

HOUSE OF ASSEMBLY

Tuesday 12 April 1988

The **DEPUTY SPEAKER** (Mr Ferguson) took the Chair at 2 p.m. and read prayers.

PETITIONS: CHILD PROTECTION

Petitions signed by 304 residents of South Australia praying that the House urge the Government to establish a royal commission to examine all aspects of child protection were presented by Messrs Blevins, Crafter, Duigan, S.G. Evans, and Payne.

Petitions received.

PETITIONS: SHOP TRADING HOURS

A petition signed by 2 811 residents of South Australia praying that the House reject any proposal to extend retail trading hours was presented by Mr Rann.

Petition received.

QUESTIONS

The **DEPUTY SPEAKER**: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 433, 455, 464, 514, 544, 600 to 605, 614 to 617, 625, 626, 633 and 647, and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

CEMENT DUMPING

In reply to Mr **PETERSON** (24 March).

The **Hon. LYNN ARNOLD**: The question you asked in Parliament on Thursday, 24 March 1988 was most timely, for the Minister of Industry Technology and Commerce, Senator the Hon. John Button, announced the establishment of a tripartite committee the same day as you asked your question. This committee will evaluate the current problems being faced by the cement industry in Australia, its current competitive position, and will monitor the progress of the industry. Of the five members of this committee, two will be drawn from the industry, two from the ACTU, plus the Minister or his representative.

The Department of State Development and Technology will liaise with this committee to ensure that our concerns are addressed and the needs of the industry in South Australia, especially the employees of Adelaide Brighton Cement, are understood.

The Bureau of Industry Economics has undertaken to study the industry, and has been invited to South Australia to view Adelaide Brighton Cement's operation which, as you will be aware, is the most cost efficient in Australia. Again, my department will liaise with this study group to ensure our concerns and needs are understood, and are taken into consideration at all times.

The dumping actions being undertaken in Victoria and Western Australia are still progressing. The Australian Customs Service has accepted the Western Australian complaint, and has launched the overseas investigation as

required in dumping cases. They are still considering the Victorian complaint.

The South Australian Government is fully aware of the importance of the cement industry to South Australia, and will continue to base all future development discussions on the need to increase both overall economic activity and employment within the cement industry, its associated industries and the overall economy. As dumped cement will lower employment and, in the long term, work to reduce overall economic activity, the State Government will continue to do everything in its legal power to prevent its importation into South Australia.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Environment and Planning (Hon. D.J. Hopgood):

Planning Act 1982—

Crown Development Report Child Care Centre, St Morris Primary School.

Regulations—Development Control.

By the Minister for Environment and Planning for the Minister of Marine (Hon. R.K. Abbott):

Harbors Act, 1936—Regulations—Sugar Wharfage Fees.

By the Minister of Transport (Hon. G.F. Keneally):

Controlled Substances Act 1984—Regulations—Prohibited Substances.

Butorphanol—

Poisons and Prescribed Amounts.

Declared Prescription Drug.

Declared Poison.

Declared Drug of Dependence.

Supply.

Occupational Therapists Act 1974—Regulations—Registration fees.

By the Minister of Children's Services (Hon. G.J. Crafter):

Children's Services Act 1985—Regulations—Registered Centres.

By the Minister of Agriculture (Hon. M.K. Mayes):

Australian Barley Board—Staff Superannuation Fund—Report, 1986-87.

Stock Diseases Act 1934—Declaration of Diseases—Variation of Proclamation.

Cattle Compensation Act 1939—Regulations—Compensation.

By the Minister of Fisheries (Hon. M.K. Mayes):

Fisheries Act 1982—Regulations—

Exotic Fish, Fish Farming and Diseases.

Coorong and Mulloway Fisheries.

MINISTERIAL STATEMENT: ETSa APPOINTMENT

The **Hon. R.G. PAYNE** (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The **Hon. R.G. PAYNE**: I inform the House of an important pending change in the management of the Electricity Trust of South Australia. As many members would be aware, the present General Manager of the trust, Mr Leon Sykes, has previously indicated his desire to retire this year. In consequence, the board of the trust has been involved for several months in an intensive process to select a successor to Mr Sykes.

I have accepted the board's recommendation that Mr Robin A. Marrett be appointed as General Manager of the trust from 9 May this year. Mr Sykes will retire on 6 May. Mr Marrett, age 47, was born in Adelaide and educated at

Woodville High School, Kings College and the University of Adelaide.

After graduating with an Honors Degree in Metallurgical and Chemical Engineering, he joined Mobil in 1963 as a process engineer at the Port Stanvac Refinery. During an outstanding career with Mobil which was to last almost 25 years, Mr Marrett was transferred to the company's Melbourne headquarters in 1971 as Manager, Manufacturing Planning, with responsibility for strategic and investment planning for the company's refinery operations. During this time he was appointed Engineering Manager of the task force involved in the construction of the lubricating oil refinery in South Australia.

In mid-1974 he became General Manager, Corporate Planning in Melbourne, then spent two years in Mobil's New York head office as Staff Assistant to the President of Mobil South before returning to Melbourne as General Manager, Public Affairs, and subsequently Director, Relations, on the board of Mobil Australia. Then followed three major overseas postings. The first was to Mobil Europe for two years in a planning and special projects role looking at the company's refining capacity in Europe. He then had two and a half years in Hong Kong as Chairman and Managing Director, followed by 19 months in a similar role in New Zealand but with added responsibility for the \$2.3 billion New Zealand Synthetic Fuels Corporation.

Mr Marrett left Mobil last December, motivated principally by the desire of he and his wife to be reunited with their two children who were at boarding school in Adelaide. This perfectly natural desire for the family to be together during an important period of the children's lives undoubtedly helped the trust attract an executive of Mr Marrett's calibre and experience. Mr Marrett has been appointed for a term of five years, and I look forward to a productive period for the trust under his stewardship. I have been informed by the board that its quest for a new Chief Executive attracted an outstanding field of candidates from within and outside the trust, and its task was made more difficult by the quality of the shortlist.

Finally, I should not let an opportunity pass to pay tribute to Leon Sykes, who has served as General Manager of the trust since January 1984. He has been an outstanding Chief Executive who has done a great deal to open up the trust to modern influences and greater efficiency. The improved efficiency of the trust and its work force has been a significant factor in helping reduce electricity costs in real terms during the past three years. The trust has always been a thoroughly professional organisation. Mr Sykes is leaving it a more responsive and innovative one. It seems to me that I have left politics out of it.

MINISTERIAL STATEMENT: MR SPENCER RIGNEY

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I seek leave to make a statement.

Leave granted.

The Hon. T.H. HEMMINGS: The State Government has today made an offer to Narrung Aboriginal man Mr Spencer Rigney to sell to him under favourable terms the Housing Trust-owned house in which he is living. As members of this House know, Mr Rigney began disputing the trust's ownership of the house in 1982 during the term of the previous Tonkin Government. Mr Rigney claims he believed he was entering into a rental/purchase agreement when he signed a tenancy agreement with the trust in 1973. Although Government investigations have established that

Mr Rigney has no legal claim to ownership of the house, not all of the documentation has been located relating to the status of the Aboriginal funded housing scheme in 1973, and Mr Rigney's application to it for housing at that time.

Since I tabled in the House on 25 February 1988 relevant documents confirming the trust's ownership of the house, three retired public servants, including the officer who witnessed Mr Rigney's tenancy agreement in 1973, have all signed statutory declarations that they believed Mr Rigney's application was for purchase. These statements conflict with departmental advice that the 'funded' rental/purchase scheme did not exist in 1973.

Having considered all the information and claims put before it, the Government has decided to offer to Mr Rigney the opportunity to buy the house at the 1973 settlement price of \$5 289, with rent already paid by Mr Rigney being offset against the price, associated interest, and costs incurred by the Housing Trust over the years.

Because much of the maintenance work performed on the house by the trust was of a cyclical nature, and an owner may have chosen not to have carried it out, Mr Rigney is being levied only half of a \$14 000 maintenance bill.

The offer, if accepted, will leave Mr Rigney owing \$1 279 to the trust on a property which the Valuer-General says today is worth \$38 000. This is a generous offer to Mr Rigney which reflects the Government's desire to finalise a matter which should have been properly sorted out by the previous Tonkin Government in 1982.

Members interjecting:

The DEPUTY SPEAKER: Order! I call the House to order. The honourable Minister.

The Hon. T.H. HEMMINGS: Mr Rigney and his representatives have 30 days in which to accept the offer. If Mr Rigney chooses not to buy the house then he remains a tenant and will be expected to comply with his obligations as a tenant of the Aboriginal Housing Board. In view of some public comments, I would like to make it clear that South Australian Housing Trust officers have acted correctly and with propriety in this matter. If the Tonkin Liberal Government had pursued this matter more diligently in 1982 then the issue could have been resolved much earlier.

QUESTION TIME

The DEPUTY SPEAKER: Before calling for questions, I indicate that the Deputy Premier will be answering questions for the Minister of Marine and Harbors.

SUBMARINE PROJECT

Mr OLSEN: I address my question to the Premier. In view of the Premier's impending visit to Japan and his admission in the *Advertiser* this morning that union bans on the submarine project are 'very grave' for South Australia's industrial image overseas, will he attend tomorrow's talks with the Federal Industrial Relations Minister and give this message to South Australian union officials who continue to hold the project to ransom?

Japanese concern about industrial relations and union power in Australia is well known. Long delays on the ASER project, in which there is major Japanese investment, have recently given Japanese cause for serious concern about the attitude of South Australian union officials to large projects in this State. Today, the Premier has admitted that the current bans on the submarine project could further damage

prospects for Japanese investment in South Australia, even though so far he has refused to put public pressure on the union officials who are responsible for this dispute. However, tomorrow's talks involving the Federal Industrial Relations Minister offer an opportunity for the Premier to deliver to key South Australian union officials a message which will not be lost on those Japanese Government officials and potential investors in South Australia he is to meet during the next fortnight.

The Hon. J.C. BANNON: The Leader of the Opposition is quite right. It is not a question of admission though, but a question of stated fact. Obviously, to the extent that there is disruption or industrial dispute for whatever reason and that gets highly publicised, then that is detrimental to one of the most important attributes that we have as a State. But let us keep it in perspective. The reason that we have such a good industrial record in this State is because a lot of people have been prepared to work hard at ensuring that that is so. It is because in handling industrial disputes we do not adopt a confrontationist attitude, we do not assume that the best approach to solving something is to issue hourly or daily bulletins on who said what and where, and we do not mix accusation with counter-accusation and generally keep the pot boiling. That is not the way these things are solved.

I regret very much that over the last few months members of trade unions (whom the Opposition is always very keen to attack and criticise and draw attention to) and also members on the employers' side have made statements that are injudicious and have not assisted the resolution of the situation. Meanwhile, the Government has worked very hard to ensure that we reach an acceptable agreement, that we get it right and that the project goes ahead smoothly. I make the point that to this stage we have not lost work on the project: work has continued on the contracts that are in operation throughout this whole period.

Members of Parliament, indeed members of the public, could be excused for thinking otherwise, based on the way in which the matter has been treated. There is no question either that we must ensure that the project remains on schedule, that the contracts out for tender at the moment, when let, are put into operation and that work proceeds on an orderly basis. That means getting it right. That means ensuring that all parties in this national project understand their obligations and are prepared to agree in a way that will ensure that the project is constructed to time and to price. Those discussions, that negotiation, is going on at the moment.

It involves many parties. It involves the corporation itself and, of course, inevitably will involve its subcontractors. It involves the Trades and Labor Council and its affiliated unions here, and it involves the ACTU and the national unions. It involves the Federal Government through both its interest in industrial relations and the Department of Defence. And, it involves the Government of South Australia, because this project is so important to South Australia.

Members interjecting:

The Hon. J.C. BANNON: I have never said otherwise; but what I have said—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON:—is that project settlement will not be assisted by me, as Premier of South Australia, making unnecessarily aggressive and provocative statements. Every time those sorts of statements have been made—not by me I might add but certainly by members opposite—it makes the situation just that much worse. We have to clean it up,

and if there is a time for those sorts of statements I can assure you that they will be made by me—but that time is not now.

STUDENT TEACHERS

Mr DUIGAN: My question is addressed to the Minister of Employment and Further Education. What is the State Government's position on the intake of student teachers from tertiary educational institutions? Are they too high and, if so, what action is to be taken by the Government? I understand that the Opposition spokesman on education has issued a statement criticising student teacher recruitment and criticising, in particular, the South Australian College of Advanced Education for not responding to changing circumstances. He has also suggested that there is a lack of coordination between the Government and the college. I understand that the Opposition has called for urgent action from the Government to respond to the suggestion that the intake and the recruitment be cut in half.

The Hon. LYNN ARNOLD: It would certainly be hoped that the Hon. Mr Lucas in another place would on future occasions do better homework than he has done on this particular occasion in an area that he would wish to be the responsible Minister. The situation with respect to the supply and demand of teachers at all levels in our tertiary education system is one that has required major scaling back on the graduation rate at those institutions that are responsible for producing teachers; and it is not only the South Australian College that does that, it is also the University of Adelaide. I note that in his ongoing diatribe against the South Australian College it is only the South Australian College that the Hon. Mr Lucas refers to.

The Hon. D.J. Hopgood: He didn't know.

The Hon. LYNN ARNOLD: Maybe he doesn't know. That is why I make the point that he just does not do enough homework on any of these matters. As a result of concern over recent years there has been an ongoing review of the expected supply and demand for teachers needed for our education system, first of all originated under the Tertiary Education Authority and now maintained under the Office of Tertiary Education. More recently the situation has still been of concern in relation to these matters and indeed we have attempted to address that.

I would have thought that the Hon. Mr Lucas, who would seem interested in tertiary education matters and the restructuring of tertiary education, would have taken the trouble to read the paper about the current debate already issued by the Office of Tertiary Education. Members will know that this green paper has been issued, and yellow papers and occasional papers dealing with specific matters have also been circulated to members of Parliament. As an aside, I might note that the Liberal Party has not even bothered to give a submission on this matter of the restructuring of tertiary education.

But, what can be noted is that occasional paper No. 3 says something that is very interesting—and I would ask members to listen to this matter—on page 22, which I draw to the attention of the Hon. Mr Lucas in acknowledging that there is a problem with the over supply of secondary trained teachers in our system from both the South Australian College and the University of Adelaide. It states:

It is therefore suggested that secondary teacher education be available in one institution through a ¾ year concurrent course with a graduate rate of about 50 per annum; and in not more than two institutions through end on graduate diploma courses with combined graduation rates of about 150 per annum. It should be noted that this rate of graduation is below the rate which would be required to meet the long-term replacement requirement

for secondary teachers which would be about 250 per annum. Nevertheless it is justified to reduce graduations as suggested given the present enormous oversupply. Modest increases may well be needed in the early part of the next century but that is a matter which is beyond the scope of this paper.

I suggest that, before he goes running off with some cheap shots in the media that are not based on what has actually been happening in this situation, and before he goes out with incorrect facts as to who is actually supplying teachers in this area, and giving gratuitous insults to the South Australian college, he starts discussing these matters and looking at what proposals are already around. As I mentioned, this one was put in Occasional Paper No. 3, which was publicly launched before the comments made by the Hon. Mr Lucas in another place.

SUBMARINE PROJECT

The Hon. E.R. GOLDSWORTHY: Why is the Premier trying to sabotage the three union agreement for the assembly of the Royal Navy submarines that the Federal and South Australian Governments have previously supported? I refer to a statement by the Premier on 5DN in the midday news in which he said that some South Australian union officials were 'kept out in the dark', 'kept out in the cold' in negotiating this agreement.

Ms Lenehan interjecting:

The Hon. E.R. GOLDSWORTHY: It means the same thing. They were kept out in the cold: they were kept out. His statement is being widely interpreted as strong backing for the Trades and Labour Council's opposition to this agreement, which involves the Amalgamated Metal Workers Union, the Electrical Trades Union, and the Federated Ironworkers Association with the support of the ACTU. It also directly conflicts with previous statements made on this matter by the Premier and other Federal and State Government representatives.

For example, when the *Advertiser* reported on 24 November 1986 an agreement by the metal workers union that would prevent demarcation disputes on the submarine project, the Premier said the move was 'going to be very important to the success of the project'. While the Minister of Labour said that 'what the AMWU has done is superb'. At a seminar on 25 November last year, the former head of the Government's Submarine Task Force, Mr Jim Duncan, said, in a direct reference to the three union agreement:

We now have in place a role model for the submarine project with total union leadership and support for the new order. Many consider that what we are achieving is a landmark in work practices associated with maritime projects in Australia.

While the Federal Defence Minister, Mr Beazley, in the *Advertiser* on 23 December last year, said the agreement would 'make an important contribution to the success of the submarine project', today, the Premier has walked right away from these statements, under pressure from some of his union mates in South Australia.

The Hon. J.C. BANNON: I am not sabotaging any agreement, whether it be a three union agreement or anything else. This question is really identical to the one asked by the Leader of the Opposition which I thought I answered quite adequately. My statement today that the Deputy Leader refers to was certainly—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: —the strongly felt perception—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: —of the unions here that they were not involved sufficiently in the process that arrived at this agreement. That is something they have stated; that is a grievance that they feel; that is a reason for some of the statements and some of the actions that have obviously taken place. That has to be sorted out, and it will be sorted out, because a crucial point of any agreement is that it be just that, an agreement, a matter on which all the parties are *ad idem*—that is, of the same mind—and that is what we as a Government see as essential. It is not a question for us to make an agreement with anybody. The agreement must be between the submarine corporation and its workforce, and the best agreement possible in the interests of the project. That is what we are supporting and that is what we will continue to support.

CONSUMPTION TAX

Mr RANN: Can the Premier inform the House of the cost to the State Government of the consumption tax being proposed by the Liberal Party? Last week—

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable member to take his seat. The honourable member is entitled to pose a question and he is entitled to be heard. I ask that the House observe the usual courtesies and allow him to do so. The honourable member for Briggs.

Mr RANN: Thank you, Mr Deputy Speaker. Last week the Premier outlined to the House the general cost to the South Australian community of a consumption tax. As the State Government is a major consumer of goods in its own right—

Mr OSWALD: I take a point of order, Mr Deputy Speaker. The question is hypothetical. A consumption tax does not exist, and the Premier cannot give an answer to a hypothetical question.

The DEPUTY SPEAKER: Order! I am not prepared to accept that point of order. I believe that the question is in order. The honourable member for Briggs.

Mr RANN: There seems to be a revolt against the leadership. As the State Government is a major consumer of goods in its own right—

Mr GUNN: On a point of order, Mr Deputy Speaker, the honourable member is clearly commenting, which is not—

Members interjecting:

Mr GUNN: I am supposed to have the call. The honourable member commented in his last remarks. Therefore, leave should be withdrawn in accordance with the ruling about commenting that Mr Speaker has given previously.

The DEPUTY SPEAKER: I cannot accept the point of order. However, the honourable member for Briggs may wish to withdraw.

Mr RANN: I am sorry, Mr Deputy Speaker, I was provoked.

The Hon. J.C. BANNON: I am not surprised at the dismay with which this question is greeted by members opposite, because they are in a total mess over this issue both within the State and nationally. The member for Morphet obviously is right in the firing line. The implications of such a drastic change to our system are very severe, indeed. We have been given no chapter and verse of what is contemplated.

Members interjecting:

The DEPUTY SPEAKER: Order! I call the honourable member for Victoria to order.

The Hon. J.C. BANNON: One can only contemplate what such a tax might be but, if it is around 10 per cent, the cost to Government would be of the order of \$170 million. That figure is taken after looking at the gross capital outlays, gross recurrent outlays, and subtracting various other payments such as workers compensation, salaries, and so on, which would not be affected in direct terms. The calculation also relates to the cost to the budget sector agencies.

Mr Lewis interjecting:

The Hon. J.C. BANNON: Members opposite might chortle at \$170 million, and it is interesting that apparently the member for Murray-Mallee is a supporter of the consumption tax. I hope that the Federal Leader of the Opposition has not heard about him, because he will be silenced, too, presumably, for the embarrassing remarks that he makes. Very serious consequences will arise from it and the member for Murray-Mallee—

Members interjecting:

The DEPUTY SPEAKER: Order! I warn the honourable member for Victoria.

The Hon. J.C. BANNON: —and other members representing rural based constituencies would be very concerned about it, as well. What is the position being taken? We were told that it would all be resolved at a special Liberal Council at the weekend. I read with great interest about this so-called resolution: 'Mr Howard forces the Federal President to back down on the issue'. It was at odds with the resolution.

Members interjecting:

The Hon. J.C. BANNON: Well might the member for Mitcham laugh because he knows the discomfort caused to his Leader. Presumably he has pretensions. I know that he has unrealistic views of his own ability, but he has pretensions to that seat. He can have a good laugh at the expense of the Leader of the Opposition. I am told that the Leader spoke at the conference. The position that he supported was not accepted by the conference and the newly elected Premier of New South Wales (Mr Greiner) described the contribution made by the Leader of the Opposition and others as 'claptrap'. That is what he called it. It was very interesting indeed. Apart from our Leader of the Opposition, what Mr Kennett and Mr Hassell from Western Australia said was also described as claptrap.

An honourable member interjecting:

The Hon. J.C. BANNON: Oh, we have got it wrong, have we? Since returning, the Leader of the Opposition has refused to publicly come out against the consumption tax, and I would like to hear him state publicly here in South Australia just where he stands: does he disagree with his Federal Leader or does he agree with Senator Stone or Mr Elliott? It is very interesting that we have had silence since his return from his ignominious debut at the Liberal Council.

SUBMARINE PROJECT

Mr S.J. BAKER: After that pathetic effort, my question is directed to the Premier, to see whether he can do a little better. Why does he continue to say he will not intervene in the submarine dispute because it involves Federal unions, when this is totally inconsistent with previous actions of his Government? Statements by the Premier, repeated in the *Advertiser* as recently as this morning, excuse his reluctance to become involved in this damaging dispute on the grounds that it is confined to Federal jurisdiction. That is the excuse. However, I refer the Premier to two major

Federal disputes in 1985 in which his Government intervened—the repercussions in South Australia of the Mudginberri dispute and BLF action against building projects in South Australia.

On 19 September 1985 the Premier told the House that he had made direct contact with the Federal office of the Transport Workers Union to seek an exemption for South Australia from a nationwide meatworkers dispute, while on 5 November of the same year his Minister of Labor teleaxed a Commonwealth Conciliation and Arbitration Commissioner in a bid to expedite a hearing of a building industry dispute which, again, had Federal jurisdiction—and it is all in *Hansard*. Given these precedents, is there any reason why the Premier will not involve himself in the submarine dispute, other than a complete failure to demonstrate any leadership?

The Hon. J.C. BANNON: I have never heard such absolute garbled nonsense! This person is meant to be the industrial affairs spokesman for the Opposition. Heaven help industrial affairs in South Australia if he ever gets a chance to exercise any power in the area! Thank goodness, he will not. The position as I have stated has been quite clear. We have been very actively engaged in attempting to assist the parties to reach a settlement in this matter. We have never backed away from that. We have been very active indeed, and in constant contact—my colleague the Minister of Labor and I—with all parties to the dispute and with the Federal Government, and we have done that in an environment where we have been told on a number of occasions that there is nothing we can usefully do. Indeed, as I told this House yesterday, I received a communication which said:

Both the Australian Submarine Corporation and the United Trades and Labor Council have agreed that no advantage will be achieved with the involvement or intervention of the State Government in the present discussions being undertaken.

That is the situation of the parties. What are they talking about? They are not talking about this Government having no interest in the matter; they are not talking about this Government not being able to assist if, indeed, the opportunity arises; they are not talking about this Government not being able to lend its support to settlements and the reaching of settlements. All those things are happening. What they are pointing out, quite rightly, is that we are talking about a contract of employment between a private employer and its work force (and the trade unions representing that work force) which is subject to the Federal Conciliation and Arbitration Act under Federal awards.

Any novice would know that the Constitution makes it quite clear that, if there is a State award and a Federal award, or State law and Federal law, in conflict, the Federal law always prevails. We have no direct jurisdiction. Members opposite who have been demanding that we put legislation in place or refer the matter to our State Industrial Commission—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: Are these the mechanical steps that are suggested? Of course, they are nonsense.

Members interjecting:

The DEPUTY SPEAKER: I call the member for Mitcham to order.

The Hon. J.C. BANNON: It shows such a basic failure to understand our industrial system that it really defies logic. I repeat that we have been actively and consistently involved in assisting the parties in reaching a decision that is not inconsistent with our saying that we do not have jurisdiction to formally intervene in the matter.

POLICE HOUSING

Mr GREGORY: Will the Minister of Emergency Services request the Commissioner of Police to examine the practices of the Police Department, which is discriminating against its employees? I have been advised that police officers employed at country police stations are required to live in quarters provided by the department.

It is the practice for officers to be periodically transferred to other positions within the department and, if the police officer is married and the move is from or to a country police station, the department pays the removal expenses incurred by that married officer. However, it does not pay removal expenses if the officer is not married.

The Hon. D.J. HOPGOOD: I will certainly check out the matter and refer it to the Police Commissioner, and the matter can certainly be rectified if the position is precisely as the honourable member has indicated.

PORT HOUSING ASSOCIATION

The Hon. B.C. EASTICK: Will the Minister of Housing and Construction report to the House as a matter of urgency on the operations of the Port Housing Association Incorporated in view of the involvement of the Housing Trust in its management and in the provision of taxpayers' money to buy houses? At 30 June 1987 the Port Housing Association Incorporated held 14 houses in the Port Adelaide area which originally cost just over \$1.2 million and on which more than \$1.1 million is still owing to the Co-operative Building Society. I point out that 10 of those houses were purchased in 1986-87 and during last financial year the Housing Trust made grants to the association totalling \$90 084 to meet repayments on the loans from the society which are therefore effectively guaranteed by the Government.

The association is run in conjunction with Port Unemployment Self Help Incorporated (PUSH). Eight of the 10 members of the association's management committee are also members of PUSH, which sublets part of its premises to the association. Recent in-fighting within PUSH has resulted in six members of its committee of management being dismissed when they challenged the competence of the management and made allegations of financial impropriety. The situation has been so charged with tension that police have been called in to deal with threats to the former committee members who have been seeking access to PUSH premises.

Specific allegations have been made that the coordinator of PUSH, Mr N. Wagner, has arranged favoured treatment for himself and his family in the provision of accommodation through the Housing Association. He and his de facto, his de facto's sister, his de facto's father and his campaign manager during last year's Port Adelaide council elections all have low priced accommodation. Last year Mr Wagner successfully arranged for guidelines relating to the amount of rent payable to be modified in selected circumstances, specifically his own.

The Housing Trust rule is that rent payable for accommodation it supports in circumstances like these should be 20 per cent of the salaries of all those living in a house. However, in Mr Wagner's case he, his de facto and her sister all live in the one house. Their combined salary is \$670 a week and according to Housing Trust criteria they should be paying 20 per cent of this in rental, or \$134, but they are paying only \$46. There are also allegations that the coordinator has not complied with the conflict of interest

provisions of the Associations Incorporation Act, that four members of the PUSH committee have criminal convictions and are therefore disqualified from membership pursuant to the Act, that the Department for Community Welfare is considering withholding a grant of \$7 400 for this quarter, and that the Minister of Housing and Construction will be making decisions this month about the Housing Trust's support of the Port Housing Association Incorporated.

The Hon. T.H. HEMMINGS: These are serious allegations that the member for Light has made. If he could furnish me with the details that he has just read out to the House, rather than my waiting for the *Hansard* pull tomorrow, I will have them investigated urgently.

TEA TREE GULLY TAFE COLLEGE

Ms GAYLER: Is the Minister of Employment and Further Education able to advise residents of the north eastern suburbs of progress concerning the proposed new Tea Tree Gully TAFE college? Tea Tree Gully has one of the smallest TAFE colleges in South Australia for a population of 79 000 people in the council area, set to reach 150 000 by the turn of the century. The new college is proposed for a central site adjacent to Tea Tree Plaza and the Tea Tree Gully O'Bahn terminus. The college proposed is to specialise in computer studies at an advanced level; business and commercial studies; hospitality; tourism; community care; and a variety of trades.

The Hon. LYNN ARNOLD: I thank the honourable member for her question, as I know of her continuing interest in this matter, along with the members for Todd and Florey who have taken an active interest in the development of the new Tea Tree Gully college of TAFE. I can advise that the State Government has approved the seeking of funds from the Federal Government to establish a new TAFE college facility at Tea Tree Gully, and that the proposal that has gone forward to the Federal Government would see such a college being a leader in innovative new student-based education methods.

The proposal that has gone forward for Commonwealth funding involves the construction and equipment supply to the tune of \$14 million. Instead of the traditional 'teacher-centred' approach to education that is followed in most of our TAFE college situations, this one would aim for an alternative 'student-centred' approach. It would be achieved through the adoption of modern teaching methodologies and delivery systems, including the greater use of computer technology and development of course materials related to the alternative learning methods being adopted. In that context it will be possible for students to study more at their own pace through self-learning and through more open entry and exit from courses, requirements that have been asked of education systems generally in this country over recent years.

The concept for the college has been devised as a response to demands for a broader range of skills in the work force, particularly relating to abilities such as problem solving; initiative and self-direction; the ability to work as part of a team and to take responsibility; and the ability to cope with change. We hope that some of the developments that have already taken place within the TAFE system with respect to such changes in methodology will find easy application in the new college and also find application in other colleges within the TAFE system.

It is intended that the college initially will deliver computing, commercial and business studies, hairdressing, hos-

pitality, access and health and care courses. The Commonwealth has already approved funding for the initial design work and that is under way at present. It is hoped that construction will start late in 1989, with completion early in 1991.

RURAL ASSISTANCE

Mr GUNN: I would like to ask a question of the Minister of Agriculture.

Members interjecting:

The DEPUTY SPEAKER: Order! I call the House to order.

Mr GUNN: I am giving the Minister plenty of time to marshal his facts. Will the Minister of Agriculture confirm that the Federal Government has rejected the provision of additional rural emergency assistance for South Australia, and will he review the conditions under which this assistance is offered? The Minister was reported in yesterday's *Advertiser* as saying he was still awaiting a reply from Canberra to requests for additional funding. However, I understand that that is not correct; that in fact the Commonwealth has already firmly and finally rejected requests for additional funds.

The failure of the South Australian Government's representations exposes at least 200 farmers to the immediate threat of bankruptcy. As the scheme is administered at present, the Government is borrowing funds at an interest rate of between 5 per cent and 8 per cent and lending them out at rates commencing at 10 per cent and rising to commercial rates, meaning that the Government is making a profit at the expense of the continuing serious difficulties of many farmers. The Government's profit is confirmed in the budget papers which show that, even though the Minister claims that the Rural Assistance Branch is broke, it expects to generate revenue of just over \$1.1 million this financial year.

In these circumstances the farming community is calling on the Government to change the administration of the Emergency Assistance Scheme so that Commonwealth allocations are applied as a direct subsidy against farmers' commercial borrowings rather than for the State to borrow funds for on-lending and to use the Commonwealth funds to subsidise these borrowings and, in the process, generate some additional revenue for itself.

I have been advised that the provision of about \$3 million as a direct subsidy of commercial borrowings would alleviate the current threat of bankruptcy to many farmers. I remind the Minister of the arrangements already made by the Tasmanian Government to assist Tasmanian drought affected farmers.

The Hon. M.K. MAYES: I will deal with the questions in the order in which they were raised. A reply has not yet come back from the Commonwealth. I understand from the television interview I had with Mr Halliday from the ABC yesterday afternoon that he has made contact with Department of Primary Industry officers. However, I understand that he contacted the wrong officers. For the record I indicate that we have been in constant negotiation, and I think that I need to correct some of the comments of the member for Eyre.

This matter was first raised by us on 2 October 1987, anticipating that we might be a difficult financial situation with regard to supporting our farming community, particularly those on Eyre Peninsula. I then raised the problem with the Minister of Primary Industry (Hon. John Kerin) during the Agriculture Council meeting in Canberra. On 14

October I sent a letter to the Hon. John Kerin seeking additional funds of \$1.5 million in relation to offering an interest rate subsidy. On 17 October the Premier sent a letter to the Prime Minister, this letter being similar to the one I had forwarded, seeking the same amount of money to assist our Rural Assistance Branch with subsidy funding.

On 15 December 1987 a reply was received from the Prime Minister in which he declined to offer any funding to the State Government. On 17 December 1987, as Minister of Agriculture, I met with other State Ministers responsible for rural assistance to look at the overall review of rural assistance. Again I raised this matter, with the support of my New South Wales and Queensland colleagues, to seek rural assistance for South Australia, in support of what they also sought in the way of assistance for New South Wales and Queensland.

On 23 December a further letter was sent by the Premier to the Prime Minister, restating our case and referring to the need expressed by the States at the 17 December meeting (which the Ministers attended), seeking an extra \$6 million from the Federal Government for funding rural assistance Australia wide. On 17 February 1988 the Premier sent a letter to the Premier of New South Wales seeking his assistance in raising this matter with EPAC, which was duly done on 19 February. I understand that the Premier raised the matter with the Treasurer at that time.

Again, the Premier restated his claim on behalf of the State on 14 March, and again raised it with Federal officials. We are still awaiting a response from the Federal Minister in relation to our claims. I understand what the honourable member has said with regard to the response that some officers in the Federal department have given, but that is inaccurate. We expect a response in the near future because of the timetable we face with the break in the seasons.

In relation to the funding arrangements, the honourable member has referred to what I believe are the funds that are kept for bad debts. The arrangement under Rural Assistance Package A is that we hold funds to an amount of 5 per cent for bad debts in default of payment. Those moneys are kept against all the moneys that are let out and, off the cuff, I think it is about \$55 million at present. We are required to meet 5 per cent of those bad debts up to seven years; after seven years this State is required to meet the whole of any bad debt which may be defaulted on. Those funds are kept for that reason.

To clarify the matter for the public and for the House, I point out that those funds are not there to accumulate in a hollow log in Treasury; they are there for a specific reason—to protect the taxpayers of South Australia. What we have been looking at with the Federal Government is a rearrangement of the agreement between the States and the Federal Government. The problem is that we have to get the other States to agree on the agreement with the Federal Government being changed. That poses a major problem and it appears that that is a problem that the Federal Minister's advisers are presenting as a major obstacle to us restating and rearranging that agreement. So, it is important to note that that money is not there just accumulating for the sake of a surplus. It is there for a very specific purpose.

With regard to looking at the rearrangement of the scheme similar to that by which New South Wales and Tasmania function, I would strongly oppose that, and I am sure that most farmer organisations also would strongly oppose an adoption of that practice. The advantage we have is to offer at least some control and to be involved as a lender in the process as a Government with the commercial financial institutions. If we do as the honourable member has suggested, we actually vacate that lending role and have very

little influence or control over the situation. As it stands at the moment, we borrow the money and subsidise it to allow the subsidisation of the interest rate to the farmer who borrows from the State Government. It is a very simple process that gives us direct involvement, allowing us to negotiate on behalf of the farmer and take an interest to see debt reconstruction or farm build-up as part A of the scheme under rural assistance.

I would be opposed personally to what is being suggested on the basis of our involvement and control. As a responsible Government, we are looking at what means and mechanisms are available to us, and I know that the Premier is very concerned personally about this. We have had discussions on this matter with officers of my department and the Treasury and, hopefully, we can persuade our Federal colleagues to come to the party with some sort of modified arrangement which will allow us to support those farmers, particularly on Eyre Peninsula, on the West Coast, who are in dire need to continue as farmers and, given a decent season, to remain a very viable industry in the future.

I accept the premise of what the honourable member says in regard to helping those farmers. I am not sure that we will be able to help all 200 if we do get that money from the Federal Government, because we still have to apply our various tests, but obviously there are farmers on the West Coast who can be helped, and we will do everything we can to assist them and ensure that they continue and to support this important industry in South Australia.

WOMEN'S STUDIES PROGRAMS

Mrs APPLEBY: Will the Minister of Employment and Further Education undertake to give priority to the effective provision of women's studies programs at present a matter of concern to students accessing the Camden annexe of Kingston TAFE? Women wishing to access 'New Opportunities for Women program' and the women's studies certificate course have expressed concern relating to the Camden campus of TAFE. Women south of O'Halloran Hill have Noarlunga TAFE on campus involvement. However, women wishing to access north of O'Halloran Hill have the choice of Panorama TAFE or the Camden campus of Kingston TAFE.

It has been expressed to me that the Camden campus has difficulty in efficiently accommodating the women's studies program. Support services associated with educational institutions are not available or are available only in a very limited way. Library facilities and services are a very important example. There is difficulty in providing cost-effective clerical support services, and problems in providing a wide range of lectures and access to specialist teaching areas when the main body of the college is so far distant. There is the difficulty of the lecturer who is isolated in location, not having the opportunity to interact with other people involved in similar programs. Further, there is the lack of quality child-care facilities, as Camden was originally chosen because child-care was in theory available through the Camden Community Centre on the same site.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mrs APPLEBY: This source of care has proven difficult because of other demands, and only a restricted service is set up in a building on the campus. Counselling is difficult and at present the lecturer, apart from management and administration, must undertake the majority of counselling supported by the college counsellor not located on the same campus. Students and potential entrants have put to me

that they would benefit by having those matters addressed in the review at present taking place between Panorama and Kingston to rationalise program distribution.

Further, it has been put to me that to locate the women's program at Panorama, with the provision of quality child-care facilities, would be an effective option, as there would be fewer problems with public transport access than in locating it at Kingston TAFE at O'Halloran Hill.

The Hon. LYNN ARNOLD: I will bring the points raised by the honourable member to the attention of the department in the review that is always under way with respect to giving the best offering of courses for the widest number of people. The points raised are very pertinent, indeed. In looking at the subject of general women's studies programs, we must examine not only the cost effectiveness but the educational effectiveness of those programs. There is dedicated input by staff with respect to the running of women's studies programs in TAFE colleges in South Australia, and that includes the programs that have been offered at the Camden annexe of the Kingston TAFE, and the students enrolling in those courses are very enthusiastic. However, as the honourable member pointed out, the dedication on the part of lecturers and students may not be enough to maximise the education efficiency of that course in the way it is presently offered, and alternatives could or should be considered.

I am concerned that we use our lecturing resources to maximum effect, not just in cost effectiveness, which is clearly important in these difficult financial times, but also to educational effect. To locate a course somewhere because of history or some other reason, which may undermine educational opportunities available there because there are not adequate library resources, staff interchange resources or student interchanges, would be a poor defence in keeping it in an historic location. These matters will be looked at further. Indeed, they are part of an ongoing review system of the department which sees the relocation of courses from one campus to others. As rationalisation takes place, Panorama college has been involved in the relocation of its metal trades courses and has become a centre for some metal trades while other colleges specialise in other aspects of metal trades. The honourable member is concerned, as are the department and I, to provide the best educational offering from within the resources that are available. What has been proposed by the honourable member will certainly assist in achieving that.

JAPAN VISIT

The Hon. D.C. WOTTON: Of the of 104 people in the delegation that the Premier will lead to Japan this week, can he say how many will have the cost of their visit paid by the Government and what is the total estimated cost to the Government?

The Hon. J.C. BANNON: I do not have that information in detail at my fingertips but, of those numbers, about 20 people will have their visit paid for by the Government in some capacity. They will include myself and officials, the Minister of Tourism and officials, and the Minister of Marine and officials. As the House is aware, the Minister of Marine left last week to take part in an official opening of a bridge, and his visit is based on the Port Adelaide/Port of Mizushima relationship. The Minister of Tourism will join us later in the proceedings. Most of the business persons are paying for themselves: group concessions, and so on, have been negotiated where possible. I will attempt to provide as much detail as I can on notice to the honourable member.

HOUSING TRUST OFFICE

Mr De LAINE: My question is directed to the Minister of Housing and Construction. Is the Semaphore Park office of the Housing Trust to close and, if it is, what arrangement will be made to ensure that local trust tenants continue to receive an acceptable level of service?

The Hon. T.H. HEMMINGS: I thank the honourable member for his question and would like to reassure him that the trust has not at this stage made a firm decision to close the Semaphore Park office, although the matter is under consideration. Members of the House will be well aware that in the current environment of fund constraints it is appropriate that the trust examine and review all its services to ensure that the limited resources available are used in the most efficient and cost effective manner.

As the honourable member will be well aware, the Semaphore Park office is located only 1.5 kilometres from the trust's major regional office at Port Adelaide, which is easily accessible by private or public transport to tenants of the trust's estates in the Semaphore Park area. At the moment the Semaphore Park office is used to accommodate two tenancy officers and a youth tenancy officer whom the trust believes will be more appropriately based at Port Adelaide as they cover far wider regional needs.

If the office is closed, the trust will ensure that local tenants are advised of alternative means for them to pay their rent; for example, the pensioner warrant scheme operated by the trust in conjunction with the Department of Social Security enables tenants to pay their rents through the electronic transfer of funds. This and other electronic systems offer significant advantages to both the trust and the tenants by providing greater security of funds. It is envisaged that a tenancy service could continue to be provided at the Semaphore Park office by conducting sessional visits and interviews to assist residents who cannot or do not wish to attend the regional office at Port Adelaide. The honourable member may be assured that the Government and the trust remain very mindful of the need to maintain an acceptable level of service to trust tenants against a backdrop of reduced Federal funding for public housing.

HOUSING TRUST CONSTRUCTIONS

Mr BECKER: I direct my question to the Minister of Housing and Construction. What protection does the Housing Trust offer to tenants who are buying their homes against major faults in the original construction of their homes? Last week the Housing Trust re-announced a scheme to encourage tenants to buy their homes after the complete failure of a similar scheme launched by the Minister two years ago. However, information provided to me indicates that the trust will have to offer a much better deal to tenants if this scheme is to attract the desired response.

I refer to the experience of a family at Ingle Farm who are at present buying their home from the trust. After they signed the contract, major faults began to appear throughout their home. An engineer's report identified a wide range of internal problems including distortions to windows and the ceilings, the dropping of one corner, doors jamming, displacement of brickwork and diagonal and vertical cracks.

The engineer reported that the footing system used was unsuitable for the soil on which the house is built, and what is more, that this was known to engineers at the time the house was built in 1971. He found that the house was expected to involve continual maintenance, including periodic adjustment of windows and doors, crack repairs and

underfloor jacking as further problems to the Housing Trust by the owners have met with the response that the trust does not accept any responsibility.

Had this been a dispute with a private builder, it is possible that the Government would have taken a different view and, in the interests of this couple and others who may face similar circumstances, I ask the Minister to spell out what protection they are offered by the Housing Trust against faulty construction work of this type.

The Hon. T.H. HEMMINGS: I thank the honourable member for his question, although I must say that I was just talking to my colleague the Minister of Labour whilst the member for Hanson was asking his question, and my colleague said that he bought his Housing Trust home in Whyalla 12 years ago, sound as a bell, and that it had doubled in value. I think that that, basically, would be my advice to people who purchase homes built by the South Australian Housing Trust. What the member for Hanson does not seem to realise or is just unable to comprehend is that the people who build homes for the South Australian Housing Trust are builders from the private sector. Most of our work is done either by the design and construct process or by the design and tender process, by those same builders who are in the private sector offering homes to the general community.

As I have told the House many times, trust built homes win many awards put out by the Civic Trust for the kind of homes that we design. We do not have to set up our own little organisation to hand out awards every year to make ourselves look good, like some organisations do. The trust wins on its own merits. One would assume the letter printed by the *Advertiser* was written by a friend of the member for Hanson, because all the member for Hanson does is gnaw, carp and make negative comments about the way we have tried to make home ownership available to people out in the community. The member for Hanson seems to have the idea that Housing Trust tenants should not be offered the advantages of home ownership: that is what he is saying.

The organisation for which I am responsible obviously satisfied my colleague the Minister of Labour in 1976 when he took out home ownership. He has never worried about whether the foundations were going to sink and, as I say, his property has doubled in value. In fact, I might even start thinking of my colleague the Minister of Labour as a capitalist if he keeps on about its doubling in value—but I will give him the benefit of the doubt! People who buy a home through the South Australian Housing Trust under our shared ownership scheme will get the same protection as anyone else receives.

NATIVE VEGETATION

Mr ROBERTSON: I direct my question to the Minister for Environment and Planning. What steps has the Government taken during the past five years to initiate and encourage the establishment of shelter belts and shade trees of native species along rural roadsides and on both private and public land?

The Hon. D.J. HOPGOOD: For some time now a Roadside Vegetation Committee has operated throughout the State and has tried to operate in consultation with local government. I think that, as a result of the activities of that committee, there has been a good deal of sensitisation of opinion, both in the city and in the country, to the importance of retaining roadside vegetation. Those activities and others like them will continue. In addition, of course, the

whole question of revegetation of cleared areas of the State is one which has figured prominently in the Government's thinking in this area.

One of the problems in the past has been to devise the sorts of techniques which will bring revegetation within the reasonable reach of landowners, be they the possessors of large or small tracts of land. Recently I was given the courtesy of being invited to officially release the book by Dr Jackie Venning, of the Department of Environment and Planning, completed after more than five years of research into both natural reseedling techniques and broad acre seedling for revegetation, the point being that the planting of tube stocks becomes both tedious and a rather expensive process.

In that book Dr Venning outlines some of the techniques which should be adopted, in such a way that most landowners would be able to take this up as a handbook and incorporate it in their own replanting programs. I know that the UF & S is very keen on such programs and is endeavouring to push them wherever it possibly can. I am sure that we should also encourage that enthusiasm.

EYRE PENINSULA

Mr BLACKER: Can the Premier advise this House of the results of the follow-up action he has taken since his visit to Eyre Peninsula? A few months ago the Premier made an extensive trip around Eyre Peninsula—and, incidentally, that trip was well received by the many groups of farmers and individuals who met with the Premier. The Premier met with farmers who have been forced into financial difficulties by adverse climatic conditions, and with others who are seriously being disadvantaged by the activities of the Native Vegetation Management Authority. According to my constituents, the Premier undertook to have the activities of that authority examined to assess the impact of the decisions and lack of decisions that have been made, and to report back to those people.

The Hon. J.C. BANNON: I am pleased to say that in most of the areas in which problems and issues were signalled to me I have been able to do some quite considerable follow-up work. In fact, on a regular basis I have been able to go through the various matters raised with me to obtain progress reports to make sure that that follow-up was occurring. A number of issues, both general and in particular, were raised, as the honourable member would imagine, and it was a very long list which I will briefly summarise.

In the broad, of course, there were issues such as the rural adjustment scheme and its operation. I think the member for Flinders followed the Minister of Agriculture's response to a question from the member for Eyre. He will understand that, particularly since my visit to Eyre Peninsula, I have taken an active role in assisting the Minister of Agriculture in his representations and in looking at the financing of that scheme. As the Minister of Agriculture foreshadowed, we are continuing to press the Federal Government on this to ensure that a realistic package is put together.

On the question of vegetation clearance, again, I have had discussions with my colleague the Minister of Agriculture, both of a general nature and on specific issues that were raised, and I am pleased to say that, once again, action has been taken in this area. In fact, the Director of the Department for Environment and Planning and the Manager of the Native Vegetation Branch of the department visited Eyre Peninsula only a few weeks ago. They were following up some of the very specific issues that had been raised.

Mr Lewis interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: In fact, I specifically asked them to contact one or two of the individuals who have been having real problems in obtaining a decision or in having action taken under the scheme. This has been done. As a consequence, extra money has been allocated to the scheme, and I think things are working there. That will benefit the whole State, too, including the member for Mallee's constituents, because it involves questions which I think are common to the administration of the scheme.

Other questions were raised, including an issue which mainly relates to the member for Eyre's territory, that is, the question of water west of Ceduna, on which a major study has been undertaken by the E&WS Department, and I will take some interest in its report and financial assessment. Questions were also asked about the deepening and long-term future of the port at Thevenard and, again, in relation to industrial development in that part of the State. I have taken up these matters with my colleague the Minister of Marine, and detailed reports are being prepared. A number of other individual issues must be followed up.

Generally, I found the experience extremely useful, and I hope that the people of Eyre Peninsula found our response useful. I am not saying that my Ministers, the Government, or I have been able to solve all the problems. There are problems that are very intransigent and are very difficult to handle: nonetheless, I believe that we are tackling them sympathetically and systematically within our resources and abilities.

The DEPUTY SPEAKER: Call on the business of the day.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That, pursuant to section 15 of the Public Accounts Committee Act 1972, the members of this House appointed to that committee have leave to sit on that committee during the sittings of the House today.

Motion carried.

TOBACCO PRODUCTS CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 April. Page 3816.)

Mr OLSEN (Leader of the Opposition): This Bill is all gesture and no guts. It is laudable in aim, but laughable in application. It drips with all the insincerity of a Jimmy Swaggart tear. It reeks with all the hypocrisy of the atheist who would read a lesson from the cathedral pulpit. It is riddled with all the double standards of the Premier who stands on the submarine conning tower when the seas are calm and the television cameras are in attendance, but who ducks for cover when some tough talking needs to be done.

This Bill will not affect the Grand Prix. It will also allow the Premier to keep face with newspaper editors. But, at the other end of town, for the people struggling on a pension at Port Adelaide who consider smoking to be one of life's few luxuries, who see it as their one opportunity to be on a par with the luckier and the rich, it is just one more Labor assault on their living standards.

I make my interests in this matter clear. I am not a smoker; I detest the habit; and I recognise its links with avoidable disease. As a parent, I want to do all that I can to ensure that my children do not become smokers. But this I see as my prime responsibility, not the Government's.

As a member of Parliament, I am also obliged to consider wider interests in weighing up legislation. As members of Parliament, we must all consider whether any law presented for our approval will translate aim into achievement, promise into performance, enhance more rights than it erodes. And, on these tests, this Bill fails—fails miserably and comprehensively.

The Government has not presented one ounce of evidence to Parliament to show that this Bill will reduce smoking, reduce the incidence of avoidable disease with which smoking is associated and, paramountly, will actively discourage young people from smoking. An examination of the second reading explanation which accompanied the introduction of the Bill shows that it is high on rhetoric but very low on specifics. The Government has painted the tobacco companies as evil, and smokers as stupid.

Each year, at budget time, the Government rubs its hands with gleeful anticipation at the multi-millions it will take in tax from tobacco sales, yet it suggests that tobacco companies are acting immorally in seeking to promote their product because they are spreading disease and death in the community. The Government believes that people begin smoking simply because they have been seduced by smooth, slick advertising. This is the premise upon which the Bill rests. Yet the Government offers not one shred of evidence to support it. At the same time, it exempts from the Bill the Grand Prix, Test cricket, and Shield cricket. It is also likely that sports such as racing and football will be able to evade its consequences because they will be transmitted via Skychannel. In other words, most of the sports most widely televised and most associated with the activities that this Bill seeks to ban will be unaffected by it.

The tobacco company billboard at Adelaide Oval can remain exposed for Shield cricket when the television cameras are there, but will have to be covered up for grade fixtures which are not televised. The \$10 000 for sponsorship provided by the Rothmans Foundation to junior tennis in South Australia is in jeopardy, but the Virginia Slims Women's International Tournament, due to be played in Adelaide in November, will be exempt. Wayne Gardner can ride his motorbike around the Grand Prix track but not on the International Raceway. We can not call our night football competition the Escort Cup any longer, but Escort can still take out full-colour ads in the *News*, the *Advertiser* and the *Sunday Mail*.

The double standards the Government is setting in the Bill imply people are influenced to smoke by what they see on television but not by what they read in newspapers, or, at least, in normal newspaper page advertising. For, while this remains, newspaper inserts which include tobacco advertising will be outlawed. This Bill is a classic example of a Government wanting to give the appearance of doing something when in fact it is avoiding the significant issues. Let the House be under no illusion. Let the Government come clean. The Bill means that this Government, by its own admission, gives a higher priority to the Grand Prix than it does to saving lives by preventing avoidable disease. It is as immoral and inconsistent as the Labor policy which holds that all uranium is dangerous unless it happens to lie under the ground at Roxby Downs. It is the same sort of lack of consistency.

If the Government really believes that this measure will cut down the cancers, it would not exempt the Grand Prix.

It would not exempt the major cricket and other international events. It would not exempt newspaper advertising. It would bowl them all over. But what does the Government do?

It responds to people who in the main, if they smoke, can afford the extra cost this Bill will impose. It ignores completely the rights of smokers, many of whom will find it difficult to pay the higher price but who the Government knows will not be discouraged from smoking by this Bill. Indeed, the Government has been more concerned about the rights of hardened criminals who want to live in more comfortable gaol accommodation and get early release, than about people who want to use a product which is legally grown, legally manufactured, and legally sold.

This Government talks about the need for more health promotion to discourage smoking. But this financial year, while it proposes to tax smokers to the tune of another \$43.5 million, only \$1.7 million—less than 4 per cent of tobacco tax receipts—is being spent on health promotion and health education by the Health Commission. This year's estimated take from the tobacco tax will bring to almost \$200 million the revenue generated by this Government since it doubled the tax rate in 1983. Yet hardly \$5 million of this has been spent on health education, of which anti-smoking is only one aspect.

This is hardly the performance of a consistent or a concerned Government. If this Government had one obligation above all others in presenting this Bill, it was to provide for the consideration of the Parliament strong and direct evidence of a link between advertising and promotion, and people taking up smoking. It has failed to do so. It has failed because there is no such evidence. The Federal Health Minister, Dr Blewett, has admitted as much. An article in the *Melbourne Age* last Friday revealed that in a letter dated in January 1986, Dr Blewett wrote to a senior Sydney hospital administrator saying:

A casual link between smoking and mortality has not been established scientifically.

Let me now quote evidence to the contrary, evidence which shows that the premise upon which this whole Bill is built is indeed a false one. The World Health Organisation has undertaken a study of the behaviour of schoolchildren in England, Norway, Finland and Austria during the 1980's. It is entitled 'Health Behaviour in Schoolchildren—A WHO cross national survey'. It is significant to this debate in that it covered two countries which restrict tobacco advertising and two which do not. It found no link between tobacco advertising and the incidence of smoking among schoolchildren. The survey reported, as follows:

The lack of differences in smoking habits between countries probably reflects the selection of countries involved in the study in 1983-84. However, since Norway and Finland are countries with restrictive legislation on advertising of tobacco products and the other two are not, a difference might have been expected. No such systematic differences are found.

In Australia a National Health and Medical Research Council survey in 1979 into the smoking habits of young Australians found no link with tobacco advertising. A research paper published by Macquarie University of New South Wales reached a similar conclusion. I quote from it, as follows:

At present there is virtually no evidence on the effect of total advertising expenditure on the aggregate demand for cigarettes in Australia. Nevertheless, advertising has been banned on television and radio since 1976, and there is some suggestion of a total ban in the future. In this paper we present results of estimation of a demand model for cigarettes in Australia using annual data from 1961-62 to 1982-83. We found no statistical evidence that aggregate advertising has any effect on aggregate cigarette demand, a result which is consistent with the view that advertising in the cigarette industry is used as a brand switching device.

One consequence of this Bill is likely to be more young people taking up smoking. For what evidence is available shows that peer group pressure and family example are the key influences. But inherent in this Bill is the notion that the Government, rather than aunts, relatives and friends, can help dictate behaviour, and can tell us how we should live. It is another blow against the role of parents in particular, in guiding their children.

As the Government seeks to take over more and more of these responsibilities, many more parents opt out. With their influence declining on this question of smoking habits, and the evidence indicating that attempts by the Government to ban advertising as a substitute for parental involvement will not work, the consequences are as clear as they are of concern.

This Bill also extends the web of Government control to sport. It is no use the Government's pretending otherwise. At no cost to itself, the Government will be able strongly to influence funding support of all sports to be caught in the net of this legislation. The Government will do this because it will appoint the South Australian Sports Promotion, Cultural and Health Advancement Trust—it (the Government) has to approve the trust's budget—and the trust has to consult with the Government about its activities.

There is no way that this situation is going to result in anything other than more Government control of sport and culture to suit its own political ends. There will be scope for blatant political patronage. In the process, this Government has sought for itself even wider powers than those contained in the Victorian legislation. Under the Victorian legislation, sport can still choose to accept tobacco sponsorship, including the right to display an appropriate sign identifying naming rights and other relevant information.

However, under this legislation, sponsorship by tobacco companies is effectively prohibited, as it will be illegal to promote or publicise a tobacco product or even the name or interests of a tobacco manufacturer. New section 11c in the Bill serves to enforce anonymity of tobacco companies relating to any support made to any group within South Australia. This basic freedom of association is therefore denied. In enforcing the Victorian legislation, Government officers are permitted to serve an infringement notice relating to offences. There are no powers of entry to premises or access to documents. However, in South Australia authorised officers will have very wide powers, including the right to enter premises, the power to demand documents and books of record, and the power to require people to answer questions in connection with the advertising or promotion of tobacco products.

Even sports to be exempt under the legislation should fear these powers, because they could be forced by law to reveal confidential contractual arrangements with tobacco companies. The foundation to administer the Victorian legislation will have 14 members. They include representatives of amateur sport and country sport and three of the foundation members will be members of Parliament. The South Australian trust is to be appointed by the Government and there is no legislative requirement for consultation with outside groups.

Any Government control of the Victorian foundation is subject to full parliamentary scrutiny because three of its members will be Parliamentarians and all ministerial directions must be published in the *Government Gazette*. Under the South Australian legislation the Government has power to create new functions for the trust; issue guidelines relating to the trust's powers and functions; approve the budget relating to grants and loans, costs and expenses incurred;

determine the form of the budget; and approve changes to the budget.

The Hon. B.C. Eastick interjecting:

Mr OLSEN: In other words, total control over the funds that have been raised and their disbursement. The trust will also have very wide powers to influence sporting and cultural issues—even to promote 'healthy practices'—but what does this mean? Will the trust campaign against violence in sport, against pornography in the theatre, and against homosexual practices? Many would regard these as all in the interests of advancing sport, culture, and healthy practices, but I point to the potential this trust has to become a very powerful agent of influence.

This Government cannot be trusted not to abuse its powers. We have already seen the lengths to which the Minister of Recreation and Sport has been prepared to go to protect his own property interests. What trust can this Parliament now place in him not to use this legislation to pursue his own personal and political interests with sporting groups?

Three weeks ago the Minister proclaimed to an ABC television audience that he was the best Minister of Recreation and Sport that South Australia had ever had. Well, I have news for the Minister—that is not a view widely held within sporting groups. I give him the drum: they prefer his predecessor, the member for Gilles—and I can well understand why.

Members interjecting:

Mr OLSEN: Well, he was far better than this self-proclaimed best Minister of Recreation and Sport. Oh, to be humble! He would not know what the word 'humble' means. On this issue of tobacco company sponsorship the member for Gilles has been prepared in the past to recognise reality. While he was still the Minister of Recreation and Sport he told this House on 21 March 1985:

If a product is legally produced it ought to be able to be advertised. I do not believe that the ban of sport sponsorship by tobacco companies or companies producing alcoholic beverages or anything else would have a great impact on consumption of the product concerned.

I agree. This is exactly what I have said today. I hope the member for Gilles will enter the debate, repeat those views, and vote with the Opposition on this Bill.

One of the reasons we are debating this measure today is the fact that the Cabinet no longer has the benefit of a contribution from the member for Gilles. His successor, the self-proclaimed best Minister of Recreation and Sport in our history, is in fact one of the new breed of Labor Members who have no feet in the real world. Unlike the member for Gilles, the present Minister does not speak to workers and strugglers who will continue to smoke whether or not this Bill goes through and who will be forced to pay a higher price to do so. Unlike the member for Gilles, the present Minister of Recreation and Sport believes Government is all about identifying with trendy issues—giving the appearance that you are doing something of momentous importance when in fact you are achieving nothing at all.

The cliques who now influence this Government's thinking have no experience of the world from which people like the member for Gilles come—people who are now deserting the Labor Party in droves because it is pursuing actions like those enshrined in this Bill. There are far more practical ways to address the problems this Bill pretends to deal with.

The next Liberal Government will repeal provisions in this legislation. We will not indulge in the hypocrisy of preventing the manufacturers of a legal product, a lucrative product from the Government's tax viewpoint, being able to promote that product in a responsible way. However, we will take stronger action to eliminate access to cigarettes by

juveniles. It is not enough to have high penalties for selling cigarettes to juveniles; these penalties must be enforced, but since this Government increased penalties there have been no prosecutions.

A Liberal Government would lift from 16 to 18 years the legal age at which juveniles could buy tobacco products. Vending machines would be restricted to licensed premises and placed under responsible adult supervision, such as social and sporting clubs and staff canteens. Street vending machines in arcades and outside shops would be eliminated. Sampling would not be allowed at family sporting or entertainment events. It would be confirmed to areas adjacent to those where tobacco products are sold or premises licensed to sell liquor.

All promotional material containing offers would bear a prominent statement to the effect that such offers are restricted to smokers aged 18 years and over. No mail order promotional offers would be allowed to be forwarded. In the area of health promotion and education a Liberal Government would substantially upgrade existing activities both in schools and in the wider community. These activities would involve not only children but their parents as well.

These are practical responses. They can work—unlike the nonsense enshrined in this Bill. There comes a time when the Legislature must draw the line with a Government determined to interfere more and more with the daily lives of law abiding citizens. With this Bill this Government has exceeded the bounds of responsible administration—of playing nanny—of attempting to protect people against themselves. What will be next—wine, beer, alcoholic beverages and foods? While the Bill is nothing more than a gesture, a token effort to feign purpose and action, it will be another foot in the door for Government intervention and control for no good purpose whatsoever.

Mr BECKER (Hanson): The bald statement by the Minister of Health that Australians die prematurely each year as a result of smoking is becoming one of the fantasy tales of the decade. In a short space of time the Minister has developed the figure from 14 000 to 16 000 and, more recently, to 23 000. It is interesting to note that the Minister has based his latest figures on a report produced by one of Australia's leading anti-smokers, Ruth Shean, the wife of another major anti-smoking activist, Mike Daube.

While he claims that the figures emanated from an article which appeared in the *Australian Medical Journal* he does not say that it was a result of work done by an ex-teacher and has little or no scientific support. It is a sad indictment on our times when the *Australian Medical Journal* would print such unmitigated garbage; even worse when our Minister of Health is willing to quote such rubbish to justify discriminatory and hypocritical legislation.

The anti-smoking movement is seeking to legitimise its claims with the support of the *Australian Medical Journal*. The Mike Daubes, Ruth Sheans, Simon Chapmans and Stephen Woodward of the world are writing articles with little substance and even less basis in fact, and are then seeking the journal's help in publishing them and then having the ability to say, 'It was published in the *Australian Medical Journal*, therefore it must be true.' What a farce!

This is the third opportunity I have had in 18 years to speak on similar legislation. I have said before, and will say again and again; that it started many years ago in New South Wales as a vendetta against the Rothmans company because those who decided to oppose that organisation believed it was a South African company; in fact, it was an Australian company. Those opposed to it then switched tactics and set out to destroy the tobacco industry because

of its support of Rothmans. I well remember that occurring back in 1954, and it has now taken 34 years for these groups of fanatics, bit by bit, to chip away and destroy the industry and to spread misconceptions through the community.

The medical profession should take a long, hard look at some of its members and the methods they are using to force their beliefs and values upon the community at large. The original deception in the tale of so-called tobacco related deaths was perpetrated by one Les Drew, a senior adviser with the Drug and Alcohol Dependence Branch of the Department of Health. His article entitled 'Death and Drug use in Australia—1969 to 1980' had an important over-riding—which the anti-smoking movement and, it appears, some members of the medical profession and our Minister of Health take pains to ignore—which stated:

Even where the association between drug use and drug-related problems is most obvious—such as death from alcoholic cirrhosis—the death cannot be said to have been caused by the drug (alcohol). Although use of the drug may have played an important role in bringing about that death, in that way, at that time, many other factors must also have been important.

He is saying that there is an obvious link between alcohol and cirrhosis, but one cannot prove that alcohol actually killed a particular individual. Dr Drew, with his juggling of figures, was trying to provide a base for those committed against smoking to use when quoting smoking-related deaths in Australia. It was once again a move to try to establish legitimacy; after all, if a pronouncement is made by the Commonwealth Department of Health most people think it must be true, but Dr Drew was not quite as convinced of his figures as some of the people who quoted them with great abandon these days.

He has used as a basis statistics calculated from a project conducted in the United States in the 1960s for the American Cancer Society but, like the Americans who had criticised their own statistics as being unrepresentative of the American population, he had serious reservations. He commented further:

It should be noted that these indices depend upon the results of a prospective study, undertaken in the USA in the early 1970s. No better data is available and there could be significant differences in current Australian experience. Also, the indices depend upon smoking rates in Australia in 1977. The rates were probably higher earlier in the 1970s. Hence, although the indices are the best which could be currently calculated, their limitations must be remembered in dealing with the data presented.

Dr Drew was trying to be honest with his calculations, but those who have used and abused his figures since have not been honest. Not only do they claim that the tobacco-related deaths are irrefutable but they have changed the dialogue to say they are 'caused' by tobacco. Again, they have taken doubtful statistics with very doubtful heritage and tried to make them a point of fact.

Unfortunately the public is being conned into believing these figures. Some people think there is a giant register somewhere in Australia which knows who is a smoker and who is not when they enter hospital. Unfortunately, there are some people who represent the public in Parliament who are naive enough to believe that the figures being bandied about and exaggerated year after year by such people as Mike Daube and his wife Ruth Shean are based upon fact. They are not. They are running a giant scam against the medical profession and the public of Australia, and the South Australian Minister of Health has swallowed it hook, line and sinker.

The legislation before this House is one of the most poorly conceived and poorly constructed pieces of legislation that I have seen in the past 18 years of my membership of this place. It is fraught with inconsistencies, confusion and, if it becomes law in this State, calamity for many small business

people and sporting and cultural organisations. It has no redeeming factors.

The Minister of Health has quoted figures to us about the number of children in South Australia who smoke. He says that, by the age of 15 years, one third of all South Australian children smoke. It is interesting to note what the Minister says, but it is also interesting to note what he does not say. By the age of 15 years, according to the recently released survey of alcohol, tobacco and other drug use by South Australian schoolchildren by the Drug and Alcohol Services Council, the daily use of tobacco at the age of 15 years for males and females was only 23.5 per cent—a long way off 33½ per cent.

I would point out that the Minister also forgot to mention that the report showed that 31.4 per cent of children surveyed had used marijuana, and he has not mentioned that regular drinking amongst 13 year olds in South Australia is approaching 50 per cent and regular drunken binges are becoming more frequent. The solution to the children smoking is not a matter for Government legislation—it is a matter of serious consideration by all parents and guardians. This Government should be taking the lead in this matter, not following the sheep as it is seeking to do with the Victorian Government. The Minister of Health should immediately open discussions with the tobacco industry to discuss ways in which access of cigarette products can be cut off from children, along the lines stated this afternoon by my Leader. Such sensible and responsible ideas will triumph over hypocritical and discriminatory legislation.

I have read with great interest in recent weeks the description of South Australia as the 'Nanny State'. Goodness only knows what effect that is going to have upon the tourist industry in South Australia when international visitors find out that they will be persecuted if they go to South Australia wearing a Camel t-shirt, a Rothmans sunhat or a Dunhill watch.

Ms Gayler interjecting:

Mr BECKER: Read the legislation before you make stupid, inane interjections. Under this legislation, they could be arrested, dispossessed of their offending piece of apparel or jewellery, fined and then allowed to leave, as long as they do not commit any further heinous crimes against the State. Overseas tourists will be deported for nonpayment of fines. If held in gaol pending deportation, the holding costs are about \$135 per day, which must be paid by the deportee before being allowed to re-enter Australia.

This is the stupidity and hypocrisy of the whole piece of legislation. If you are deported from this State for any offence, you are held in a cell. It used to be Adelaide Goal, but no doubt it will be the Remand Centre or Yatala. You pay for that accommodation. At \$135 a day, when you are lucky to get breakfast, and with the rest of the services available in our prisons, it is not a very nice place to stay. It would be almost cheaper to keep these people at the Hilton. If they do not pay the bill before they leave, they cannot re-enter Australia until the amount is paid. That is what faces tourists to this State under this stupid piece of legislation.

They might be slightly confused, and justifiably so, if they had happened to read one of our local newspapers earlier that day and noticed a large advertisement for a particular cigarette brand, or they had been to the Grand Prix and seen all the accompanying signs and paraphernalia of the cigarette sponsors. Do not get me wrong: I am not against advertising and sponsorship, but I am against the confusing hypocrisy of this Bill. Renowned Australian author and journalist Buzz Kennedy recently wrote:

When are the members of the hysterical anti-smoking movement going to simmer down and gain a sense of proportion?

Their shrillness, their unbearably smug authoritarianism and their plain, straight-out misrepresentation of the facts is becoming too much to bear. When will the innate Australian sense of fair play raise its head and say enough is enough and tell the anti-smokers to pull their heads in? I am not talking about non-smokers. In the mass, they are an amicable bunch who have made their choice. . . . I am talking about the anti-smokers—the zealots, the ratbags who know what is best for their fellow citizens and campaign crudely but earpiercingly to ensure the fellows, whom they regard as the great unwashed (and uneducated), conform to their dictates of what is good for them.

The whole smoking argument is crazily and dishonestly distorted. I make no bones about it. I am a smoker. I have smoked for nearly 50 years. I am as fit as a mallee bull, my blood pressure is that of a 30 year old. I do not suffer from stress, although I have spent a lifetime in stressful occupations ranging from being an infantryman in the AIF in the Middle East, New Guinea and Borneo in World War II to being a journalist on several major newspapers, confronting the deadly deadline hour by hour.

I ascribe my stress-free state to a number of factors—and a major one of them is the relaxant of smoking. I will die in the normal course of events some (I hope many) years from now, and I am as mad as hell to think the anti-smoking screamers will classify me statistically as having died from the effects of smoking. Dammit, without my cigarettes, tension would have killed me years ago.

How very true. I think that really sums it up. I could go on for some time quoting eminent scientists and researchers who have grave doubts over the validity of claims by health professionals that smoking is the cause of illness that they claim it to be, but this Bill before the House is more to do with hypocrisy and discrimination than to do with health. In fact, it has no basis for improving health.

It will merely destroy some sections of small business in South Australia, fill the Government's coffers with additional taxation which it will then distribute to specially selected organisations who are prepared to become servants of the Government. They will find circumstances very much different from the freedom of a commercial arrangement. They will discover that he who pays the piper calls the tune.

I believe that this is a Committee Bill, but I turn now to its main features. The provision relating to advertising furnishes the first real example of hypocrisy of the Bannan Government. The sale of an item or article or display for pecuniary benefit of a tobacco advertisement is prohibited, influencing the supply or offer gratuitously with a view to maintaining custom or commercial gain of assets constituting or containing a tobacco advertisement. This would cover such things as free t-shirts, carry bags, umbrellas, sunshades, and, as I have already said, Dunhill watches, cuff links and sunglasses—in fact, anything carrying the name of a tobacco product or company. All these are prohibited: in fact, any name to do with any tobacco product.

Does this mean that the Ford Motor Company will have to cancel the Escort series of motor vehicles or the Holden Commodores will have to be cancelled or the name changed because they are similar to that of a tobacco company? What hypocrisy! You can buy these products elsewhere in Australia or overseas, and you can wear them when you come back, but when you get to the Adelaide Airport you will have to take them off or you will be fined. It is unreal. It is legal to import or bring these goods into Australia but not into South Australia. This is absolutely hypocritical. Tobacco advertisements for the Australian Formula One Grand Prix, Sheffield Shield and/or international cricket are exempt.

In relation to the Grand Prix, tobacco advertisements will have to be authorised by the Grand Prix Board. Under the terms of the contract, the Grand Prix Board will have to approve the Marlboro cars, the Commodore cars or whatever. They would be forced to do it. It is hypocrisy again where the large and rich well sponsored sports will get richer and the rest will languish, as they have in years gone by.

This legislation will not help one little bit. New section 11c prohibits the public promotion of tobacco products, trade names, brand names and manufacturers' names or interests as part of a sponsorship agreement. Does this mean that the Escort Cup, the Winfield Ring Bowls World Cup, the Rothmans Cup and Winfield trophies are all now obsolete, that they will have to be melted down? What Government will go out and tell the various sporting organisations, 'Bad luck, fellas, the Winfield World Ring Bowls will no longer be held at Glenelg; you have to melt down the trophy. Then we will come along with a super duper little Government one with a piping shrike all over it and it will be known as the State Cup.'

Mr Oswald: It will be plastic, too.

Mr BECKER: And it will be plastic, as the member for Morphett says. Well, it will not be the same. It will never be the same. I just hope that the trophy will be preserved for posterity as part of the history of the club and the State and that members of Parliament will continue to recognise the one day in the year that was to be for the benefit of members of that particular club. Here we have the opportunity to develop a sport, a world championship, and make a name for South Australia by promoting ring bowls. Very few people have heard of this game; we have an opportunity to do something really wonderful, yet we will not be able to do anything. It will be nationalised: it will come under the banner of the State.

New section 14a provides for the Governor to make exemptions. This is another hypocrisy. We do not know to which events exemptions will be granted: the Minister has not told us. I do not know whether Australian rules football will be exempted from the legislation so that the Escort Cup and other competitions can continue to be seen on national television. As far as I am concerned, the South Australian Sports Promotion, Cultural and Health Advancement Trust does nothing but nationalise sport and culture in South Australia. Over Easter, I had the wonderful opportunity to attend a few basketball games in the women's club championships. I saw two teams that were sponsored by their State Government. The Victorian and Western Australian teams wore the anti-smoking logo. It was hypocritical because, as soon as one match finished, two of the girls went to the back of the stadium and lit up a cigarette. They were as embarrassed as everyone else to accept State sponsorship and to wear a shirt with the anti-smoking logo. After their hard game of basketball, they could not get down to the back of the stadium quickly enough to have a cigarette. Good on them! So much for freedom of choice and freedom of enterprise.

More importantly, any rights that we thought we had in this State are being eroded bit by bit. Which sporting organisations will accept this tobacco trust money? The East Torrens Cricket Club has been mentioned. It will not have a bar of tobacco sponsorship yet the Minister says that it can apply to the trust for a grant to help that club. That is hypocrisy, because the club will be able to accept from tobacco companies money received through the consumers of tobacco products whose taxes will go into the fund and on to the club. It is the same thing, so the club might as well accept money from the tobacco companies and be done with it. This is a challenge for the East Torrens Cricket Club. What will it do? As has already been stated, there will be pork-barrelling and all sorts of Government involvement in sports in this State, and that is wrong. It is wrong in principle and in practice, and the founders of this State did not design the parliamentary structure for legislation of this type to be dealt with or to succeed. It is not too late for the

Government to withdraw this hypocritical piece of legislation.

The Hon. E.R. GOLDSWORTHY (Kavel): As always, I have approached this legislation with an open mind. I have viewed the evidence that I have gleaned from the Minister responsible for the Bill and I have undertaken my own private research and made a judgment on the validity of what has been put before the Chamber. I have been interested to read submissions from the Anti-Cancer Foundation, particularly from the medical people, and from other people interested in this question. The Leader has already mentioned the studies of the World Health Organisation, so I do not intend to repeat that matter in any detail, except to say that, from the experiments carried out by the Scandinavians, no conclusions can be drawn that a total prohibition on the advertising of tobacco has any influence on the smoking habits of the young. Indeed, the peer pressure which is exerted on young people, socio-economic factors and a low level of self-esteem seem to be the major factors that induce young people to start smoking. One would have thought that an organisation such as the World Health Organisation would be able to track down the effects of advertising in the study that it conducted if any evidence was to be adduced. I found it puzzling when reading the *Advertiser's* article about the World Health Organisation's convention that a spokesman from the Scandinavian countries suggested that it had worked. I find all of this very conflicting.

I received a publication, which I hope Government members also received, entitled *Let's Take a Look at Smoking in a Free Society*. I will read into the record an article by John Hyde, who is a regular correspondent on economic matters, particularly, to the *Weekend Australian*. This little booklet contains a series of articles which make interesting reading. I am not suggesting that I agree entirely with all that Hyde says, but it puts a perspective—

The Hon. G.F. Keneally: What about Keegan?

The Hon. E.R. GOLDSWORTHY: Keegan wears a bit thin after you read him week in and week out. I found him entertaining for a while but he is so repetitive he gets a bit boring.

The Hon. G.F. Keneally interjecting:

The Hon. E.R. GOLDSWORTHY: Well, he is kicking everybody. I mean, you blokes get plenty. One wonders where our saviour is to be found, if one reads Keegan. I cannot find an answer in Keegan. However, I do not want to waste my time on him. I want to put on record some things that John Hyde said in this booklet in his article entitled 'Warning: the intervention of the Nanny State is a health hazard', as follows:

Sanctimonious authorities once burned unbelievers at the stake—for the unbelievers own spiritual good. The modern Nanny State is now more concerned with the unbeliever's stool than his soul and longevity has replaced immortality.

The stool that he refers to is not the one you sit on. He continues:

At least once a year somebody finds a new bad habit for me to give up or a looming catastrophe for me to worry about. In the past few years I have been told that I will die young because I am ingesting too much salt, sugar, saccharin, cholesterol, caffeine, steak, tinned food (especially baby food) commercially prepared junk food, eggs, vegetables sprayed with weedicides, fungicides and insecticides, fish with high mercury levels, monosodium glutamate and alcohol; and too little fibre.

The Hon. J.W. Slater: You'd die of starvation.

The Hon. E.R. GOLDSWORTHY: I think that is the point he is making, but it is a pretty good statement. He continues:

I will also die young because I am breathing tobacco smoke, lead from leaded petrol, alumina dust from Alcoa's jetty, sulphur dioxide and hydrogen sulphide, furnace smoke and motor car exhaust fumes. I am told to get more exercise but not in the sun, drive in a more satisfactory manner and never touch opiates. Radiation from visual display units will surely kill me if the asbestos in the ceiling does not. I am being threatened by electromagnetic and atomic radiation, an energy crisis, depletion of non-renewable resources, destruction of the environment, AIDS and holes in the ozone layer.

I do not have time to quote all of this entertaining article, which puts a perspective on the modern Nanny State, but I will quote one more paragraph, as follows:

Nanny is often selective in the stories she tells us. She knows that the literature as a whole reflects much disagreement about the things she doesn't like and their effects upon health, but she chooses to ignore the conflicting or non-supporting evidence. For instance, such is her zeal to limit smoking in the workplace that she has overlooked the evidence that points to the resulting ill-health among those employees who are forced to do so. Nevertheless, Nanny knows best. How Nanny gets away with it is fairly clear—we know so little; she is an authority. How can we but trust her?

So it goes on. Hyde concludes:

Enjoy your post prandial port and cigars.

That was a perspective which I enjoyed reading. The theme is taken up in the *Weekend Australian* with the heading 'In loathing of the Nanny State'. The 'Nanny State' therefore has caught on. I hope that it passes into the vernacular, because we are certainly in an age where we are over-governed in all sorts of ways, and this piece of legislation could well be another example of that. I read this article in the *Weekend Australian* with some interest. The author is Gerard Henderson—

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: It does not matter a darn whether he is a Labor Senator. He is a man who writes well and one can understand what he is saying. What he is on about is clearer than Keegan has been of late. The article states:

Opinion polls have demonstrated that Australians do not support the social engineering legislation so beloved by the New Class intelligentsia. But I wouldn't expect that this would bother Mr Cain or Mr Bannon all that much. In 1982 John Bannon told *The Australian's* Peter Ward: 'My philosophic underpinnings are British socialism, Fabianism, the Chartist and the English radicalism of Cromwell—that is to people trying to propose reforms fitted to the time. Mr Bannon apparently thinks the times are ripe for the Nanny State and the New Moral Army of the latter day social Puritans in our midst. Let's hope he's wrong. Let's hear it for the Cavaliers.

So much for the quotable quotes which have come into my hands in the past day or two. I will now deal briefly with the Bill (and I guess that these sentiments will be repeated once or twice during this debate).

First, the Bill is hypocritical. It is a nonsense to suggest that we should outlaw the advertising of cigarettes and tobacco products in certain ways but not in other major areas. The beloved Grand Prix is to be exempt. I think that, of all the cigarette advertising that has stuck in my mind in the past 12 months, what has stuck most has been the 'Marlboro bridge' spanning the road between the parklands and the Grand Prix, with the word 'Marlboro' plastered over it and one of those motor vehicles tearing around the circuit. I make no bones about it: the Grand Prix is not my scene. Those wretched cars make too much noise, for one thing. I will go out of loyalty to the State, because I am told that it is a very worthwhile exercise. The taxpayers subsidise it, I know, but it attracts great heaps of money for tourism, we are told, so I am convinced that it is good for the State, although it is not my cup of tea.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: I am a very tolerant fellow! I keep an open mind, as I said. We even initiated the discussions to get the Grand Prix here when we were in Government.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: I didn't, but our Government did. We initiated discussions on having the Grand Prix here. Some members of my family think it is their cup of tea, but it is not mine: it is too damn noisy. I never know who is winning or losing the darn thing. Anyway, there is 'Marlboro' plastered across the bridge and across one of these vehicles tearing around the circuit like a mad dervish. That is about all that has stuck in my mind. I think I can remember seeing 'Escort' at the football, but I think that the football people are going to get out of it. We will see.

That is about all that stuck in my mind in terms of cigarette advertising until this Bill came on the scene. Now, of course, I am alert to it. What do I see this week in the *Advertiser* but a lovely glossy advertisement. I know, Madam Acting Speaker, that I am not allowed to display things like this in the House, but I am looking at a lovely glossy, full page advertisement costing, from memory, in the order of \$10 000, in the morning daily. I will describe this to the House, even though I cannot legally hold it up for everyone to see.

There are four fairly attractive young people displaying 'Stradbroke Medium Milds' and 'Stradbroke Extra Milds'. I had never heard of Stradbroke—that is how interested I was in cigarette advertising until this Bill came before us. That, of course, is not going to be outlawed. The 'Marlboro bridge' spanning the Grand Prix circuit is not going to be outlawed, nor these full page, expensive, glossy ads in newsprint; nor is advertising to be cut out of the test cricket.

Here we are going to enact a law which applies to some and not to others and, what is worse, it will not apply to those I believe are really influential. It is the little fellows who will cop it in the neck again, all in the name of doing something about protecting health. The first point to make about the Bill, therefore, is that it is entirely hypocritical. The second point I want to make is one to which I alluded in my opening remarks. I am particularly concerned about the young taking up the smoking habit, but from the evidence I have seen I do not believe that this Bill, which provides for a partial ban on advertising, will have any influence that is effective. From what I have read, and I have read the conclusions of the World Health Organisation study, the influences are socio-economic in the main.

I suggest that, while we in this State have the tragedy of about a quarter of the total of our young people leaving school who cannot find work and develop in many instances low self-esteem, we will find it very hard to curb teenage smoking. We have peer pressure, of course. It is very hard to convince young people that they should not smoke when their parents have been smoking for the whole of their adult lives and are not interested in giving it up.

The Hon. G.F. Keneally interjecting:

The Hon. E.R. GOLDSWORTHY: I don't smoke—I hate the smell of it.

The Hon. G.F. Keneally: My wife and I have never smoked, but my children do.

The Hon. E.R. GOLDSWORTHY: I suppose they have had a look at the old man, reckon he is cranky, and think that anything pop does is wrong. I do not know how the honourable member gets on with his children, but obviously he does not have much influence over them.

The Hon. G.F. Keneally interjecting:

The ACTING SPEAKER (Ms Gayler): Order! The Minister will have an opportunity later in the debate.

The Hon. E.R. GOLDSWORTHY: All I can say is that the banning of limited advertising, as provided by this Bill, not including the flagship events, will have no perceptible effect on the smoking habits of the young, from what I have read of it. The third and last point I wish to make is in relation to the way in which the Government intends to replace the sponsorship which is currently negotiated with tobacco companies by sporting and cultural organisations.

I cannot for the life of me believe that the Benson and Hedges advertisement—and, as I say, I have suddenly become very interested in this advertising—which I see in the programs of some musical events from time to time will make one iota of difference to smoking habits. But the Government intends to put up the price of cigarettes, to establish a slush fund which is going to be doled out by Government appointees—

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Of course. Does anyone in this place—and I do not believe for a moment that it is being cynical—believe that the Government ever raised revenue, set up some sort of fund, put its own people in charge and did not have a fair idea of where that money would go? The Government is going to set up a slush fund; it will have people of its appointment administering the fund, and it will have to make a decision on where the money will go. This is an absurd proposition. We have been through this farce before when the Labor Party has been trying to sell some pet project.

I think of the introduction of the State lottery. Irrespective of the argument of whether to have a lottery, to appease the people who were opposed to a State lottery the money was to go into a hospitals fund. We were to sell these lottery tickets and the money would go towards looking after the health of the public.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: Of course it is an absurd proposition. It is simply a book entry.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: It is the same thing: the tax on petrol was to go to fixing up the roads. It is a farce and we know that it is a farce. One would be naive in the extreme to suggest that this money will not simply be a bit more revenue for the Government to play with, to patronise its favoured sons in strategic locations. So on those three grounds I reject the Bill. First, it is hypocritical; secondly, I do not believe that it will be effective; and, thirdly, the idea of the Government having yet another slush fund whereby it can exhibit largesse in certain preferred directions is completely unacceptable.

Mr LEWIS (Murray-Mallee): I thank the House for the opportunity to contribute to this debate. I think the regrettable aspect of this whole measure is that the tobacco lobby has been allowed the opportunity to dignify its technique of promotion because the Government has been stupid enough to introduce such double standards in what is, where it applies, a draconian measure. It has given the tobacco lobby dignity and legitimacy in saying that it is a fair thing for us to oppose what the Government proposes and to do so on the grounds that the Government's measure reeks of double standards and hypocrisy and it is a denial of human rights to choose and for an individual to decide what they will do.

We have all seen the advertisement on television about 'tough new laws'. It was produced by the Tobacco Institute and in no small measure that simple advertisement has had

an enormous impact because it has some credibility. The term 'tough new laws' is a simplistic statement and a generalisation but, nonetheless, they are tough new laws—they are stupid, tough new laws; bloody stupid, tough new laws; and hypocritical, bloody stupid, tough new laws. That is the problem of the Government, because it has enabled the Tobacco Institute to divert public attention away from the real problem.

If the Tobacco Institute did not believe in the power of advertising, it would never have produced those advertisements to go to air on television to get the public to believe that tough new laws are being introduced. That in itself is an advertisement. We all see and accept that. What is more, it has been an effective advertisement. It has changed people's perceptions because, first, it is simple and it relates its message in a way that can be comprehended by the majority of viewers. Secondly, people talk about what they have seen and influence others who have not been shifted in their opinions to do likewise. That is peer group pressure, and it is the second phase of the impact of advertising. The first impact, as I have said, is to shift the opinion of the majority of people (or at least the opinion trendsetters) and, secondly, get them to shift, through peer pressure, a substantial proportion of the remaining minority. In the final analysis, the cultural behaviour of the total population is modified to incorporate an allowance for that kind of behaviour and practice, the use of that product or the activity which the advertiser advocates.

I will relate something to the House of a rather pithy but valid nature. I guess 40 or 50 years ago those of us who were alive then and can remember—and I am not talking about that radio program heard in the evenings back in the 1940s and 1950s, *When a Girl Marries*—would fold up the daily newspaper carefully and slice it into smaller and smaller squares until it was just about the right size for toilet paper. It was then pierced in the corner and hung on a piece of string from a nail behind the long drop door. That was quite adequate. Public health did not suffer as a consequence of the majority of the population using newsprint for toilet paper. However, these days I do not know any child who would consider it acceptable, let alone dignified, to be asked to use a piece of newsprint for toilet paper. They have been convinced by advertising put out by the timber processing industry that it is not appropriate to recycle newspaper in this way. However, in my judgment some of the stuff that is printed in newspapers, such as the advertisement referred to by the Deputy Leader, deserve nothing better from time to time.

The fact remains that, substantially, in terms of its physical properties and its functional purpose and use, newspaper is just as good as commercial toilet paper such as Dawn, and so on. Everyone buys these products in this country these days, but that was not the case in my memory, and I will bet that it is not the case in the memory of the majority of members in this place as to what was used in their homes when they were children, that is, if they are now over the age of 40. Therefore, we see that the power of advertising has shifted cultural behaviour so far that it is now unacceptable to use newspaper as toilet paper. In fact, it is now not only frowned upon but rejected. We have gone right through the three phases—that is the power of advertising.

I have illustrated that point and that the tobacco lobby itself is guilty of hypocrisy. It says that you cannot modify people's behaviour to such an extent that people who do not smoke can be convinced to take up smoking. It produces spurious figures to illustrate this point but, nonetheless, to shift public opinion it produces advertisements for public

television about tough new laws, and it knows that it has been very successful in the process. I illustrate that point further by pointing out that, if we did not believe that, we would not agree during every election campaign to our political Parties spending millions of dollars on advertising. We do that because it is our intention to have people modify their attitudes towards us, our policies, and our personalities. I am sure some honourable members are thinking that we do this to get people to change Parties from Labor to Liberal or to some other political Party.

The tobacco company says that advertising is used to get people to change from one brand to another. I say that that is nonsense. If that was true the Government and the Opposition would not allow the Electoral Department to use advertising to get people to turn out at election time in greater numbers and vote because, over the past two decades, there has been a systematic increase in the number of people who do not attend the polls. The advertising campaign conducted during the past couple of elections has slowed down the rate of increase in the number of people who do not go to the polls.

So, advertising has been effective in modifying that behaviour. We know that what the Tobacco Institute is saying about advertising is just piffle and it is convenient for it to say it. It chooses to claim that the purpose of the millions of dollars it invests in advertising is only to get people to change from one brand to another brand.

I challenge the tobacco lobby to come clean, be honest, be fair and be decent and acknowledge that the stuff they sell to the likes of me and others—I am a sometime, one time, maybe smoker not smoking at present and I have no intention of doing so again, and I sincerely believe that that will not happen—so that if they are fair dinkum, they should be arguing with their advertising dollar on scientifically valid evidence that the flavour of their brand is better than other tobaccos, and identifying the flavinoids like I can in wine and like anyone else who has studied oenology can recognise in wine, defining what makes a good flavour and a bad flavour in tobacco, and saying that they have more of the better and nicer things and telling people what those things are, and advertising on that basis, instead of using the swish imagery that they do of desirable lifestyles, setting role models for people to follow.

That is the rub: if they were fair dinkum about shifting brands they would be doing scientifically what I am suggesting, but they are not. They are advertising in a way that projects a role model of a desirable lifestyle to those people who want to believe that they can belong to the same desirable surroundings and participate in the same enjoyable experiences which they will derive from smoking brand X or Y. They will be lovely, desirable, young, a virgin on the beach if they smoke Alpine—or at least they will be seen to be.

I can tell people that nothing will stuff them up faster, frankly, than smoking Alpine or anything else. If they are macho young men, they want to be seen as belonging to that group of people who were accorded the accolades for their outstanding movie performance in the Man From Snowy River when they see the Marlboro ad. They are all attracted by that kind of imagery in role modelling, and it produces immediate peer group pressure, the desire to be seen to be part of that. The key to be seen as part of that role model is to have an Alpine between your painted fingernails or a Marlboro under the brim of your Akubra—and not to be out doing healthy things like swimming, or riding in the great outdoors, or anything else.

If you are going to be a famous cricketer, smoke Benson and Hedges. No, that is all nonsense. In my judgment the

tobacco industry and the Tobacco Institute know well, and they have known for a long time, that advertising is not doing and is not even intended to do, what they have publicly claimed it to be doing, and have publicly stated that it was intended it should do. I have studied advertising and done market analysis as a professional person. I know that what they say has no base in scientific fact, in psychology, and no validity statistically, and so do they.

Let me turn to the Government's part in all this. Notwithstanding what I have to say about the tobacco lobby, the Government is just as devious, rotten and hypocritical. It has introduced this Bill and tried to con the public with its PR machine into believing that it is doing something to address the problem of increasing numbers at an accelerating rate, of young women smokers and an increasing number of young men smokers, but that is not such an accelerating rate—it is down.

The Government wants the public to see it taking responsible action to reduce the health problems which will arise in the lives of those individuals and arise for society at large in one, two, and three decades hence if this trend is not rapidly reversed. We know, whether the institute wants to admit it or not, that there is a correlation between smoking tobacco and health problems: whether it is to do with heart disease, artery disease, or lung disease, or any one of a number of combinations of those three—they are the worst kind. No one denies that.

If the institute or any of its members deny it, we know them to be liars because the statistics indicate clearly that, where people smoke, they are at far greater risk of all those things. So the Government, having set the perception in the public mind that it is addressing that problem, then goes about avoiding the unfortunate and unpleasant political realities that attempting to do so produces.

Those unfortunate political realities are that it does not want to lose the Grand Prix—it must exempt it, and there are many other examples that we can immediately think of. If we want to receive television broadcasts of cricket matches and deck hockey or any other sport from interstate and overseas venues where tobacco slogans are advertised on billboards and where the commentators are paid a substantial sum to mention the sponsor's brand name in the course of their remarks in producing the commentary, we will be prevented from seeing that broadcast. The Government must exempt that. So, another one is exempted.

It is not a Government double standard, the Government would have us believe. It claims it is being realistic and that it cannot deny the people of South Australia access to international sports entertainment and it cannot deny our economy the Grand Prix. It would be terrible if we lost the Grand Prix.

Mr S.G. Evans interjecting:

Mr LEWIS: The suggestion is made by the member for Davenport has as much of a realistic ring to it as the sort of proposals that the Government has put before the House today. We should fine the parents for allowing children to watch television on which advertisements and the promotion will appear, or fine the parents who allow the children to read the newspapers in which Benson and Hedges or brand X sporting activity has a report on the outcome of the match, or at least fine the parents who allow children to listen to broadcasts on the radio of these events, or whatever it is that we must be doing to ensure that we have consistency. No, the Government's approach to the whole matter is totally hypocritical, as I have illustrated by drawing the attention of members to the incidents and instances to which I have referred.

Finally, as the member for Kavell, my Deputy Leader, so eloquently said, the Government, having conceived of this plan to raise money for ostensibly replacing the revenue that sporting bodies will lose through the loss of sponsorship when the Bill becomes law, has suddenly seen that, notwithstanding the hypocrisy, it is worth going on with and says, 'We have the public conned, fellas, so let's press on.' We will have slush funds that we can spend in the seats like the one held by the member for Mawson to give those kinds of communities the kind of sporting sponsorship that we believe they will like to get so that they will continue to vote for the member for Mawson and return her as a member of the Labor Party *ad infinitum* and *ad nauseum*. She will parrot the kind of piffle that I so often hear her talking when she is speaking, and we will have to put up with the inanity of her interjections when she is not formally addressing the Chamber.

The pork-barrelling aspects of the exercise make me so sick, along with this hypocrisy that is involved in the double standards that I cannot in any circumstances support it, notwithstanding the merit that I believe is embodied in the principle of banning the advertising and promotion of tobacco and banning the promotion of the habit, the practice and the pastime of smoking because of the undesirable consequences which both of those activities—one on the part of the industry, the other on the part of the individual who is seduced by the slick advertising—have for the overall welfare of everyone, me included, in the future.

The Hon. JENNIFER CASHMORE (Coles): I support this Bill with reluctance because of its inadequacies and hypocrisy, but I support it with a sense of obligation because of what I see as its essential goals. I do not support all the Bill's clauses, and I will be exercising my right, which my colleagues and I value most highly as Liberals, to vote with both the Government and the Opposition on any divisions that occur during the Committee stage. It may be, depending on the amendments, that I will oppose both the Government and the Opposition on some of them.

There is no doubt that many of the arguments against the Bill are valid. As the Leader of the Opposition outlined in his speech, the Bill entrenches double standards and it is hypocritical to a large degree in that it exempts the Grand Prix. Section 13 (3) (a) to (f) is the weakest section of the Bill because it deals with exemptions and it effectively draws the teeth of the Bill. It is, as the Leader said, immoral and inconsistent that the Government should exempt so many events and bodies. However, I cannot accept that when it comes to epidemic disease Governments have no role to play and that the entire responsibility for the prevention of disease should rest on parents, guardians, individuals and the health profession.

I refer to information contained in the second reading explanation on which the Government has based its decision to proceed with this controversial measure. Illness and death attributable to cigarette smoking constitutes the largest man-made epidemic of our time. Every year 23 000 Australians die prematurely as a result of tobacco related diseases. Cancer of about 13 body sites and nine other diseases are known to be related to smoking, according to details published in the *Medical Journal of Australia* in 1986.

As the second reading explanation indicated, recent Commonwealth Health Department figures indicate that deaths from tobacco related illnesses account for more than 80 times the number of deaths related to heroin and other narcotic drugs. We cannot ignore these realities. In South Australia alone there has been a death toll of about 4 300

in the past two years from smoking related illnesses including lung cancer, heart disease, chronic bronchitis and emphysema. That results in an average of six deaths occurring every day of the year.

If those deaths were the result of heroin or other narcotic drugs, or of any other artificial substance legally sold and advertised, the public outcry would know no bounds, the Government would have been forced to act long ere this, and there would be support from both sides of this House and from the Houses of Parliament in every State of this Commonwealth for action to stop such appalling carnage. Yet, because of the nature of the way the Government is taking action, and because of the nature of the vested interests which exert pressures so powerful that they literally overpower Governments—as this Bill has demonstrated—we are faced with a divided attitude to the Bill and with confusion, cynicism and bewilderment by the public about it.

As the Minister said in the second reading explanation, if we look to the future we are looking at some 60 000 of today's young people dying prematurely of preventable disease. I propose to place this Bill in the context of the history of public health legislation to highlight the importance of coordinated and consistent action in relation to dealing with smoking related disease and to address some of the arguments of the tobacco industry. I think it is quite salutary to look at the history of public health legislation worldwide, and particularly in this State, and to recognise that the arguments about taxation, the growth of the bureaucracy, the economy, about civil liberties, and the rights of the individual which have been advanced by various bodies and individuals in this debate (not only in this debate in this House but in the wider debate) are the same arguments that have been used for the last century to oppose public health legislation which has since been recognised as essential and lifesaving.

I ask members to refer to debates on the Food Standards Bill in 1908—the first Foods Standards Bill introduced into this Parliament—which was amended twice, defeated and subject to lengthy debate before it was finally passed. The burden of members arguments were that the legislation was unnecessary and, according to a Mr Hart in the 1869 debate, there was simply no necessity for legislation to control the adulteration of food and drink because there was no adulteration going on in South Australia. A Council member later gave evidence of adulteration of bread with alum, confectionery with copper, lead and mercury, and tea with copper sulphate. Members said that the legislation would be inappropriate because it would give the impression that standards of manufacturing in South Australia were not high. Members said that the legislation would penalise South Australia only, and that argument has been put forward by some in this debate.

Let us look at the legislation in 1951 to introduce compulsory chest x-rays when several sections were added to the Health Act in line with the Commonwealth-State initiative to eradicate tuberculosis (which was then threatening the public as an epidemic disease). The speeches on those Bills indicated that the legislation was unnecessary; that compulsion should not be used; that patients could look after themselves and the medical profession could look after the patients so, why not leave it at that; that the legislation addressed a symptom rather than a cause (and that argument has again been put forward in this tobacco debate); that expert opinion of tuberculosis and compulsory chest x-rays was divergent (heaven knows there is enough divergent expert opinion allegedly in this tobacco debate); and that liberty and freedom of choice would be reduced by the

element of compulsion in the Bill. And the mechanics of the program which would be introduced by the Bill were attacked.

I certainly feel free to attack the mechanics of the program for this Bill, but that does not in any way negate the importance of the purpose of the Bill. Further public health legislation to introduce the compulsory wearing of seat belts in 1963 and 1971 was opposed on the grounds that it was unnecessary; that it addressed the symptom rather than the cause; that expert opinion was divergent; and that liberty and freedom of choice would be reduced by the element of compulsion in the Bill. Mr Steele Hall in 1963 (page 847 of *Hansard*) argued that the Bill imposed a condition on manufacturers and that costs would be passed on to the consumer so that the consumer could no longer choose whether or not to fit seat belts.

The mechanics of the program were attacked. The same happened with the 1971 seat belt legislation, and the same has happened with other public health legislation throughout Australia. The reality is that each of those pieces of legislation has saved countless lives and is saving countless lives today. In that I take the purpose of this Bill to be a lifesaving measure, I support it wholeheartedly.

Let us also look back, in looking at the situation in the context in which we find ourselves today, at the recent developments in the way society has addressed itself to tobacco. We all know that tobacco is so entrenched in our culture that it will be impossible to abolish the sale of tobacco or to restrict in any totally meaningful way its consumption. But let us look back at what has been achieved in this decade alone—and this decade is not over. At the beginning of this decade, there was no prohibition on smoking in the workplace other than prohibitions relating to fire risks. There was no prohibition on smoking in lifts in this State. There was no prohibition on smoking in State Transport Authority vehicles. There were relatively light penalties for the sale of tobacco to children. There were few, if any, private policies in relation to service delivery organisations, private companies or the private sector. People smoked freely in hospital waiting rooms, in other people's offices and homes, and in restaurants. Today, virtually every situation which I have just addressed has been altered as a result of either Government initiative, union initiative, public pressure or the free choice of individuals.

So, we can see that in the 1980s alone there has been tremendous pressure for action to reduce the consumption of tobacco and to eliminate as far as possible the adverse effects on individuals of passive smoking. Another very telling set of figures which indicate the alteration in attitude relate to insurance for individuals. The National Mutual Life insurance company has quoted death cover premiums for smokers and non-smokers for 1988. This was not the situation in 1980, and was certainly not the situation in 1970, when the causal link between smoking and smoking-related disease had not been definitively proven. For \$100 000 sum assured, the premium for a 45 year old non-smoker is \$285 per annum. The premium for a 45 year old smoker is \$637 per annum.

Does that or does that not indicate to members of this House that the insurance industry, which is not swayed by emotional argument but only by actuarial evidence and finance, has well and truly come to the conclusion that smoking is a risk that it cannot sustain, and if it has to sustain that risk, then those who wish the cover must pay? For a 60 year old smoker, the yearly premium for \$100 000 sum assured is \$2 665, whereas for a 60 year old non-smoker, the premium is \$1 293. Some of those figures simply signify the force of the argument which must be brought

to bear if we are to address in any meaningful way the consumption of tobacco.

Having come to that point, we must look at what persuades people to consume tobacco. A variety of factors have been canvassed by other speakers. However, there is no doubt whatsoever that the sums spent by tobacco companies on promoting their product are a very powerful factor indeed in the consumption of tobacco. As the Chairman of the World Health Organisation said, when speaking in Adelaide this week:

They [that is, advertising images and products] exemplify the policy choice of placing products and markets above the health of people.

As a legislator, I do not believe that we can permit that to happen indefinitely. This Bill is an effort, albeit an inadequate effort, to address that situation. I want to stress that, because of the Bill's inadequacies, it will be worth very little unless it is accompanied by an intensive education campaign to reinforce the essential message that smoking is dangerous to health. I refer to the Anti-Cancer Foundation's tobacco bulletin No. 2 of 22 January 1988 which states that a program being implemented in Norway is one that consists of four parts and is one that is essential for this State and, indeed, for this country. It further states:

A ban on tobacco advertising and promotion, effective education programs, a ban on the sale of cigarettes to people under 16—

and I applaud and uphold the Liberal Party's policy announced this afternoon by the Leader that, in Government, we will lift that age to the age of 18—

and a labelling requirement on all tobacco packets consisting of rotating health warnings and tar and nicotine content.

The tobacco industry's arguments include the argument that, if it is legal to sell it, then it should be legal to advertise it. I maintain that that is a somewhat shaky assertion. It is not the declaration of a sacrosanct principle. That assertion is made nonsense of in terms of a large number of pharmaceutical products which cannot be advertised, even though they can be legally sold upon prescription, and it reinforces my long held belief that before the end of this century we should be enacting in this Parliament legislation to place tobacco on a schedule under the Controlled Substances Act to declare it for what it is, a carcinogenic substance, and make it subject to all those controls to which other carcinogenic substances are subject.

The Bill essentially is a Committee Bill, and in the Committee stage I will address myself to those specific arguments relating most notably to the totally unsatisfactory nature of the slush fund which the Government will be setting up to administer this legislation. I conclude by identifying my personal wish to see effective action taken to control tobacco consumption. I have worked to that end since my election to this Parliament. As a private member and backbencher in 1979, I introduced a private member's Bill to increase penalties for the sale of tobacco to children, a provision which had been included in legislation in this State in 1904. Again, I refer members to the debate on that Bill. It canvassed many of the arguments which are relevant today.

As Minister of Health between 1979 and 1982, I launched anti-smoking campaigns and, in previous debates, as I have done today, I have called for tobacco to be placed on a schedule under the Controlled Substances Act which would make it illegal to advertise. As has been said by other speakers in this debate, not in this House but in the public debate, if tobacco were to be discovered next week and identified as it has been with disease, it would be treated in the same way as narcotic drugs are treated.

Let us have the courage to address the basic issue and recognise that, whilst we cannot achieve what we wish to

achieve overnight in banning sales of tobacco, we are bound to work towards something that will benefit the health of our children and grandchildren. It is for that reason that I support the Bill.

Mr MEIER (Goyder): I oppose this Bill for several reasons, but primarily because it is hypocritical. It is a Bill with double standards. I can well understand some of the early conversation that must have taken place among members of the Government. The conversations could have run something like this: first of all from the Minister of Health, who would have put forward the suggestion, 'Let's ban all advertising.' The Premier would have come along and said, 'Definitely not. Remember the newspapers. We want them on our side.' 'Of course,' said the Minister of Health, 'I should have realised that. We cannot upset the newspapers, because we know what happened when the Labor Party and the Opposition upset them. We must keep them on side. Good point, Premier.'

Further, the Minister of Recreation and Sport probably put in his 10c worth and said, 'I would like to have more money for sport and recreation.' The Premier said, 'By golly! We might be getting somewhere now. The Minister of Health wants to curb cigarette advertising. The Minister of Recreation and Sport wants more money. We might be able to come up with a good deal. Instead of cigarette companies giving money directly to sport, through a restriction basis and an extra tax on cigarettes, we could be the ones who allocate the money.' I guess that it would have been smiles all around for the Minister of Health and the Minister of Recreation and Sport.

The Bill before us seeks to prohibit the advertising of tobacco and tobacco products—but, hang on, I have just made an incorrect statement. It does not seek to prohibit the advertising of tobacco and tobacco products; it seeks to partially limit their advertising. I come back to the conversation between the Premier and his Ministers. The Premier would have said, 'Under no circumstances can we take advertising away from the Grand Prix,' because, although he knows that it was not his Government that first considered that event, the general public believes that the Grand Prix has something to do with the Bannon Government and he does not want any detraction from that because enough detracting forces arise as it is. So, the Grand Prix is exempted.

Other sporting organisations have made approaches to the Government, and I will be interested to find out which sports are exempted and which are not. It has been suggested that the South Australian National Football League would like further discussions to ensure that the money it receives by way of sponsorship will continue to be available. There is hypocrisy in the Bill because newspapers are allowed the freedom to advertise. What is the reason for that? From previous statements, it appears that the Minister of Health has indicated that it is too difficult to stop tobacco advertising in newspapers, because that should be a Federal direction. Surely if the State Government wanted to ban tobacco advertising in the print media, it would not be difficult to restrict newspapers in this State from carrying such advertisements. So, the saga goes on.

The Bill will prohibit advertising on billboards, hoardings, in cinemas, on videotapes and unsolicited pamphlets. I will refer to correspondence that I have received on this matter, but it has been ascertained that something like \$4 million, which is spent annually in this State, will no longer be spent on these forms of advertising. That is a lot of money at a time when this State has record bankruptcies. Some way for the Government to help the prosperity of the State!

The member for Hanson raised a very interesting point. What about people who wear T-shirts advertising cigarettes? It is my understanding that advertising will not be allowed in the small footy clubrooms, of which there are many in my electorate and throughout South Australia, that boards and signs will be removed. What about the person who comes in wearing his Escort shirt or his Dunhill watch? Will that be breaking the law? If it is not, perhaps the football club could make an arrangement with a cigarette company and say, 'Look, T-shirts are not banned, so we will let you hang up some T-shirts in our clubrooms.' I will be interested to hear from the Minister on that point. The member for Hanson's point that overseas tourists could be caught out is very relevant.

What is the aim of this legislation? I am given to understand that it is an endeavour to stop young people from smoking. I applaud such a move, but I do not believe this is the way to go. I recall when I first took up smoking. I must have been about 10 or 12 years old and I would sneak the occasional cigarette. Over the past few months I have been trying to ascertain whether I took up cigarette smoking as a result of advertising. I remember one advertisement for Capstan cork tipped cigarettes. I remember trying them: they were absolutely vile. I could not stand them.

The Hon. H. Allison: They were very strong.

Mr MEIER: As the member for Mount Gambier said, they were very strong.

The Hon. H. Allison interjecting:

Mr MEIER: Yes, they must have been advertised as men's cigarettes; perhaps that is why at 10 and 12 we wanted to try them. Nevertheless, what was it that led me to smoke at the time? I well recall that my father smoked, that my neighbour's father smoked and that most of the people around seemed to smoke, whether they were roll-your-owns or ready-rolled cigarettes. I really do not think that advertising led me to start cigarette smoking.

The statistics from correspondence that I have received and from details that I have looked into indicate that cigarette advertising does not lead young people to smoke. I gave up smoking some years ago. I have not regretted it and I would not want to take it up again. I now have two sons aged 10 and 12 years. One of them is a mad keen football follower. Recently when he was watching the Escort Cup I said to him, 'Do you realise what "Escort" is?' He said, 'Yes, it is a trophy that the teams are going for, the Escort Cup.' I said, 'No, "Escort"—does it mean anything to you?' He said, 'There is a lot of money in it. It is good sportsmanship.' I said, 'Do you realise that "Escort" is a cigarette brand?' He said, 'Now that you mention it, I don't think that I did know that it was a cigarette brand.' He has been watching the Escort Cup for two or three years and I can say definitely that Escort has not got the message across to a young child of 12 in that respect.

My 10 year-old is perhaps not so interested in that sport, but I have also quizzed him a few times on similar things and am convinced in my own mind that the actual cigarette company names do not portray to young people the need to take up cigarette smoking. In fact, they do not even portray the concept of cigarettes. If the Government wants to try to curb smoking by youngsters, why does it not restrict the way in which cigarette companies advertise? I believe that there has been no harm in the Escort Cup, the Winfield Snooker Championships or the Benson and Hedges World Cup Series, but there is quite a possibility of doing some harm if an appropriate group of people are arranged and portrayed on the cinema screen or on a billboard, and I can think of examples which may be persuading people to smoke.

However, the Government has not even considered that option in this Bill. It is simply a total ban. What the Government seems to fail to learn—and it fails its lessons very badly—is that, if we bring in something like this overnight, we will do so much harm to so many innocent people. I am not talking about the people who are smoking; I am talking about the small businesses in this State. I am talking about businesses which rely on cigarette advertisements for the basis of their livelihood. I am talking about people who rely on cigarette sponsorship to be able to race their motor cars, and so it goes on. These people will be hurt.

If the Minister really believed that a ban on advertising would work and was the way to go, he would not have the double standards, the hypocrisies, in this Bill, to which I have already alluded. The Grand Prix takes the cake in this respect because, as the Deputy Leader of the Opposition said earlier, the Grand Prix highlights the presence of cigarette companies more than any other event does. It comes onto probably 80 or 90 per cent of people's television screens—in fact, 100 per cent of the screens, when one thinks of the lead-up to the Grand Prix in the week or two before—yet that practice will be allowed. It makes a farce of this legislation.

I could go on further, dealing with the Grand Prix, but I say that it should be all in or all out—not halfway. We could cite the South Australian Jockey Club. I believe that the SAJC has been advised by the Department of Recreation and Sport that it could be exempted from the Bill's restrictions on tobacco advertising because Skychannel, which broadcasts racing nationally to participating hotels, is based in Sydney and does not therefore have to heed South Australian legislation. We have heard other speakers go into detail on that topic.

I mentioned the Benson and Hedges cricket matches earlier, and it seems that we will have the ludicrous situation where test and shield matches will be exempted from tobacco advertising bans, whereas the grade cricket will have to comply, yet at grade cricket level something like 50 per cent of sponsorship is sourced from the tobacco companies through the South Australian Cricket Association. Why should that sort of sponsorship be taken away? Also, junior tennis apparently will lose about \$10 000 which is presently provided by the Rothmans Foundation, as we heard the Leader of the Opposition say a little earlier, whereas the Virginia Slims Women's International Tournament scheduled for Adelaide next November will be exempted under this Bill.

The national Socceroos team will play on with tobacco sponsorship, protected under this Bill's ludicrous exemption system, yet the local State league, from where some of the national players come, will have to forgo its tobacco sponsorship. I can think of the West End 36ers, who have achieved great success, with the Brewing Company backing them. If any advertisement is encouraging people to take up beer drinking, I think it would be the West End advertisement. I suppose that if one wanted to compliment people on good advertisements, one would have to compliment the West End company on the way theirs comes across. It has a very significant impact.

However, in relation to tobacco firms, with regard to the Escort Cup football and Benson and Hedges cricket matches, they do not get a chance to advertise on television at the same time, and surely their message is hardly coming across.

THE DEPUTY SPEAKER: Order! I ask members to resume their seats, please.

Mr MEIER: I believe that under this Bill many taxis would continue to carry advertising until 1992—which just happens to be well after the next election. In fact, most

contracts will be allowed to continue until after the next election in 1989, all of which is designed to ensure that there is no uproar before an election. The Government certainly has done some homework on this. It has done its thinking: I cannot deny that, but it will not be in the best interests of South Australia and it will hurt many South Australians in the process.

I believe the Government will take control of the trust, because members of the trust will be selected entirely by the Government. No sporting organisations will be able to play any part in the final selection of the trust. The members will owe their positions to the Government, and in this respect the Minister of Health made the following statement on 3 March:

The trust will not be subject to the specific control and direction of the Minister of Health. However, it will exercise its powers subject to any guidelines issued from time to time by the Minister of Health following consultation with the Minister of Recreation and Sport and the Minister for the Arts.

What that says is that the trust will not be subject to the control of the Minister but will do as he directs. This provision clearly puts the trust utterly under the control of the Minister. Any argument contrary to that must be viewed with grave suspicion. In the last three minutes that I have I want to refer very briefly to some of the letters I have received. I received a letter from the Confederation of Australian Sport, which states in part:

The confederation contends that the attack on the fundamental democratic right of sport must be separated from the proposals which deal with the issues of smoking and health. In short, from a sporting point of view, the proposed Bill camouflages the most flagrant attack on the autonomy and independence of sporting bodies yet mounted by a Government.

I also wish to refer to details that I have had from the Kernewek Lowender, the Cornish Festival organisers. Over the years they have received sponsorship money from cigarette companies. I believe that next year they would be looking for at least \$2 000 and perhaps \$3 000. Will the Government consider them as a body worthy of receiving sponsorship in the future? If what they have followed in the past is any indication, the answer will be 'No', because the Government has subsidised the Kernewek Lowender less and less over the past few years and I am sure that, because it happens to be in a non-marginal seat, it will receive little consideration.

It might not happen in the next year or two, but give it a little time and the Government will say, 'That is one we can dispense with.' I received a copy of a letter from CAMS, the Confederation of Australian Motor Sport, which says in part:

The national council of the Confederation of Australian Motor Sport wishes to register its deep concern at the thrust and content of the South Australian Tobacco Products Control Act Amendment Bill... many of its clauses and provisions are considered to be highly discriminatory, and it is difficult to avoid the feeling that the Act is to some extent hypocritical.

Time will not allow me to cover the many clauses this letter addresses in detail. I received a long letter from the Tobacco Institute of Australia, many of whose arguments must be looked at in further detail, and I am sorry that time has not permitted me to go through the letter's three pages. I hope that some other member will take it up in more detail. I have also received a letter from an Annarita Mitolo, who expresses grave concern about tobacco growers and the tobacco industry generally and its future prosperity. She states:

I feel this Bill is an act which is a prohibition of civil liberties. I oppose the Bill.

The **DEPUTY SPEAKER**: Order! The honourable member's time has expired. The honourable member for Albert Park.

Mr HAMILTON (Albert Park): I strongly support the Bill. I challenge members opposite, if they have not done so already, to wander up to the Royal Adelaide Hospital or any other hospital in South Australia and talk to the people who are suffering from the side effects of tobacco smoking. I took up cigarette smoking when I was 14 years of age and, if ever I cursed a day, it was the day that I took up that filthy habit. I have seen so many people suffer from tobacco smoking. I have seen people die from emphysema. I have seen people who have had to wear face masks and carry around oxygen bottles. As one who has suffered from bronchitis for a number of years, I condemn cigarette companies. It has been put to me that perhaps I could use the words 'purveyors of death'. I am not prepared to go that far, but I am prepared to say that cigarette companies are peddlers of gross untruths in the community. Why else would they spend hundreds of millions of dollars each year to peddle their products throughout the world?

They do this to convince people, through advertising, to smoke—it has nothing to do with this nonsense about trying to convince people to change brands. That is arrant nonsense, in my view. The tobacco companies are hypocritical. It seems that they do not care about people who suffer from the side effects of cigarette smoking. Recently I received correspondence from a Mr Goodwin, the Chief Executive of Fair Go Limited of Paramatta. In reply, I thanked him for writing to me and said:

In response, I wish to advise the following. That, as a smoker from the age of 15 years up until 1985, I smoked at least one packet per day. I would point out that I regret the decision to take up this filthy habit. It has had an impact upon my health, and this is supported by doctors from the Royal Adelaide Hospital when I underwent open heart surgery in 1965. The black tar and nicotine from the bronchial tubes of my lungs was continually coughed up after my operation.

I go on to point out that I gave away the habit for a period but then foolishly took it up again. I also point out that in 1985 I became ill with bronchitis, and I believe very strongly that this is attributable to the filthy habit of cigarette smoking. I also point out that as a legislator I will continue to encourage people not to take up this filthy habit, and encourage elderly people to give it away all together. I then conclude, as follows:

Please do not waste your time writing to me on this matter because I believe that cigarettes contribute to the massive national cost of health services and indeed to many forms of illness.

I have listened intently to the contributions of a number of members here today, but rarely did they mention the cost to the community in terms of hospitals, the number of health staff and the impact on the community's health. That is what this Bill addresses; that is its thrust. All we heard from members opposite, with one exception—

Mr Ingerson interjecting:

Mr HAMILTON: The member for Bragg can have a go in a moment but, until then, he should watch his manners and keep quiet. I strongly believe that members opposite are not really concerned about the health of the community; instead, they are concerned about the cheap political advantage leading up to the next election. They may obtain some cheap political advantage by supporting the tobacco companies, but they should beware of companies that try to influence people in this manner. I have seen and spoken to probably thousands of people during my lifetime who dearly wish that they had never taken up this filthy and stinking habit. That is what it is—a filthy and stinking habit. It is a habit that impacts dramatically on the cost of illness in this

country in relation to the number of hospital beds occupied and the lengths of stay of people in hospitals.

I challenge all members opposite who contribute to this debate to say when they last spoke to a doctor about problems associated with cigarette smoking and how it impacts on people's health. When was the last time they spoke to a surgeon about the impact of cigarette smoking on the community and its cost to the community? I dare say that very few will address that matter during this debate. It is a gutless approach from people who are not really concerned about the health of the local community. Members opposite are influenced by the cheap political gain they perceive in this debate. However, it is a debate that they will live to regret because, later on, I suggest that it will haunt many of them and their loved ones.

It was only one month ago, when I was down in my patch, that I heard a representative of a very large worldwide company talking to a person well known to me about advertising and the selling of their particular product. They were discussing wind surfing on the West Lakes waterway and this person, whose name I have in my office, said, 'We'll be able to target that 15 to 17 year-old age group, and we'll do that with advertising.' Of course, tobacco companies will do the same thing, and they have done so for many years: they have targeted kids to get them hooked on their products, and these kids have to pay more and more money, as does the community, towards the cost of this habit many years down the track. In the interim, the tobacco companies spread their tentacles in other directions and invest their money in many other companies and organisations outside the tobacco industry. That is where they make their money.

Like many members in this place, I received correspondence from the tobacco industry, from advertisers and from constituents. A letter from a doctor (whom I will not name, for obvious reasons), who lives in my electorate, states:

My work at the Adelaide Children's Hospital concerns the health of children and it is of deep concern to me that it is this group of people that the tobacco companies get at to obtain their life long grip on their customers. As many people who have tried to give up smoking know, it is not easy to do. What concerns me most is that 'die hard' smokers do not see that they are affecting others around them. Nor do they see that they do not have the right necessarily to smoke where they please. The tobacco companies have been basing their campaign on these non-existent rights and claiming that to deny those 'rights' is somehow a Nazi-like act. They do not see the cost to the community of their customers' indulgence in smoking.

The long-term cost is horrendous and in my view current legislation to curb the advertising of cigarettes is essential but not enough. We should in some way discriminate against those who smoke by imposing extra Medicare levies or not allowing them Medicare payments, or in some way making them pay extra for the burden they create on the health care system. More importantly, the tobacco companies who continue to promote false information on tobacco and its effects in the face of irrefutable evidence of massive proportions should be in some way liable for the damage they are causing.

Consequently, I hope that you will support the Tobacco Bill and any further moves to curb the tobacco industry. Meanwhile, I believe more should be done to publicise the facts concerning the 2 100 South Australians who die prematurely each year from tobacco-related lung cancer, heart disease, stroke, emphysema, peripheral vascular disease and other chronic disease.

I still see a depressingly large number of teenagers smoking. The message has not penetrated that it is no longer an acceptable risk to take with their lives. I commend Dr Cornwall for his efforts in this area and in the related drug abuse area.

The letter is signed by this PhD who is well known to me and who is correct, I believe, in what he says—that the Government is on the right track. Perhaps there are some flaws in the legislation, but at least this Government has had the guts to have a go and try to protect the health of those kids in particular. They are the people at whom this advertising is targeted: it is targeted at kids.

It was only recently that a group of school kids from my electorate came to see the Minister of Health. I was delighted when I was advised of that event. Time does not permit me to incorporate all that information in *Hansard*, but I indicate that those children were from Hendon Primary School. They visited Dr Cornwall and their perceptiveness about the attempts by the tobacco companies to influence them to take up smoking was most interesting. They talked about monster spotters on television and any member who would like to read the song that those kids, together with their teacher, have written on this matter is welcome to see me.

The Hon. J.R. Slater: Sing a few bars.

Mr HAMILTON: I would if it were permissible, but I fear it would bring the House into disrepute. I wind up by reading from an article that highlights the dangers of cigarette smoking, as follows:

What produces most of the flavour in your cigarette is those thousands of millions of chemical particles mentioned earlier. Condensed from smoke, they form viscous, smelly tar. A packet-a-day smoker each year inhales about a full cup—240 millilitres (eight ounces)—of tar.

Even as it pours tar into your lungs, smoke neutralises the lungs' defences; mucus, to trap dirt and microbes; cilia, tiny hairlike structures lining the airways, beating steadily to move the mucus towards the throat; and macrophages, hardworking vacuum-cleaner cells which gather and dispose of harmful substances. All the cigarette smoke you gulp directly into your lungs produces excess mucus while slowing down and eventually stopping the cilia, and hampering the macrophages' ability to digest foreign matter.

I recall, and I have related to members, my experience of open heart surgery in 1964-65 when my lungs were collapsed. I refer to the full cup of black tar and nicotine that came out of my bronchial tubes over two or three days and was as black as my hat. That was an excellent indication. My colleagues know of this and commented on it in relation to our Party meetings, because we banned smoking in Caucus. Even when I was smoking, I supported that ban because, like thousands of other people in the community who have taken up this filthy and stinking habit, I would like some quick cure to help give smoking away because, not only is smoking injurious to health but it costs people a huge amount of money each year. I support the Bill strongly and commend the Minister and the Government in this regard.

The Hon. H. ALLISON (Mount Gambier): This Bill obviously causes most members of Parliament a great degree of concern. I wish to make the point that, whatever are the Minister's best intentions to reduce smoking in South Australia, this legislation simply highlights the Government's relative inconsistency over the past two years. First, while moving against tobacco today, the Government has condoned the smoking of marijuana by previously legislating in such a way as to virtually legitimise the smoking of marijuana in private.

Secondly, the Government is not only inconsistent but also, I am sure, all members will have realised by this time that there is a high degree of hypocrisy involved in this measure because we are preventing small bodies from advertising tobacco products but providing blatant exemptions whereby almost all major sporting events have already been assured of the right to continue advertising tobacco products. My cynicism is shared by other members of this side of the House in that the Government is using this legislation in the name of community health to legitimise what it would otherwise have liked to do but could not do for fear of electoral resentment, namely, it will be able to collect another \$5 million a year in tobacco tax. This move will provide the Government with the potential for pre-

election pork barrelling, as other members have pointed out, and this at the expense of the tobacco consumer.

The complaints that tobacco users are an extra charge on the health system (and these complaints were made by the member for Ascot Park a moment ago) are being ignored in this Bill. None of this extra taxation is being directed to community health, which is already bereft of funds; none of this money will be used to attack our rapidly compounding drug problems. I am not a smoker and I am naturally resentful of either firsthand or secondhand smoke entering my lungs, but tobacco is a nationally approved drug. It is a legal drug and it does contribute immense revenue at Federal and State levels to our Governments. Billions of dollars are derived annually from alcohol and tobacco duties.

How sincere are State and Federal Governments in moving legislation of this kind? We have been bombarded in the House over the past few weeks with information from lobby groups on both sides of the argument, from sporting bodies which are anxious to retain lucrative sponsorship, from the Anti-Cancer Foundation whose arguments are soundly based, I believe, and whose actions are in the best interests of national health and well-being, and from a few doctors who have widened the debate from cancer to include a much broader and equally valid range of smoking induced ailments, including bronchitis, emphysema, heart disease, blood circulatory problems, thrombosis, and so on—and many more of them. I say that their validity is beyond question and there is a mass of evidence to show the adverse effect of smoking on the human frame, and for me an ideal world would be free of tobacco.

We have also been bombarded by the huge tobacco lobby which first threatened all parliamentarians who dared to support this legislation. That was really a ridiculous threat which does the industry no great credit. The use of threats often indicates, I believe, a weak argument and close examination of much of the industry's publicity reveals a fairly shallow medical base. The use of articles resorting to ridicule and scorn for its opponents and the portrayal of smokers themselves as a poor beleaguered and harassed lot seems to be commonplace and one of the more recent publications which is brim full of that sort of propaganda is 'Let's take a look at smoking in a free society: commonsense perspectives on public issues.'

I think that the tobacco industry—those huge corporate conglomerates—could have done much better than to send out material such as that. If advertising is really as ineffectual as the industry now claims it to be, it really begs the question, 'Why press for its continuance so strongly?' Moreover, if the industry really has sport and other ventures so strongly to heart, I ask it whatever happened to the old principle of anonymous patronage, of quiet benefaction? Perhaps the tobacco industry would do itself more good by offering to assist groups in a truly philanthropic way than by insisting that the only way money can be forthcoming is to make sure that a huge advert is displayed on the ground or somewhere on the premises recommending that a certain brand of tobacco be smoked.

Advertising is the lifeblood of the tobacco industry. I have not been impressed by the dollar driven arguments of the United States doctors—generally doctors of advertising and business schools (I am not sure whether they were medically qualified)—which clearly lacked balance and which often attacked the alleged findings on cancer to the exclusion of that vast additional range of ailments which are certainly affected and worsened by tobacco smoking.

Equally, I find that the impressive list of those who have died in South Australia from smoking (according to a list published by the South Australian Health Commission and

according to other statistics) could have been even more informative had the ages of the people when they died been included. Perhaps it would have further heightened the impact although, in the absence of such data, it might be that it could have diminished the impact of those statistics. I just wonder why the correspondence I received did not include information such as that.

There are soundly based arguments on both sides. However, as we have said before, and as has been repeated many times by members here, tobacco is still a legally available drug. I wonder whether the Minister of Health in South Australia and his Government have approached the Federal Government to test the water, to see whether it will remove legitimacy from tobacco rather than advocating the legitimacy of marijuana. That surely would be a step in the right direction if the Government's intentions were strictly honourable.

If we wish to dissuade youngsters from taking up smoking, surely the proper policing of existing legislation would have greatly helped the Government to attack the problem, even without its introducing this legislation. There are other measures than those proposed here today which would attack the problem more effectively. These have, in part, been propounded by the Leader of the Opposition, and we on this side believe that they are both workable and acceptable.

Today's legislation (and I agree with my colleagues who say that it smacks of window-dressing and hypocrisy) also lacks the ring of sincerity. It is far more a tax measure which should have been introduced by the Treasurer than a health measure to be introduced by the Minister of Health, because it has been diluted far beyond its original intention. I know that my vote will not be of any great importance here today: the matter will be decided largely on Party lines and the Government has the numbers to pass what is an inadequate tax Bill. I have studied the body of evidence, all of the lobby material that was sent to me, and much more besides, and I wish to see a great reduction in smoking. I note with some concern that for many women today equality now means that they have to smoke as much as men. It is not only the children who have been targeted but also the women seem to have been persuaded, too.

However, I cannot see this legislation achieving its claimed aims. Exemptions already have diluted its potential and they do so even more day by day (and I am sure we will find out more during the Committee stage of the Bill). On balance I have decided against supporting this cynical piece of legislation, but I would strongly support positive policing of existing legislation to prevent juvenile smoking and to attack that problem. I would also call on the tobacco industry to amend its advertising and marketing style to avoid targeting those vulnerable sections of the public.

I hope that that is not too great a thing to ask because, surely, the tobacco industry itself must realise that the writing is on the wall and that sooner or later it will be restricted. I would like to see this measure attacked not simply from South Australia's point of view but from the Federal Government's point of view, that Government working in collaboration—and close collaboration at that—with all States in Australia. I wonder about the extent to which the Ministers have worked together to persuade the Federal Government that this is a problem of great national importance. I have another question in mind, and that is that, although we have pointed out many times the great expense to the health bill which comes from excessive smoking in our community, I wonder what would happen if the Federal Government in its wisdom did decide to outlaw, as the United States did, not only alcohol but also tobacco.

I do not know, as I have not carried out sufficient research, the extent of income derived by the Federal Government so I cannot set that against the ultimate cost to State and Federal Governments of the health bill which can be attributed purely to tobacco induced ailments. I know that the statistics from the Health Commission are interesting, but many ailments which could have been tobacco induced could also have been induced by other means. Bronchitis runs in some families, as does heart disease, liability to cancer, and thrombosis, and the fact that they could have been tobacco induced is not always an indubitable fact when one sees statistics. There is still much more research to be done.

However, I believe that it would be more appropriate for taxes raised from smoking to be utilised in approved health programs and for the indexation of such taxes to be linked directly to an indexation of health fund grants from the Federal to the State Governments rather than such moneys simply being absorbed into general revenue while health grants continue to be diminished.

Mr INGERSON (Bragg): This Bill is another of the classic con tricks perpetrated by this Bannon Government on the people of South Australia. This little gem can be added to the Bannon list and join such debacles as Saturday trading, WorkCover and occupational health and welfare. It is a well worn but simple technique that this Bannon Government has developed into an art form.

First, there is a search around for some issue of popular debate, something that involves an emotional viewpoint with a fair amount of righteous sentiment attached; something that will win a few brownie points for the Bannon Government and help bring it favour with a noisy pressure group—even better if, along the way, it provides an opportunity to polish up the paranoia or inflate the ego of the person pushing the band wagon.

Then the real art is applied, preferably with as much noise and breast beating as possible—the art of appearing to take action that in reality achieves nothing except confusion and despair. Mounted on its white charger the Bannon Government dashes in to slay the dragon, but carefully leaves its sword at home. Sir Lance-it-a-lot (our Premier Bannon) then postures about in his latest halo while the public finds out what it is like to suck another lemon.

This Bill is a sham; it is an arrogant attempt to hoodwink the public into thinking this Bannon Government is making an honest attempt to address a problem of real concern. Tobacco smoking is dangerous to health—of course it is. There is absolutely no doubt about that. We as a community should take measures to reduce tobacco smoking—of course we should. We should prevent juveniles from smoking—that is absolutely right. We should discourage present smokers from smoking and reduce the recruitment of new smokers—of course we should.

Does the Bill before Parliament achieve any of these things? Of course, it does not. The prime objective of the Bill is to reduce teenage juvenile smoking and to prevent the recruitment of new smokers. That is fine and I support that principle but this Bill will do that. What it does is make unrealistic assumptions, such as that tobacco sponsorship of sporting events and billboard advertising are major factors in encouraging or recruiting adolescent smokers. This simply is not so. Surveys and abundant anecdotal evidence suggest that peer group pressure and the example of close adults provide the main triggers to the encouragement of novice smokers. In fact, most evidence suggests that advertising in general has little or no place in the process of recruiting adolescent smokers.

This simply is not so. Surveys and abundant anecdotal evidence suggest that peer group pressure and the example of close adults provide the main triggers to and encouragement of novice smokers. In fact, most evidence suggests that advertising in general has little or no place in the process of recruiting adolescent smokers. That would seem to be supported by local experience, where tobacco advertising has been banned from radio and TV since 1976—the most powerful sections of the media in terms of the youth market—and yet there has not been a dramatic reduction in the rate of recruitment. So other factors must be having a major influence on the process.

Smoking usually commences in adolescence when everyone is seeking to establish an identity, is desperately in need of confidence and is waiting to enter and identify with the adult world. Tobacco has, for generations, been part of this initiation, part of the test, both a bonding to a peer group responding to a dare, and tasting the forbidden fruit—and identifying with adult behaviours. These are all functions of the people surrounding the adolescent and the example they set. While adults smoke, tobacco will be part of the 'rites of passage' whether or not there is advertising or tobacco sponsorship.

That brings me to the most offensive aspect of this Bill—the cynical inconsistencies and the barefaced hypocrisy of its provisions. If we believe that sporting sponsorships promote recruitment of smokers and tobacco usage, what unbelievable nonsense it is to then turn around and exempt specific events when they have other benefits. Of course the Government does not want to jeopardise the Grand Prix—but that cannot excuse this ridiculous juggling with the rules. If you can not afford to pay the price for these actions, you will have to wait until you can.

Exempting the Grand Prix makes a mockery of the provisions of this Bill. I cannot imagine one event which would have greater access to the hearts and minds of adolescents. It is adult, it is exciting, it is dangerous, it encompasses many other notions significant to young people reaching puberty, it is almost universally followed and talked about, and it is on TV, in the newspapers—and yet it is exempt. Why is it different? Does Bernie Ecclestone have the power to redefine tobacco products as health foods because they are associated with the Grand Prix? Does fairy godmother Mal Hemmerling wave his magic wand and make all tobacco sponsorship invisible to non-smokers or teenagers? What nonsense! What sheer hypocrisy! Is the Bannon Government going to stop using the Grand Prix to promote South Australia on posters, in film clips, and brochures?

Will we have this Bannon Government emblazoning its promotional literature, its tourist image, with photos like the example on our SA tourist brochure, with a Marlboro car on the front page and with the Marlboro advertisement behind it? This is the State tourist brochure! The grave statement that because some events are national there is no power to control them and therefore cricket is now exempted is another convenient fiction. What an extraordinary admission, actually pointing out the loophole that will make sure this legislation will be ineffective. I understand that an official of the South Australian Cricket Association recently wrote to the Minister of Recreation and Sport, and stated:

My association is a member of the Australian Cricket Board, which has a long-running sponsorship contract with the Benson and Hedges Company. That contract requires the display of ground signs at all Tests, one day international and Sheffield Shield matches ... such as posters and fixture cards. Failure by my association to comply with these provisions will leave the ACB with no option but to schedule such matches elsewhere in Australia. That would be a disastrous state of affairs for cricket in this State.

In other words, if you are big enough and you are game to stand up to the Government, you can get an exemption. Why, then, is football not exempted, if cricket is?

How long will it take for some powerful sporting organisation to make itself part of a national body or competition so that it can have access to sponsorship funds? If it is okay for test and shield cricket, Winfield Cup in trotting, Winfield Socceros, Virginia Slims in women's tennis, it will pretty soon be okay for league football and for league soccer. Just how much evidence do we need that this Bill is a sham, a put on, another cheap shot at the public's expense. And, of course, there are a few more hypocritical exemptions.

Whereas advertising on TV can turn a stripper into a nun, and while a message on a billboard or jockey's helmet can change a young life, we are expected to believe that print advertising is absolutely sugar-coated and will not affect the purchase of a packet of cigarettes by young persons. Are we expected to believe that advertisements such as the full page ads appearing in daily newspapers and in a whole range of magazines—many of them with particular appeal to young people—have no effect? There is nothing to stop tobacco advertising of this nature appearing in the sports section, the fashion pages, the TV pages or the comics. And what about those glossy colour catalogues that seem to fall out of every paper—usually items of great interest to young people? Is the Government claiming that young people do not, or will not, or cannot, read the print media, the newspapers and magazines such as *Women's Weekly*, *Cosmo*, *Dolly*, *Rolling Stone*, *Wheels* and *Modern Motor*, *T.V. Guide*,—all able to advertise?

If it is telling us that, it is admitting a massive failure of its education system or it has been wasting thousands of dollars on its own advertisements intended for that market. It is either one or the other. Or is the exemption of the print media another part of the sham? This is another glaring inconsistency, another part of the hypocrisy of this Bill—a piece of legislation the Government clearly does not want to work, at least not too well. If it knows it will not work, just what is the Government getting out of this? Where is the *quid pro quo* for introducing this legislation? Of course it will get the anti-smoking lobby off its back for a while. The Minister of Health will wallow in self-righteousness for a while, and there will be improved relations with some sections of the medical establishment.

Maybe we will see the real pay-off if we take a look at the effects of this Bill on sports sponsorship. This States sporting bodies are deeply suspicious and sceptical about the possible effects of this Bill, with good reason. The Government's record of efficient and impartial administration of its funds does not inspire confidence. In fact, what this Bill establishes is a sponsorship process that could radically alter the whole basis for sports and arts funding.

By taking over the tobacco industry's sponsorship role, the Government now becomes the sponsor but uses tobacco money to do it. The Government can now claim all the rights and benefits of a sponsor, all the benefits that the Government saw as harmful if accrued by the tobacco companies, all the positive positioning in the community, all the favourable exposure, all the influential contact with community groups! What a Godsend! What a windfall gain for a Government that has recently been made conscious of how far it is out of touch with the community! What a great little taxpayer funded publicity band wagon that could turn out to be! As a major de facto sponsor, a sort of Clayton's sponsor, would the Government be able to resist the impulse to flex its muscle in this arena? Some sectors, some factions in the Government would fall over themselves for another chance to impose their philosophy.

As the dominant sponsor, would the Government object to another corporate sponsor who did not toe the line in some way or another? Would we see a clique developing where only companies acceptable to the Government would have access to sports and arts sponsorships? On the other hand, there is the possibility that much of the willingness from the private sector to assist and sponsor groups and events in this area may start to erode. Not every group or event provides high exposure for the sponsor, and we have often seen the insidious effect of excessive Government intrusion in areas which traditionally have had high support from private funding and volunteer effort. Many people take the attitude that 'it's the Government's problem now—they don't need me!' This will be accentuated because the Government has a large pool of 'tainted' money to use in the area. If this process begins, some sporting bodies will become almost totally reliant on the Government for funding—totally reliant and totally subject to the Government's wishes.

Right from the beginning there is the threat that sporting and cultural bodies will have to prove themselves 'ideologically correct' before they will have access to funds. Maybe the Bannon Government will use these sponsorship funds to achieve other priorities. Would sponsorship funds be withdrawn from, say, football or racing or soccer, for instance, so that the \$500 000 shortfall at the State Opera could be covered? We do not know, but the possibility is of great concern to both sporting and cultural organisations. Is the list of organisations currently receiving tobacco sponsorship a closed list for access to the new funding? If you are on the list, are you guaranteed access to these funds in perpetuity? Can new bodies apply for funding? How will applications be judged? One thing is certain. The current process and rules for seeking and retaining sponsorship in the private or corporate sector will not apply to the new fund.

Will some sort of equal opportunity rule apply so that croquet will get the same funds as cricket, or will funding be proportional to the number of players or the number of spectators or the whim of the Bannon Government? The Government is vulnerable to strident minority group pressure. It has caved in to protesters and the lunatic fringe of the Labor Party or the union movement on numerous occasions. I cite as examples the unions on the ASER site, bus drivers, self-styled environmentalists such as the Aurora group and the protests against Jubilee Point. Will pressure from the loony Left have the Government sponsoring only union based activities, such as the inter-union marbles competition? Maybe there will be jockey in resident schemes to make sure that union members get the best tips. There have been resident storytellers and artists: why not a resident sporting expert?

Of course, all sports will have to become racially homogeneous, sexually integrated, non-aggressive and non-competitive, and all games will be played with biodegradable equipment. It is not that far-fetched. One need only take a look at some of the councils in the United Kingdom that have caved in to the loony Left. Much to the discomfort of the Premier, there are plenty of left wingers opposite. When sporting bodies have to go cap in hand to this Government fund to plead for their hand-out (I am sorry—sponsorship) from their nice old nanny, Premier Bannon, they will have to remember the story of Little Red Riding Hood; especially the part that says, 'What big eyes you have, nanny, and what big teeth.'

The problem with this Bill is that it does not deliver what it claims. It will not be effective. Because the Government has created so many exceptions to its operation, it has lost

the rule. It could not resist the temptation to grab a little political benefit on the way. So much for honesty and integrity! If the Bannon Government was really serious about tackling the tobacco problem, it would go to the heart of the matter. It would ban cigarettes or, at the very least, place severe restrictions on smoking in any public place. That is where the real incentive occurs for young people to smoke.

The role model of adult smokers already in the community and the chance to use smoking to prove or display maturity or sophistication is the attraction. In New York of all places, a city almost synonymous with *laissez faire* and 'if it feels good, do it' philosophies, steps have been taken to restrict smoking. That city has taken an honest and believable step to attack the smoking problem at its heart. Cigarettes have not been banned and individuals still have the freedom to use tobacco, but not in public. We also should reduce the opportunity for young people to purchase cigarettes. The Government should introduce corporate product advertising not involving people in ads. But this Government will not do anything like that, and I wonder why. With its fervently stated opposition to smoking, one would think it a logical step. Maybe it is worried about the \$43 million in revenue that it receives from tobacco every year. With the State looking down the barrel at massive slashes in available funds, the Government will not give that money away. It will not kill the goose that lays the golden egg.

Maybe there is something more. Surveys show that the major users of tobacco and the major sufferers from tobacco related diseases are people in blue singlets, that is, blue collar workers, and people in manual and clerical occupations. The workers pay the price in dollar and health terms for the use of tobacco. These are the people that the Labor Party has always claimed as its own. They are the same people who have just sent a few unmistakeable messages that they are fed up with the Labor Government for its arrogance and hypocrisy; they are sick of being taken for granted. That is why the Bannon Government does not want this Bill to be too effective. That is why it does not want to take effective action against tobacco use. It is tiptoeing around its traditional supporters, terrified that another body blow will be delivered by an angry and disillusioned electorate. It does not have the guts to do it properly.

If the Bannon Government is genuinely convinced that tobacco use is a problem, that it affects the health of the community, especially the average worker and young people, it should do something practical and effective about it, and have the guts and integrity to withstand the consequences. However, this Government prefers deception and pompous play acting. The workers can smoke themselves to a standstill, as long as they are on our side, and keep paying their share of the \$43 million. What cynicism!

I make my position clear. I am against tobacco use. I accept that there is ample evidence to show that it is harmful to health and is a major contribution to health costs in the community. I would like to see tobacco use eradicated, and I am sure that we would be a better community for that. However, I am also conscious that the community has a cultural and economic dependence on the tobacco industry—that has existed for centuries. Many people are addicted to tobacco use and many businesses are financially reliant on tobacco sales. The Government derives substantial revenue from this industry. To a minor extent, sporting and cultural bodies are dependent on the support of the industry.

Something must be done about this. Action must be taken that is practical, effective and determined. A strategy must be put in place that takes into account the problems that

will be caused by the winding down of the tobacco industry. If the Government wants to introduce comprehensive measures to tackle this problem—honest measures—then it can expect and will get the support of all those concerned about the effects of tobacco. Unfortunately, this Bill does not achieve that end. Many members on this side of the House are not swayed by the tobacco lobby, they are not champions of the industry, and, in all conscience, would like to see tobacco use decline and eventually disappear. Yet, in speaking against this Bill, Opposition members risk being pilloried by its proponents for even daring to criticise; for not being cowed by all the potential motherhood statements trotted out to support this ineffective and hypocritical mish-mash.

Smoking is unhealthy, children should not smoke and the recruitment of smokers should be discouraged. The Bill before the House will not achieve these ends and will increase the danger of cynical political manipulation by the Bannan Government of sporting and cultural bodies. I oppose the Bill.

Mr S.G. EVANS (Davenport): I oppose the Bill. I also oppose smoking because it is a dirty, filthy habit. I have no doubt that the literature provided by the Anti-Cancer Foundation shows that it is a health hazard to the user, and although I do not accept it entirely, to those who inhale smoke produced by a smoker. I take note of what yesterday's *News* had to say, as has been said for some time, that alcohol will be next. Yesterday's report stated:

The cops will get into the act, community welfare will add its widow's mite to the statistics on national costs and human misery. The greatest single factor will prove to be booze in wife bashing, child neglect, youth delinquency, unemployability and social security fraud. When society is forced to add it up, it will be clear to every South Australian for starters that the smoking problem was but a tiddler compared with the shark size of the alcohol problem.

I will seek to draw that comparison in my speech. At the conclusion of the second reading debate, I will seek to move that Standing Orders be suspended to enable me to include alcohol products in the Bill, as there is no doubt that one of the biggest curses in our society is alcohol. Of course, cigarettes are also a curse.

The users of cigarettes in the main harm themselves, although a person close to a smoker may also be affected. There is no doubt that alcohol is the biggest curse but one of the reasons why it is not touched in this State is the employment problem. People would be put out of the grape-growing industry—the growers, the pruners, the pickers, the processors—and the same can be said for barley, the brewers, the bottlers, the container people, the carters, and a whole host of other people. However, with tobacco products, the effect on health comes later in life. Although it has not been shown in any of the material that has been sent to me by the Anti-Cancer Foundation, most of the ill-effects come about later in life, usually bringing about death. However, alcohol kills young people. Some might argue that that is a good thing because we do not have to find jobs for them and their dying creates jobs for others.

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

Mr S.G. EVANS: Just before the dinner break, I was drawing a comparison between the penalty society pays in the cost of alcohol as against tobacco products. The Anti-Cancer Foundation is a group to which I have financially contributed at different times over the years and, in fact, when I was on the Flinders University Council a representative was elected to a group involved in that area. One of the papers that foundation distributes tells us that over

23 000 people die every year from smoking in Australia, and in each year 2 100 Australians die prematurely from lung cancer, heart disease, stroke, chronic bronchitis, emphysema and several other chronic diseases as a result of smoking.

Surveys show that by the age of 15 about one-third of South Australian children are smokers, and it now involves more girls than boys. I accept those figures. A pamphlet distributed by the foundation shows the number of people who are affected in one's own electorate and, although they show the number in Davenport as 85, I point out that that is not my present electorate. Mine could be better or worse than those figures. They show total deaths from smoking at 37 and deaths from road accidents at 285, half of which are caused by alcohol. That is in South Australia. The overall number of deaths involving tobacco in South Australia is 1 517, and from 306 involving alcohol. Some of these involve road accident victims affected by alcohol. There are then the lesser numbers resulting from other drugs.

I am quite happy to refer to those figures, but I made the point before dinner that the vast majority of those affected by tobacco products are affected later in life. Many of them have reached the end of their useful life, although many have not. A greater percentage of suffering from the abuse of tobacco products occurs later in life than in the case of alcohol consumption. That is an argument which has not been used at all in this debate.

I also refer to a paper in relation to sponsorship of sport, produced by Mr Peter Oatey. I will use only part of this, but he took the figures from the sources of *Alcohol Policies*, a World Health Organisation publication in 1985; *Drug Problems in Australia: An Intoxicated Society*, a report of the Senate Standing Committee on Social Welfare published in 1977; a national symposium on drugs and alcohol; *A Conspiracy of Science*, February 1985; and information from the Drug and Alcohol Resource Unit of the Royal Adelaide Hospital. Mr Oatey states:

The first issue is whether alcohol is a social problem, and this of course is well documented. As a neurosurgeon I am continually confronted by alcohol as the major cause of 50 per cent of Australian road deaths, and about 25 per cent of Australian road crash victims.

Tobacco causes absolutely none of those, unless someone drops a cigarette on his lap and dives for it, loses concentration and ploughs into a stobie pole or another vehicle. It does not cause any of those problems. He continues:

It is associated with 75 per cent of single vehicle fatalities.

Again, tobacco is not involved. Continuing:

Alcohol is responsible for one in three drownings of persons aged 15 years and over.

I cannot see how tobacco has an effect in that area. It continues:

Approximately 20 per cent of hospital beds are occupied as a consequence of an alcohol-related illness and the percentage is higher in psychiatric hospitals.

There is a significant number of people who occupy beds because of tobacco products, but let us just draw the comparison. If we are trying to eliminate the tobacco problem, and we could suddenly free 20 per cent of the hospital beds in this State by getting rid of the alcohol problem, we would have enough hospital beds to cater for all those people waiting for elective surgery. That is the truth of the matter. I will not go any further with that, but one could draw many other comparisons. Annually, approximately \$500 million is spent in hospitals and a further \$500 million lost in the workplace, and up to \$1 billion is lost in social benefit payments, as well as further costs to society in connection with gaols and legal services resulting from alcohol.

There are many other figures I could use there, but I instance the hypocrisy of this Government in attacking the tobacco products problem and not including the alcohol problem at the same time. I have made the point that with alcohol much of what we use in this State is produced in our State. It is grown, processed and supplied throughout the State. Tobacco, we know, is not. In the main, it is not produced here: we have retail, wholesale—and that is about it. It is not even packaged here to any great degree, I believe, so there is a bit of cartage, retail and wholesale, but the Government runs away from the alcohol problem because it is frightened of employment repercussions.

We know that with alcohol, if there is a road accident, someone has a chance of having a car wrecked and there is a new car to be bought. Someone on a pushbike might be dead, but someone else more fortunate might end up with a new pushbike. There is the florist who grows the flowers to go to the funeral; there are the sympathy cards, the tombstones, etc. Instead of waiting another 40 or 50 years to bury a person, we do it today because of alcohol. We have the ambulance personnel, the nurses and doctors from the hospital; we have the interns practising on the road accident victims and the industrial accident victims who are suffering from alcoholism. All the interns have a great opportunity to practise which would be partly denied them if we attacked the alcohol problem.

The DEPUTY SPEAKER: If I might just interrupt the honourable member—and I feel that I ought not interrupt his flow—the discussion involves the Tobacco Products Control Act Amendment Bill, and is not, in fact, related to or has anything to do with alcohol. Up until now the honourable member has been linking his remarks to tobacco products but, unfortunately, for the past few minutes he has got away from the Bill, and I would ask him to come back to the Bill before the House.

Mr S.G. EVANS: I hoped I was doing that. I was saying that this Government is running away from the alcohol problem because of the number of jobs it creates, whereas tobacco does not do that. Tobacco products, which merely create jobs in the wholesale and retail area, are not produced here very extensively. They create jobs in the hospitals to some degree, but do not create the opportunities, if I can make the point, for manufacturing wheelchairs, artificial limbs and all of the products involved in the alcohol problem.

The Government is not prepared to tackle the alcohol problem, because it knows that it would cause chaos in employment throughout this State. It should realise that if we cut down the tobacco and alcohol illnesses in hospitals, we would have the opportunity to take in more people for elective surgery but, at the same time, many people in the medical and nursing field, psychiatrists and psychologists, masseurs, physiotherapists and all those other people would be out of work.

That is the example I give of the hypocrisy in this area. The Anti-Cancer Foundation in one of its documents says that 12 out of 13 people who die of lung cancer were smokers. They die despite medical attention, and die painfully. The Anti-Cancer Foundation makes no apology for the inherent emotion about this issue. Is alcohol not an emotive issue? Is that not the area where children and women, for example, are bashed up, and where people inflict like cruelty on animals, the breakdown of marriage and problems within the work force? Does smoking tobacco bring that about? It does not make people go off their heads and act differently as drunks do.

I agree with the Anti-Cancer Foundation that it is a very emotive issue. Let us challenge both problems together. That

is why I say that they should be covered together in the Bill and not just one aspect dealt with. The Anti-Cancer Foundation also points out that the Government will be able to make money available to the campaign the foundation is fighting. It states:

An increased tax will also demonstrate the Government's commitment to adequately fund health education, research and health promotion programs. A tax of at least 10c a packet is needed to adequately fund the education of research and public health programs.

From where will the money come for sport and recreation and other areas to replace the promotion and advertising benefit that sporting groups now enjoy? How will they receive it if the Government does what the Anti-Cancer Foundation believes it will do, that is, use this money—10c a packet—for health education, and so on? That is not going to happen at all. The Anti-Cancer Foundation is hanging its hat on a dying limb if it thinks that is where the money will go.

A newspaper article states that those who support the abolition of tobacco advertising or any attack on alcohol abuse are killjoys and typical of the wowsers that prevails in South Australia. If the Government includes in its Bill the Grand Prix, cricket, newspaper advertising and alcohol, I will join the wowsers, if that is what a wowser is. I would prefer to be a killjoy rather than see men, women and children slaughtered, injured and crippled from lung cancer and as a result of road accidents caused by drink driving. I will support the Government if it has the intestinal fortitude to do that. However, it does not. This Bill is only a token approach to the whole problem, and the Government knows that only too well.

The Anti-Cancer Foundation can be assured that, if it can get the Government to move in that direction it will have my full support. The Anti-Cancer Foundation tells us that 2 100 people a year die prematurely in South Australia. I point out that most of those people are near the end of their working life. We also destroy through abortion 4 000 healthy children a year without blinking an eye. Where is the emotion and any thought for the human race? Where is the consideration for our fellow human beings? We do not even make it illegal for women to smoke tobacco, drink alcohol or smoke marijuana while they are pregnant. Unfortunately, only the female sex can become pregnant: men are denied the agony or privilege, glory or honour, of having children. Where is the law which provides that children should be protected so that they do not come into the world mentally or physically disabled for life as a result of the effects of tobacco smoking or alcohol? When will Parliamentarians come out and support a law such as that? Parliamentarians who support such laws are told that they are interfering with an individual's freedom.

Each year we kill 4 000 potentially healthy human beings before they are born, and the law permits that. However, another 2 100 people die each year, near the end of their normal life expectancy in many cases, as a result of tobacco smoking. We want to pass laws to attack that, and we should do the same in relation to abortion. Change in the abortion law will not affect many people employed in hospitals. But a whole host of people are employed in relation to tobacco and alcohol, and the Government is prepared to say, 'We will set up a slush fund. The money will not go towards health or education in relation to tobacco and other drugs. Moneys from the slush fund will be distributed to those groups that we think give us the greatest support.' That is the truth of it. The money will be used in marginal seats and in sports and recreational activities where the Government has its own stooges. Those who have received sponsorship and advertising support in the past will receive very

little in the future. The Minister smiles because he knows that it is the truth.

When it comes to the Grand Prix, which is supported by Fosters, Marlboro and others, the drivers will be able to cruise around the track feeling quite joyful. You will be able to watch a film produced in other lands and if it depicts, say, a scene portraying trouble in the family, you will see people offering others a cigarette to soothe their nerves. I point out that in this country parents sit at home on many nights of the week waiting for a family member to return home from a disco where alcohol is served and there is very little policing of under age drinking. Many people would condemn that parent for sitting at home worrying into the early hours of the morning, smoking a cigarette while they wait. We would say that they are doing terrible things by smoking cigarette after cigarette to soothe their nerves, but, at the same time, we allow their children to drink alcohol in a disco.

It took me 10 years to prohibit smoking in public places. At first, I was told that it could not be done but, after the Government of the day told me that, it finally took action. The same situation applies to alcohol in the long term. If we pass this Bill in relation to tobacco—and I point out that it is hypocritical because it does not cover the whole area—it will give the Government a slush fund for its mates. I ask the Government to take up the challenge and be fair dinkum. Include everything or nothing at all. I will not support the Bill in its present form but will in due course seek a suspension of Standing Orders to also include alcohol.

Mr PETERSON (Semaphore): It is always a difficult task to follow the member for Davenport, and tonight that applies no less than at any other time. I notice that the member for Davenport is trying to include alcohol. I draw the honourable member's attention to a couple of things about alcohol. There is an announcement in today's *News* of a program on drink driving; that may help. Another publication, *Hotel*, talks about a \$2.5 million campaign to fight alcohol abuse. So, although the honourable member's point is valid, this is not the time for it. It seems to me that the Opposition has made many points about the proven and unproven problems associated with tobacco, and I believe the term that has been used is 'causal link'.

I point out that the human race was having babies and knew the reason for it long before it knew about the causal link, so I think perhaps there is some history of not being exactly sure of how it happens. I applaud the member for Coles who, despite her grievous disabling injury, put forward a very reasoned submission, and I appreciated what she had to say—it was very good reasoning. The point in this debate—and there are several others—is whether smoking is good or bad for you. That is really what it is all about. I defy any member to stand up and say that smoking is good for you (and, as everyone knows, I am a smoker). Let someone stand up and say that smoking is good for you. There is a deafening silence—no-one will claim that. Therefore, we must assume that there is some doubt about that or it is bad for you. There is no doubt in my mind. I suggest to all members that smoking causes illness—it is not good for you.

There is plenty of evidence from surgeons, who are the people who cut into bodies to investigate the effects of smoking. I do not necessarily refer to scientists because they experiment with rats and test chemicals from cigarettes in test tubes. Surgeons cut into living people and they can tell us that smoking is not good for you. A comment has been made to the effect that the Bill will put people out of

business. I am not quite sure what is meant by that. I suppose some bill posters and people who put up placards will be put out of business, but throughout the history of this State and the world people have been put out of business as a result of change.

I refer to all the shops in my district that were put out of business because of changes in shopping patterns and because of supermarkets. What about the move from bagged wheat to bulk grain? Country members of the Opposition would know that thousands of people in this State have been put out of business just because of that change, especially in relation to sewing up bags. Progress does that. I hope that this move is a step forward—I think it is. Change is in the air. The Bill does not prevent smoking: it does not say, 'You shall not smoke.' It does not impose a prohibition on smoking. All the Bill does—

Members interjecting:

Mr PETERSON: They will be an oncost, as mentioned by the honourable member. It will probably create more profit for cigarette companies. It will be an oncost, levied for the fund. There is not a prohibition, merely a restriction on advertising. As to advertising, the member for Murray-Mallee made a classic point: if advertising does not work, why should tobacco companies spend so much on advertising? In this regard one classic example of cigarette advertising comes to mind. Although I cannot remember the figures, when Paul Hogan did the 'Anyhow, have a Winfield' ad, sales increased astronomically. That increase is recorded in the history of sales for any member who might want to look it up. That increase is a fact: sales increased as a result of such advertising. No-one can argue against that aspect.

The member for Davenport referred to the dangers of alcohol and the illnesses and damage caused by alcohol. Those same problems are also caused by tobacco smoking. Certainly, I am aware of people in my electorate who have had legs amputated as a result of blood problems caused by tobacco smoking. The member for Albert Park referred to people who carry air bottles to assist their breathing. People who have such operations claim their problems were caused by smoking. Smoking is not good for people and no one in this House has claimed that it is.

There are holes in the legislation; the legislation is not good, and I have some concerns about it. I am concerned about the Government's taking control of a fund administering sporting grants. That is a problem, but it is a problem that the Government has to face and justify.

Members interjecting:

Mr PETERSON: Of course it does. I notice that the Leader of the Opposition gives a shrug or makes a motion of derision about what I have said. Let me refer to the effect on the population of unsavoury legislation. I draw to the Leader's attention what happened recently at the ballot box when people were not happy with legislation and the way things were going. I would have thought that the Leader would be laughing all the way to the bank over this and could make much mileage out of something that he believes will not work. I have some doubts about how funds will be allocated. I am fearful in regard to the Government's making such allocation. I am not sure how it will work out.

Members interjecting:

Mr PETERSON: I am not sure about that. Perhaps tobacco companies will go for me now.

Members interjecting:

Mr PETERSON: That is exactly what I am trying to do—look after the people I represent, especially young people. I refer to the incidence of young women who are now smoking. That is not good for South Australia or the individuals who are taking up smoking. The statistics are there:

they are not my statistics and I am sure that Leader of the Opposition has the same figures that I have. Young people are taking up smoking and putting their lives at risk. I was fortunate and did not start smoking early, although whatever age one starts it is too soon. I can remember smoking the old man's 'roll your owns'. My problem was learning how to roll them; it took me a few years because I was not adept with my fingers.

Members interjecting:

Mr PETERSON: Let me explain to the House what is involved in rolling your own. The first packet of cigarettes I bought cost one shilling—a packet of 10 Seahorse cigarettes. Tailor-mades were pretty well up the line; if you smoked tailor-mades you were pretty well a toff. You could not walk around smoking tailor-mades and so you tried to get a bit of tobacco to roll your own. To learn from scratch to roll your own cigarettes is quite an experience. I suppose there is a beneficial side to it: people have to develop manual dexterity in order to roll their own cigarettes. It is quite a skill.

I now return to the Bill, because there are still many other speakers. I have some concern about the allocation of funds. Mention has been made of Government hypocrisy, and I can see the basis of that criticism. I can understand how members complain that companies can advertise in one place and not another. Certainly, there is some point to be made there, but we must start somewhere.

Mr Meier: Do you think the Grand Prix is all right to—

Mr PETERSON: No. Deep in my heart I do not think it is right, but the House should not forget the other side of the argument that, in the broader sense, we have had a ban on cigarette and tobacco advertising on television for about 10 years. I know of no tobacco company that went out business in that time. Can any member name such a company?

Members interjecting:

Mr PETERSON: I cannot think of one tobacco company that has gone out of business. I do not believe that this legislation will have too much effect on them.

Members interjecting:

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

Mr PETERSON: Thank you, Sir. I am always grateful for your protection.

The DEPUTY SPEAKER: I ask the honourable member to address the Chair.

Mr PETERSON: I do so, Sir, with the respect that it deserves. This Bill is a start. Legislation in isolation by a State has some problems, and I said that the other day regarding other legislation. To legislate in isolation has problems. Certainly, I can see the hypocrisy of allowing some advertising and not other advertising but, as I said, it must start somewhere. If we can save some young people, some young women who will be the mothers of tomorrow—they are tomorrow, the future of this State and nation—if we can prevent them from having these disabling and fatal diseases in future years by preventing them and their children from smoking, it will be positive. One day we may improve people's health through lessening their use of tobacco. Therefore, with reservations, I support the Bill. Unfortunately, we cannot do much about the matters that worry me. If the Government is wrong and shonks on the funding of sport, I will yell as loudly as members opposite.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr PETERSON: It is not too late: the errors of Government can be fixed.

Mr S.J. Baker: What about heroin?

Mr PETERSON: That is now dealing with the broader scene. I have not noticed mention of heroin in the legislation.

The DEPUTY SPEAKER: The honourable member is correct: we are dealing with the tobacco Bill.

Mr PETERSON: There are problems with the legislation. The Government put the Bill forward and it has to front it up. If the Government is wrong, I will yell as loudly as members opposite.

Members interjecting:

Mr PETERSON: Every time I try to make a point there are interjections. I know they are out of order.

The DEPUTY SPEAKER: I ask the House to come to order.

Mr PETERSON: Thank you, Sir. Your protection is always gratefully received. Again, I make the point that the Government has to stand by its legislation. The electorate has shown recently that it will not cop legislation or treatment it does not like. I am sure that that has brought a lot of glee to Opposition members and a lot of trepidation and fear to Government members. If the Government is wrong, the electorate will say so. The Government has to stand by this legislation. I therefore support the Bill.

The Hon. B.C. EASTICK (Light): First, a confession—I am a reformed smoker.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the House to come to order.

The Hon. B.C. EASTICK: I found it much easier to say 'None at all' than to cut back on 50 or 60 a day. Now some three to four, or maybe five wardrobes later, I have a different attitude. There seems to be some levity about my statement of fact that if you give up smoking and eat better and more often, you need a change of wardrobe.

It riles me to be standing here this evening dealing with a piece of legislation which is an absolute nonsense because it will achieve nothing at a time when there is a need to achieve a lot. The principle embodied in this measure, going right back to a control of the use of tobacco, cannot really be argued, and I do not believe that anyone in this Chamber would find a fault with that principle. In fact, in the brochure that was recently put out by Prof. Barrie Vernon-Roberts, he states:

There is no doubt in responsible medical and scientific quarters of the dangers to health of smoking. Even the Scientific Advisory Committee of the tobacco industry funded Australian Tobacco Research Foundation said so in a letter to the *Medical Journal of Australia* on 1 February 1988:

The members of the Scientific Advisory Committee are unanimous in believing that smoking is an important causative factor in several major diseases. We recognise the link between smoking and lung cancer. We are also aware of the increased risk of coronary heart disease, stroke and emphysema in persons who smoke cigarettes. For these reasons, we strongly endorse the view that the public should be fully informed about the risk in smokers, and we fully support any measures which are consistent with the liberty of the individual, that are designed to reduce smoking.

They supported the liberty of the individual to make the ultimate decision. I believe that there is a need to better educate the masses about the problems that will arise from their embarking on smoking, particularly a heavy smoking program. However, the Bill does not do that; it is a pork-barrelling exercise by a Government seeking to intrude itself into the sports arena and seeking to bring down on the public of South Australia a fad which was first fanned in Victoria by the Cain Government.

One thing is certain: arising from this issue being brought out into the open there has been a tremendous amount of literature—the pros and cons—some of it a different inter-

pretation of the same statistics depending on where the bodies sit in this equation. There has been a very clear indication by many people, the medicos in particular, of the danger that they see in relation to the health of a community. This is not new: it has been around for years and years.

While the member for Semaphore talks about his first cigarettes being Seahorse, I can go back, along with the member for Gilles, a little further and recognise the fact that we had to put up with Talisman, Wild Woodbine—

The Hon. G.F. Keneally: President?

The Hon. B.C. EASTICK: —and President, which was horrible material, but it was better than cane or geranium leaves wrapped up in a piece of paper. Let us come back to the real point. The fact is that there is nothing in this promotion of the Government at present whereby we can really educate the masses, particularly the young people, about the dangers of smoking. There is very clear evidence from a lot of the material that has been circulated that there is no benefit as a result of removing advertising from the print media or, indeed, from the television; the sort of development that this Government has stated it is aiming for has not been achieved.

I was interested to read the document 'Why do Juveniles Start Smoking?' by Prof. Boddewyn, particularly the conclusion. I will quote it in its entirety because I think that, coming on top of the other information that is contained in it, it is worth revealing to the House. It states:

Smoking initiation is a complex process involving a combination of personal, familial and socio-cultural factors. The present research program has identified these factors on a national basis, but has also revealed a striking similarity of critical factors on a cross-cultural basis. The start of juvenile smoking was found to depend very much on the influence of family and friends, combined with personal curiosity—'to see what it was like'. Broader cultural factors were also found to be relevant, especially in the case of Hong Kong and Turkey.

There is detail in the publication relating to those issues. The conclusion continues:

It is quite apparent that becoming a smoker involves a complex developmental process that is built up not from one single factor but from a combination of factors over a considerable period of time.

Where are we, and what is this nonsense Bill before us at present? Are we looking at that combination of factors and seeking to do something in an educative role as a responsible Government or as a responsible Parliament, to pull back the desire to experiment with tobacco or cigarette smoking? The conclusion continues:

Advertising has been postulated as having a positive bearing on the smoking initiation process, but CRU's survey findings show clearly that advertising plays an insignificant role in this respect.

I believe that every member who has taken the opportunity to consider the wealth of material that has been put before them will find that that is a conclusion which is common to the lot; it is a conclusion which is common to all of the detail that has been put before us. The conclusion continues:

Altogether, the factors accounting for smoking initiation are highly consistent internationally, and were found to be largely unrelated to the presence or absence of advertising, as affected by a variety of Government controls.

In the documentation there is a clear indication of what various Governments throughout the world have undertaken by way of measures against smoking, and most of them have fallen in a hole on the premise that if you do not advertise smoking will decrease; but it has not happened that way.

We have also a considerable amount of information which has come from the sporting area indicating the problems they see besetting their particular interest. I was interested

in a document forwarded by the Confederation of Australian Sport, dated 11 March 1988. One paragraph on the front page of the document states:

Perhaps the most distressing element in the exercise is the attitude of proponents of the Bill that seemingly condemns the administrators of sport as incapable of making responsible decisions in respect to acceptance or rejection of sponsorship. The premise that these decisions should be taken out of the hands of sport is gross impertinence by the proponents.

A proponent in this exercise is the Government of South Australia by running along with this nonsense Bill, a nonsense Bill which you will appreciate, Mr Deputy Speaker, has changed the ground rules virtually day by day from the time it was first announced. It was going to be a total embargo: it is no longer a total embargo. It was going to be something which recognises the internationality of some sports, and cricket was mentioned as one and the Grand Prix as another. Suddenly we find that football is in precisely the same circumstances because of the advent of Skychannel, and the proponents of this measure never gave a thought to Skychannel and the influence that it would have on this whole exercise. The next paragraph is also of interest. It states:

The fight sport has on its hands is to retain its autonomous and independent right to manage its own affairs by choosing whether to accept or reject sponsorship from any lawful source.

Here we have a Government which will intrude itself into the affairs of sport in a manner which certainly will not be to the best advantage of the individual sports. They will finish up in much the same pattern as many people in our community have finished up. It is a hand-out, 'gimme gimme' situation, without in any way assisting or fostering the initiative of the individuals to play a part in their own destiny.

Along with other members, I have also had a number of letters from my constituency—some of them pro, some of them against. The one that I want to read at the moment happens to have come from the electorate of the honourable Minister of Housing and Construction, the honourable member for Napier. It was directed to my office, and—

The Hon. R.G. Payne: Is it for or against?

The Hon. B.C. EASTICK: The honourable Minister can bide his time, and I will read it in its entirety. It states:

I am eligible to vote, and as a resident of South Australia I wish to protest against the proposed tobacco Bill and that my protest be taken seriously.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. B.C. EASTICK: The letter continues:

Mr Bannon and Dr Cornwall have separated themselves completely from safeguarding our heritage of freedom of choice, fought and died for by many Australians.

I disagree most strongly with the Bannon Government acting in such a high-handed fashion without proper consultation, on issues for which they have never sought or received any mandate.

The proposed slush fund, which the extra taxes being ripped off the smoker will create, will do nothing but provide for yet another Government department and more 'jobs for the boys'.

Why should the smoker, already the highest taxed group in the State, be used, yet again, to gain further revenue for an inept Government?

I am not alone with these sentiments, they are shared by many and unless you, as an elected member of Parliament, veto this legislation, I shall do all I can to ensure you are not re-elected.

The name and address at Smithfield Plains is given.

Mrs Appleby interjecting:

The Hon. B.C. EASTICK: Not in those tones. Precisely in those terms.

Ms Lenehan interjecting:

The DEPUTY SPEAKER: Order! The members of the Government need not contribute to the member for Light's speech.

The Hon. B.C. EASTICK: I am very pleased that members opposite have contributed that information, because where is any one of them standing up in this House advising the House in general of the attitude of so many of their electors?

Members interjecting:

The DEPUTY SPEAKER: Order! Interjections are out of order, and I ask the honourable member to address the Chair.

The Hon. B.C. EASTICK: Most certainly, Mr Deputy Speaker. I just make the point that at least members on this side will make the voice of the individuals heard in the Parliament, as I have just done by the introduction of that piece of material, and I welcome the opportunity on behalf of a number of the electors of members opposite to bring that information to the attention of the House.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. B.C. EASTICK: I also draw attention, as have other members, to the concern of the Advertising Federation of Australia relative to the issue that is before us. I believe, without my reading at any length the material which it has provided, that it behoves members to recognise the points made by that organisation which has, I believe, without any great attempt to be emotional, put the facts of the case.

As I indicated earlier, what we have is an attempt by a Government to attack a very important public and health issue within the community, but it is using the wrong medicine and the wrong instruments. It is not approaching the matter in a rational fashion which will seek to reduce the incidence of smoking in the community. It is doing nothing at all to assist the medical fraternity to reduce the problems associated with emphysema, heart disease or the carcinogenic factors in the cigarettes which play a major part in lung cancer. It is taking an attitude of approaching a sporting interest against the best interests of the sports themselves. It is seeking to be responsible for the whole manipulation and management of the sporting fraternity in a manner which I believe is totally against the best interests of sport generally, whether it be big sport or small sport, whether it be an organisation which has in the past benefited from tobacco sponsorship or had hoped in the future to do so.

The fact that we will have a Government body responsible for dishing out the funds is, to me, quite abhorrent. If we were to completely divorce the distribution of a fund created into the various organisations by an independent group not beholden to the Government, I could perhaps accept a slightly different attitude to that matter. If we were raising funds and were going to use the funds to reduce the incidence of smoking in a practical and positive way for the better health of the community, I could approach that in a rather different way. However, I do not accept the Bill before the Chair as being a practical or effective way of helping the community of South Australia, and I will vote accordingly.

Mr PLUNKETT (Peake): It gives me no great pleasure to stand here tonight and speak on this subject when I have been a smoker for 28 or 29 years. I have taken particular notice of what has been said by members, many of whom are non-smokers and would not understand the importance of the Bill. I should have said initially that I support the Bill.

I will return at a later stage to what the Hon. Bruce Eastick said because I take exception to what he quoted. First, I would like to explain that Mr Peterson was probably the closest—

The DEPUTY SPEAKER: Order! I remind the honourable member that he must refer to members of this House by their correct title.

Mr PLUNKETT: My apologies, Mr Deputy Speaker. Of all the speakers to date, what the member for Semaphore had to say hit home to me. Nowadays, cigarette, are rarely spoken off as roll-your-owns. I do not want to bore anyone with this, but I grew up in the era when you started smoking to follow in your father's footsteps or those of your brother. Unfortunately, my father passed away in 1946 as a result of lung cancer, which he contracted because he was a very heavy smoker. I was also a very heavy smoker. I rolled my own cigarettes with Havelock, Log Cabin and Woodbine tobacco. In the war years when you could not get tobacco you would smoke Lucky Hit and Lucky Strike, which were probably the closest thing to cow dung or horse dung that you could smoke. I cannot say what it really was because it would not be acceptable in Parliament. That was the type of smoker that I was.

I smoked 60 cigarettes every day, seven days a week. For five days of the week I would smoke 2 oz of tobacco, and in those days there were 60 cigarette papers in a packet. There were also 60 matches in a box, but since that time the number of matches in a box has dropped considerably. I have said that for five days I smoked 60 cigarettes or one packet or one tin of tobacco per day. At the weekend, with the luxury of being home with your family and having a few drinks with some of your friends, you might be able to sneak a tailor-made, which came in packets of 10. At most times I was not able to afford a packet of 20.

The Hon. Ted Chapman: Where are you up to?

Mr PLUNKETT: You just sit and listen. You flogged plenty of tobacco in your day as a shearing contractor and made a percentage out of the tobacco you sold to people.

The Hon. Ted Chapman interjecting:

Mr PLUNKETT: They have asked you to come in to upset me, because I do not speak often. I tell you what: you do not want me to speak on this subject because I am living proof of why people should not smoke and why this Bill should go through. You just sit there and listen, and I will tell you some home truths. You have probably noticed that since I got up all the laughing and joking have stopped because, in the eight years that I have been here, this to my mind is the most important thing that has come before Parliament and it is important for the future for South Australians, Australians and the people of the world. Do not worry about Keith Plunkett, because I have been through the program—

The Hon. Ted Chapman interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable member to resume his seat. I ask the honourable member for Alexandra to respect the speaker who is on his feet. To date, the debate has been conducted in the way that the South Australian public would like to see it conducted. I ask that the member on his feet is not harassed while he delivers what he wants to say to the House. The honourable member for Peake.

The Hon. TED CHAPMAN: On a point of order. I respect your ruling, Mr Deputy Speaker, and—

Mr Plunkett interjecting:

The DEPUTY SPEAKER: Order!

The Hon. TED CHAPMAN: —I acknowledge the point that you make, but I believe that the member for Peake has—

The DEPUTY SPEAKER: What is the honourable member's point of order?

The Hon. TED CHAPMAN: That you, Mr Deputy Speaker, have condoned his widening of the debate to become provocative—

The DEPUTY SPEAKER: There is no point of order. I ask the honourable member to resume his seat. I remind the House that this debate has been conducted in the spirit in which every person in South Australia would like to see it conducted. I would wish that it continues that way. The honourable member for Peake.

Mr PLUNKETT: Thank you, Mr Deputy Speaker.

The Hon. Ted Chapman interjecting:

The DEPUTY SPEAKER: Order! I warn the honourable member for Alexandra.

Mr PLUNKETT: Having been a smoker for 28 years—I am not a newcomer to it—I took some convincing that I should give it up. Several doctors told me that if I did not take their advice, I would be in trouble in later years. I was told eventually that I had asthma and emphysema, and I am now receiving permanent treatment for that condition. When I was first tested to see how my breathing was, I passed out on the machine simply because I had no breath, yet I used to be a bike rider. Mention has been made of sports. I won the first 25 miles of a 50 mile bicycle race. I have shorn 200 sheep in a day. I am not standing here skiting; I simply give it as an example of my ability to work. I could crutch 600 to 700 sheep in a day but that was because, in those days, my lungs were in good condition.

I do not stray from the subject of this Bill, which is tobacco. I want to explain to people here so that they understand what the Government of South Australia is trying to do. The member for Victoria, who has just walked into the Chamber, will not support the Bill for one reason, and that is that he has investments.

Indeed, investment in the tobacco industry throughout the world is very great. However, the industry stoops to the lowest level. I have read some letters and seen interviews on television and the only thing that I can say is that the tobacco companies must be very disappointed in the calibre of people who have been put up to debate with the specialists about the ill effects of smoking. I was surprised that the industry could not come up with someone more appropriate, but a person who has been a smoker could not tell such untruths. It is usually a non-smoker who knows nothing about it, and who reads a script prepared and paid for by the tobacco industry. I said that I would speak for only five minutes, but I think I will go further. Take a point of order, Ted. Ten years or so ago, in the Royal Adelaide Hospital, which is only 100 yards away from here.

Mr D.S. BAKER: On a point of order, Mr Deputy Speaker, I understand that it is the practice of this House that members be referred to in a proper manner.

The DEPUTY SPEAKER: Order! The honourable member's point of order is correct. I ask that members be referred to by their title.

Mr PLUNKETT: I have been very lax on that. Unfortunately, just on 10 years ago I became ill and was admitted to the Royal Adelaide Hospital. I use the public wards; I always support Medicare. I am a great believer in public hospitals, because if anything is really wrong you have to go to a public hospital to be treated; you do not go to private hospitals. The Royal Adelaide Hospital is one of the greatest hospitals that I have had to be in. I was in a ward of six beds, and I got to know the other people in the ward, even though I was only there for a little over a week.

An honourable member interjecting:

Mr PLUNKETT: Yes, I did, too. I got to know the nurses.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr PLUNKETT: The nurses are extremely good. I got to know the six people in the ward, and out of the six who were there—

An honourable member interjecting:

Mr PLUNKETT: I am very very fortunate to be standing here tonight, because I am the only one alive: the other five have died of lung cancer. That was a result of their inability to give up smoking. I was fortunate enough to be able to give it up, and I would not be standing here debating this issue tonight if I had not.

This debate also gives me a chance to point out to some members on the other side who apparently—fortunately for them and I hope that continues—have never had the problem that when you suffer from emphysema or asthma you do not die a very comfortable death at all: you choke on your own phlegm. Some members may recall that I went close to doing that here. However, I will look after myself; I am taking medication. The cruellest death is from smoking: emphysema and asthma are the cruellest way to die.

I heard Sir Mark Oliphant speaking the other day. If any member sees a person dying of emphysema, for God's sake vote for what he is talking about, because it is shocking to see a person die that way. My two sisters and a brother died in that way, and they were smokers. They lived through the 1930s, 1940s and 1950s, when it was shocking.

I am 61; I am a bit fortunate, I suppose, because for anyone a little older smoking was a form of escape from the wars. The depression was the start and then the wars. My dad was in the First World War, and that probably started him smoking. Then there were the 1940s, the 1950s and they were good times in that things were improving and there was work. However, they were smoking times. You walked into a bar or a cafe, and all you could see was a bloody cloud of smoke—excuse the expression. Whether you smoked or not, you put up with it.

What I have heard tonight in this House is utterly ridiculous: because the Government of South Australia has taken this action it has not gone the full way. Members on the other side know full well that you cannot go any further than we have gone. Thank God the South Australian Labor Government have had the guts to start from this point.

Members opposite are trying to upset me by bringing in one or two people to stop me from talking. I will give instances from my travels overseas. Members opposite have had more travel overseas than I have, but in some of the places you go to overseas and, in particular, Ireland, there are many examples of what I am saying. I travelled on a bus from Rosslare to London, which entailed crossing the Irish Sea. Out of 35 or 40 people on the bus only my wife and I did not smoke. I was choking, and it was an all night trip and very very cold. I wound the window down and heard someone say, 'Would that bastard shut that window?' and I said, 'Well, if you would stop smoking so that I can breathe, I will shut the window.' However, that applied to every person on the bus except my wife and me.

That is the sort of situation we had in the 1940s, the 1950s and the 1960s in Australia, but it has changed. Regardless of what members say about what has happened in Australia, it is most certainly a delight to get back and be able to say that you can get away from smoking. However, there are plenty of other examples overseas where members would have travelled and would have been able to see these situations.

Having brought that to the attention of members, I would also like to make a point to a person for whom I have a fair bit of respect: the Hon. Bruce Eastick. I was amazed about the rubbish that has been sent out in the mail under this 'Dear Sir/Madam', and concludes:

I am not alone in my sentiments, they are shared by many and unless you, as an elected member of Parliament, veto this legislation, I shall do all I can to ensure that you are not re-elected. The address is: C/o of the Grosvenor Hotel, Adelaide—100 yards from here. But the point I make—the very point that the honourable member opposite made—is the same as that which I quote, as follows:

Mr Bannon and Dr Cornwall have separated themselves completely from safeguarding your heritage of freedom of choice fought and died for by many Australians.

That virtually is referring to the First and Second World Wars. The honourable member is wrong and members opposite should not quote that example—that simply because any person who died in the last world war could be shown to have taken up smoking because of the traumas of war and the traumas of being away from home that person would have been entitled to an additional pension. That is in the Act, so members opposite should not quote it. Members opposite ought to tell any persons who are getting money from the tobacco companies to drop that line, because that document is just reprinted and reprinted and sent out to everyone.

It is the same letter signed by unidentified people or some dyed in the wool smokers. I stand before you as a smoker of 28 years, and I would have to be stupid if I said that I did not enjoy it for a certain period. However, I think that I was the luckiest person in the world to have been able to give it away. I gave it away like a shot when they told me what was wrong with me. Do not for one minute think that this Bill is not of great benefit. The best article that I have seen relating to the effectiveness of tobacco laws comes from the *Advertiser* of 7 April and was written by Professor Aaro, a Norwegian professor, who says that this Bill is not going all the way but is at least going a certain distance, and it will most certainly be effective as far as the young people go. That is the most important part—to save the young people. I am proud to part of John Bannon's Government. Thank God it has had the guts to do something about this matter and to show the lead in this regard for any Government in the future

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The honourable member for Heysen.

The Hon. D.C. WOTTON (Heysen): At the outset I would like to say that I have appreciated the debate that has taken place on this legislation more than many other debates I have heard in this House in recent times, and I would like to commend the previous speaker for the sincerity with which he presented his contribution. Some excellent points have been put forward by those who have participated in this debate. I am perhaps, a little disappointed that more members from the other side have not participated, but I am aware of the time factor, and so forth. I want to say that I have been concerned about this legislation from the outset. I have been troubled by the Bill from a number of perspectives.

I am one of the lucky ones: I used to smoke, but I was fortunate that I could have a cigarette and then not have another one for a couple of days. I realise that there are many people not as fortunate as I and who have become addicted to cigarettes. I have considerable difficulty, when I am in a confined space with people who do smoke, when they go on smoking blissfully unaware of the discomfort that smoking causes other people. I am particularly concerned about the number of deaths related to tobacco consumption. I am concerned by the increase in the number of young people, particularly young women, who are taking up cigarette smoking and who thereafter are unable to give up the habit.

I say that as a father of four children, one of whom smokes, and I would give anything in this world to stop him from smoking. Perhaps I will refer to that in detail a little later. Like many other members on both sides of the House, I have received a considerable amount of representation from constituents, from the medical profession and from many other organisations which have a vested interest one way or the other in this legislation. Both sides of the argument have been presented and they have presented their views well, as they have the liberty to do.

I respect both sides for the views they have presented, and it has given me the opportunity to give a considerable amount of thought in depth to the arguments presented, particularly those presented by the medical fraternity which, after all, has to deal with the results of tobacco smoking at first hand. Nothing would give me more delight than to be in a position where I was able to reduce the number of persons smoking, and I am aware, as are many of us in this Chamber, of the significant numbers affected as a result of smoking cigarettes. However, I remain unconvinced that this Bill will achieve anything. I remain unconvinced that this Bill will achieve any of the results being put forward by members of the Government.

I suppose that one could say that the easy option is to ban all advertising and sponsorship in the expectation that that in itself would reduce the inducement to take up smoking, but that, of course, is not what the Bill does. I suggest that it does not effectively come to grips with the real reasons why people take up smoking and remain addicted to it. I suggest that many other things influence the young and the not so young to smoke, and I have taken the opportunity in recent times to discuss some of these issues with my own family, with their friends and with young people whom I meet generally.

I think that one of the major reasons why so many young people smoke today is group peer pressure and the influence, particularly on young people, of so-called heroes. Other influences, of course, are the high profile sporting and cultural activities, more particularly sporting activities such as the Grand Prix, where the cigarette is promoted as being something important for young people to take up as part of their lifestyle.

We also see it here and in other countries with horse-racing, cricket, football and a whole range of other extensively promoted sporting activities televised into South Australia. What troubles me in particular about this Bill is that it is piecemeal but, even if it were not, I suggest that there is inadequate evidence that an absolute ban on advertising and sponsorship would achieve results. Many members have introduced into the debate the results brought down by the World Health Organisation survey of 1986, so I will not go over them again. Certainly that organisation presented evidence which suggests that the type of legislation now before us will not achieve the results desired by the Government.

A number of members on this side have referred to the abuse of alcohol. Personally, I am far more concerned about excessive drinking than about the problems associated with cigarette smoking. From responses to questions asked of Government Ministers and the Premier, it would seem that there will be no attempt by the Government to introduce legislation similar to this to control the advertising of alcoholic products. If we want to be serious about legislation like this, we should not be hypocritical. We should look across the board at various areas where it might be suggested that the use of products such as tobacco and alcohol can cause concern and health problems.

There are a number of problems and deficiencies in this Bill, and I will deal with them briefly. First, I focus on the

provision which exempts certain media from the operation of the legislation. Up front, because of the constitutional problem, is the provision in proposed section 3a that it will not apply 'in relation to anything done by means of a radio or television broadcast'. Of course, that comes within the jurisdiction of the Federal Government although, in relation to television and radio, advertising standards are set for the promotion of products such as alcohol and tobacco.

Proposed section 11a will not apply to tobacco advertising in newspapers or magazines and, again, that has been mentioned by a number of my colleagues. I know from experience with my own family that many children are taken in by the glossy cigarette advertisements in the *News* and *Advertiser*. Young children appreciate them because they are colourful, and in my home there is usually a scramble to get hold of them to stick on walls, and so on.

I think it is totally hypocritical to talk about banning advertising in some areas while allowing it to proceed in magazines and newspapers. The Bill does not apply to a tobacco advertisement displayed in a shop or in a warehouse adjacent to a place where tobacco products are offered for sale. I understand that that will not extend to particular brand advertising. It does not apply to a tobacco advertisement authorised by the Australian Formula One Grand Prix, for example, as part of the conduct or promotion of a motor racing event within the meaning of the Australian Formula One Grand Prix Act.

There are many deficiencies in the legislation in relation to other exemptions that we have heard about. Much has been said about the exemption for the Grand Prix, and we also read in the Bill that an exemption will be granted to international cricket. Reference has been made to the Winfield Pacing Cup, which is a national event that will be exempted by regulation. Members have also talked about the Virginia Slims Tennis Tournament, which I presume will be given an exemption; and I could go on. I suggest that the range of exemptions indicates a patchwork approach in this area. I think it is quite unfair and unreasonable that high profile events should be permitted—whether by specific provision in the Bill or by exemption by proclamation or otherwise—to take what they see as a benefit from advertising and sponsorship, while other sporting and cultural activities which are not of a national or international nature are prevented from doing so. Again, I see that as totally hypocritical.

Of course, the Bill indicates that these other activities may benefit from funds paid out by the South Australian Sports Promotion, Cultural Health Advancement Trust, which is proposed to be established by the Bill. If I had the time, I would refer to a number of issues regarding that trust, but I know that they will be picked up by other members on this side. Basically, the biggest problem I have in coming to grips with this Bill is that, on the one hand we are talking about a product that is legally produced, legally placed on the market and legally purchased by those who want to smoke tobacco, while on the other hand the Government proposes that those same products should come under advertising controls.

On a number of occasions, not only in debate in this House but elsewhere, we have heard the Government talk about the need for more health promotion to discourage smoking. I would totally support the need for more activity in the health promotion area. However, as the Leader pointed out today, it is interesting to note that in this financial year, while the Government proposes to tax smokers to the tune of another \$43.5 million, only \$1.7 million—and that is less than 4 per cent of tobacco tax receipts—will be spent on

health promotion and health education by the Health Commission. I think that that is scandalous.

If the Government is genuine about wanting to do something, particularly in regard to educating young people, it should put its money where its mouth is and use some of those tax receipts for health promotion. This year's estimated take from the tobacco tax, we are told, will bring to almost \$200 million the revenue generated by this Government since it doubled the tax rate in 1983. I have not heard anyone opposite say anything about that. It will be interesting to see whether the Minister, when he responds, has anything to say about it. Hardly \$5 million of that amount has been spent on health education. We realise that anti-smoking is only one aspect of health education, but I suggest that this is hardly the performance of a consistent or concerned Government, despite what members opposite might say. The other thing that concerns me is the regulations regarding the sale of cigarettes to juveniles: there are penalties for those who sell cigarettes to juveniles but, if you spoke to shopkeepers, many of them would tell you that it still occurs.

Many will refer to their concerns regarding the determining of ages of young people who buy cigarettes. But it is not anywhere near enough to just provide high penalties for the selling of cigarettes to juveniles. The penalties must be enforced but, since this Government increased penalties, there has not been one prosecution, as far as I can find out. Again, how hypocritical! If the Government was really genuine about trying to do something in this area, why is it not policing this important legislation? There has not been one prosecution since the Government increased penalties in this State.

In his contribution this afternoon the Leader of the Opposition referred to a number of measures that a future Liberal Government would introduce. They are measures that I would support totally. They are positive, in fact, more positive than anything the Government proposes in this Bill. The Leader indicated this afternoon that a Liberal Government would increase the legal age at which juveniles could buy tobacco products from 16 years to 18 years, and I support that strongly. Under a Liberal Government, vending machines would be restricted to licensed premises (and placed under responsible adult supervision) such as social and sporting clubs and staff canteens. Street vending machines in arcades and shops would be eliminated. I support that strongly. Further, sampling should not be allowed at family, sporting or entertainment events. How often do we see lovely young ladies roaming around the place encouraging people to buy cigarettes?

The Hon. G.F. Keneally interjecting:

The Hon. D.C. WOTTON: That is one of the ways in which the industry advertises its products, it uses attractive young ladies or handsome young men, if it comes to that, as one can see from the advertisements that we see in newspapers almost on a daily basis. So, sampling would not be allowed at family, sporting or entertainment events; it would be confined to areas adjacent to where tobacco products are sold or to premises licensed to sell liquor.

All promotional material containing offers would bear a prominent statement to the effect that such offers were restricted to smokers aged 18 years and over. I support that concept strongly. No mail order or promotional offers could be forwarded anonymously.

In the area of health promotion and education, a Liberal Government would substantially upgrade existing activities, both in schools and in the wider community, and that is what I am looking forward to seeing more than anything else. These activities would involve not only children but

their parents as well. These are practical responses. It has been indicated that a Liberal Government would introduce these measures, and they are measures that I would support totally. I regret that I have to oppose this legislation because I do not see it being effective in an area which I consider to be so very important, that is, an area where we are encouraging young people not to take up the habit of cigarette smoking. I oppose the legislation.

Mr ROBERTSON (Bright): Many people feel very passionate about this Bill and about this subject. I must say that I am not as passionate about it as perhaps the member for Peake, who spoke earlier, because I have not been quite so personally involved as he has. No-one close to me, thus far, has died of asthma, emphysema or lung cancer, although my father-in-law continues to chance his arm in that respect. However, most members would have known someone reasonably close to them who have been affected by these terrible diseases. I know that many members opposite feel passionate about this matter.

I must say that it saddens me to see good, decent and caring people such as the member for Heysen and the member for Light who spoke earlier decrying the evils of smoking and yet opposing this Bill. I cannot see how they do that in all conscience. Even the Leader expressed his objections to children smoking and he implored them not to take up the habit. It was a performance worthy of an actor. In fact, he reminded me of Yul Brynner during the whole performance. However, it was a contribution of total hypocrisy and cant, in my view. I wonder that the Leader and other members opposite did not choke on their words.

I wish to refer to one aspect of this public debate that has raged around us for the past several months. I want to spend time analysing the correspondence that most of us would have received, because clearly we have all been on the same mailing list. We received the arbitrary letter—not a bad contribution I guess, as contributions go—from the Tobacco Institute (and I will return to that later); we received a letter from the Australian Association of National Advertisers; we received a circularised letter from the Confederation of Australian Sport; we received correspondence from the Advertising Federation of Australia; last year we received a contribution on the same subject from the South Australian Trotting Club; and we received correspondence from the Confederation of Australian Motor Sports. The list goes on.

We even have a transcript of an oral statement by a professor of marketing and international business at Baruch College of International Business in the City of New York. I presume he is the only academic in the world who is prepared to put his or her name to anything put out by the tobacco industry. Nevertheless it has a touch of academic credibility about it, I suppose. We received an outstanding contribution from National Outdoor Advertising Proprietary Limited (Incorporated in New South Wales), which starts off with the statement:

We posed the question to an 18 year old girl: why do you smoke Escort?

The answer was, 'Dad did'. The second question was, 'Do you take any interest in football?' The fact that she did not was supposed to prove that there is no relationship between the advertising of smoking in sport and the addiction of teenage kids to that brand of cigarette.

This is the old adage of one swallow making a summer being used to the nth degree. One 18 year old girl was asked one question and, because she answered 'No', we have this barrage of material from the advertisers in an attempt to justify their point of view, namely, that there is no connec-

tion between the advertising of cigarettes at sporting events and the addiction of teenage kids who go to those sports. That is quite ridiculous. It is surpassed probably only by the contribution by the Roy Morgan Research Centre Pty Ltd who said in what I took to be a letter rather than a set of survey results (and which gave a whole series of reasons why) that people felt that State Government departments, authorities and instrumentalities had too much power.

What pretensions the Roy Morgan Research Centre has to editorialise in this way I do not know. I always understood it to be a research organisation which undertook surveys. To give itself just a shade of credibility it has included the results of a survey and, then editorialised the results of the survey. The first question was:

Some people believe that there are too many Government departments, authorities or instrumentalities: do you agree or disagree?

That is a surprising question: 75 per cent of people agreed. Of course they agreed. It is an emotional question and it was intended to set the tone for the subsequent seven questions. It did that job. It got people reacting to authority saying, 'Yes, we have too much legislation; yes, we have too much Government; no, we don't want people breathing down our necks and overseeing our operations.' Everyone will answer the same way. It is logical. It is done in the way of every jaundiced survey ever invented. You fly the kite first, you put the respondents in the correct emotional frame and you then fire a series of loaded questions at them. That is exactly what the Roy Morgan Research Centre did on this occasion.

The second question, predictably enough, zeros in on the State Government and, in a sense, also fishes for a particular response. The third question is the old chestnut—freedom versus authority. If you ask people, 'Do you want freedom or authority?', obviously they will say, 'Freedom'. There is nothing new about that, and 93 per cent of people said 'freedom' on this occasion. That was not surprising.

Turning to question No. 4, where question No. 3 (the freedom or authority question) was focused on the cigarette sponsorship debate, the number of people who opted for 'freedom' dropped from 93 per cent to 69 per cent. In other words, in excess of 24 per cent of the population thought that freedom was okay except where it involved the health of children and this horrendous habit of smoking cigarettes; then they were prepared to opt for a degree of authority. The number of people who voted for authority in regard to question No. 3 (the freedom or authority question) increased from 6 per cent to 27 per cent: 4½ times as many people said, effectively, that authority was okay where it concerned the health of our children, and they were prepared to make an exception to their general view on this issue. Question No. 5 was:

Do you favour the Government operating the fund that sponsors sport?

It is the old freedom or authority question in another guise, and again it got a similar response. However, on this occasion the freedom argument won over the authority argument, but only 58 per cent on this occasion opted for 'freedom', and again it is a response that says, 'We opt for freedom except where it involves the health of our kids.'

Question No. 6 was the question about the selective ban on advertising. There is a degree of selectiveness and the 'fair go' argument was used—did people regard this as a fair go? Predictably two-thirds opted for the fair go argument and said that selectivity was out. It is not a bad argument intellectually. However, there are practical reasons why it is as it is, and I support the legislation in that form. The last question was basically a check of the first two

questions. Not surprisingly the same question asked in a different guise received the same response. At least it proves that the respondents were consistent in their views and, to an extent, it gives the survey a little trace of legitimacy.

Apart from correspondence from the professional lobbyists we received a succession of letters, one of which was quoted earlier. I received eight of these letters four of them signed by people who had the decency to put an address on them. I might add that none of them were from my electorate and I guess that the nearest one was from Hackham West or Bellevue Heights, but those people at least had the decency to put an address on them. Four other people sent circulars but did not bother to give an address. It was hard to write back to them and explain what the legislation was all about. They had no intention of being identified. God knows what they thought they were signing; I guess that they are lucky they did not buy a fridge. The tactics used by the Tobacco Institute and others against this legislation have been horrendous. I shudder to think what those people thought they were signing.

I received one letter expressing genuine concern, and opposition to the legislation, from a young lady who worked, as far as I can ascertain, in a delicatessen. She had been told by her employer, and genuinely thought, that this legislation was the end of the world, that she would be on the employment scrap heap next week, that it was the end of employment for her if she did not write a letter to her local politician, and that in fact she faced the sack. In response I put to her that this was patent rubbish, that unless she worked for a tobacconist it was pretty unlikely that takings would be affected in the slightest. However, I give the lobby credit for persuading one genuine South Australian in my electorate to write a letter. I guess it deserves credit for that.

Against that we have a succession of letters from a whole range of worthy groups—the Royal Australian College of General Practitioners, the Thoracic Society of Australia (South Australian Chapter), Dr Dennis Smith, who heads the Rehabilitation Studies Unit of the Repatriation Hospital at Daw Park, the Australian Council for Health, Physical Education and Recreation (ACHPER), and the Anti-Cancer Foundation. That is not a bad array of bodies which, completely unsolicited, were able to produce good, sound, logical and statistically significant support for this legislation.

I also received a succession of letters from constituents who implored the Government to go ahead with the legislation, to not back off or cave into this ludicrous, ridiculous and dishonest campaign being run by the advertising agencies and the Tobacco Institute. I quote from the correspondence of one of these people, a local general practitioner, who specialised in obstetrics. Leaving out the preamble, he stated:

I wish you to be aware that myself and my family support the recent tobacco Bill introduced in Parliament. I wonder if those MPs that are not in a position to support the Bill would have the courage to stand up for public scrutiny?

As I said at the beginning of my contribution, I am surprised that they have done that, that they have been stupid enough. I am surprised that they have been duplicitous and naive enough to be locked into a position where they felt they had to oppose legislation of this kind. Earlier I mentioned that I was surprised that members opposite did not choke on their words, and I repeat that.

When it comes to which side of the fence to stand on, the choice is quite clear to me. I have no desire to stand with the advertising industry, the Tobacco Institute and a whole range of shonky doctors, statisticians and academics. I would far rather prefer to stand with the Royal Australian College of General Practitioners, the Thoracic Society of Australia, Dr Dennis Smith, of the Rehabilitation Studies

Unit, ACHPER and the Anti-Cancer Foundation. There is no question on which side any decent and caring human being who is a parent and member of Parliament should stand. There is no debate about that at all.

Mrs Appleby: And non-parents.

Mr ROBERTSON: And non-parents, as the honourable member reminds me. I do not need to be told that 38 per cent of teenage smokers in South Australia smoke Escort. I do not need to be told about the connection between that smoking rate and the fact that this State has a marvellous football spectacle called the Escort Cup. I do not need to be reminded that whilst 38 per cent of teenage smokers in this State smoke Escort the nearest figure in other States of the Commonwealth is 2 per cent. 'Coincidence' says the Tobacco Industry. I do not believe that it is. I believe we should stand, as indeed I do, with the organisations previously mentioned. I support the legislation.

The Hon. TED CHAPMAN (Alexandra): I rise to subscribe a little to this Tobacco Products Control Act Amendment Bill. Before going into detail I remind the House of a couple of matters of fact. The first is that over the 15 years I have been in this place it has been very easy, on researching of the *Hansard* record, to identify those subjects which the Government of the day has been floundering to support. Invariably when a subject is hard to sell for a Government it introduces, via propaganda or other forms of intrusion, personalities, personal experiences, and emotion of the kind we witnessed tonight from the member for Peake during his contribution to this House.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. TED CHAPMAN: That level of debate is reflected time and time again in those situations where the Government is floundering to support its legislative program.

Members interjecting:

The Hon. TED CHAPMAN: Now, those members on the other side saying, 'What a load of codswallop! What a load of rubbish!' etc. have only been around this place for a relatively short time.

Ms Lenehan: Five and a half years.

The Hon. TED CHAPMAN: The member currently interjecting, by her own words indicates she has been around for a third as long as I have, and when she has been around for a little longer she will understand.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable member to take his seat. Earlier in the debate I had to intervene on behalf of a member of the Government because of interjections from the Opposition. Now we have a contribution from a member of the Opposition and equally I am asking the members of the Government to respect the traditions of this House. Members may not agree with what the honourable member is saying, but he is entitled to say it, and I ask that he be heard in relative silence. The honourable member for Alexandra.

The Hon. TED CHAPMAN: Having touched a sensitive nerve on that point, let me go on to the next one. We have heard so far in this House of Assembly debate from approximately a dozen or 15 of its members. In almost every case, those members have had two bob each way.

An honourable member interjecting:

The Hon. TED CHAPMAN: Both sides of the House. They have sought to demonstrate in their respective addresses to the House the emotional and health hazard aspects of smoking.

Mrs Appleby: That is what it's about.

The Hon. TED CHAPMAN: No, it is not. The honourable member interjects again and says, 'That is what it's about.' It is not about the health hazards of smoking. That is a side issue that has been introduced by the convenience of the Government in an effort to get its tax raising revenue Bill through this place. Now, Sir, the objective of this Bill is for the Government to raise revenue and be unencumbered by that activity so that it has absolute control over the redistribution of some—not all, of course—of the funds, back to the sporting venues where it considers it is appropriate to direct those funds. In other words, the Government yet again is seeking to take out of the hands and authority of the private sector the business of the private sector.

Now, under the guise of this Bill, it is seeking to introduce all these other emotional health related factors. I will not waste my time arguing the merits or otherwise of smoking. I smoked for 35 years. I know the extent to which it knocked my health around, and I do not argue with that point, but the situation is that the Bill deals with the controlling of marketing of a legally produced product. I do not subscribe to the hypocrisy of, on the one hand, supporting an industrial activity and the production of a unit, an item or a product—in this case, a tobacco product—and then, on the other hand, saying to the producer of that product, 'We will control your marketing tactics to the point where you cannot advertise it in a way that all other legally produced products are advertised.' I do not agree with that level of hypocrisy.

If we look at the next closest related Act of this Parliament, the Controlled Substances Act, we see in the definitions of that Act that the term 'sell' includes 'to offer or expose for sale' that item or that product. In the exposure of a product, it is easy to incorporate the activity of advertising, because it has its brand, its colour, its texture and its other saleable factors openly exposed for the consuming public to observe. Having implanted that definition in the Controlled Substances Act and using it in the same context there as if it were for liquor or any other product which we know can be detrimental to one's health if taken in excess, and then trying to transplant that into the current Bill before the House and the amendment to the Tobacco Products Control Act, is the hypocrisy that jumps out and bites you.

Any fair thinking person would recognise that this Bill is a farce. It really is a farce. Why has not the Government come out and said, 'We want to ban the product of tobacco because we believe that it is injurious to health'? Government members are not fair dinkum. They only want to have control over the exposure of this product in the public arena under the guise of undesirable advertising for the purposes of getting the money and having control of it. Let us not kid ourselves! As one of my colleagues said earlier this evening, if they were fair dinkum they would not have condoned the smoking of marijuana, which they effectively did under the Controlled Substances Act Amendment Bill of less than a year ago. They effectively condoned the smoking of marijuana.

Members interjecting:

The Hon. TED CHAPMAN: Now, members are getting upset. They are interjecting. There are five interjecting at once on the other side. God knows how *Hansard* will handle this debate with respect to its reporting.

Mr Plunkett interjecting:

The Hon. TED CHAPMAN: It is all right for the member for Peake to have a go. I am just disappointed that on this occasion I did not follow, and I mean directly follow, the member for Peake. It has almost been traditional since he came into the Chamber in the late 1970s that, after he has addressed this House on any subject (many of which he knew nothing about), with the support of the Chamber and

the Speakers of the day throughout that period, I have been allowed to follow him directly, because we have usually had a bit of a hassle. It is a bit of a personal thing, I suppose. It dates a bit. It is somewhat related to the shearing industry, to which he referred at some length without any correction or stopping from the Chair.

Mrs Appleby: A point of order, Sir—

The DEPUTY SPEAKER: Would the honourable member take his seat, please. A point of order?

Mrs APPLEBY: I am not quite sure that what the honourable member is saying has any relevance at all to the Bill before us.

The DEPUTY SPEAKER: I am not accepting the point of order at this stage, but I am sure that the member for Alexandra will link his remarks to the Bill that is before us which, in fact, is the Tobacco Products Bill. There was reference previously to the shearing sheds, but I ask the honourable member to come back as soon as he possibly can to the Tobacco Products Bill. The honourable member for Alexandra.

The Hon. TED CHAPMAN: All right. Never have I risen to address this House without linking my remarks to the subject of the agenda, and I respect your support, Mr Deputy Speaker, in that last incident. Let us come back and clean up this business about the hypocrisy of this Bill and address one or two other matters. Before I do, let us not run away from the case that the marijuana Bill that came into this House last year did in fact say to the community: You can smoke this material; you can carry this material for your own personal use without offence.

The Hon. G.F. Keneally: —No, no.

The Hon. TED CHAPMAN: Even the Minister joins the array of interjectors and says, 'No, no', shakes his bald head and waves his hands around. The situation is, as the member for Heyden pointed out earlier, that according to his research no penalties have been applied at all. Whether or not that is right, I do not know, but the thing is, it is a joke. It is an absolute joke! The smoking of that product is condoned in the community at large in South Australia as a result of the ALP Government's legislation within the past 12 months. Now, today, it sets out on this hairy course of trying to raise money without any real grounds on which to justify that action, and to do so, as I said when I first rose in this debate, it has introduced all the emotional aspects and all the injurious health factors—

Mr Robertson interjecting:

The Hon. TED CHAPMAN: And the honourable member for Bright points to colleagues on this side of the House. It is true—they too have fallen for the three card trick. So has the advertising media of this State fallen for the three card trick. They have all jumped on the band wagon. In my view, they have got right away from the core of the subject. They might have been skilfully steered away by the Government's strategists. It might have been part of the carefully laid plans and tactics of the Government's advisers. It might have been an accident that it took that course but I assure members that, out in the public arena, it has been a very effective course of action to take and clearly the propaganda has worked.

A significant number of people, even in my free enterprise albeit conservative electorate of Alexandra, have said to me, 'Ted, we would like you to have a bit of thought about this Bill and give some consideration to supporting the Government. It seems to be going in the right direction. There seems to be an element of protection for our kids,' and all this garbage. Fair dinkum! They have been hoodwinked as well. Even my people down there in Alexandra! I never

believed that I would live to see the day when those sound thinking, well meaning family communities of Alexandra would fall for the three card trick of the Labor Party. I admit that, in some instances, they have.

Irrespective of the quarter from which the lobby has come to my desk via the telephone or the mail service, the whole lot has the same answer. The tobacco lobby, the Anti-Cancer Foundation and all the other do-gooders who are jumping on the coat tails of the Government all have the same answer: that the Government's exercise is hypocritical. It seeks to get revenue that it is not entitled to have or administer and it interferes in private enterprise to a degree that I do not accept and do not support. The height of hypocrisy in this whole exercise is reflected in the Government's action to exclude a number of sporting entities in the community that are too big and too powerful to touch. The Government is proposing to allow golfers, cricketers and Grand Prix sponsors to freely advertise tobacco and tobacco-related products at their events but for other sporting authorities, forums and venues, advertising is banned. The Opposition recognises that the Democrats in another place support the Government and that, in this particular instance, the Opposition does not have the numbers to sway this—

An honourable member interjecting:

The Hon. TED CHAPMAN: How cheeky can you get! Mr Deputy Speaker, do you know what has happened? A member of the Government, I think it was the Whip, has had the gall to walk across here and put a note on my desk saying, 'Bill No. 136.'

Members interjecting:

The Hon. TED CHAPMAN: I happen to be Bill V in my family. I do not know whether the honourable member is getting confused. This note is probably a signal for me to refer to the Bill. The honourable member has suggested, if not directly then by implication, that I have not read it. How sneaky can she be, honestly! I reckon that this is the height of rudeness to say to a senior member of the Opposition that he has not read the Bill before he rises to address the subject in the House.

Mr Gregory: And a former Minister of Agriculture, as well.

The Hon. TED CHAPMAN: And a former Minister of Agriculture, as well. It is atrocious.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. TED CHAPMAN: I realise that one can never be too surprised at the lengths to which the Government will go to get its message across to the people: the hoodwinking, the sneaky tricks, this atrocious act by the Government Whip, all of that other propaganda that it has been peddling around the countryside simply to get this Bill through. We are getting a bit of a giggle out of the girls on the other side, but this is a serious subject and we should not confuse the real objects of the Bill with the propaganda that has been promoted and peddled throughout South Australian society. I am disappointed with the tobacco lobbyists that they have sought to head off this propaganda rather than concentrate on the subject of the Bill, and that is the advertising factor. I have seen a few lobbyists hanging around the corridors and the public galleries in the past 24 hours.

The DEPUTY SPEAKER: Order! The honourable member must not refer to people in the gallery.

The Hon. TED CHAPMAN: I am not suggesting that there are any here at the moment, Mr Deputy Speaker, and it may be that they have gone home because the die is cast, the subject is cut and dried.

The DEPUTY SPEAKER: I ask the honourable member to pause for a moment. I remind him that he must not refer to anybody in the public gallery.

The Hon. TED CHAPMAN: With due respect, the reference was to someone who may have been in the public gallery, but I doubt if anyone is left; they would have got sick of the whole subject. I am endeavouring only to put on record my disappointment at the way in which the so-called professional lobbyists have handled themselves from the tobacco industry's point of view. They have got bogged down in trying to answer, respond, react and counter the various statements that have been made by the proponents of this Bill in the past 12 months and they have lost track of the actual body of the Bill.

It may be that it is a lesson to them. Maybe in the next round (and there will surely be another round, it is as clear as God made little apples that this is only a forerunner) once the Government gets the taste of the revenue that is to be raised by this measure (not that it is any different from the revenue that was raised before, except that it might be a bit more) and the administrative control over its partial distribution to the sporting bodies, it will go on into other arenas with this so-called principle that it has adopted. In the event of that occurring, I suggest to any lobbyists of any industry that will or may be affected that they seek to concentrate on the core of the legislation that is proposed by the Government of the day, be it Liberal or Labor.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

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

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

Motion carried.

Mr M.J. EVANS (Elizabeth): Let us be clear about one thing: this Bill is about health and, in particular, it is about the health of the next generation. It is not about Government control, hypocrisy, the Nanny State or bureaucratic regulation. It is certainly not about revenue, as the member for Alexandra might have us believe. It is about the health of South Australians and, because of the lead that will be established in this State and Victoria, it is about the health of all Australians and, by extension, ultimately, the western world.

It is claimed by those who seek the vast financial interests of the tobacco companies that there is no direct causal link between smoking and health. That is the real hypocrisy in this debate, not the question of advertising. To deny that is to deny the reality of this debate. That is the real hypocrisy that we have seen tonight. Many members of the Opposition have agreed that there is such a link. Many have admitted that, in fact, in 1988 it is quite clear cut that smoking is a direct cause of ill health, death and severe injury among many Australians. They have made that admission—although others have denied it—and, in particular, the Leader of the Opposition. I am very disappointed to hear him deny that very clear fact.

However, they still deny the reality of this Bill. They say that, in fact, it does not go far enough. Well, I agree with that, but if any member of the Opposition wishes to introduce a private member's Bill which goes much further, it will certainly have my support. As the member for Coles has said one of these days we will move to the position where tobacco is on the controlled substances list and is controlled by schedules in the Controlled Substances Act.

However, that position is somewhat down the track. In the meantime, we have the clear position where this Parlia-

ment has absolute and incontrovertible evidence that smoking is a major cause of ill health among Australians. Given that we are now aware of those facts, we have a clear responsibility to act on them. Science does not rely on the precise explanation of every step of the medical pathway to establish the link between smoking and disease, illness, injury and death. Science relies on statistical inference and clear experimental evidence as to the result of the effects of tobacco upon many generations of people and upon large population numbers.

Those effects are quite clear cut: science does not have to demonstrate that given individuals will be injured by smoking; science merely has to demonstrate that a statistically clear percentage will be affected. That is the case we have now. As members of political Parties, and as people interested in mass statistics, members of Parliament will be well aware of opinion polls which demonstrate very clearly, and often with great accuracy, the percentages of people in the electorate who will vote in given ways. Those opinion polls are scientifically and statistically valid.

Yet they do not say how individuals vote; they do not say that a given person will vote Labor, Liberal or Independent; just as science cannot say that a given smoker will die, or be injured, as a result of their consumption of that tobacco product. And, indeed, examples are produced of individuals who have smoked for many years and are still quite healthy. However, of course, that does not prove that smoking benefits your health: quite the contrary. They are simply the small number of people who have survived the process because of some statistical and personal inherent advantage. Those who have died and been injured are not there to testify.

This Bill is not about an anti smoking crusade by people obsessed and overzealous with a crusade to control the lives of other people. The Bill is not anti smoking at all. That is simply a smoke screen—if you will—for those who would seek to find other disadvantages in the Bill and who would seek to disguise their financial commitment to the ill health of others through the use of terms like 'freedom' and 'anti smoking'.

This Bill continues the process of eliminating a favourable climate which exists for smoking, generated by the present vigorous advertising regime. This process started over a decade ago with the removal from our television screens and from radio broadcasts of advertising promoting tobacco consumption. The process has not gained much momentum in the legislative sense in that decade, although, as the member for Coles has pointed out, many other changes have taken place in community attitudes in relation to tobacco during that period.

It is certainly true that by banning advertising from the air waves the Commonwealth Parliament took a very significant step forward and many of the other changes of which the member for Coles spoke have taken place in the climate which that single Act brought about. I am sure that the Commonwealth Parliament will continue to legislate with respect to satellite broadcasts, the direct cable link for which they also have constitutional control, so that the problems engendered by Skychannel and other related technological advances will be dealt with.

Advertising creates a climate, and at the moment it is being used in those remaining areas where it is still legal to advertise tobacco products. That advertising power is being used to create a favourable climate towards tobacco consumption, and that is what this Bill continues the process of demolishing. It takes away the foundation upon which the consumption myth is built. No person promoting tobacco provides any information about that product now in its

advertising. No tobacco company would dare, with the penalties which abound in this country now for false advertising. Our truth in advertising legislation has effectively neutered tobacco advertising. They no longer dare advocate tobacco as such, knowing the consequences which would flow from that.

Instead, they simply provide us with stunning colour graphics, the best of modern technology that the vast financial resources which they command can provide. It is essential that we attack the favourable climate which is created by that advertising. It is not peer pressure which is the ultimate factor in individuals and particularly young people taking up smoking. Certainly, if one asks young people in surveys, as the tobacco companies have done, 'What led you to smoke?' peer pressure, I would agree, is the most frequently cited cause, but the reality is that we are overlooking the climate in which that peer pressure came about.

Why do young people as a group—or many of them—hold that view? One must realise that the majority are, in fact, non-smokers, but there is a substantial percentage—and in some sectors, such as young women, a growing percentage—of young people who smoke and, although others take it up and cite peer pressure, the reality is that the climate under which that peer pressure evolved and under which those individuals themselves formulated the view that it might be a reasonable thing to do, came about as a direct result, in my opinion, of advertising.

It is quite clear from the nature of the advertising which we see in our newspapers and magazines, on billboards and at sporting events, what the intention of that advertising is. Tobacco company executives are very competent corporate managers. I certainly have no criticism to make of their technical and professional expertise as managers of modern enterprises. They know the power of advertising. They know the power of large advertising campaigns to create a corporate image for their product and a favourable climate for its sale and distribution. They do not spend \$3 billion a year world-wide on mass media advertising simply for the pleasure of seeing the name of their product in print and on screens, on billboards and in cinemas and the like around the world. They do it because they know that it is effective.

No-one spends that kind of money simply for no purpose. Certainly, if the sole purpose of it was changing of brands, why is it that there is no comparative information in those adverts? Why is there no information based on 'Smoke our brand because it has less tar' or 'more carbon monoxide' or 'higher percentages of nicotine' or is longer, shorter or whatever? In fact, they simply promote image, and that image is clearly designed to increase the numbers who smoke. Sponsorship has exactly the same effect. Sponsorship is designed and clearly calculated to lock in the advertising climate and to ensure that there is a vocal lobby group active on their behalf to preserve the means of sponsorship. That is the critical element in this Bill: that the sponsorship previously provided by the tobacco companies can in fact be substituted by a levy from the tobacco products themselves.

Indeed, the member for Alexandra is correct when he says that this will increase the amount of money flowing into the fund but, of course, again, the Bill clearly earmarks the whole of that increase for the purposes of the Bill. It is a pleasure to see legislation which is so clear cut in that respect. The Bill makes certain that that percentage of the funding is dedicated to the purpose of replacing sponsorship and promoting health in South Australia. There can be no case for saying that this is an added burden on smokers, because advertising is a very expensive undertaking.

While it is an effective one, it is also an expensive one, and if this Parliament prohibits that advertising, the tobacco companies of course will save substantial amounts of money. They will not be able to divert it all into the print media or else every *Advertiser* would simply contain nothing but tobacco advertisements. I suspect that that will be the case for a while, but that effect will shortly wear off and the tobacco companies, as my colleague the member for Semaphore said, will have the choice of either increasing their profit margin—which I suppose they might do, given their essentially limited lifetime over the next several decades—or, alternatively, they could reduce the price of their product. I doubt whether they will be so honest as to do that.

Some of the comments which the Leader of the Opposition, in particular, made earlier this afternoon in his contribution to this debate were very valid in respect of the ways in which we could discourage young people from smoking. I hope that as a parallel matter the Government will act on those; if it does not, that the Leader will introduce a private member's Bill to promote those ideas, because they are reasonable, in part, and I hope that they will be pushed forward. But they are not in substitution for the Bill we have before us. They are other small steps which can be taken in an overall campaign and in parallel with the measures before us tonight.

This Bill is not a panacea. I do not believe that any member of Parliament envisages that any single piece of legislation will have the effect of discouraging all new smokers from taking up the habit. Quite clearly, the Leader of the Opposition would not envisage that the small package of measures which he announced this evening will have the same effect. We all know that no one step, not even a whole series of steps, will have that desired effect in less than 20 or 30 years, but we must continue the process. It was started with the Broadcasting and Television Act; it has continued tonight with a further attack on many other areas of the media and, although some areas are exempt (and high profile areas at that), the reality is that this is a substantial step forward.

Extremes are the province of totalitarian regimes: they are not the province of democracies. For the Opposition to claim that this Bill is inadequate simply because it does not ban the consumption of tobacco in all its forms and in all places at all times is much more hypocritical than the honest statement of fact that at this stage it is not practical to ban all forms of tobacco advertising in all places at all times, but to acknowledge that this is simply an important step forward and not the total solution to the problem. That is an honest response.

It does not at this stage go as far as one ideally would like to see it go. It is inadequate in that sense, but it certainly is not hypocritical and is a far more useful and purposeful response to the deaths of over 20 000 Australians a year than is the reaction of saying that because we cannot do everything we will do nothing. That is the ultimate failure, the ultimate hypocrisy, and the ultimate abdication of responsibility. If tobacco was invented today, it is a truism to say that it would never make it onto the market. Indeed, we are constantly faced with having to make exemptions for it.

If one looks at the Food Act, which was passed by this Parliament in the first year in which I was a member, it very clearly exempts nicotine, when in the form of cigarettes or tobacco products, from the application of the Act, because there is no doubt that the rigorous standards of food inspection are such that nicotine would never pass. The member for Alexandra quoted from the Controlled Substances Act, and it is incredible that nicotine chewing gum, which is a

clear cut tobacco substitute used to assist people in getting off the habit, cannot be legally advertised because it is a controlled substance.

When has an honourable member here attended a football match sponsored by the makers of valium? Never! I suggest that we would never see that. Clearly, the Parliament has already acted to ensure that those products are not advertised, and those who claim that tobacco is a cure for stress would certainly want to reassess their medical credentials. Because there are greater evils that we could address does not mean that this Parliament must abandon the evil that we can address. For example, I take but one area, that of asbestos, which caused death through similar problems to those which tobacco causes, at least in one area, and this Parliament very vigorously pursued that question to safeguard those in the work force and in industry from pollution and ill health through asbestos. Because of the pervasive nature of tobacco consumption in our society, we are forced to act at a slower pace than I am sure many of us would like.

I believe that members opposite—not just the member for Coles, who spoke out so clearly in this debate—who have taken a more restrained stand more in keeping with the dictates of the tobacco lobby would see that the ultimate objective is clear cut. We must act to improve the health of the nation wherever we can, and in ways whereby that is reasonably achievable. While I agree that the legislation now before us is not perfect—indeed, I am disappointed in some aspects and that the Government, given its vast resources could not draft more excellent legislation whilst still retaining the restraints of the present circumstances—I believe that it represents a very important step. Because of the critical importance of this issue to the overall health of Australians, I believe that as a first step it is essential that we as a Parliament and as individuals support the legislation, and I give it my personal support on that basis.

I believe that the legislation can certainly be improved, and I hope that it is improved over the years. However, with any initial step it is essential that we put the first measure on the statute book and then work to improve and amend it over time as the opportunity presents itself. Indeed, in a democracy it is not possible to ride rough shod over every interest group on every occasion. We acknowledge that and the Government acknowledges it, and I am sure that most members opposite acknowledge it. However, we must do something—that is quite clear.

I believe that this Bill is a very reasoned and careful response to that situation, and it is a movement as part of a national action which is slowly gaining momentum. Until all States act in concert, certainly we will never be able to address the problem in total. However, not to move at all would be a much greater abdication of responsibility. It is essential that as one component of the debate and as one component of the process, and indeed as one State of the Commonwealth, we do our share to improve the health of all Australians. I will support the second reading on that basis. Notwithstanding the acknowledged imperfections in the Bill, I believe that it is worthwhile. We will discuss the individual clauses in Committee. As a measure it is worthy of support and I believe that all members who are concerned about the health of Australians in the next generation and the generations beyond will support it on that basis.

Mr S.J. BAKER (Mitcham): When considering this legislation I harked back to my school days when I studied a little bit of Shakespeare. Probably one of the most famous lines Shakespeare ever wrote appears in *Julius Caesar* when Marc Antony said to the assembled gathering:

Friends, Romans, countrymen lend me your ears. I come to bury Caesar; not to praise him.

He did not mean that he was not going to praise him; indeed, he was intent on burying Cassius and Brutus. When we think about this Bill and what it will achieve, we see that it is not about health. It is not about the things described by the member for Elizabeth, who I thought had somewhat more intelligence than he displayed here this evening.

There are four factors in the Bill, and probably one or two have already been mentioned tonight. Its first object is to bury the widely held belief that Dr Cornwall is a charlatan and the worst Minister of Health to preside over that portfolio in this State. Dr Cornwall has caused irreparable damage to the health system. That is the first thing that it is supposed to achieve: it is the Cornwall rebirth Bill. Secondly, the Bill seeks to bury the anti smoking lobby. It does not achieve anything. It is interesting to note—and I will go back to each of the four points in a moment—that not one contribution tonight has mentioned the causal link between children and smoking. That would have relevance to the Bill and to what we should be trying to achieve.

The third thing that the Bill seeks to bury is freedom in sport. It will force sporting bodies to approach the Government cap in hand. The fourth thing that it seeks to bury is the Government's budgetary inadequacies so that the Government can obtain more money, as the member for Alexandra so adequately explained this evening. They are the four intentions of the Bill. It has nothing to do with health or smoking. All members agree that smoking is a health hazard, even though some are still addicted to it. This Bill has nothing to do with any of the things that we have discussed. The contribution from the member for Peake came from the heart, but I believe that he was carried away by the Government's rhetoric and he simply did not read the Bill and did not understand its underlying intent.

Before referring to the achievements of the Bill I think it is relevant to discuss the nature of this Government. Members opposite made a reasonable attempt to talk about the health hazard that we face and everyone nodded and said, 'Yes, cigarettes are a health hazard and we should do something about them.' The only member who stretched the limit was the member for Bright, as he is wont to do on certain occasions. He said that it was duplicitous and that the Opposition was getting into bed with the tobacco lobby to preserve smoking in the community. In fact, the member for Bright went a step too far.

I know that certain members of the medical profession, perhaps in a moment of anguish, have suggested something similar. However, I forgive them because they deal with patients who die of cancer, blood disorders and heart disease every day of the week and occasionally they become angry about it. However, the member for Bright has had a reasonable education, so there is no excuse. He said, 'Look, all you mob over there are doing is supporting the tobacco lobby.' I ask the Government: what happened when the Premier stood up in Rundle Mall and supported Boy George? Was the Premier supporting deviant sexual behaviour, because he gave Boy George a very rousing welcome to Adelaide? Was he supporting drug abuse, because Boy George is well renowned for his drug abuse?

The Premier fell over himself to welcome Boy George to Adelaide; he advertised him and supported him. Did the Premier also support all the trappings associated with Boy George? Whenever the Premier attended at the Rothmans Theatre or when he went to Amatl for the snack foods opening or to the Festival Centre to attend a production supported by Benson and Hedges or Rothmans did he say, 'No, I do not believe that I am doing the right thing'? Not once did we hear the Premier say that. Where was this new

found religion? Did it happen suddenly like a bolt out of the blue? Was it some newfound belief such as that experienced by a reformed smoker? Where does the credibility lie with this Government?

Since this Government took office the Premier and his Ministers have, by their actions, continuously supported the tobacco lobby. Suddenly things have changed because they believe that they can achieve four things. I note that the member for Albert Park said that tobacco producers, manufacturers and marketers were purveyors of death and that members on this side rejected the Bill to achieve a cheap political advantage. I would aim that accusation right back at all members opposite who have contributed to this debate. Does the Government have a sudden new desire to save the health of the nation? Of course we know that it does not, because this Bill is not about that at all.

I go back to those four points that I made originally. In fact, I demand that the Government answer them. First, this is the Cornwall rebirth Bill. Everyone knows that the most disliked person in the medical profession is the Minister of Health. And why? Is it because he has done everything in his power to reduce the health area in this State to an absolute shambles. He has presided over an enormous increase in the length of waiting lists, and the standards of our hospitals and health care are failing daily.

The Minister of Health has brought about that situation because of his lack of care and the way in which he has vitriolically, and on innumerable occasions picked out certain individuals and used them in the public arena in an absolutely disgusting and disgraceful manner. The Minister has no credibility. So, what was his first thought? He thought, 'I need something to repair that awfully damaged and tarnished image.' He got it with this Bill. The medical profession understands because it has to deal with the results of tobacco abuse every day of the week. To some extent he won a few hearts in the medical profession and that was by design because, let us face it, he was not going to get too many votes at the next election.

Probably the worst aspect of this Bill is the Government's determination to do nothing about smoking. This Bill does not achieve anything—not a single thing in terms of reducing smoking. Anyone who has read the world evidence, whether it comes from the World Health Organisation, the British Health Organisation or the European community says the same thing: if we take away advertising, particularly in the form that we have left in this State, it will have no impact at all on smoking—none whatsoever. That is said repeatedly and the reason is that kids do not necessarily relate to advertising when they take up smoking.

How many members in this place who have smoked started at eight or nine years of age behind the toilet shed? They were not turned on by advertising but by the proposition that they could try something that had not been tried before. Now the market has widened into a wider range of drugs. The initial desire to smoke has nothing to do with what we see in the advertising field. The Scandinavians banned advertising as part of a total package. They said, 'We are going to be fair dinkum about this. We are actually going to make an attempt on all fronts to stop people smoking, and it is hypocritical if we are trying to stop people smoking, to allow them to watch these advertisements.'

At least they are consistent. They have admitted that the advertising, like the billboards and so on has no impact. They said, 'If we are really going to make an attempt [which I demand of this Government] to be effective, it has to be a total package.' By its actions the Government has patted all the antismoking people on the head and said, 'We have this wonderful little device; the world is going to change

overnight and people are not going to smoke anymore.' Members know that that is the greatest load of rubbish that has ever been delivered to this Parliament.

The third matter concerns the sports slush fund. It was said, 'Come and see me and for a particular amount of money you will be able to get the support of the Government, but of course we will probably demand a few favours further down the track.' This Bill does not stipulate that sport and cultural events will necessarily benefit from the increased revenue. It provides that a large amount of revenue will be gathered. Secondly, it provides that it will be controlled by ministerial appointments. We have seen this Government time after time looking after itself. The member for Davenport said that there will be a bit going to marginal electorates. Members can be assured of that. Funds will certainly be going to areas where the administrators put their hands out and a favour is exchanged. In other words, it is the socialisation of sport in this State. I would have far greater faith if the Government said, 'We honestly believe that sport and cultural activities should benefit' and if an independent body was to distribute the funds. However, the Government would never allow that because it would not get the political advantage that it believes it will get.

There has been no secret concerning the fourth item, that is, that millions of dollars will flow into the coffers. What has the Government not done? Certainly, it has not affected the tax base for cigarettes. The Government has protected its revenue by doing nothing objective or useful to reduce smoking, so the billions of dollars will continue to roll into the Treasury coffers. The \$45 million in this State will be fully protected and the Government will get a little bit extra. The Government has achieved that end without affecting its revenue base. The Government does not want to stop kids from smoking, because that would affect the revenue base. It does not want to take any measures that would be useful.

Although it has already been referred to, I wish to comment on the hypocrisy of the Bill. If we really believe that advertising has an impact, surely the most effective advertising would be at the Grand Prix. That aspect has been raised tonight. As a matter of logic how can we exempt the Grand Prix when it is the most effective venue at which to advertise? It has all the elements likely to attract people—that is provided one believes that that form of advertising is effective. Members opposite claimed that if tobacco companies did not think they would get their money's worth, they would not advertise. They then drew the false parallel that, unless you advertise, you are not going to sell your product. I ask every member opposite to explain why 60 per cent of children by year 12 have tried marijuana. Why? There is no advertising. If we followed the kinked logic of the Government and its members, one would suggest that no-one would try marijuana, crack or heroin because those substances are not advertised. The Government's logic is, 'If we stop this advertising, we will stop the use of that product.' That is stretching the imagination too far.

The member for Elizabeth and other members said that this is a first step: a first step to where? It is a first step to doing nothing. There are so many things that this Government could do if it really wanted to stop kids from smoking. If the Government really wanted to do something about the smoking habits of the population, it would need to spend only a little time looking at the success stories overseas (few that there may be). Do members know why one or two other countries have been successful? It is because they have worked out the linkages between kids' smoking habits. They have determined what are the things that turn them on and turn them off. Certainly, we could spend much

more money at the primary education level, because that would be effective in years to come. Those areas need to be beefed up. Certain countries have had successes because they have worked out that, to be adult, the children often smoked, so they have tried reverse psychology, that is, to say, by extensive advertising, that the adult thing to do is not to smoke. They link adult behaviour with non-smoking. I think that that is smart—perhaps too smart for this Government.

If we really want to make an impact then we could run a few black lungs across the television set to remind people of some of the impacts. We could show Yul Brynners in their last stages, if we really wanted to have an impact, but this Government does not want to have an impact. We could double or triple the price of cigarettes; we know that that would reduce smoking. But, that would have so many flow-on effects in other areas, where some of our less well off citizens, who are our highest smoking clientele, would simply spend more on cigarettes and less on the family budget. That has to come, but price changing must be a very important part of the package.

We could increase the number of areas in which smoking is not allowed and really make an attempt to slow down or stop children from smoking. The important aspect is that if we go holus-bolus in trying to ban children using these products it will have the opposite effect. The greatest inroads have occurred where they have said, 'The kids are going to do this anyway, but how about trying to make them into adults and adopt an adult behavioural pattern that does not include smoking.'

Therein lies the challenge for Australia. We can use all these mechanisms I have talked about tonight if we really want to change the world. However, we do not want to bring a Bill before this Parliament which is hypocritical and the ultimate test in cynicism and say that it is a first step.

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

Mr BLACKER (Flinders): I have listened with a great deal of interest to the debate so far and it is quite clear that the Government has taken the stand that this Bill is about health and that the Opposition has taken the stand that there are other issues related to this Bill that should be taken into consideration. As recently as two days ago I was not convinced in my own mind about on which part of the Bill I was going to place the most importance. Sure, there is a health component in it, but I believe that the Government is endeavouring to use the health component as a vehicle by which to cross-subsidise the operation of its own Health Commission. To that end, I think the Bill must be looked at with a great deal of concern and with a certain amount of cynicism for what has been stated and for what the ultimate objectives would be.

The objectives of the Act, as clearly stated on page 2 of the Bill, are as follows:

- (a) to reduce the incidence of smoking and other consumption of tobacco products in the population, especially young people—
 - (i) by requiring health warnings to be displayed on tobacco products and otherwise disseminating information about the harmful effects of tobacco consumption;
 - (ii) by prohibiting the supply of tobacco products to children;
 - (iii) by encouraging non-smokers, especially young people, not to start smoking and encouraging and assisting smokers to give up smoking;
 - (iv) by prohibiting or limiting advertising, sponsorships and other practices designed to promote

- or publicise tobacco products and their consumption;
- (v) by providing funds to sporting or cultural bodies in place of funds that they might otherwise have received through tobacco advertising and sponsorships;
- (b) to protect non-smokers from unwanted and unreasonable exposure to tobacco smoke;
- and
- (c) generally, to promote and advance sports, culture, good health and healthy practices and the prevention and early detection of illness and disease related to tobacco consumption.

Those objectives are applaudable and are something that we should all support. However, I note that within those objectives there is that cunning underlying aspect, namely, that we talk about health but then, as a soft soap, we talk about assisting the sports, cultural and health promotion areas. Let us look a little further at the exemptions in this Bill and at some of the cynicism that has been talked about today. As to the prohibition of certain advertising, new section 11a (1) provides:

A person must not for any direct or indirect pecuniary benefit display a tobacco advertisement so that it may be seen in or from a public place.

One could perhaps question the drafting of that and ask whether it is perfectly legal if it is done for no return at all. New section 11a further provides:

- (2) A person must not—
 - (a) distribute to the public any unsolicited leaflet, handbill, or other document that constitutes a tobacco advertisement;
 - or
 - (b) sell any object that constitutes or contains a tobacco advertisement.
- (3) This section does not apply in relation to—
 - (a) a tobacco advertisement in or on—
 - (i) a newspaper or magazine—

And let's face facts: the majority of the advertising is in glossy magazines which are taken into every household many times a week. So, the Government is specifically exempting that medium of advertising and yet is endeavouring to impose it in other areas—

- (ii) a book;
 - (iii) a package containing a tobacco product;
- (b) a tobacco advertisement that is an accidental or incidental part of a film or video tape;
- (c) a tobacco advertisement that is displayed inside a shop or warehouse adjacent to a place where tobacco products are offered for sale;
- (d) a tobacco advertisement that is displayed outside a shop or warehouse where tobacco products are offered for sale but relates only to tobacco products generally or the prices at which particular tobacco products may be purchased;
- (e) a tobacco advertisement that is authorised by the Australian Formula One Grand Prix Board as part of the conduct or promotion of a motor racing event within the meaning of the Australian Formula One Grand Prix Act 1984;
- (f) a tobacco advertisement that is displayed or distributed under a contract providing sponsorship for a cricket match in South Australia that forms part of the Sheffield Shield series or a series of international cricket matches;
- or
- (g) an invoice, statement, order, letterhead, business card, cheque, manual or other document ordinarily used in the course of business.

It is that line of exemptions that brings about the hypocrisy of this Bill. That concerns me as much as anything, because the big boys are able to buy or bluff their way through Governments whereas the smaller sporting groups, which I and many other members in this House represent, are the ones that will be severely penalised and disadvantaged when one is considering their eligibility for sponsorship of this kind.

There is no doubt that smoking is wrong. I believe it is harmful, although evidence has been read in this House today that even that is questionable. I accept the position that smoking is harmful and I think that it is reasonable we should make reasonable efforts to reduce its consumption. That is why I applaud the objectives of the Bill. However, it is at that point that I must disagree, because those objectives are not being carried out, in fairness, as we follow through the Bill.

What will this Bill do? It will become selective; it will allow some people to benefit by it while it will prevent others from enjoying any benefits, if they exist. It will incorporate the funds that they have redirected through a trust (with the Government having almost total say on who shall be on that board or trust) which, in turn, will direct them out. It will not be the company that is being sponsored or promoted but it will be the trust fund of the State Government which will be promoted in that sense.

So, effectively, the Government will be getting its sticky fingers on that money and then using it for its own promotional purposes—well intentioned or otherwise. The fact that the Government should be seen to be adding support to a major event, be that an interstate or international event, in itself is self-promotion for the Government, at the expense of the tobacco industry and the sporting groups who would have otherwise benefited from that.

Some other members have said that it is pork-barrelling. Whether that is an appropriate phrase, I do not know, but it is certainly an indication that the trust is recycling the same money with the Government skimming off the cream. The Government is taking over the role as the sponsor and is getting the tobacco industry to finance its own promotion. We could also say that there is, in effect, a social engineering aspect. We could perhaps debate and argue that point elsewhere, but it is effectively taking out all those controls and the Government is saying that, yes, it is okay, if you do the right thing we will allow some funds to go your way.

I am rather fascinated that the chief promoter of this Bill is, in fact, Dr Cornwall. As to some of the hypocrisy, what concerns me, however, is that not so very long ago Dr Cornwall was a strong advocate for the decriminalisation of marijuana. I fail to see a consistency in the arguments put forward. I know that we are talking about two totally different commodities, but it is that very question that is raised by the public, and it is the first thing that most people say to me. They say 'How hypocritical can you be?' It was Dr Cornwall who was first promoting the decriminalisation of marijuana. That is part of the cynicism prevalent within the community.

In looking a little further into this matter, let us consider the powers and functions of the trust that will be administering these funds should this Bill pass. Under 'Functions and powers of trust', the Bill provides:

14d. (1) The functions of the Trust are to promote and advance sports, culture, good health and healthy practices and the prevention and early detection of illness and disease related to tobacco consumption, and more particularly for that purpose—

- (a) to manage the Fund and provide financial support from the Fund by way of grants, loans or other financial accommodation to sporting and cultural bodies or for any sporting, recreational or cultural activities that contribute to health;
- (b) to conduct or support public awareness programs;
- (c) to provide sponsorships;
- (d) to keep statistics and other records;
- (e) to provide advice to the Minister;
- (f) to consult regularly with Government departments and agencies and liaise with persons and bodies affected by this Act;
- (g) to perform such other functions as are assigned to the Trust—

- (i) by the Minister acting after consultation with the Minister of Recreation and Sport and the Minister for the Arts;

or

- (ii) by or under this or any other Act.

(2) The Trust has all such powers as are reasonably necessary for the effective performance of its functions.

The provisions in that new section continue, but the point I wish to make is that of the first seven subsections, three relate to sport promotion, while the rest relate to a cross-subsidisation of the Health Commission. Those events should already be covered by the Health Commission, so what we are doing is transferring some of the obligations out of the Health Commission and financing them via this legislation. It would be totally wrong for anyone in this State to expect that the moneys the Government collects out of this means of funding will in fact be redirected to the sponsorship of sport. Obviously, only a very small percentage of that will occur, and it will be swallowed up in the whole bureaucratic exercise. More particularly, it will be manoeuvring to be able to take over some of the role that the Health Commission would have otherwise been carrying out. I refer there quite specifically to the functions outlined in paragraphs (d) to (g).

What I am saying is that, whilst the Bill provides the mechanism to transfer funds from tobacco sponsorship back around and through to sporting bodies, it nevertheless has the ability to cream off a significant amount of funds to take over the Health Commission's obligations in these specific areas. Mention has been made that this Bill is hypocritical in that it only tackles one part of the social drug use question. I note that there are suggestions of an amendment to include within it the establishment of the powers to be able to accommodate the control of liquor or the advertising of liquor commodities. I am sure that that will add a greater perspective to the Bill but, nevertheless, it brings back to reality some of the hypocrisy and the unworkability of this proposal. I know that the Government will use its numbers to force the Bill through, so I guess there is little that I or anyone else on this side of the House can say that will change its ultimate fate.

I have been lobbied by people on both sides of the argument, but as was mentioned by the member for Alexandra very few people really understand the implications of the Bill. If it were a health matter, there is no doubt that the argument would, I believe, have the support of probably all members of this House, but it is more than that. It is a means of indirect financing of parts of the Health Commission. It is a means of the Government getting its sticky fingers on to certain aspects of those funds and a means of the Government being able to redirect those funds to its own advantage. More particularly, it means that it is more unlikely that country people will be able to get a share of that cake, however small that share should be. It may go for the big glamour sports, it may go for the international competitions that may be able to be attracted to this State, but the average sporting person—and there are many hundreds of thousands of them across this State—will not benefit to any significant degree by the proposals in the Bill.

Mr Becker interjecting:

Mr BLACKER: The honourable member says that the local tennis club will not do any good, and I can fully appreciate and support that. I have to oppose the Bill on that basis. I would support it if it were in fact purely a health matter, but it is more than that: I cannot go along with the deceiving aspects of the Bill. Mention was made of the matter of sales to juveniles, and I have spoken to a number of people about this. I cannot use the numbers because they are relatively insignificant when one looks at the broader spectrum, but I have asked people whether they

think that cigarette advertising influences young people to start smoking.

I noticed a letter to the Editor recently where someone said that there was a greater incidence of young people smoking in South Australia because of the Escort Cup series. The response that I got to that was that that was not the reason young people were smoking Escort cigarettes; it was because Escort cigarettes were the first brand introduced in packets of 25, that the cost per cigarette was cheaper and that young girls, say, could put their pocket money together and effectively get more cigarettes. It was maintained that it was purely a reason based on price.

It had nothing to do with advertising whatsoever and nothing to do with the promotional material put out. One could argue all night the benefits or otherwise and the effectiveness or otherwise of advertising. We are not going to resolve that question in this place tonight, because members have taken one side or the other. That debate will rage probably for generations.

I cannot accept the hypocrisy that the Government is proposing, using health as a means of getting control of advertising funds promoted by tobacco companies and redirecting those funds to its own advantage for publicity for the State or itself to the detriment of those smaller organisations that I represent in the wider community, which will obviously get practically no benefit at all.

The Hon. M.K. MAYES (Minister of Recreation and Sport): I turn my attention to the issue of funding for sports and some misconceptions being created in the community during this debate whether by accident or deliberate attempt. First, I point out the process of consultation on this Bill that has taken place with sporting organisations in this State. In October 1987 the State sports associations were contacted in writing informing them of the proposal to phase out tobacco sponsorship of sporting bodies in South Australia. A media announcement was enclosed for their information. From that letter to sporting bodies 22 replies were received. Ample prior warning was given to sporting associations that the Government was contemplating this Bill. It also outlined roughly the timetable for the proposal and indicated when the Bill would be before Parliament.

On Thursday 3 March 1988 I wrote to State sports associations enclosing a copy of the Bill and the second reading explanation. Invitations were extended to attend one of three seminars held on Tuesday 15, Wednesday 16 or Thursday 17 March to discuss this issue. At those seminars 21 sports were represented by at least one person and attended by myself, the Director of Sport and several officers of the department. We outlined the broad parameters of the Bill and allowed opportunity for the associations to question us on the impact and some of the likely effects of the Bill on sporting associations in this State.

Further, on Thursday 17 March I met with the National Football League, the S.A. Cricket Association, the S.A. Jockey Club, the S.A. Trotting Club, the Adelaide Greyhound Racing Club and the S.A. Soccer Federation. The process of consultation with the sporting associations was extensive and we received many replies from sports associations that could not attend, many expressing some view about the Bill. It is important to note the processes which involve sport in the body of the Bill. I also wish to refer to the financial aspects with regard to guarantees written into the Bill for the sports associations currently receiving funding from tobacco companies.

It is interesting to note the degree of misunderstanding about the impact of the Bill. Many associations did not realise that would be replacement funding for tobacco spon-

sorship and were distressed. When it was explained that, if they had an existing arrangement with a tobacco company, such sponsorship would be replaced by the trust, most distress was alleviated. It is also important to note that a number of associations indicated that their policy prevents them from taking tobacco sponsorship. I will not name them, but during our discussions with those associations a significant number of major sporting organisations in this State indicated that they had such a policy of not accepting tobacco sponsorship. That indicates a movement by sporting bodies away from tobacco sponsorship and the relationship they see as having been established with tobacco companies and the Tobacco Institute in terms of promoting tobacco products, particularly in latter years to teenagers and younger women.

I also held discussions with a representative of the Tobacco Institute, and it is interesting to note that the institute is now making a good deal of concessions, something which I have not noticed over the past few years; it is obviously prepared now to consider adopting certain codes of practice with regard to tobacco advertising. From the point of view of the tobacco companies, it is in some ways certainly too little, too late. If they had dealt with this in a much more responsible manner earlier, there may have been a different attitude from the Governments of this country.

Mention has been made of the role of Sports Ministers. The issue was raised at the Sports Ministers conference last year in Alice Springs, and a motion was passed that the Ministers ask their officers to prepare consultative papers on a code of practice to be established for all States and the Commonwealth. A number of States were very positive about moving towards a prohibition of tobacco sponsorship in this country and had it not been for the recognition of the Australian Capital Territory and the Northern Territory as States in voting, a majority of States, on the basis of the ministerial representation, would have moved to support the view that was adopted by the Health Ministers regarding tobacco sponsorship at the meeting of Health Ministers that was held immediately prior to the meeting of Sports Ministers. It is important to note that there have been moves afoot and that they have been acknowledged by the Tobacco Institute, certainly in the discussions that I had with its representative, and the ball is in its court.

As the member for Elizabeth dealt with the health matter, I will not go into it in detail. He spoke of the causal relationship between tobacco consumption and ill health. The statistics are well established, and most of the eminent scientists and the huge number of scientific papers that have been prepared have established the link. It is quite extraordinary that the tobacco industry still denies that causal relationship. Until it overcomes that obvious hurdle, there will be continual debate between the industry and most of the scientific community and those people who can see the obvious relationship and the impact on the children of their community.

With regard to particular areas of sport, it is important to record the position on some measures in the Bill. First, I deal with the exemptions. Proposed section 14a states that:

(2) An exemption may not be granted under this section except as recommended by the appropriate Minister—

I then refer to proposed subsection (3) which further states:

For the purposes of subsection (2), the appropriate Minister is ...

(b) in relation to an exemption to facilitate the promotion and conduct of a sporting event or function—the Minister of Recreation and Sport;

It is important to note that the Minister of Recreation and Sport has a direct role in granting any exemptions. The proposed section further states:

(4) The Minister of Recreation and Sport and the Minister for the Arts must, before recommending that an exemption be granted in relation to a sporting or cultural event or function—

(a) consult with the Minister;

and

(b) have regard to whether—

(i) there is national or international interest in the event or function;

(ii) there are links between the event or function and other events or functions outside the State;

and

(iii) reasonable efforts have been made to obtain support for the event or function that would not require the granting of such an exemption.

It is important that the Minister of Recreation and Sport and the Minister for the Arts are written into that proposed section, and they will recommend the appropriate exemptions.

I turn now to the proposed section dealing with the constitution of the trust. This is an important issue and is quite different from what has occurred in Victoria. It reinforces the sport aspect within the structure of the trust. It has been overlooked, in some cases deliberately, in this debate. Proposed section 14c provides:

(1) The trust will consist of seven persons appointed by the Governor, of whom ...

(c) there will be persons with knowledge and experience in the area of sports or sports administration nominated by the Minister of Recreation and Sport;

If this Bill is passed, I will write to all the sporting associations and ask them for nominations for those positions. Obviously, they will be pre-eminent sporting people within the community who have the community interest at heart. Those people will have a predominant role in the running of that trust. If one looks at the constitution of the trust and combines it with the functions and powers of the trust, one can see that the sporting community will have a very predominant say. For example, if they feel that a particular issue ought to be pursued, they will have an opportunity to do that. One member of the trust will be a person with knowledge and experience in the area of public health nominated by the Minister. The overwhelming majority of people are other than health related people, and I think that that will overcome the fears of some people who believe that the committee will just hand out largesse from the Government and that it will be a puppet of the Government. Rather, an independent body will run the trust. It will comprise people from the sports and the arts communities and an overwhelming majority will be from areas other than health. As to the functions and powers of the trust proposed section 14d provides:

(1) The functions of the trust are to promote and advance sports, culture, good health and healthy practices and the prevention and early detection of illness and disease related to tobacco consumption, and more particularly for that purpose ...

Paragraph (g) provides:

to perform such other functions as are assigned to the trust—
(i) by the Minister acting after consultation with the Minister of Recreation and Sport and the Minister for the Arts.

Clearly, any general powers that are absorbed within the functions and powers of the trust will involve the responsible Ministers. It is important to note that the Minister of Recreation and Sport and the Minister for the Arts will have a very direct role. It is also important to note that the Government has given certain undertakings, which have been encompassed by proposed section 14d (4), which provides:

The trust must, in performing its functions and exercising its powers—

- (a) endeavour to ensure that any sporting or cultural body that received financial support through tobacco advertising or sponsorships before the commencement of this Act is not financially disadvantaged by the operation of this Act.

I think it is very important to note that no organisation that had that relationship with a tobacco company prior to the proclamation of this Act will be financially disadvantaged in any way and I think that that is a very important undertaking. I think that that proposed subsection will give a great deal more comfort to sporting organisations in this community. Proposed subsection (4) (b) provides:

Have regard to any guidelines issued from time to time by the Minister [the Minister of Health] after consultation with the Minister of Recreation and Sport and the Minister for the Arts.

It is important to note that, before any guidelines are issued, there must be total consultation between the Ministers. The same reinforcement is provided in relation to the budget. Proposed section 14f provides:

(1) The trust must before 1 June in each year submit to the Minister for the Minister's approval a budget to govern the trust's financial operations for the next financial year.

Paragraph (b) provides for a consultation process involving the Minister of Recreation and Sport and the Minister for the Arts. Under this structure of the trust a number of committees are provided for. The schedule provides:

6. (1) Three committees are established—

- (a) a Sport and Recreation Advisory Committee to advise or assist the trust in matters relating to sport and recreation;

I have proposed (although this matter has not been resolved) that the committee structure would provide for the continuation of bodies such as the South Australian Sports Institute so that it could have an input and involvement into the guidelines and overall operation and give advice to the trust itself. So, there will be a continuation and involvement of this independent body which is currently chaired by Mr Geof Motley, one of our eminent sports persons. In discussion I intend to recommend that, in terms of that committee, we have some continuity of that body.

The Sport and Recreation Advisory Committee would consist of, first, the presiding member of the trust who will preside over the meetings of the committee, and, secondly, the members of the trust appointed on the nomination of the Minister of Recreation and Sport and two other persons appointed by the trust on the nomination of that Minister. We again have the reinforcement of sport within the whole structure of the Bill. I wind up on that note. This Bill is a health Bill. It is not designed in any way to take moneys out of the tobacco industry, from those people who consume tobacco products, and place them in general revenue. We expect that those moneys will support a healthy lifestyle and healthy sport activity.

Funds will be available for replacement funding; funds will be available for sports operated through this independent trust. This trust will have the opportunity to independently determine and allocate those moneys. In my commitment to this Bill I believe that this is an important step in terms of the prevention of ill health in our community and it is certainly aimed at our young people, and I, along with other members of the Cabinet, obviously, have given my full support to this Bill. I feel that it would be an advantage to promoting not only a healthy lifestyle in our community but also sport and the growth of sport in our community.

The Hon. P.B. ARNOLD (Chaffey): Never in the period of time during which I have been in this House have I seen

a Government perform with the degree of hypocrisy, the double standards and the lack of credibility that this Government has displayed on this subject. To listen to the Minister trying to justify and explain what will happen to the money collected under this legislation one would think that the Minister was either naive or has just not been around here for very long. I can well recall when, during the middle or early 1970s (and the Minister of Transport will recall what I am going to relate to the House) the then Labor Government had a Bill before the House to amend the National Parks and Wildlife Act. Besides a number of other amendments, it provided for hunting permits, the moneys collected being paid into general revenue.

At that time I moved an amendment whereby, if the Government was serious in bringing in the hunting permits, all moneys collected would be paid into the National Parks and Wildlife Conservation Fund. The Labor Government did not see that as a very good idea at all; it just wanted that money going into the general revenue. I was able to block the Government's legislation in another place for some 18 months or two years, and in that time no hunting permit moneys at all were collected, so that revenue was totally lost to the State. However, it was accepted by the public at large that it was very fair and reasonable that the moneys collected from hunting permits should go back into wildlife conservation.

In the end, when the Government realised that its legislation would remain in limbo indefinitely, it accepted my amendment, and the moneys collected from hunting permits—even today—are paid into the Wildlife Conservation Fund. But the budget immediately following the passage of that amendment in this House was so adjusted that the line for the National Parks and Wildlife Service was reduced by the same amount as was collected through hunting permits. So the Government very effectively defeated what was regarded by the public at large as a very fair and reasonable approach.

There was only one place that the Government wanted that money—in general revenue. That is where it finished up, because of the manipulation of the budget in the following year. If the Minister was genuine, given the countless millions that the Government collects in duty at this stage, even prior to this legislation becoming law, many millions could be poured into the health area. If the Government was serious, many millions could also go into the sporting arena. However, a minute percentage of that money goes into health and sport while the bulk of the money collected goes into general revenue. That is the absolute sheer hypocrisy of this Government.

There is no way on earth that I can support the manner in which the Government is behaving. Certainly I appreciate that there is a health risk and damage as a result of people smoking, but that is a choice for the individual. I do not smoke and I have no intention of ever smoking—that is my decision. For the Government to put up this hypocritical approach to create a fund that it will be able to manipulate for political purposes is absolutely deplorable. For those reasons and for the reasons clearly identified by the Leader of the Opposition and many other members on this side, I indicate to the House and to the people of South Australia that I totally oppose the Bill.

Mr OSWALD (Morphett): In the course of debate this afternoon and this evening I have listened carefully to the contributions from members of both sides. I spent some weeks leading up to this debate trying to determine in my mind the position that I should take. The first thing that came to me this afternoon, and it concerned me greatly,

was the fact that members opposite tried to paint a picture to the effect that the Opposition does not care about the health aspect of this Bill. They said that we do not understand the need for a concerted approach to this whole question of community health in relation to smoking.

The Opposition does care about the impact of smoking on the community, particularly on young people. We are acutely aware of the situation in this State's hospital wards and we are acutely aware of the points raised by the Royal Australian College of General Practitioners in a letter sent to all members. The letter points out that in South Australia 18 000 smokers quit each year, while another 1 700 are killed by tobacco products. We are aware of that. We are also aware that 2 000 South Australians die each year from diseases directly associated with tobacco consumption, not to mention the untold misery of illness and consequential suffering of families as a result of these tobacco induced illnesses. We are aware of that and of course we are concerned about it.

There are two fundamental issues in the Bill which I think must be borne in mind: first, there is a need to recognise the impact of smoking on the health of the community, particularly on young people; and, secondly, we must recognise the autonomy and independent right of sporting bodies to accept sponsorship from companies which sell a legal product. There has been much debate about the sponsorship angle of this Bill. It is amazing to think about where the opposition to this Bill has come from. Initially, in its first publicity on this Bill the Government set out to have us believe that it was really packaged for the health and wellbeing of the community. It then went about slowly decimating that concept by exempting various types of sport from the legislation. First, we heard that, if racing and football are broadcast over Skychannel, they will be exempt.

Cricket would then be exempt and we all learned initially that the Grand Prix was to be exempt. The Bill became more and more hypocritical and farcical. If it initially had been purely a health matter I would have been quite comfortable about supporting several aspects of it and I would have given it much more consideration because I had much sympathy for the points of views put by the Royal Australian College of General Practitioners and by general practitioners and also because of my own background as a pharmacist and having great concern for the well being and health of the community.

However, as time has gone on and the Bill has been gradually pulled apart, it is no longer purely a health matter that I am comfortable in supporting. Under this Bill some organisations will get sponsorship and others will not. One of the most interesting letters that we received was from the Confederation of Australian Motor Sport (CAMS), the organiser of the Grand Prix. I would have thought that, having received privileged treatment from the Government and an exemption, it would have supported the Bill. Therefore, it is worth bringing a couple of paragraphs of that letter to the attention of the House. The letter states:

The confederation contends that the attack on the fundamental, democratic right of sport must be separated from the proposals which deal with the issues of smoking and health. In short, from a sporting point of view, the proposed Bill camouflages the most flagrant attack on the autonomy and independence of sporting bodies yet mounted by a Government.

That is pretty strong stuff. The letter continues:

To say that money drawn from tobacco companies, detoured via a health promotion foundation and delivered to sporting bodies in return for their promotion of the foundation's campaign is a cynical exercise. Why is tobacco company money considered to be 'clean' by the South Australian Government simply because it passes through other hands, but still flows between tobacco companies and sporting bodies in the final analysis?

The contradictions in the proposals of the Health Minister make a mockery of the legislation. To declare certain sporting events, including one in which the Government has a vested interest, exempt from prohibition of tobacco sponsorship whilst ignoring the rights of all other sporting bodies is discriminatory and hypocritical.

Perhaps the most distressing element in the exercise is the attitude of proponents of the Bill that seemingly condemns the administrators of sport as incapable of making responsible decisions in respect to acceptance or rejection of sponsorship. The premise that these decisions should be taken out of the hands of sport is gross impertinence by the proponents. The fight sport has on its hands is to retain its autonomous and independent right to manage its own affairs by choosing whether to accept or reject sponsorship from any lawful source.

The final paragraph made me re-read the Bill. I tried to understand where we were going from what initially was a health concept and an idea floated and accepted by the public as a genuine attempt to do something about the problems of young people smoking. The Government then set off down this hypocritical track of an utter nonsense by gradually removing the various sports involved until finally we have few sports involved, and what can only be called a ludicrous Bill.

One letter sent to the Leaders of both Parties, to the shadow Minister and the Minister of Health came from the Royal South Australian Bowling Association. I thought the letter was interesting and, although I will not read it in full, there are a few points that highlight the problems associated with this legislation and why it goes away from being a health Bill. I repeat: as a health professional myself, if it had been purely a health Bill, I would have had great difficulty in not supporting it. However, it is no longer a health Bill now and it is entirely different. The letter goes on to list the areas of concern, as follows:

1. Tobacco products are legal items which may be produced, sold and consumed.

I would enlarge on that. We all know that if a product in the community is a legal product there is no way in which you can then turn around and curtail the advertising on it. The letter continues:

2. Sports administrators are responsible persons who should be able to accept or decline sponsorship from any organisation engaged in legal operations.

I do not think that statement can be enlarged upon. The document further states:

3. It is unreasonable that minor sports should be denied such sponsorship while high profile sports such as the Grand Prix and test cricket with a large advertising exposure are exempt under the legislation.

4. While tobacco sponsorship of sports such as lawn bowls may encourage smokers to change brands, we do not believe that it entices any non-smokers to take up the habit.

Other speakers before me have drawn on statistical evidence to reinforce that point. Time does not allow me to go back to that statistical evidence, but it is there. The next point is:

5. Although advertising these products has been banned from radio and television, full page glossy advertisements still appear regularly in daily newspapers and on bill boards. We cannot understand this inconsistency.

I suggest that there is not a member in this Chamber, including members on the Government side if they are honest, who could say that they disagree with that statement. It is ludicrous that the Government should allow full page colour glossies to appear in the *Advertiser* or the *News* depicting young people lying on beaches and associating cigarettes with tropical scenes and the good life, and then to allow the same product to be advertised in another media and give exemptions to allow that to happen. It is ludicrous and there is no way that a logical legislator should allow that sort of thing to go through. Yet, we are being asked to let it go through on the basis that this Bill is a health Bill,

an all encompassing health Bill that will reduce the incidence of smoking amongst young people.

Young people read the *Advertiser* and see the full page glossies. They see girls on the beach at Cairns with their boyfriends, all with a packet of cigarettes tucked into their bathers, on a catamaran about to go to sea, drinking alcohol no doubt. If that is not going to have an impact, I ask what is? Yet the Government says that can happen. It is ludicrous; absolutely ludicrous. We have been sold this Bill as being a health measure, yet the Government does that. It accuses the Opposition of not understanding the Bill because we say that the Government is hypocritical. I ask you: where are the standards? I submit the answer is that the Government has double standards in this Bill and the Opposition's stance is justified. We believe in the health of this State. Something must be done about our hospital patients who suffer from bronchial disease, cancer and other associated diseases. Something must be done about it, but this Bill is not the way to go.

As I stated when opening my remarks, the two fundamental issues of this Bill are the need to recognise the impact of smoking on the health of the community, for which the Opposition has some sympathy, and also the autonomy and independent rights of sporting bodies to accept sponsorship from a company which is selling a legal product. This Bill is not about the health of the community, which is being given as the reason for it. It is an entirely different type of Bill. Having exempted the major sporting bodies that normally would draw large sums of money from recreation and sport, it leaves the smaller organisations to still have a large sum of money—I think \$45 million will be collected under the Bill. That will be distributed amongst other sporting organisations as the Government and the Minister see fit. I have great concerns in that area. I may be cynical and I know that people have talked about pork-barrelling, but I am afraid that I do not trust all members of the Government and I would not put it past them to use that pool of money.

The Government Whip shakes her head in utter disbelief—perhaps she is naive. But, I think that I have been around politics long enough to know that Governments can use those pools of money, and it concerns me that those moneys could be used irregularly, at the wrong time and in the wrong place, to court favours. A vast amount of money will be in this pool and it will be available to the Minister and his nominees to distribute as they see fit.

Ms Appleby interjecting:

Mr OSWALD: The member for Hayward says, 'Read the Bill'. I refer the question back to her. The member for Hayward should read it and acquaint herself with the total scenario that we are setting up through this Parliament. It has its dangers. That amount of money can be used—far be it from me to suggest that it will be—and it is there to be used for pork-barrelling if the Government so chooses. I think I heard an interjection from another member with a southern electorate, but the risk is there. I alert the House to it and I hope that I do not have to stand in this place in the next two years to remind the House that this has happened. However, if it does, I will be the first on my feet to do so.

On the evidence before us I do not support the legislation. I regret that something has not come out of this particular Bill that will do something for the health of young people and about the millions of dollars that we are spending in hospital wards in trying to treat patients with bronchial and smoking related diseases. Nothing in this Bill will do anything to reduce the incidence of patients lying in hospitals at great expense to the taxpayer. Unfortunately, the Bill will

not achieve that aim although it was initially sold to the public in that vein. On that basis I regret to say that I will not support the Bill.

The Hon. G.F. KENEALLY (Minister of Transport): The only two groups in the community that believe that this is not a health Bill are the Opposition and the tobacco lobby. No other group in the community does not acknowledge that this is a health Bill.

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: The sporting people acknowledge that it is a health Bill, but they have some difficulties with the legislation. That I will acknowledge, and the Minister of Recreation and Sport has adequately covered their particular concerns. I want to deal with the hypocrisy of the Opposition, and we have heard that word a lot tonight in this debate. I want to highlight the hypocrisy of the member for Morphett, who was the most recent speaker, as against the contribution made by the member for Coles, who made an excellent speech earlier in this debate.

The member for Coles said that she was concerned about the health issues of young people in our community, and the member for Bragg said the same. However, the member for Coles said that, before anything else, this Bill dealt with a serious health matter and that she would vote for it despite the fact that she had severe reservations about some aspects of it. What did the rest of the Opposition say? We have heard all these platitudes about their concern about the growth in smoking amongst young teenagers. They have said that they will do everything in their power to stop the spread of smoking amongst teenagers—except to do anything at all.

Mr Olsen interjecting:

The Hon. G.F. KENEALLY: The Leader of the Opposition knows that what I am saying is the truth, and I have got him on the run.

Mr Olsen interjecting:

The DEPUTY SPEAKER: Order! The Leader of the Opposition.

The Hon. G.F. KENEALLY: If members opposite were as concerned about the health of the younger members of the community as they say, where are their amendments? Why do they not move an amendment to take out of this Bill this suggested hypocrisy about which they complain? Why do they not move amendments to take out of the Bill those provisions in it that they complain will disadvantage sporting communities? Of course, they do not have amendments. They have made all these fine sounding speeches about their concerns for young South Australians yet they have done nothing.

They have not supported their colleague, the member for Coles who, despite the fact that she has some concerns about the Bill, nevertheless felt that her duty as a member of Parliament in this place, her duty I am sure as a parent and as a concerned member of the community in South Australia, was to support a Bill that she believes does not go far enough but at least will put on the statute book in South Australia a statement of intention by the Government that we, as a Government in South Australia, are opposed to the proliferation of smoking amongst younger people. If we have something on the statute book, if we have legislation that is a statement of fact, a statement of intent, then that legislation can be improved or amended in due course.

What has the Opposition done in this debate? It has opposed everything. Members opposite have told us they will vote against it at the second reading. They have not made any attempt to change the Bill. If they were interested

in the health of the community, if they were interested in the children within the community, they would have attempted to amend this Bill. The only person in the debate on the other side who was absolutely honest about his intention, apart from the member for Coles, was the member for Alexandra, because he said that it is a great load of rubbish, that there is no causal link between smoking and illness, and this Bill is not needed by any sector of the community. Well, he is on his own there. At least he put a point of view that was sustainable.

When he votes against the Bill, he will vote in accordance with what he has stated, but other members of the Opposition have tried to get out from under. They have said, 'Of course we are concerned about smoking. We think smoking is a vile habit.' We have had these ringing condemnations of smoking as an undesirable habit of young people in South Australia and yet, having said all that, they have told this House, the people of South Australia, and the parents of young teenagers in South Australia, that it is their intention (and they will follow through that intention by voting accordingly) that, as far as they are concerned, advertising will continue and that the encouragement of young people to take on smoking will continue. That is what they have said.

Mr Olsen interjecting:

The Hon. G.F. KENEALLY: The Leader has said, 'It will continue anyway.'

Members interjecting:

The DEPUTY SPEAKER: Order! I call the Leader to order.

The Hon. G.F. KENEALLY: So what we have from the Opposition is a statement of despair. What the honourable Leader says is that if in fact 100, 1 000 or 4 000 people are going to die annually in South Australia, or 24 000 in Australia, as a result of—

Mr Olsen interjecting:

The Hon. G.F. KENEALLY: The honourable Leader is a bit concerned about what I am going to say. He says that if 24 000 people in Australia die annually through diseases caused by nicotine, and if we can bring in legislation that will only save 10 000 of those people, forget it, let 24 000 die! Do not worry about trying to bring in legislation that will save some people, let everybody die. The Opposition has no guts at all to stand up for the health of those people in our community who rely upon us to legislate for their health.

The member for Coles put her finger right on it when she gave the example that for 100 years in this place, every time a measure was brought into the Parliament that would improve public health, people in this place have opposed those measures. Their arguments have been exactly the same, time and time again, and we have heard the same arguments again here today. It is quite obvious that most members opposite have not even read the Bill. They have just given chapter and verse the campaign slogans and the campaign mottos of the Tobacco Institute. There is no doubt about that chapter and verse—they have repeated everything they have been told by the vested interests that most of them are committed to support. The member for Mount Gambier shakes his head. I am pleased that he did. I heard what he had to say, and I challenge him to put into effect in an honourable way, by voting in this House, the concerns that he has expressed about smoking and about young teenage smoking, because that is what this Bill is about. It is not attacking the free decision of adult members of the community to make—

Members interjecting:

The DEPUTY SPEAKER: Order! I call the House to order.

The Hon. G.F. KENEALLY:—their choice as to whether or not they will smoke. The Bill is about the health of a sector of the community—young teenagers.

Members interjecting:

The Hon. G.F. KENEALLY: Opposition members can raise their voices, jeer and criticise me, but remember that in so doing they are jeering and criticising the member for Coles, because she supports what I am saying. She does not necessarily support every measure in this Bill, but she supports its basic intent, namely to protect young people against smoking. That has to be a worthwhile thing for the Government and the Parliament to do. Members opposite will find every reason in the world to oppose it. Member after member got up and said that if this Bill were tougher, if we had gone further, they might support it. What a great load of hogwash! If it had been tougher they would have found other reasons to oppose it. Whatever we introduced, the Opposition would have found reasons to oppose it because it has no intention of supporting the Bill at all. It has no commitment to the health of young people in South Australia. We heard from the Leader some suggestions that probably came from the Tobacco Institute. In a couple of years time—

Members interjecting:

The DEPUTY SPEAKER: Order! I call the member for Mitcham to order.

The Hon. G.F. KENEALLY: If the Liberal Party were in Government it would do one or two things. In the meantime, some 100 000 young South Australians will have been introduced to the smoking habit. We have to stand aside and wait for the Opposition, which may come into Government some time, to do something in the future that the Tobacco Institute has suggested will be useful.

Mr Olsen interjecting:

The DEPUTY SPEAKER: Order! I call the Leader to order.

The Hon. G.F. KENEALLY: The Leader of the Opposition brandishes the Bill and says it will not achieve that. This Bill will place on the statute book legislation that will clearly attack the proliferation of smoking among young people at whom the Bill is targeted. If the member for Coles can see this, one wonders why her colleagues cannot. I will tell members why she can see it and they cannot: she has been a Minister of Health in this State and is concerned about the effects on health, particularly in young people, of the addiction of nicotine and smoking. She has had personal experience of that and knows, as do the rest of members opposite, but at least she is not a hypocrite.

Let us talk about hypocrisy and those people who, with their ringing condemnation of smoking, make fine statements of intent and principle. We will see how principled and committed they are. We will see what they think about the health of teenagers in South Australia when they get an opportunity to vote. I challenge them to vote in accordance with their principles. If the member for Mitcham voted in accordance with his principles he would be spread all over the place.

Members interjecting:

The Hon. G.F. KENEALLY: I will wait until members are quiet.

The DEPUTY SPEAKER: Order! I call the member for Bragg to order.

The Hon. G.F. KENEALLY: After great consideration, the Opposition is saying, 'Let the children die.'

Members interjecting:

The Hon. G.F. KENEALLY: The Opposition is saying, 'Let the children die.' The leading spokesperson for the Tobacco Industry, Mr Berriman, when challenged said, 'We all have to die some time.' That was his defence. Now where are the oohs and ahs? One of the leading advocates for the Tobacco Institute of Australia, when challenged on this point, said, 'Well, we all have to die sometime,' or words to that effect. That is the sort of people whom members opposite, with the notable exception of the member for Coles, support. They will do everything possible to prevent the spread of smoking amongst teenagers in South Australia except to do anything at all. The member for Mitcham nods his head in agreement. He smiles and laughs because he has no concern about the health of young people in his electorate and others. I notice that he is still smiling, laughing and agreeing with the point that I am making.

Towards the conclusion of my second reading explanation, I read two paragraphs that I intend to read into *Hansard* again. I ask members opposite to consider these because I am pleading with them to support the second reading of this Bill. Not one amendment from—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: Not one amendment has been suggested by the offensive, nasty member for Mitcham who does not have the guts to make his comments clearly in this House or outside; he mumbles them *sotto voce*, hoping that no-one will hear them. We are used to that sort of tactic and do not expect any different. We have a better standard of performance from his colleagues; his behaviour is almost a one-off in this House. I plead with members opposite to support this Bill.

The Hon. E.R. Goldsworthy: Save your breath and sit down.

The Hon. G.F. KENEALLY: The Deputy Leader said that I should save my breath and sit down. He condemned this Bill but he did not suggest any amendments. The Deputy Leader said that he was opposed to smoking and gave us chapter and verse on that. But what has he suggested in an attempt to take out of the legislation those aspects that he thought were objectionable but leave in the legislation those provisions that attack smoking among young people? He did nothing. The total hypocrisy of members opposite is that, if they wanted the South Australian statute book to have written into it a provision which indicated clearly that members of Parliament were concerned about the exploitation of young people by the Tobacco Institute, they would have suggested an amendment, but not on your life. They will oppose this Bill by hook or by crook. That is their intention. I understand that Opposition members did not move amendments in the other place, and that they will not move amendments here. So much for their concern about smoking.

I will read into *Hansard* again the passage in my second reading speech to which I have referred, as follows:

The Bill represents a major development in the community response to the problem of tobacco usage. If the community as a whole—

The Hon. TED CHAPMAN: On a point of order, a Standing Order of this Chamber states that members shall not be repetitive. The second reading explanation of this Bill has been read to the letter into *Hansard* by the Minister and, in my view, and I hope in yours, Mr Deputy Speaker, to do so again would be repetitive.

The DEPUTY SPEAKER: I do not accept the point of order.

The Hon. G.F. KENEALLY: I understand members opposite trying to take points of order and to stop this passage being read into *Hansard*. I can see that they are

embarrassed about it. Nevertheless, into *Hansard* it will go, as follows:

The Bill represents a major development in the community response to the problem of tobacco usage. If the community as a whole can reduce the extent to which children take up smoking, it can make significant inroads into the epidemic of tobacco-related disease and mortality. The Bill is designed to do this. Principally, the success of this Bill will be gauged by the extent to which young people are discouraged from commencing smoking. Where prohibitions on smoking and sponsorship have occurred overseas, there is clear evidence that the smoking rate of children declines markedly. For example, this occurred in Norway where the introduction of a ban on tobacco advertising saw sharply reduced sales of cigarettes to young persons.

The legislation is not in any way a step towards prohibition of tobacco. Nor is it a zealot's Bill, as the industry has suggested. It does not infringe on civil liberties, a fact which has been confirmed by the South Australian Council of Civil Liberties, and it does not seek to blame smokers for their habit.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: I am distressed about the laughter, mockery and the whole attitude of members opposite. Practically every Opposition member who is in Parliament is now in the Chamber. Members opposite have mocked, laughed at and criticised this legislation, but not one—

Members interjecting:

The DEPUTY SPEAKER: Order! I call the member for Eyre to order.

The Hon. G.F. KENEALLY: —of them, except the member for Coles, who I think looks suitably embarrassed about the behaviour of her colleagues, has shown any concern about what this Bill intends to do.

An honourable member interjecting:

The Hon. G.F. KENEALLY: Again, we have the Deputy Leader interjecting—

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: The whole tone of the speeches, interjections and behaviour of members opposite—

An honourable member interjecting:

The DEPUTY SPEAKER: Order! I call the Deputy Leader to order.

The Hon. G.F. KENEALLY: —clearly indicates their whole attitude towards this Bill in another place and here. They have never taken it seriously. They were committed to opposing it. Ever since the Bill was introduced, we have seen what has gone on in this House; we have seen the movement of members inside and outside the Chamber. We know where the instructions are coming from. We know where the speeches came from: the speeches that we heard were a straight take from the propaganda of the Tobacco Institute. They had nothing to do with the Bill—if they did, then—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: —the members who addressed the Bill are either incompetent or dishonest. The number of red herrings or smokescreens, if the House will excuse the pun, were legend. Members opposite did not address themselves to the Bill. The second reading explanation states:

What the legislation does attempt to do is create a climate where the link between smoking and sophistication as presented through advertisements no longer occurs.

Members interjecting:

The DEPUTY SPEAKER: Order! I call the member for Bragg to order.

The Hon. G.F. KENEALLY: The second reading explanation further states:

It seeks to create a climate where smoking is no longer considered a rite of passage between adolescence and adulthood.

I believe that the statement made earlier by the member for Albert Park is very pertinent indeed. I hope that, in 10 years time, if members opposite who took part in this debate, take the trouble to read *Hansard*, they will be suitably embarrassed by what they have said here today. There is no doubt that, if this Bill were defeated (which I sincerely hope will not be the case) the Government's intention will sooner or later be on the statute book. What members opposite have said will live to haunt them—and I hope that it does. Further, I hope that in 10 years time they look at what they said, and compare it with the remarks made by the member for Coles—

Mr Ingerson interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: I hope that they look at how they voted on this legislation and then give themselves a score from one to 10 in hypocrisy. The member for Coles does not like many of the measures contained in this Bill and she stated that fact very clearly. But, she said that, above all else, Parliament should protect those sections of the community that look to this Parliament to give them that protection. On this occasion a significant number of members are found wanting and they sit on the Opposition benches—

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D.C. Wotton interjecting:

The DEPUTY SPEAKER: Order! I call the member for Heysen to order.

The Hon. G.F. KENEALLY: They have jeered, criticised, laughed and mocked. They have done everything in their power to stop me from putting on record these facts about their performance in this debate. It has been appalling

Members interjecting:

The Hon. G.F. KENEALLY: It is a weakness, all right. The weakness of the member for Heysen has already been pointed out by one of my colleagues. He gets up and makes an impassioned speech in favour of health and opposed to smoking, and he will vote for smoking and against health: That is what he will do; he will vote for smoking against health—and that is what this is about. We will see how people vote. They either vote for health or they vote against health. They either vote for smoking amongst our teenagers or against smoking amongst our teenagers. They will vote for an advertising program that is designed—

Members interjecting:

The DEPUTY SPEAKER: Order! I call the member for Heysen to order.

The Hon. G.F. KENEALLY:—by its very nature to be attractive to young non-smoking people, particularly, in this day and age, to young non-smoking females. That is what the advertising is designed to do. It is a load of rubbish about market share. Of the three major tobacco companies in Australia which between them own all the labels, one is not getting its market share, so it is out there in the market trying to expand the market. That is what they are on about. This whole rubbish about market share was exposed for what it was by the member for Elizabeth. What the tobacco industry is on about is expanding its market. It knows that adult people are waking up to the dangers of nicotine.

The member for Peake is a classic example of what happens when adult people understand the damage that smoking does to young people. But the Tobacco Institute, supported by those members opposite who will oppose this Bill, is targeting attractive advertising at a particularly—

Members interjecting:

The DEPUTY SPEAKER: Order! I call the member for Bragg to order.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable Minister to sit down please. I have called the member for Bragg to order, and I do not expect him to continue interjecting after I have called him to order. If this situation continues, I am afraid that I will have to take action.

This has been the worst part of the debate. We have one side—

Members interjecting:

The DEPUTY SPEAKER: Order! We have one side trying to drown out the speaker. I find that intolerable, and I ask members to control themselves.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: For seven hours we have heard members opposite ascribing all sorts of motives to the Government. Things that they would not be prepared to say outside they have been saying in here and, when they get back a bit of their own medicine and when a few home truths are pointed out to them, all we have is an attempt to drown out the speaker. That is what they are on about. No one in this House, even those who will oppose this Bill, can deny that the Tobacco Institute's advertising programs are targeted at young people with attractive lifestyle methods of advertising in an attempt to try to drag more and more young people into their clutches.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY: That is what they are on about; it is not about market share at all. I repeat: I challenge members opposite who have expressed concern about health to vote in accordance with those principles. I point out that what we are voting for here is the health of the young members of our community, and that will be judged by how people vote. We are voting here on whether or not we will condone the growth of smoking amongst young teenagers. That is the test to which this Parliament is being put this evening. We will know where members stand once the vote is taken.

Bill read a second time.

Mr S.G. EVANS (Davenport): I move:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

I move this motion so that I can move the instruction to enable amendments to be included to allow alcohol products also to be considered in the provisions of the Bill.

The DEPUTY SPEAKER: I have counted the House and there being an absolute majority of the whole number of members of the House I accept the motion. Is it seconded?

An honourable member: Yes, Sir.

The Hon. G.F. KENEALLY (Minister of Transport): I oppose the motion. The honourable member for Davenport has placed on file an amendment which indicates the purpose of his motion. The regulation of alcohol products has nothing to do with the Bill. If the honourable member wants to regulate those products—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.F. KENEALLY:—then the appropriate mechanism is for him to introduce a Bill in the normal way. He has all the avenues of the House available to him, and that has been the case during this session. The regulation of alcohol has nothing to do with the measure, and I urge all members to reject the motion.

Mr S.G. EVANS: Is there a right of reply, Sir?

The DEPUTY SPEAKER: The proposer of the motion does have the right of reply. If the honourable member speaks he closes the debate. The honourable member for Davenport.

Mr S.G. EVANS: I rise to respond to the Minister. I believe that this is a golden opportunity to include alcohol products in this Bill, if we are concerned about the health of young people. If that is not done, I believe it is an indication of the Government's hypocrisy.

Question—'That the motion be agreed to'—declared negative.

Mr S.G. EVANS: Divide!

While the division was being held:

The DEPUTY SPEAKER: There being only one member on the side of the 'Ayes', I declare that the 'Noes' have it.

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

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr OLSEN: When does the Minister expect that the Act will be proclaimed?

The Hon. G.F. KENEALLY: The proclamations will be phased in, regarding advertising, it is hoped, by 1 July 1989. The remaining provisions will start on 1 July 1988: those provisions relating to sponsorship will start on 1 July 1988. That is the Government's intention and I believe that those timetables are likely to be met. This would have to be confirmed by the Minister. Certainly, these are the dates towards which we are aiming, that is, sponsorship, 1 July 1988 and advertising 1 July 1989. That presupposes that the commencement date for the remaining provisions of the Bill will be 1 July 1988.

Mr OLSEN: When is it expected that the price of cigarettes will rise to fund the legislation?

The Hon. G.F. KENEALLY: As I understand it, at this stage we have not dealt with the price of cigarettes, because that matter is to be dealt with in Committee at page 12 of the Bill. I would have to take up the matter with my colleague and the Treasurer. It will be 1 July 1988, as far as I know. If there is any change, I will have the Minister contact the Leader if he feels so inclined.

Mr OLSEN: It would be a pleasant change for the Government to advise the public in advance of these increases. I anticipate from what the Minister said that the sponsorship of sporting organisations is to cease on 1 July 1988 and from 1 July 1988 the fund to reimburse sporting organisations will operate so there is no gap between the two, which is the commitment that the Government has made. I assume, therefore, that the Government in the next month, six or eight weeks will announce to the public the price increase for a packet of cigarettes so that from 1 July 1988 the revenue will flow to the Government, and therefore to the fund, to enable the legislation as it has been put forward to operate.

The Hon. G.F. KENEALLY: The Government is very anxious for the fund to operate as soon as possible and will do everything necessary to ensure that that takes place.

Mr INGERSON: If this Bill is to apply from 1 July 1988 where do sporting bodies or other groups stand in terms of contracts between now and 1 July 1988, because there is no mention in this Bill of any date on which contractual arrangements may be entered into by sporting bodies. It has

been mentioned in the second reading explanation, but no mention is made in the Bill of any date or cut-off point as far as continuing negotiations are concerned.

The Hon. G.F. KENEALLY: I am advised that contracts that were entered into prior to 3 March can be continued until 1992. I will have that confirmed, but they will be phased out by 1992.

Mr INGERSON: Where is that mentioned in the Bill? It was stated in the second reading explanation and I understand that it might be the Government's intention, but surely in this instance we will not wait until we get a regulation and backdate it to 3 March 1988 and hold up in the air all the sporting bodies that are normally involved in sponsorship as it relates to tobacco. Surely there must be something in this Bill—and if it is not in this Bill an amendment should be put in pretty quickly—to make sure that everyone is covered. It is a disgrace that we have a situation of not being able to tell people in the law of this land, which is the Bill, when the commencement of sponsorship starts. I do not care what the Minister says in another place because we have seen before that what Ministers say in this place has no regard under the law; it is what is in the Bill that counts and it is not there.

The Hon. G.F. KENEALLY: I think the member for Bragg makes a good point. I refer him to page 5, which provides under 'Exemptions':

(2) An exemption may not be granted under this section except as recommended by the appropriate Minister—

(b) to allow the performance of a contract entered into before 3 March 1988;

Then we go to page 6, where subsection (5) provides:

An exemption granted for a purpose referred to in subsection (2) (b) may not have effect beyond 30 June 1992.

Mr BECKER: In view of the statement that has just been made by the Minister in answer to the member for Bragg, does this mean that the Holdfast Bay Ring Bowls Club which conducts the Winfield world championship in ring bowls will be able to continue the contractual arrangement with Winfield until 30 June 1992?

The Hon. G.F. KENEALLY: First, I should advise the Committee that I do not intend to be drawn into a situation where I will respond for every sporting body's position—

Members interjecting:

The Hon. G.F. KENEALLY: Just hold on a minute—either as a Statewide body or in an honourable member's electorate, except to advise members that all sporting bodies will be able to apply for exemptions where appropriate. That is the advice that the honourable member should convey to his organisation, the Holdfast Bay Bowling Club. If members have similar questions, they should advise their sporting clubs to apply for the appropriate exemption.

Mr S.G. EVANS: The questions have been along the lines of sporting clubs. The outdoor advertising people and others who have written to all members have indicated that about \$6 million a year is spent by tobacco companies on outside advertising. I do not think that all contracts are long term, such as two or three years (which is 1992), but are shorter term contracts. I know that the bigger operators in the outdoor advertising field would tend to have long-term contracts in many cases, but the smaller operators are more likely to have short-term contracts and be disadvantaged if suddenly they lose that business. That is money not then spent in South Australia but spent in another State.

Are only contracts entered into before 1988 to be considered or will undue hardship be considered in relation to small business where its contracts, even though they may not have been entered into by 1988, can be continuing annual contracts, if they do not find other areas to advertise in by 1992 and have to sack personnel?

The Hon. G.F. KENEALLY: The Government has been concerned about the advertising industry, and we are concerned that this legislation should not impact too detrimentally on its operations. Because of this there has been considerable discussion between the industry and the Government. Agreement has been reached which appears acceptable to both sides. I will read into the record what the position is, and that should, I expect, cover all the honourable member's concerns. After 1 July 1989 a phasing in period is proposed for contracts made before 3 March 1988 (the date of the Government's introduction of the legislation).

This will be achieved through use of the power of exemption. Exemptions will be specific to each case, but no exemption will go beyond 1 July 1992, which is one year longer than provided by Victoria. In relation to billboards, exemptions will be granted beyond 1989 subject to the following arrangements. Of the signs existing on 1 July 1989—50 per cent can remain until 1 July 1990, and 25 per cent can remain until 1 July 1991.

In relation to electric signs, exemptions will be granted for the period of any contract made before 3 March 1988 but the period of exemption will not extend beyond 1 July 1992. In relation to external point of sale and other signs, no exemptions are proposed once the section comes into force on 1 July 1989 unless a demonstrated case of need can be made. (People will have been 'on notice' for the 12 month period between commencement of the Act and the coming into force of this section.) In any other cases, applications for exemption will be considered on an individual needs basis, but the period of any exemption will not extend beyond 1 July 1992. Where there is any area of doubt I believe that appropriate applications should be made for exemption or to clarify any concerns that any business in the industry may have about the legislation. The department will be only too happy to assist.

Mr OSWALD: Clause 2 (2) of the Bill provides:

The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions . . .

What are the specified provisions?

The Hon. G.F. KENEALLY: That is the same question, asked in a different way, that the Leader asked, and I have actually answered it. I have pointed out to the House the phasing in of advertising and of sponsorship. I do not know that I need to repeat that. I refer the honourable member to my—

Mr Oswald: You did not answer it.

The Hon. G.F. KENEALLY: What the member has just asked for is to suspend the operation of those specified provisions. Those specified provisions are in advertising and sponsorship. I have already answered that. The member wants to know what the specified provisions are: they are related to advertising and sponsorship.

Clause passed.

Clauses 3 to 5 passed.

Clause 6—'Objects of Act.'

Mr OLSEN: I notice that one of the objects is prohibiting the supply of tobacco products to children. The Bill refers especially to young people. Will the Minister indicate what is the position with smoking within school premises and grounds? The Opposition is aware that a number of schools have designated areas for smoking by students. Do these designated areas at schools—

The Hon. G.F. Keneally interjecting:

Mr OLSEN: They do. I can give the names of the schools. Do these designated areas at schools have the approval of Government? If so, is this not in serious conflict with the objects of this Bill?

The Hon. G.F. KENEALLY: The objects of the Bill acknowledged now by the honourable Leader, which he was not prepared to acknowledge in an earlier part of the debate, are designed to discourage smoking amongst young people. He now states that this is the object of the Bill and he wants to know whether those objects are in conflict with the fact that some schools provide smoking areas for students. I am not aware that that is the case. I am not saying it is not. If the honourable member has examples, then I accept that. Certainly, it is not a situation that the Minister of Health would encourage. That is a matter that I would need to take up with the Minister of Education. I have heard the Institute of Teachers state publicly that it strongly supports this Bill and that it is opposed to the growth in smoking by young teenagers, which would suggest high school students. It seems that the Institute of Teachers is opposed to young people smoking, and one would hope that that is the case.

I do not know whether these smoking rooms or areas provided at some schools are for 17 and 18 year old students. If that is the case, I will draw that to the attention of both the Minister of Education and the Minister of Health for their consideration. What happens in different areas throughout the State may or may not be in conflict with the Bill. The Bill stands on what it sets out to do. I will refer this matter to my colleague at an appropriate time. The Bill stands on what the clauses establish it to do, and if in fact there are some practices throughout the State that members of Parliament might not feel are desirable, we can bring that to the attention of the appropriate authorities, and if they wish to take the appropriate action, they will be free to do so.

[Midnight]

Mr OLSEN: We have highlighted yet another area of total inconsistency in Government policy. The fact is that a number of schools have designated smoking areas for students. The Government tells us that the object is to get kids away from smoking.

That is the object of the Bill, but Government policy allows our schools to have designated smoking areas for children. That is another item that we have highlighted which shows a totally inconsistent approach by the Government in this matter. It will be interesting to see whether the Government takes any action to stop that practice within the school system in the State by removing the right of students to be able to smoke within designated areas of schools. The Opposition will be waiting with interest to see what action the Government takes in that area or whether it turns a blind eye to it and walks away from it due to its being too hard to solve.

In relation to the objective of protecting 'non-smokers from unwanted and unreasonable exposure to tobacco smoke', what is the Government's intention? Does it intend to ban smoking in Government offices and in public places?

The Hon. G.F. KENEALLY: The objects are two-fold. The one to which the Leader has drawn attention is currently in the present Act and relates to lifts and buses, those areas where smoking is currently prohibited. It is not the intention of this Act to expand that. However, if it is appropriate at some time, other areas may be considered as being appropriate or inappropriate for smoking. That is a matter quite clearly for the Minister of Health and is not one on which I am prepared, or in a position, to comment. The objects spelt out in the new Bill are in fact pretty well what is contained in the existing Bill.

As to the Leader's concerns about school smoking areas: he states that there are such areas, but I do not know of

them. We know of schools that totally ban smoking—teachers and, one would assume, students. The difficulty we have with our secondary schools is that there are quite mature people who attend them.

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: The member for Bragg says 'Ha, ha, ha—come on!', but when he was 17 or 18 years he thought that he was mature. Now that he is significantly older, he recognises that at 17 or 18 years perhaps he was not as mature as he thought he was. These people smoke and they have been attracted to it by some of the advertising about which we have been talking. Some schools which may have a significant smoking problem have to take what they consider to be an appropriate action. No doubt exists that as a general principle the schools in South Australia, as with teachers in South Australia, are actively discouraging smoking amongst secondary school students.

Mr OLSEN: Will the Minister define a little more accurately what the Bill means by 'young people'—is it those under 16, 18 or 25 years? The Bill does not define a young person.

The Hon. E.R. Goldsworthy: He doesn't even know what a young person is—he has to be briefed on that.

The Hon. G.F. KENEALLY: I must first have to make a decision to ignore the ignore the Deputy Leader of the Opposition who has made very little attempt since his second reading contribution to approach the whole matter constructively. His contribution certainly was no worse than that of his colleagues, and, in comparison with many, it was probably better. It was totally defective as compared with the speech made by the member for Coles.

Mr Lewis: Don't be so insulting!

The Hon. G.F. KENEALLY: The member for Murray-Mallee tells me not to be so insulting. I know that he is joking because the member for Murray-Mallee could never say that seriously to anyone. Young people are that group who are at risk, and include people in their teenage years up to their early twenties, but particularly at that period where they are most at risk. I do not think that it would be sensible to specify in the Bill young people between the ages of 13 and 17 or 14 and 19, for example. A young person is a young person. The fact that the Leader has to ask the question and the Deputy Leader has to challenge it indicates that they might be the people who do not understand what a young person is. It is not necessary to write into the legislation the definition of a young person. A young person is someone who is at an impressionable age at which he or she can be introduced to the smoking habit.

Mr Olsen: A young person is young, that's great!

The Hon. G.F. KENEALLY: Yes. The Leader of the Opposition is getting the point. If he understood that before he asked his question, we would not have needed this debate.

Mr BECKER: It would help if we could get a bit more cooperation from the Minister. Can the Minister tell the Committee what the budget will be for the first year in promoting the objects of the Act?

The Hon. G.F. KENEALLY: The figure has been widely canvassed by the Minister of Health and the Minister of Recreation and Sport. Treasury officials have advised the Government that the expected revenue for the first year will be slightly over \$5 million. That will be the resources that we have in order to administer the fund.

Mr BECKER: The Minister did not answer the question. I really wanted to ascertain the budget for this proposed section which relates to the objects of the Act. I am seeking to exclude the amount that will go to sport. What will be allocated to the various programs? What programs will be

set up under the provisions of proposed section 2a (iii) and how much will they cost?

The Hon. G.F. KENEALLY: Those programs will be implemented and carried through. Some of them are already in place and will continue. The Government will ensure that those programs are funded. At this stage, I do not have the figures as to what each program will cost. That will be available to the Government as the legislation comes into operation and for budget discussions. Members need not fear that the programs will not be funded. I will pass the honourable member's request on to the appropriate Minister and, when the information is available, the Minister may give him that information.

Mr BECKER: I would be grateful if the Minister would pass on my questions to the Minister of Health and advise him that I will appreciate and expect a reply. The Minister takes three, four or five months to reply. He has the worst department in the State—rude, arrogant and at times incompetent. As a member of Parliament, I expect answers to my questions: otherwise we will withdraw the funds and not pay them. Will the Minister confirm the amount of money that is currently being spent on the programs that are covered by the objects of this Act and will those programs be transferred to the new fund?

The Hon. G.F. KENEALLY: The honourable member may have been confused by my previous response. The funds will not be transferred from existing programs into the new program. It will be discrete and the funds will be available under that \$5.2 million. To clarify any confusion which may have arisen as a result of my previous answer, I can give the honourable member that assurance.

Mr OSWALD: Developing the question that was asked by the Leader of the Opposition about banning smoking in Government lifts and offices, I refer to the definition of 'public place', which 'includes a place to which the public ordinarily has access'. Does this mean that we will now see a move to ban smoking in other than Government offices, for example, in hotel bars, restaurants, hotel lounges or any public place to which the public ordinarily has access. New section 2a (b) provides:

to protect non-smokers from unwarranted and unreasonable exposure to tobacco smoke;

That is very broad and, in my view, gives the Government the power to ban smoking in all public places within confined areas, which includes hotels, bars, restaurants, shops, Government offices and lifts.

The Hon. G.F. KENEALLY: I do not know why the honourable member should canvass that possibility. The Government would not disagree. In this context the public place relates to advertising and this Bill will not provide for banning smoking in the areas to which the honourable member has referred. The particular paragraph to which he drew my attention relates to advertising in public places and that is why 'public place' is defined.

The Hon. D.C. WOTTON: As this clause deals with the prohibition of the supply of tobacco products to children and as the Minister has placed such importance on that responsibility, can he say how effectively the current legislation is being policed and how many offences have been reported in the past 12 months?

The Hon. G.F. KENEALLY: It is being policed. Over the past 12 months there have been about 12 reports and three prosecutions. As the honourable member would understand, this is not an easy area to police, but nevertheless it has been policed. To the best of their ability the police apply the Act in relation to young smokers.

Mr OSWALD: Returning to my previous question, and excluding the definition of 'public place' which could pos-

sibly refer to advertising, I return to the objects of the Act which provide:

2a. The objects of this Act are as follows:

- (b) to protect non-smokers from unwanted and unreasonable exposure to tobacco smoke;

As I read that provision, that gives the Government the power, if it wants to use it, to ban smoking in public places, apart from Government buildings, such as bars, hotels, restaurants and the like. I would like an absolute assurance from the Government that it is not about to embark on that course, because it is quite clearly stated in black and white in the Bill.

The Hon. G.F. KENEALLY: I can give the honourable member that assurance. I repeat that this provision applies to all lifts and STA and commuter buses within South Australia. If we tried to broaden it, I do not think that we would be able to sustain the first action against us if anybody took it to court. It does not provide the Government with the power to extend the areas of prohibition. It cannot be interpreted to do that.

If any Government was so foolish as to do so, I am sure that enterprising industry would have it in court immediately and the Government would lose. So, we would need to amend the Act to do what the honourable member feared this provision would allow. It does not allow the Government to go any further than it has already gone in South Australia, that is, in relation to buses and lifts.

Mr S.G. EVANS: I want to go back to the point about children and young people. New section 2(a)(ii) relates to prohibiting the supply of tobacco products to children, and in other areas the Bill refers to 'young people'. The Act itself defines 'children' as those who have not attained the age of 16 years. One must therefore assume that the 'young people' inclusion means those who are under 16 as well as those over 16. In reply to the point about schools having smoking areas set aside for students (I am referring now to secondary schools where I know that this has occurred), the Minister said that many people of 16, 17 and 18 years are able to make a mature decision and are mature people. That is my concern, because the Minister himself did not show real concern, at least not to the extent to say that he would return to Cabinet and say that he as a Minister in this Chamber, representing this Government, was concerned that secondary school students might be encouraged by the provision of facilities to smoke on school property.

I am asking the Minister whether he will go back to Cabinet and bring a report to this Parliament of this Government's attitude to smoking within school properties, not only by students but also by teachers doing it in the view of students, be it secondary or primary school. There is no doubt in my mind that the vast majority of people start smoking to copy the example of adults, and that the vast majority of girls have started smoking because of the equal opportunities argument that 'We are as good as the guys'. That is the reason why the vast majority go in for it, not because of advertising. It is logical that, if one is going to prove that one is equal to the other group, one will do it. Likewise, that may be why the guys wear earrings and those sorts of things.

Will the Minister take back that concern? Is he concerned enough to do it? We can then attempt to eliminate the area in which young people are encouraged to smoke on school property, accepting the argument that some people—the executive types who in some cases have close connections to the Government—oppose it. However, many rank and file teachers do smoke in front of students. I do not say it is one third or anything like that, but it is in the order of several hundred. That practice cannot be condoned if the

Government is genuine about the objects of this Act as stated by it in the Bill.

The Hon. G.F. KENEALLY: I will bring this matter to the attention of my colleagues, but I refuse to be lectured by a member of the Opposition who this evening voted against this Bill which is designed to reduce the incidence of smoking amongst young people. The honourable member indicated his opposition to this Bill—he did not vote against it—which is designed to reduce the incidence of smoking amongst young people. Having done that he now wants me as Minister of a Government which has brought into this place legislation to reduce smoking amongst young people to declare our *bona fides*. I am not prepared to be put in that position.

The attitude of members in this place towards this Bill during the Committee stage and elsewhere is indicative of their commitment in relation to smoking or otherwise amongst young people. That is clear and it will be on the record. I will raise with my colleagues the Minister of Health and the Minister of Education this matter and the allegations that have been made by members opposite. However, I do not feel under any commitment to bring back a report for honourable members who have indicated that they do not support this Bill, anyway.

Mr S.G. EVANS: If the Minister wants an argument, we can have one. The Bill has passed the second reading stage and we are now in Committee. Because of the numbers, we know that it is a *fait accompli*. However, the Opposition and every other member of Parliament has an obligation to determine whether a Government and its Ministers are genuine in their concern, even if a particular Minister is representing one of his colleagues.

The Hon. G.F. Keneally interjecting:

Mr S.G. EVANS: I am genuine in my concern for young people, but I do not believe in going only half way in protecting one group which is in the pocket of the Government and not others. That is the truth of it. Not one member of my family smokes, and I have never smoked. I abhor the filthy habit and have always done so. However, that does not alter my concern as to how I see this issue. The Minister is not prepared to tell the Committee that he is concerned about the promotion of smoking within the schools of this State, and that is the implication in his last statement. The Minister said that he was prepared to take the matter to Cabinet but—

The Hon. G.F. Keneally interjecting:

Mr S.G. EVANS: If he said that he is prepared to take it to his colleagues, I apologise. He said that he is prepared to take it to his colleagues but he is not prepared to say that he would be concerned if schools set aside smoking areas for young people who were under or over the age of 16 years. The reason is quite obvious. We all know that a significant number of the group who are now between the ages of 16 and 18 will be voting at the next election, so people do not want to stick out their necks. Let us be honest. If the Minister is concerned enough about the health of young people, he should say, 'As Minister, I do not believe that schools should be used as places to help and encourage people to smoke.' That is the sort of answer that we are looking for.

I believe there is a responsibility in this Parliament on a serious question like this for the Minister to go back to his colleague and obtain a report for Parliament or at least send a letter to the individual stating the Government's or his point of view. That is not an unreasonable request in a democracy. But, if it is, we are all wasting our time here; we should write to the Government and say, 'Put what you like into the Lower House because you have the numbers,

and you need not bother to answer any of the queries that are raised. Do not bother to go back to those who voted against the Bill, because that was a decision under a democratic system.' Now that the Bill is before the Committee we consider it as it is.

The Hon. G.F. KENEALLY: As I have said, I am not in the mood to be lectured by a member who has voted against the intention of this Bill. The Government has quite clearly shown its concern about smoking amongst young people in South Australia. We have introduced legislation to prevent that to the best of our ability. That measure has not had the support of members opposite, including the member for Davenport who wants me to explain whether or not the Government is concerned about smoking in schools. Of

Members interjecting:

The Hon. G.F. KENEALLY: If that is not apparent to the honourable member, I despair of the sort of logic that he can bring to bear in this debate. Of course the Government is concerned. As I said earlier, I will take up with my colleagues the allegations of members opposite. My experience in this place over 18 years has been, as I said before, that the allegations of members opposite, including those of the Leader (who seems to be quite excited about this), need checking, before one accepts those blind statements. I will take up those matters with my colleagues. Regarding what the Government needs to do to stop smoking in schools, if in fact smoking in schools is endemic (and I know that students at high schools from a very young age, and some before they get to high school, are smoking), it is measures like this that will attack that problem. So, I will take up the matter with my colleagues.

The honourable member wants me to take up the matter with my colleagues and say whether or not the Government is concerned about smoking in schools. Where does he think most of the kids are about whom we are concerned? They are at school. That is why the Government has brought in this legislation and that is why we ask the member for Davenport and his colleagues to support the member for Coles who does have a social conscience and a realistic understanding of the problem that this community faces.

Mr S.G. EVANS: Let us get one thing straight: at no time did I say that the Minister had to accept the point of view that I was stating, that there is smoking in schools. He must accept the proposition that some teachers smoke in front of students. I used the word 'if'. I am grateful that the Minister said that he is concerned, because that is what we are looking for. Obvious is not always the case; one does not assume things. The point really is how deep is the concern, because if school property, publicly funded property, is being used to allow young people to smoke and if they are in fact being encouraged through the provision of a special facility, a report should be brought down to the Parliament saying that this Government is deeply concerned about this practice and all schools should be asked to abolish that practice immediately. That is what the Opposition is asking for.

Mr INGERSON: My question relates to Object 2a (c) which provides:

Generally, to promote and advance sports, culture, good health and healthy practices . . .

It has been put to me that it is possible under this guise for the Government to use its propaganda machine to put out all sorts of promotion material and, in particular, the material used by the Fitzroy club in Melbourne; to get its funding, its members must wear a 'quit' sign on their football jackets. I want to ask the Minister what sort of promotion is this type of propaganda where 'quit' is displayed as a sort of insignia on a person's uniform? Will such a sign have to

be displayed, as part of a promotion exercise in clubs and sporting bodies that are provided with these funds? What other programs does the Minister envisage apart from the programs that are already catered for in the sporting, arts and health areas and the 'quit' program?

The Hon. G.F. KENEALLY: I am interested to note that the honourable member is concerned about the anti-smoking advertisements or logos that might be part of a program, whereas he does not seem the slightest bit concerned about the fact that currently the smoking industry requires an acknowledgement of its advertising. We were quite anxious to have groups such as those mentioned by the honourable member—Life. Be in it, and so on—involved in the promotion of a healthy lifestyle. I think the honourable member asked what other programs might be included. I have been advised that there could be a number, such as the skin cancer prevention program, of healthy lifestyle—

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: And they will be done extremely well under a program that brings together the promotion of a healthy lifestyle. I would have thought that that would meet with the support of everyone. I hope that members opposite will not oppose that as well in their intransigence.

Mr INGERSON: The thing that concerns me and sporting bodies in particular is the fact that it appears, from the explanations the Minister has given the House (and it is a pity that the Minister of Recreation and Sport is not helping in this area) that some of the existing programs will be picked up as part of this scheme. I know that the Minister said earlier that that was not the case, but the programs he has talked about, such as Life. Be in it, the 'quit' program and others, are currently part of health or recreation and sport programs. However, the Bill clearly provides, and we have been told by the Minister of Health in another place, that there will be a totally new program and that we have extra money for it, but all we seem to be getting tonight is a regurgitation of existing programs.

The Hon. G.F. KENEALLY: I do not know what more information I can give the honourable member. He obviously is not satisfied with what I have told him. It has just been pointed out to me that the National Heart Foundation is a part sponsor of the Victorian golf championship. I think that we should encourage such sponsorships. I am not sure whether the honourable member will oppose this clause or whether the information I give him will influence his decision one way or the other. If he wants a clearer definition I will spend a minute or two with my advisers trying to obtain information but, if this will not influence his voting pattern one way or the other—

Mr Olsen interjecting:

The ACTING CHAIRMAN (Mr Meier): Order!

The Hon. G.F. KENEALLY: Come on. Here we have a couple of amateurs. I have been in this place for 18 years. The Leader was entrusted with the government of this State for about 18 months and the Deputy Leader for about three years, the people threw them out and they have not been entrusted with it since. He is lecturing us about what is and what is not the responsibility of government. I have been in this place for 18 years. During that time those two gentlemen were given the opportunity to govern this State on one occasion and one occasion only, and they have not been given that opportunity since.

The Hon. E.R. Goldsworthy: You are an arrogant prick.

The Hon. G.F. KENEALLY: A point of order, Sir. I draw to your attention that the Deputy Leader has just described me as an arrogant prick. I point out that that is clearly a

breach of Standing Orders. I suggest that the Chair might like to contemplate that.

The ACTING CHAIRMAN: Order!

Members interjecting:

The ACTING CHAIRMAN: Order! A point of order has been raised and I believe that the remarks made by the Deputy Leader were unparliamentary. I ask the Deputy Leader to withdraw those remarks.

The Hon. E.R. GOLDSWORTHY: I did not believe that those words were unparliamentary.

The ACTING CHAIRMAN: I ask the Deputy Leader either to withdraw—

The Hon. E.R. GOLDSWORTHY: I withdraw and replace them with 'arrogant prawn'.

The ACTING CHAIRMAN: Order! I cannot accept the honourable member's replacing those words with alternative words. I simply ask the Deputy Leader to withdraw the remarks.

The Hon. E.R. GOLDSWORTHY: I withdraw the remarks if they offend and sit down and say he is arrogant.

Members interjecting:

The ACTING CHAIRMAN: I did not hear the last remark. I heard the Deputy Leader withdraw the remarks.

Members interjecting:

The ACTING CHAIRMAN: Order! Mr Minister, do you wish to continue your remarks?

The Hon. G.F. KENEALLY: I am attempting to provide information to the member for Bragg. I am finding it reasonably difficult because of the interjections from the Deputy Leader, but I do understand that it is after 12.30 and the Deputy Leader is likely to be tired and emotional at this time of the morning. I believe that I have answered the member for Bragg's queries. This system will operate similarly to that in Victoria, in the same way as any commercial sponsor in negotiating support in exchange for publicity of health promotion campaigns. That is certainly what the honourable member has been seeking from me. I have explained that to him before and I can only do so again.

Mr INGERSON: I am disappointed that the Minister is not briefed sufficiently well enough to tell us what promotions will take place, because there has been such a lot of hoo-ha about what the Government will do in this area. We have been criticised on this side for being hypocritical, and for not having our act together, but it is quite staggering to me, with the ramifications of this Bill within the sporting community, that the Minister cannot even tell us the sorts of programs that the Government will put forward. I just find that unacceptable and I do not accept the remark from the Minister when he says he has been in this place a long time and he knows that he does not have to answer all of these sorts of things.

The Hon. G.F. Keneally interjecting:

Mr INGERSON: That was the clear inference. I just find it disappointing. If he does not have that information, could he get together with the Minister of Health, the Minister of Recreation and Sport and the Minister for the Arts, and perhaps tell the community of South Australia what these promotions will be all about?

The Hon. G.F. KENEALLY: I am happy to do that. That is exactly what I was saying when the Deputy Leader wanted to become involved in the debate. I am quite happy to do that. At this stage, as I understand it, we do not have any applications for sponsorship. The honourable member is talking about the promotions that the Government will be undertaking within the resources it has available to it as a result of this legislation. I understand that. What we will be doing is acting within the objects of this Act. We have to wait to see how the sponsorship—

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: We do not even know at this stage what sponsorship we will be involved in. What we will do is have the capacity to respond to sponsorship requests to ensure that no sporting body is disadvantaged by this legislation. That is a commitment that has been given, and we will carry it out. The honourable member has referred to programs that are, in a sense, sponsorship programs. If he says now that that is not what he is talking about, he has misled me as the Minister, because that is what I understood he was talking about.

Mr BLACKER: Earlier in the debate the Minister indicated that he expected that about \$5 million would be available under the implementation of the objects of the Bill. Has the Minister or the Government considered how that might be apportioned? Will that be \$1 million for sport, \$1 million for the arts, \$1 million for culture, and the rest for administration? What is the score? On a further reading of the Bill, one sees a whole series of ways in which that money could be absorbed, much of which is taking over the role presently being carried out by the Health Commission in certain areas. I mentioned in my second reading speech that cross-subsidisation of the Health Commission could well be involved. How much of the \$5 million will be used for the promotion of sports, culture and the arts?

The Hon. G.F. KENEALLY: The department and the Government intend to keep the costs of administration as low as possible. A figure of about 5 per cent is a reasonable aim, but if the Government is not able to achieve that it will not be for the want of trying. No intention exists to transfer Health Commission programs into this fund or for them to be funded by this fund. We will not know the split-up of the funds between sport and recreation and the arts until we know exactly what funds we will be replacing. There is a clear guarantee to both sport and arts bodies that they will not be financially disadvantaged. More funds will be available than are currently provided by tobacco sponsorship. That is an undertaking. We will all have to see the system in operation. We can outline general principles and give assurances, but we cannot give the specific percentage breakdown until we know what we are replacing. When we are able to do that, we can be more definitive about the percentage split-up. There will be no replacement of current Health Commission programs by this funding.

Mr BLACKER: I was pleased to hear the Minister say that there will be no cross-subsidisation or intention for these funds to be used to pick up obligations presently met by the Health Commission. Dealing with the functions and power of the trust, the Bill provides the powers and functions will be to keep statistics, provide advice to the Minister, consult regularly with Government departments, perform other such functions assigned to the trust by the Minister and so on. Is any of that work being carried out now or is it a transfer of powers and responsibilities? I suggest that much of that work is being carried out now by the Health Commission and that this trust is taking over that part of the role from the Health Commission and being funded by the tobacco industry.

The Hon. G.F. KENEALLY: The functions and powers of the trust to which the honourable member has just referred are there purely for the operation of the trust and not to fund any current Health Commission program. Such provisions are contained in clause 14 (d) and are there for the operation of the trust itself.

Clause passed.

Clause 7—'Interpretation.'

The Hon. E.R. GOLDSWORTHY: There could well be some ambiguity in this clause in relation to the definition of 'tobacco advertisement' which provides:

'tobacco advertisement' means any writing, still or moving picture, sign, symbol or other visual image or message designed to promote or publicise—

(a) the purchase or use of a tobacco product;

or

(b) a trademark or brand name, or part of a trademark or brand name, of a 35 tobacco product.

I will read a legal opinion from Baker and McKenzie, Solicitors and Attorneys, Sydney, provided by Ms Jennifer Wilson, as follows:

Tobacco Products Control Amendment Act

Many thanks for prompt response to request. Having looked through the Bill I can see that the concerns expressed to me relate to the definition of 'tobacco advertisement' which appears to me to be wide enough to catch labels and advertising of products of a different type which happen to bear a brand name also used for tobacco products. This could come about in normal commerce since it is possible to register the same trademarks for different goods and use them without causing any confusion or deception. It is also not unusual and is a growing practice particularly with 'designer' brands for a trademark owner to grant licences for its marks to be used on goods of various types. Given that a trademark right can be fully secured only by use it is not uncommon for owners of famous brands to grant limited rights to use the brands on products not in their usual lines to make sure unauthorised use can be stopped.

Probably all that is needed to allay the concern is a minor amendment to the definition of 'tobacco advertisement' to make it clear that advertisements for products which happen to bear the same or similar brands and trademarks as tobacco products are not by virtue of that fact alone 'tobacco advertisements'. I appreciate that such a change could be seen as opening a potential loophole but surely legitimate traders should not have their ability to market non-tobacco products under brands they have established impaired by legislation intended for a different purpose.

From what you said last week, I realise it may be impossible to put an amendment through at this late stage. I would in any event be interested in your opinion on whether the Bill as passed would affect the sale or advertising in South Australia of goods bearing a brand also used on tobacco. A hypothetical example would be the introduction of 'Wedgwood' brand cigarettes. I have not been able to lay a hand quickly on the principal Act. If the definition of 'tobacco products' is wide enough for the amending legislation to catch accessory items e.g. lighters, ashtrays, cigarette holders, that would also be of concern.

I think of the name 'Dunhill'. It is a brand of cigarettes, I understand, but in the *Bulletin* and elsewhere I have seen full page ads for Dunhill watches. One of my family bought a fake one in Bangkok or somewhere. There is some point to that legal opinion and one does not need to be a Philadelphian lawyer to understand from the definition that a trademark or brand name or part of a trade name or brand name of a tobacco product is what is caught. So one could not display the name 'Dunhill' even when trying to hawk watches. Does the Minister have some expert view on this legal opinion which raises doubts about the clarity of the definition?

The Hon. G.F. KENEALLY: It is a nonsense argument to say that that is what the Government's intention is or that that is what—

Members interjecting:

The ACTING CHAIRMAN (Mr Meier): Order! The Minister has the floor.

The Hon. G.F. KENEALLY: It would be pleasant if, for once, some members opposite would wait to hear what I had to say.

Members interjecting:

The ACTING CHAIRMAN: Order! The Minister has the floor.

The Hon. G.F. KENEALLY: I give members opposite every opportunity to explain what it is that concerns them. The moment I get on my feet, I am met with a barrage of interjections before I have any opportunity to explain. I

repeat that I think it is a nonsense argument and, if that were the intention of the Government, then it would not get past the first challenge in the court. Every honourable member knows that, sooner or later, these matters are subject to the decision of the court but, of course, that is not what we are on about. I am pleased that the Deputy Leader has raised the matter of Dunhill. I will read a letter that was written by the Minister of Health to Alfred Dunhill Ltd and it states:

Mr R. Dunhill,
Chairman,
Alfred Dunhill Ltd,
30 Duke Street,
St James, London SW1 Y6OL
England

Dear Mr Dunhill,

I refer to your letter of 17 March and to the submission and discussions which my officers have had with your legal representatives.

The matters raised have been considered by the legal officers involved in the preparation of the legislation.

In determining whether an advertisement comes within the definition of 'tobacco advertisement', it is necessary to show that there is an intention to promote or publicise the name of a tobacco product. In your company's case, taking account of its historic connection with non-tobacco luxury goods, use of the Dunhill brand name in relation to such goods is, in the Government's view, unobjectionable as we consider it to be unrelated in any meaningful way to tobacco products. It was not the Government's intention to prohibit the advertising of non-tobacco products simply because they have the same name as a tobacco product, and it was never our intention that a prosecution would be instituted in any such case.

My officers have had a number of discussions with your legal representatives in Adelaide, and I am advised that it is not possible for the clause at issue to be amended in a way that would not weaken the definition of 'tobacco advertisement' to an unacceptable extent.

However, as you may know, the Bill provides a power of exemption. If you have any residual concerns, following the passage of the legislation, I would be prepared to recommend to Cabinet an exemption that would specifically authorise the advertising of the name 'Dunhill' where it is used solely to promote your company's line of non-tobacco products. I hope that this undertaking allays your concerns.

Mr BECKER: At least—

The Hon. E.R. Goldsworthy interjecting:

The ACTING CHAIRMAN (Mr Meier): Order! The member for Hanson has the floor.

Mr BECKER:—we have that matter clarified, although it is not written in the legislation. I do not have to melt down or scrap my Dunhill watch. Does this interpretation mean that an overseas or interstate visitor who arrives in South Australia wearing a T-shirt promoting a particular brand of cigarette will expose themselves to prosecution under this Act which can carry a fine of up to \$5 000? I refer to the T-shirt which was to be modelled by the member for Victoria and which supports my racing car, because in the second reading explanation the Minister said that new section 11a—

The ACTING CHAIRMAN: Order! Any displays are out of order.

Mr BECKER: In the second reading explanation the Minister said:

Free T-shirts, carry bags and sun shades are prohibited.

As I said, if an overseas or interstate visitor wears a T-shirt to the Grand Prix or any other place, will they expose themselves to prosecution under this Act which can carry a fine of up to \$5 000?

The Hon. G.F. KENEALLY: Proposed section 11a provides:

(1) A person must not for any direct or indirect pecuniary benefit display a tobacco advertisement so that it may be seen in or from a public place.

(2) A person must not—

- (a) distribute to the public any unsolicited leaflet, handbill, or other document that constitutes a tobacco advertisement;
- or
- (b) sell any object that constitutes or contains a tobacco advertisement.

The key words are 'direct or indirect pecuniary benefit'. If a person is paid to advertise a tobacco product by the wearing of a T-shirt, they will be in breach of the Act, but if they are not paid they will not be in breach of the Act.

Mr BECKER: This is one of the grey areas that we find in poorly drafted legislation. As I see it, the key words are 'tobacco advertisement' and that is why I have referred to it in the interpretation clause. 'Tobacco advertisement' is defined as follows:

'tobacco advertisement' means any writing, still or moving picture, sign, symbol or other visual image or message designed to promote or publicise—

- (a) the purchase or use of a tobacco product;
- or
- (b) a trademark or brand name, or part of a trademark or brand name, of a tobacco product.

I want to know whether I am allowed to wear these T-shirts. As I understand it, the interpretation of 'tobacco advertisement' under this section would prohibit it. That is what I want to know and I want the Minister to confirm it one way or the other.

The Hon. G.F. KENEALLY: I am happy to repeat what I said a moment ago, this time more slowly so that the honourable member will understand it. Clause 12 provides:

The following sections are inserted after section 11 of the principal Act:

Certain advertising prohibited—

so it will be this clause under which any legal action will be taken—

11a (1) A person must not for any direct or indirect pecuniary benefit display a tobacco advertisement so that it may be seen in or from a public place.

The honourable member can wear his T-shirts to his heart's content, unless he is being paid by the industry to wear it and to advertise the product: then he is in breach—

An honourable member interjecting:

The Hon. G.F. KENEALLY: If he is given a T-shirt the honourable member would be all right, because he would be gaining no pecuniary benefit out of this. I am advised that the body or organisation which gave that T-shirt may itself be subject to prosecution. The circumstances would need to be such as to warrant that, because I understand that new section 11a (b)—'sell any object that constitutes or contains a tobacco advertisement'—is wide enough to include 'giving'. That would be if it were given for a pecuniary benefit. I would draw the committee's attention to section 3 (c) of the Act, which states:

to supply or offer to supply, in circumstances in which the supplier derives, or would derive, a direct or indirect pecuniary benefit;

The person who receives the T-shirt and wears it would be okay but, if the people who have supplied the T-shirt were supplying it with the intent of obtaining a pecuniary benefit, they might find themselves in breach of the Act.

The Hon. H. ALLISON: The term 'pecuniary' is unusually narrow, and I wondered whether the Minister's intention was strictly to limit the benefit to money, because that opens up the whole field of sponsorship for people receiving other than pecuniary benefits. For example, it might be something which is not money but might be gold ingots; one might be paid off in a million dollars worth of tobacco products or a whole range of inducements. It could be very substantial by nature. 'Pecuniary', by definition, is extremely narrow.

The Hon. G.F. KENEALLY: I take the honourable member's point, but clause 12 says 'direct or indirect pecuniary benefit' which would include a pecuniary benefit other than money.

The ACTING CHAIRMAN: Order! There is too much audible conversation in the Chamber.

Mr D.S. BAKER: If I obtain a ride from Portland to Adelaide in the Peter Jackson car and then wear my Peter Jackson T-shirt around Adelaide, does that mean that I have accepted some benefit, for example, in the form of free travel, from Peter Jackson and I cannot wear the T-shirt when I arrive in Adelaide? Have I accepted a pecuniary benefit?

The Hon. G.F. KENEALLY: I am sure that, if something of that nature ever occurred and there was a prosecution, the courts would soon decide the matter.

Mr D.S. BAKER: I suppose I would obtain an exemption to attend the Grand Prix. It appears from the legislation that I would contravene the legislation if I accepted a ride to Adelaide in a vehicle owned by a tobacco company because, in effect, I would be sponsored. Does that also mean that I could not wear that company's T-shirt in any public place around Adelaide, but I could in this Chamber, because I understand that it is not a public place?

The Hon. G.F. KENEALLY: I am not a lawyer, but, if a Peter Jackson representative were travelling from interstate and telephoned the honourable member and said that he would pick him up and drive him to Adelaide, then gave him a couple of Peter Jackson T-shirts to wear around Rundle Mall and Hindley Street to advertise the product but not said that the honourable member would not be given anything for it. I know the honourable member well enough to think that he would say that it was not much of a deal and he would not do it.

However, if he accepted a ride from his electorate to Adelaide and as he was leaving the vehicle he was offered a T-shirt to wear around Rundle Mall and Hindley Street and the honourable member took one, I would suggest that that is probably a defence if the honourable member was prosecuted. Here again, it does not make a great deal of difference as to what I say in terms of legal advice. Whether it is in this Chamber or out of it, ultimately these questions will be determined when and if the matter is taken to court. Lawyers become fat on interpreting the laws that Parliament passes. There is certainly no doubt that lawyers have had very little opportunity to look at the laws of the Leader of the Opposition, and I suspect that that will always be the case.

Mr BECKER: We are not making much progress, and I am beginning to wonder whether this legislation is worth it. Another issue relates to how you prove that a T-shirt was sold for a pecuniary benefit. Citizens visiting South Australia will be harassed by the police and asked whether they paid for their T-shirt. How will they prove it? The citizens of this State will be harassed under this legislation. How do you prove that a T-shirt was sold for pecuniary benefit?

The Hon. G.F. KENEALLY: I suggest that the young women who wear red and white clothing to promote Marlboro (I think, because I am not a smoker, either) are a clear example of people wearing an item of clothing to promote a tobacco product. If someone is walking around minding their own business wearing a Peter Stuyvesant or Peter Jackson T-shirt, they would not have to worry. It will be very clear in the overwhelming number of cases whether someone is wearing an advertisement to benefit the company which gave it to them in an indirect way or for some direct or indirect pecuniary benefit.

The sort of occasions that the honourable member is trying to drag up as an excuse in an attempt to oppose this legislation are a bit extreme. The overwhelming number of cases would be quite clear and, as always, the law should reflect commonsense; and commonsense would apply. In the overwhelming number of cases it is clear whether or not a person, for pecuniary benefit or otherwise, is wearing an item of apparel that promotes a tobacco product. The same applies when somebody is wearing a T shirt, as my kids do, that I would not be seen dead in; the messages on the T shirts are somewhat extreme. If you are wearing a T shirt when you are going out, it is quite obvious that you are not wearing it for indirect or direct pecuniary benefit. I think the distinction is quite clear, and I am absolutely certain that that will become even clearer in the way that this Act is administered.

Mr S.G. EVANS: I wish to make a comment that the Minister does not need to answer. I think it is quite obvious under this clause that if I did a deal in another State—in other words, if someone gave me 10 000 shirts or a sign and paid me in that State, and I signed a contract there to display a sign in my backyard—there would be grave doubts that it could be proved that I had broken the law in this State. No offence would be committed in this State and, even though I might have had a pecuniary interest in the deal, even though the article might be displayed in this State, a court would have some difficulty in proving an offence. I think a court would have great difficulty under those circumstances bringing one to heel regardless of the sort of money that might have been received.

I may be wrong, but that is my interpretation, and I would find it quite interesting if somebody tried that at some time. If someone was given a motor car with Marlboro written all over it and the driver drove it around South Australia, I wonder what would happen if that person did not receive any money and entered into the contract not here but in another State. It would be a very interesting exercise.

The Hon. G.F. KENEALLY: Members opposite will be able to throw up a whole number of extreme possibilities under this clause and ask me for my legal advice as to whether or not a prosecution would proceed in those circumstances. I think that people who want to take chances and subject themselves to the potential for prosecution will have the matter dealt with by the courts and may or may not be found guilty in a number of the circumstances to which the honourable member has alluded. If, in fact, the history of prosecutions shows that some amendments need to be made to the Act to include some of the examples to which the honourable member has alluded, that will happen.

The possibility of some of these things happening is so remote as to be not worth the length of discussion that we are having about them. I have said on many occasions that if legislation is to be written to cover every eventuality a simple Act will be 400 pages thick. That is not the way in which legislation is written; it never has been and it never will be. Legislation is written to provide the widest possible cover for whatever one is trying to do, and in the fullness of time experience within the courts and elsewhere will show whether that legislation needs amendment. In this State this is pioneering legislation, and I have no doubt that there will be a need to make some changes.

Those changes are not apparent at the moment, and I would not for one moment recommend to my colleague that he should try to write into the legislation provisions that cover the sorts of potential problems that members are now canvassing.

Mr OLSEN: For the purposes of this Bill is a 'public place' to be regarded as something wider than a place to which the public ordinarily has access? This matter is raised because of the use of the word 'includes' in the definition. For the purposes of the Act is a small retail shop, for example, a delicatessen, a public place? It is important to clarify that interpretation so that the public is aware of the full extent of the application of the Act. Does the interpretation of 'public place' mean that after the proclamation of the Bill tobacco advertisements will be allowed only in association with the Grand Prix, in private residences for non-public commercial uses (such as in warehouses) and under the exemption provisions in the Bill?

The Hon. G.F. KENEALLY: The definition of 'public place' in this Bill is exactly the same as that contained in other Bills or Acts. The Leader asked whether 'public place' includes a delicatessen; yes, it does. I think that the Leader pointed out that a sign would be able to be shown in warehouses and private houses only. Warehouses and private houses are not public places but delicatessens are. A certain amount of exemption is allowed. Proposed new section 11a (3) (c) provides:

This section does not apply in relation to a tobacco advertisement that is displayed inside a shop or warehouse adjacent to a place where tobacco products are offered for sale.

This allows tobacco advertising adjacent to where tobacco products are being sold.

Mr OLSEN: I will clarify what 'adjacent to' means a little later when looking at that proposed new clause. I refer to the word 'includes' rather than the phrase 'is a place' or 'is a scholarship'. Does the Government contemplate, for the purposes of this Bill, that this will apply to forms of sponsorship other than a scholarship, prize, gift or other benefit. The interpretation of 'benefit' is important. It could be interpreted to mean 'contract price' in circumstances where a tobacco company paid a contractor, such as a printer, for service. Will the Minister give an undertaking that such an interpretation is not intended so that this Bill will not unfairly interfere with what one would describe as the normal commercial operations of tobacco companies?

The Hon. G.F. KENEALLY: So far as sponsorships are concerned, we want it to be interpreted widely that 'sponsorship' includes a scholarship, prize, gift or other benefit. We therefore need to have that wide definition. The matter to which the honourable member refers or is concerned about could well be dealt with by the exemptions in proposed new clause 11a (3) (g) which provides:

This section does not apply in relation to—

(g) an invoice, statement, order, letterhead, business card, cheque, manual or other document ordinarily used in the course of business.

Clause passed.

Clauses 8 to 11 passed.

Clause 12—'Insertion of new sections 11a to 11e.'

Mr OLSEN: Does this clause prohibit an advertisement for a tobacco product including a larger brochure for a wide range of products, such as a general products brochure distributed by a major discount supermarket?

The Hon. G.F. KENEALLY: My advice is 'Yes', if a major discount supermarket was advertising a whole range of products, it should be very careful to exclude the advertising of tobacco products.

Mr OLSEN: I want to return to this term of 'adjacent to' to which we referred a moment ago. What is meant by 'adjacent' in terms of a tobacco advertisement being displayed adjacent to a place where tobacco products are offered for sale? How close does it have to be to that place? For example, how will this apply in regard to small delicatessens and large supermarkets? In a small delicatessen, all products

are adjacent to one another; an area adjacent to where tobacco products are offered for sale is much smaller than in a large supermarket, so there can be quite different circumstances as to what the term 'adjacent to' means for a small delicatessen and a large supermarket. If the adjacent area is to be the same in both cases, delicatessens will obviously be significantly restricted in terms of the size of the signs they will be able to display as compared to a supermarket.

The Hon. G.F. KENEALLY: The intent of that provision is to prevent a shop being festooned with tobacco signs, most of them not adjacent to tobacco products at all. Most astute proprietors would place their cigarette advertising directing people to tobacco products pretty close to where the tobacco products are for sale. In a large supermarket, it is likely to be up high where it catches the eye when people go into the supermarket, directing attention to it, and stating, 'Tobacco products here' or what have you. In a small deli, of course, there is no such opportunity, and one would believe that it would be directly in relation to the product. I do not think that the Bill will lay down that in delicatessens of certain square footage tobacco product advertising must be six feet from the tobacco products or that in large supermarkets a certain distance will apply. I understand the question that the honourable member has asked, and I do not think he will accept the suggestion that commonsense would prevail although, quite clearly, it would.

'Adjacent to' quite clearly means 'in relation to' in any store. If the advertising is not directly relevant or adjacent to the product, the proprietor might be taking a risk. Sensible proprietors would be very anxious to ensure that their advertising is adjacent to the product as is the case with nearly every other product in a supermarket or deli.

It is no good displaying a sign saying 'tobacco products' when they are kept at the other end of the shop. If that occurred people would tap the proprietor or the person who works there on the shoulder and ask 'Where are the tobacco products?' No one would want that to happen, so people would ensure that the products and signs were adjacent to each other. That would be more convenient and less hassle, and would save a lot of time in the selling of the product.

Mr OLSEN: The Minister is quite right. I do not accept that commonsense should prevail in those circumstances because I have seen overzealous people applying the letter of the law in such areas and I am sure that the Minister knows of such circumstances. We ought not to have legislation that allows interpretation by commonsense. What I might believe to be commonsense another individual will not believe to be commonsense. I have a real concern about the Minister's response in that it is too flexible. Does 'a place' referred to in proposed Section 11a (3) (c) mean that we are talking about an entire shop where tobacco products are sold or the part of the shop where the tobacco products are sold?

The Hon. G.F. KENEALLY: It does not mean an entire shop, even if it is a small shop. It means that it has to be in that part of the store where the tobacco products are sold. The Leader will not accept that commonsense should prevail or that we will allow commonsense to be an element in this as we will be in terrible trouble as we would be in regard to much legislation. I am well aware that there is the potential in relation to a number of pieces of legislation for people to interpret rather broadly. I would expect that standards would be established quickly. This is new legislation of a kind that we have not had previously in South Australia. We only have the experience of Victoria from which to learn.

In saying that signs have to be in that part of the shop where the products are located is as definitive as I can be and as reasonable as possible at this stage. Clearly, as the legislation goes into practice standards will be established and I am sure they will be so established in cooperation with the industry, because the Government is as anxious as the industry to have legislation that works and in regard to which confusion is minimised, I acknowledge the point the Leader makes but I believe that his concerns are not necessarily well founded.

Mr BECKER: I refer to proposed new section 11a, which provides:

(1) A person must not for any direct or indirect pecuniary benefit display a tobacco advertisement so that it may be seen in or from a public place.

'Tobacco advertisement' means:

(b) a trademark or brand name, or part of a trademark or brand name, of a tobacco product;

Given that for the purpose of interpretation advertising of trademarks or brand names is to be prohibited, does it extend to the display of a tobacco company's corporate name such as 'Philip Morris', 'Benson and Hedges' or 'Rothmans' on the company's own premises, at its solicitors' office or on the registered office noticeboard?

The Hon. G.F. KENEALLY: The honourable member is asking about the place of operation where the company name 'Rothmans of Pall Mall' and so on is displayed. Under clause 7, 'tobacco advertisement' means:

any writing, still or moving picture, sign, symbol or other visual image or message designed to promote or publicise.

The purpose of signs outside premises is to identify the premises and not to publicise or to promote. Clearly the honourable member would say that many businesses have a product that is both the name of the business and the name of the product, so any showing of that name could be identified as promotion or publicity. If it is in the front of a building such as may occur with Ansett Airlines and Rothmans, that would be interpreted as identifying the building and not publicising the product. To be more definitive, if it is a proper company name and is not used in a way that is clearly designed to publicise or promote, that is, it identifies, it is okay.

Mr BECKER: I wish to draw the Minister's attention to the fact that there is an obligation under section 218 of the Companies Code relating to the identification of company names. It is important that Philip Morris, Benson and Hedges or Rothmans display their name outside the company headquarters or branch office, as in South Australia. Their solicitors are required to display the name on the notice board and they may be required to display it elsewhere. For that purpose, I take it that the names are exempt. What is the position with the Rothmans Theatre?

The Hon. G.F. KENEALLY: The company name would be exempted because it is not included in the legislation. Rothmans of Pall Mall is clearly the name of the company. My advice is that the Rothmans Theatre at the Wayville Showgrounds would be prohibited.

Mr BECKER: I do not think that anyone would support the removal of the name from the Rothmans Theatre. It was built by the company to enable exhibitors to display their products, and many farmers associations and organisations have met there. It is also a meeting place for people visiting the Royal Show and for other functions. It is also available for hire during the week and at weekends for charitable organisations to show films, and I would be very disappointed if, after all these years, the name is removed. I want further clarification from the Minister before we proceed. If it means that the name will go, the Opposition will have to oppose the clause.

The Hon. G.F. KENEALLY: If the building were being constructed now as the Rothmans Theatre, it would be included in the legislation. My advice is that it is very likely that, in any event, it will be picked up under this legislation. The honourable member makes the point that it has been in existence for approximately 20 years and is known as the Rothmans Theatre. However, it would be drawing a long bow to say that it is not seen as the advertising of a tobacco product. My advice is that it is probably pretty difficult to prove that a pecuniary benefit is derived from it. The honourable member has raised an important issue, and I am happy to refer his arguments to my colleague to see whether action needs to be taken in relation to the Rothmans Theatre.

I think that that example is worth considering. It does not in any way change the general principle or thrust of the legislation, but I acknowledge the concern of the honourable member. He said that after, say, 20 years these names often become part of the local language and are not necessarily related in a direct sense to tobacco promotion, despite the fact that that was clearly the intention of Rothmans when the place was originally built and funded. We know that the company has done a number of things which have benefited the community, but they have also benefited Rothmans and this is an example of such a case. If anyone intended to do that sort of thing in the future, they would be in breach of the Act. In relation to whether or not there is an argument for exemption of the Rothmans Theatre, I would need to talk to—

The Hon. B.C. Eastick: Get instructions and report progress.

The ACTING CHAIRMAN (Mr Meier): Order!

The Hon. G.F. KENEALLY: No, we will not report progress; we will go ahead with this. If this case is one which could be considered for exemption, I will take it up with the appropriate Minister and the Government will determine—

The Hon. B.C. Eastick: It's too late.

The Hon. G.F. KENEALLY: There is provision for exemption. The member for Light suggests, as do members opposite for particular instances that, unless I can give a clear definition tonight without an opportunity to consider the matters, we should report progress. That will not happen because, in my view, an individual example which may or may not warrant consideration by the Government is not sufficient argument for anybody either to vote for or against this measure. Anyway, members have already made up their minds about that matter.

Mr D.S. BAKER: I assume that this would include all cigarette company delivery vans which deliver anywhere in South Australia. I assume it would also include any advertisements on taxis.

The Hon. G.F. KENEALLY: Yes, delivery vans and taxis would be included.

Mr INGERSON: Does the exception contained in proposed section 11a (3) (d) allow the use of a trademark or brand name in relation to a price of a product? If it does not, the Minister will need to explain how prices at which the particular tobacco product is sold can be displayed or notified. How will the public connect a price with a particular brand if the trademark or brand name cannot be used in this form of advertising?

The Hon. G.F. KENEALLY: It will allow the use of the name of the product and the price.

Mr INGERSON: I think that sporting people are most concerned about proposed section 11c as it relates to sponsorship. The major hypocrisy is embodied in this proposed section. Many members have received letters from sporting

bodies which question why the Grand Prix, which is the biggest single advertised event in this community and which is sponsored by the Government, has an exemption.

An honourable member: By the people's money.

Mr INGERSON: Yes, as it was pointed out to me, using the people's money to sponsor it. Now, the South Australian Cricket Association has put some pressure on the Government and has stated very clearly in a letter to the Minister of Recreation and Sport, with a copy being sent to the Premier, that if it is not allowed to have sponsorship from a tobacco company (Benson and Hedges) at its Shield cricket level it will not allow Adelaide to have the Test cricket.

It was accepted, interestingly, by the Minister of Health—and very quickly. As a matter of fact, he moved the amendment in the other place which indicated how good it was that pressure had been put on the Premier and the Minister of Recreation and Sport and showed how clearly we had to have this major event, the Test cricket. I think it is marvellous that we have Test cricket here and I think it is marvellous that Benson and Hedges have been prepared to sponsor it over the years, because this Government has not been prepared to put sponsorship money into that area for a long time. It highlights the following fact: at Test cricket we have about 125 000 to 130 000 people over the five day series, while we have 1.1 million people going to football over the year, yet the Escort Cup series has not been exempted.

I wonder whether that is because the football league has not come to the Minister at this time and asked for an exemption. If they come along and ask for an exemption for the Escort Cup, and if they use Skychannel, will they get an exemption? It says here that if there is some possible connection of national interest the particular sport may be able to be exempted. I understand that the South Australian branch of the Australian rules football code is part of an Australian code of football. It just happens to be played in South Australia. It has been pointed out to me that we also have the same anomaly relating to soccer. Why is it that we cannot have the Rothmans Medal if, as the Minister said earlier, we can have the Rothmans Theatre? The Rothmans Medal has been going on for a long time and is a prestige event. Why can we not have the Rothmans Medal exempted?

Why is it that soccer—which has an attendance of over 300 000 people a year—cannot be exempted? If it goes nationally on Skychannel, can it and will it be exempted or has it not been written into the Bill because soccer officials have not been along and asked the Minister of Recreation and Sport and sent copies to the Premier? Is that the reason why soccer, football, tennis and racing—all of the major groups which get sponsorship from tobacco advertising—have not been exempted, or is because the Premier, the Minister of Health and the Minister of Recreation and Sport want to selectively put down the Grand Prix and Test and Shield cricket as the only exemptions?

This is the most hypocritical part of this whole Bill. Earlier the Minister said that this was a health Bill. This is not a health Bill: this is all about cutting off the nose of sporting bodies that have gone out and looked after themselves when Governments were not prepared to put up the dollars. Now, because the Government sees itself as having an opportunity to grandstand in the sporting arena, it is selectively choosing a few and going against the others. This is the area about which sporting bodies have the most concern, and it leads me to the question that I would like to put to the Minister, namely, if the South Australian National Football League, which plays under the Australian

rules football code—of national content and our only game of football—applies for an exemption, will it get it?

If it goes through Skychannel will it get an exemption and, if not, why not, because it is a national set up? Will soccer get an exemption, because it is part of a national code? We have a ridiculous situation where the Winfield Socceroos—the Australian team—can play under the Winfield brand name, but those same players in a State team playing in a national competition cannot be sponsored by a tobacco company. I notice that the Marlboro Sports Calendar is available in the *Advertiser* this week. Is that legal and, if not, why not, because it is advertising sporting bodies? Sportspeople would like to know what is happening in this area.

The Hon. G.F. KENEALLY: I will try to remember all the questions asked by the honourable member, and I will begin with his last question. On the face of it, the Marlboro Sports Calendar, if it is the calendar that I am thinking of, is quite clearly an advertisement for a tobacco product and as such would be in conflict with the legislation. The honourable member has asked me to tell him which sporting organisations would be liable for an exemption, irrespective of whether or not they have applied for an exemption. If a sporting body would like to receive an exemption, it has only to apply for one and then a decision will be made. It seems rather futile for us to debate here whether or not the South Australian National Football League will be eligible for an exemption when it has not even indicated that it will seek an exemption. So why are we debating this matter when the SANFL, at this stage at least, has not shown any interest in obtaining an exemption? In any event, the nature of the SANFL's sporting operation is such that I think the Government would have some doubt about whether it would be eligible for an exemption, but let us wait until it applies.

In relation to the honourable member's general question, if he looks at proposed section 14a(4) the guidelines are quite clear in relation to exemptions for national and international sporting events. The honourable member drew our attention to cricket. He knows very well that, if there was to be a Test cricket match at Adelaide Oval and the South Australian Government said that it could not be played there if the major sponsor was a tobacco company, the cricket authorities would simply move the game to Melbourne. The tobacco advertising would then be shown on every television set in South Australia when the game was televised from Melbourne, so what would be achieved? Here is the nub of it. It is not hypocritical.

The fact is that a national sporting event which is televised nationally will be shown in people's homes throughout Australia no matter where the event is held. If a national event was not televised in the State in which it was held but was televised in every other State, the situation might be slightly different. However, Test and Sheffield Shield cricket is televised throughout Australia. If cricket did not receive an exemption, the cricket association would take its matches to another State and South Australians would still see tobacco advertising on television, anyway. So, once again, commonsense must prevail.

The same situation applies in relation to the Grand Prix. If we did not have the Grand Prix in South Australia, it would be held in Sydney and every South Australian would watch it on television with all the associated tobacco advertising, so what would we achieve? That is the difficulty with a State Government trying to legislate to contain a national problem. We are a State and we are going as far as we can with the legislation within the powers available to us.

Both the Minister of Health and the Minister of Recreation and Sport have acknowledged that clearly we are not

able to go as far as we would like in preventing a certain type of tobacco advertising from being seen in South Australia because quite clearly we cannot legislate to prevent national events being viewed in South Australia. The honourable member has already drawn our attention to that fact and that is clearly the case.

So the Government is doing here what it can; it may only be a small step forward, but it is at least a step. It is a step that members opposite, with the notable exception of the member for Coles, are not prepared to support. That is the reason why; it is plainly too difficult to be able to legislate to prevent those sorts of events having tobacco sponsorship because the viewing audience will see them anyway, whether they are in Adelaide or elsewhere. The judgment of the Government was that it would not be regarded as a good thing by the sporting community in South Australia if the Grand Prix or the Test cricket were to go elsewhere or if our own cricketers could not play cricket in South Australia, but domestic sporting events over which the Government has some control or influence—and I am not saying that the Government will try to control sporting events—

An honourable member interjecting:

The Hon. G.F. KENEALLY: No, we are not. The honourable member knows that as well, but it is a good line for him to keep promoting. I understand that, but he knows as well as I do that there is no governmental control involved in this. The member for Bragg and others are no more involved or interested in sport and the well-being of sport than people on this side of the Chamber. In fact, the Government is so interested in sport that it will provide more money for it in the coming year.

As the Minister of Recreation and Sport has already pointed out, the decision as to where those funds will go will be made by a body independent of the Minister. Members opposite will continue their criticisms despite the fact that very prominent, reasonable, sensible and fair people will be appointed to that committee. I would then like to see members opposite rushing out to say that they are prejudiced and in the Government's lap.

An honourable member interjecting:

The Hon. G.F. KENEALLY: They will, as the member for Bragg has already told us; no matter who is elected to that committee by the sporting and arts communities, he will say that they are in the Government's pocket. I disagree with that. Those are the reasons why those provisions are contained in the Bill. They are not hypocritical in any sense but are a very practical response to the difficulties that a State Government has in legislating for national and international events.

Mr INGERSON: I want to first correct the comments made by the Minister and then ask a supplementary question. I did not say that we would go out and criticise any appointment. I said quite clearly that if there was need for criticism we would make it, and we accept the right to do that. The reason for my supplementary question is that in today's *Advertiser*, Wednesday, 13 April, there is an article headed 'Escort Cup series again next year', and stating:

Tonights Escort Cup grand final between Port Adelaide and Woodville at Football Park will not be the last. It will be played next year with the grand final probably before the minor round and with an increase to the \$125 000 prizemoney. It was feared the State Government's proposed legislation banning tobacco company sponsorship would mean an end to the Escort Cup. But SA National Football League general manager Leigh Whicker last night confirmed the contract between the league and W.D. and H.O. Wills did not expire until the end of next year and there were indications it would be honored, despite the new Bill.

Does this event come under the legislation next year or does it not?

The Hon. G.F. KENEALLY: I accept the honourable member's comment that members opposite will feel free to criticise. It is certainly not my understanding or the understanding of my colleagues that the Escort Cup will be exempted in 1989. To the best of my knowledge no exemption has been applied for and it is very possible that the football league could be playing for the National Heart Foundation Cup or something else next year. So long as the funds are available to the football league I doubt whether in the ultimate—

Mr Olsen interjecting:

The Hon. G.F. KENEALLY: No, the football league will not be terribly concerned about the name of the product. I can tell the member for Bragg and the Leader that if somebody went to the football league now and said, 'Your sponsorship under the Escort Cup was \$125 000; we are a company promoting underwear and want to break into the South Australian market and are prepared to promote you for \$175 000', the football league would give Escort away like that and go on to the new trade name. What the football league is interested in is the amount of funds available to it as sponsorship. The Government has already given an undertaking that no sporting body will suffer financial loss as a result of this legislation, and that commitment remains. To repeat: I am not aware of any application for exemption and it is certainly not my understanding that an exemption would be provided to the football league for Escort promotion.

The ACTING CHAIRMAN: I cannot give the call to the member for Bragg. I know that the honourable member mentioned it was a supplementary question, but he took the full opportunity. There are no such things as supplementary questions unless it is a point of clarification. The honourable member has had three opportunities.

Mr INGERSON: I take a point of order, Mr Acting Chairman. In asking a supplementary question I expected, since there was no ruling from the Chair at the time, that that supplementary question had in essence been granted because it was a direct supplementary question to the question I had asked.

The ACTING CHAIRMAN: There is no such thing as a supplementary question during the Committee stage. The member for Bragg prefaced his so-called supplementary question by correcting a statement from the Minister, so he had already made an additional point. I think the member for Bragg, having been here for quite some time, would appreciate the Standing Order in question. The honourable member for Morphet.

Mr OSWALD: In relation to proposed new section 11e, when is a person a member of the public as defined in this Bill, and when is that person a private person? Would invitees of a special cultural function held in a private room at the Festival Centre (with a strictly limited guest list) constitute members of the public or, alternatively, would an employee of a tobacco company who had packets of the company's cigarettes at home or at a private function at the company's premises commit an offence if he or she offered a cigarette to another person at a social function?

The Hon. G.F. KENEALLY: In the case of a private function at the Festival Theatre it would involve a breach. In relation to the second question, any offer has to be for the purpose of inducing or promoting the sale of a tobacco product. If a tobacco company salesman had a packet of a well known brand of cigarettes and offered one to me, saying, 'Here's a good cigarette, a good brand. If you tried these, you would probably want to go out and buy them,' and if he was certainly promoting them, he would be in breach. However, if he said 'Cigarette?' and I said 'Yes',

there would be a distinct difference. The honourable member is trying to draw a pretty long bow indeed. It should be quite clear, and it would be a defence when you were just giving a person a cigarette because you were in a group together and in a friendly way offered one around. That is quite different from deliberately offering a tobacco product to a member of the public, inducing or promoting the sale of that tobacco product. There is a world of difference between those two examples, and that would be quite clear if a prosecution was to be launched.

Mr S.G. EVANS: I have come to the conclusion that, if the tobacco companies were clever, they could fix this quick smart, by not selling any tobacco products in South Australia but taking all the orders in another State. The Government would not collect any tax because of the black market in the tobacco industry and all the orders would come through from the other States. They could be posted free, and the tobacco companies would have no problems whatsoever. They would still be selling a product, and people would seek it out more because it was harder to get. Then, the Government would not have any money to claim that they would give \$175 000 to the football league.

What criteria will the Government expect the Australian Formula One Grand Prix Board to apply with the exemption that they are given? In other words, will all the literature and promotional material associated with the Grand Prix be exempted? During the last Grand Prix, certain tourist promotional literature distributed by the Government contained photographs of Marlboro, clearly linking it with the event. Is it the Government's intention not to use similar material in the future and, in particular, not to allow the Grand Prix to do that? Does the Government believe that the Grand Prix Board, in exercising this exemption, should limit tobacco company advertising to the track itself, or will the board be free to feature tobacco company advertising in any promotion that it undertakes in any location, such as in public places (for instance, the Rundle Mall) in retail stores and tourist centre promotion areas, or on handbills and billboards?

The Hon. G.F. KENEALLY: New section 11a (3) (e) states:

This section does not apply in relation to a tobacco advertisement that is authorised by the Australian Formula One Grand Prix Board as part of the conduct or promotion of a motor racing event within the meaning of the Australian Formula One Grand Prix Act 1984.

That means that, so long as the tobacco advertisement is authorised by the Grand Prix Board, it can be displayed in public places other than the racetrack. For instance, if the Marlboro formula one racing car which displayed tobacco advertising was driving around Adelaide, or elsewhere, quite clearly that would be allowed, so long as it was part of the conduct or promotion of a motor racing event.

Two critical areas are involved, the first of which is the advertisement; whatever the advertisement might be, it must be approved by the Grand Prix Board. The use of that advertisement has to be part of the conduct or promotion of a motor racing event. Those advertisements will not be confined to the race track itself.

Mr S.G. EVANS: That illustrates the hypocrisy of this whole situation. It means that, with tobacco companies spending something like \$6 million each year on billboards and outside advertising, if they decide to go along to the Grand Prix Board and say that they are prepared to advertise right throughout the State and put up a few million dollars to do it on the basis that they have under lease billboards that will be non-existent soon for normal advertising, which the Government has ruled out, such advertising can be made available to the Grand Prix. They know

the date when the Grand Prix will run, and advertising will be up for the major part of the year. Also they will be able to produce handbills and all sorts of literature to be distributed throughout the State. They could send Christmas cards saying 'Come to next year's Grand Prix, sponsored by Marlboro.'

It could also apply to Test cricket. It is open slather for a couple of groups or others on the national sport scene to get exemptions and have billboards displaying tobacco products, along with leaflets, brochures or tourist promotion materials distributed by the Government tourist bureau. If the Grand Prix Board comes to agreement with the tobacco companies as the sponsors and say, 'Under the agreement we are prepared to see that your name appears on every piece of promotional material we create, including that going to the Government tourist bureau,' so it will be, the Minister tells us.

The Hon. G.F. Keneally interjecting:

Mr S.G. EVANS: If the Minister did not say that, I am surprised. He said that anything that the Grand Prix Board agreed to or authorised would be acceptable. Marlboro could go to the Grand Prix Board and say, 'We have \$2 million or \$3 million to make available for sponsorship. It will tie in with us for the Grand Prix to advertise throughout the State, here is a hand-out.' Is anyone suggesting that the Grand Prix Board will not accept that? I should be surprised if the Minister told me that it would not accept it.

My other question is whether the exemption for the Grand Prix in this provision means that the Grand Prix Board would have the Government's full support if it negotiates naming rights for future events involving a company such as Marlboro being the major sponsor in lieu of Fosters, for example. Because we exempt the Grand Prix, is the Government saying that it has full support for the Grand Prix if it ends up with Marlboro or some other tobacco company as the major sponsor in lieu of Fosters? I would prefer that because grog is the biggest problem, a point that I made earlier tonight.

The Hon. G.F. KENEALLY: The Grand Prix Board is responsible to the Minister, and that will ensure that this festooning of advertisements all over the State, with which the honourable member has threatened us, will not take place. In any event, any advertising must be part of the conduct or promotion of the motor racing event itself. The Grand Prix Board is a good citizen, a good neighbour, and wants to be in South Australia. The Government will ensure that it is. Members need have no fear that the board will suddenly seek to ascribe to itself the right to spend money all over South Australia which, in any event, would be of no benefit to it. The Grand Prix Board is ultimately responsible to the Minister and is not able to act completely outside that responsibility. That is one assurance.

Because the Grand Prix Board wants to be a good citizen and a good neighbour, it will ensure that the advertising that it approves comes within the definition of proposed new section 11a (3) (e), that is, that it is part of the conduct or promotion of a motor racing event. I do not think that there will be a proliferation of signs or that the acceptance of very lucrative promotion funds will result in advertising all over Adelaide or South Australia. As the honourable member knows, and he touched on this point in his comments, my recollection is that last year the Fosters promotions on major roads within the city of Adelaide and through the parklands caused a bit of controversy and public comment. That strong community pressure would impact upon any decision to expand that advertising, and the same would happen with the advertising of tobacco products.

Mr S.G. EVANS: I think that in fact the Minister has just said the Grand Prix Board or its promoters are not good neighbours. I was going to make that point, but I am grateful he did. It took immense pressure from the community for the board to take down its signs; they were up for weeks, even months, after the Grand Prix. The board refused to move them. That is how good a neighbour the board is and shows how conscious it is of the environment. It wanted to advertise Fosters as long as it could because it received a handout from it. The brochure put out by the South Australian Government Travel Centre showed just how good a neighbour the board is. The Marlboro and Fosters logos appeared in the cover picture with young and old people having a jolly good time depicted in the background.

No-one can tell me that we have just suddenly found out that tobacco products and alcohol cause health problems. That has been known for a long time. I have argued that as much as the member for Coles has, especially in regard to alcohol, but people would not touch it. They were too scared because of the votes in it.

I back the member for Bragg. Soccer is not included under the Bill but the Minister says that the association can apply for an exemption, as can the football league. The trotting association can also apply in relation to the Winfield Cup. Why is it that the Bill does not include all of them? Why are some events exempted under the legislation so that there is a guarantee, and others have to seek an exemption or a regulation? The Government is concerned that, without this particular sponsorship, the Grand Prix might not go on. That is the truth of it. The Minister's argument was that Sheffield Shield cricket will be seen on TV, whether it is played in Adelaide or Melbourne. People will still see it. The same will apply to all events shown on TV.

The Minister continues to indicate that it will be less and less effective. He said, 'Let us achieve the little we can.' That is what the Bill provides, but why have the Grand Prix and Shield cricket been listed? Why not say that some events have a national or international complexion about them and that the Government is prepared to grant them an exemption? There is no doubt that a double standard is involved. I do not say that the Grand Prix Board, because of its actions, is a good neighbour.

I make the prediction now that if this Bill is passed the Grand Prix people could go to the Minister and say, 'Look, the community is already subsidising the Grand Prix and it is costing the taxpayer some money. We can get from Marlboro or somebody else \$3 million or \$4 million towards advertising, pamphlets, billboards, radio broadcasts, advertising and for television advertising. We are exempt. The money is there for nothing. You don't have to charge people extra money for cigarettes. That's only removing money from the consumer spending area and people will buy fewer other articles. It is an indirect tax. You don't have to do that. The money has been offered to us for nothing to spend or employ people to paint billboards, print pamphlets or whatever in the State.' Would any Government refuse that? Let us wait and see, but I say, 'No'.

Clause passed.

Clause 13 passed.

Clause 14—'Powers of authorised officers.'

Mr OLSEN: How many additional officers will the Government employ to administer the Act and what will be the cost?

The Hon. G.F. KENEALLY: There will be no additional employment. We will be able to provide the authorised officers from within the staffing numbers already available

to the commission. There is a sufficient number of health surveyors in the central office for allocation to this task.

Mr INGERSON: Did I hear the Minister correctly when he said that this Act would be staffed with health surveyors? I thought that we were talking about an administrative exercise. My understanding of the work of health surveyors is that they are not administrators as such; rather, they look at the general directions to be taken in the health area. They would have a fair amount to do with the whole (what I would call) socialistic path of health. The health surveyors are really not administrators. I thought that we were looking for accountants or people who would collect statistics and act on behalf of the board. They would not set up special directions, which I thought was the work of health surveyors.

The Hon. G.F. KENEALLY: It is 2.15 a.m. and that is probably why the honourable member misunderstood the question asked by his Leader. The question related to the powers of authorised officers. We are not talking about those people who administer the trust; rather, we are talking about the authorised officers under clause 14. The honourable member seems to have a very limited idea about the capabilities of health officers, who usually have degrees and are quite competent in a whole range of areas. They are not necessarily confined to a very narrow discipline. I know that the honourable member has a degree, and I see him as being quite competent outside his own area. It is the same thing with health officers. However, we are not talking about the administration of the trust but of authorised officers.

Clause passed.

Clause 15—'Insertion of new section, Part and headings.'

The Hon. G.F. KENEALLY: I move:

Page 5, lines 34 to 36—Leave out subclause (1) and insert subclause as follows:

(1) Subject to this section, the Governor may, by proclamation—

- (a) exempt a person from the operation of a provision of this Part subject to such conditions as may be set out in the proclamation;
- (b) vary or revoke an exemption under this section.

This amendment has been moved by the Government in response to an amendment made in the other place. As the Bill was originally introduced, provisions relating to exemptions in clause 15 provided that exemptions would be given by way of proclamation. The effect of the decision in the other place is now to require that amendments be made by way of regulation rather than proclamation. The Government opposed this amendment when initially moved because of the need to ensure certainty in the exemption making process. Exemptions will be granted for a number of purposes, including the phasing of advertising prohibition provisions.

In those cases such as the case of the assurance given to the outdoor advertising industry regarding an orderly and staged phase out of tobacco advertising, it is essential that exemptions when agreed to by the Government of the day remain unchanged and can be relied upon by the persons to whom they have been granted. If exemptions are made by way of regulation, it is always possible that the exemption would be disallowed. This possibility would therefore place any exemption that might be granted in doubt. The disallowance process can be lengthy, and the final stages of an exemption may remain in doubt for many months. As many events are planned with relatively short time spans, and also because of the need to make sure that the exemption, once granted, is certain and not subject to a change of mind at a later date, it is essential if this process is to be effective for exemptions to be made by way of proclamation.

That fact would be strongly supported by the people involved in the advertising industry. One could imagine if

an exemption was given on 19 May and disallowed in September by the Upper House what sort of trauma that would cause the small business involved in those negotiations with the Government. In fact, this amendment is practical and I ask the committee to support it.

Mr OLSEN: The Opposition does not support the Government's argument. We believe that regulation is a more appropriate means by which the Parliament and the public are notified of the decisions of government. It gives members of Parliament the opportunity to disallow Government intention in this matter, whereas if something is done by proclamation members of Parliament individually or collectively have no capacity to influence that decision.

Mr S.G. EVANS: I oppose the amendment. The Minister knows that the Government always has the opportunity to overcome the problem to which he refers. His Government has done it several times. First, the regulation stays operative until it is disallowed, and on the day it is disallowed, if a government so wishes and if it is important, it can reintroduce the same regulation. That has been done before today and the whole process has been repeated. I know that in a way it is a form of contempt of one House of Parliament, but it has been done. When a Government has approached an Opposition and said, 'This is important and the cause is justified' I have never known there not to be an understanding or the action to be completed as far as a disallowance notice is concerned.

I have known notices of motion for disallowance to lay on the table for virtually the whole session of a Parliament. For example, the parking regulations in relation to the Adelaide City Council laid on the table until the last sitting day, and then they were disallowed even though warnings were given for six months that some modification was required. It is quite clear that, if a group of small business people were disadvantaged if a regulation were disallowed and there was a way of amending the regulation so that they were not disadvantaged under any agreement (and the regulation was no broader than that), any Opposition—even the Minister's team, if it was in Opposition—would agree to such a proposition. However, even if it did not it does not throw the whole thing into jeopardy because, if a Government really believes that a matter is so important, it can reintroduce the proposition the following day. That has been done before today, and it will be done again in the future. If ever the occasion arose—and it is a remote possibility—the Government of the day has the answer.

Let us remember that proclamation is one of the worst forms of government and the worst form of legislation. There is no way of debating it before Parliament. You can do things that the majority of Parliament may disagree with but it cannot be disallowed. Surely no-one would argue that that is democracy, so I oppose the Minister's amendment in the strongest terms.

The Committee divided on the amendment:

Ayes (23)—Mrs Appleby, Messrs L.M.F. Arnold, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, and Tyler.

Noes (15)—Messrs Allison, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Gunn, Ingerson, Lewis, Olsen (teller), Oswald, and Wotton.

Pairs—Ayes—Messrs Abbott and McRae. Noes—Messrs P.B. Arnold and Goldsworthy.

Majority of 8 for the Ayes.

Amendment thus carried.

The Hon. G.F. KENEALLY: I move:

Page 7, lines 17 to 23—Leave out subsection (3).

This subsection was introduced by way of an amendment in the other place. Its effect is to require that no appointment to the trust can occur until 14 days have elapsed after that appointment is notified to each House of Parliament. Further, if any member objects to the proposed amendment the appointment does not have effect until such time as the objection is defeated, withdrawn or lapses. The Government opposes this amendment because it imposes quite unreasonable and stringent provisions on the appointment of members to the trust. It fetters the executive in an unreasonable manner. In a practical sense it would also mean that, assuming the Bill is passed this April and Parliament rises, it would not be until some time in August or September that the appointments could take effect.

The provision of this subsection provides something over and above what is legislated in relation to the Ombudsman and the Auditor-General. Indeed, the subsection is more onerous than the appointment procedure for either of those two officers since Parliament becomes involved at the outset rather than after the appointment and the disallowance of the appointment in this subsection need only be by a resolution of either House of Parliament rather than both Houses as in the case of the Ombudsman and the Auditor-General.

In the case of the removal of the Ombudsman and the Auditor-General these persons must have some demonstrable incapacity or unsuitability for appointment. Subsection (3) imposes extraordinary provisions relating to appointments that are quite out of character with similar statutory appointments and are unprecedented in their stringency. More particularly, the process imposes very real burdens and uncertainties on the trust that are not warranted. Therefore, the Government is constrained to move this amendment.

Mr OLSEN: The Opposition does not support the amendment. Unlike the Victorian legislation which provides for at least three members of Parliament on the trust, this Government seeks to establish this trust with a body of people who will be selected by Ministers. It will control the trust. We also note that the guidelines for the operation of the trust will be established by the Minister. The control, influence and involvement of Parliament in the whole process has been taken away, unlike the Victorian legislation at least where there are three members of Parliament on the trust for the administration of funds. For that reason, the Opposition will oppose the Government's amendment.

Mr S.G. EVANS: I also oppose the amendment. The Auditor-General has clear lines of operation. We know what he has to do and what he is empowered to do, but in this case we do not. It is a different kettle of fish. The Minister said he would not be able to do anything perhaps until August, but that is not true. This Government can call this Parliament together when it likes. There is nothing stopping it coming back before August; we could continue on until August. It is hogwash to suggest that we have to wait until August. I ask the Committee to reject the amendment.

Amendment carried; clause as amended passed.

Clauses 16 and 17 passed.

New clause 18—'Amendment of Tobacco Products (Licensing) Act 1986.'

The Hon. G.F. KENEALLY: I move:

Page 12, line 1—Insert new clause as follows:

The Tobacco Products (Licensing) Act 1986 is amended—

- (a) by striking out from subparagraph (i) of paragraph (a) of subsection (1) of section 13 '25' and substituting '28';
- (b) by striking out from subparagraph (ii) of paragraph (a) of subsection (1) of section 13 '30' and substituting '33';

(c) by striking out from subparagraph (i) of paragraph (b) of subsection (1) of section 13 '25' and substituting '28';

(d) by striking out from subparagraph (ii) of paragraph (b) of subsection (1) of section 13 '30' and substituting '33';

and

(e) by inserting the following section in Part V before section 25:

Application of money collected under Act.

24a. (1) The money collected under this Act as licence fees must be paid into the Consolidated Account.

(2) Not less than 10.7 per cent of the amount collected under this Act as fees for tobacco merchants' licences (not being restricted licences) must be paid into the Sports Promotion, Cultural and Health Advancement Fund for application in accordance with the provisions of the Tobacco Products Control Act 1986.

(3) Payments must be made into the Fund for the purposes of subsection (2) at times and in amounts determined by the Treasurer after consultation with the Minister of Health.

(4) This section is sufficient authority for appropriation from the Consolidated Account of the amounts referred to in subsection (3).

This clause amends the Tobacco Products (Licensing) Act 1986 by increasing by 3 per cent the *ad valorem* licence fees payable under that Act. It also inserts a new section 24a, providing that the money collected under that Act as licence fees must be paid into the Consolidated Account; that not less than 10.7 per cent of the amount collected as fees for tobacco merchants licences (not being restricted licences) must be paid into the Sports Promotion, Cultural and Health Advancement Fund for application in accordance with the provisions of the Tobacco Products Control Act 1986; and that payments must be made into that fund for that purpose at times and in amounts determined by the Treasurer after consultation with the Minister of Health.

This provision is an integral part of this Bill and of the Government's strategy to counter the incidence of smoking amongst young people while, at the same time, ensuring that funds are available to compensate sporting and cultural bodies that otherwise had depended on promotions from the tobacco industry and to make sure that they are not disadvantaged financially by this legislation.

Mr OSWALD: In relation to the payments to bodies, the inference has been that no organisation will be financially disadvantaged. For example, if Rothmans, say, had given a particular organisation \$10 000 last year the inference is that it will get it again this year. Is it the intention of the Government to index these payments so that, if for nothing else other than inflation, next year an organisation can expect to get the same amount of money (including inflation) as it did for the past year?

The Hon. G.F. KENEALLY: Currently, sponsorship arrangements are negotiated between sporting bodies and the tobacco industry, and those sponsorships will be negotiated with the Government in the same way.

Mr S.G. EVANS: Have discussions taken place between any Minister of the Government and the Anti-Cancer Foundation in relation to moneys being used from this fund for the promotion of a health program? Has the Government or any Minister, from any discussions with the Anti-Cancer Foundation, ascertained that the moneys from this fund will be used in a health promotion campaign in relation to smoking?

The Hon. G.F. KENEALLY: Certainly as far as I am aware those discussions have not taken place. That is the best assurance I can give the honourable member.

Mr S.G. EVANS: In a letter dated 18 February 1988, directed to all members, I think, the Anti-Cancer Foundation makes this point:

An increased tax will also demonstrate the Government's commitment to adequately fund health education research and health promotion programs. A tax of at least 10c a packet is needed to adequately fund the education research and public health programs.

I accept that the Government has come to no agreement with the Anti-Cancer Foundation but, if we guarantee that all sporting groups who have been receiving sponsorship from tobacco companies will get at least what they have received in the immediate past, how much do we have to add on to the price of a packet of cigarettes so that we get an adequate health program, when it is 10c a packet to cover that area without the sporting program? On top of that, we still have the cultural area, and I take it that none in that area will be disadvantaged as to what they have received in the past. Further, the Minister of Recreation and Sport and the Minister in the other place have both clearly indicated that more moneys will be available for other sporting, recreational and cultural groups which have not received them in the past. Where will all the money come from, or are we not going to carry out an adequate program of education and health research within the community?

The Hon. G.F. KENEALLY: Adequate funds will be generated under this clause sufficient to replace the promotion funding already received by sport, culture and art groups, with sufficient left in the fund to be able to cope with any eventualities that the honourable member feels might occur. Ample funds will be available. Certainly, on the information available to the Government, significantly more funds will be available to the Government than are currently being given to those bodies by way of tobacco promotion. So, the funds will be there. The honourable member need have no concerns about that.

Mr S.G. EVANS: I do have concerns, because—

Members interjecting:

Mr S.G. EVANS: I make no promises to the honourable member who is sitting out of her place. I do have a concern because, as the Minister has told me, ample funds will be available. I have never read anywhere that the increased tax on cigarettes is likely to be 10c or more. The anti-cancer research group is a very capable group of people and I respect the effort they have put into their cause. They are renowned for their research ability, and their research has shown that 10c a packet needs to be added in this State to cover the health area.

On top of that we have art, culture and sport. Is the Minister telling the House that more than 10c a packet is needed? Up until now we have been told many times that all that will be added on to the price of cigarettes is 5c a packet. I refer again to comments by the Anti-Cancer Foundation—

The Hon. G.F. Keneally: Don't take any notice of that—it says 5c a packet here.

Mr S.G. EVANS: The Minister says, 'Don't take any notice', but I will read it again, as follows:

The Anti-Cancer Foundation say an increased tax will also demonstrate the Government's commitment to adequately fund health education, research and health promotion programs.

It goes on to say:

A tax of at least 10c a packet is needed to adequately fund the education research and public health programs.

The Minister is getting advice from departmental people. He is saying that I have to ignore the Anti-Cancer Foundation because it is wrong and we do not need that amount. Either he or the Anti-Cancer Foundation is wrong. I have much respect for the Anti-Cancer Foundation, and the Minister in another place has used material to support their cause. The Anti-Cancer Foundation has shown clearly that it needs 10c or more, but we are only charging 5c a packet more to cover the areas of health, arts, culture and sport. Somebody is wrong. The Minister says that it is the Anti-Cancer Foundation. I must simply wait and see.

Mr INGERSON: Sporting bodies are generally concerned that the fund will not be guaranteed in the future. The amendment states 'not less than 10.7 per cent'. Will the Minister confirm that it is not also a maximum? Whilst the Government has clearly decided that it will not be less than 10.7 per cent, it could be more. As the Minister amply demonstrated by his comments, in answer to a question when he said that it would be negotiated next year, we have no guarantee that the sporting associations will get the same sort of sponsorship deal next year. They will get less if the amount of money that goes into the fund is less. I want an assurance from the Minister that 10.7 per cent is not the minimum and the maximum in any one year.

The Hon. G.F. KENEALLY: I give the honourable member the assurance that it will never be less than 10.7 per cent, as it is the maximum so far as the Government is concerned, although it may change with some future Government for which I cannot speak. I understand that the real value of the dollar will be maintained. It provides for 'not less than 10.7 per cent'. Currently that is the minimum and the maximum so far as the Government is concerned, but does not prevent any Government in future changing it. This would ensure that it is not less than 10.7 per cent.

Mr OLSEN: How did the Government arrive at the figure of 10.7 per cent?

The Hon. G.F. KENEALLY: My understanding (and I am taking advice on this) is that the 10.7 per cent is arrived at by adding the increases in paragraphs (a), (b), (c) and (d).

Mr S.J. BAKER: The 10.7 per cent is approximately right as an average of those paragraphs. Can the Minister say what he envisages the split to be in respect of that 5c? Will it be 4c for sport and 1c for other events? What will be the split-up over the next two years?

The Hon. G.F. KENEALLY: At this stage the Government does not know and it will not know until the full extent is known of the promotion funds that have been provided by the tobacco industry to sport, recreation and the arts. The Government is committed to ensuring that none of the bodies that currently receive support will receive less. The break-up of the funds will depend upon the information that is available. Not all the information is available at this time, and not all the applications have been received from sporting, recreational and arts bodies.

The Government will be in a better position to answer the question once the applications are in and the split-up has been decided. At this stage I am not prepared to say how much money will be set aside for sport, recreation and the arts. The Government has a general idea, but it would be wrong to guess. It would be better to wait until the exact funding requirements are known. Suffice to say that, on all the information available to the Government, there will be ample resources to cover the promotion funds to those organisations.

Mr S.J. BAKER: If approximately \$5 million will be collected and the requirements of the funds will increase over time, we would not expect the fund to increase if there were static levels of tobacco consumption. The member for Davenport stated that the Anti-Cancer Foundation said that it needed a minimum of 10c per packet, which, by my calculations, is a maximum sum of \$2 million that would be available for health promotion. That would fall far short and would be about one-fifth of the amount that the Anti-Cancer Foundation thinks would be appropriate to run the program. Has the Minister any idea how much money will be required to meet the sponsorship shortfall in the first and second years?

The Hon. G.F. KENEALLY: The Anti-Cancer Foundation has, very sensibly, put in an ambit claim. No-one argues

with the foundation's tactic, but it will not be the only group that is eligible for funding out of the balance that will be available for health promotions. I would not put too much store in what the Anti-Cancer Foundation suggests is the minimum requirement and what the Government needs to do.

The Government will decide what it needs to do. The Anti-Cancer Foundation and other foundations are quite able to make applications at the appropriate time. I do not have available the break-up of the funds, but the figure of about \$2 million mentioned by the honourable member is one which in general terms the Government is working on as being available for health promotion. It is about \$2 million for sport and \$500 000 for the arts. Although those are not quite ballpark figures, they are not quite definitive, either.

Mr INGERSON: I assume that this clause has been inserted by the Minister in this place on the grounds that a money Bill could not emanate from the other place. There seems to be some confusion about how much money really will be available in this fund. In a recent letter to the Baseball Association the Minister of Recreation and Sport, in discussing a new baseball stadium, which I understand will cost about \$3 million to \$3.5 million to build, said:

Funds made available through the levy on cigarettes will provide additional funds for a new sports stadium.

It seems to me that not too much money will be left for education if it goes towards these new sports stadiums, as the Minister of Recreation and Sport suggests. I would be very surprised if any money were left for the arts, either. Somebody is pulling the wool over someone's eyes as to where all these funds will come from and where they will go. I understood that, in rough ballpark figures, about \$2 million would go to sport just to balance the figures. If suddenly we must find extra money from this levy for building baseball stadiums and that sort of thing, someone is telling a few porky pies or leading someone up the wrong track. I would hate to think that the Minister of Recreation and Sport was doing that to the baseball people.

The Hon. G.F. KENEALLY: The Minister of Recreation and Sport would not mislead anyone. There is very good evidence to suggest that the member for Bragg often tries to mislead this place when he alleges that the Minister has made certain statements. There is no reason why the South Australian baseball league would not be able to apply for promotion funds. The decision will be made by the trust, and it is not anticipated that capital works programs will be funded out of the fund. Nevertheless, members of the trust will have to consider this matter.

I am not aware of any statement that the Minister is alleged to have made, but it is quite clear that the baseball league will be able to apply and it is welcome to do so. It is not intended that the fund will be used for capital works programs. If that were the case, as the honourable member pointed out, precious little would be left for other uses.

New clause inserted.

Clause 19 and title passed.

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

That this Bill be now read a third time.

Mr OLSEN (Leader of the Opposition): The Opposition, as I foreshadowed earlier, will not be supporting this measure. The Bill as it comes out of the Committee, given the number of hours of debate and the number of questions posed to the Minister, is clearly an absolute farce. It is all about perception, not about substance at all. This legislation will not meet the objectives stated publicly by the Govern-

ment. We have to rely on commonsense to be applied for definition and for the application of this legislation. The Government members themselves during second reading speeches acknowledged serious and fundamental flaws in the legislation, yet the Government is proceeding.

During the Committee stage we identified a number of areas where the inconsistencies and hypocrisy to which I referred in the second reading debate are followed through in this legislation. For example, one of the objects of this Bill is to dissuade young people from smoking, yet the Government allows in schools designated smoking areas for students. That is an example of the inconsistencies in relation to this legislation. As we went through and asked the Minister for examples of what would be the position of the Government in relation to exemptions, the Minister said that we would possibly have to look at exempting that particular sport, that facility or, the Rothmans Theatre—but one example that was put forward.

Clearly, what we will have is, by Government proclamation or regulation, pages and pages of exemptions to the point where the Bill will be totally irrelevant to its objectives, but for one thing—that is, the capacity of the Government to raise extra moneys, set them in a fund, appoint a committee, lay down the guidelines, and disburse those funds to selected sporting and cultural organisations to which the Government would be pleased to give some funds. That is really what it amounts to—to which the Government would be pleased to give such funds. Unfortunately, parliamentary scrutiny and involvement in this process has been removed by this legislation. Even the Victorian legislation is fairer, allowing closer parliamentary scrutiny than is applied under this legislation.

We have had no satisfactory explanation as to why the print media is okay but the television or electronic media are not; or why it is okay to have a full page glossy advertisement in the *News*, *Sunday Mail* or *Advertiser* while our district cricket cannot be conducted at an oval where there is a Benson and Hedges sign in the background. So the flaws and inconsistencies go on and on.

I do not think that in my time in this Parliament there has ever been a piece of legislation in which, during debate in Committee or in its passage through Parliament, members of Parliament have been able to identify and nominate so many flaws. I do not think I have heard, in debate on a Bill before the Parliament, Government members acknowledge in their second reading speeches, 'There are many flaws in the Bill, but we will have to vote for it because the Whip has been out to ensure that we will be voting for this Bill. That is really what happened in the second reading speeches of a number of Government members today. This legislation will be seen for what it is in due course. The Minister fools himself if he says it is good legislation.

The Hon. Ted Chapman interjecting:

Mr OLSEN: I can remember when we took issue with WorkCover. All the Government could do was complain to the media that we took too long in the Committee stage and held up this important piece of legislation. It was not like the Victorian legislation, but it was going to be all right. I will bet that the Government wishes that we had held it up for more than six hours given WorkCover's track record and performance and the problems that it will generate not only for the current Government over the next 18 months to two years but for successive Governments in relation to the unfunded liabilities that inevitably will build up under that system. This is the worst piece of legislation presented to this Parliament in terms of lack of consistency and in terms of meeting its objectives because, quite simply, it will not do that.

The House divided on the third reading:

Ayes (22)—Mrs Appleby, Messrs L.M.F. Arnold and Blevins, Ms Cashmore, Messrs Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Rann, Robertson, and Tyler.

Noes (15)—Messrs Allison, D.S. Baker, S.J. Baker, Becker, Blacker, Chapman, Eastick, S.G. Evans, Gunn, Ingerson, Lewis, Meier, Olsen (teller), Oswald, and Wotton.

Pairs—Ayes—Messrs Abbott and McRae. Noes—Messrs P.B. Arnold and Goldsworthy.

Majority of 7 for the Ayes.

Third reading thus carried.

SUPERANNUATION BILL

Returned from the Legislative Council with amendments.

GAS BILL

Returned from the Legislative Council without amendment.

EVIDENCE ACT AMENDMENT BILL (No. 2) (1988)

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (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

Part VIB of the Evidence Act 1929 was enacted in 1974. The legislation was part of a uniform scheme which was designed primarily to provide for the taking of evidence by South Australian Courts for use in courts in other Australian States and for courts in other states to take evidence for use in South Australian Courts. The uniform scheme never got under way because of the failure of the other states either to enact legislation, or if enacted, to proclaim it.

Following the enactment of the Commonwealth Evidence Act Amendment Act 1985 and the recognition of the desirability of Australia ratifying the Convention on the Taking of Evidence Abroad in Civil and Commercial Matters the Standing Committee of Attorneys-General agreed to design a uniform scheme to provide for the taking of evidence by Australian Courts for use in proceedings both interstate and overseas and for evidence to be taken interstate and overseas for use in Australian Courts.

These amendments to Part VIB, while not following the drafting of the uniform draft bill approved by the Standing Committee of Attorneys-General, have the same effect as the provisions of the uniform scheme. The amendments depart in two aspects from the existing scheme in Part VIB. The existing scheme provides for an authorised South Australian Court to request a 'corresponding court' to take evidence on its behalf. A 'corresponding court' is a court declared by instrument in writing under the hand of the Attorney-General, and published in the *Gazette*, to be a

court in a prescribed country or state that corresponds to the authorised South Australian Court.

The amendments do away with the concept of 'corresponding court'. While it is easy to identify and declare 'corresponding courts' within Australia this is not so as far as overseas courts are concerned, and is not necessary anyway. The amendments are flexible and provide that a court can obtain evidence outside the state either by sitting outside the state, issuing a commission to an appropriate person to take the evidence or request a foreign court to take the evidence.

Provision is made for the taking of evidence outside the state in both civil and criminal proceedings. It is becoming increasingly common for criminal activity to have an international connection and the successful prosecution of such crime can require evidence relating to foreign bank accounts and such like. Evidence obtained outside the state will not be automatically accepted in the proceedings in the state. New Section 59e (2) (a) gives the court a discretion as to whether or not the evidence may be put in.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 repeals the heading to Part VIB of the principal Act and substitutes a new heading.

Clause 3 repeals section 59d of the principal Act and substitutes a new section. This is an interpretation provision for Part VIB of the Act. The amendment removes the requirement for the Attorney-General to declare a country or state to be a prescribed country or state or to declare a court to be a corresponding court. The new section omits the old subsection (3) which provided that a deposition or document obtained outside this State could not be tendered in a jury trial unless all parties agreed.

Clause 4 repeals section 59e of the principal Act and substitutes a new provision. Subsection (1) enables a South Australian court to obtain evidence outside the State in three different ways. First, it can sit outside the State to take evidence. Second, it may commission an officer of the court or other person to take the evidence. Third, it can request a foreign court to take the evidence. Subsection (2) provides for evidence so obtained to be admitted in the proceedings before the South Australian court as if it had been taken within the State. Subsection (3) is an evidentiary aid.

Clause 5 makes a consequential amendment to section 59f of the principal Act in accordance with the change of terminology in the new interpretation provision.

Clause 6 makes similar consequential amendments to section 59h.

Clause 7 excludes the operation of certain statutes of the Imperial Parliament.

Mr S.J. BAKER secured the adjournment of the debate.

WORKMEN'S LIENS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (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 Bill seeks to amend the Workmen's Liens Act, 1893, pursuant to a request from the Chief Justice of the Supreme Court. It is desirable to deal with proceedings under the Act in accordance with the modern provisions of the Supreme Court Rules. The present Regulations under the Act provide procedures which are now obsolete. (They were promulgated on 20 February 1895). To enable the Judges to make and implement the new proposed Rules this amending Bill is necessary. The present Regulations will need to be appropriately amended at the same time as the Supreme Court Rules are amended.

It should be noted that the Workmen's Liens Regulations are due for expiry, by virtue of S. 16b(1) (a) of the Subordinate Legislation Act, 1978, on 1 January 1989. This amendment will enable them to be revoked before that date and the substitution of modern, simpler procedures. The new Supreme Court Rules will deal with such things as the form of certificate of judgment under S. 24, the consolidation of actions under S. 28, applications for intervention under S. 30, appeals to the Supreme Court under S. 35 and costs of work, other than litigious work, awarded under S. 37 of the Act.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clauses 3, 4 and 5 each change references in the principal Act from 'workman' to 'worker'.

Clause 6 amends section 10 of the principal Act which provides for the registration of liens at the General Registry Office. The clause makes provision for payment of a prescribed fee upon such registration and is consequential to the amendment rewording the regulation making provision (section 39).

Clause 7 amends section 14 of the principal Act which provides for inspection of notices of lien lodged at the General Registry Office. The clause amends the section so that it provides for payment of a prescribed fee for such inspection rather than the fee of 20 cents currently specified in the section.

Clause 8 amends section 16 of the principal Act which provides for the discharge of a lien by memorandum recorded in the Register Book or on the registered notice of lien. The clause makes provision for payment of a prescribed fee for such a process and is also consequential to the amendment rewording the regulation making provision.

Clause 9 amends section 24 of the principal Act which allows evidentiary assistance to be gained through the use of certificates of judgment in the prescribed form. The clause removes the words requiring that such certificates be in a form prescribed by regulation.

Clause 10 relates to section 28 of the principal Act which provides for the consolidation of actions in respect of matters to which the Act relates. The clause removes this section leaving the matter to be dealt with by rules of court and the provisions of the Acts constituting the courts.

Clause 11 amends section 29 of the principal Act so that service of a notice of claim under the section is governed by rules of court rather than the regulations.

Clause 12 amends section 35 which provides that appeals may be made in the manner and within the times prescribed by regulation. The clause amends the section so that time limits and other procedural aspects of appeals are governed by rules of court.

Clause 13 replaces section 39, the regulation making section. The section presently fixes a maximum of 50 cents

for fees under the regulations and specifically authorises regulations in respect of procedural matters now to be regulated by rules of court. The clause inserts instead the standard provision conferring a general regulation making power.

Clause 14 removes sections 40 and 40a. Section 40 provides for the publication of regulations and for disallowance procedures, matters now dealt with under the Subordinate Legislation Act. Section 40a fixes in respect of certain fees that may be charged under the Act upper limits which have not been adjusted since their inclusion in the Act in 1936.

Mr S.J. BAKER secured the adjournment of the debate.

SEWERAGE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.F. KENEALLY (Minister of Transport): 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

The purposes of this short Bill is to assist the Medical Board in carrying out its functions. A review of the Medical Practitioners Act 1983 is currently being undertaken in conjunction with the Medical Board. The review may result in further proposals to amend the Act. However, pending the completion of that review, the Medical Board has requested two amendments to allow board members to complete their term of office having reached the age of 65 years and to facilitate the investigation of potential complaints against practitioners.

The Act provides for a Medical Board of eight members appointed by the Governor for terms not exceeding three years. Under section 7 the office of a member becomes vacant if, *inter alia*, he attains the age of 65 years. The Bill before members today enables board members who turn 65 during their term of office, to complete that term. This provision overcomes the concern that expertise and experience is lost unnecessarily when a member reaches 65 years of age.

Turning to complaints, the Act currently provides that upon a formal complaint being laid the board must inquire into it (unless it is frivolous or vexatious). Where the complaint is one of unprofessional conduct the board commences an inquiry and if it considers the matter sufficiently serious, it may terminate the proceedings and itself lay a complaint to the Medical Practitioners Professional Conduct Tribunal. When a member of the public brings a matter of potential complaint to the notice of the board, it is put before a subcommittee of the board. The subcommittee sorts out which matters warrant investigation from those which patently have no substance. If the subcommittee is of the view that a matter may have some substance, an investigation takes place. At the conclusion of the investi-

gation the Registrar either lays a formal complaint before the board or advises the member of the public that he does not intend doing so.

Where the Registrar does not lay a complaint and the matter is one relating to alleged unprofessional conduct the Registrar invites the member of the public to lay a formal complaint himself if he so wishes. During the investigation stage, neither the board nor its subcommittee has power to require a person to answer questions or to produce records. The board has this power only when a formal complaint is laid. The very circumstances of complaints against medical practitioners make it desirable that a power exists in the investigation stage to have access to documents such as patient records which may have a bearing on the matter and to be able to require practitioners, amongst others, to answer questions.

At the moment the Registrar of the board is frequently faced with an allegation made by a member of the public matched against a denial of any wrongdoing by a practitioner. It makes it very difficult for the Registrar to conscientiously lay proper charges against a practitioner if there is no more than that. The Bill seeks to overcome this problem by giving a member of the board or a person acting under the direction of a member of the board the power during the investigation stage to require persons to produce records and to answer questions provided they do not lead to or tend towards self-incrimination. It is expected that the member will be one of the members of the subcommittee referred to above.

After completion of the investigation, in this manner, the Registrar acting in consultation with the subcommittee will decide whether it is appropriate to lay a formal complaint or to advise the member of the public that a formal complaint is not warranted. The member of the public then has the option of laying a complaint himself where the matter is an allegation of unprofessional conduct.

The Bill further provides that upon a formal complaint of unprofessional conduct being laid before the board, the board may refer the complaint directly to the Medical Practitioners Professional Conduct Tribunal without commencing a hearing itself. With the new powers, formal complaints will be able to be properly investigated before being laid, making it unnecessary for the board to commence hearing them before determining that the allegations are sufficiently serious to be referred to the tribunal. It was always intended that the tribunal would be the body to deal with matters of unprofessional conduct. The amendments should assist in having complaints dealt with more expeditiously.

Clause 1 is formal. Clause 2 amends section 7 of the principal Act which provides for the appointment of members of the Medical Board. Under the section a member of the board ceases to hold office as such when the person attains the age of 65 years. The amendment removes this provision and provides instead that a person may not be appointed or reappointed as a member if the person has attained the age of 65 years.

Clause 3 inserts a new section 20a which provides for investigation of matters that are or might become the subject of proceedings before the Medical Board or the Medical Practitioners Professional Conduct Tribunal. The section provides that a member of the board or a person acting under the direction of a member of the board may conduct such an investigation. A person may as reasonably necessary for such an investigation be required to answer questions or to produce books or equipment. Failure to comply with such a requirement or delay or obstruction of a person exercising such powers is made an offence. The section provides that a person is not required to answer a question

that would result in or tend towards self-incrimination. Any such investigation is required by the new provision to be conducted in accordance with such general directions as may be given from time to time by the board.

Clause 4 amends section 54 of the principal Act which deals with inquiries by the board following complaints alleging unprofessional conduct on the part of medical practitioners. Under the present provisions, where such a complaint is made to the board, the board must conduct an inquiry in the nature of a full hearing unless it decides that the complaint is frivolous or vexatious. The amendment would allow the board to proceed to make a complaint directly to the tribunal without conducting such a preliminary hearing if it so desires. I commend the Bill to the House.

Mr BECKER secured the adjournment of the debate.

STATUTES AMENDMENT (CONSENT TO MEDICAL AND DENTAL PROCEDURES AND MENTAL HEALTH) BILL

Received from the Legislative Council and read a first time.

The Hon. G.F. KENEALLY (Minister of Transport): 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

The Consent to Medical and Dental Procedures Act 1985 and the Mental Health Act Amendment Act 1985 were passed to clarify the law on consent to medical and dental procedures. Having worked with both pieces of legislation, the Australian Dental Association (South Australian Branch) has requested amendments to clarify the circumstances in which emergency dental procedures may be undertaken. The legislation currently provides that emergency medical procedures may be undertaken on children under the age of 16 years if:

- the child is incapable of consenting;
- a parent of the child is either not available to consent or refuses to consent;
- the practitioner is of the opinion that the procedure is necessary to meet an imminent risk to the minor's life or health; and
- where reasonably practicable, a second practitioner supports that opinion in writing.

The legislation also provides that where the patient is 16 years of age or over, emergency medical procedures may be carried out if:

- the patient is incapable of consenting;
- the practitioner has no knowledge (communicated by another medical practitioner) of any refusal by the patient to consent which was given at a time at which the patient was capable of consenting;
- the practitioner is of the opinion that the procedure is necessary to meet an imminent risk to the patient's life or health; and
- where reasonably practicable, a second practitioner supports that opinion in writing.

Both pieces of legislation are silent on the circumstances in which emergency dental procedures may be carried out. Dental emergencies may arise where a child is under the

age of 16 years and not accompanied by a parent or person *in loco parentis*. For example, a child may fall and break a tooth which needs immediate attention. Although in many instances, the child would be able to give an effective consent himself, he may not always have the necessary understanding to do so.

Greater difficulties arise, however, under the Mental Health Act where a mentally ill or mentally handicapped person is incapable of consenting. If such a person is under 16 years the child's parents may consent, but where the person is over 16 years the Guardianship Board or its delegate must consent. If emergency dental treatment is necessary, it may not be possible to gain consent from the board or to quickly discover who holds a delegation from the board in order that consent may be gained from them. The Bill before members today overcomes these difficulties by providing that emergency dental procedures may be undertaken subject to the same provisions under which emergency medical procedures may be carried out.

Clause 1 is formal. Clause 2 amends section 6 of the Consent to Medical and Dental Procedures Act 1985. Section 6, at subsections (5) and (6), provides that a person under 16 years of age is deemed to have consented to a medical procedure conducted by a medical practitioner in an emergency where the person is unable to consent, no

parent is reasonably available and (unless it is not reasonably practicable in the circumstances) the medical practitioner performing the procedure has obtained a supporting opinion from another medical practitioner as to the necessity for the procedure to meet imminent risk to the person's life or health. The clause amends this section so that it would apply in the same way to the conduct of a dental procedure by a dentist in an emergency.

Clause 3 makes a corresponding amendment to section 7 of the Consent to Medical and Dental Procedures Act 1985, in relation to emergency dental procedures carried out on persons aged 16 years or more. Clause 4 makes a corresponding amendment to section 28g of the Mental Health Act 1977, in relation to emergency dental procedures carried out on persons who are by reason of mental illness or handicap incapable of giving an effective consent. I commend the Bill to the House.

Mr BECKER secured the adjournment of the debate.

ADJOURNMENT

At 3.11 a.m. the House adjourned until Wednesday 13 April at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 12 April 1988

QUESTIONS ON NOTICE

IYSH

433. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. To whom, for what reasons and in what amounts have funds been provided from the Residential Tenancies Tribunal for the International Year of Shelter for the Homeless and how much money remains to be allocated?

2. How much money has been received to date and from whom to fund, publicly, projects for the International Year of Shelter for the Homeless?

3. What is the estimated target of public contributions and by which date?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. Details on funding from the Residential Tenancies Tribunal for the International Year of Shelter for the Homeless are set out below:

Housing Advisory Council Industry Committee—up to \$400 000 towards the construction/upgrading of a youth shelter at Mile End, a boarding house at Glenelg and a night shelter at Adelaide.

City of Noarlunga—up to \$150 000 towards construction of a youth boarding house at Christie Downs.

Salvation Army Ingle Farm—up to \$100 000 to construct two single-bedroom units and one two-bedroom unit in the premises of the Burlendi Youth Shelter at Salisbury.

Sisters of St. Joseph: Family Care Centre—up to \$100 000 to construct up to five two-bedroom units at Mitchell Park.

Review of boarders and lodgers—up to \$18 500 to conduct a research project into boarders and lodgers to determine the availability of this type of accommodation and help identify difficulties faced by tenants and landlords.

2. Donations, both in cash and in kind, have been received from the following:

Cash

The *Advertiser*/Marshall Thompson/Golden Grove Development (Delfin)—\$90 000

The Co-op Foundation—\$90 000

The State Bank of South Australia—\$5 000

Church of Jesus Christ of Latter Day Saints—\$1 158.60

Ian and Gill Ridley—\$1 000

Marion Uniting Church Women's Evening Fellowship—\$100

Barossa and Light Division (Brownies)—\$78

Kildare College year 10 home economics students—\$51

Goods and Services

Blackwood Kindergarten—patchwork quilt

Woodroffe Sheetmetal Pty Ltd—roofing materials

Hallett Nu-Brick—brickwork

UK Bahr—tiles and fixing

Steel Reinforcement Promotion Group—reinforced steel concrete

Bradford Insulation—insulation

Cowells Building Products Group—timber

Sagasco/Vulcan Chef/Rheem—gas appliances

Caroma Industries—sanitary ware

Fowler Bathroom Products—sanitary ware

Packers Norwood Door—security doors

Clipsal Electrical—electrical fittings

The total value of these goods and services is in the order of \$70 000.

3. There was no intention during IYSH to seek a particular target of public contributions.

GOVERNMENT EMPLOYEE HOUSING OFFICE

455. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. Which Government agencies have transferred their houses to the new Office of Government Employee Housing and what is the value of the houses transferred?

2. How many, and which, agencies have yet to conform with such a request and what has been the reason for the delay?

3. What immediate action is being taken to reduce the number of unoccupied houses and what was the amount of rent lost in the past financial year because of such vacancies?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. The following agencies have transferred their houses to the Office of Government Employee Housing:

Department of Agriculture

Department for Community Welfare

Department of Correctional Services

Court Services Department

Office of Employment and Training

Department of Environment and Planning

Department of Fisheries

Department of Labour

Department of Lands

Department of Mines and Energy

Department of Personnel and Industrial Relations

Police Department

Department of Public and Consumer Affairs

Teacher Housing Authority

Department of Transport

While the value of the houses transferred was not available from the former owning agencies at the time of transfer, the total value of the Government Employee Housing stock is estimated at \$158 million.

2. The following agencies have yet to transfer their houses to the Office of Government Employee Housing:

Engineering and Water Supply Department

Highways Department

Department of Marine and Harbors

Woods and Forest Department

Public Trustee Office

The value of these properties needed to be determined prior to transfer.

3. Housing stock is now being allocated across the board on a needs basis and where there is no demand for housing in a particular area, arrangements are being made to sell the properties. The amount of rent forgone due to vacancies across all Government departments in the 1986-87 financial year cannot accurately be determined on the available information. However, new accounting procedures being established in the Office of the Government Employee Housing for 1988-89 will provide vacancy and other relevant data in the future.

TEACHER HOUSING AUTHORITY

464. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. In relation to Teacher Housing Authority houses sold in the past financial year for a total of \$1 000 000—

- how were these houses disposed of;
- how many were sold;
- where were they located; and
- what amount was received for each house?

The Hon. T.H. HEMMINGS: In the 1986-87 financial year, 40 houses and properties managed by the Teacher Housing Authority were sold through commercial real estate agents and the Lands Department.

Town	Address	\$
EDUCATION DEPARTMENT		
Adelaide Area		
Kingscote, K.I.	36 Todd Street	32 836
Oakbank	Main Road	55 998
Parndana, K.I.	11 Daw Street	26 029
Parndana, K.I.	12 Daw Street	27 827
Eastern Area		
Allendale East	Bay Road	24 975
Beachport	South Terrace	50 030
Bordertown	63 Densley Street	52 112
Bordertown	Dukes Highway	8 000
Brinkworth	Main Road	21 492
Burra	24 Queen Street	18 612
Clare	2 Pollock Street	61 908
Geranium	Government Road	29 028
Lameroo	18 Hawkesbury Road	22 304
Loveday	Hunt Street	32 660
Loxton	15 Matruh	36 347
Mount Gambier	219 Commercial Street	
	East	47 000
Mount Gambier	10 McArthur Street	39 465
Murray Bridge	50 Mulgundawah Road	50 754
Murray Bridge	25 Weigall Avenue	35 529
Penola	Julian Street	25 772
Waikerie	4 Heming Street	33 378
Woods Point	18 Bailey Street	31 091
Northern Area		
Nuriootpa	8 Welland Road	48 589
Virginia	Park Terrace	38 893
Southern Area		
Meadows	Mawson Street	59 942
Western Area		
Kadina	59 Dodswell Terrace	43 086
Kadina	36 Lindsay Terrace	43 961
Poonindie	Government Road	30 031
Port Augusta	2 Kirkham Avenue	28 331
Port Augusta	1 McSporran Crescent	44 846
Port Lincoln	49 Mortlock Terrace	77 347
Port Pirie	7 Meadow Crescent	23 358
Tumby Bay	27 West Terrace	30 685
Tumby Bay	6 Wibberley Street	34 941
Whyalla	38 Gowrie Avenue	42 981
Yalata	Aboriginal Reserve	2 000
Yellanna	Vacant Block of Land	250
DEPARTMENT OF TECHNICAL AND FURTHER EDUCATION		
Mimili	Mobile Home	11 500
Port Pirie	181 Balmoral Road	31 860
Whyalla	54 Viscount Slim Avenue	35 953

HOUSING TRUST

514. **Mr OLSEN** (on notice) asked the Minister of Housing and Construction:

1. Why has the South Australian Housing Trust increased the sale price to tenants of trust homes located at Loch Crescent, Pooraka, by nearly 17½ per cent?

2. What methods are used to calculate, for example, a rise of \$10 000 in the sale price of a house to \$70 000 when a month previously, the price (confirmed by the Valuer-General's valuation on the property) was \$60 000?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. The residence in Loch Crescent, Pooraka, which the tenant wishes to purchase, was constructed in 1985. Under the Commonwealth State Housing Agreement if a sale occurs within five years of the date of purchase or construction of the house, the sale shall be made at a price at least equal to the replacement cost at the time of sale. It provides that the vendor may allow a credit to the tenant in respect of the value of improvements made by the tenant.

2. The methods used to calculate the sale price depend on whether or not the sale occurs within five years of the date of purchase or construction of the house. If the sale occurs after five years then the price is equivalent to either market value or replacement cost at the time of sale. If it is within five years, as in the example cited above, then the sale price would be equal to replacement cost at the time of sale.

CEMETERY SITES

544. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What sites have been recommended by the Ministers of Local Government and Environment and Planning as alternative cemeteries or new sites which will accommodate the needs of all current lease holders of West Terrace cemetery?

The Hon. T.H. HEMMINGS: West Terrace Cemetery leases expire in 2032, marking the cessation of burials at the cemetery. At this time, it is anticipated that a new cemetery will be made available to meet the needs of certain ethnic groups within the community. An alternative site has not been nominated at this stage.

GRAND PRIX

600. **Mr INGERSON** (on notice) asked the Premier: What amount of borrowings by the Grand Prix Board resulted in the 'debt servicing and bank charges' of \$196 000 in 1985 and \$342 000 in 1986 and what are the borrowings and costs for 1987?

The Hon. J.C. BANNON: This information is contained in the annual reports of the Grand Prix Board for 1985 and 1986. I refer the honourable member to page 8 and note 11 of the Financial Statements for 1985 and page 10 and note 12 for 1986. The 1987 results are still subject to audit and are to be tabled.

601. **Mr INGERSON** (on notice) asked the Premier:

1. What is the standard distance, accepted by the international body of Grand Prix racing, that grandstands must be placed back from the guard-rail of the racing track?

2. Do all sections of the Adelaide track conform to this safety recommendation?

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

1. The rules set down by the international body governing formula one events stipulate that no grandstand shall be placed within three metres of the face of the concrete barrier.

2. All sections of the Adelaide track conform to this requirement.

602. **Mr INGERSON** (on notice) asked the Premier:

1. What was the total capital cost of the Grand Prix for each of the years 1985 to 1987?

2. What items has this capital been spent on and what are the individual costs?

3. How much money has been paid to the Formula One Constructors Association for each of the years 1985 to 1987 from all sources and what is the breakdown for each year

(e.g. contract to run the race, TV rights, sponsorship and other sources)?

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

1. These are detailed in the 1985 and 1986 annual reports which contain a statement of sources and application of funds on pages 8 and 10 respectively.

2. These are detailed in the 1985 and 1986 annual reports which contain balance sheets on pages 7 and 9 respectively.

3. Amounts paid to the Formula One Constructors Association are in accordance with the confidential contract with that body. (Details of the financial results of the 1987 Grand Prix are being finalised for tabling shortly.)

603. **Mr INGERSON** (on notice) asked the Premier: What was the income to the Grand Prix Board from corporate areas in relation to corporate boxes and associated general seating, respectively, for each of the years 1985 to 1987?

The Hon. J.C. BANNON: I refer the honourable member to the answers to questions on notice Nos. 604 and 615.

604. **Mr INGERSON** (on notice) asked the Premier:

1. How many gold, silver and general admission passes, respectively, were sold by the Grand Prix Board in each of the years 1985 to 1987?

2. What income was derived from each of the categories of passes in each of the years 1985 to 1987?

3. How many complimentary passes were given out, and to whom, for each of the years 1985 to 1987?

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

1 and 2. It is not the policy of the board to release this information.

3. Around 120 stand tickets and 360 general admission passes are provided to various radio and TV stations for promotion purposes each year. Approximately 200 passes are provided to celebrities and people associated with or working at the Grand Prix. In 1987 these passes provided access to corporate platforms which remained unsold. Over the four days of the event an average of 250 guests are entertained each day in the S.A. suite pavilion.

605. **Mr INGERSON** (on notice) asked the Premier: How much money has been paid to the Confederation of Australian Motor Sport in relation to the Grand Prix for each of the years 1985 to 1987 from all sources?

The Hon. J.C. BANNON: Amounts paid to CAMS are in accordance with the confidential contract with that body. The payment covers such things as international controlling fees and sanctions, accommodation and other track related inspection fees and expenses.

614. **Mr INGERSON** (on notice) asked the Premier:

1. What insurance cover does the Grand Prix Board get for \$433 000?

2. What public liability cover does the board have and, in particular, in relation to race or trialling accidents as well as facility or other incidental accidents?

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

1. For \$433 000 the board is covered for the following:

- the assets of the board;
- all hired facilities;
- vintage and veteran car display;
- public liability for the event and non track events;
- formula one cars and support equipment;
- air display;
- accident—medical personnel;
- all vehicles and equipment associated with the event;
- and
- WorkCover.

2. The board has \$50 million public liability cover in relation to race or trialling accidents as well as facility and/or other incidental accidents.

615. **Mr INGERSON** (on notice) asked the Premier: What was the income of the Grand Prix Board from 'other facilities' mentioned in the 1985 to 1987 annual reports and what different groups made up that account designation?

The Hon. J.C. BANNON: Income from corporate areas and facilities includes income derived from corporate boxes, platforms, pit pavilions, super boxes and other areas set aside for corporate clients. These areas are provided with a range of facilities including marquees, flooring, closed circuit T.V., etc. which are provided for in the overall charge for each area. It is not the policy of the board to disclose the breakdown of this income.

616. **Mr INGERSON** (on notice) asked the Premier:

1. From what sources was the Grand Prix Board income derived in relation to sponsorship, royalties and concessions, respectively, in each of the years 1985 to 1987 and what was the income from each source?

2. What groupings come under the heading of concessions?

3. What makes up the item 'sundry income' and what is the income from each component?

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

1. Sponsorship sources include the income derived from naming rights and various signage packages. Royalties include the return from around 40 licensees through the sale of licensed products. It is not the policy of the board to release the income derived from individual items.

2. Concession groupings, includes the income from:

Catering and product rights.

Rights to badges displayed on officials' clothing.

3. Sundry income is made up from the following items:

Leasing of assets.

Recovery of production costs of sponsorship packages.

Sale of jackets and other items.

It is not the policy of the board to release the income derived from individual items. The financial statements for 1987 are subject to audit and are to be tabled.

HOUSING TRUST

617. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Does the South Australian Housing Trust still regard the Commonwealth family allowance supplement as income and, if so, why and, if not, when was the assistance excluded?

The Hon. T.H. HEMMINGS: The trust includes the family allowance supplement as income in determining reduced rents. However, the amount of family allowance supplement received by a tenant is discounted, for assessment purposes, by \$5 for each child aged less than 13 years and by \$11 for each child aged between 13 and 15 years.

The way in which the amount of family allowance supplement is discounted is currently under review. The trust's procedures in respect to reduced rents are based on consistency and equity. To ensure that all tenants are treated fairly, the trust takes all sources of income into consideration when determining reduced rents.

PHOSPHINE

625. **The Hon. B.C. EASTICK** (on notice) asked the Minister of Agriculture:

1. What use is made of phosphine in agricultural pursuits?

2. What, if any, handling and usage rules apply?

3. What are permitted concentrations for use and for how long is treated or contacted material potentially dangerous?

The Hon. M.K. MAYES: The replies are as follows:

- 1. (a) Phosphine is used to control insect pests infesting stored commodities, processed food and animal feeds;
- (b) for control of rabbits by burrow fumigation;
- (c) for fumigation of beekeeping equipment.
- 2. Safety directions, warnings, use directions and post-fumigation ventilation procedures are detailed on the label of phosphine generating products.
- 3. Use concentrations vary according to produce being fumigated from 1.5 grams per cubic metre to 2.5 grams per cubic metre.

Times of treatment also vary according to commodity being fumigated—once again all detail is set out on the label. Contacted material is not potentially dangerous when post-fumigation ventilation times are followed as per label directions.

WORLD HEALTH ORGANISATION

626. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Transport representing the Minister of Health:

- 1. What are the World Health Organisation recommended safe maximum limits for the following in water supply:
 - conductivity
 - dissolved salts calculated
 - total iron (Fe)
 - Calcium (Ca)
 - magnesium (Mg)
 - sodium (Na)
 - potassium (K)
 - bicarbonate (HCO₃)
 - sulphate (SO₄)
 - chloride (Cl)
 - fluoride (F)
 - nitrate (NO₃) inc. NO₂
 - silica (SiO₂)
 - hardness as calcium carbonate total
 - non carbonate
 - free carbon dioxide (CO₂)
 - pH units?
- 2. Do the components of any of these chemical constituents exceed WHO limits in any metropolitan reservoir in Adelaide and, if so, in what respect and by how much?

The Hon. G.F. KENEALLY: The replies are as follows:

1. The World Health Organisation (1984) guideline values for the above chemical constituents are listed below. Guideline values for drinking water quality were adopted by WHO in 1984 rather than establishing maximum limits.

Constituent	World Health Organisation (1984) Guideline Values
Conductivity uS/cm @ 25°C	—
Total dissolved solids (Calc.)	1 000
Total iron (Fe)	0.3
Calcium (Ca)	—
Magnesium (Mg)	—
Sodium (Na)	200
Potassium (K)	—
Bicarbonate (HCO ₃)	—
Sulphate (SO ₄)	400
Chloride (Cl)	250
Fluoride (F)	1.5
Nitrate (NO ₃) inc. NO ₂	45
Silica (SiO ₂)	—

Constituent	World Health Organisation (1984) Guideline Values
Total hardness as CaCO ₃	mg/L 500
Non carbonate hardness	mg/L —
Free carbon dioxide (CO ₂)	mg/L —
pH Units	6.5-8.5

2. The only constituent that exceeds the guideline value is total iron, and even then it is not exceeded in all supplies. In the two supplies involved the guideline value is exceeded by averages of 0.38 and 0.2.

The presence of small concentrations of iron does not affect the safety of the water supply. It is pointed out that the WHO guideline values are based on aesthetic considerations.

AUSTRALIAN FLAG

633. **Mr BECKER** (on notice) asked the Premier: What instructions have been issued to Government departments, authorities and agencies to fly the Australian flag on Government property during Australia's Bicentenary year and, if none, why not?

The Hon. J.C. BANNON: Instructions to fly flags on Government buildings are issued, often on request by the Commonwealth Government following the death of a head of State. There are certain days when flags are flown for a short time in celebration of particular occasions. There is also a list of standard days (such as Anzac Day) observed.

During the bicentenary flags have been flown in connection with particular events. Whilst we encourage the flying of Australian flags more frequently in 1988, to do so for every day for a year would lessen the significance of those special occasions mentioned above.

HOUSING TRUST REGIONAL OFFICES

647. **Mr M.J. EVANS** (on notice) asked the Minister of Housing and Construction: What is the annual rent for each of the South Australian Housing Trust regional offices which are leased and when does each such lease expire?

The Hon. T.H. HEMMINGS: Annual rental, as at March 1988, and the lease expiry dates for Housing Trust regional and district offices in leased accommodation is set out below.

Location	Annual Rental	Lease Expiry Date
Regional Offices	\$	
63 Pirie Street, Adelaide	416 178	30.6.89
Raleigh Chambers, Elizabeth City Centre	112 407	30.6.98
Prince Charles Walk, Elizabeth City Centre	44 400	14.1.92
Ramsay Place, Noarlunga Centre	56 974	31.12.90
Nicolson Avenue, Whyalla	111 708	24.10.2001
North East Road, Hillcrest	58 027	7.3.93
St Vincent Street, Port Adelaide	31 250	30.10.92
District Offices		
Murray Street, Gawler	32 943	23.11.92
Park Terrace, Salisbury	62 061	13.7.91
Vaughan Terrace, Berri	8 006	30.9.89
Swanport Road, Murray Bridge	10 812	30.6.90
Florence Street, Port Pirie	56 910	13.7.96
Tasman Terrace, Port Lincoln .	13 784	30.11.90