LEGISLATIVE COUNCIL

Thursday 23 October 1986

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

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

WELFARE BENEFICIARIES AND NEEDY FAMILIES

The PRESIDENT: I inform honourable members that, following the resolution passed by the Council on 17 September relating to welfare beneficiaries, I wrote to the Prime Minister as instructed in the motion. I have received the following reply from Lionel Bowen, Minister Assisting the Prime Minister:

Dear Ms Levy,

I refer to your letter of 17 September 1986 to the Prime Minister, attaching a copy of a resolution passed by the Legislative Council concerning welfare beneficiaries. The Prime Minister has asked me to reply on his behalf.

This Government is acutely aware of the difficulties which many people face who rely on social security payments and we recognise that many of these payments are lower than they should be. The Government aims to increase assistance as funds become available.

However, this Government is also acutely aware of its responsibilities to the nation as a whole, and in particular its responsibility to ensure the future prosperity of Australia. Over the past year the factors which determine Australia's national prosperity have changed dramatically. Most significantly, there has been a dramatic collapse in world prices for our traditional exports. In stark terms, this collapse has reduced our national income by over $6 billion. Hence, the prospects for our future growth, built on the expectation that we could readily sell our traditional products, have been substantially reduced. It is imperative that our domestic economy and our standard of living adjust to our changed trading circumstances so that we can make an early return to higher growth and stronger employment.

The Government can help this process directly by spending less and borrowing less, thereby improving the climate for lower interest rates and private sector investment and for the development of new export products. For this reason, the recent budget incorporates a very large cut in spending and a very large cut in Government borrowing.

In making these vital decisions we have sought to ensure that the burden of change is spread as fairly as possible across the community. We have asked pensioners and beneficiaries to share in the necessary restraint in two ways. First, future six-monthly indexation increases to pensions and benefits will continue to be paid in full but will be deferred for six weeks. Secondly, the measures announced last year to relax income testing arrangements for pensions and benefits will be delayed eight months until July 1987. These are the only changes to the general pensions and benefits area. I would like to emphasise that, although we have sought a contribution from pensioners and beneficiaries towards the resolution of our national problems, the Government has ensured that there will be or reductions in any existing pension or benefit payments.

Furthermore, despite the severe constraints required in this budget, we have increased assistance to low income families and to families with special needs. Additional pensions, and benefits, and family income supplements, have been increased by $1 a week for each child, bringing these payments to $17 a week per child. These payments have increased in real terms (after allowing for inflation) by 32.7 per cent since the Government came to office. I consider this to be a significant achievement in times of severe budgetary restraint. In this budget we have also increased the handicapped child's allowance and the double orphan's pension, both of which assist families in special need.

I believe the Government has acted responsibly in taking the hard decisions required by the downturn in our nation's economic fortunes. Even in these difficult times, however, we have maintained the Labor Party's traditional commitment to the most needy.

QUESTIONS

WINDSOR WATER SUPPLY

The Hon. M. B. CAMERON: I seek leave to make an explanation prior to asking the Minister of Health a question on the subject of cancer.

Leave granted.

The Hon. M.B. CAMERON: The member for Goyder in another place raised the matter of the high incidence of cancer in the town of Windsor with the Minister of Water Resources by letter on 5 September and subsequently by deputation on 18 September. Since the matter first became public this morning, the Opposition has been provided with the following additional information.

First, I refer to the experience of one family which has lived in the area for 10½ years. The father, aged 37, was diagnosed in February this year as having stomach cancer. One of his daughters, aged five, was diagnosed in July this year as having a cancerous tumour in her vagina. A second daughter, aged nine, has exhibited similar symptoms to those of her younger sister.

Secondly, a girl aged 15, whose family has been living in the area for the past five years, has recently undergone surgery at the Adelaide Children's Hospital for removal of lumps under her arms. Local pathologists have been unable to make a specific diagnosis, which is very rare, and material has been sent to the United States for further testing. Malignant cancer is suspected.

In all, the Opposition has been informed of 13 confirmed cases of cancer in the Windsor area, one suspected, and one (the nine-year-old) exhibiting worrying symptoms. Of the confirmed cases, five have now died. The age groups of the victims are one under 10; three in their 30s; four in their 40s; one in the 50s; and four in their 60s. In relation to the link with the water supply, the pipe supplying the town is 80 years old and it is known the water has been treated with chlorine and possibly other chemicals.

The Opposition has further been told that last Christmas an E&WS employee informed a local resident that the water supply would be much better because he had just given it a big boost of chlorine. Our informant particularly remembers this because the water then came through like milk. This milky phenomenon appeared in the water supply again just a few months ago.

Will the Minister explain what action the Government has taken to investigate suggestions of a link between the water supply and the high incidence of cancer in the area since this matter was first drawn to its attention seven weeks ago, and will the Minister make public as soon as possible any documents which refer to those investigations?

The Hon. J.R. CORNWALL: Let me first state some of the facts which are clearly known. First, when chlorine is added to water which contains a relatively high level of organic materials it produces substances known as trihalomethanes, the most well known of which would be chloroform. Secondly, in laboratory animals it has been shown that high to very high levels of trihalomethanes do produce cancers, fairly specifically of the gastrointestinal tract (the stomach and the bowel) and the liver. There is no evidence at this time from laboratory animals of the range of cancers described, albeit very briefly, by the Hon. Mr Cameron as occurring in the vagina, for example.

Thirdly, on all the advice that I have received—and I shall go through the sources of that advice in a moment—at this time there is no evidence of trihalomethanes causing cancer in human populations. Please note that I said 'on all the advice that I had been given', as I am not making a

statement as an expert. Quite obviously I am not expert in the field. Fourthly—and I think this point needs to be made strongly—the only known way at this time of controlling the organism *naegleria fowleri*, in most of the reticulated water systems in South Australia, including the metropolitan water supply, is by the addition of chlorine. Indeed, if it is not the only known way, certainly it is the only effective and readily available and practical way of controlling and to the extent possible eliminating the organism *naegleria fowleri*, which causes amoebic meningitis.

If the authorities were derelict in their duties in chlorinating or chloraminating the reticulated water supplies in South Australia and, as a result of that, we had a sporadic outbreak of amoebic meningitis or an epidemic of that disease then, naturally, and quite correctly, there would be a huge public outcry. It is principally, although by no means exclusively, for that reason that most reticulated water supplies in this State—the driest State in the driest continent on earth—are quite heavily chlorinated. This process also controls or eliminates a wide range of organisms that are responsible, if left uncontrolled, for gastroenteritis in a number of forms.

The other thing that must be appreciated is that, because of our location, at the end of the Murray River, a great deal of our reticulated water supply comes from a river that is quite heavily polluted with organic substances, so there is an ideal broth there with heavy organic contamination. It is necessary to control those organisms and the use of chlorine to do that inevitably will lead to trihalomethane formation. Also, of course, there is a limited catchment area in the Adelaide Hills. By the standard of any large city, our water catchment areas in the Hills are very limited. Again, in those circumstances there is a degree of organic contamination and fairly heavy algal growth. Although that is successfully controlled by and large, the water still carries relatively high levels of organic substances.

So, we have a peculiar, and in terms of the organic composition of the water, an unavoidable—at least at this time—situation. We are actively involved in filtration in a number of areas, specifically in relation to the Adelaide metropolitan water supply and, from memory (I am working from memory here, as I am not the Minister of Water Resources), about 60 per cent of the Adelaide metropolitan water supply is now filtered. The Premier has commissioned the major project for water filtration for the Iron Triangle. A very large capital works program for filtration has existed for a number of years. Therefore, these matters must be seen against that background. It is true (and nobody in their right mind would suggest otherwise) that trihalomethane levels in much of the treated reticulated water in this State are high by world standards.

In relation specifically to the incidence of cancer in the Windsor area, following representations by the member for Goyder, this matter was assessed. I have a document of 1½ pages outlining precisely the sequence of events since 13 August. In view of the importance of the matter, when I have specifically referred to the report which I have before me from the public health officers, I think it is worthwhile to go through the sequence of events as they relate to the member for Goyder's bringing this matter to the notice of the Minister and to the appropriate authorities.

Following the initial representations, the matter of cancer incidence in the Windsor area was assessed. It was the view of the scientific experts that the analysis by post code of the figures in the cancer registry confirmed that statistically those levels were within the normal range and variation. However, as the comment based on the incidence of various types of cancer occurring has not resolved local fears, that matter will be discussed with concerned persons by a field assessment team which, for practical purposes, will be immediately dispatched to the area. I believe that it is important to realise that 4 000 new cases of cancer are identified and reported to the cancer registry each year in this State. About 15 000 persons in this State in the past five years have been diagnosed as suffering from cancer. I am pleased to say that we have (and I believe this would be a consensus view around the country) the best epidemiology branch in Australia which is headed by Dr David Roder. The figures are reviewed constantly by the cancer registry, which also is a very good registry, so that in South Australia the overall incidence of cancer and the pattern of that incidence in particular organs do not differ significantly from the incidence rates in other States.

The Public Health Service appreciates the concerns about health problems in small communities throughout the State. It is recognised that, because of the nature of the State, many small groups of people will inevitably compare the occurrence of a disease in their area to the rate for the State overall. Just as inevitably there will be times when, by chance, or because of some other cause, such as infectious disease, the rate of a disease in a small community will be high and need investigation. The Public Health Service activity investigates such occurrences and provides information to explain the incident, settle any unwarranted fears, or take remedial or preventive action when indicated. In the present case the community comprises less than 1 000 people where it is reported that '15 people are said to have contracted cancer and seven people to have died in the last two years'.

One of the major problems in considering cancer (and that of course is a very broad word when used in the context of the overall incidence of tumours and malignancies) occurrence in a community is that 'cancer' is the name given to a diverse group of cancers which have many different causes. The result of a causative agent is often organ specific; for example, smoking most commonly causes lung cancer. It would then be expected that if a particular agent was responsible there would be a large increase in the incidence of a particular type of cancer in a single or group of organs.

The second factor to be borne in mind when considering cancer in the community is that the period between exposure and effect, the latency period, will be at least five to 10 years and may be significantly longer. Thus a group of cancers appearing in the past few years will have their origin in exposures 10 or 20 years ago and perhaps even more. Investigations of causative agents therefore must look at the historical events of the community.

When considering this reported occurrence in the Windsor area, the Public Health Service looked at the overall postcode of 5501 as it is a population area large enough to be statistically reliable. The overall rates of cancer in the area suggest the rates are not higher than expected. However, after considering any subset of the area it appears that the mix of organs involved in the cancers does not suggest any one to be more often involved than for the community generally. Further, a list of about 13 cases pertaining to this incident were analysed and showed no striking features with regard to distribution by age, sex or type of cancer to the normal South Australian pattern. Thus, we cannot identify a particular type of cancer that is most likely, and thus recognise a possible specific causative agent.

When an incident such as this arises, it is common for a community to seek potential sources of chemicals and associate these with cancer. Again, referring specifically to the area, rechlorination of the water in the Dublin area subse-

quent to the initial chlorination carried out at the Barossa reservoir only commenced early this year. So from that it is obvious that any heavier levels of chlorine in particular would have been present from this particular treatment only for a matter of months and certainly not for years or decades. The water characteristics, and in particular the products of chlorination, are no different to those of the water leaving the Barossa chlorination point. Because chlorine does not persist in the water distribution system, it is common to rechlorinate water as needed, to ensure safe water is supplied for consumption. As I said earlier, among other things, that is to ensure to the extent possible that *naegleria fowleri* is eliminated or at least kept to an absolute minimum. Other water supplies have been rechlorinated for longer periods than that delivered to the Dublin and adjoining areas.

Trihalomethanes, in particular chloroform, have been found to cause cancer in laboratory animals, as I said earlier. Consideration by both the NH&MRC's Committee on Toxicity and within the Public Health Service has concluded the doses of chloroform that are large enough to cause liver necrosis, that is, outright acute damage, are required before cancer is induced. Accordingly, it is concluded that a large safety margin is present for the drinking water generally in South Australia. In Windsor the levels of THMs are generally in the range 70-130 ug/l, which is relatively low for South Australia, and no cases of liver cancer (the cancer which would be expected) have been recorded in the area for the period 1977 to early 1986, according to statistics used by the State Cancer Registry. Trihalomethanes cannot be blamed for either the range of different cancer types or as the level is not high enough to cause cancer in Windsor.

Turning to general environmental exposure which may cause cancer, Sir Richard Doll, Honorary Director, Imperial Cancer Research Fund of the UK, in a recent publication suggests that of all the causative agents which may lead to cancer, the environmental ones contribute only about 5 per cent. Factors such as tobacco and diet are the major agents identified as causing cancer. Thus, things such as smoking need to be considered in conjunction with any consideration of environmental factors.

Our field assessment team in the area will talk with the locals and gather further information. A Public Health Service Field Assessment Team is in the area and will talk to members of the community who are concerned, council staff and local officers of health to ensure that all the available information is obtained as well as inspecting the area.

Also, we have been monitoring levels of trihalomethanes now for quite a number of years. They were first brought to the attention of authorities in South Australia, to my recollection, in the latter part of the 1970's. In general terms, as a matter of good water management, we would obviously like to be able to reduce the overall levels.

It has been suggested to me, and to my colleague Dr Hopgood, that as part of this strategy we should send two senior scientific officers overseas to catch up with the latest research and developments in a number of countries in the northern hemisphere. It is my view that that should happen in the northern spring of 1987. We shall be recommending that course of action and an itinerary to Cabinet in due course. In the meantime, the E&WS Department continually monitors overseas literature.

As techniques become available which might enable us to reduce levels of trihalomethanes, we shall certainly examine them carefully. At this stage, I do not believe that there is a great deal to add. The chronology of events begins on 13 August when the member for Goyder first wrote to the Minister of Water Resources on behalf of two constituents complaining about problems that they were experiencing in the supply of water to their property. On October 1986 Dr Baker, Executive Director of the Public Health Service, informed the E&WS Department that from the public health perspective there was nothing that could be added to his previous report regarding the incidence of cancer in the Windsor/Dublin area. I will table the relevant document to save reading it into the record.

COURT SENTENCES

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation prior to asking the Attorney-General a question about consistency in sentencing.

Leave granted.

The Hon. K.T. GRIFFIN: My assistance has been sought in relation to a 21 year old man convicted on Monday of this week in a suburban court for being unlawfully on premises. The young man has no previous convictions, has a steady job and is upset at being fined $150 plus costs for being in a paddock where he was merely stretching his legs causing no nuisance or damage to property.

The young man stopped his motor vehicle at the top of Black Top Hill near Elizabeth because he was suffering cramp which arose as a result of injuries suffered in a motor vehicle accident several years ago. He stopped opposite a green paddock, crossed a low fence into that paddock, stretched his legs for a few minutes, returned to his motor vehicle, and two to three miles down the road he was stopped by police. The police said that a security guard had telephoned them to indicate that a blue motor vehicle had been in the area, but no registration number was identified to police. It appears that the security guard was employed by Monier, but there was no evidence in the vicinity where the young man got out of his motor vehicle of any buildings or the Monier quarry in the vicinity of the area.

He cooperated with police. He had two young friends with him, one under 18 years of age, and they all indicated that they had, in fact, been on the paddock without anybody's authority, but had not been misbehaving, chiacking or doing anything else which would cause harm to a person or damage to property.

He did not get legal advice and, in fact, pleaded guilty because he believed that he had been on the paddock without getting somebody's permission beforehand. What annoyed him, after he had been fined $150 plus costs for merely stretching his legs in a grassy paddock, was that as he left the courtroom at Elizabeth another, cocky person, emerged from an adjoining courtroom saying it was worth hitting a policeman and that he had only been fined $125 for assaulting a police officer.

To the young man who sought my assistance it seemed quite inconsistent that a fine of $125 for assaulting a police officer should be lower than the $150 fine for merely stretching his legs in the paddock. The young man's mother telephoned the Attorney-General's Department to seek advice but was told that if he did not have legal advice he would have to lump it.

Both the mother and her son are concerned about the penalty, partly because of the $125 fine imposed on another person for assaulting a police officer and also in light of a report in yesterday's *Advertiser* that a person who had assaulted a police officer was sentenced to 3 months gaol, suspended on the condition that the person entered into a 12 month good behaviour bond and that person was ordered to do 90 hours of community work.

The magistrate in that case indicated the seriousness of assaulting a police officer and referred to the fact that a 6 month gaol sentence had recently been imposed on a person who had bitten a police officer on the arm. The concern expressed to me is that there appears to be a considerable inconsistency between the penalties imposed for what are quite different offences and certainly the young man's penalty is quite inconsistent with that imposed on the other person for assaulting a police officer. My questions to the Attorney-General are:

1. Will the Attorney-General investigate this case if I give him the name of the young man who was fined $150 plus costs?

2. Will the Attorney-General investigate the fine of $125 imposed on Monday in the Para Districts Court for assaulting a police officer with a view to entering an appeal against the leniency of that sentence?

The Hon. C.J. SUMNER: The honourable member was at one stage an Attorney-General. I really find the nature of the questions that he asks in this place displays an ignorance—and I have to use the word advisedly—that one would have not expected him to have after three years as Attorney-General and many years as a lawyer in private practice. Really, to raise a question of this kind in the Parliament does him—

The Hon. K.T. Griffin: I could go straight to the media and raise it.

The Hon. C.J. SUMNER: The honourable member could go straight to the media, but he has raised it in the Parliament. I have no problem with him raising the matter with the media.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That is all very well, but the honourable member could have taken the matter up with me. The fact of the matter is that to bring a matter in like this without all the facts—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member does not have all the facts, and to try to make some sort of case of the matter just displays his ignorance of the law. First, I would have expected, if the facts as the honourable member has outlined them are correct, and if all the first young man—and there may be some other circumstances—did was to be on premises with no ulterior motive or purpose, in normal circumstances, the case of being unlawfully on premises would not be made out. Perhaps there are some facts that the honourable member does not know. I would have expected him to check those facts; obviously he has not. I do not know whether he has been in touch with the court to establish whether the matters he has outlined in this Parliament were, in fact, the circumstances. If they were the circumstances, I would have been surprised if the magistrate would have accepted a plea of guilty on the facts that the honourable member has outlined in this Parliament.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member says it is: perhaps he has not got his facts straight. That might be something he ought to check before he comes into the Parliament and makes these sorts of accusations, trying to make some comparison with another penalty; again, another matter about which he knows nothing. He knows nothing about the facts of the case of assault police.

The Hon. K.T. Griffin: What is wrong with your checking it now?

The Hon. C.J. SUMNER: I will check it, but the honourable member brings into this Parliament these sorts of questions without the facts. The honourable member accuses the courts of inconsistency. He somehow tries to blame the Government for the sentencing practices of the courts, when he knows as well as I do that the determination of sentences is a matter for the courts within the limits laid down by the Parliament. He knows that as well as I do.

The first point I make is on the case of the young man. The honourable member has come in with certain facts. My understanding of the law would be that those facts do not constitute the offence that he has outlined. The man apparently did not seek legal advice and the magistrate, according to the honourable member, accepted a plea of guilty. There may be some additional material. There may be some other matters that the honourable member has not outlined to the Parliament, and I would suspect—unless the honourable member is accusing the magistrate of not doing his job or accusing the police of not doing their job—that there are some other factors he has not outlined to the Parliament.

The second point is that the honourable member says that the person was upset because he came out of court and found that someone else had been fined $125 for assaulting a police officer. That is all he says: no details of the circumstances of the case, and he knows as well as I do that an assault can be a very serious matter or a comparatively minor matter. The honourable member does not produce any evidence of the circumstances of the assault: he just says 'assault police'. In another case there could be six months imprisonment for an assault police; in another case there could be three months imprisonment for an assault police—all of which could have been penalties that were quite justified, depending on the circumstances of the case, but the fine of $125 for the assault police, the honourable member asserts, in comparison with those, is a sentence which is not sustainable.

The honourable member does not know the facts. He clearly did not check with the court on the facts. All he has done is come in here without any investigation himself of the background and the full facts of the matter, and make these sorts of assertions about inconsistency in sentencing. I do not even know what the case is that he refers to at Elizabeth, where there was the fine of $125. The honourable member does not know. I am not sure whether he is able to give me any details. Is my department or the Court Services Department expected to search through days and days of court proceedings to find out whether there was such a case? Do you know the name of the magistrate?

The Hon. K.T. Griffin: Of course I do. I can give you all the details. I said that in my explanation.

The Hon. C.J. SUMNER: And of the other magistrate?

The Hon. K.T. Griffin: Yes.

The Hon. C.J. SUMNER: Then the matter can perhaps be examined. All I am saying is that the honourable member could have checked the facts on the assault.

The Hon. K.T. Griffin: You are the Attorney-General.

The Hon. C.J. SUMNER: I want some substance in the matter first.

The Hon. K.T. Griffin: You've got the resources.

The Hon. C.J. SUMNER: The resources with which you are provided are a lot better than I had when I was Leader of the Opposition. You get treated very well on the question of resources. I will not go into that now. Members know the facts of that as well as I do.

The Hon. L.H. Davis: How many have the Democrats got?

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: It was one to nine before. Do you want to check it? One to nine it was when members opposite were in Government. They do not want to check

that I had one secretary as Leader of the Opposition, and the other eight or nine had one secretary.

Members interjecting:

The Hon. C.J. SUMNER: There was one for the Leader of the Opposition—which the Hon. Mr Cameron has—and one for the other nine. Members opposite have one for the Hon. Mr Cameron and two for the rest of them, so they are one better off than we were when we were in Opposition. Also, the Hon. Mr Cameron is entitled to have not just a steno-secretary—which was all the Hon. Mr Griffin permitted me to have when I made a request to have added resources. The Hon. Mr Cameron has an upgraded person—a ministerial officer.

Members interjecting:

The Hon. C.J. SUMNER: If you want to interject and make these accusations about lack of resources, you will get the answer. The fact is that there has been a significant increase in your resources made available by this Government.

The Hon. R.I. LUCAS: On a point of order, Ms President, will you please bring the Attorney-General from his meanderings and wanderings back to the questions. We have had two questions in 45 minutes. There is much important questioning to be done by the Opposition.

The PRESIDENT: I point out that the Minister is answering interjections which have been made. There is nothing in Standing Orders which determines how a Minister will answer a question, except that he may not debate the issue. If people do not want a Minister to reply to interjections, I suggest that they do not make any.

The Hon. C.J. SUMNER: As you say, Madam President, I was replying to interjections by members opposite on a topic quite irrelevant to the matter raised by the Hon. Mr Griffin. All I assert is that the Hon. Mr Griffin ought to check these facts before bringing these sorts of bald assertions into the Parliament. I am quite happy to have some inquiries made on the matter.

The Hon. K.T. Griffin: That is what I am asking you to do.

The Hon. C.J. SUMNER: You went further than that. First of all, you tried to imply that there is something—

The Hon. K.T. Griffin: I did not make any imputation against you at all.

The Hon. C.J. SUMNER: Yes, you did. You tried to assert that there is considerable inconsistency in sentencing; that is the assertion in your question and you do that on the basis of an assault police charge about which you know nothing.

The Hon. K.T. Griffin: All I asked was whether you would investigate.

The Hon. C.J. SUMNER: I will investigate, yes, but during your question you made assertions about inconsistency in sentencing about which you do not know all the circumstances. You do not know the circumstances of the assault police case. On the case you brought to me, I do not know why you did not get the person to get some legal advice. Why did you not give him some legal advice, get the facts, perhaps, because on the basis of what you have told me the offence of being unlawfully on the premises seems to me not to be—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Perhaps you should have checked the facts with the police.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Of course they will. If you are ringing up with the client there (the person who has come to see you) of course they will give you that information. If you ring the police and say that you have a constituent with you who authorises that material to be made available, and the material is made available to the court, I am sure they will give you that information. I will examine the matter, but I suggest that the honourable member get his constituent to get some legal advice on the matter. It may be that there are circumstances which would allow the person concerned to take further proceedings and to get the plea of guilty set aside. I do not know because, at this stage, on the information the honourable member has given me, I do not know enough about the facts. That might be something he could consider.

The question of inconsistency in sentencing is something which can cause concern is some areas but, as members would know, the determination of a particular sentence is a matter for the discretion of a judicial officer—a judge or magistrate—and because there is a discretion which resides in judicial officers there can be differences in sentences which are imposed. That is certainly not disclosed by these circumstances because, quite frankly, in what the honourable member has raised there is not sufficient identification of the facts of each case.

ROAD SAFETY

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister responsible for matters pertaining to the Grand Prix, a question about the road safety campaign for the Grand Prix.

Leave granted.

The Hon. I. GILFILLAN: I read with some interest in this morning's paper that Adelaide has been dubbed 'Fostersville'. In fact, it occurred to me that instead of Adelaide this city could be called Fostersaide! I think that this is probably the biggest example of hyper supersaturation that I have experienced. I just remind members that the Democrats objected very strongly to the link between alcohol and fast cars which occurred when the sponsorship was granted to Fosters. It was therefore with interest that I read in the *Advertiser* of 11 October a Canberra story stating:

> Brewery sponsorship of the Australian Formal 1 Grand Prix is hypocritical and dangerous, according to a Federal Government report on the health of Australians. The report, entitled 'Looking forward to better health', was tabled in Parliament yesterday. It was prepared by the Government's Better Health Commission, which comprises medical experts, sporting and community identities and other authorities. It says that sponsorships allow the alcohol industry to skirt around a voluntary code which governs liquor advertising and gain access to the living rooms of the nation at times which would otherwise be prohibited.

Further, an interesting article was printed in yesterday's *Financial Review*. It states:

> The Australian Grand Prix, to be held again next weekend in Adelaide, is a big financial success, but it has also been linked to a major upsurge in traffic accidents resulting in an estimated seven deaths.
>
> According to a report released yesterday by the Centre for South Australian Economic Studies, up to 300 extra accidents occurred in the five-week period surrounding the first Adelaide Grand Prix last year.
>
> It has been estimated that extra car accidents caused damage of between $3 million and $5 million in the period—stemming from what the study dubbed the 'hoon' effect.

The study referred to was conducted by a unit at the Flinders University and the article points out that the study was funded by a $15 000 State Government grant. The *Advertiser* again picked up the issue of road safety in a further article published on 9 October, written by a well known and perspicacious journalist, Peter Haynes. It states:

> Some Grand Prix drivers will take part in a road safety campaign in the week before this year's race following concern that

the lead-up to last year's event caused an increase in SA road fatalities.

A little further on in the article the Minister of Transport, Mr Keneally, is quoted as follows:

Mr Keneally said that in the three months before the Grand Prix last year Adelaide had its lowest accident rate since records were kept.

I mention here that last year Adelaide was the subject of a very intense campaign, and the Hon. Martin Cameron, myself and the Government with some paid advertisements made a real effort. So, I think we feel, and with some justification, that such campaigns are helpful. The article further states:

'Then we had this very high accident rate during the Grand Prix,' he said.

'Now it's very difficult to determine what the causes were of the low accident rate and then the high accident rate. But it's not unreasonable to believe that it has some relation to the Grand Prix.

'We are aware of that and it's because of that that we are trying to get Grand Prix participants to make some statements in relation to road safety.'

Mr Keneally said young people might be prepared to accept statements from the drivers because of their status . . .

A spokeswoman for the Grand Prix office said a 'very positive response' had been received from some of the racing teams when approached on the matter, but nothing firm had been set up. She was confident everything would be arranged when the drivers arrived in Adelaide in the next few weeks. It is likely the messages will be recorded from the track which means they almost certainly will be restricted to radio and newspaper.

I do not doubt for a moment that all members are very concerned about our road toll and that they realise the seriousness of this matter. It is understood that the Grand Prix is a very important part of Adelaide's calendar. We all feel a certain degree of admiration in relation to the organisers and the initiatives that have been taken.

The Hon. C.J. Sumner: You are opposed to anything and everything.

The Hon. I. GILFILLAN: That was an inane remark. I am pointing out that there are some very real plusses for the Grand Prix.

The Hon. C.J. Sumner: The Democrats are always whingeing about something.

The Hon. I. GILFILLAN: The Attorney has a propensity to shout inane interjections rather than listen to the substance of a question. My questions on this matter relate directly to the study that was undertaken and also the issue of what sort of effort the Government has made to counteract the alleged deleterious effect that the Grand Prix has on the road traffic accident record—and that seems to be a reasonable contention. My questions are as follows:

1. Which Government department funded the Flinders University study mentioned in the article?

2. Has the Government seen or studied the report from the study?

3. If it is confirmed that a significant increase in accidents is attributable to the Grand Prix, what action will the Government take?

4. If it is confirmed that a brewery as sponsor of the Grand Prix significantly adds to road accidents, what action will the Government take?

5. What action has been or will be taken by the Grand Prix drivers in the proposed road safety campaign and does the Government have any direct influence on that?

The Hon. C.J. SUMNER: I will get some details of those issues from the responsible Minister and bring back a reply. A number of things need to be said. First, the Grand Prix is a commercial operation, established by the Government and supported by Parliament—at least some parts of the Parliament. It is a commercial operation and is designed unashamedly to promote an event in South Australia which in turn promotes South Australia to Australia and the world. The sponsorship for the Grand Prix this year was entered into after offers, in effect, tenders, were initiated to see who would provide the best sponsorship terms for the Grand Prix, that being a commercial operation. As it turned out, Fosters achieved sponsorship of the Grand Prix, as indeed it has achieved sponsorship of the Victorian Football League grand final and the Melbourne Cup and, as Swan Brewery has achieved sponsorship of some parts of the America's Cup.

So there is nothing particularly unusual about Fosters—Carlton United Brewery—being the sponsor of events. Fosters happened to win the sponsorship of the Grand Prix because no doubt that company saw it as being a chance to promote its product, not just within Australia but more particularly internationally, because of the wide coverage of Grand Prix racing internationally. It was a commercial decision by the company and that was accepted by the Grand Prix board. I am sure that if the Government were to intervene in those sorts of areas, there would be screams of Government intervention in the Grand Prix and that we were trying to curtail its success, etc.

The next matter that needs to be addressed is that I do not think that it has been confirmed that there is a link between an increase in road accidents during the latter part of last year and the Grand Prix. Some suggestions have been made that that might have occurred, but in fact if one looks at the road accident figures over a long period and does not just take the odd blip in increases and decreases, one notes that there has been a significant decrease in road accidents and a significant decrease in the road toll over a long time in Australia, as I said in this place the other day. Obviously, that does not mean that every year there has been a decrease, but the graph indicates that over a number of years a decrease in the road toll in this State has occurred, as it has indeed throughout Australia. To some extent that has been related to Government initiatives that have been taken Australia-wide—not just in respect of alcohol but in respect of speeds, better design of roads and motor vehicles, etc.

At this stage I do not know whether or not a link has been confirmed between the Grand Prix and the level of road accidents that occurred last year after the Grand Prix. Perhaps one might be able to make some sensible conclusions about the effect of the Grand Prix on the road toll or road accidents after a period of time. It may be that some information could be sought from overseas. After all, last year's Adelaide Grand Prix was not the first Grand Prix motor race conducted in the world. Presumably, if people wanted to pursue this matter further, they could examine the effects of Grand Prix racing overseas to see whether it resulted in an increase in the road toll or road accidents. At this stage, after one year, I really think it is drawing a long bow to say that the Grand Prix has had an adverse effect on the road toll.

The Hon. I. Gilfillan: There was a report called for—

The Hon. C.J. SUMNER: It was not on that topic exclusively. I understand that the report to which the honourable member refers is a report commissioned by the Government to establish the economic effects of the Grand Prix on South Australia. The report contained a lot of findings. My general impression of the reports that I have read in relation to the findings of that study is that the Grand Prix had a very positive effect on the South Australian economy, but of course anything positive is too much for the Democrats. They do not want anything positive in South Australia. Their main role in life in South Australia and in Parliament seems to be to knock any development that is suggested

and to question whether or not there are sufficient environmental impact statements, or whether we have taken up the parklands when we should not have done so. That is despite the fact that in this area the Government's actions have been quite positive.

The Democrats in this Parliament are negative and they say, 'No, we cannot do that. We do not want that in South Australia: it is too progressive; it is development; and it may bring jobs.' Whether it is uranium mining or anything else, it always brings a negative response and they say, 'Do not do it. Finish! It is too much excitement and too much development. We cannot stand it.' That is the approach taken by the Democrats on almost any issue that the Government raises which might bring development, which might promote the State of South Australia and which might bring jobs into this State. If one looks at the record of the Democrats, particularly since the Hon. Lance Milne left their ranks, it has been a negative response to almost anything that is raised.

The Hon. I. GILFILLAN: On a point of order, I remind you, Madam President, that you recognised before that the Attorney-General was answering interjections. I point out that there has been no interjection at all on this subject. This is just a ranting indulgence and should not be tolerated as an answer to what were sensible and responsible questions on road safety. If he cannot answer them, let him say that he does not know and that he is ignorant, just as he has accused other members in this Council, and then he can shut up.

The Hon. C.J. SUMNER: That was not a point of order.

The PRESIDENT: I do not think that was quite a point of order. Have you finished?

The Hon. C.J. SUMNER: Not quite, Madam President. Obviously, the honourable member, feeling constrained to raise a point of order, began to feel hurt by some of the things that I said, because he recognised the truth of them. The only word that the Democrats know is 'No'. They are always negative. The Democrats do not want to know about any development in South Australia, except to criticise it. With respect to these questions, I have attempted to give some general response to the issues raised by the honourable member which are clearly matters—

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: I have said that I will refer the specific questions to the Minister responsible. First, I made the point with respect to the sponsorship of the Grand Prix and I gave the reasons for that. Secondly, I indicated that, after the example of only one Grand Prix, I would be very wary about accepting the link between the Grand Prix and road accidents. Thirdly, I pointed out that the report to which the honourable member referred is a report commissioned by the Government on the economic effects of the Grand Prix in South Australia and that generally that was a positive report. I will certainly check the other matters raised by the honourable member, but I was constrained also to point out (and I am sure that all members would agree with me) that essentially the Democrats, since the loss of Lance Milne, do not want anything to happen in South Australia that might change the State. Essentially, they are anti-development and anti any proposal for development which may increase the promotion of South Australia or which might produce jobs in South Australia. The Democrats approach is continually to say 'No'.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

Second reading

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

That this Bill be now read a second time.

It seeks to streamline the existing Metropolitan Taxi-Cab Board following the successful introduction of the one-licence plate system for the industry in September 1985. The Bill also seeks to clarify the objectives of the board as proposed by the Legislative Council Select Committee. The 1956 Metropolitan Act established a board of 12 members which was subsequently reduced to eight in 1973. The existing board consists of eight members:

two from the Adelaide City Council,
one from the Local Government Association,
one appointed by the Minister of Transport as a person with experience of local government,
two from the Taxi-Cab Operator's Association (TCOA),
one from the Transport Workers Union, and
one being the Commissioner of Police or an officer of the Police Force.

The select committee suggested a board of 11 members. The Government considered that in practice this board would be large and unwieldy. Following the implementation of the single plate system, the Taxi-Cab Operators Association agreed to the request by the Minister that it should broaden its membership. Negotiations have resulted in a new constitution which better balances the interests of the radio service companies and the owner drivers and provides for representation of the drivers who are not linked to a radio company. The role of owner/drivers in the executive of the organisation is also strengthened.

The four radio service companies operating in the metropolitan area have agreed to join the revamped organisation. This represents over 80 per cent of the licences in the industry. The Bill spells out that the industry should be represented by two members from a body or bodies representing the interests of the industry and the Taxi-Cab Operators Association will be invited to nominate those members.

One of the objectives of the Taxi-Cab Board is to ensure that licences are issued to fit and proper persons. However, it is no longer considered necessary for that purpose for a member of the Police Force to be on the board. Any question concerning the propriety of an applicant for a licence or permit can be referred to the police, if required.

It is more advantageous to allow the Minister to have additional representation on the board to represent those interests which are considered most appropriate at the time (e.g. tourism, entrepreneurial skills, innovation, disabled persons, etc.) and at the same time, limit the size of the board to a workable level. It also avoids tying up the time of senior police officers. Although the importance of the City of Adelaide area and of local government is recognised, it is suggested that one member from the Adelaide City Council is adequate.

The need for Transport Workers Union representation on the board has also been reviewed. Nevertheless, in choosing people to be nominated by the Minister the need for persons with a background of achievement in industrial relations will be taken into account. The recommended composition of the board is therefore:

A person nominated by the Adelaide City Council;
One person nominated by the Local Government Association of South Australia Incorporated;
Three people nominated by the Minister of Transport at least one of whom in the opinion of the Minister

is knowledgeable about transportation, one about tourism and one about industrial relations;

Two members, nominated by a body representative of the taxi-cab industry at least one of whom is a taxi-cab driver.

The Bill proposes that the Governor should appoint one member of this seven member board to be Chairman. Under the existing Act this would be a member from the Adelaide City Council. This restriction on the chairmanship is abolished.

Members of the board are to be appointed for a term of four years and with half the membership up for reappointment or change every two years. The Legislative Council Select Committee identified that there was a need to spell out the powers of the board. The board's powers and objectives as defined in the Act are ambiguous and are largely limited to regulation and control of the industry. This same observation also has been made by a previous investigation into the Adelaide taxi industry by Travers Morgan Pty Ltd for the Director-General of Transport in 1980. This report noted that although the MTCB had performed its regulatory functions well, '... It has, however, done so without any formal statement of its objectives; that is, no formal expression of the reasons why it regulates'.

The present Bill spells out the responsibilities and functions of the board. These will be to ensure the provisions of an effective and efficient taxi-cab service to the public in safe adequately maintained vehicles. There is also a role for the board to monitor and report to the Minister on the financial and operating performance of the industry and provide advice to the Minister about its operations.

Finally, much of the day-to-day controls which most affect the industry are contained in regulations rather than the Act. Most of the recommendations of the select committee relate to regulations. The Government has asked for a complete review of these regulations to be conducted, in consultation with the taxi-industry. The results of this review should be available to the reconstituted board and form the basis for further initiatives in this area. I commend the Bill to honourable members. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 amends section 4 of the Act which provides for the constitution of the board. The number of members is reduced from 8 to 7.

The amendment provides that the board shall consist of—

(a) one councillor of the Adelaide City Council nominated at the request of the Minister by that council;

(b) one councillor of a constituent council nominated at the request of the Minister by the Local Government Association of South Australia Incorporated;

(c) two persons (one of whom must be the holder of a taxi-cab driver's licence) nominated at the request of the Minister by a body or bodies representing the interests of persons engaged in the metropolitan taxi-cab industry;

(d) three persons nominated by the Minister, one with appropriate knowledge and experience of the transport industry, one of the tourism industry and one of industrial relations.

Machinery is provided for the Minister to make a nomination if a body fails to nominate a person within the time allowed by the Minister. The amendment also provides that the Governor may appoint a person to be deputy of a member. Deputies are required to meet the same qualifications and nominations as members. The offices of all current members of the board are vacated on the commencement of the measure to enable new appointments to be made.

Clause 4 repeals section 5 of the Act which provides for the term of office of members of the board. New sections 4a and 5 are inserted. Section 4a details the responsibilities and functions of the board. These are to promote and control the metropolitan taxi-cab industry with a view to ensuring the provision of an effective and efficient service to the public and the safety of the public and taxi-cab drivers; to encourage and assist any changes in the industry conducive to those goals; to keep under review and to report to the Minister on the operation (including economic aspects) of the industry; to generally advise the Minister on the industry; and to perform the functions assigned to it under the Act. Section 5 provides for the term of office of members to be such term not exceeding four years as the Governor determines. Members are eligible for reappointment on the expiration of a term of appointment.

Clause 5 amends section 6 of the Act which provides for casual vacancies. It provides that the seat of a member becomes vacant if the member ceases to satisfy a qualification for nomination by virtue of which the member was appointed.

Clause 6 makes consequential amendments to section 7 of the Act.

Clause 7 amends section 8 of the Act to provide that the Governor may appoint any member to preside over the board. Currently such appointment is restricted to one of the two Adelaide City Council nominees.

Clause 8 makes consequential amendments to section 9 of the Act.

Clause 9 repeals section 10 of the Act which provides the machinery for default in election of members. This matter is covered in the amended section 4.

The Hon. L.H. DAVIS: I indicate that the Opposition supports the general thrust of this Bill. During the Committee stage we will take up matters in detail because this is essentially a Committee Bill. I was a member of the select committee which in May 1985 reported on the taxi-cab industry in South Australia. The Bill now before us is a direct response to the recommendations contained in the report of the select committee chaired by the present Minister of Tourism (Hon. Ms Wiese) with membership from all three Parties represented in this Chamber.

It was indeed a unanimous report. The select committee took evidence from many people and travelled interstate to examine the operation of the taxi-cab industry. In the end, the committee concluded that the industry in South Australia was in very good shape—indeed, in much better shape than the taxi-cab industries in other States. A major recommendation, which has already been implemented, is the one-plate system to replace the controversial white and green plate system. When making that recommendation the select committee was conscious that it was a controversial decision; and it was aware that a particular section of the taxi industry took strong objection to that recommendation. Nevertheless, the committee believed that it would be a unifying force for the industry and it would allow the industry to work together better to service the residents of Adelaide and to further develop its ability to service the steadily

growing number of interstate and international visitors to this city.

The administration of taxi-cabs in Adelaide has had a chequered career. Between 1934 and 1956 the operation and licensing of taxis was basically controlled by metropolitan councils; and in the country by regional and district councils. It was clear that in a system such as this, where there were many different power bases, irregular practices arose as a result of an uncoordinated approach to a steadily growing industry. Therefore, it was no surprise that eventually in the early 1950s the then Playford Government commissioned a taxi-cab industry report, which was prepared under the chairmanship of a judge and eventually tabled in the House of Assembly.

For the first time, following that report, South Australia had a central authority administering the licensing and regulation of the taxi industry in Adelaide. At that time, in about 1953, the Adelaide City Council was given the authority to act as the coordinating body—the central authority—for the taxi industry in South Australia. As a result of the Payne report recommendations, the Metropolitan Taxi-cab Act of 1956 was passed. That created the Metropolitan Taxi-cab Board, which resulted in that board eventually taking control of the licensing and regulation of the taxi industry in Adelaide. In other words, the board took over the role that the Adelaide City Council had filled for a few years. Nevertheless, the Adelaide City Council remained a critical factor in the control of the industry, because the Metropolitan Taxi-cab Act of 1956 established a 12-member board with four councillors from the Adelaide City Council, one of whom was automatically the chairman. There were also representatives from local government, the Taxi-cab Operators Association, one from the Transport Workers Union and a representative of the Police Commissioner.

This 12 member board operated for 17 years until, in 1973, the Act was amended to reduce the number of members on the Metropolitan Taxi-cab Board from 12 to eight. As Adelaide grew and vehicular transport grew, so too did the taxi industry. Population growth in northern areas meant, for instance, that in Gawler taxis operated out of that city. Elizabeth was established in 1954 and, in time, we saw taxis operating out of that city. The servicing of other metropolitan areas (notably Glenelg and Port Adelaide) occurred, with taxi companies centred in those suburbs, and we saw the servicing of the city of Adelaide by cabs. One can see there was growing complexity in the taxi industry in South Australia.

In 1956 the Metropolitan Taxi-cab Board had issued about 700 licences. At present, there are some 845 licences held in the metropolitan area. They are all single plate licences. There is a black and gold single plate system, which has replaced the white and green plate system, which operated prior to September 1983. The taxi industry is a major industry in South Australia now. It is an important industry that provides employment for nearly 700 owner drivers and over 2 000 part time or full time drivers. Therefore, the taxi industry is a very significant direct and indirect employer of labour in this State. In addition to the 845 licences which currently exist in the metropolitan area, there are 123 licences which have been granted for regional and country centres.

Extensive evidence was given to the select committee by the taxi-cab industry, radio companies, the Taxi-cab Owners Association, the Metropolitan Taxi-cab Board, the White Plate Operators Association, individual drivers, Adelaide City Council and other local councils, representatives of the tourist industry, and the State Transport Authority. The select committee was in a position to have a very good overview of the industry as a whole—to stand back from the industry, review it, and make recommendations for its future structure and operation.

I am pleased to say that many of the recommendations that we made in the select committee report in May 1985 have, in fact, been adopted. I will say something about the composition of the board, which is at variance with a recommendation of the select committee and I will make brief reference to a matter before us in another Bill before this Council.

The Hon. C.J. Sumner: You can't do that.

The Hon. L.H. DAVIS: Yes, I can, because I am referring to what the select committee actually said. I say this quite deliberately because the select committee made the following recommendation:

> 39. That a firm policy be adopted by the board on the issue of controlling smoking by passengers in taxis and this policy be incorporated in the regulations.

The committee also said:

> At present taxi drivers are not permitted to smoke within their vehicles and the committee recommends this continue. However, there are no regulations covering the control of smoking by passengers in taxis. As a general guideline this committee believes that taxi drivers should be able to classify their vehicles as either smoking or non-smoking vehicles backed by appropriate board regulations. If a driver chooses to have a non-smoking taxi he/she should be required to display a sticker advertising the fact.

That recommendation was made unanimously by a select committee consisting of the Hon. Barbara Wiese as Chairperson (she is now Minister of Tourism), the Hon. Brian Chatterton, the Hon. Cecil Creedon (who has since retired), the Hon. Ian Gilfillan (representing the Democrats), the Hon. Robert Lucas and myself—a committee of six, as I said earlier, representing all three Parties that have representatives in this Council.

The committee came to what was a very decisive conclusion based on evidence from interstate that smoking and non-smoking vehicles had worked well in practice—a significant and commonsense decision. The committee recognised, for example, that in New South Wales and Western Australia it was possible by regulation to effect a policy on the control of smoking in taxis. That was the simple provision of a sticker saying whether the taxi was a smoking taxi or a non-smoking taxi. The information I have obtained is that in New South Wales and Western Australia the split was roughly 50-50; there were some taxi drivers who did not like smoking and preferred that their passengers did not smoke. Other taxi drivers did not smoke themselves but passengers could smoke if they so wished. So, the option can be given: the owner driver in particular, who has put up the $60 000, which is the case now, to buy a plate, has the decision. It is his cab and his decision as to whether or not he would allow passengers to smoke.

That system is working well in New South Wales and Western Australia and there is no difficulty with it, as I understand, having taken advice on that matter recently. There was a unanimous recommendation that South Australia should follow suit, by regulation. Of course, there would be regulations passed pursuant to the amended Metropolitan Taxi-Cab Act. That is the Act that we now have before us.

Sadly, there has been no reference to the recommendation of the select committee. No attempt has been made to incorporate what I believe was a very sensible and unanimous view of that select committee—that regulations could be used to give owner-drivers and drivers a discretion to decide whether or not their cab should be smoking or non-smoking. Rather, we have seen it come into this place in another Bill which is currently on the Notice Paper. I do not wish to canvass that matter further, because we will

have an opportunity to do so shortly. It is unfortunate, when recommendations are made by a select committee after canvassing all interested parties and after considering what has been the interstate experience and after canvassing all the options, to have the Government turn around and turn its back on them.

I accept that the Government is not obliged to take all recommendations of a select committee on board, but what I found particularly disturbing on this occasion was that the Minister of Health (Hon. Dr Cornwall) did not even have the decency to consult with this industry which provides direct and indirect employment for well over 3 000 people. Instead, he resorted to saying that Adelaide taxis were generally very grubby—and that, of course, was a demeaning remark. I would hope that, in the debate on the Tobacco Products Control Bill, when the Minister comes to debate the provisions relating to smoking in taxis, he will apologise to the taxi-cab drivers of South Australia for saying that Adelaide taxis generally were very grubby.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: Stop provoking yourself, Minister. Just relax and read the comics. That select committee included his ministerial colleague who sits next to him—she agreed with the conclusion at which all of us arrived after reading all the evidence, after visiting taxis interstate, namely, that Adelaide cabs were the cleanest cabs within Australia, and South Australia had the best run taxi industry within Australia.

Certainly, there were some problems and some deficiencies in the industry; that was well recognised and well accepted by key people in the industry when the select committee report was brought down, but it was a disappointing and, if I may say, fairly typical response from the Minister to resort to name calling and saying ugly things about an industry of which we should be very proud. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TOBACCO PRODUCTS CONTROL BILL

In Committee.

(Continued from 22 October. Page 1371.)

Clause 9—'Sale of sucking tobacco and confectionary.'

The Hon. M.B. CAMERON: I move:

Page 3, after line 9—Insert 'Penalty: $100.'

It seems somewhat excessive to impose a penalty of $2 500. It may be that the Minister finds $100 too small, but I really think it needs to be less than $2 500.

The Hon. J.R. CORNWALL: We debated this to some extent last night. The Government's position is quite unequivocal. The offence has been made a summary offence and attracts the penalty of $2 500 because we wish to stop the sale of Skoal Bandits on a State-wide basis. We do not wish them to come into South Australia. It is a habit we could well do without. They are tobacco based: they produce just as great an addiction as does tobacco taken in any other form. They produce cancers of the oral mucosa and the pharynx because, of course, they contain tobacco tars and are in fact tobacco products.

There is an extraordinarily limited demand at this time, and we wish to see that limited demand become no demand at all. Therefore, we are moving—as are several other countries—to nip the whole thing in the bud. We do not want it to become an established habit. It is not just a case of getting after some errant shopkeeper, but a question of ensuring that it is not a proposition for any wholesaler to begin to distribute Skoal Bandits on any scale in South Australia.

The Hon. M.J. ELLIOTT: I am supporting the clause at this time, but I understand that there will be a recommittal of the clause to allow a slight variation on it. I appreciate the fact that there are some people in South Australia who presently use sucking tobacco, and to totally outlaw the substance is probably going a step too far. What I would be supportive of and what may occur if we have a recommittal is the concept that sucking tobacco would be available from places which are prescribed by regulation and under certain conditions. Among those conditions would be one that there would be absolutely no advertising or any other form of promotion of that substance whatsoever. We have a certain inconsistency here. The Government only recently put through a Bill which recognised that a large number of people are using marijuana. The Government has certainly done all it can to stop people getting hold of that substance, by making it hard for the distributors, but, nevertheless, recognising the fact that there were users, for whom there are reduced penalties. I think that is a consistent line with sucking tobacco.

Here we are going to totally ban the substance and have a very high fine on it. I do not want to see what has happened in the US, where the tobacco companies have found this to be a lucrative new market and promoted it among young people, and created addicts to a variation of tobacco. I do not want to see that under any circumstances. I believe that it should be possible under regulation to have only one or two specialty shops in Adelaide selling it—although that is possibly all that sell it now, anyway—and absolutely no promotion of the substance whatsoever. For the possibly 30 or 40 people in Adelaide who use it, it would be available, but I would not expect the usage to increase.

The Hon. M.B. CAMERON: I understand what the honourable member is saying—that there is a further amendment going on file shortly to cover that area. At the moment I am moving an amendment on penalties which would include a specific penalty in this clause, which deals with both sucking tobacco and confectionery products which resemble tobacco. I am making that a specific penalty of $100. I do not know whether the honourable member has considered that part of the amendment.

The Hon. M.J. ELLIOTT: I think that it is very important that the high penalty stays, particularly in relation to sucking tobacco, because I do not want it to be promoted in any fashion in the community, and I think that a $100 penalty is not sufficient and that the penalty should be heavier than that.

The Hon. M.B. Cameron: For confectionary cigarettes, too?

The Hon. M.J. ELLIOTT: At this stage they are in the same clause, but to be perfectly honest I think that the manufacturers of confectionary cigarettes will stop making them, anyway, and therefore the present penalty provided is irrelevant, although it sounds very high. I do not think that penalty is irrelevant in the case of sucking tobacco. We need a very heavy penalty in relation to that, as I do not want to see that substance promoted in any way in South Australia.

The Hon. J.R. CORNWALL: I think that that is a bit of a bizarre proposition put by the Hon. Mr Elliott. I am pleased to note that he wants to retain the $2 500 penalty. Further, I am pleased that he takes the point that he would not want to see a major wholesaler distributing and promoting Skoal Bandits to a potential mass market. But why not do just that? Why in the name of goodness would one want to put in a strange amendment, such as that foreshad-

owed, which would enable the Governor, by regulation, to exempt a person from the operation of the subsection, subject to such conditions as set out in the regulations. Thus, there is power to exempt.

Surely, no Government worth its salt and certainly no health Minister of the day of any political persuasion could be persuaded that a toxic product which did not exist and for which there was no market in the State ought to be created, no matter in what modified or limited form. I find that logic very difficult to follow, and it is not consistent with the sort of logic that the Hon. Mr Elliott has brought to bear previously on this and other matters in the health field over the time that he has been in this place. I am puzzled, to put it mildly.

The Hon. L.H. DAVIS: Perhaps now that the amendment is on file, I can explain to the Minister what I thought he would have readily understood. I refer to the point that I made in Committee early this morning, namely, that sucking tobacco is used by people who were born perhaps in Canada, America, or elsewhere overseas. It is not a commonly used product by native born Australians. The fact is that Canadians, Americans, Irishmen and Englishmen have used sucking tobacco for many years. The usage is very low, and I am sure the Minister would not deny that.

Tunney's specialty tobacconists in the city confirmed that fact by running a survey for me over a seven-day period, ending only yesterday. Some 12 people came in and purchased sucking tobacco—Skoal Bandits and Copenhagen. Very few of those people were young people and only 25 per cent of them were native born Australians. I made the point to the Minister previously, I thought quite clearly that this is a discriminatory measure. Through my amendment I am seeking a reasonable compromise with the Minister. I recognise that tobacco companies may seek to promote the product more widely by selling it in stores other than Tunney's and perhaps by having a very heavy advertising campaign.

I have made what I think is a reasonable offer to the Minister. Rather than attempting to define a speciality tobacconist, which would be very difficult, I have suggested that the Governor may, by regulation, exempt a person from the operation of subsection (1)—which provides that people are not allowed to sell sucking tobacco retail—subject to conditions set out in the regulations. For the benefit of all members in relation to their voting on this matter, I point out that I intend that the regulation would restrict the sale of sucking tobacco to a specialty tobacconist such as Tunney's. There may be one such shop or maybe two, I do not know.

I want to make quite clear that I am not in favour of heavy promotion or advertising of this product. I accept what the Minister has said in this respect, so that the second leg of my proposed amendment states 'subject to such conditions as are set out in the regulation'. In other words, advertising and promotion may be restricted by regulation.

In summary, that amendment to clause 9 (2) would permit specialty tobacconist shops to sell sucking tobacco and they may sell it subject to the conditions which I hope will restrict the advertising and promotion of the product; in other words, it would become very much an under-the-counter product. I cannot honestly see why the Minister would object to that and I hope he will support the amendment.

The Hon. J.R. CORNWALL: I want to ban Skoal Bandits; I want to ban look-alike confectionary cigarettes and that is the end of the matter. On the other hand, I have had discussions with Mr Elliott, who is normally a person of substantial intellect and reason, but I appear to have lost him on one of these matters. He has been involved in a temporary aberration, so at this stage I believe—

The Hon. M.B. Cameron: We are not discussing that amendment.

The Hon. J.R. CORNWALL: No, but inevitably we must. In relation to sucking tobacco not being able to be sold by retail, but with the provision that the Governor may, by regulation exempt a person, provided that I can come out intact with the complete ban on confectionary look-alike cigarettes which will still attract a penalty of $2 500, then I suppose that I will probably have to act like the average man. As members know, I am far from average, but in this matter I will restrain myself.

Amendment negatived; clause passed.

Clause 10—'Sale of products to children.'

The Hon. M.B. CAMERON: I move:

Page 3—
Line 13—Leave out '$1 000' and insert '$500'.
Line 16—Leave out '$1 000' and insert '$500'.

The amendment is designed to bring the penalties down to the common level. In my opinion, the doubling of the penalty makes it very difficult for people in the mixed business field. I have been informed that no person has been taken to court under this law.

It is extremely difficult for people in business and delicatessen owners to tell the age of customers buying cigarettes. I know a very honest local delicatessen owner who believes that he probably makes one or more mistakes a day because he has no way of detecting one's age. It is terribly hard and because of genuine mistakes people can be placed in a position of facing a penalty of $1 000 which, for many delicatessens, would be the ruination of them. The penalty is sufficient at $500.

The Hon. J.R. CORNWALL: Only an hour ago Mr Cameron's colleague the Hon. Mr Griffin was on his feet calling for consistency in penalties from the courts. He was complaining bitterly that someone, on anecdotal evidence gleaned by eavesdropping, allegedly got off lightly for assaulting a policeman whilst his constituent had been harshly treated for stretching his legs on the green grass. Here we have a situation where we are talking about retailers selling cigarettes to minors or retailers allowing minors to use vending machines to acquire cigarettes. I would have thought that if that is done deliberately with knowledge aforethought then a maximum of $1 000, the top fine, is far too light, frankly. I am being very soft relatively and the Government is certainly not seeking a harsh penalty. The reality, of course, is that for a first offence the court will be far more likely to impose a penalty of around 10 per cent, in other words, something in the order of $100, than to fine somebody $1 000. If that person is a repeated offender then surely by all of the rules that we accept (and this is one area in which we appear to have a bipartisan approach) $1 000 is by no means excessive.

We are talking about a penalty that might be imposed on somebody who persistently and blatantly offends. I have heard arguments that there may be a cigarette vending machine in a shop and the proprietor or his staff may have to slip out into the kitchen, answer a telephone or go to the store which causes them to be out of the main retail area of the premises for a brief period, during which time a 12-year-old slips in, puts his coins in the machine and obtains a packet of Craven Special Mild. Along comes the health surveyor and sees all of this in all its stark horror and, by default, that poor proprietor is fined $1 000. That is not how it would work in practice—that is quite silly.

It has been explained to the Mixed Business Association executive officer who accepted the explanation given by me formally and it is in the record of my reply to the second

reading. That is the way it will work and for that reason to have a penalty of $1 000 for somebody who persistently and blatantly abuses the obligations and persistently and blatantly supplies cigarettes to minors is a modest penalty indeed. I repeat that for a first offence there would have to be some evidence led that the owner had been at least less than diligent in meeting his obligations with regard to the law, but for a first offence even if he were unable to successfully explain the situation or defend it it is likely that he would be fined something like $100. I repeat: for persistent and blatant transgressions of this prohibition on selling cancer sticks to kids, I believe $1 000 is a very modest penalty indeed.

The Hon. M.J. ELLIOTT: I believe that any penalty must match the potential profit, and I believe that that would easily run beyond $200. I certainly support a penalty of $1 000 as a maximum.

The Hon. M.B. Cameron: It's $500.

The Hon. M.J. ELLIOTT: I still think that $1 000 is far more appropriate than $500.

Amendment negatived.

The Hon. J.R. CORNWALL: I move:

Page 3, line 32.—Leave out '200' and insert '500'.

This amendment is for the sake of consistency. The penalty for failing to display a sign setting out the tar, nicotine and carbon monoxide yield is $500. The penalty for failing to display a sign which makes it clear that it is an offence to sell cigarettes to minors, we submit, should be the same amount. Again, I stress that this is a penalty within the discretion of the courts. It is quite unlikely that a penalty of $500 would be imposed if the sign had fallen down 10 minutes before the health surveyor happened to walk in the door. That is a situation where there is no clear intention not to display the sign. It seems to me to be the logical way to go, and I urge the Committee's support for the amendment.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 3—After line 32, insert subclause as follows:

(5) A child shall not purchase a tobacco product.
Penalty: $200.

I know that the Minister has a general view about young people being innocent victims of the 'dreaded' companies that sell these products. However, quite frankly, I have watched some young people purchasing cigarettes. I assure the Minister that the young people I have watched doing this are far from innocent. They know exactly what they are doing and, in fact, they are the cause of much of the bother for delicatessen owners. Licensing legislation already contains a similar provision with exactly the same penalty for under-age young people who purchase alcohol. It is a deterrent, something that stops them from making the purchase, and it also stops parents from sending their children down to the local delicatessen to buy cigarettes on their behalf. That does occur and it creates a real problem for mixed business owners.

I think this is one way of creating a deterrent in the minds of teenagers who know, because they are under the age of 16 years, they are too young to purchase this product and therefore should not be doing so and should not be placing the mixed business person in a position where they must make a decision one way or the other. The amendment relates particularly to vending machines, which is a very difficult area for an owner to supervise. It often happens that a group will enter a store and one member will distract the owner while another member of the group obtains the cigarettes from the vending machine. The amendment is an attempt to catch someone other than the delicatessen owner, to place the onus on young people and penalise them.

As the Minister has quite rightly pointed out, the first offender would not get a $200 fine. He has made that point about the $1 000 fine on the Mixed Business Association, and under this proposal the first offender would not get the full ramifications of the fine. I do not want the Minister getting up and saying that we will put a $200 fine on young people. That would only be, to use his words, 'for persistent offenders'. I trust that the Minister will accept this genuine attempt to provide some penalty for the other side of the transaction, that is, the person purchasing, who is the person who knows exactly what age he or she is.

The Hon. J.R. CORNWALL: As Minister of Community Welfare, if I may put that hat on for a moment, let me explain to the Hon. Mr Cameron the consequences of his amendment if it were to become law. The child, and I stress 'child'—because it would be a person under 15, maybe 13 or 11—if he or she were apprehended, presumably would be sent before a Juvenile Aid Panel and there would be dealt with by admonition. Alternatively, if the Juvenile Aid Panel believed that the child was lurching out of control and was a danger to society at large because he or she had conspired to use a cigarette vending machine or, as in Mr Cameron's submission, had stood over the deli proprietor with menaces—and remember we are talking about perhaps a 13 or 14-year-old girl in these circumstances—that child would be referred to the Children's Court to be dealt with by a judge. In the last calendar year, we in the department received about 15 000 calls concerning children who for one reason or another were in need of support, were in need of care, were in need of assistance or, as very often happens these days in this enlightened department, their families were asking for assistance. They were looking for early intervention in the family to be able to ensure the future of the children.

Young mothers, who very often feel that they are unable to cope with the great stresses imposed upon them by being housebound or in a situation where they are unable to get out because of a variety of circumstances, were looking for early intervention. But whatever, right across this spectrum, there were 15 000 cases which actually sought the assistance of the Community Welfare Department, whether initiated by parents, children, neighbours, community welfare workers, teachers, police—the full range. It is a very busy area. Of these, I am happy to say that only about 207 or 210 or thereabouts were actually deemed to be children in need of care—in other words, those who were deemed to need extraordinary measures: to be removed from families who could not cope or because of offending, and so forth, to be placed in intensive neighbourhood care, or generally in fostering.

The Children's Court is very overloaded. In fact, only last week I received a report from Ian Bidmeade, our senior legal consultant, who was asked to review Part III of the Children's Protection and Young Offenders Act. That is an extensive and very good report. It is in fact the Attorney-General's Act. It has always been committed to the Attorney-General, and that is quite appropriate because the Children's Court is quite rightly, like all other courts, something which is a responsibility of the Attorney.

The point that I am making is that there are a number of very significant recommendations in that report for the upgrading of the Children's Court in a number of ways. I would have thought that the last thing we would want is to have juvenile aid panels and the Children's Court blocked up concerning themselves about some 13 or 14 year old who was apprehended in the business of deceiving a shop-

keeper to sell him a packet of cigarettes or having the temerity to feed the 20c pieces into a vending machine to acquire a packet of cigarettes.

The legislation as proposed is not intended to work that way. The penalty is there to apply to a retailer who deliberately and irresponsibly, and I would say reprehensibly, sells a packet of cigarettes to a minor knowing very well that that juvenile is under the age of 16 years, and in some cases quite clearly under that age. It is not really in the legislation to overload the system with young offenders, or to overload juvenile aid panels or the Children's Court processing children for attempting to purchase a packet of cigarettes.

The Hon. M.B. CAMERON: I am surprised. I put this amendment forward as a very genuine amendment to assist with putting a deterrent in place to stop young people smoking. I am obviously keener on that than is the Minister. I do not want to get into an argument with him on this particular clause; one is either for it or against it: there is nothing complicated about it. To use as an excuse the fact that it would overload the juvenile court system is a reflection on the Government. I can tell the Minister that I know a little bit about the juvenile court system and know that there have been some staffing problems in the juvenile courts created by people being diverted away from them.

The Hon. J.R. Cornwall: They have money problems.

The Hon. M.B. CAMERON: Yes. The Minister would know exactly what is going on. The people in charge of that court were doing a very good job indeed, but they had a diversion of resources away from the juvenile court system. That has created the problem. Now we cannot put a penalty in a Bill before the Parliament which would be an active deterrent to young people because there are insufficient resources in the juvenile court system. There is something wrong with the system, if that is the case.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: It is already done in the liquor industry; do not be silly. The Minister will not move to take that out, will he? Of course he will not. Do not try to put up a silly argument. To talk about people selling tobacco deliberately and irresponsibly to teenagers, the fact is that it is often the teenager who is deliberately and irresponsibly purchasing the cigarettes. That is what we are trying to stop, surely. That is what I am trying to stop, and I hope that the Minister is trying to stop it, too. I cannot accept the Minister's contention that we would overload the court system with these naughty children purchasing cigarettes and being dragged into court as a result. That is what we should do, put in a deterrent: that is what deterrents are and what they are for. The only person in the transaction who really knows the age of many of these children is the person purchasing. If the Minister ever says that we are on the side of the tobacco companies I say that in this case it appears very much to me that he is just that.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: On a point of order. I ask that the Minister withdraw his remark and apologise. If you did not hear, Madam Chairperson, the Minister referred to me as a whore of the industry and I take grave personal exception to that and ask the Minister to withdraw and apologise.

The CHAIRPERSON: If the Minister made that remark I suggest he should apologise. I did not hear the comment.

The Hon. J.R. CORNWALL: I did make it. I think that Mr Lucas's performance in this debate as the Opposition spokesman on youth affairs has been such that he has not made one positive contribution and has gone to bat for the tobacco companies at great length. On mature reflection, I think that to have called him a whore of the tobacco industry is probably unparliamentary: it may be true, but is probably unparliamentary and for that reason I certainly withdraw and apologise.

The Hon. M.B. CAMERON: The question of monetary penalties for young people being difficult for some children and their families compared with others has been raised with me. I wonder whether the Minister would consider putting in place an amendment if it were drawn up to provide for a community work order. That would straighten it all out, because there would be no problem for the families concerned and would probably give some active community work to the young person and perhaps provide him or her with some indication of the sorts of problems the community faces.

The Hon. J.R. CORNWALL: I make two points, both of them telling and cogent. First, this is not the appropriate legislation under which work orders ought to be administered. Secondly, again, the Hon. Mr Cameron—the champion of small government—is getting us into a job creation scheme all right. It will require a small army of people in the department to administer this. He really is an amazing man. He prattles on about the desirability—

Members interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: We will hear more about taxis at the appropriate time. Let me tell you that I have my fans among taxi drivers—very dedicated fans.

Members interjecting:

The CHAIRPERSON: Order! Mr Lucas, when I call for order that includes you. When the Chair calls for order, interjection should cease at that time.

The Hon. J.R. CORNWALL: In brief, it would tie up a lot of resources which can be far better used rehabilitating people who need the attention as young offenders, in intensive neighbourhood care, in need of care applications and a lot of very constructive areas—early family intervention, and so forth. To suggest that I ought to tie up the resources of the department to process work orders for a juvenile who, on a particular occasion, purchased a packet of cigarettes or used a cigarette machine is pretty stupid, and I do not think I need say any more.

The Hon. M.B. CAMERON: I am not going to prolong the debate but indicate that at this stage I will not proceed with this amendment. I will have a fresh amendment drawn up providing for community work orders and will seek recommittal of this clause at a later stage to provide for that. I seek leave to withdraw the amendment at this stage on the understanding that I will be seeking a fresh amendment and putting that to the Council.

The Hon. J.R. CORNWALL: Before the honourable member withdraws the amendment I would indicate that I think that there is little point in resubmitting. We are going to resubmit half of this Bill. How long are we going to stay here? The Hon. Mr Davis had six weeks and did not have his amendments ready. He wants to resubmit the legislation.

Members interjecting:

The CHAIRPERSON: Order! The honourable member has sought leave to withdraw his amendment. I will ask the Committee if leave is granted.

Leave granted; amendment withdrawn.

Clause as amended passed.

Clause 11 passed.

Clause12—'Smoking in taxis.'

The Hon. J.R. CORNWALL: I move:

That this clause be deleted.

The Hon. L.H. Davis: Changed your mind at the last moment?

The Hon. J.R. CORNWALL: No.

The Hon. R.I. Lucas: A big victory for the taxis.

The Hon. J.R. CORNWALL: It is not a big victory for anyone.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: The smoking taxis are very grubby indeed. The clean taxis, the non-smoking taxis, are a credit. I have said this before and it has never been reported.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: Oh, shut up you fool! The clean, non-smoking taxis in this city, are a great credit to their owners and drivers. I ride in taxis a good deal, and I have been in a number of taxis fairly recently. One, an elderly Kingswood, had a pattern of cigarette burns of 10 to 12 centimeters in diameter right around the ashtray, where people had missed the ashtray, which was full of butts—it was overflowing. It was a bloody disgrace! I could not describe it in any other way. By the same token, last night when the Council got up after midnight and the messengers called a non-smoking taxi for me, I went home in a late model Falcon which was immaculate. It was a credit to the owner and the driver, and it was a non-smoking taxi. I believe that the original proposal in the Bill was very sensible.

The Hon. L.H. Davis: After a full discussion with the—

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: For God's sake, you are a silly fellow. You are adding nothing to the debate. You are a fool if ever I saw or heard one. The provisions of clause 12 would have made an affirmation that smoking is an anti-social habit—and that is important.

Unapologetically, as Minister of Health and on behalf of the Government, I want to create an environment where increasingly smoking is regarded as an anti-social habit. The provision would have done that for a start. Secondly, it would have ensured that the 70 per cent of adults who are non-smokers could ride in clean cabs. The non-smoking cabs are clean, and I believe that the 70 per cent of us who are non-smokers (and that percentage is increasing all the time) are entitled to ride in a cab not only in which is there no smoking at the time but which is free from the pollution of stale cigarette smoke, stale butts, burnt upholstery and burnt seat covers.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: That is a fact. I do not know how many cabs the honourable member rides in. It is a fact of life that cabs in which smoking is permitted carry a relatively high percentage of intoxicated passengers who burn holes in the upholstery. In a stroke, we would have had a reinforcement of the general thrust, spirit and intent of this legislation (that smoking is an antisocial habit) and, a reinforcement of the right of non-smokers to ride in clean, unpolluted and comfortable cabs, and it would also have pleased a significant percentage of taxi owners and drivers. It would have also enabled those drivers to work in an environment free from the pollution of sidestream smoke. It had a number of things going for it. In the event I have not been able to attract the unqualified support of the Hon. Mr Elliott on this.

The Hon. L.H. Davis: The industry wasn't very pleased either, after having been not consulted. There are only 3 000 people in the industry and you didn't even have the decency to talk to them.

The CHAIRPERSON: Order!

The Hon. L.H. Davis: That is what is called communication.

The CHAIRPERSON: Order, Mr Davis.

The Hon. J.R. CORNWALL: He gets close. I do not know why you do not throw him out, Ms President. There is plenty of reason for it. He wears thin after a while. He needs a keeper. The industry was divided on the matter; there is no question about that. I do not live in a vacuum and I know what the situation was. The people who are most vocal about it are those who believe that they have an unfettered right in a regulated industry to do as they please. However, when we suggested we might deregulate the industry, that perhaps the London mini-cabs could be a go, then there was an enormous scream—'You can't do that'. The reason why those taxi plates are worth $60 000 is that it is a very highly regulated industry—it is a closed shop.

The Hon. R.I. Lucas: That is outrageous.

The Hon. J.R. CORNWALL: You say it is outrageous that it is a closed shop. If you think it is, bring in a private member's Bill and let us look at it. The Government supports the present situation of a regulated industry. Mark you, there is some support for deregulation in the industry. If I were those vocal and unthinking mates of the Opposition, that group in the industry who have been so vocal, I would be careful, because I would hate to see the industry deregulated—for the sake of the taxi owners generally.

Let me repeat that I think the non-smoking cabs in the industry are a credit to the proprietors and drivers. They are as good as cabs anywhere in this country. However, the filthy dirty ones of the smokers are a disgrace—let that be on the record. The clean ones are a great credit: the dirty ones are just plain awful. I have not been able, despite the importance and logic of clause 12, to convince Mr Elliott on it. If the Hon. Mr Davis shuts up for long enough for me to be able to put it, I will be seeking that section 35 (1)xv of the Metropolitan Taxi-Cab Act be used in order to authorise the following proposed regulation:

A passenger shall only smoke in a taxi-cab that carries a 'smoking permitted' sign.

On the advice and at the urging of my supporters among the taxi owners and drivers for non-smoking cabs, I would go one step further and I would ask that there be a permanent sign prominently displayed on the outside of the taxi to indicate that it is either a smoking or a non-smoking taxi. That would be very easy. One could simply use the universal sign to indicate smoking or non-smoking areas. One could approach a cab on the rank and immediately tell whether the owner has elected to permit smoking or to not permit smoking in that cab. There would be none of this nonsense of it being a smoking cab while the smoking driver was on duty and then becoming a non-smoking cab during the next shift when the non-smoking driver came on duty. Further, there would be none of this nonsense of having detachable stickers or magnetic signs. There would be smoking cabs and non-smoking cabs available and, for the benefit of members of the Opposition who like to ride in dirty cabs, they would be able to pick a dirty one in a flash.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: One of these days you will have to deal with him, Madam Chair—you are only putting off the evil day. Those members of the Opposition who like to ride in dirty, smelly cabs can do that if they elect to do so. Quite frankly, on all occasions I will make a beeline for a cab which carries a sign which prominently indicates, in international language, that it is a beautifully clean, responsibly looked after, non-smoking cab—and for that I will be eternally grateful and comfortable.

The Hon. M.B. CAMERON: I find this whole thing now somewhat amusing and bemusing. The old polluter who has just sat down, having now reformed, has now declared that never again will he get a ride in a smoking cab. Let me tell the Minister that I have never polluted a cab in my life with a cigarette. That is more than I can say for him, because until just recently he was a polluter. I am glad to see that he has joined the ranks of the non-polluters, and I hope that he does not fall back into old habits, as I am quite certain that he has annoyed plenty of cab drivers in his time—which I have never ever done. I have never annoyed a taxi driver with smoking. But there is nothing like a reformed gentleman getting up and pontificating about what a brand-new man he is, how he has changed. Let me tell the Minister that if he or any person associated—

The Hon. R.I. LUCAS: I rise on a point of order, Madam Chair. The Minister of Health said that he has a dossier on my pot smoking activities. I ask for a retraction from the Minister for uttering that across the Chamber. I take grave exception to that allegation by the Minister of Health, heard quite clearly by members in this Chamber. If he is keeping dossiers on members and alleged pot smoking activities, as he has indicated, I am sure that all members would be interested to hear about that.

The Hon. I. Gilfillan: What is the point of order?

The Hon. R.I. LUCAS: My point of order is that I want it withdrawn and an apology.

The CHAIRPERSON: I do not see that that is a point of order. It is not unparliamentary language. I certainly did not hear it.

The Hon. R.I. LUCAS: My point of order is that it was an allegation of a criminal activity on the part of a member—which would be enough to have me lose my seat in Parliament. If that is not an injurious reflection, I have never seen or heard one.

The CHAIRPERSON: A dossier on pot smoking could be—

The Hon. R.I. LUCAS: On pot smoking—that is an allegation that a member of Parliament had committed a criminal activity.

The CHAIRPERSON: I do not see that it need be—it could be a dossier on how a person does not smoke pot, couldn't it?

The Hon. R.I. LUCAS: It was not about how I do not smoke.

The CHAIRPERSON: Order!

The Hon. R.I. LUCAS: The Minister said 'a dossier on your pot smoking'.

The CHAIRPERSON: Order! Order!

The Hon. R.I. LUCAS: I want it withdrawn.

The CHAIRPERSON: Order! When I speak the honourable member must sit down.

The Hon. R.I. LUCAS: I want it withdrawn, quick smart.

The CHAIRPERSON: When I speak the honourable member sits down.

The Hon. R.I. LUCAS: I want it withdrawn.

The CHAIRPERSON: The honourable member does not speak when I do.

The Hon. R.I. LUCAS: Well, I want some action, now.

The CHAIRPERSON: Will the honourable member keep quiet!

The Hon. R.I. LUCAS: Yes, if you take some action.

The CHAIRPERSON: Will the honourable member keep quiet!

The Hon. R.I. LUCAS: Yes, if you will take some action.

The CHAIRPERSON: You say, 'Yes', but you don't.

The Hon. R.I. LUCAS: I just have. Move!

The CHAIRPERSON: I did not hear any such comment. Did the Minister make such a comment?

The Hon. J.R. CORNWALL: There was a private aside between the Hon. Mr Lucas and myself across the Chamber. It was never on the public record, until he chose to put it on the public record. I had a private conversation across the Chamber with the Hon. Mr Lucas. I have no need to withdraw anything.

The Hon. R.I. LUCAS: You are not going to withdraw anything?

The Hon. J.R. CORNWALL: There is nothing to withdraw. We had a private conversation across the Chamber.

The CHAIRPERSON: I have not heard any comment that he should withdraw.

The Hon. R.I. LUCAS: On a point of order—

The CHAIRPERSON: There is no point of order, Mr Lucas, when I am speaking. I have priority in this Chamber. I have not heard any remark made by the honourable Minister. If there is such a remark uttered by him on the public record, I could agree with you that it could be regarded as an injurious reflection, but I am not aware that he has made it. As far as I know, it is not on the public record. There is therefore nothing to withdraw.

The Hon. R.I. LUCAS: The Minister made a comment which was audible to all members on this side of the Chamber. You can inquire of all members here. He made an allegation that he was keeping a dossier on my pot smoking activities. If that is not an injurious reflection (whether or not you heard it, members on this side of the Chamber and I heard it), I do not know what is, and I take grave exception to it. That is a serious enough allegation of a criminal activity for me not to be able to sit in this Chamber. If that is not an injurious reflection, then I have never heard one. He should stand up, withdraw it and apologise and let us get on with the business.

The CHAIRPERSON: The honourable Minister.

The Hon. J.R. CORNWALL: If private conversations are to be put on the record by people like Mr Lucas, then we have reached a sorry pass. I made a private aside across the Chamber to Mr Lucas, the contents of which quite obviously nobody heard, and more particularly *Hansard* did not hear it. The matter would never have been on the public record if Mr Lucas had chosen not to raise the matter. It was a private conversation across the Chamber and immediately he lept to his feet, put it on the record and now demands that something which was the subject of a private conversation ought to be withdrawn. I have no wish to go to the barricade. Every time this issue is raised he seems extraordinarily sensitive. A student in the early 1970s—

The CHAIRPERSON: Could you address your remarks to me?

The Hon. J.R. CORNWALL: Yes, Ms President—he probably has had some experience, at least in campus circles. But, because Mr Lucas is so extraordinarily sensitive and has taken the most amazing step of picking up a private conversation and ensuring that it went on the public record in *Hansard*, he is now on the public record, regardless of whether or not I withdraw, apologise or do anything. It is now in *Hansard* and he has put it in *Hansard*, so be it on his head. If he wants to take any private conversations in this Chamber and put it on the public record, that is his problem and not mine.

If it will expedite proceedings in this matter about which Mr Lucas has persistently showed extraordinary sensitivity, and his sensitivity is now on the public record, I will withdraw and apologise. Because references to his early life and his robust university days when his politics were different

seem to cause him problems, not only will I withdraw and apologise, but also I will never raise the subject again.

The Hon R.I. Lucas: Good man! Now sit down.

The Hon. J.R. CORNWALL: You put it on the public record—not me.

The Hon. M.B. CAMERON: After that little round, we will get back to the matter that was under discussion, I hope that the Minister will not make any more asides to members across the Chamber but instead will listen to what I have to say. This whole matter would have been resolved at the beginning if the Minister or his advisers had taken the trouble to consult the taxi industry, the Metropolitan Taxi Cab Board and any members of the radio companies. However, nobody was informed of this matter and, if they were, I understand that only one short phone call was made to somebody (and nobody knows to whom) within the taxi industry.

This was it, despite the Minister's saying in a press statement, which I raised earlier. 'We have worked in conjunction with the South Australian Taxi Board on the draft of the Bill.' That was absolute nonsense. It had not occurred and somebody, including the Minister, really needs a good kick in the backside for not going to the industry and working out this whole matter. Now we have the Minister withdrawing it as he should have done in the beginning, in spite of protestations all the way through it and after going back to Cabinet two or three times on the matter to get the support of his colleagues to proceed; there were to be no changes. Now we find that the matter is not going to be proceeded with. That is how it should have been in the beginning.

We had the Minister coming in with a new amendment that would take out hire cars as well as buses. It provides that subsection (1) would not apply in relation to a hire car. I would be interested to know what happens with hire cars if we have smoking and non-smoking taxis. Will the Minister get to the stage where all private hire cars are smoking or non-smoking?

I am interested to know whether there will be some change in the regulations, as I have taken the trouble to look at them. I think the Minister's amendment may well have had some problems because under the regulations of the Metropolitan Taxi-Cab Board 'private hire car' is defined as follows:

> 'private hire cars' means a taxi-cab which is licensed to carry passengers for hire solely after the taxi-cab has been previously ordered from a place specified in the licence issued in respect of such taxi-cab.

In other words, hire cars are taxi-cabs from my reading of the regulations. I ask the Minister, in drawing up the new regulations, to ensure that the problem that would have occurred under his amendment does not occur under the new regulations and to ensure that, if he did intend that hire cars could be all smoking provided that passengers and the driver agreed and they were hired exclusively, that continues—in other words, to separate hire cars from taxi-cabs for that purpose.

I have no problem with smoking and non-smoking cabs although I think the Minister is going a little too far. I will look at the regulations when they come in as to whether there should be movable or non-movable signs. That matter will be the subject of potential debate in this place at another time. I fully support the move to remove this provision in the Bill which, frankly, should never have been there in the first place. It was inappropriate and should have been under the Metropolitan Taxi-Cab Board Act in the first place and been the subject of discussion within the industry right at the beginning. It is a reflection on the Minister and everyone associated with this Bill that that did not occur.

I am angry that so much public concern has been created amongst taxi drivers, taxi owners and people associated with the taxi industry because the Minister consistently, until today, refused absolutely to consider what were very sensible ideas being put to him by people within the industry. He really does need to think again about his public relations and the way in which he approaches matters. It is nice to know that in the end some sanity has prevailed and that people in the industry will have some opportunity now to put their case, which should have happened right at the beginning.

The Hon. M.J. ELLIOTT: I had a degree of sympathy with the original clause, but also a measure of discomfort. First, the Bill set out to discourage the promotion of tobacco. It has not gone as far as I would have liked in that direction, but it does protect minors to some extent, and it also protects non-smokers from the effects of tobacco smoke from others. Most certainly, if we accepted clause 12 in its original form, the non-smoker would be protected. I think it is also true to say that we may have not only maintained the rights of the non-smoker but I think we may have infringed on the civil liberties of the smoker. In fact, I think we might have gone a little too far in that direction.

I am most hopeful that, if the Minister follows the course that he is now suggesting, we will end up with a situation where at least half of all taxis will be non-smoking at all times. In other words, whenever a non-smoking person wants a non-smoking taxi, they can be guaranteed that they will get one. In fact, I suspect that in the long run we will have a situation similar to that which occurred with interstate buses whereby public demand has increased the number of non-smoking buses. Eventually, I think that is exactly what will occur in the taxi industry.

The Minister proposes to bring in regulations to ensure that we have smoking and non-smoking taxis. At this stage I make clear to the taxi industry that, if any goodwill is necessary from it, that will be forthcoming. I think that this Parliament has given an expression of goodwill by leaving it up to the Taxi Control Board to assist in sorting out the way that taxis will behave in relation to the provision of smoking and non-smoking cabs. That goodwill having been given to the industry, I hope that it will respond similarly. However, if it does not respond with a similar expression of goodwill, I give this warning: in 12 months time I will support a provision similar to the original clause. However, I do not think that will be necessary. I am quite confident that the industry will give the necessary response and that we will achieve exactly what the Bill set out to do in the long term. I do not think the Minister has changed the intent of the clause—just the means of achieving it.

The Hon. J.R. CORNWALL: I have taken further advice on this from my taxi supporters and I suggest that the practical way that this will be applied is by a simple transfer so that it will not damage the future prospects for resale of the cab. If, for example, a transfer was clearly displayed on the back window, the left hand front window or wherever, I am advised that because it is a transfer it cannot be removed between shifts. I do not accept the New South Wales scheme. I think a non-smoking cab should be just that—a non-smoking cab; and that a designated 'dirty' smoking cab should be designated as such so that my friends opposite can ride in them. It would be a very simple arrangement and it would not affect the resale value of the cab. It would also make very clear to the public that they had a choice between a cab with the international no smoking logo (and that includes no smoking by anyone including the driver at any time) and a smoking cab.

The Hon. I. GILFILLAN: I support the clause as originally proposed, thereby exercising a variation of opinion with my colleague (whose judgment I respect) who is handling this Bill. There was discussion and debate in the select committee (of which I was a member), as referred to by the Hon. Legh Davis, and that resulted in certain recommendations. However, there is no reason why one should be locked into a certain time frame. As the major move now is towards the virtual abolition of smoking as a promoted and accepted public activity, it seems very appropriate to me that a community public space—which is precisely what a taxi cab is when it is available for hire—should be prohibited from being a smoking space.

It is a very confined area and there is no doubt in my mind—as with most people who have viewed the situation—that it is an extraordinarily high health hazard both for the smoker and for the ingester of passive smoke. I am disappointed that the original clause has been varied but I recognise that my attitude will not hold a majority in this place and that a variation to that clause will be put into effect. I certainly resent very strongly the fact that the Minister had not allowed adequate consultation with the industry and, even if the industry were to be resentful of and in opposition to the move, that is no excuse for not giving those people every opportunity to have their point of view considered.

I repeat, Madam Chair, that I consider the trend is inexorably towards the eventual elimination of smoking in public spaces, and this is only one step. I believe that the cab driver who is a smoker could be catered for by his switching on the 'not for hire' sign and having a cigarette at some point when he is not likely to be engaged with a fare. That would be a concession to the individual who spends some hours driving in a shift. Apart from that, I repeat that the sooner we get to a very clear message that we do not want smoking in public places—and this is an area which is a public place—the better. A taxi is to be shared by a lot of people, quite often in reasonably quick succession, and I hope the day will come, perhaps because of the lack of demand for smoking in taxis, when I can take a taxi at any time and rest assured that it has not been contaminated by tobacco smoke nor will there be any intention by anyone to smoke in it. I regret that this clause has been diluted but I hope that the trend has been put in motion and that we will eventually have non-smoking taxis.

Clause negatived.

Clauses 13 to 15 passed.

Clause 16—'Regulations.'

The Hon. M.B. CAMERON: I move:

Page 5—After line 8 insert subclause as follows:

(4) A warning prescribed under this section must be in the form of a warning in force, or likely to come into force, in at least three States or Territories of the Commonwealth.

This amendment is self-explanatory. It makes clear that the warnings to be used on cigarette packs are the same as those used in three States or Territories of the Commonwealth. Somehow we have different wording. It is different wording from that in the previous amendment moved by the Hon. Mr Lucas. I guess it means the same thing.

The Hon. J.R. CORNWALL: The Government cannot accept this amendment, not only because we do not like the intent of what the Opposition is trying to do, but also because it would apply to rotating labels. At the moment only one other State has rotating labels. Never mind about the expression of what they might do and who might get to whom, or what Barry Unsworth or Brian Bourke might do: the fact is that at the moment they are not actually up and running, so at present we are bending over backwards to accommodate the tobacco companies in respect of the regulations in Victoria. If we were to accept this amendment, that would close that option. For that reason, I must resist it quite vigorously, not because we are particularly concerned about the advertising, but because the unintended effect, perhaps, could be that it would create potentially very real problems for us with rotating labels.

The Hon. M.B. CAMERON: Will the Minister give me an assurance that the rotating labels on cigarette packets will be those as agreed between the Minister and the cigarette companies or between the Ministerial Council and the cigarette companies? As I understand it, a measure of agreement has been reached. I understand the problems that are occuring, but I guess we are looking for some assurance that we will not suddenly have a new set of rules for South Australia outside those reached through general agreement.

The Hon. J.R. CORNWALL: I would like to give a cast iron assurance that we are locked into what the Victorians are doing. I cannot give a guarantee that, if some deal is done in New South Wales between New South Wales and Amatel, or whoever, I will accommodate that, too. However, I give an absolute assurance that the Government intends to follow Victoria. At the moment, the agreement regarding the four rotating labels exists in at least four States. Victoria has implemented them by regulation, and we intend to follow.

The Hon. M.B. Cameron: The ones that are agreed?

The Hon. J.R. CORNWALL: We intend to follow. There are four agreed labels at this time, and there is the guarantee firmly in *Hansard.*

The Hon. M.B. CAMERON: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Title passed.

Bill recommitted.

Clause 4—'Sale of tobacco products by retail'—reconsidered.

The Hon. L.H. DAVIS: I move:

Page 2, after line 13—Insert subclause as follows:

(4) The Governor may, by regulation, exempt a person from the operation of subsection (3) in relation to cigarettes of a prescribed class.

Clause 4 (3) seeks to prevent persons selling packages of cigarettes containing fewer than 20 cigarettes. My amendment gives the Governor the power by regulation to exempt a person from the operation of subclause (3) in relation to cigarettes of a prescribed class. As I indicated earlier, I believe that there is an argument to exempt from the operation of subclause (3) specialty tobacconists who sell imported cigarette products in packs of fewer than 20. I have moved this amendment, believing that it will protect minority groups such as people from Asian and European countries who have continued to buy products which are generally made in their own country and which are quite often sold in packs of fewer than 20.

The evidence seems to be persuasive that by far the majority of these people are of mature age, and the evidence also seems to be quite conclusive that the numbers sold are very small. I have had indications of support from the Democrats in this matter.

The Hon. M.J. ELLIOTT: It seems to me that this is a sensible way to cater for an extremely small group of people. I expect that if this clause were passed the regulations would be such that only a handful of specialty tobacconists would be selling these products. They would be the sort of people who, being specialty tobacconists, would not be likely to sell to minors and, as such, the reason why we accepted the clause relating to packs of fewer than 20 is still valid; it is not contrary to that. For that reason, I support this move,

unless the Minister has some overpowering reason why it cannot work.

The Hon. J.R. CORNWALL: I have some doubts about this. I fear it gets at the spirit and intent of the clause. There has been a great deal of debate and a great deal of resistance from the tobacco companies. The whole question of selling cigarettes in packs of fewer than 20 is, clearly, very important to the tobacco companies, and having that as a potential strategy is very important. Despite rumours to the contrary, I am not immortal and there will be changes of Health Ministers. Ultimately, there may even be changes of Government: it is part of the democratic process.

It is also fair to say that, if there were a significant change in the numbers in this place and a change of Government, the whole legislation could be repealed, so we cannot protect it in perpetuity. I am concerned that it has the potential to significantly weaken what we have been about in this very major amendment in banning the sale of cigarettes in packets of fewer than 20. I am aware of the argument that some people of minority ethnic origin, for some reason which is totally unclear to me, like smoking those dreadful Indonesian cigarettes or clove cigarettes, or some of those Turkish things.

The Hon. L.H. Davis: Don't impugn ethnic minorities.

The Hon. J.R. CORNWALL: I am not doing so. I do not know how anyone could smoke those smelly, stinking clove cigarettes; they are the pits. Even in the days when I was addicted to nicotine I could not come at them, nor could I bear to sit and take the smoke passively—they are terrible. A very small number of people smoke them, and I do not want to be in the business of proscription as to what brand people smoke while it remains a legal habit. However, it is entirely possible for an enterprising specialty tobacconist (and they are the only ones who sell them; they are not on general sale) to repack them, while retaining the original packets intact, and label them in such a way that these very small groups, for whom the Hon. Mr Davis and one or two of my colleagues have expressed some concern, can still have access to their favourite exotic brand. So, I am afraid that I cannot accept this. I must oppose it on the basis that I think that to a significant extent it goes to the heart of the clause.

The Hon. M.J. ELLIOTT: I am not sure whether the Minister has yet pointed out where the problems are. If 15 packs have .8 per cent of the market, I would suggest that 15 or anything fewer than 20 of some of these foreign cigarettes must be .8 per cent of .8 per cent. I do not think that the regulation will last any longer than the legislation, if we worry about the regulation being overturned. I cannot see how the regulation could be overturned any more quickly than the Bill itself could be.

The Hon. L.H. Davis: If it is abused it can be amended.

The Hon. M.J. ELLIOTT: Certainly, if it was abused I would support that amendment. Since the Democrats will continue, at the very least, to hold the balance of power, we would support any amendment necessary so that it would not be abused. I have not heard how abuses could occur. If the Government, by regulation, said, 'These three shops can sell that brand', that is it.

The Hon. J.R. CORNWALL: Let us consider what could happen. A Government could exempt Alpine 15s by regulation. The matter would not even have to come back to the Parliament.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: It does not. The honourable member knows that very well. He always argues, when we try to do something by regulation, that it does not have to go through the full scrutiny of both Houses of Parliament like legislation, so why not put it in the legislation? If the Hon. Mr Elliott accepts this amendment, there is a possibility, although it may appear remote at this time, that Alpine 15s or any other 15s, 10s or 5s could be exempted by regulation. In my view, the proposed amendment goes to the heart of the clause, and I oppose it vigorously.

The Committee divided on the amendment:

Ayes (9)—The Hons. J.C. Burdett, M.B. Cameron, L.H. Davis (teller), Peter Dunn, M.J. Elliott, K.T. Griffin, J.C. Irwin, Diana Laidlaw, and R.J. Ritson.

Noes (7)—The Hons. G.L. Bruce, J.R. Cornwall (teller), M.S. Feleppa, Carolyn Pickles, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Pairs—Ayes—The Hons. I. Gilfillan and C.M. Hill. Noes—The Hons. B.A. Chatterton and T.G. Roberts.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 9—'Sale of sucking tobacoo and confectionery' —reconsidered.

The Hon. L.H. DAVIS: I move:

Page 3, lines 8 and 9—Leave out this clause and insert clauses as follows:

9. (1) A person shall not sell sucking tobacco by retail.

(2) The Governor may, by regulation, exempt a person from the operation of subsection (1) subject to such conditions as are set out in the regulation.

9a. A person shall not sell by retail confectionery that is designed to resemble a tobacco product.

This matter has been fully canvassed, and I do not propose to go through it again.

The Hon. M.J. ELLIOTT: Do the penalties remain at $2 500 if not stated?

The Hon. J.R. Cornwall: Yes.

The Hon. M.J. ELLIOTT: I will be supporting this amendment on a basis similar to the previous one, because there are a small number of addicts already to this substance. I guess they have the same rights as people who are addicted to smoking tobacco. I expect that the Government will have regulations whereby no more than two or three specialty shops will be selling sucking tobacco. I also expect that in those regulations it will be quite clear that there be no promotion of the product. If tobacco companies started promoting in any way, even by using interstate magazines. I would expect that the regulations would disallow the sale of sucking tobacco through any outlet at all.

The ball is firmly in the court of, first, the Government as to where it allows it to be sold and, secondly, the tobacco companies. If they start promoting the substance in any way, I believe that it should not be sold anywhere.

The Hon. J.R. CORNWALL: For someone who stands up every now and again and says that the Bill is nowhere near tough enough, the most recent performances of the Hon. Mr Elliott have been rather hard to follow. Obviously, I do not have the numbers on this and I do not intend to call for a division. However, I want it on the record that no-one should waste their time coming near my office, while I am Minister of Health, asking for a regulation to exempt any packet of 15s or to exempt Skoal Bandits. It will simply not be on.

The Hon. L.H. DAVIS: I regret that the Minister has taken that attitude. As in the case of clause 4, the amendment to clause 9 was designed to cater for that very small number of people who use sucking tobacco, and have for many years. The Minister of Health, on his own admission, did not go near the specialty tobacconist store to work out how many people were involved, what sort of people were smoking it, and what was their origin. In fact, I took the trouble to do that and copped some abuse from the Minister in the process, and I find that quite remarkable.

Tunney tobacconists, to cover that ground, yet again, indicated that they were the leading tobacconists in looking after people who were purchasing sucking tobacco. Only 12 sales were recorded in a period of seven working days up until yesterday. That is not a huge trade, but a very small trade, and not the sort of trade that will be advertised. Of that admittedly very small sample 75 per cent were people who came principally from America, Canada or the British Isles. I find it overbearing to have the Minister of Health say that, even though there is an amendment that has the support of the majority of this Council and which seeks to give recognition to this minority group, he will not take any notice of the wish of the Council. Democracy at work on the Minister of Health's terms! I think that is pretty ordinary behaviour.

The Hon. J.R. Cornwall: Governments are formed down there, not in this mickey mouse club here.

The Hon. L.H. DAVIS: That is pretty gung ho behaviour from the Minister of Health. For someone who masquerades as a protector of democracy, I think it is a pretty poor show when he stands up in this Chamber and says that he does not give a damn about what the intent of this place is and that he will not take any notice of it. I think that is pretty ordinary behaviour. I hope that the Minister has a chance to reflect on this and to accept that the majority of members in this place believe that a case can be made for catering for that small group of people. The provision is phrased in such a way that it gives the Minister a chance to give effect to the intent of this Committee; it gives the Minister an opportunity to prescribe the products and the outlets, and it provides him with the opportunity to restrict advertising promotion. What more can the Minister want?

Amendment carried; new clauses 9 and 9a inserted.

Clause 10—'Sale of tobacco products to children'—reconsidered.

The Hon. M.B. CAMERON: I move:

Page 3, after line 32—Insert subclause as follows:

(5) A child shall not purchase a tobacco product.
Penalty: $200.

I have sought advice on this matter and I have been informed that if the Children's Court finds that a young person cannot afford the fine, there is an opportunity for the court to enforce a community work order. So, that matter is not something that needs to be included in the legislation. I appeal to the Committee to support my amendment, as it is a genuine attempt to try to persuade young people not to purchase cigarettes.

The Hon. J.R. CORNWALL: I oppose the amendment, for the reasons that I outlined cogently and succinctly previously.

The Hon. M.J. ELLIOTT: I have not been convinced as to the merits of this amendment and, accordingly, I oppose it.

Amendment negatived; clause passed.

Schedule passed.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a third time.

In doing so, because there has been a lengthy—sometimes very good while at other times less than constructive—debate on this Bill, I think it is germane to summarise very briefly just what has come out of the processes of this Council.

I am pleased with the passage of the Tobacco Products Control Bill and we wish it a speedy passage through the House of Assembly. It is significant health legislation which seeks to protect the health of young people. From the outset, that was the primary object of the Bill and I believe that that has been achieved in what, by Australian standards, is historic legislation.

First, for the first time, the legislation brings health related tobacco controls into one comprehensive piece of legislation in this State. Secondly, it enables the introduction of rotating warnings. There have been long and difficult negotiations with the tobocco industry in relation to these rotating warnings. They are somewhat different from those which were originally proposed and agreed to unanimously at a Health Ministers Conference some two years ago. However, what we have are nevertheless warnings that are much more meaningful and prominent than the existing warning. The rotating nature of the warnings will mean that four different warnings will appear. As a result of all the research and experience, it was found that this will be far more likely to attract attention than the present warning, which has tended to blend in with the packet and to not really attract attention.

Thirdly, we have prohibited packs of 15. I have no need to repeat those arguments, but I believe that that is a significant reform. Fourthly, for the first time in this country (and to the best of my knowledge anywhere in the world) we require the display of comprehensive tables—in the case of normal retail outlets, somewhere between 30 and 40 of the most common brands and, in the case of specialty tobacconist shops, perhaps as many as 130 to 150 brands—which show clearly and specifically in a way that can easily be read, the carbon monoxide yields of individual brands of cigarettes and the nicotine and tar content.

Fifthly, we have prohibited the sale of sucking tobacco and confectionery look-alike cigarettes. Sixthly, we have (and I think most appropriately) doubled the penalty for the sale of tobacco products to children. Seventhly (and significantly), we have prohibited smoking on long haul intrastate buses and, of course, we have prohibited smoking in lifts. When we look at that list of achievements, we see that they are very significant indeed. I thank members for their contributions. I particularly thank Mr Elliott for what, on balance, has been a significant, intelligent and responsible contribution. There was merit on a couple of occasions in what he said, but not to the extent necessary to significantly alter the spirit and intent of the legislation.

Finally, we have provoked and stimulated very significant community debate on the matter of smoking or non-smoking in taxis. Perhaps more than any other matter contained in the Bill, this has tended to highlight the fact that a large number of people consider smoking to be an antisocial habit. I know that a rearguard action is under way, but it has tended to highlight the debate and I thank those smoking taxi drivers for the role that they played in making it a matter of public interest. It would never have reached the level of public debate, or stimulated concern, or highlighted the fact that smoking is an awful and antisocial habit to the extent that it did, if it had not been for the cooperation of the smoking taxi drivers and proprietors. It highlighted the fact also that there ought to be a bonus for the non-smoking drivers and the non-smoking taxi owners and proprietors, because there is little doubt that it is a pleasure to ride in their taxis (which are clean and among the best in the world) as opposed to the tatty and smelly taxis driven by people who smoke. I thank everybody for their contribution to that debate.

Arising out of that debate, we have come up with a scenario which probably gives us the best of both worlds. In conclusion, I thank almost everyone. Even the Hon. Mr Cameron by and large was constructive on a couple of occasions, although I could not say the same for Mr Davis or Mr Lucas. I thank Mr Cameron for what by and large

has been his cooperation. I may well live to regret the day that I was kind to him, but I feel reasonably expansive tonight. I remember what Geoff Virgo told me when I first entered politics in South Australia, namely, 'You can always afford to be magnanimous in victory, but it is sometimes very difficult to be gracious in defeat.'

The Hon. M.B. CAMERON (Leader of the Opposition): I do not intend to speak for long. I hope that the whole exercise has been a lesson to the Minister and the people around him to consult the people who will be affected by this legislation. I trust that some of these people who have been involved in the drawing up of the legislation learn from this and in future go along to the industry and speak to the people affected or write to them.

I had to do all the consultation for the Minister when it should have been done by members of his staff. As the Attorney-General would know, we are very short of staff in the Opposition, and the Government should do the job. I am disappointed in some areas of the legislation which I attempted to make a little tougher, particularly in relation to the purchase of tobacco by juveniles. However, the Council saw fit not to support that. That is a disappointment because it would have shown how genuine we were.

I trust that this legislation does work. In some areas it has been a bit pedantic and in other areas it has gone too far. I do not believe it will have the dramatic effect that the Minister claims it will have. Really, it is a rearrangement of legislation into one Bill, which is sensible.

Bill read a third time and passed.

APPROPRIATION BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

This Bill is the annual appropriation Bill to give effect to the budget which was introduced in the House of Assembly some weeks ago. The budget papers, including the Treasurer's statement on the budget, have been tabled in this Parliament. I commend the Bill to honourable members.

The Hon. L.H. DAVIS secured the adjournment of the debate.

PAY-ROLL TAX ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

Due to the lateness of the hour, I seek leave to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

During its first term of office the Government doubled the pay-roll tax exemption level from $125 000 per annum to $250 000 per annum. We also relaxed very significantly the rate at which the exemption level is phased out from $2 for every $3 by which pay-rolls exceed the maximum exemption to $1 for every $4. These measures greatly increased the number of small firms which benefit from the exemption.

The Government will continue to extend the range of pay-roll tax concessions at every reasonable opportunity. From 1 September 1986, the threshold will be lifted from $250 000 to $270 000. The rate at which the exemption tapers out will remain unchanged, so that all firms with pay-rolls up to $1.35 million per annum will receive some benefit. The Government wishes also to make several minor amendments to the present Act.

Organisations which fall within the provisions of section 12 are entitled to exemption from tax. Inevitably, there have been instances where organisations which should not be required to pay tax have failed to satisfy the criteria set out in section 12 and it has been necessary to amend the Act. The Government now proposes to insert a provision exempting university colleges from pay-roll tax.

It is also proposed to introduce a provision to allow the Pay-roll Tax Appeal Tribunal to publish its decisions and the reasons for its decisions, provided that names and facts which might lead to identification of taxpayers are deleted. We believe such an innovation would be welcomed by taxpayers and would prevent appeals going forward on matters which the tribunal has already decided.

Clause 1 is formal.

Clause 2 provides for the amendments affected by the measure to operate retrospectively from 1 September 1986.

Clause 3 amends section 3 of the principal Act which deals with interpretation. New subsection (5) is inserted to clarify the point that liability to pay tax under the principal Act must be assessed in accordance with the provisions of the Act as in force at the time the liability arises, and is not affected by subsequent amendment.

Clause 4 amends section 11a of the principal Act which deals with deductions which employers are entitled to make from the taxable wages included in returns provided by the employers. The effect of the amendments are as follows:

There shall be deducted from the amount of taxable wages included in a return made by, or an assessment relating to, certain employers—

(a) the prescribed amount, reduced by $1 for every $4 by which the taxable wages exceeds the prescribed amount;

(b) in the case where liability to pay wages is incurred for part only of a return period, the prescribed amount is reduced proportionately, and then reduced by $1 for every $4 by which the taxable wages exceeds the so reduced prescribed amount.

where 'prescribed amount' means—

(a) $22 500 for a return period of 1 month;

(b) for a period of more than 1 month—$22 500 multiplied by the number of months.

Clause 5 provides for the amendment of section 12 of the principal Act which provides exemptions from pay-roll tax. Provision is made to exempt from pay-roll tax wages paid by university colleges.

Clause 6 amends section 13a of the principal Act, which establishes certain definitions for the purposes of sections 13b and 13c. The significant amendment affects the 'prescribed amount' definition. The opportunity has also been taken to remove from this definition material relating to previous financial years which is no longer a functioning part of the definition. A new set of formulae are substituted for the existing formulae, and under the new formulae material that relates to a particular financial year will not clutter the principal Act after the expiration of that financial year. This clause, and clause 9, effectively raise the general exemption level for pay-roll tax to $270 000.

Clause 7 amends section 14 of the principal Act, which provides for registration of employers who pay wages in excess of a prescribed amount in any week. The prescribed amount is altered under this amendment from $4 800 to $5 150.

Clause 8 makes amendments to section 18k (a provision which mirrors section 13a; section 13a dealing with single employers, section 18k dealing with groups of employers) which correspond with those made to section 13a by clause 7.

Clause 9 makes a consequential amendment.

Clause 10 repeals section 20a of the principal Act. This repeal is consequential upon clause 3 of the Bill.

Clause 11 amends section 36 of the principal Act which relates to objections and appeals relating to assessments of pay-roll tax. Under the amendments, the tribunal must furnish the objector and the Commissioner with its reasons for decision on an objection and may publish those reasons as it thinks fit (subject to the suppression of the identity of the objector).

The Hon. L.H. DAVIS secured the adjournment of the debate.

STATUTES AMENDMENT (PAROLE) BILL

Adjourned debate on second reading.

(Continued from 25 September. Page 1195.)

The Hon. K.T. GRIFFIN: In December 1983 a Bill to radically amend the parole system was rushed into Parliament and pressure was placed on members to pass it within a week. It was a radically new system proposed by the Government to remove from the Parole Board any discretion to defer release of prisoners on parole and to introduce a system which was in effect an automatic early release scheme which provided for virtual automatic remissions for good behaviour of up to a third of a prisoner's sentence. Notwithstanding the Liberal Party's opposition to that Bill, that legislation was rushed through Parliament and, with the concurrence of the Australian Democrats, it was also applied to prisoners who had been sentenced under the earlier parole system.

As a result of that action a number of prisoners sentenced under the old system were released much earlier than ever the sentencing court had contemplated. A number of notable examples come immediately to mind: the drug dealers Conely and Kloss, who were given very long sentences, up to 16 years, and non-parole periods of between four and six years, were released after serving several years of that very large sentence, and they are now back on the streets.

The non-parole period, although it now appears low in respect of those two criminals, was set by a Supreme Court which knew that the Parole Board at that time would not have released the prisoners on the expiration of the non-parole period but would have reviewed their sentences on an annual basis and would have kept them in prison for at least a total of 10 years.

The Supreme Court recognised that the Parole Board had a wide discretion to keep prisoners in gaol and that it could do that having looked at the nature of the offence, the penalties imposed, the behaviour of the prisoner while in gaol, the prospects of rehabilitation, the likelihood of danger to the public, whether or not the offender had any prospects of a job and whether he was likely to reoffend.

All of that changed with the rush through Parliament in December 1983 of a totally new parole system. It took two years and an election to really bring the Government to the barrier of acknowledging that there were serious defects in the parole scheme and that it had to be changed. It had to be changed in order to protect the public of South Australia and to ensure that the penalties imposed by the courts were in fact the real penalties experienced by the criminals and not nominal inflated penalties which bore no resemblance to the actual time that prisoners spent in gaol.

As a result of pressure that the Opposition brought to bear on the Government in the two years preceding the 1985 State election, just two weeks before the date of the election the Government agreed that there were serious problems with its parole system and that it ought to be changed. The Government gave a commitment to introduce legislation to change the parole system immediately Parliament resumed after the election.

In February 1986, when Parliament sat for the first time after the election, we saw no proposals to amend the parole system. When the Premier was asked why no changes were introduced into Parliament, he had the audacity to say, 'Well, it depends what you mean by "immediate".' What he was saying was that he had won the election and it was no longer urgent. I must say that I am pleased to see that the Government has now introduced some changes to the parole system—long overdue, I might say—nearly three years since its ill conceived plan of December 1983.

This Bill seeks to ensure that the Parole Board has a bit more flexibility and that, when a prisoner is released on parole and commits another offence, in certain circumstances that prisoner can be recommitted to gaol. Under the present scheme, when a prisoner commits a breach of parole conditions, the maximum period that that prisoner can be returned to gaol is three months. Fortunately, that term has been increased under this Bill.

The Bill also provides for the Supreme Court to take into account the possibility of remissions by prisoners of up to a third of the sentence. The court can take that into consideration in determining what head sentence ought to be imposed. I must say that I am still somewhat concerned about the extent to which a non parole period can be reviewed by the courts. In Committee I will raise that issue with the Attorney-General and ask some questions about how it will operate and the extent of the jurisdiction of the Supreme Court to extend non parole periods, either because of the prisoner's behaviour whilst in gaol or because of the potential for reoffending upon release, or some threat or perceived threat to persons outside the prison system if that prisoner were to be released.

There are still some concerns about the jurisdiction of the Supreme Court to order the prisoner to stay longer in gaol than the non parole period, less a third remission for good behaviour. There are other factors in the Bill which, because of the hour, I will not dwell upon. Suffice it to say that it is an improvement on the present system. It is a long overdue change.

The Hon. C.J. Sumner: You can raise the queries now if you want to, and then we can look at them.

The Hon. K.T. GRIFFIN: I will deal with them in Committee; there will be no great problem. There are improvements on the present system, but I believe that they need to go further. As I have indicated, the jurisdiction of the Supreme Court to extend a non parole period is a matter that needs to be examined more carefully. The questions of remission for good behaviour, whether there is to be an effective earning of remission for good behaviour rather than the virtual automatic crediting of periods of remission for so called good behaviour, and what is to happen with a prisoner who commits an offence within gaol and is sen-

tenced to a further period behind bars all need further consideration.

The Opposition supports the second reading of this Bill because it is an improvement on the present parole system. We do not believe that it goes far enough and will consider amendments to take some aspects of the Bill further when the Committee stage is reached.

At the last election our proposals for the review of the parole system and significant amendments to it did return some discretion to the Parole Board to take into account the behaviour of a prisoner whilst in prison, and the question of threats outside, and the ability to be able to refuse to release a prisoner notwithstanding that the non-parole period less a third had in fact been served. We proposed, also, to toughen the situation where a prisoner committed an offence whilst in gaol or whilst on parole so that the prisoner could be brought back into the prison system to serve a longer period of imprisonment as a punishment for that breach of parole or offence within the prison system.

We proposed that the courts should be empowered to fix a maximum period of imprisonment and a minimum period of imprisonment, with the discretion of the Parole Board being exercised between the minimum and maximum periods so that the prisoner would in fact know the minimum period which he or she had to serve and also the maximum. The intervening period would be dependent on the discretion of the Parole Board and the prospects for the prisoner if released into the community. We support the second reading and will debate certain specific clauses during the Committee stage.

The Hon. C.J. SUMNER (Attorney-General): This is obviously to be a Committee Bill. I thank the Opposition for its indication of support of the second reading at least, although I understand that it will be moving some amendments. We will be able to consider them during the Committee stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 September. Page 985.)

The Hon. K.T. GRIFFIN: I want to speak only briefly to raise an issue to which I hope the Minister will give consideration as she gives consideration to the other issues raised by my colleague the Hon. Mr Lucas. It relates particularly to clause 25, which amends section 75 of the principal Act. Section 75 deals with compulsory enrolment, and the amendment gives to the Director-General of Education a power to deal with the question of enrolment at primary school level.

As I understand it, the Director-General presently has power to impose zones and set down guidelines for enrolment of students in secondary schools, but this amendment seeks to widen that to enable the same sort of power to be exercised with respect to primary schools. It allows the Director-General to determine conditions limiting the right of children to be enrolled, but no such condition may limit the right of a child to be enrolled at the Government school nearest to or most easily accessible from the place at which the child resides.

So, there is a preference for children within close proximity to a Government school, and others may of course be enrolled at the discretion of the Director-General, according to his guidelines. The concern which has been expressed to me is that if, in fact, this is to be proposed for 1987—and that certainly seems to be the spirit of the amendment—there are parents who have been planning to send their children to a particular primary school and have been making those plans over the past two or three years, who have in fact been preparing their children to attend a particular school which may not be the school closest to them, and have arranged for children to attend a kindergarten or preschool close to the primary school to which the child is proposed to be sent for education.

This amendment may mean that those children could be denied access to the school for which they have been prepared and in connection with which parents have taken some trouble to gain knowledge and even to become familiar. It may be that, in consequence of the enactment of clause 25 and its implementation for 1987, the aspirations of those young children, as well as the wishes of the parents making decisions under a totally different regime, may be compromised. One has to recognise that now is about the time when enrolments for next year will be made, and there may be some hardship created as a result of the implementation of this amendment in 1987, unless it is administered with some reasonable flexibility and sensitivity.

So, I raise the issue for the Minister and ask that perhaps some consideration be given to the Director-General of Education exercising a discretion in those special circumstances where there is clear evidence of a child being prepared for a particular primary school, and enrolled and attending a nearby kindergarten or preschool, but now being denied access, under the amendment, to the primary school of the parents' choice because it is not the nearest or most easily accessible school for that child.

Perhaps the Minister could indicate what guidelines the Director-General may be considering for the implementation of this clause, what discretions are proposed and upon what bases may the discretion, if any, be exercised in the circumstances to which I have referred, where there are legitimate and established expectations about enrolment at a school which is not necessarily the nearest school to that child's place of abode.

This may appear to be a somewhat minor issue, but it has been drawn to my attention by several parents who are particularly concerned, because they fall into the category to which I have referred. From their point of view, it would be helpful if their family aspirations were not frustrated and if there was some indication of the guidelines, whether there will be exceptions, and in what circumstances exceptions may be granted. Otherwise, I support the second reading.

The Hon. M.J. ELLIOTT: I support the second reading. This Bill contains a couple of substantial provisions, which should have been more widely discussed before the Bill was introduced. I will address those matters now. Clause 9 seeks to amend section 17 of the Education Act so that, where the Director-General is satisfied that an officer is mentally or physically incapable of satisfactorily performing the duties of the office, he can transfer that officer to some other position (perhaps to another area of Government employment), he may grant that officer leave, or he can recommend that the officer be retired. This certainly widens the existing choices. The options provide a greater range of possibilities for the Director-General to respond, for example, to the needs of teachers who suffer stress related injuries. The implications for workers compensation, lump sum payments, and so on, with greater potential to place such injured workers, may merit a legal opinion.

Clause 16 is of some concern to me as a person who until about 10 months ago was a teacher in the State system. In particular, new paragraph *(ea)* is of concern: it allows a

person to be appointed by the Governor on the nomination of the Association of Teachers in Independent Schools. This has a rather dramatic effect on the composition of the Teachers Registration Board. Currently, three members of that board represent independent schools in one way or another, while there are seven members from the State system.

This provision will increase the number of representatives from the independent system to four, giving them 40 per cent of the representation directly from schools. Given student numbers, the representation should be about 23 per cent. I believe that that gives an undue bias to the independent system. It does not recognise the realities of the situation in South Australia, and for that reason I suggest that the representation of the Institute of Teachers should be increased from six to seven. The institute also has one person representing independent schools. There are two unions representing independent schoolteachers. The membership of ATIS is theoretically about 1 200, but that number was reached primarily because there was a very small membership fee. I understand that this year the fee has increased substantially and only 300 or 400 people have joined up, with the effect that the membership of ATIS is less than the membership of SAIT. ATIS, being perhaps the predominant union, must have a representative, but I do not believe that we should agree to a bias towards independent schools.

I certainly support clause 25, which guarantees the right of a student to attend the nearest school. At present, the Director-General can determine otherwise without appeal. This is certainly a step forward. I am concerned about clause 26, and I will seek to amend it. Under this clause the Minister may, after consulting the parents of a child, if satisfied that the behaviour of the child has been such that it would be in the best interests of the child and the maintenance of proper discipline at Government schools to do so, direct that the child not be enrolled at any Government school.

That is an extreme step. Having taught in school I know that that would not be taken lightly. I guess my worry is that the only appeal procedure in place, strictly speaking, is that which is shown in section 75c where the parents would find themselves going to a local court of full jurisdiction. I believe it is important that mechanisms should exist in the Education Department, clearly defined by regulation, which will say what steps will be followed to eventually lead to a student being expelled from the Government school system.

It is important that it be clearly defined, because it then allows parents points of appeal. Presently, a parent can appeal, but the appeal really has no guaranteed places. They simply have to go looking for a sympathetic ear and hope they find it. I will be making a minor amendment that will allow, by regulation, an appeal process to be in place so that we should rarely need to have people going to local courts of full jurisdiction. I support the second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I thank members for the attention they have given the Bill and for their contributions during this debate. I will raise with the Minister of Education in the next few days the issues raised by the Hon. Mr Griffin, so that I can give a full reply to his concerns during the Committee stage next week. I am fairly certain that the flexibility he is looking for in the implementation of the provision he was referring to will be there and that this matter will be treated sensitively in its implementation. However, to be sure of that I will check with the Minister of Education about his intentions, and I will be able to reply more fully next week.

I note that the Hon. Mr Elliott has amendments on file, and I will respond to them at the appropriate time, in Committee. It should be noted that I, too, have placed a number of amendments on file. These arise from matters contained in the research paper prepared by the Parliamentary Library, and also other issues that have been raised with the Minister of Education since the Bill was first introduced in the House of Assembly. They are designed to clarify the intention of the measure and to remove any ambiguity that may have been contained in the original Bill. I will explain those amendments more fully at the appropriate time.

I would like to respond now to a number of questions raised during the second reading debate so that members will have access to that information before considering the Bill in Committee. The first matter raised was the predicted cost of permanent retirement for officers with temporary disability only. This relates to an amendment which is contained in the Bill and which was also the subject of some questioning by members in another place. The amendment is intended to provide a broader range of options to assist the rehabilitation of teachers suffering from disabilities which may be either temporary or permanent.

Presently the Act refers only to permanent disabilities and the options open to the Director-General are limited to transferring the officer to a position of reduced status or recommending to the Minister that the officer be retired. The new amendment expands those provisions with compulsory retirement as a final resort when all other rehabilitative measures have been exhausted.

Therefore, departmental officers do not expect any officers suffering from temporary disability to be compulsorily retired. The cost to Government of compulsorily retiring an employee occurs only if an officer is a member of the Superannuation Fund. In those circumstances, it is very difficult to predict what the cost might be to Government, but it should be borne in mind that it is expected that the number of people retiring under these circumstances will be very small, because what in fact the Minister is attempting to achieve is the provision of a broader range of employment options for people who have a disability, which, it is hoped, will mean that people will be employed for much longer than they might otherwise have been under the old provisions.

The second question related to students living at Hallett Cove who wish to attend the Brighton High School and whether or not these amendments would affect such students. The proposed R to 10 school at Hallett Cove will not take year 8 students until 1988, year 9 students until 1989, and so on. So, the secondary age students currently enrolled at Brighton High School and other secondary schools will not be able to enrol at Hallett Cove school and therefore will continue to attend their present schools. After 1988, students living in the prescribed district for Hallett Cove R to 10 school will have an entitlement to attend that school. However, they may elect to apply for enrolment at any other secondary school they choose. If a sibling already attends a school they will be entitled to attend that school also.

The next question that was asked related to the new arrangements for students enrolling at special interest centres, and the question was what will those new arrangements be. The response to that is that every special interest centre is part of the general high school, and students who wish to attend the special interest centres at those schools must satisfy any quota, merit and aptitude requirements for the course desired. The proposed amendments will have no effect on current practice. I was asked about the effect that the amendments will have on the policy concerning brothers and sisters being able to enrol at a school. I can confirm that there will be no change to the existing sibling factor arrangements.

A question was asked about how many children, under regulation 154 (1) have not enrolled in schools, and how many children under regulation 154 (2) are accepted and then suspended immediately because the principal believes that the child is suffering from such a handicap that the child is incapable of gaining reasonable benefit from the instruction at the school or would seriously interfere with the instruction of other children at the school. The Minister of Education has advised me that consultation between principals, parents and guidance officers is sufficiently close in the past few years to render it not necessary to invoke the formal processes provided for by regulations 154 (1) and 154 (2).

I was asked about how many children have been exempted under section 77 of the Education Act. In that regard, I have been provided with a table, the details of which have been extracted from the annual reports of the Director-General of Education. The data covers the years from 1980 to 1984. Unfortunately, comparable statistics for 1985 are not available. I seek leave to have that table inserted in *Hansard* without my reading it.

Leave granted.

EXEMPTIONS UNDER SECTION 77 OF THE EDUCATION ACT

	Year				
	1980	1981	1982	1983	1984
Enter employment	313	245	239	220	236
Domestic work	32	18	27	18	23
At home					
Other	38	54	37	30	29
TOTAL	383	317	303	268	288

The Hon. BARBARA WIESE: The next question that I was asked was whether the Minister of Education could explain the current powers of the Director-General and the Minister in relation to children with behavioural problems in South Australian Government schools. In reply, I point out that a range of sanctions is available to the Education Department. School principals are able to suspend students for a maximum period of two weeks on any one occasion. They may impose detention and other disciplinary sanctions. When it appears that these measures are not moderating the student's behaviour, conferences with parents are held. The Minister is empowered to transfer a student to another school or to expel a student, but that measure is used only as a last resort.

Apart from the issues that were raised specifically by the Hon. Mr Griffin about which I will seek information in the next few days and give a considered reply next week, I think that that covers the questions that were raised during the second reading debate. I thank members for their general support of this Bill and I hope that it has a hasty passage through the Council.

Bill read a second time.
In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

ADJOURNMENT

At 6.12 p.m. the Council adjourned until Tuesday 28 October at 2.15 p.m.