSON: I can understand, having been involved in the Minister's position. I appreciate the advice he is given. No doubt there are good reasons why the schedules are not identified in the Act at least in a generic manner. Obviously they will not be.

Mr Baker: They don't know what's in them yet.

The Hon. JENNIFER ADAMSON: It is known what is in them currently. I hope this is not an impossible request of the Minister. I suspect that the information might be handy, but if it is not we will seek it later. It would assist members of the Committee in the continuing stages of the clauses if the Minister could identify the schedules under the existing Act, which I believe number 1 to 8, and the generic titles of the substances that are included under each schedule. Having done that, perhaps the Minister would indicate whether it is the intention to adopt additional schedules to cover substances which are completely prohibited and are not provided for under existing schedules. Also, is it intended that a further schedule covering carcinogenic substances will be adopted? As I said during my second reading speech, the whole question of carcinogenic substances causes considerable community concern.

More is being discovered almost on a daily basis about which substances are carcinogenic, and for the protection of those people who work in scientific laboratories and industry, members opposite have taken up this whole issue time and time again, as I can well testify in respect of asbestos, which is a carcinogenic substance. In fact, the whole House can testify because we had a bundle of it tossed at us during one of the sittings towards the end of 1982. What is to be done about that? I believe that, if such a schedule were adopted, as I say, it would be appropriate to identify tobacco in that schedule and it would also go some way at least towards relieving a lot of community anxiety about what can be safely used, what cannot be safely used, and the conditions governing that use?

The Hon. G.F. KENEALLY: To answer the last query first, it is intended that there will be schedule 9, which will cover prohibited substances, and schedule 10, which will cover carcinogenic substances. I cannot be held to schedules 9 and 10, but there will be two additional schedules which will cover the two areas that the honourable member has mentioned. I will read for the benefit of the Committee the description (if one wishes) of the eight schedules that are currently listed

Schedule 1 (S.1)

Substances which are extremely dangerous to human life.

Schedule 2 (S.2)

Substances and preparations for therapeutic use which require supervision of their distribution and sale such that they should only be available to the public from pharmacies or from the holder of a medicine seller's permit.

Schedule 3 (S.3)

Substances for therapeutic use which are of a sufficiently dangerous nature that they should only be available to the public from pharmacies under special conditions of sale, and from med-

ical, dental and veterinary practitioners. These substances are further classified into the following parts;:

Part A—Substances to which special requirements relating to storage, labelling, instruction and distribution apply.

Part B—Substances, the sale of which must be specifically recorded and to which special requirements relating to storage, labelling, instruction and distribution apply.

Schedule 4 (S.4)

Substances or preparations, the supply of which, in the public interest, should be restricted to medical, dental or veterinary prescription, together with potentially harmful substances or preparations pending the evaluation of their toxic or deleterious nature.

Schedule 5 (S.5)

Substances or preparations of a hazardous nature which must be readily available to the public but which require caution in handling, use and storage.

Schedule 6 (S.6)

Substances or preparations of a poisonous nature which must be readily available to the public for domestic, agricultural, pastoral, horticultural, veterinary, photographic or industrial purposes or for the destruction of pests.

Schedule 7 (S.7)

Substances or preparations of exceptional danger which require special precautions in manufacture and use and for which special individual labelling and distribution regulations may be required.

Schedule 8 (S.8)

Substances or preparations which are dependence producing or potentially dependence producing including those so classified by the United Nations Organisation or its agencies.

Mr LEWIS: The last remark made by the Minister by way of explanation relating to the United Nations worries me a little. There are some pretty oddball outfits under the umbrella of that organisation which would not have my respect, even though I have worked in other more substantial agencies. Can the Minister tell me why clause 12 (6) *(a)* mentions specifically humans and 12 (6) *(b)* does not? My particular interest is that clause 12 (6) *(c)* does not mention humans. Why is it that the regulations to be made under clause 12 (6) *(c)* do not relate specifically to human beings?

The Hon. Jennifer Adamson: I suppose pets do have cosmetic purposes.

Mr LEWIS: Yes, I am concerned that at some later time we might end up banning mulesing, because mulesing shears are prescribed. That could happen. That is the way the native vegetation clearance control regulations were brought in.

The Hon. G.F. KENEALLY: For the honourable member's benefit, the construction of this legislation is to protect human beings from illness, so I think that that answers the question about clause 12 (6) *(b)* and *(c)*. It does not cover contraceptives and cosmetics for animals. He can read into that that it is definitely for the protection of human beings.

Mr LEWIS: I thank the Minister for that. I hope that the day never comes when some poor sod has to hang his hat on that as a defence in court, where something has happened as a result of the introduction of regulations in no way related to human beings. In relation to clause 12 (7) the Minister would know, as I said in the second reading debate, that many of the chemical substances used by primary industry have solvents which are volatile and which could be then subject to regulations.

Naturally, that is reasonable and fair enough if those volatile solvents are likely to damage human tissues or health. However, it binds the Minister in a way in which he never intended to be bound, given the answer that he provided for the member for Eyre a moment ago, when that member drew attention to subclauses (2), (3) and (4) and the Governor's capacity to declare poisons as prescriptive drugs and to be drugs of dependence, because some of these volatile solvents referred to in clause 12 (7) are indeed of a kind which could be more mood modifying than petrol or solvents in some glues, and that is my certain knowledge.

Therefore, under subclause (4) they are likely to be capable of being proclaimed by regulation of exceptional danger to humans so that, whereas the Minister would not want to think that the Bill will change the operation and availability of agricultural chemicals or other chemicals needed by other primary industries, it is difficult for me to understand how he can say that, given the relationship between those three subclauses and subclause (7), among others.

The Hon. G.F. KENEALLY: Clause 12 (7) has a limited application. If the honourable member would turn to page 8, under clause 19—'Sale or supply of volatile solvents'—he would see the relevance of clause 12 (7) to clause 19, and that is why clause 12 (7) is there. I have been advised that the relationship between subclauses (2), (3), (4) and (7), which the honourable member seeks to draw to the Committee's attention, is not relevant at all.

Mr INGERSON: I am pleased that the Minister was prepared to read out those schedules. Every controlled substance is referred to in the schedules and it is a pity that we cannot convince the Government that all of the controlled substances that we are talking about are in fact in the schedule. Had a clear explanation like that been included with the explanation of the Bill, everyone reading it would have been able to understand what the matter of controlled substances is all about. A comment was made about further schedules and about the fact that if, say, eight schedules were incorporated, the legislation might require amendment the following day. I point out that it has never been the habit of Governments of any persuasion to be concerned about legislation being amended the following day.

The Minister's reading out of the schedules made it very clear what controlled substances are all about. He stated that it is easy for the Parliament to handle regulations, but I dispute that, because even though there is an opportunity to consider regulations through the Joint Committee on Subordinate Legislation, that is not an easy exercise. The Minister would know that even if a regulation is disallowed it can be reintroduced the next day by the Government. The problem is in regard to the massive area of control. The regulations constitute nearly three times as much material as that contained in the Bill. This is government by regulation and not by the Parliament, and that concerns me. I ask that we be provided with more details of the information in the schedules in order to make matters clearer.

The Hon. JENNIFER ADAMSON: Following the question from the member for Mallee and the Minister's reply in relation to clause 12 (6) *(c)* some questions have occurred to me, I suspect as a result of that question and because of the sensitivities I developed while Minister of Health in relation to laboratory and experimental animals. As I do not keep a pet I cannot be precise about this, but I understand that the business of cosmetic preparations for animals is quite big business. I refer to poodle dogs having their lashes painted and their coats brushed, and so on. Are there any controls under existing legislation, or are any proposed under this legislation, to cover substances for cosmetic use on animals or, I suppose, even possibly for contraceptive use, and, if not, why not? One has only to drive around the city to see the pet salons and other such establishments which look as though they are doing a roaring trade. I suspect that those establishments do more than simply clipping and brushing the coats of dogs and cats. I think I have even seen nail polish on the nails of poodle dogs (which is a dreadfully demeaning thing to do to an animal). Are cosmetic preparations for animals covered under legislation?

The Hon. G.F. KENEALLY: The honourable member raises a pertinent question. Apparently there is discussion between the Minister and the Veterinary Association about therapeutic substances and devices for animals. Those discussions are being undertaken to see whether there is a need for those substances and devices to be included within the ambit of this legislation. Although on the face of it it seemed

to be a strange question, nevertheless, the honourable member has raised a pertinent point, and discussions on that matter are currently in process.

Clause passed.

Clause 13 passed.

Clause 14—'Sale by wholesale.'

Mr INGERSON: Clause 14 refers to a matter that is referred to also in other clauses, namely, the reference to a person being unable to sell by wholesale a poison, therapeutic substance or therapeutic device unless certain conditions are fulfilled. We require a simple clarification of this matter. Can the Minister obtain from the Minister in another place an explanation of what he is talking about?

The Hon. G.F. KENEALLY: We are not changing anything from the existing Act. The wording has been clarified by language that is more readily understood by some members of Parliament. Nevertheless, this is the same as the provision that existed previously.

Mr Ingerson: That does not necessarily make it right.

The Hon. G.F. KENEALLY: It makes it acceptable, because this is the provision under which all the practices currently take place.

The Hon. JENNIFER ADAMSON: Despite the fact that I have administered the existing legislation, whilst I was aware of the schedules for controlled substances, I am not aware of any schedules for therapeutic devices. If any such schedules exist I will be grateful if the Minister does for the Committee what he did when considering a previous clause, that is, identify the nature of the schedules for therapeutic devices, in which case the Committee may be enlightened to the point where questioning can be either avoided or be more productive, because we will have a clearer understanding and a better idea of what we are talking about. I am given to understand that there are between a 250 000 and 500 000 therapeutic devices produced in Australia which are sold and used, and so it will be good to have some idea of the range and extent of the various devices.

The Hon. G.F. KENEALLY: The honourable member who used to administer the previous Act is having some trouble with it, so she should spare a thought for me. I understand that currently provision is being made to make regulations in relation to therapeutic devices. How many of them there will be, I do not know. The existing regulations have not been altered; we are merely continuing the practice of providing the capacity to do so. It is the intention to do so as standards become available for safety, efficacy and design.

Mr LEWIS: I ask the Minister straight out whether he will assure me that at no time will this clause be invoked where it relates to therapeutic devices and subject to the provisions of clause 12, which we have already considered. I ask for an assurance that at no time will it be invoked to proclaim things like mulesing shears and dehorners for cattle. The shears are used to tidy up the rear ends of sheep, making them look a little neater and preventing them from collecting so many dags.

Dehorners are used to clip the horns of cattle. As this reads it is possible that those items of equipment could be proclaimed as therapeutic devices and therefore be subject to regulation. Whilst I know of no instance in the past when the matter was ever discussed, I have to tell the Committee that I knew of no instance in the past of native vegetation clearance controls being intended to be invoked under the Planning Act, yet that happened.

The Hon. G.F. KENEALLY: The honourable member raises a device that, to the best of my knowledge, will not or cannot be included as a therapeutic device. I am unable to give a categorical undertaking that it never will be. It is possible that his Party might be back in Government one day, and who knows what it will do? There is no intention to include mulesing shears or dehorners as a therapeutic device.

The Hon. JENNIFER ADAMSON: As I understand the Minister's reply, regulations are in process of development and they will relate to standards of control of design, efficacy, and one or two other qualities. Does that mean that if anyone goes to a physiotherapist who takes advantage of new technology, and uses devices such as electronic acupuncture equipment and magnetic fields for the reduction of pain and the relaxation of muscles, none of that equipment is presently subject to standards control, or to regulation under existing legislation?

The Hon. G.F. KENEALLY: I understand that there are crook therapeutic devices and adulterated drugs. Once the standards are determined, this provides for the Government to draw up the regulations; they are currently not in the process of being drawn up. There is a report, 'Deadly neglect; regulating the manufacture of therapeutic goods', which was submitted to the Federal Minister for Health, Dr Neal Blewett, that might make useful reading. It states:

> In 1983 there were recalls of heart valves, suture materials, drug containers, interocular lenses, diagnostic kits, syringes, catheters, cardiac pacing wires, syringe filters, oxygen cylinders, and X-ray detectable swabs.

There are many defective devices and drugs that do not reach the standard that we would like. Standards have to be set and, when that occurs, we will be in the position to draw up the regulations. This gives the Government the capacity to do that.

Clause passed.

Clause 15—'Sale by retail.'

Mr OSWALD: This clause refers to restrictions on the sale of poisons. Has the medical practitioner who does his own dispensing in the country been forgotten in this clause? He will not be covered under *(b)*, and if we talk about the retail sale of medicines and poisons, there is the odd country doctor who is empowered to do his own dispensing. Should the country self-dispensing doctor in this situation be included to tidy up the Bill?

The Hon. G.F. KENEALLY: If in the execution of his duties or work as a medical practitioner he is selling the drugs, he would need to be licensed or seek an exemption. However, if he was providing the drugs he would not need either.

Mr OSWALD: The Minister may wish to refer that further. There are occasions when a tourist in a country town goes to the local doctor, not to have a prescription filled but that doctor has had the power in the past to sell drugs over the counter, as if he was the local chemist. If I have the assurance that he is covered I am quite happy.

The Hon. G.F. KENEALLY: I would be interested if the honourable member could point out some of these medical practitioners who have been doing that. It could be the subject of an interesting discussion with some rather embarrassed faces within the profession. A medical practitioner was not licensed to do that, and ought not to have done so. The situation that applied previously applies now: if he is to sell, he needs to be licensed or to seek exemption; if he is merely providing, he does not need either.

The Hon. JENNIFER ADAMSON: I question the licensing of a general store in remote areas, and the limitations placed upon that general store—necessary no doubt, but making life difficult not only for local residents, but also for visitors to the area. This is happening more and more. I recall that, when I was administering the existing Acts, the member for Eyre came to me submitting that a general store in a remote part of his electorate was not able to sell a certain cough mixture, simply because it was on a schedule that put it out of the reach of his powers to provide. What are the guidelines for licensing in regard to control of sub-

stances, and what is the policy of the Commission in administering those guidelines when they affect retail outlets in remote areas? Whilst there should be a uniform standard, there are and must necessarily be occasions when people have to survive in the outback in a country like this, and they need to have access to certain things, and access should be made available.

The Hon. G.F. KENEALLY: It is critical that we protect the interests of those pharmacists who set up business within country areas, and the odd one or two of them aspire to greater prominence. In country areas, there are now 90 licensed small stores of the kind the honourable member refers to. The criterion is that they have to be more than 25 kilometres from the nearest pharmacy, and that provides for the circumstances the honourable member describes.

Mr INGERSON: Is it the first time that veterinary surgeons have been able to sell goods by retail and, if so, what are the conditions under which they can sell them?

The Hon. G.F. KENEALLY: The answer is, 'Yes,' and the reason is coming. The veterinary surgeons will supply and sell either in the paddock or their own business premises. This has resulted from representations made by the profession in recent months. They need to be licensed as are other dispensers of drugs.

Mr INGERSON: Do the same conditions for recording apply to pharmacists as apply to veterinary surgeons?

The Hon. G.F. KENEALLY: The answer is 'Yes.' I should have conveyed that information when I spoke previously.

Clause passed.

Clause 16—'Sale of certain poisons.'

The Hon. JENNIFER ADAMSON: Once again we are in the same position with poisons as we were with therapeutic devices and controlled substances. Clause 16 (1) provides:

> A person shall not sell a poison to which this section applies to a person under the age of 18 years.

The penalty is $2 000. The other provisions of the clause provide for further controls, namely, that the purchaser must be known to the vendor, and that the person who sells the poisons shall keep a record of the names of the purchasers of such poisons, the stated purpose for which the poisons were purchased and such other matters as may be prescribed. I assume that this simply translates into the new Bill the present provisions. Will the Minister identify in a general way the kinds of poisons covered under this clause? Again, the general reader would not know if it applied to turpentine or dioxin.

The Hon. G.F. KENEALLY: I have a note here that says that the poisons are industrial, agricultural, or horticultural chemicals: it does not specify every individual poison within those general groupings.

Clause passed.

Clauses 17 to 20 passed.

Clause 21—'Sale or supply of other potentially harmful substances or devices.'

The Hon. JENNIFER ADAMSON: Clause 21 (1) *(a)* provides:

> The Minister may, by notice published in the *Gazette*, prohibit the sale or the supply of—
>
> any substance or device specified in the order, being a substance or device that should not, in his opinion, be sold or supplied pending evaluation of its harmful properties;

That is a good stable-door clause to stop substances escaping on to the market before they have been tested. Is there provision in existing legislation for that holding clause, which I presume prohibits imports probably more so than goods manufactured in Australia from being sold until they have been tested? I presume that that testing is done by the facilities of the National Health and Medical Research Council. Does the existing law provide for such evaluation?

The Hon. G.F. KENEALLY: There is no existing provision. This is new, as the honourable member has stated. It deals with emergency situations where a substance or device must be prohibited immediately. Over the years this provision could have dealt with particular substances that are quite dangerous.

Mr LEWIS: I want an assurance from the Minister that, whilst he is a member of the Government and his Party is in office, under no circumstances will this power ever be used to stop the sale of any of the phenoxyacetic acids, 2, 4-D, 2, 4, 5-T, MCPA, or similar weedicides.

The Hon. G.F. KENEALLY: I cannot give that undertaking, nor would I wish to. The capacity to take account of dangerous drugs must always be available. I do not think it would be responsible for me to give an assurance on behalf of my colleague or on behalf of anyone that a certain class of drugs or substances would not be covered by this provision. I do not really believe any honourable member would be pleased with such an assurance.

Mr LEWIS: I find that answer quite untenable. This is a new provision, as the Minister has said. The Minister may whimsically and subjectively decide quite simply that it is no longer legitimate or possible for a person to sell a substance which he has prohibited from sale by simply putting a notice in the *Gazette*. That is it. He does not have to go to the Subordinate Legislation Committee. He can simply prevent the further sale of any substance whatever.

I cannot accept that that power ought to be given to any Minister without there being some provision within the clause which specifies the circumstances in which the Minister may exercise that power. It is far too broad and far too sweeping. The foolish opinions that I have heard expressed by members opposite from time to time about matters that are outside the ken of their understanding leads me to believe that there will arise a day in the not too distant future wherein the Minister may, in a rush of blood or whatever else happens to him when he caves in under pressure from within his own Party, ban the sale of a substance without any good reason.

How is it that the Government which would otherwise want to act responsibly, I am sure, allows a clause to be drafted in this unless it has in mind that it will one day use it, and without any regard whatever to the public knowledge or absence of knowledge of its effects? Under this clause, for instance, it would be possible to simply ban the sale of uranium. It would be possible for the Minister to ban the sale of any blatant or chemical substance produced by one enterprise. The Government of the day could blackmail that organisation into submitting to some kind of bargain which bore no relationship whatever to the toxicity or danger of the substance involved. Indeed, the provision could be used for the collection of taxes or anything else. Clause 21 (1) *(a)* provides:

> The Minister may, by notice published in the *Gazette*, prohibit the sale or the supply of—
>
> *(a)* any substance or device specified in the order, being a substance or device that should not, in his opinion, be sold or supplied pending evaluation of its harmful properties;

That may take 100 years, or it may take only a day, but it would be up to the Minister to decide how it was to be evaluated and what yardstick and criteria would be used for the evaluation and over what period of time. It further provides:

> and
>
> *(b)* in the case of a substance, any preparation containing that substance.
>
> (2) A person shall not contravene a notice published under subsection (1).

The penalty is $2 000 or imprisonment for two years. That is a rather steep penalty, but it is certainly a bit of bargaining

bother to the people who might otherwise be affected by it, and I would not put it past the current Minister to use this provision in ways that may not currently be envisaged.

The CHAIRMAN: Order! The Chair has pointed out to the honourable member on one other occasion that he must not reflect on the Minister. It is not in the clause. That should not be done. It is completely out of order.

Mr LEWIS: I regret, Mr Chairman, that you have chosen to interpret what I said as being a reflection upon the Minister. It is merely that he may choose to apply this clause in ways which we have not contemplated or expected that he has contemplated to date. After all, it is public knowledge that he changes his mind quite rapidly on occasions. For that reason, I simply cannot accept this clause as it stands, because it is not good enough for the Minister to be given such wide-sweeping powers. Accordingly, I urge other members to consider the position and the power they are placing in the hands of the Minister, power which is without reservations of any kind, when making up their mind as to whether or not they will support this clause.

Clause passed.

Progress reported; Committee to sit again.

The Hon. G.F. KENEALLY (Minister of Local Government): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

CONTROLLED SUBSTANCES BILL

Adjourned debate in Committee (resumed on motion).

Clause 22—'Possession.'

Mr INGERSON: What does this clause refer to? A very heavy fine is provided.

The Hon. G.F. KENEALLY: This clause refers to certain highly dangerous poisons similar to those discussed under clause 17, such as strychnine, cyanide and carcinogenic substances.

The Hon. JENNIFER ADAMSON: That is interesting, especially in the light of the fact that we know tobacco is a carcinogenic substance. I do not know whether it will be known as a section 22 schedule, but perhaps for convenience sake it might. Carcinogenic substances are quite widespread, even those that are well recognised. I realise that everything depends on the schedule and what is identified on the schedule. I suggest that a health authority could be in considerable danger if some substances which are known to be carcinogenic, like tobacco, are not included in the schedule, but those which are carcinogenic and which are sold without a licence attract a penalty of $2 000.

I think this whole question of carcinogenic substances needs further explanation by the Minister, because the Committee needs to be reassured as to who is to draw up this schedule of carcinogenic substances to determine what kind of faith we can have in it. I suppose that $2 000 is not such a great penalty if one is making enormous profits from what one is selling. It depends whether it is $2 000 a day or just $2 000 flat.

Mr Baker: This is just for holding the stuff.

The Hon. JENNIFER ADAMSON: As the member for Mitcham says, this is just for holding it and not for selling. There is a further penalty for selling by wholesale or retail, so the schedule is important. I understand it is not yet in place. Perhaps the Minister could give a rough idea of what he expects to be included on it.

The Hon. G.F. KENEALLY: I could give the honourable member a rough idea of what is included in the amendments to the Local Government Act, but I do not think I ought to give a rough idea of what will be included under the schedule in this case. I will certainly pass on to the Minister the comments of the honourable member. I am sure he will be interested to be advised of them.

Clause passed.

Clauses 23 to 28 passed.

Clause 29—'Regulation of advertisement.'

Mr INGERSON: Will the Minister clarify what this section is all about?

The Hon. G.F. KENEALLY: In accordance with the information provided in the second reading explanation, clause 29 provides that certain poisons, therapeutic substances, and therapeutic devices may only be advertised in accordance with the regulations.

The Hon. JENNIFER ADAMSON: This clause and the dozen or so that preceded it highlight the extreme dilemma not only of legislators in trying to attempt to debate this Bill but also of the general public in trying to work under it. It should be a cardinal rule of legislation that it can be reasonably understood. The first people who have to understand it are those in this Chamber.

I accept that regulation in a technical area that is diverse and complex has to be relied upon. But it is difficult to accept that all these ambiguous clauses (and they are ambiguous, because they are meaningless to anyone reading them) could not be clarified with the general kind of explanation that the Minister has given in one or two instances by simply giving us the headings to the schedules. If words had been found that illustrated the matters to which the clause referred, in the same way that the Minister has illustrated those matters by reading out headings to the schedule, a reading of the Bill would become infinitely clearer. I suggest it would be a much better measure to administer, much more workable, and it would be much more enlightening to the general public and those who have to operate under it in terms of their respective responsibilities.

All I can do is to reinforce the point made by other members of the Committee—if we continue to get legislation of this nature, (and I am not in any way saying it is easy to do these things—I simply put in a plea for them to be done), the legislative process will become more or less farcical, because it is simply pure chance that we happen to have two pharmacists present. If we did not, we would be in even greater difficulty.

An honourable member: It would be quicker.

The Hon. JENNIFER ADAMSON: Maybe it would be quicker, but would it be better? I doubt that very much. It is also pure chance that a couple of members of the Committee are experienced in the use of agricultural chemicals. But, I register a protest on behalf of the Opposition as to the ambiguity and vagueness of these clauses and the difficulty for the ordinary member of the public or even for the professional person in reading the Bill and attempting to identify responsibilities under it.

Mr OSWALD: Clause 29 refers to therapeutic substances which are graded into various schedules. Is there a clause in the regulations which spells out specifically what scheduled poisons are allowed to be advertised?

The Hon. G.F. KENEALLY: In relation to schedule 4, 'Poisons', there are strict controls as to who can advertise and what substances can be advertised.

Clause passed.

Clause 30—'Forgery, etc., of prescriptions.'

The Hon. JENNIFER ADAMSON: Subclause (1) provides:

A person shall not forge or fraudulently alter or utter a prescription.

The penalty is $5 000 or imprisonment for five years. Subclause (2) provides:

A person shall not knowingly, by false representation, obtain—
(a) a prescription drug;
or
(b) a prescription for a prescription drug.

The penalty is $2 000 or imprisonment for two years. Knowing from newspaper reports the extent to which people falsely obtain prescriptions and having read the debate in another place about the extent of that practice, I ask whether the Minister can advise the Committee if this provision, which in effect applies to the 'patient' rather than to the professional person or to the straight-out criminal, sets out to get addicts, because it is addicts who by false representation try to obtain prescription drugs. Is this a new provision? If so, in what way does it differ? Is it completely new, or is it simply a variation of an existing provision? If that is the case, in what way does it differ from the existing law?

The Hon. G.F. KENEALLY: It is an extension of the provision that currently exists in the Narcotic and Psychotropic Drugs Act, and it relates to the 'prescription only' group of substances.

The Hon. JENNIFER ADAMSON: Is the Minister able to advise the House first what methods are used to identify these people? In other words, are they sought and identified by health authorities or the police in the first instance? Can he advise the Committee what convictions, say, in the past five years, have been recorded under the existing provisions of the Narcotic and Psychotropic Drugs Act?

The Hon. G.F. KENEALLY: Both Health Commission officers and the police are responsible for investigating such breaches. Those people depend fairly largely on the co-operation of pharmacists—the professional people who dispense. I understand that there has not been a great number of convictions. We have no idea.

The Hon. Jennifer Adamson: Or a doctor, as the case may be.

The Hon. G.F. KENEALLY: The honourable member is correct. But I would not be able to hazard a guess about the number of convictions; however, I understand it is not great.

Mr OSWALD: I refer the Minister to subclause (3), which provides:

A pharmacist shall retain any prescription or other document that he has reasonable cause to believe has been forged or fraudulently altered . . .

The type of person who takes that type of prescription to the pharmacist could be mentally unbalanced and not the sort of person in relation to whom the pharmacist on his own with an assistant in the shop would feel like taking forceful action. It is perhaps playing with words, but I think that the pharmacist should be covered to a certain extent. Perhaps, this clause should provide that a pharmacist shall take all reasonable means, or something along that line, which would soften it to the extent that the pharmacist would make every reasonable attempt to retain the prescription or other document. I think it is a little unreasonable to expect pharmacists to be tied down with the threat of penalty if they do not take this course of action. Those words might be fairer to pharmacists.

The Hon. G.F. KENEALLY: This question was discussed in formulating the provision. It is a statutory requirement upon the pharmacist: it is not an offence. It is well understood that a pharmacist could find himself or herself in the sort of situation that the honourable member suggested. But it was decided that there should be a mandatory provision that the pharmacist should advise the Commissioner of Police in the manner suggested. But, because it is a statutory requirement and not an offence it was never intended that pharmacists should put themselves or people working for them at risk in fulfilling the requirement.

I think that that is probably the point to which the honourable member is alluding. I think that a softening of the provision would not in fact change the reality of it. It is understood clearly that pharmacists have a responsibility to themselves and their staff.

Clause passed.

Clause 31—'Prohibition of possession or consumption of drugs of dependence and prohibited drugs.'

The Hon. JENNIFER ADAMSON: I move:

Page 11, lines 20 to 30—Leave out subclause (2) and insert as follows:

Penalty: Two thousand dollars or imprisonment for two years, or both.

Subclause (2) provides:

A person who contravenes this section shall be guilty of an offence and liable to a penalty as follows:
(a) in the case of an offence arising out of the possession, smoking or consumption of cannabis or cannabis resin, or the possession of equipment for use in connection with the smoking of cannabis or cannabis resin or the preparation of cannabis or cannabis resin for smoking or consumption—a penalty not exceeding five hundred dollars;
and
(b) in any other case—a penalty not exceeding two thousand dollars or imprisonment for two years, or both.

Because of the procedures which the Committee has adopted, we come to what is in effect the Opposition's first substantial quarrel with the content of the Bill rather than with its drafting, that is, a reduction in the penalties for the possession and use of cannibis or marihuana. In the second reading debate this question was canvassed extensively and in some cases in considerable scientific detail by my colleagues, and I do not propose to go over that ground again. I believe that the issue can be best summed up by further reference to the report from the Senate Standing Committee on Social Welfare which made the very important point, having canvassed first the arguments for and against modifications to the existing law governing the use and possession of cannabis, that the adverse effects of tobacco did not emerge for several centuries after its use began. That is point No. 1 which needs to be borne in mind by this Parliament when debating this Bill. Page 162 of the report states:

Cannabis and cars are a lethal mixture. Cannabis is a potential health hazard in the work place. The use of cannabis and alcohol in combination intensifies the danger of both. Despite claims to the contrary at both extremes of the debate, the long-term adverse health effects of constant, heavy cannabis use are not completely known and need further study.

Recognising the above, the Committee believes that the use of cannabis in Australia should be positively discouraged; that our society should continue to express its disapproval of the use of this drug. We do not recommend its legalisation. Our long-term aim regarding cannabis is exactly the same as our long-term aims regarding other drugs: we wish to see its use significantly reduced and, if possible, ultimately discontinued.

The Williams Royal Commission (and I do not have a copy in front of me) recommended that there should be no legislative change to laws governing cannabis for another 10 years. In the face of those recommendations, the Government is proposing to say to the community, in effect, 'We believe that the personal use and possession of cannabis is not such a serious offence after all, and to demonstrate that belief we propose to reduce the penalties.' I regard that as a thoroughly irresponsible approach to drug legislation.

As I said, the arguments were canvassed extensively in the second reading debate. I think that probably the saddest (I would say a tragic) contribution to that debate was made by the Minister of Education, because it was very sad to see a man who obviously shares substantially the views of members on this side of the Chamber constrained by the

rigidities of Caucus and the pledge he has made to his Party to vote in support of this legislation. It must have been hard for him, particularly in view of his constitutional responsibilities as a Minister of the Crown for the care of children in South Australia. It was a tragic exhibition.

The Hon. E.R. Goldsworthy: He was a tragic figure.

The Hon. JENNIFER ADAMSON: He really was a tragic figure, and I felt very keenly for him, because not to have the freedom to express one's conscience as we on this side of the House have in situations like this must be infinitely depressing to the person who is so constrained. However, we will leave the Minister of Education to one side and pursue the argument. The argument simply rests on the fact that the law has an educative function, and the function of this provision if it is enacted will be an educative one. It will say to the community and the courts, 'This offence is not so serious after all; despite what science and costly Commissions set up by Federal and State Parliaments tell us, we are going to ignore that advice. We are going to take (what may appear to some members on the other side to be) the easy popular way to gain favour with certain sections of the community (and I do not deny that this provision if it is enacted will gain favour with certain sections of the community), but we are going to ignore the social effects that that could bring.'

The Opposition refuses to ignore those social effects. We have considered them deeply, and we reject utterly the contention that penalties should be reduced in the way that has been proposed. I condemn in the strongest possible terms the move that the Government is making in this area. I believe that, if it is passed (and I think members of the Australian Democrats in the other Chamber have a great deal for which to answer for supporting this absolute irresponsibility), future generations will have cause for great regret. There is no denying that we are simply saying, 'It is not so serious after all. The penalties that are currently being handed down by the courts under the existing provision of the law are not terribly heavy, and we want to make them lighter still.'

In other words, it is a first step (I do not see how anyone can deny it) towards decriminalisation and, in effect, the Minister of Education virtually said that when he referred to the United States, where in some States the personal possession and use of marihuana has been decriminalised and now there is a strong push for the same provisions to apply to cocaine, with all the horrendous and absolutely horrifying effects that that drug has on human beings. So, we on this side cannot countenance that, and we oppose clause 31 as it stands.

The Committee divided on the amendment:

Ayes (20)—Mrs Adamson (teller), Messrs Allison, P.B. Arnold, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Whitten, and Wright.

Pair—Aye—Mr Evans. No—Mr Trainer.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr BAKER: What is the Minister's intention in regard to specifying the amounts to apply where possession is the only charge that will be mounted?

The Hon. G.F. KENEALLY: The amounts prescribed as constituting possession for personal use will be 100 grams of cannabis, 20 g of cannabis resin or oil, 2 g of cocaine, 2 g of heroin, .002 g of lysergic acid, 2 g of morphine, or 20 g of opium.

Mr BAKER: The Bill does not actually specify that there will be an amount over which possession will be regarded as possession for sale. For example, previously in regard to cannabis that amount was stipulated as 100 grams, and possession of more than that amount of cannabis was regarded as being possession for sale. I presume that this matter relates to clause 34. However, how will the provision apply with respect to exceeding the stipulated amount? Will possession of an amount in excess of 100 grams be automatic proof that it is possession with intent to sell?

Mr Groom: No, this relates to the burden of proof section, the onus of proof.

Mr BAKER: Could we have an explanation of the onus of proof? I am trying to work out the operation of section 31 with the amendments and whether the regulations will have to include a mechanism in regard to operation of the regulation. There is something missing from the clause as it stands at the moment.

The Hon. G.F. KENEALLY: Clause 32 (3) may clarify this matter for the honourable member. It provides that a person having more than the prescribed amount for consumption shall be deemed to have that material for the purpose of selling it. Does that answer the honourable member's question?

Mr BAKER: Are we stipulating in clause 31 that a person in default of those provisions will be subject to the provisions in clause 32 (3)?

The Hon. G.F. KENEALLY: Clause 31 covers personal use; clauses 32 and 33 refer beyond that to possession with intent to sell and trafficking.

Mr INGERSON: I support the comments made by the member for Coles. It concerns me that clause 32 provides for a fine of some $2 000 for the possession of poison, as defined under the legislation, and yet here in regard to a drug of dependence (marihuana is still clearly defined as being a drug of dependence), which is of more concern, and perhaps more dangerous in many senses than the poisons referred to in clause 22, a penalty of $500 applies for the smoking and/or possession of it, as opposed to a penalty of $2 000 applying to the clause to which I referred. I make that point, and support what the honourable member for Coles said. This provision is a back-door method of decriminalisation of marihuana. I think the Government should be held responsible for that action.

The CHAIRMAN: The question is 'That clause 31—

Mr BAKER: I would like—

The CHAIRMAN: Order! The honourable member for Mitcham has spoken three times on this clause. The honourable member for Goyder.

Mr MEIER: How will it be possible to differentiate between the equipment a person has in his or her possession to use for smoking cannabis or cannabis resin from one of the other drugs not covered under subclause (2)? Some of the equipment could be very similar.

Mr Groom: Exactly the same as they do it now.

Mr MEIER: Following that interjection, I quote subclause (2) *(b)* as follows:

> in any other case—a penalty not exceeding two thousand dollars or imprisonment for two years, or both.

We are dealing particularly with cannabis concerning which a penalty of only $500 is provided.

The Hon. G.F. KENEALLY: Matters of this kind need to be left with the authorities. If the police have sufficient evidence, they will lay a charge and it will then be up to the court to decide whether or not the device was used for the purpose that the honourable member has suggested. The proof has to be there, and if there is a lack of it the presumption of innocence must be held in favour of the defendant. The benefit of doubt is given to the person who

has been found with the articles the honourable member described.

Mr MEIER: I thank the Minister for his comments, but it demonstrates that this is another provision being added to the Statute Book which further complicates the issue, and the courts will find it even harder to determine whether someone has or has not contravened this clause. It will be virtually impossible for the court to prove whether a person has been smoking cannabis or using a harder drug. Lower the penalty for the use of cannabis and one, in turn, promotes the use of harder drugs. From this clause, we are finding that the use of cannabis will perhaps not be looked upon in the same tough light as alcohol is looked upon when used by a person driving a motor vehicle, where a fine of $500 would not be out of the question: in fact, the fine could be much higher than that, and the sentence could well be imprisonment. However, it appears that we will say that alcohol is worse than cannabis and that is a retrograde step for our society. I will not repeat the arguments canvassed during the second reading debate, but they are on record for people to see.

Clause passed.

Clause 32—'Prohibition of manufacture, production, sale or supply of drug of dependence or prohibited drug.'

The CHAIRMAN: There is a series of amendments on file to be moved by the honourable member for Coles, but there is one amendment to be moved by the Minister. The honourable member for Coles will be required to move her first amendment but, to safeguard the Minister's amendment, I will put the question in relation to the honourable member for Coles' amendment that all words on page 13, line 24, up to and including the word 'that' be left out. That is the point at which the Minister's amendment seeks to have effect. If that question passes, the balance of the honourable member for Coles' amendment will be put and the Minister's amendment is lost. If the first question is negatived, the member for Coles' amendment will not be proceeded with, and the Minister's amendment can then be moved. On page 12, line 13, there is a typographical error: the word 'with' should be 'for'. The honourable member for Coles.

The Hon. JENNIFER ADAMSON: I move:

Page 12—

Lines 33 to 35—Leave out 'a prescribed amount of a drug of dependence or a prohibited drug, being an amount that is prescribed for the purposes of this subsection,' and insert 'the prescribed amount of a drug of dependence or a prohibited drug'.

After line 37—Insert new subclause as follows:

(3a) For the purposes of subsection (3), 'the prescribed amount' means—

(a) in relation to cannabis—100 grams;
(b) in relation to cannabis resin and cannabis oil—20 grams;
(c) in relation to cocaine—2 grams;
(d) in relation to heroin—2 grams;
(e) in relation to lysergic acid—.002 grams;
(f) in relation to morphine—2 grams;
(g) in relation to opium—20 grams.;

These amendments seek to ensure that the criminal sanctions that apply to possession and use of these substances are identified in the legislation and not in the regulation. This matter was canvassed at some length in the other place, and I do not propose to cover all those arguments but, simply put, they amount to this: when Parliament is proposing penalties that amount to five years in gaol, and monetary penalties that do not exceed $250 000 and imprisonment for a term not exceeding 25 years, it cannot do that sort of thing without saying precisely why it is doing it. That sort of thing cannot be left to regulation which can be altered in the way Parliament lays down and which certainly provides opportunity for input by Parliament but only if Parliament happens to be sitting.

We cannot in all conscience do that, notwithstanding the arguments put relating to flexibility. Even the Minister in another place had the raw nerve to suggest that the Opposition was trying to protect drug traffickers by making these amounts laid down in the Act not capable of easy alteration by regulation. If there are such heavy penalties and sanctions against people for the manufacture, production, sale, administration or possession of these drugs, we must identify the amounts of those drugs that attract such sanctions and have them enshrined in the Statute. It is not right to take them out, as the Government is proposing to do.

The Minister read the amounts that the Government has in mind to prescribe by regulation, and they correspond (I think I am right) with these figures. Therefore, there is no argument between the Government and the Opposition about the actual amounts. Our argument lies in the manner in which these amounts are to be laid down in law, and we believe that they should be laid down in the Statute. I cannot think of any other (and this was substantiated in the other place—there is no other) Act which fails to identify specifically offences which attract such large gaol terms and such huge fines. I believe it would be wrong to use the legislation to set a precedent which could then be followed in other legislation.

In summary, the Opposition is moving this amendment because we believe that, if those prescribed drugs, cannabis, cocaine, heroin, lysergic acid, morphine and opium, are to attract the sanctions of the criminal law, the law should identify those drugs and the amounts that will attract those sanctions.

The Hon. G.F. KENEALLY: There is a fundamental difference of view on this clause and the way in which these substances or drugs ought to be treated—whether they ought to be dealt with in the legislation or whether they ought to be dealt with by regulation. The Opposition believes that they should be covered in the legislation, for all the reasons the honourable member has canvassed: the Government believes they ought to come under the regulations, for reasons the honourable member has also canvassed in repeating what the Hon. Dr Cornwall had to say in another place. What the Minister had to say, and what the honourable member challenged, set forth a valid, more practical, sensible reason, so the Government will not accept this amendment. The Government will insist that the best way of dealing with this question is for the substances to be listed in regulations, so that the flexibility the Minister is seeking remains.

Mr INGERSON: I support the comments made by the member for Coles and point out that here again we have a situation where a major point of law is being placed within regulation and this Parliament will not have the opportunity to properly debate any changes that might be made by any Government, not just by this Government which is introducing these regulations. A Government should not be able to just write into a Bill very broad comments and then see them brought forward in regulation.

The quantities that we are asking be written into the legislation are in fact the quantities mentioned by the Minister. If the Minister is prepared to state clearly these quantities, then really the prescription that we have put forward (the amendment) is in fact the comment made by the Minister. We believe that, in relation to major penalties (and in this case $250 000 or 25 years is the penalty), all of those points ought to be put into the Bill and not be left to regulation.

The Hon. G.F. KENEALLY: I draw to the Committee's attention the fact that the quantities set under the Narcotic and Psychotropic Drugs Act have been there since 1970. In 1980 a Liberal Government increased the levels of drugs by a factor of four; that is, 25 g of cannabis was increased to 100 g of cannabis. That was done by regulation, and this proposal merely accepts what the Liberal Government did

in 1980 by way of regulation. In a sense we are not acting any differently.

The Hon. JENNIFER ADAMSON: Mr Chairman, following your earlier ruling I proceeded to move my amendment but did not complete the moving of that amendment, which I would now like to do. Accordingly, I move:

Page 13—Lines 11 and 12—Leave out 'in respect of cannabis or cannabis resin for the purposes of this subsection'.

Lines 24 and 25—Leave out 'in respect of that drug for the purposes of this subsection'.

After line 32—Insert new subclause as follows:

(5a) For the purposes of subsection (5), 'the amount prescribed' means—

(a) in relation to cannabis—100 kilograms;
(b) in relation to cannabis resin and cannabis oil—25 kilograms;
(c) in relation to cocaine—.4 kilograms;
(d) in relation to heroin—.3 kilograms;
(e) in relation to lysergic acid—.0004 kilograms;
(f) in relation to morphine—.3 kilograms;
(g) in relation to opium—4 kilograms.

The Opposition wishes to remove the reduction in penalties which the Government is building into this clause 32. We continue our contention that, where criminal sanctions are to be imposed for the sale of narcotics, the identification of the amounts should be embodied in the Statute. Subsection (6) provides:

Where a person is found guilty of an offence of producing cannabis but the court is satisfied that he produced the cannabis solely for his own smoking or consumption, the person shall be liable only to a penalty not exceeding five hundred dollars.

That provision is embodied in this Bill as a result of an amendment moved by the Minister of Health in another place, and reference to that debate will demonstrate something of the complete confusion that will reign in the courts when they attempt to identify whether cannabis has been grown solely for personal use. The whole prospect of a group of people banding together, growing a crop of marihuana and then claiming that small sections of it were for the personal use of various individual members of the group, be they a family, a commune or a group of any other kind, really beggars the imagination. It is another not so subtle step by the Minister towards creating a climate which will make ultimate decriminalisation a political possibility.

That is an extraordinary provision. To my knowledge, it has received very little publicity, but I have no doubt that the former Premier of South Australia, Mr Dunstan, and all the other office bearers of NORML, will gain huge satisfaction from it, because it is saying to all those people that the penalty for producing cannabis for personal use which currently applies is to be reduced from $2 000 to $500. It is another clear signal to the community to go out and grow your own. It is no use the Government's saying that that is not the case, that there is still a sanction in the law and that it is still an offence. The fact is the law, if this is enacted, will be saying to people that it is a lesser offence than it was formerly considered to be and a few more steps and it will not be an offence at all.

If the amendments are not carried, the Opposition will certainly oppose the whole of clause 32, but I make specific reference to subsection (6), because it was snuck in at the last minute with very little time for the Committee in the other place to consider it. After brief consideration, the Opposition voted against it and, after more lengthy consideration, the Opposition in this place will vote against it with very strong conviction.

Returning to the other matter canvassed, I simply make the point that, if there are to be criminal sanctions, anyone reading the law should know what offence they are guilty of if they are to be subject to those sanctions. Unless we write into the legislation the specific amounts that attract penalties, we are departing from a time honoured tradition. If the Minister says that we do not want to continually amend legislation in order to take account of changing circumstances (and I well recognise that circumstances can change in the drug field), I simply refer him to the fact that the Road Traffic Act is, I believe, introduced into this place on an annual basis usually three or four times. This drug legislation has not been amended significantly and there is no reason why we should not have the flexibility to bring it back to the House if circumstances should change. When we are talking about that kind of gaol sentence and that kind of fine we cannot just ignore the specifics of the offence in the Act.

The CHAIRMAN: Before going any further, the Chair would again point out that it is allowing the honourable member for Coles to move her complete amendment but the Chair repeats that it will put the amendment as it applies to page 13, line 24, to the word 'that' only.

Mr BAKER: Under the second amendment, trafficking of 100 kilograms is deemed to be the amount relating to burden of proof. If a person has 50 kg in his possession and has sold 50 kg, does that constitute two separate offences, or does that in fact constitute a total offence? The words 'a person shall not knowingly' apply.

The Hon. G.F. KENEALLY: Here again, I suppose the burden of proof is upon the prosecution: it must prove that there was both sale and possession. However, it would certainly be within the powers of the police to charge. There is to be an offence of selling, anyway. If a person sells 50 g, he is obviously trafficking, and that is beyond question. If he retains 50 g, he is likely to be charged both with trafficking and possession for trafficking, but that is a matter that the court would have to decide. I would think that there is a very good chance that that would be the decision of the court, but it is not for me to determine. It is up to the court to determine that matter. Once one sells, one is trafficking. I do not think that the honourable memberber should think otherwise. If a person has in his possession a certain amount of cannabis, if he is not selling it and if it is below a certain amount, that would be determined as being for personal use; but if he sells any of it, he is trafficking.

Mr BAKER: That is the problem. The quantity prescribes whether the offence is or is not trafficking, so the person who has disposed of a certain amount of goodies over a period of time to the unsuspecting public of Adelaide, and who has a large amount of cash in the bank which has obviously come from the sale of drugs, because he does not have either .3 kg of heroin in his possession, or the police cannot prove he has sold .3 kg of heroin, would not be subject to the high sanction of 25 years; it would relate back to the lower sanction. That is what I am trying to ascertain in relation to this movement along the scale of penalties. Subsection (5) provides:

A person who contravenes this section shall be guilty of an offence and shall subject to subsection (6), be liable to a penalty as follows . . .

(b) where the substance the subject of the offence is a drug of dependence . . .

A certain quantity has to be reached before the heavy trafficking charges come into play.

The Hon. G.F. KENEALLY: I do not know whether I can answer that to the satisfaction of the honourable member, but he did canvass in his explanation what would be the situation if the police could not prove that a person had a certain amount of heroin in his possession or that he had sold a certain amount of heroin. If the police cannot prove it, of course there is no charge. They need to be able to prove it. If a person sells more than the prescribed amount, he would be subject to the higher charge: if a person sells less than the prescribed amount, then he would be subject to the charges under subsection (5) *(a)* (ii).

Mr PETERSON: As to the question of quantities, in the Minister's second reading explanation some figures were cited which were exactly the same as the figures quoted. A comparison was made between the allowable quantities for possession and for trafficking. One of the differences, I notice, is that cannabis and cannabis resin apply to possession, but cannabis resin and cannabis oil apply to trafficking. I believe that cannabis resin is 10 times and cannabis oil is 40 times the strength of straight cannabis, so if we are looking at the same quantity the comparisons seem to be a little odd.

From further inquiries it appears that most drugs listed are not necessarily a problem in the Adelaide area. Apparently cocaine appears apparently in very small quantities, as do lysergic acid, morphine and opium, but heroin is a major drug. I believe that an addict could use up to 2 grams a day to feed a habit, which is the allowed quantity.

I also believe that the strength of heroin used in Adelaide by an average addict is about 3 per cent as compared to the interstate strength of 17 to 20 per cent. Is the figure shown for pure heroin? Is so, there are problems in the analysis of drugs once they are mixed. How will that be assessed? Traffickable amounts are defined as cannabis, 100 kg; cannabis resin, including cannabis oil (and the resin is 10 times stronger and the oil 40 times stronger), 25 kg.

A convicted offender could go to gaol for 25 years but the maximum fine is $250 000. From a sale of 25 kg of cannabis oil, at $24 000 to $25 000 a kg, a person could get a return of more than $600 000. Under those conditions does the Minister believe that the penalty could be higher when the return to a trafficker is very high, allowing for different strengths of different types of cannabis?

The Hon. G.F. KENEALLY: A person is allowed 2 grams of pure heroin for his own use. The penalties will be determined by a court on the basis of the amount of drug a person has in his possession or whether there is proof that he was trafficking. We have set maximum penalties in relation to possession and trafficking. If drugs in excess of those amounts are sold or trafficked, the offender will face the highest penalties: cannabis other than resin, 100 kg; cannabis resin (including cannabis oil), 25 kg; cocaine .4 kg; heroin .3 kg; lysergic acid .004 kg; morphine .3 kg; and opium 4 kg.

Anything in excess of that is regarded as large scale trafficking, so the court will treat that person accordingly. I cannot advise the Committee how the court will decide. We are providing a framework within which the court can make its decision as to the offence it believes a person may have committed. The penalties are quite severe. I do not think anyone would argue with that. We are not inhibiting the powers of the courts to make the appropriate decision.

Mr BAKER: I will make the point quite clear so that the Minister understands what we are saying in relation to this provision. If a person has .3 kg in his possession or if the police prove that he has sold that amount in one lot, would that bring that higher penalty?

The Hon. G.F. KENEALLY: The honourable member means in relation to heroin?

Mr BAKER: Yes, heroin, and in relation to cannabis it is 100 kilograms. Is prescription of that quantity the only proof that is needed? It leaves out the proof associated with all other details such as previous movements of drugs and also the onus of proof as regards the amount of money in the bank, and so on. A range of information is made available on large scale drug trafficking. But, that does not come into force until a person has been caught with .3 kg of heroin or 100 kg of cannabis, as I understand it. The big drug traffickers will say, 'I will move it at .2 kg a time, because I can still make a massive amount of profit out of it anyway.'

The Hon. G.F. KENEALLY: As I understand it, if a person is in possession of .3 kg or more of heroin the onus of proof is on that accused person to prove that he was not trafficking: it is a *prima facie* case of trafficking. Otherwise the police or prosecution would have to prove that a person was trafficking. That is why that amount was included. If the honourable member is making another point, I cannot see it.

Mr OSWALD: This is getting rather confusing, but perhaps the Minister could clarify the position in relation to penalties. If an offender grows cannabis for his own use and if he is convicted, as I read it, the penalty will not exceed $500; but, if he grows excessive amounts and decides to sell them, the penalty is $250 000. Is it correct that, if he sold over 100 kg, he would be likely to incur a penalty of $250 000?

The Hon. G.F. KENEALLY: Yes.

Mr OSWALD: I wonder whether the penalties are out of kilter. There is a $2 000 fine or two years imprisonment under one group of penalties, a $4 000 fine or 10 years imprisonment; a $250 000 fine and 25 years imprisonment. Has any consideration been given to linking a person's ability to pay a fine if he is trafficking as against the time he would spend in gaol? In one case $2 000 or two years in gaol is equivalent to $1 000 a year; $4 000 or 10 years in gaol is only $400 a year; and of course $250 000 or 25 years is $10 000 a year.

The Hon. G.F. KENEALLY: They may be out of kilter but I think they are sensible. There is no doubt that people who are caught in large scale drug trafficking deserve the severest penalty. A sentence of 25 years and $250 000 is just that. I do not relate that to the other somewhat minor offences. This legislation intends to make the penalty for large scale trafficking as severe as possible. The $250 000 fine and 25 years imprisonment which the court may impose upon an offender satisfies that aim.

Mr OSWALD: I refer now to the $500 fine. In his former portfolio the Minister could probably give a fairly accurate estimate of what sort of fine the bench would hand down if the maximum fine was $500. I would submit that it is probably about $150 or less for the first offence; it might even be about $100. The Government is putting to the people of South Australia a proposition that will now allow people to grow marihuana in their backyards and run the risk of a fine of possibly $100 for a first offence. I submit that what the Government is doing is bringing about a situation where we will have marihuana crops growing left, right and centre, and the Government knows this. I know that it is probably succumbing to the lobby within its Party and resolutions passed by its State Council, but that is the fact of the matter.

The Minister of Education, for whom most members on this side of the Chamber felt deeply sorry because we could see during his remarks tonight how he was torn between his own moral attitude and the direction in which his Party was heading, knows that this is the thin end of the wedge and that the next move will be to decriminalise marihuana. It is so patently clear to anyone who thinks about this matter, and I am sure that members opposite are aware of it. If a first offence involving marihuana carries a $100 fine, we will have crops scattered the length and breadth of the State, as the Government must know.

If that is the Government's course of action, for goodness sake come out publicly and say that this is the first step of the Labor Government's move towards the decriminalisation of marihuana, because that is what will happen: that is an undeniable fact. I appeal to the Minister to go back to Cabinet and say that the Labor Government will not be the Government to bring about the first step in the decriminalisation of marihuana, because it will go down in history

as being the Government that made the first move. I appeal to the Minister to withdraw the clause in the Bill which will initiate the first step in decriminalising marihuana. There is no doubt that that is the course on which the Minister and the Government have set the State, and I appeal to the Government in all logic not to follow this course of action.

The Hon. G.F. KENEALLY: First, the honourable member suggested that I would know the sort of penalty the court would impose if there is a $500 maximum fine. Of course, I do not know that: that would be up to the court. However, he then suggested that, with a $500 maximum penalty for a first offence, the average fine would be somewhere around $100. My advice to the honourable member is that that is exactly the average penalty being imposed by the courts now with a higher penalty. Therefore, it will not be any less as a result of this measure: it is already happening in relation to possession for personal use. The honourable member's suggestion that this is the first step towards decriminalising the use of marihuana is not correct.

The Hon. JENNIFER ADAMSON: This clause, which is the key clause of the Bill, provides for the prohibition of the manufacture, production, sale or supply of drugs of dependence or prohibited drugs. Subclause (6), in my opinion, is in complete conflict with subclause (5), which provides:

(a) where the substance the subject of the offence is cannabis or cannabis resin—

(i) if the quantity of the cannabis or cannabis resin involved in the commission of the offence equals or exceeds the amount prescribed—

which is 100 kg—

in respect of cannabis or cannabis resin for the purposes of this subsection—a penalty of both a fine not exceeding two hundred and fifty thousand dollars and imprisonment for a term not exceeding 25 years;

Further, one can grow the stuff and produce it for oneself, although if one does it it is an offence, but the penalty will not exceed $500. There can be no reconciliation between the offence, on the one hand, for producing for trafficking, and the offence, on the other, for personal use, because the difficulties that courts will encounter in proving the latter will be enormous. One reads the debate in the other place and finds that 20 plants are considered reasonable for personal use. All right: one has a household of five people who each grow 20 plants; that totals 100 plants. I am not quite sure what the crop weight per plant is, but I suggest that it would not take a very big family to produce for personal use allegedly 100 kg.

As the member for Morphett has said, it is easy to perceive little plantations cropping up in the back gardens of South Australians in the knowledge that, if the worst comes to the worst and they are detected, and the worst comes to the worst and they are convicted, a family of five could get away with a maximum penalty of $2 500, whereas in point of fact they might have been trafficking, and very likely have been trafficking. Trafficking is one thing—selling for gain—but seducing people into the use of drugs by free offering is another very serious thing which appears to me not to be covered by this clause. I ask the Minister: does the phrase 'if the court is satisfied that he produced the cannabis solely for his own smoking or consumption, the person shall be liable only to a penalty not exceeding $500' include offering a joint to a friend who calls without charge; or, if one offers without charge this drug to some other person, is one committing an offence, and is one liable to a fine?

This is important, because the Opposition's concern is for everyone who will be affected by this law, but we are concerned particularly about young people. It is easy to imagine a group of teenagers getting together and saying, 'Look, let's grow a few plants for personal use. There are 10 of us. We could put in 200 plants. If we get caught, okay, we will have to pay, but we are under age. We will just be referred to a panel. It will not be such a bad thing,' and one knows that young people never think that they will be caught: 16-year-old teenagers exceed the speed limit and know that they will never be caught. They will go to pubs and drink and know in their own minds that they will never be caught. We know that they will, but they believe that they will not.

By reducing those penalties and, as far as I can see, by not providing any penalty for offering a drug for consumption by others, particularly by children, there does not seem to be any sanction against that at all. Can the Minister advise the Committee whether there is a sanction for offering a prescribed drug in this fashion to anyone else?

The Hon. G.F. KENEALLY: First, I point out that, if 10 people got together to grow cannabis, they would be subject to 10 charges with fines of $500 each: that is $5 000, so that is not an insignificant figure. It would always remain competent for the court to decide what is personal use and what amount is for trafficking, etc. The guidelines within the legislation allow them to make that decision.

It is competent also for the police to lay charges for possession if someone is offering a joint to a friend. However, I think that the onus of proof then would be on the prosecution to prove that that was an offence, and it is still up to the courts. I will not try to put myself in the place of the courts of South Australia. The legislation is clear: we have a distinction between personal use, possession for personal use and trafficking, and that is the reason why we go from $500 up to $250 000.

It is clear in subclause (6) that where a court is satisfied that cannabis was produced solely for a person's own smoking or consumption that person shall be liable only to a penalty not exceeding $500. It will be up to the court to be satisfied before imposition of a penalty. As I said earlier, if a person has an amount of drugs over a certain limit, that can constitute a *prima facie* case for drug trafficking. However, until that limit is reached, or even after than amount, the court must find the guilt of a person charged. That is a matter that I am quite happy to leave to the court.

The Hon. JENNIFER ADAMSON: The Minister has said that the Bill is clear and that the courts will decide on this matter, and yet he was unable to answer a question, despite the alleged clarity of the clause, as to whether offering cannabis grown for so-called personal use to another person constitutes an offence. I remind the Minister that under the Community Welfare Act it is an offence to sell, give or lend tobacco of any kind to a child under the age of 16. That provision, or something like that, has been in the Statutes in South Australia since 1904. The Government is now proposing that for the first time ever we include in legislation a let-out for people who grow cannabis for their own use, and there is no protection in the Bill for children.

Tobacco is bad enough, although we all know that the law has never been satisfactorily enforced since about the early 1940s. Since that time people have been generally unaware that that provision exists, and the disposable income of small children and the general public consumption of tobacco has increased, as has the access of children to tobacco, despite the law. There is no specific protection for children in this Bill in regard to the inclusion of this provision. It should be borne in mind that the Opposition has not had a lot of time to consider it, but at least the Minister could have built in some protection for children, as is contained in the legislation to which I referred (although it is not well administered) concerning tobacco consumption.

I think that the Goverment has a lot to answer for. I would not be surprised if the Minister is now somewhat embarrassed at having been placed in this position by his

colleagues. I am blessed if I know how his colleague got this Bill through Caucus, because it must be an embarrassment to a significant number of members (perhaps 50 minus one) of the Labor Party to have to go out into the community and wear this clause, and in particular subclause (6), aware of the fact that the Government has ignored any protection whatsoever for children under this provision.

Mr MEIER: Subclause (6) is disturbing. The 'legal adviser' opposite (the member for Hartley) has interjected occasionally during the debate indicating how easy it is to twist certain clauses.

Mr Groom interjecting:

Mr MEIER: That is the way I saw it. It depends on how a lawyer interprets a provision, and that is a lawyer's job. Certainly, the law is there for a lawyer to interpret and he will interpret the facts as he—

The CHAIRMAN: Order! The honourable member will come back to the clause before the Committee.

Mr MEIER: The courts will now be faced with another decision where it will be almost impossible to know whether or not a person is growing marihuana for his own use or for the use of someone else despite the quantities mentioned to deter a person from possessing larger amounts. I do not think it will be hard for people to twist the law to their own advantage. At present it is most difficult for police and other authorities to even pinpoint and prosecute people who are growing marihuana illegally, and often a case cannot be brought to the court.

Under these provisions it will not simply be a case of whether or not a person is growing it: the police will have to determine the purpose for which it is grown. A relatively small area might be in use, and four or five people could say that they were growing it for their own use over the next 12 months or 10 years, and there would be no way that a court could prosecute them because it would be for their own use, according to them. The next job for the police would be for them to try to catch these people when they try to sell it. Of course, we well know that to apprehend a person while attempting to take marihuana to a point of sale—

Mr Becker: And dropping it at an intersection!

The CHAIRMAN: Order!

Mr MEIER: Yes, at that stage the sale would not occur and the police would have to start all over again. We have seen examples of this throughout the history of mankind. A classic case is where the police found it almost impossible to prosecute Al Capone in the 1920s for his involvement in protection rackets; they could only get him on tax evasion, yet he had every crime going in the United States that one could think of. The same situation will apply here in trying to prosecute people for growing marihuana for sale, because to be able to prove it in the courts—the lawyer opposite is laughing; he would find it dead easy to—

Mr Groom: One can be charged for growing for sale.

Mr MEIER: The $500 fine is a completely inappropriate one.

Mr Groom interjecting:

The CHAIRMAN: Order!

Mr MEIER: The people we are talking about are those making hundreds of thousands of dollars, maybe millions of dollars. An escape clause, making it possible to produce marihuana in small sections, with different people to look after them, will make it easy for operators to evade the law. I believe that the police will give up on marihuana in this State, because they will not bust a gut trying to apprehend a person when it is clear that courts will not be sympathetic in those circumstances. This is a retrograde step being taken by the State Government. Unfortunately, present and future societies will suffer. My children will have to enter into a society where much more hardship will be created. This applies to all children. The Government maintains that we must protect our children. The Minister of Education said recently that we must protect them from smoking, but now we see the Government virtually saying that it will legalise marihuana, and to hell with the effect of that on society, and to hell with brain damage, and reproductive damage and so on, that may result.

Members interjecting.

The CHAIRMAN: Order!

Mr MEIER: With these provisions, the police will give up on the matter. The courts will not be able to get convictions with any ease. This will be a giant step backwards for South Australia.

Mr GROOM: I am absolutely flabbergasted by the contribution of the member who has just resumed his seat. This is not the decriminalisation of marihuana at all. It is still an offence to cultivate or possess cannabis.

Members interjecting:

The CHAIRMAN: Order!

Mr GROOM: The police have a clear duty to prosecute breaches of criminal law and it will continue to do that. What the member for Goyder has not come to grips with is the fact that he has not indicated what penalties he would impose for growing one marihuana plant. The courts are imposing a bond, or dismissal without conviction or a $50 fine. All that these clauses do is reflect what the courts have been doing for the past decade. I ask the honourable member to go down to the Magistrates Court or the Central District Criminal Court and watch what the courts are actually doing, and he will be better informed.

I take it that what members opposite really oppose is subclause (6), and if they are doing that they are encouraging drug trafficking. If there is a higher penalty for cultivation for personal use than for simple possession, people will not grow their own because they will incur a higher penalty. They will purchase it from drug traffickers. Opposition members in opposing subclause (6) are encouraging trafficking in drugs.

Mr Mathwin interjecting:

Mr GROOM: I ask the honourable member to sit back and rationalise it and not be distracted by his own emotionalism or his own rhetoric about this matter.

Members interjecting:

The CHAIRMAN: Order!

Mr GROOM: With the greatest of respect to the Opposition, in opposing subclause (6) members opposite are plainly encouraging drug trafficking, because if people were to receive the sort of penalty that honourable members want to impose for cultivation for personal use—$2 000 or two years imprisonment—they would be foolish to grow their own crop. They would go into the market place and purchase it from a drug trafficker, because there is only the risk of a $500 penalty. The courts, in all of the questions that members opposite have raised, have been determining these questions for the past decade and beyond that, and I urge members to go to the courts and watch what happens in the real world.

Mr MEIER: It was interesting to hear the member for Hartley make one statement, and that is that if people were not allowed to grow marihuana for themselves they would be forced into buying it from the traffickers.

Mr Groom: It's an offence.

Mr MEIER: Right, that is exactly what we should be against. The positive part of this Bill is that the maximum penalty for trafficking has been increased to $250 000 or 25 years imprisonment; we applaud that move. The other thing that is needed is to increase the penalty so that there will be no incentive left at all to use marihuana.

Mr Groom interjecting:

The CHAIRMAN: Order!

Mr MEIER: To do that we have to increase the penalty currently applying, not decrease it. The courts are only guided by what this institution prescribes.

Mr Groom: The penalties have been $2 000 or two years for a decade.

The CHAIRMAN: Order! The Chair will not pull up the member for Hartley any more.

Mr MEIER: It has to be increased so that the negative effects of marihuana can be eradicated from society and so that we do not have these negative effects impinging on this State.

Members interjecting:

The CHAIRMAN: Order!

Mr OSWALD: The Government will now be encouraging people to grow marihuana plants in their back yards, because if they go into the street they have to pay $30 for a bag, when they can grow it themselves for $100. The Government says that it is not decriminalising marihuana: I appeal to the Government not to reduce the penalties, because it is opening the door and taking the first step towards decriminalising the drug.

Mr BAKER: I rise on a point of order. I have spoken to clause 32 twice, not three times.

The CHAIRMAN: Order! The Chair is trying to be fair and patient. The honourable member for Mitcham has definitely spoken three times on this clause; however, if he can assure the Chair that he only wants to make one point, it will allow him to do that.

Mr BAKER: Yes. Is it the intention that subclause (5) *(a)* (i) will come strictly into force for all those cultivators of marihuana in glasshouses, etc., where well in excess of 100 kg is often being cultivated?

The Hon. G.F. KENEALLY: Subclause (5) *(a)* (i) is for the big operators.

Mr BAKER: They will not be released on bonds and lightly fined: I wanted to make sure that that actually applied.

The Hon. G.F. KENEALLY: It will be up to the courts to decide what penalties they impose.

Mr LEWIS: Where in subclause (6) it provides 'solely for his own smoking or consumption', how else would an individual use marihuana if they did not smoke it?

The CHAIRMAN: If the Minister can answer the question, does he intend to do so?

Mr LEWIS: That disturbs me. I would like to know the extent to which individuals can then clarify and concentrate the hallucinogenic compounds from within the plant itself and use it themselves in that fashion without smoking it. Clearly this clause presumes that they will be allowed to do that. I do not know how many ways it is possible to use—

The Hon. G.F. Keneally: I don't know why, but I will find out.

Mr LEWIS: It is a hell of a clause. May I explain to the Committee the sophistry of the member for Hartley's proposition, as the Opposition sees it, where he says that it will remain a criminal offence. He put the view that it is desirable to reduce the penalty to an upper limit of $500 for growing the stuff oneself and using it oneself for no other reason than that that is what the courts have been doing for so long. How bloody ridiculous the courts are! I say that, and I hope every magistrate who has behaved in that fashion reads it. The Parliament sets the laws in this country, in this society; it indicates to the people how the law ought to be interpreted in terms of seriousness, in a relative sense, and for the member for Hartley to impugn the reputation of the magistrates in the way that he has, by suggesting that they, and not the Parliament, lead the community in this matter—

Members interjecting:

The CHAIRMAN: Order!

Mr LEWIS: —is a gross insult.

The CHAIRMAN: Order! The Chair would point out that we are dealing with a clause and a subparagraph of that clause dealing with the situation where a person is found guilty of an offence. We are not dealing with the magistrates, the courts or anything else. The honourable member is beginning to reflect on the Judiciary. The Chair would point that out to him. I think the honourable member ought to be very careful about the situation.

Mr LEWIS: Mr Chairman, may I with the greatest respect in the first instance refer to the remarks made by the member for Hartley about this matter to the Committee without any instruction to the contrary from you, as Chairman of the Committee.

The CHAIRMAN: Order! The honourable member is now starting to reflect on the Chair.

Mr LEWIS: I am only answering the points made in debate by the member for Hartley, with no intention—

The CHAIRMAN: Order! The Chair would point out to the honourable member that, in taking part in the debate on this clause, the honourable member for Hartley simply pointed out the role of the court, which was quite in order. It had nothing to do with what the honourable member for Mallee is now embarking on. I would ask the honourable member for Mallee to come back to the clause.

Mr LEWIS: I will therefore have to say that I am attempting to do likewise and rectify any mistaken impression which the member for Hartley may have created in the mind of any member of the Committee when he said the Parliament was merely following the lead already provided by the courts in this matter, because they were reducing the fines and other penalties in their orders relating to the offences of this kind referred to in subclause (6) of section 32 to a point where it made it ridiculous to leave the maximum fine and other penalties as high as they were.

I assure the Committee that I disagree with the member for Hartley's logic and argument that it should be the courts which set the trend, if indeed they are doing so. I disagree with him. I think that, by saying that, he has ascribed to the courts a power they would never seek for themselves or take unto themselves. They were not indicating in any one judgment or a collective group of judgments that they believed the Parliament to have been mistaken in not amending the penalties relating to the use of cannabis and the cultivation of cannabis allegedly for personal use alone. They merely judge each case on its merits, I am sure, and it was quite improper of him to impute to them motives which they did not have and should not have.

The other point made by the member for Hartley and by interjection from other members of the Opposition was that it ought not to be so serious to grow pot for your own use and to use it. That creates a perception in the minds of innocent youngsters, whether four years old or an adult 40 years old or more, since this Act does not prescribe and protect children in any place that I can see where it relates to production for personal use and consumption. It treats everyone the same, regardless of age, thereby encouraging young people to take the risk to grow the stuff, because it is not so serious and they will probably only get a rap on the knuckles if they are caught.

That will mean a great increase in the total amount of the stuff that is produced, and an equally substantial increase in the amount consumed. No-one can tell me that it will not be sold. South Australia will become the production centre of marihuana for the whole of Australia. Anyone who wants to cultivate it will come here and do so and encourage others to do so for clandestine reward, sell the stuff on the black market, and supply it interstate. It will be cheaper and easier to run the risk of paying the fines in South Australia than it will be anywhere else in Australia

under this legislation. Therefore we can expect to see a very substantial increase in the total area under production.

Based on that logic I find it necessary to ask the Government to what extent it considers it will be necessary to increase the number of members in the Drug Squad to seek out and catch offenders and mount prosecutions against them where this will arise. Quite simply, it will arise. If a person can con the magistrate or the court into believing that it was for personal use alone, the penalties for production here will be much less. What is more, children can do it. There are no penalties anywhere in the Act for people who engage children to do it under the guise of having the children do it for their own purposes. It is easy then to understand how a crime boss could literally exploit children in this way. I think that is sick, and absolutely despicable.

The other consequence of passing this measure as it stands and rejecting the amendment put by the member for Coles will be that petty thefts and blackmail will increase. Petty thefts will increase where those people who have taken the risk of growing marihuana, ostensibly for personal consumption although really for sale, will offer it to the person by whom they were approached in the first instance to do the nefarious deed, and on supplying the goods will be short changed, paid less or, alternatively, mugged. The proceeds for the sale will be taken off them in a matter of minutes after they have concluded the sale. That will result in that crime going undetected because what child, what adolescent, would report the fact that they had the money paid to them for the marihuana they had just sold stolen from them? They would not go near the police, so we invite the worst kind of criminals to come into South Australia and set up that kind of organisation by passing this measure in its present form.

I do not see any commendable argument to support the views expressed by the member for Hartley that I have read in the newspaper attributed to members of the Government in the reduction of the penalty for production for personal use and consumption, whatever that means. I do not see any legitimate reason to support that view at all, and I cannot understand how members opposite can fool themselves that, because a significant percentage of their Party's membership grows and uses the stuff, they therefore ought to make it less offensive and less expensive to engage in that activity.

It does have effects that they have not contemplated in the behaviour of people and the associations that those people, young people particularly, will make at that very impressionable age in their lives when they could otherwise have been diverted from that course. I therefore ask the Minister again whether he has had time to discover, from whatever sources are available to him, how else you consume marihuana if you have personally grown it and what processes would be involved other than growing the stuff to make it possible to consume it in ways other than smoking. If he or any other member of the Committee cannot tell me, then maybe some other member of Government can tell me why the words 'or consumption' are included in subclause (6). I do not understand the reason for the insertion of those words.

Mr INGERSON: I would like to ask one final question on the personal possession of marihuana. As has been mentioned several times, Parliament ought to set a general standard so that the courts can gain some idea of what is meant by 'personal possession'. What sort of quantities does the Government envisage would be a rough sort of example as far as personal possession is concerned?

Mr Mathwin: I think it would only be fair if the Minister answered the question raised by the member for Bragg. It was a reasonable question.

The CHAIRMAN: Order!

Mr Mathwin: The Minister is screwing his face up, getting annoyed.

The CHAIRMAN: Order! If the honourable member for Glenelg goes on that way, the Chair will deal with him, too. He is completely out of order.

The Hon. G.F. KENEALLY: I will give the honourable member the same answer as I have given on a number of occasions. The court will determine that matter, and it is not for us to determine.

Mr INGERSON: Surely we ought to give some guidelines.

The Hon. G.F. KENEALLY: I think it is a matter for the court to determine, and it will do so.

Mr Ashenden: How about showing the courage of your convictions?

The Hon. G.F. KENEALLY: I think it is difficult to tell the court what it should determine to be the amount it should regard as the maximum for personal possession.

Members interjecting:

The CHAIRMAN: Order!

Mr INGERSON: I would like to take that question further, because the whole principle of penalties is one of setting guidelines as far as the court is concerned. Surely if we are going to set a penalty we ought to set some sort of guideline as to what is a reasonable quantity in relation to personal possession, because, after all, we talked earlier about 100 grammes for a specific penalty, and in lay terms 100 grammes is 3 ounces. Three ounces is not very much. If we are going to say that we will leave it up to the courts, why not leave the penalties up to the courts? Why not leave everything up to the courts? Surely that is not what this Parliament is about. If we are going to set some penalty, we ought to set some guidelines so the court can look at them and then impose reasonable penalties in relation to those guidelines.

The Hon. G.F. KENEALLY: The honourable member would like us to say one plant at 6ft high or one plant at 4ft high or two plants at 3ft high. If the honourable member grows a plant, and if he has green fingers, he may have a wonderful crop, and if I grow a crop, with my usual average, it would not grow very high. How is the honourable member going to judge six plants at about 18 inches high and say the penalty ought to be the same for six very healthy plants that grow up to 6ft high? I do not know if they grow that high. It is quite clear in the Bill that the court has to be satisfied that the production of cannabis is for the sole use of the grower. That is a matter for the court to decide. It is stated in the Bill and I think that is the appropriate place for it to be spelt out, because the honourable member should be able to see the stupidity of anyone trying to say that three plants or six plants is a maximum when the size of the plants varies enormously.

The Committee divided on the amendments:

Ayes (21)—Mrs Adamson (teller), Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Amendments thus negatived.

The Hon. G.F. KENEALLY: I move:

Page 13, line 24—Leave out 'drug or'.

This is a mechanical amendment. We are dealing with substances. These amendments would have been moved elsewhere and this amendment brings the clause into line.

Amendment carried; clause as amended passed.

Clause 33—'Restriction of supply of drug of dependence in certain circumstances.'

The Hon. JENNIFER ADAMSON: This clause (in part) provides:

> A medical practitioner shall not prescribe for or supply to—
> *(a)* a person a drug of dependence for use by that person continuously for a period exceeding two months, or for a period which, together with any other period for which that drug has, to his knowledge, been prescribed or supplied by any other medical practitioner, would result in that drug being used by that person continuously for a period exceeding two months;

That prohibition and the prohibition on treating a person's dependence for the purpose of maintaining that dependence, carries a heavy penalty of $4 000 or imprisonment for four years. Of course, a prescribed drug in those circumstances would include heroin. When I was Minister of Health there was considerable debate about the use of heroin by medical practitioners for treatment of terminal cancer. At that time the Federal Minister, Hon. Michael MacKellar, was rather anxious that State Ministers should agree to the lifting of the prohibition on using heroin for terminal cancer patients. The attitude of the AMA, the police and the Health Commission in South Australia was that any advantages to be gained by lifting this prohibition were outweighed by the disadvantages in terms of difficulties in control.

I assume that a period of two months would not be unusual for treating terminal cancer with heroin. Can the Minister bring me up to date as to whether that prohibition still obtains and whether the Government intends to maintain it? I recollect that the present Minister was in favour of relaxing it and is on the public record as saying so.

The Hon. G.F. KENEALLY: To the best of my knowledge, the Minister is not considering relaxing the prohibition.

The Hon. Jennifer Adamson: He has changed his mind.

The Hon. G.F. KENEALLY: Heroin is a prohibited drug, which makes it different from a drug of dependence. I have been advised that there are other and better drugs than heroin for the treatment of cancer. To the best of my knowledge, the Minister is not contemplating relaxing that prohibition.

The Hon. Michael Wilson: Will the Minister obtain a statement from him?

The Hon. G.F. KENEALLY: I will certainly relay the comments made by the member to the Minister.

The Hon. JENNIFER ADAMSON: In the debate in the other place the Minister went to some lengths to outline the extent of prescription drug abuse. This clause, as I read it, is related to that issue. Imprisonment for four years is a very heavy penalty for a medical practitioner. I wonder if the Minister can tell me whether that reflects current penalties for such breaches of the law or whether it increases the current penalty?

The Hon. G.F. KENEALLY: It is doubled.

Mr MEIER: Does the drug of dependence referred to in clause 33 *(a)* include marihuana?

The Hon. G.F. KENEALLY: No.

Clause passed.

Clause 34—'Establishment of assessment panels.'

The Hon. JENNIFER ADAMSON: The Opposition opposes these clauses in this Division. I seek your advice, Mr Chairman, as to whether they should be addressed individually or collectively by way of one amendment which amounts to straight-out opposition.

The CHAIRMAN: The Chair is in a situation of dealing in Committee with individual clauses. The question must be put on each clause. If the honourable member wishes to oppose it she must oppose each clause.

The Hon. JENNIFER ADAMSON: I do not want to delay the Committee by opposing and dividing on every clause, but I give notice that there will be a division on the first clause as a test and I will simply canvass the principle as it relates to the first clause which deals with the establishment of assessment panels. Again, this matter was canvassed extensively in the second reading debate, and I will try to be brief. The Opposition opposes not so much the establishment of assessment panels but the way in which this legislation proposes to use assessment panels instead of the normal due process of the courts for the treatment of adult offenders.

The Opposition believes that all offences committed by adult persons should be dealt with by the courts. A number of options are open to the courts, outside of imprisonment or fines, to deal with those offenders. So, we are not saying that everyone who offends against the drug laws of the State necessarily should be fined, or thrown in gaol. We are simply saying that the way the Government proposes to set up those councils—and I acknowledge that that was a recommendation of the Sackville Commission with which we disagree—is in contradiction to our notion as to how due process of justice should operate.

Arguments which seek to except drug offenders from the normal procedures of justice on the grounds that they are different from other offenders and on the grounds that they are victims of something over which they have no control are dangerous arguments because of the precedent they set. They could apply equally to a range of other offenders, such as sexual offenders, kleptomaniacs, psychopathic murderers, are different: they are sick; they need special treatment. Therefore, they should be dealt with in the first instance by someone who can give that special treatment before being dealt with by the courts. Once one sets off on that path one is embarking on a dangerous path that completely alters the concept of due process of the law as we know and trust it. The Opposition is not opposed to the establishment of drug assessment and aid panels, but it believes that they should exist so that the courts can refer people to them.

[*Midnight*]

The Opposition believes that the Government is putting the cart before the horse by putting the assessment panel before the court procedure. It is contrary to the normal principles of justice: that these panels will be given very wide powers. People will certainly be able to voluntarily choose to go before panels and, indeed, it could be a temptation to someone who would prefer not to face the court procedure to go before a panel, guilty or innocent, rather than front the courts and risk conviction. Therefore, for a whole variety of reasons the Opposition believes that this is a most undesirable direction in which to move.

We certainly want to see every kind of assessment and means of rehabilitation provided to offenders, but we do not want to see the system of justice bypassed and special exceptions made for people who have the misfortune to fall prey to drugs, just as we would not want to see special provisions for people who have the misfortune, for whatever reason, to offend in any other aspect of the criminal law. It is going down the path that we believe is dangereous and not right, and we oppose the whole concept of referral to a panel before reference to a court.

Mr OSWALD: I endorse what the member for Coles has said. I am not opposed to the establishment of assessment panels. They are a fact of life and we will have them in South Australia. Legislation to that effect was passed in the other place. I would like to reinforce a couple of points. We are dealing with criminal matters and, until the offences under discussion in this place cease to become criminal matters and are decriminalised, the initial point of contact should be with the courts, which must be in a position to

know what is going on: it is terribly important. The proposal put by the Government is quite to the contrary.

Offenders will go before assessment and aid panels as the first point of contact after being arrested. A proposal which the Opposition supports is to turn that around so that the courts are the first point of contact. It is not uncommon for the courts in other areas of law to refer offenders as a matter of course, and there is no earthly reason why this cannot be adopted in the field of drug abuse. Overseas it is common practice for the courts to be the initial point of contact and refer offenders to panels, but not until that offender has been before the court. I suggest that this could and should happen in South Australia, and we would ask the Government to ensure that it does happen here as it happens elsewhere.

Mr BAKER: I join with my two colleagues in expressing some dissatisfaction with the introduction of assessment panels in this way. In relation to clause 34 we will debate the principle: in later clauses provide some very undesirable practices of these panels, and I will canvass those as we go through the clauses concerned. There are areas that take away the full sanctions of the law.

Referring to the principle of assessment panels, we are getting into the law of diminished responsibility. There have been a number of examples where alcohol has been seen to be a contributing factor in a number of offences. Fortunately, the law is now interpreting those somewhat differently than it has in the past. However, if we do not let the courts service this area as the primary centre of contact, when people appear before an assessment panel, what will happen to all the other offences that they have committed, such as obtaining money at a time when they are under the influence of those drugs? That is a matter of great concern, because it may well be that the courts will then say that their responsibility was diminished and that the offender has in fact served his time by taking a course of drugs or whatever for a period.

The primary offence, which has impacted on the citizens of South Australia, whether it be assault, bashing, murder, shopstealing, or breaking and entering, will be seen as secondary to the fact that the person committed an offence under the influence of drugs and, therefore, was not responsible for his actions. I would not support this measure until I could believe, first, that the courts will deal with them as a primary case and, secondly, that the means available to cure people of drug addiction were being utilised in South Australia. I believe that a number of programmes are being used in South Australia which perpetuate the drug problem: they do not reduce it. Until I have confidence in administrators in this area to tackle the problem in a meaningful way, I do not believe that there is any use in sending offenders to an assessment aid panel, because they can do nothing except provide them with free drugs so that they do not have to steal from someone else to obtain them. I oppose assessment panels as they are to be constituted, and I intend to bring up a number of matters when we canvass the other clauses.

The Committee divided on the clause:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (19)—Mrs Adamson (teller), Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Pair—Aye—Mr Peterson. No—Mr Blacker.

Majority of 4 for the Ayes.

Clause thus passed.

Clause 35—'Assessment of simple possession offences by panel.'

The Hon. JENNIFER ADAMSON: This clause, when linked with clause 32, and possibly with clause 39, sets out the real purpose of the Bill as it relates to marihuana and its decriminalisation by the Government. Clause 35 (1) provides that:

> Where it is alleged that a person (not being a child) has committed a simple possession offence, the matter shall be referred to an assessment panel.

So, we have a situation where one can grow some cannabis in one's own back yard and one is then deemed to be in simple possession of that cannabis. Where one is detected, instead of being charged one is referred to an assessment panel if one so chooses. Where a matter is referred the assessment panel, after interviewing the person concerned, can then determine whether the matter should be dealt with by a court or proceed further with an assessment. I am advised that marihuana does not apply to this clause.

The Hon. Peter Duncan interjecting:

The Hon. JENNIFER ADAMSON: It is late and I have been on this bench for nearly seven hours non-stop and I think any member of the Committee could be forgiven for not picking up every phrase in this clause. However, a person who is in simple possession of a prescribed drug can be referred to a panel, with the possibility of no further penalty being imposed. I cannot canvass what is in the forthcoming clauses in terms of powers of the panel, but this really means that people who normally would have been convicted for drug offences under this legislation will simply be required to give an undertaking that they will undergo some treatment. This is a radical change to the law and one that I do not believe that the majority of South Australians will support. It is one thing to provide this kind of support for children in an attempt to keep them out of the courts—that is a preventive and rehabilitative system for children, which is very successful—but it is quite another thing to apply that kind of procedure to adults, and I suspect that it is likely that it will have far reaching effects. The Opposition will not divide on all these clauses, but I indicate that the Opposition is opposed to the concept expressed in clause 35.

Mr BAKER: In regard to law enforcement, if a simple possession offence is accompanied by a criminal offence, an indictable offence under the Police Offences Act, for example, how will the law operate in regard to dealing with each offence? A simple possession offence quite often could be accompanied by another offence because many criminal offences are associated with drug addiction. What sequence will apply in relation to dealing with each offence? What guidance will be given to the courts on this matter?

The Hon. G.F. KENEALLY: In regard to a simple possession offence a person would be arrested and from either custody or bail be directed to a panel, at which time a determination would be made of whether a person's addiction was such that it would be beneficial for that person to have medical treatment or that the nature of the offence was such that a person ought to go before a court. Therefore, it is not a matter of evading the possibility of going to court, although one would expect that many people, if not the majority of people charged would be directed towards medical treatment. If a criminal offence is also involved, the two offences would be dealt with separately, and the person charged, accordingly in relation to each offence. But in relation to possession of hard drugs for personal use, a person would still go before a panel for assessment and treatment or otherwise would be recommended.

Mr BAKER: Will the Minister provide guidance as to how the court should operate in this matter? A court could be instructed that it should take into account whether a

person should be sent before an assessment panel. This would make a large difference to the way in which a matter proceeded within the court area. Can we have a clear statement in regard to the principles applying to this? Will the Minister assure the Committee that a person who has committed a criminal offence will be dealt with in a court prior to going before an assessment panel?

The Hon. G.F. KENEALLY: My experience is that Ministers of Government do not try to give advice or guidance to the courts. Parliament provides legislation and it is up to the courts to interpret it, which they inevitably will do. If courts find fault with it, they advise the Government accordingly and the Government may bring in amending legislation to correct the fault. Sooner or later the legislation is tested by the courts which determine for themselves the real meaning of it. So, we do not provide guidance or direction; we implement legislation and the court determines how it will operate. That is the system we live under. I think it is an appropriate one, and I certainly do not intend to interfere at all. I would think that my colleague would not interfere with the courts. In relation to one of my former portfolios, I was accused by some members opposite of doing that, but that was a false accusation.

The Hon. Michael Wilson: Are you sure that it was false?

The Hon. G.F. KENEALLY: I would not dare interfere with the procedure of the courts or the Chief Justice's role.

Mr BAKER: It is up to the Parliament to decide the principles under which we operate. Will a person who is arrested for a possession offence and who admits to the allegation have it recorded on his criminal record in the Police Department?

The Hon.G.F. KENEALLY: That offence will be on the person's record if the panel believes that the person ought to go to court.

Mr Baker interjecting.

THE CHAIRMAN: Order!

The Hon. G.F. KENEALLY: A person arrested for simple possession of a hard drug will be referred to the assessment panel. The honourable member asked whether in relation to another criminal offence a person would still go before the assessment panel, and I said 'Yes'. He then asked, where there were two offences, whether the possession offence would be included on the person's record and I said 'No, not unless the assessment panel referred that person to court, and the court found that person guilty.'

Clause passed.

Clause 36—'Powers of panel upon an assessment.'

Mr BAKER: If a person with a drug problem goes before a panel, he is asked to answer questions truthfully. However, subclauses (2) and (3) provide:

> (2) Subject to subsection (3), a person . . . shall not— . . .
> *(b)* fail to answer truthfully any questions put to him by the assessment panel.
>
> (3) A person may decline to answer a question put to him by an assessment panel if the answer to the question would tend to incriminate him of an offence.

On the one hand we are saying that a person should truthfully answer questions put to him by the assessment panel, and on the other hand we are saying that a person may decline to answer a question on the grounds that it may incriminate him, and they will be within their rights. I find that very strange.

The Hon. G.F. KENEALLY: If a person refused to answer questions put to him by the assessment panel, he would automatically be referred to the court. If the panel believed that a person was not telling the truth, it will refer that person to the court to determine whether or not he was truthfully answering questions asked by the assessment panel and, if found guilty, he would be fined the appropriate amount by the court.

Clause passed.

Clause 37—'Undertakings to panel.'

The Hon. JENNIFER ADAMSON: Subclauses (1) and (2) provide:

> (1) An assessment panel may, at the completion of an assessment under this Division, require the person alleged to have committed the offence to enter into a written undertaking relating to—
> *(a)* the treatment that he will undertake;
> *(b)* his participation in a programme of an educative, preventive, or rehabilitative nature;
> *(c)* any other matters that will, in the opinion of the assessment panel, assist that person to overcome any personal problems that may tend to lead, or that may have led, to the misuse of drugs.
>
> (2) An undertaking under this section shall be effective for a period, not exceeding six months, determined by the assessment panel.

These panels have very wide powers to get a person, albeit as a result of voluntary referral, to sign an undertaking for treatment that will be effective for a period not exceeding six months. It creates a situation where the common law right of a person to refuse treatment can be prejudiced by the statutory requirement in regard to treatment. This principle of the patient's right to refuse treatment at any time was thrashed out when we debated the Natural Death Bill. It was clearly established that we were enshrining in Statute what has always existed at common law, namely, the right of a person to refuse treatment, be it life sustaining treatment or any other kind of treatment.

A person could refuse to let a doctor put a bandaid on his finger, and that right extends to matters of great moment such as the undertaking of an operation. This clause gives the panel the power to require a person to give a written undertaking in regard to treatment for a period of up to six months. Can the Minister explain the apparent conflict between that provision and the right which exists at common law to refuse treatment at any stage? This treatment could require drug administration or needles twice a day for three months, and at one point or another the offender may think that he, as an individual, cannot take it any longer and refuse the treatment. What happens then?

The Hon. G.F. KENEALLY: The panel has to decide whether the offence is such that it would recommend a six-month treatment under the programme. If it felt that that was not appropriate, it would send the person to the court. If the offender refuses to participate or fails to comply with an undertaking given to the panel, then the panel may refer the person to the court. That is provided for in clause 39 (2) *(f)*. The panel always has the power, if a person is not prepared to comply with the recommended course of treatment, to send him to the court for the court to impose its will upon the offender.

The Hon. JENNIFER ADAMSON: We are certainly talking about very wide powers. I repeat my assertion that the powers are being used in reverse, in the wrong fashion. People should go to the courts first and then to the assessment or treatment panels—not the other way round. I refer to the very wide powers of the panels, and their composition under clause 34 (2), as follows:

> . . . three persons, one being a legal practitioner and two being persons who, in the opinion of the Minister, have extensive knowledge of—
> *(a)* the physical, psychological and social problems connected with the misuse of drugs of dependence or prohibited drugs;
> or
> *(b)* the treatment of persons experiencing such problems.

People in the latter category are not easy to find. I know very well that the Alcohol and Drug Addicts Treatment Board had to advertise for a very long period before it found someone; admittedly it was looking for someone for an administrative or managerial position and not someone experienced in 'the physical, psychological and social prob-

lems connected with the misuse of drugs of dependence or prohibited drugs.' This is not a very attractive or popular form of medicine to practice for doctors or psychologists, because it is so demanding, so difficult, so depressing and, consequently, it is so hard to attract people.

How many panels will the Government establish? If there are to be more than three or four, from where will the Government obtain sufficient numbers of people qualified to administer the powers granted to panels under clauses 34 to 40? That is the nub of the matter. I think that the whole system will break down, at least in the foreseeable future, because of a lack of available qualified people to administer it.

The Hon. G.F. KENEALLY: The Government intends to establish one panel initially and in the light of experience establish other panels, if the need presents itself.

The Hon. JENNIFER ADAMSON: I take it from what the Minister has said that if someone who lives in Mount Gambier or Ceduna (to take a couple of far flung locations) is convicted of simple possession of drugs or any of the other criteria that would lead to someone being directed to appear before a panel, those people would have to come to Adelaide to be assessed, and presumably the treatment required is provided in Adelaide. Therefore, they could be away from their homes for up to six months.

The Hon. G.F. KENEALLY: I do not think that they would necessarily be away from their homes for six months, because the assessment panel could prescribe a course of treatment that could probably be administered within their own locations. However, I am not sure whether or not that would be possible. The alternative is that the offender appears before a court and is subject to the penalty of the court, when in fact the offence committed is merely that of a person with a drug habit. The intention of the legislation is to assist those people rather than to criminalise them and put them in gaols, because quite often that is the only penalty available to the courts. The whole idea is to help people who have a drug dependency. I do not think that anyone disagrees with that. The alternative is for them to appear before a court, take their chances and perhaps receive no assistance at all.

Clause passed.

Clauses 38 to 40 passed.

Clause 4—'Interpretation.'—reconsidered.

The Hon. JENNIFER ADAMSON: My amendments to this clause have been clearly rendered redundant or unnecessary, because they were designed to remove assessment panels from the definition provision of the Bill. My amendments were designed to include in the definitions the various prescribed drugs, to which criminal offences are attached under the Bill. Those matters having been dealt with subsequently, I will not pursue my amendments.

The Hon. G.F. KENEALLY: I move:

Page 3, line 27—After 'other than' insert as follows:

(a) an offence arising out of the possession of a prohibited substance, not being a substance declared by the regulations to be one that may lead to dependence in humans;

or

(b)

Here again, this matter has been the subject of discussion and recent decision and merely includes in the clause the explanation of what we intend, that is, that a person who possesses prohibited substances (hard drugs such as heroin, and so on) should go before an assessment panel.

Amendment carried; clause as amended passed.

Clauses 41 to 47 passed.

Clause 48—'Sequestration orders.'

Mr BAKER: Under this clause a person who has made substantial money out of the drug trade can have his finances and assets forfeited. One of the mechanisms for this is to place a sequestration order on to the goods of that person so that they cannot be disposed of. Subclause (3) provides:

Where a person deals with money or real or personal property that is subject to a sequestration order contrary to the terms of the order—

(a) the dealing is void and of no effect;

and

(b) the person is guilty of an offence.

Penalty: Two thousand dollars or imprisonment for two years.

That seems to be an extremely light penalty, unless I have misinterpreted the Bill. As the Minister is well aware, most of the larger drug dealers are granted bail. This means that even if there is a sequestration order on their assets they can still dispose of them and only face a further penalty of $2 000 or imprisonment for two years. Is my interpretation of that correct?

The Hon. G.F. KENEALLY: It is an additional penalty. It has no effect as the court can still get the property back. The person loses the property and also faces additional fines. People do not gain anything by taking that sort of action.

Mr BAKER: If the person is on bail and has assets he can move in a hurry. There are ways of getting rid of money through various channels, which would be in that person's interests. A fine of $2 000 seems a small amount if a person is to lose all his assets upon conviction by a court.

Clause passed.

Clause 49 passed.

Clause 50—'Authorised officers.'

Mr OSWALD: I have a number of questions relating to the power to search. I notice that 'authorised officers' includes members of the Police Force. As this is a specialised area, could the Minister indicate what types of people he envisages being involved?

The Hon. G.F. KENEALLY: The term 'authorised officers' already appears in the Health Act. It has been there for some time. They can participate in search, seizure, and so on.

Mr OSWALD: Are they employees of the Health Commission?

The Hon. G.F. KENEALLY: Yes.

Clause passed.

Clauses 51 to 62 passed.

Clause 63—'Regulations.'

The Hon. G.F. KENEALLY: I move:

Page 27, lines 3 to 6—Leave out subclause (3).

This would have the effect of retaining the power of the Government to act of its own volition, not necessarily as this subclause requires it to do, upon the recommendation of the Advisory Committee.

The Hon. JENNIFER ADAMSON: The Opposition opposes the Government's amendment. This clause was included in the Bill by Australian Democrat members in the other place. It provides some kind of reassurance or security that the Advisory Council, which after all is the body which the Government set up to advise it on the matters of great importance embodied in this Bill, is the organisation which provides that advice. It is not a matter of huge importance. I suppose the inference is that it is a significant improvement and the Opposition supports the inclusion in the Bill of the clause and therefore opposes the Government's amendment.

Amendment carried.

The Hon. JENNIFER ADAMSON: I do not want to do the Minister's work for him but I believe he also had another amendment to this clause.

The Hon. G.F. KENEALLY: I thank the member for Coles. She is absolutely right. I appreciate her drawing this to my attention. I move:

Page 27, line 11—After 'transporting' insert, 'disposal'.

Existing regulations control disposal.

Amendment carried; clause as amended passed.

Title passed.

The Hon. G.F. KENEALLY (Minister of Tourism): I move:

That this Bill be now read a third time.

The Hon. JENNIFER ADAMSON (Coles): The Opposition will not oppose the Bill at the third reading stage, although, as the Bill comes out of Committee, it contains aspects which the Opposition regards as completely unsatisfactory. It still contains a provision for reduction of penalty in regard to possession of cannabis. It still contains provisions for establishment of drug assessment panels in regard to simple possession offences. The Bill still fails to contain the definition of offences in regard to quantities of drugs which set out *prima facie* evidence on trafficking. In this regard the Opposition believes the Bill is deficient.

That having been said, I do not want to delay the House at this hour. However, I think it should be acknowledged that this has been a technical and difficult Bill for any Minister to handle, particularly one who is acting for the Minister in charge of the Bill. The Minister has been most ably assisted by officers whose patience and dedication have been sorely tested over a period exceeding five hours. They should be commended for the manner in which they have assisted the Minister. I feel very sad to think that the provisions of this Bill, which I think will in the long term have a profound effect on South Australians, have got majority support in this House, because I believe it is not in the best interests of our community that we should in any way diminish the very severe penalties that should be imposed regarding possession of cannabis. That having been said, because of the nature and importance of the Bill the Opposition will not oppose it at the third reading stage.

Bill read a third time and passed.

URBAN LAND TRUST ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

ADJOURNMENT

At 12.50 a.m. the House adjourned until Thursday 12 April at 10.30 a.m.