

Legislative Assembly

Tuesday, 5 December 1989

THE SPEAKER (Mr Barnett) took the Chair at 2.15 pm, and read prayers.

PETITION - GRAYLANDS HOSPITAL

Prison-Forensic Unit - Establishment, Opposition

MR HASSELL (Cottesloe) [2.17 pm]: I have a petition which reads as follows -

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned respectfully sheweth:

That the community is extremely concerned about Government plans to establish at Graylands Hospital a prison/forensic unit for mentally disordered offenders and persons who have committed serious offences but been found "not guilty" by reason of insanity, particularly because such unit will now be in the heart of a residential area and close to a public primary school and private college and therefore your petitioners humbly request that:

1. Plans to establish the prison/forensic be abandoned forthwith; and
2. Any future plan to open a prison/forensic unit within a populous suburb and next to schools and playgrounds be fully discussed with and justified to the community and all relevant authorities and interests before such future decision is made.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 150 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 122.]

PETITION - FOOTBALL

Subiaco Oval - Vesting Order

MR COURT (Nedlands - Deputy Leader of the Opposition) [2.19 pm]: I have a petition which reads as follows -

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned request the Parliament to not approve the cancellation of Vesting Order No. 11699/02 covering the lands known as Subiaco Oval.

We believe that the Subiaco Oval should remain vested in and under the care and control of the Municipality of the City of Subiaco and not vested in any other Authority or Commission.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 1 177 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 123.]

PETITION - EUTHANASIA

Right to Die - New Legislation

MR BRADSHAW (Wellington) [2.21 pm]: I have a petition which reads as follows -

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned request that because the criminal code Law in Western Australia is such that suffering people have no legal right to be allowed or helped to die, no matter what their degree of suffering nor the urgency of their plea for release by death, the Legislative Assembly, in Parliament assembled, should enact legislation that makes the right to be allowed or, if necessary, helped to die a legal option on the request of persons who are suffering more than they wish to bear: and that other persons participating in the fulfilment of such legal options shall not be subject to legal, professional or social action.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 300 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 124.]

UNIVERSITY OF NOTRE DAME AUSTRALIA BILL

Introduction and First Reading

Bill introduced, on motion by Dr Lawrence (Minister for Education), and read a first time.

BILLS (7) - ASSENT

Messages from the Lieutenant Governor and Administrator received and read notifying assent to the following Bills -

1. Wills Amendment Bill
2. Taxation (Reciprocal Powers) Bill
3. Acts Amendment (Remuneration of Governor) Bill
4. Agricultural Legislation (Penalties) Amendment Bill
5. Camarvon Banana Industry (Compensation Trust Fund) Amendment Bill
6. Fruit Growing Industry (Trust Fund) Amendment Bill
7. Land Tax Assessment Amendment Bill

PROROGATION OF PARLIAMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Mensaros, read a first time.

Second Reading

MR MENSAROS (Floreat) [2.25 pm]: I move -

That the Bill be now read a second time.

This Bill has been brought to the House in a genuine attempt to overcome a problem which has confronted our Parliament in recent years. Traditionally in Western Australia, Parliament is prorogued each year and reopened by the Governor each year. The Constitution Act has been interpreted to require this course of action. Section 4 of the Constitution Act states that there shall be a session of the Legislative Council and the Legislative Assembly once at least in every year. Consequently we have the situation in Western Australia where Parliament has its work interrupted every year by prorogation. Prorogation clears the decks by terminating all business before the two Houses at the time of prorogation. This means that any Bills or motions on the Notice Paper cease to exist unless restored by resolution at the next session.

A brief glance at the dates of prorogation over the years indicates that on most occasions

prorogation has occurred relatively close to the next opening. This was probably so because Governments have sought to give themselves considerable flexibility by allowing for Parliament to be called together without the need for a formal opening. For a variety of reasons the present Government has, on occasions, prorogued Parliament immediately after it has finished meeting. In fact in 1985 prorogation occurred in November while the Legislative Council was still sitting. Obviously, the Governor, on advice of the Government, has the power to decide on the date of prorogation, and I do not wish to argue about that. What I am seeking to do, however, is to modify the effect of prorogation on the business of the Parliament. Quite clearly the use of committees by the Parliament is increasing dramatically. We now have three Standing Committees and a number of Select Committees have been set up during this session.

The report of a Select Committee of the Legislative Council recommended that the Council's work would be enhanced by the development of a committee system. If the Legislative Council is to go down this path and develop a committee system similar to that which exists in the Senate, it is essential for us to deal with the problem that prorogation raises. The Senate works on the basis that each three-year parliamentary term is a session of Parliament and there is no requirement for prorogation every year. This allows its committees to function continuously between dissolutions.

The Bill before the House, however, does not give each House carte blanche - each must consciously decide by resolution each year what business on the Notice Paper and which committees will survive prorogation. It is envisaged that at the end of each session, each House would debate a motion to decide which business would carry on until the next session. It would not apply when the Legislative Assembly is dissolved for an election. Obviously the Bill is oriented towards committee business because it is in committees where most of the ongoing business will be conducted. Members of Select and Standing Committees of both Houses have often been made aware of the need for such legislation. In fact, I would argue that the period between sessions is probably the best time for committee work, particularly if in-depth inquiries are being undertaken or the committee needs to travel. The demands of parliamentary sittings would not interfere with committee work during such time.

The Bill applies parliamentary privilege to proceedings on business carried forward. This means, for example, that witnesses giving evidence and members making comments in committee deliberations are covered by privilege. To put matters beyond any doubt, there is an express validation clause covering Acts resulting from Bills dealt with in two or more sessions. Additionally, and out of sheer caution, clause 5 makes it clear that this Act confers powers in excess of those that might otherwise be conferred by section 36 of the Constitution Act. There is no doubt that Parliament can legislate inconsistently with section 36; that Parliament is doing so by enacting this Bill is stated in the Bill itself.

There are possibly other ways of dealing with this problem. We could, for example, adopt the Senate system of having four year sessions without the need for prorogation every year. However, unless section 4 of the Constitution were interpreted to cater for this, the Constitution Act would have to be amended by referendum. Further, this remedy would mean that there would be only one Address-in-Reply debate every four years; this would clearly disadvantage private members. I suggest that the proposals in this Bill will adequately and effectively overcome the problems created by prorogation, and will allow parliamentary committees to pursue their tasks without their activities being terminated at prorogation every year. Should the Government proceed to prorogue Parliament in December this year, all the Select Committees that have been set up in this session, including those set up at the request of the Government, will cease to exist in December. Similarly, the Standing Committee on Government Agencies, the Standing Committee on Delegated Legislation and the Public Accounts and Expenditure Review Committee will be unable to meet again until Parliament resumes in March or April next year. Such a situation is unacceptable in this day and age of increasing parliamentary scrutiny of a wide range of issues facing our community - issues which are of equal concern to the Government and the Opposition.

I trust that members will support the Bill in a bipartisan fashion so that the work of Parliament can be enhanced and promoted. I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

TOBACCO BILL*Second Reading*

Debate resumed from 31 October.

MR HASSELL (Cottesloe) [2.34 pm]: The Liberal Party is opposed to this Bill, and will vote against it; but in the event that the legislation is adopted by a second reading in the Legislative Council, we will then have a particular interest in any amendments that may be made in that place. Let it be quite clear that our basic position is one of opposition to the legislation. At the same time, there are certain alternative measures that we believe should be taken to deal with the essential and critical issue of children who smoke.

It is important that people understand what the Bill proposes. It is equally important that they understand what the Bill does not propose. Many of the assumptions which are being made by the public, and in the propaganda campaign that is being waged about this legislation, are biased assumptions as to the content of the Bill, which cannot be sustained.

The Bill proposes four basic things: Firstly, a partial ban on tobacco advertising. Under the law as proposed, or the regulations which may be made under the law as proposed, public advertising is banned. That includes signs and hoardings, posters, and displays. A set of regulations will spell out very clearly and in detail what small and large shopkeepers can do in respect of the display of tobacco products, and how they are to indicate that they sell such products; and, no doubt, inspectors will check that out. Promotional competitions, and the giving away of free samples, will be banned if the legislation is adopted. The Bill proposes various controls on packaging, labelling, and product presentation.

Secondly, the Bill proposes a partial ban on tobacco sponsorship, which is to apply generally. The ban is not confined to the sponsorship of sport, the arts, or children's areas but is a general ban on tobacco companies entering into any arrangement to provide sponsorship. The Government wants to take over sponsorship, and become the patron of sport and the arts. The Government wants the power, the control and the influence that follows from its capacity to provide sponsorship, using the money obtained, through this taxing measure, from people who smoke. What is proposed is a system of Government patronage under the effective control of the Government so that the Government will obtain that additional power and control.

Thirdly, the Bill proposes the creation of a new Government controlled quasi autonomous semi-Government organisation, or, QASO, as it is sometimes described. That QASO is to be called the Western Australian Health Promotion Foundation. It is an ideological name, as it is intended to be, and it displays its ideological purpose. But it does not fully explain its ideological purpose, which is, of course, power and control, and that is what it is really about.

The fourth thing that the Bill proposes is a new offence with higher penalties for the sale of tobacco products to children under 16. This represents a lowering of the age, which was previously 18. The Opposition supports the imposition of effective penalties, and believes there should be effective enforcement. The Opposition does not support the lowering of the age to 16, and we now understand from the newspaper that an agreement has been reached between the National Party and the Government to restore the age to 18.

Those are the four areas with which the Bill deals. It is equally important to define what the Bill does not propose, because in the propaganda war being waged by the Government and people who have been induced to support the Government in that war, assumptions are being made about what the Bill does which are simply not correct.

Dr Watson: There is a difference between propaganda and information. You are putting a paregoric view on it.

Mr HASSELL: The member for Kenwick is correct in saying that there is a difference between propaganda and information. The Government has been engaged in a gigantic propaganda exercise. The Government is seeking, and has been seeking for some time, through its agents in the Health Department, to discredit anyone who disagrees with the Government's point of view.

The Government has been seeking to make unrespectable or in some way illegitimate the views of those who do not agree with the Government. It has been seeking to manipulate public opinion through the use of public funds to make sure that nobody holds a contrary

point of view, because it ridicules those who disagree with it. The Government places its hand over its heart and pleads the cause of children, as though what the Government is doing would solve any problems for children or health. Of course that is not the case.

Let me outline four things that the Bill does not do. Firstly, the Bill does not propose a ban on smoking. It is very important for members to understand this about the legislation, because one would think, from the propaganda war, that this Government and those sporting bodies which have joined the Government in the propaganda war would save the world from smoking.

Mr Wilson: And the medical authorities.

Mr HASSELL: I shall deal with the medical authorities later. This Bill does not propose a ban on smoking. But one thing it does propose to ban is the sale of Fags, those little lollies which have been available in Australia for generations in a little packet marked "Fags". There will be a ban on the sale of confectionary which does not do anybody any harm, but there is to be no ban on the sale of smoking which the Government says is deadly dangerous.

Mr Clarko: That is a very good argument.

Mr HASSELL: It is indeed interesting. The Government does not have the courage or the political will to ban smoking, because the Government knows that the public would not put up with a ban on smoking. The Government knows that the public respects the right of people, however misguided they may be, to take up smoking if they wish to. I respect that right too, although I am a vehement opponent of smoking.

Dr Alexander: And other drugs.

Mr HASSELL: We are not talking about other drugs. We can talk about that subject at some other time if the member wants to, but there are all sorts of reasons why that point does not apply.

I am not suggesting a ban on smoking; I emphasise that. It is important to understand that the Government does not propose a ban on smoking, and the Government will not stop people from smoking, or even seek to stop them from smoking. In fact this legislation is predicated on the proposition that people will go on smoking, because this legislation will fall to the ground without the revenue produced from smoking.

Mr Lewis: The Government wants the money.

Mr HASSELL: The Government basically wants the money, as my colleague says. The fact that the Bill does not propose a ban on smoking should not be overlooked by someone seriously considering this issue, because the nub of the argument is based on the proposition that smoking is a dangerous occupation which causes tremendous ill health and imposes enormous costs on the community, and it is particularly dangerous to children.

One would think that a Government which fervently believed all those things, as the Government would have us believe it believes, would have the courage to carry through its conviction and bring in legislation to protect the community from this pernicious ill by banning the activity which it regards as being of such obvious and terrible danger. But it does not. It does not have the will, the courage or the belief in its own cause.

The second thing which the Bill does not propose is a ban on print media advertising - supposedly, as stated in the second reading speech, for constitutional reasons. I understand, from reading the newspaper, that the Government has made some arrangement to ban the inclusion of inserts containing cigarette advertising in newspapers. That makes interesting a proposition put forward by the Minister for Health in his second reading speech that it was for constitutional reasons that we should not have a ban on print media advertising.

Mr Wilson: Emanating from outside Western Australia.

Mr HASSELL: Yes, I understand what the Minister says, but I would have thought that, just as the Government can and does control very vigorously the sale of cigarettes interstate so that it can protect the revenue that it gets from cigarettes, it could equally, if it had the will, prevent the sale of print containing advertising from outside the State - if it wanted to. I do not think it should but I notice that it does not propose to do so. There is little doubt that the State has the power to ban the sale of interstate products here if it goes about it in the right way, just as it has banned the sale of all sorts of interstate products here. What I am really

saying is that the Government's justification for the position that it has adopted does not stand up to the facts.

Thirdly, the Bill does not propose a ban on sponsorship. The Minister would have virtually complete power to grant exemptions and it has been indicated that horseracing and cricket will be exempted. We all know that cricket has a huge youthful following and, as much of the Bill's justification has been based on the need for these measures to protect young people, it seems to me to be a remarkable act of hypocrisy to exempt cricket if the Government were dinkum and not simply pursuing power and influence, as I have no doubt it is. As to horseracing, we know the influence of horseracing in this State, we know its influence with the Government; but let me point out that for some years the people who promote horseracing have been promoting the proposition that racing is something to which people should take their families for a family day out. Once again, we see the hypocrisy of the legislation.

Fourthly, the legislation does not propose a ban on cigarette advertising in children's magazines. If the Government had adopted the voluntary code which it was discussing with the tobacco companies a few months ago, before it suddenly decided to proceed with this package of legislation, advertising in children's magazines would have ceased. Again, this anomaly highlights the strange ways of the Government in dealing with this issue.

One must ask the question: Does the Government want to be truly effective or does it want to get power and regulatory control, influence and patronage under its wing? I believe this legislation is about power and control, it is about social engineering and it is about all sorts of things quite unrelated to health. I know that some people have a great belief in these things; I know that some people have run their own private campaigns and I do not doubt their sincerity. I certainly do not doubt the sincerity of medical people in their repeated expressions of the view that smoking is bad for health. I agree with them; I am sure it is. I have no doubt that you, Mr Deputy Speaker, like me, have been inundated with an impressive volume of mail from medical and paramedical organisations and individuals urging, in advance of the publication of the Bill, the support of the legislation. Many of those people thought there were all sorts of things in the legislation which now we know there are not, but what is not there has not, of course, been publicised through any analysis that I know of.

I have no doubt that you, Mr Deputy Speaker, like me, have been visited by worthy and sincere medical people urging support of this legislation. It is perhaps not surprising that we have not had any urgings that I know of from the Royal Australian and New Zealand College of Psychiatrists, which organisation recently advocated the legalisation of the use of heroin. I wondered if the Royal Australian and New Zealand College of Psychiatrists thought it would be a good idea to legalise heroin so as to save our children from smoking by providing them with an alternative. However, all that illustrates is that there is not a single medical view about these things. The unbelievable danger of smoking has not got through to the Royal Australian and New Zealand College of Psychiatrists, which advocates the legalisation of heroin.

I have no doubt that for many people smoking is addictive and for all people who take it up it is seriously harmful to health. Personally I do not smoke. I have never smoked cigarettes. I find it personally offensive when I am subjected to the fumes exhaled by those who do, I certainly prefer that smoking does not take place in my house or car, and I would be deeply concerned if any of my three children were to take it up. As a parent I approve the educative programs in schools and through the Quit campaign which have made my children aware, as they are, of the dangers of smoking. I am concerned, as a parent, that magazines directed to the age group of my children - I am not certain that they are directed to that age group but they are certainly read by my children - carry extensive cigarette advertising, an issue which is not addressed by this Bill.

Mr Wilson: What sorts of magazines are you referring to?

Mr HASSELL: I forget the names of them, but I have looked through some of them, and some of those my teenage daughter reads certainly carry a number of cigarette advertisements. I do not think she is influenced by them, but they do carry them. Certainly a big job has been done of influencing children in schools not to smoke. I believe that we should be reviewing the effectiveness of programs in schools to stop children smoking.

I wonder whether the whole Quit campaign is correctly directed. I think that should be the subject of an examination by a committee of this House or of both Houses. We should look at measures which reinforce the authority of parents and schools to stop children smoking. Some schools treat the whole matter lightly when it comes to children who actually engage in smoking. I think we should look to parents and schools to take a stronger line on these matters, as we could do in a number of other areas of discipline. One cannot expect the schools to substitute for homes in all matters of discipline and activities. I am not saying that they can do so.

In my view there is not as much evidence of harm to health as some extreme claims would suggest. I have no doubt that the harm is serious and that that is sufficient to take the problem seriously. However some of the claims made by doctors really go to the absolute extreme. I heard a senior medical practitioner the other night describe the dangers of taking penicillin, in respect of all the possible side effects it could have, and he used that as an example to illustrate the fact that there is danger in everything, even in taking a wonder drug intended to save lives. I think the same case could be made with the issue of smoking. People are lumping everything together and are writing everything down; but that does not alter the fact that, as I understand it, the central core of what the medical profession is saying is that undoubtedly smoking is dangerous to health, is undesirable and causes damage to health particularly in the longer term.

Overall the flood of expert opinion supplied to us contains much I accept as true. However one must then consider the basis of the judgment we are making. We have to remember two things: Firstly that scientific experts are just that - they are experts in a particular discipline; they are not experts in social or political organisation. That is our responsibility. They are our advisers and we must make the decisions in those fields which are our responsibility. The bottom line argument given by the experts and by the Government is this: Smoking is provably bad and dangerous to health. The experts say it is the only product known to be bad and dangerous when used for the very purpose for which it is made. I think that is a doubtful proposition. I would have thought that many medicines, for example, are dangerous when used for their curative purposes, and therefore the experts would conclude that advertising or promotion of such things should be banned. There are endless numbers of pursuits in which we all engage that are bad for us, to a greater or lesser degree dangerous, and which impose a cost to the State and the community; they cost a great deal of money when the inevitable harm occurs. There is clearly no difference in principle between tobacco and alcohol. There is clearly no difference in principle between tobacco and all sorts of activities in which people engage. The Government already supports advertising campaigns about the danger of alcohol, but let me put this neat proposition: High speed motor cycle races are dangerous and when accidents occur, as they inevitably do from time to time, the community pays the cost. Are high speed motor cycle races to be banned or their advertising curtailed? Of course not; they are regarded as sporting events. The great irony is that at some time in the future this so-called Health Promotion Foundation will no doubt act as a sponsor or patron of such an event because it is called a sport. However, such sports are highly dangerous like smoking; they cause damage like smoking, and they cause costs like smoking. Spectators - including children - at such events are sometimes killed. The principle is the same but there is this fad, this obsession, about smoking.

The risk of danger, harm or cost to the community cannot be the test to justify substantial interference with what people do in a free society. If the Government wants to make that the test, then much of what we do will be controlled or regulated by the State, and I do not believe it should be. The Government will start interfering increasingly in people's lives. I used to have a lot of discussions - still do from time to time - with Mr Don Webb who at one stage was the Chairman of the Road Trauma Committee of the Royal Australasian College of Physicians. Mr Webb was always putting forward the new measures he believed should be adopted for road safety, always on the basis that such things were necessary to protect the public. I am sure that in many cases he was right about what he said. However I had to say to him at one stage, "Where do you stop? Where do you draw the line? This week you will get random breath testing; next week you will drop 0.08 to 0.05; the week after you will want to arrest everyone and lock them up if they are affected by alcohol when they are in their cars; the following week you will want to confiscate their cars and the week after that you will want to make it a criminal offence with a gaol term for anyone to drink and drive at all."

Maybe that is the way to go, but I think that these things are a progression in which there will be more and more State control, and this Bill is a blatant example of that.

Dr Watson interjected.

Mr HASSELL: I do not think the Government wants to ban smoking for political reasons; I think members opposite are very satisfied with this legislation because it gives them a lot of power, and the exercise of power has been the hallmark of this Government. That is, power over everything - the politicisation of everything - including the Lotteries Commission and the Sports and Culture Lottery. Look at what the Government has done to those organisations. Does anyone here believe that the Health Promotion Foundation will not be a gigantic fund for the Labor Party? Does anyone seriously believe that? When one looks at the record of this Government over the past seven years, not one thing which was regarded as apolitical and genuinely independent is not now subject to ministerial control and direction, Government interference, the appointment of Government stooges and the whole package of control and power that the Government exercises. Of course not. This Bill is about power and control.

The second thing which must be understood about the rationale for this legislation, as it has been put forward repeatedly by this Government, is that we must protect children and that this legislation is all about doing that. Clearly this is an argument which could easily be extended and abused for wrong purposes. We simply cannot organise the whole of society to protect children. If we accept that adults must themselves decide and take personal responsibility for smoking, the whole justification for the proposed measures falls on our desire to protect children. Is the Government seriously saying that the Government should decide whether people smoke? Of course it is not, because it does not propose a ban on smoking. The Government proposes to leave everyone free to smoke, including children. It does not propose penalties against children who smoke; it proposes to penalise the shopkeeper who sells cigarettes to a child; but if a child walks out of the shop and smokes in the street, that child faces no penalty whatever. There is no prohibition on the child's smoking in a public place or anywhere else. Not only will adults be free to make their own decisions about smoking - and the sensible ones will not smoke - but also the Government proposes that children of any age will have the free choice to smoke.

The reality is that children are at risk in many ways. We must accept that if society is to function in any normal sense, as we understand it, parents and those who in various circumstances stand in for parents - schools, sometimes; the State sometimes, as guardian - must take prime responsibility for training, educating and protecting children. Appropriate measures to stop children smoking could and should be much stronger. Smoking should be made a more serious disciplinary offence in schools; some of the seemingly unlimited moneys allocated to the project could be allocated to the enforcement of the "no sales to minors" provisions. Advertising in teenagers' magazines, which will not be affected by this legislation, could be stopped by the voluntary code applicable in some other States, but rejected here by the Premier. The very nature of the Labor Party's proposals points to the ideological substance of its objectives. Much more could be done effectively to stop children smoking if their protection were the real target.

We have a proposal before us to establish a Health Promotion Foundation. The Orwellian nature of the title is revealed by a moment's thought. While it may be argued that the promotion of sport is an encouragement to health - although even this is able to be challenged, as not all sports are healthy - clearly the pursuit of cultural activities which is part of the objective of the foundation is not of itself an inducement to good health. Some famous rock bands risk not only their own anatomies but also the audience's hearing, to take but one example. But it sounds good: A Health Promotion Foundation. Who could argue against that piece of State motherhood or the nanny State that it involves?

Dr Watson: Straight from John Hyde.

Mr HASSELL: Ideas come from many sources, as I am sure the member for Kenwick knows, and they become part of the currency of language, or the currency of our talk. I think the member for Kenwick would understand that often those sorts of expressions sum up what is being done; they sum up the true objectives. This is a piece of legislation which is being put forward with a name that sounds as though we could not oppose it. How could we oppose a Health Promotion Foundation? What a wicked thing it would be to oppose it. It is

all part of the process of vilification and intimidation of those who do oppose it for good reason. It is all part of making it illegitimate to have a different point of view, which point the Government has been trying to convey with its propaganda on this matter. In the area of the Health Promotion Foundation the depth of the Labor Party's cynicism is most clearly seen.

The proposed foundation is guaranteed not one cent from the huge increase in tobacco tax. We are simply led to rely on what the Government promises. But there is no promise, permanent allocation or appropriation, and this is a repeat of what happened in 1983. I remember standing in this House in 1983 and proposing that all of Mr Burke's massive increases go to educational and health foundations and having that rejected by the Government. Of course, Mr Burke was carrying out some cynical exercises - just as this Government is doing now. The Government is raising a massive amount of revenue to use for general purposes which the Government will decide upon and, of course, to make up its losses which have been so recklessly incurred.

Mr Wilson: Would you say the same thing about the New South Wales Government?

Mr HASSELL: I am not talking about the New South Wales Government; I do know what it has done. The Government has indicated that the proposed Health Promotion Foundation is not to receive the bulk of moneys raised by the new taxes. The proposed foundation will be totally controlled and dominated by the Government because, apart from the fact that the Government will appoint the chairman, and four Government officers are involved - five of the nine members - the Government prescribes by regulation which of the sporting, cultural, and youth organisations are to participate and nominate foundation members. Does any member doubt that that undoubtedly and inevitably will lead to greater and growing Government control of and interference with and influence over the arts and sporting activities? Does anyone seriously believe that an organisation which stood out against the Government would be able to nominate anyone to the board of the foundation? Of course not! The Government does not operate in that way; I suppose that no Government would. The truth is that we are institutionalising Government control; we are institutionalising the continuity of a Government bribe.

When we attempt to talk about this legislation, half the people immediately start talking about who will get what by way of money. Why is it that all these bodies have appeared in Government advertisements in recent weeks campaigning for the legislation when it is the first time the legislation has been seen and when the legislation has not been considered by Parliament? Those bodies are campaigning because they are looking for the money that the Government has promised. Those bodies are fearful that if they do not campaign they will not get any money; just as some organisations which are opposed to the legislation will not speak out publicly because they fear they will miss out on something they want from the Government - whether money from these funds or some other thing sought, such as legislation.

Mr Wilson: It is easy for the member to say that because he does not have to substantiate the point.

Mr HASSELL: I will repeat it.

Mr Wilson: It is without substantiation.

Mr HASSELL: The truth is that the Government has been putting pressure on all these bodies to join in the propaganda campaign. Sport and cultural bodies will rue the day that they ever supported this legislation because no doubt when they look back they will see increasingly an element of Government control in relation to sport and culture in particular, and in other areas as well. There will be a continuity and growth in the influence of the "state" in our society as Government patronage and control is extended through this measure.

Mr Gordon Hill: You have been watching the television program based on Aldous Huxley's *Brave New World*.

Mr HASSELL: I have not been watching it, but I have read the book.

The appointment of Harry Sorensen as the first chairman is a clever ploy in seeking to win acceptance of a proposal which is inherently flawed. At the end of the day a simple question must be asked of this legislation: Will it work? There is no subject on which we have been

bombarded, and will continue to be bombarded, to such an extent than this with statistics, surveys from overseas, Australia and interstate, trends both foreign and local, research figures, evaluations and consumption figures. We have heard what is happening in Sweden, Holland, Spain and elsewhere. Clearly the task of assessing the conflicting material is a major task in itself, but it appears that smoking goes on unabated in every country. I have been informed that generally speaking the consumption of tobacco is rising, and that includes in Victoria, where legislation like this is in place. The incidence of smoking by young women is rising, which is a serious matter and is believed to be caused by social considerations. No-one in the world has proposed a ban on smoking. The measure we are discussing will not stop people smoking, and, in particular, it will not stop minors from smoking.

This Bill will create an apparatus by which this Government may make a hero of itself when the world smoking and health conference is held here in the new year. It will make the Government feel better, believing that it has done something about smoking. It will make people believe that they have sought to stop this pernicious evil; but in reality this will not be the case and smoking will continue among young people. The production, manufacture and consumption of tobacco will continue and nothing will change. However, people will find that other things will change markedly in that instead of individuals and companies being able to work out their own arrangements regarding sponsorship, it will be necessary for them to go along cap in hand to a Government department to seek its patronage and approval. Clearly, in times to come when somebody disagrees with the Government publicly about some matter and wants to be supported by the Health Promotion Foundation, he will then have to seek the approval and patronage of the Government. This scheme will represent another intrusion into our lives by the operation of Government. In this case it relates to an entirely voluntary and private activity; an activity which is becoming increasingly subject to Government involvement, funding and prioritisation through national goals and other criteria. In this case I am referring to sport, but soon there will be nothing we can do between birth and death that will not in some way involve Government policy, direction and priority. The State corporatisation of sport is something I strongly oppose on the most fundamental grounds of political belief. We all should have the courage to state that we oppose it.

Adults have a choice and a responsibility regarding smoking. It is known that smoking is bad for one's health, and adults should exercise their responsibility not to smoke. However, if they do not, that is their choice. Likewise, people should not become obese through excessive eating and people should not become alcoholic through excessive drinking, because they are matters of choice. Also, people should not become addicted to gambling, although some people foolishly choose to do so. We cannot judge others without recognising the flaws in ourselves. We all know that many things which people do are foolish and dangerous by the standards that others judge them. However, the individual concerned chooses to participate in the activity whatever it may be. I cannot see any satisfaction in people smoking, but that is their choice. The only thing I find offensive about smoking is when it is inflicted on me by those who choose to smoke. I find it amazing that whether I sit in a crowded room or on a beach I seem to be downwind of people smoking. Even if I am sitting on Cortesloe beach the wind seems to swing around and blow the smoke towards me.

Mr Wilson: I think that is probably intentional.

Mr HASSELL: That is probable, Minister.

Mr Wilson: I support it.

Mr HASSELL: I thought the Minister was a kindly man.

Mr Wilson: There are some exemptions.

Mr HASSELL: And I am one. That says more about the Minister than it says about me.

I find it interesting that the Government has institutionalised its public bleatings about the dangers of smoking and about how it must protect the public. The Government employs people on vast salaries to institutionalise these bleatings. Nevertheless, this same Government built a casino in this city and its damage in monetary and social terms is almost impossible to measure. I was talking to someone the other day about the impact of the

casino. That person worked as a volunteer for the St Vincent de Paul Society and he said that he could not believe the extent to which suicides, family breakdowns, gambling addictions and children in poverty had risen in the community as a result of the casino's being built. A few years ago a pawn shop in this city was a rarity. Now, since the Labor Government's gambling laws were introduced, the industry of pawnbroking has spawned in Western Australia. On one hand the Government wants to pick out smoking as being such a supposedly unbelievable social ill that these draconian measures are necessary to deal with it, and on the other hand we see what the Government has done regarding gambling; and we see the lack of sincerity and the hypocrisy of the Government's argument. The sad, sick joke of it all is that such measures will not work anyway because adults will continue to smoke, children will continue to smoke and the consumption of tobacco products will continue to increase. Measures directed to those about whom we should be most concerned, the children, must be introduced.

I indicated that if the legislation passes the second reading stage in the Legislative Council with the support of the National Party - and it has been indicated that it will - we will do a number of things. We will attempt to amend the process by which the Health Promotion Foundation is appointed so that the Government will be kept out of it to reduce political patronage. I do not think that can be achieved. Nothing in this State that has been created by the present Government since it came into office has not been subjected to effective Government control. One can look at any measure one likes. If this Government does not have direct control of Government bodies, it puts its friends in control to do its bidding.

Mr Donovan: Are you going to thwart the Bill?

Mr HASSELL: Would making the body independent thwart the Bill? The Opposition will propose that the foundation be truly independent of Government. It will propose that the foundation's aims be widened to require it to support programs to reduce the social impact and social cost of gambling, drug taking and alcohol. The biggest problem in the United States today amongst children is not smoking, but drugs. Very soon that will be the biggest problem here. If we were doing something about that on a grand scale, it would make more sense in the long term than this measure, not that I am suggesting or even hinting that we should not be taking measures to stop children smoking. We will support all moves to require that the age limit for sales to minors remain at 18 years of age, instead of its being reduced as the Labor Party proposes. We will seek the effective endorsement of other measures. One of the great things we can do in this Parliament is to pass tough laws to solve problems. However, when such laws are not enforced they do not work. We will seek to require that a minimum percentage of the tobacco revenues go towards those objectives each year.

I think the measure of this legislation can be summed up by making one observation: A proposal that all moneys raised through a tobacco tax go to the establishment of a special hospital to research the damage done by smoking and to treat those who are made sick by smoking would be unacceptable to the Government. The only way this Government can make this measure acceptable is to use tobacco taxes to buy off the opposition of those who are currently receiving sponsorship of one kind or another - in other words, as I have said before, to buy the silence of some and the support of others. There is no way to describe the process going on in this State. Those who have been bought off by that process or who have been silenced by their fear of Government retribution will find it is to their cost, some in the short run, and some in the long run. I oppose the Bill.

DR TURNBULL (Collie) [3.35 pm]: I am pleased to have the opportunity to speak on the Tobacco Bill. The legislation has two parts to it. The first is a mechanism to set up the WA Health Promotion Foundation which will distribute funds which come to it from a tax to be raised through other legislation to be presented to this House for its third reading. The second function of the Bill is to present changes to legislation that allows for the advertising of tobacco products and sponsorship by tobacco companies.

The National Party supports the amendments to advertising and sponsorship provisions. It has a number of reasons for doing that, but principally because many National Party members are parents of young people and this Parliament and Parliaments throughout Australia are able to influence the whole of society, not just members of the National Party or other political parties. Parents are very concerned at the effect that advertising by

cigarette producers is having on the smoking patterns of young people. Evidence suggests that cigarette advertising influences people's smoking patterns. We have all been assailed with an enormous amount of information, statistics, surveys and studies from tobacco companies and from health promotion organisations giving us the pros and cons of cigarette advertising.

It is apparent that the smoking patterns of Australians have changed, particularly in the last 30 years. The first change has been brought about by education. Most people feel that education is very important and that it can change people's lives for the better. I agree with that. From the early 1960s until the end of the 1970s, the percentage of cigarette smokers throughout Australia dropped from 45 per cent to 30 per cent. Most experts relate that decrease to the success of education programs, because adults became aware of the dangers of smoking and the long term health effects of smoking. Adults have been prepared to change their habits to improve their health.

However, of major concern has been the influence that cigarette advertising has had on young people. Cigarette smoking is increasing among young people, and particularly among young women. This is related to changes in the social habits of young women these days and also to the targeting of that group by cigarette advertisers. They are blatantly aiming their campaigns at young women and teenagers. Research in the education system indicates the dangers to which young people are being subjected by cigarette advertisers. That research has been carried out in a number of places, including Western Australia. Schools have promoted healthy lifestyles at all times, but have emphasised, particularly since the late 1970s, that smoking is not a healthy habit. It affects people's lifestyles and even causes fatal diseases.

Today we are interested in how this education is applied to young people and the results of it. These education programs were introduced to children in the latter part of primary school in 1981. Two years after the education was delivered in the classroom it was discovered that education alone did not have very much effect on reducing the uptake of smoking among young people. The factor which had the greatest influence on the smoking or non-smoking habits of young people was their susceptibility to advertising. Eight years after the beginning of that education program studies are being carried out into the end result to ascertain how many of those young people, now approaching 20 years old, smoke at present. Although the results have not yet been formally presented from the 1981 survey, it is becoming apparent that the young people susceptible to advertising took up smoking when younger and continue to smoke today. It is not that education does not have a part to play; it has a big part and it has helped to reduce the level of smoking among young people in Australia. However, other factors are involved and that is why tobacco companies advertise; I refer, for example, to the creation of acceptability of a product. That acceptability of the product is directed towards its association with a glamorous lifestyle, which has excitement and a slight emphasis on the forbidden. That is typical of the advertising used by cigarette manufacturers which is directed towards women and young people. I will not go further into the concept that advertising influences young people to smoke; I will move to the Bill itself.

The National Party accepts that legislation controlling and limiting the advertising of tobacco products in Western Australia is worthy of support. However, the National Party does not consider that this Bill truly addresses the problem of advertising and sponsorship of tobacco products in Western Australia. That is why we have a number of amendments on the Notice Paper which will be moved during the Committee stage of the Bill. I will briefly outline the arguments to be presented by the National Party.

The National Party considers that the advertising of tobacco products in the print media in Western Australia should be totally banned. Also we want to ban the advertising of tobacco products in any inserts included in material printed in Western Australia. We understand, of course, that there is a limit on the amount of regulation which can be imposed by Western Australia on print media sold in Western Australia but published outside the State. However, we wish to ensure that the material published in Western Australia achieves the objective of the National Party; that is, a ban on advertising cigarette smoking, particularly in association with a glamorous lifestyle. The National Party also wants to deal with the question of sponsorship, which is a new, sophisticated method of influencing peer group acceptance of tobacco products. Sponsorship, particularly of glamour sports such as car racing and yacht racing, is a system whereby the tobacco products appear attractive to certain people who are

not nearly as susceptible to education as a method of learning the right lifestyle for them. That is a summary of the National Party's position on the first part of the Bill which relates to sponsorship and other types of tobacco promotion.

The National Party commends the Government on that part of the Bill which will prohibit the production or sale in Western Australia of any items containing tobacco which can be chewed, as opposed to smoked. The reason for including that provision is that tobacco companies are now using other methods of selling and presenting tobacco products. The manufacture of chewable tobacco, chewing gum containing tobacco, and tobacco in sweet form is very insidious, and already oral cancer has appeared in people younger than 20 years in countries where the sale of such products is permitted. The prohibition of their sale in Western Australia is commendable.

The National Party will also move an amendment providing that the age at which young people are permitted to buy tobacco products shall remain at 18 years, and not be lowered to 16 years. We do not consider that will impose much difficulty or hardship on young people because they must already prove that they are 18 years of age or older when they want to buy alcohol. Therefore, to be required to prove their age is above the legal limit when buying tobacco products will not be very difficult for them. The National Party also commends the Government on its statement that the law will be enforced. I will certainly not mention the young people who ride their bikes to pick up their supplies of alcohol and cigarettes, and ride home carrying their alcohol and cigarette supplies with them! This is a genuine attempt by the Government to prevent young people from purchasing such supplies.

The second part of the Bill deals with the Health Promotion Foundation, and the National Party considers this to be completely separate from the first part of the Bill. It is not necessary to deal with it in conjunction with the banning of advertising and sponsorship. A number of people and bodies have suggested that the formation of the foundation will encourage the community to accept the proposed bans. It is proposed to buy out any tobacco company sponsorship of sport and the arts and to substitute funds from the foundation for the sponsorship system in events which would otherwise use tobacco company money and names. Unfortunately, this foundation will be in a position where it could be used as a slush fund, as it has been described. The fund could be used to target certain electorates, and certain interest areas of the community, prior to or during election campaigns.

This Bill proposes to raise funds from an increase in the State tobacco licence fee. The National Party believes strongly that the total revenue raised from taxing tobacco products should not go into the Consolidated Revenue Fund but into activities which will improve the health of those Western Australians who are healthy, and are not smoking, and those who are smoking, and are suffering or dying from the effects of smoking. During the Committee stage we will be moving an amendment that all the revenue raised from the tobacco licence fee be directed towards health related purposes.

The composition of the membership of the proposed Health Promotion Foundation is an important factor. During the Committee stage we will be moving amendments to increase the number of members of the foundation; to ensure that they represent in an independent way the organisations by which they are nominated; and that they are not subject to ministerial selection, or part of a ministerial panel. We believe that the nominated bodies should include the Local Government Association and the Country Shire Councils Association; the members of those bodies are elected by and represent the community, and are, therefore, closest to the community. We want to ensure that the chairperson of the foundation is truly independent, and will be appointed only on the recommendation of the Premier of the day, in consultation with the Opposition parties. So it will not matter which party is in Government, the Government will have to abide by the decisions of a foundation which comprises independent members.

During the Committee stage the National Party will move an amendment that all the money raised by the foundation be disbursed within the year in which it is raised, so that there will be no carry over for more than two months from one financial year to the next. We understand that there are problems in respect of disbursing money in one single financial year, but we want to ensure there is no build up of funds which can be available for disbursement at a time when it might suit either certain members of the foundation, or the Minister of the day who is in charge of the foundation, regardless of which party is in Government at the time.

The role of the foundation is not to be limited to sponsorship of sport and the arts; that very limiting role will not do justice to the amount of money which the foundation will have at its disposal. Rather, the foundation should be a positive force in Western Australia in relation to health. It should be particularly active in encouraging those who are non-smokers, particularly young people, to not commence smoking; in limiting the exposure of children and young people to smoking influences; and in encouraging those people who are already smoking to give up smoking.

The Government's role is not only to assist people in the way in which they live but also to disburse the money raised through taxation. Health comprises a quarter of the total Budget of Western Australia; any process that will help to reduce the cost of the health bill is to be encouraged. The foundation should be involved in activities which will positively reduce the health bill of Western Australians. It should also be heavily involved in research into the behaviour of members of our society in relation to all addictive substances. The nicotine in tobacco is an addictive poison; however, we also have a problem in respect of illegal drugs. Much of the reason why addictive pastimes and pleasures are taken up is related to people's basic behaviour patterns. The foundation should encourage people to take up activities which will remove them from addictive processes.

We support that part of the Bill which limits advertising and sponsorship; that will have an effect in reducing the number of young people who take up smoking. It is important to discourage teenagers from taking up smoking, because research has proved that the younger people are when they start to smoke, the more difficult it will be for them to give it up; and the greater will be their risk of contracting diseases caused by smoking, thereby permanently damaging their health. These activities should be related to preventing people from starting addictive habits which will affect their health, and should be directed towards promoting healthy living by using the same advertising techniques. Healthy living should be promoted as an exciting way of living and as the high to which young people should naturally direct themselves, instead of directing themselves to dangerous habits and pastimes.

We feel the Western Australian Health Promotion Foundation should also be involved in research which will help to improve the lifestyles of young people in Western Australia. Money from the cigarette and tobacco taxes should be directed towards helping those people who are already suffering from disease but who will have their lives improved by medication, programs or assistance which can help them to live the rest of their lives in a more productive way. We acknowledge that the foundation should also be used to a small degree to replace the sponsorship which cigarette and tobacco product companies are now giving to sport, but we recognise that in Western Australia that is not a very large amount of money anyway; therefore in our amendments we will not seek to channel very much of the money towards that objective.

I commend this Bill to the House, together with those amendments which the National Party will present. The Tobacco Bill will be able to play a significant part in the future health of the people of this State and therefore is legislation which, with the amendments that we propose, can be supported.

MR CLARKO (Marnion) [4.02 pm]: I do not smoke, I have not done so since I have been an adult, and I believe smoking is an unhealthy practice. However, I believe that this is very poor legislation and I do not believe it is the best way to go. It involves the Government in tax collecting, which the Government argues will go towards caring for those people who are suffering from diseases as a result of smoking; but in fact all that it will do is ease the Government's health costs and free up money for other purposes. That is what the Government did when Mr Burke was Premier. He increased the taxes on cigarettes by about \$20 million over three years and put \$6 million of that - \$2 million a year - into the Quit campaign. I really questioned how serious he was when he did that.

Many people would query this legislation because it seeks to impose only a partial ban on tobacco advertising. In particular, it omits the print media, although I notice that the member for Collie intends to move some amendments in relation to that matter. I understand that while the promoters of cricket, and perhaps those of racing, understood they would automatically be given exemptions for their international meetings and Sheffield Shield cricket and so on, now they will have to put their case to the Minister for Health who will make judgments about them; so it is not automatic as they thought.

As well, I note that there is to be really only a partial ban on tobacco sponsorship, as my colleague the member for Cottesloe said. A great deal of talk has been focused on youth, but that is like motherhood. Who could disagree with a program which is designed, so this legislation would argue, to encourage a healthier life for our young people? However, we are all aware that young people will be able to stand in the middle of the street and smoke without attracting penalties. It is a very peculiar way for the Government to try to cut back on something they find undesirable; that is, by imposing no penalty. The penalty instead will be placed on the person who sells cigarettes to young people.

As to the Western Australian Health Promotion Foundation, I would have very little confidence in the way the Government structured the committee and appointed people to it, and whether they would have a choice. This Government's predecessor, the Burke Government, would have to be the most brilliant Government this State has ever seen, if only for its great skill in putting its close friends onto bodies which were some form of agent for the Government. Burke raised patronisation to an art form, and the process is being continued by the present Premier, so we have no doubt that this Government will sack the committee, as it and its predecessor have sacked every other committee. Unless a person has his Labor Party card sticking out of his pocket he will not get a job. I am told that several people in Perth have applied for governmental promotions and in almost the same mail they have received a letter asking if they are prepared to join the Labor Party.

Mr Gordon Hill: Where is the evidence for making that sort of statement?

Mr CLARKO: I could bring to this place the people who have said it to me, but members can just imagine what the Minister, in his Spanish inquisitorial style, would do to them. He would garrote them on the spot and hear their explanations afterwards.

We will have a situation where the tobacco retailer - the little shopkeeper whom we all know - will be liable for a penalty of \$1 000 for selling cigarettes to a person who is 15 years old and looks as though he is 16 or 17. As a former secondary school teacher I would challenge any member opposite to pick whether a person is 16 or not. Now it appears from the Government's releases to the Press that the minimum age for the sale of cigarettes or tobacco products will be 18. Shopkeepers do not have the magic ability to decide whether a person is 18 years old or 16, or a year or more younger. It is lunacy to change what was a ridiculous penalty of \$4 to an equally ridiculous penalty of \$1 000, especially when the person who buys the cigarettes under age - whether he is 15 or 17, depending on the minimum age finally decided upon - is able to walk away, go out onto the highways and byways and smoke cigarettes all over the place without penalty.

Then we come to the example of this Government's high socialism - and socialism is collapsing all over eastern Europe at present. This Government's latest deal is that it sees something evil in these little things called Fags. I have not smoked cigarettes since I was an adult, although I did smoke some cigarettes after I left school. When I was a little boy, which was a long time ago, we had these little sweets called Fags which had a pink tip at one end. Kids used to suck them, and I did too, but I do not smoke.

Mr Graham: But you did as a kid.

Mr CLARKO: I suppose just about everybody did as a kid. I suppose also it depends on what we call smoking. Perhaps having a couple of puffs is smoking in one sense and not in another. The member for Pilbara should answer this question for me: Does he think there is a great deal of harm in these sweets? Does he think kids who suck these lollies will become smokers for life?

Mr Graham: You just said -

Mr CLARKO: The member will not answer my question but he wants me to answer his. He should take his 30 minutes to speak on the subject if he feels like it.

I will speak later about why I believe young people smoke, but I fail to see how anybody with a fraction of a brain could suggest that banning these sweets called Fags - and of course, in English public schools the word "fags" has a different meaning from that, and the word is used in many other ways as well - is warranted. We have passed 1984, but if that suggestion had been the opening line of George Orwell's 1984 no-one would have continued to read that book prior to that date.

The SPEAKER: Will you table the evidence?

Mr CLARKO: Do you want a suck, Sir? It is no different from someone eating a peppermint. Hon Reg Davies is probably eating peppermints by the thousand at the moment. It probably would not do him any harm if he sucked one of these Fags. We have reached a most draconian stage of social engineering when this Government thinks it will be a very important part of its legislative procedures to ban the use of these things called Fags. It is absolute lunacy. I challenge any member of this House to stand and tell me that taking away these lollies will make a big difference in the number of people who smoke. I wonder whether in the Soviet Union the millions of people there have an equivalent of Fags. That is an indicator that the legislation is not the best way to go to reduce health problems associated with the smoking of cigarettes.

The Bill provides some information but at the same time detracts from it. It says that 23 000 people die each year in Australia from diseases associated with smoking; in Western Australia about 1 700 people die each year from the same diseases. In his second reading speech the Minister stated that tobacco is a known carcinogen, but the Government allows the sale of cigarettes to adults so that they can carry on smoking. Prohibition has not been placed on the sale of cigarettes to adults, so what is the point of quoting these horrendous statistics? However, the Government wants to ban the sale of lollies, called "Fags". People will continue to smoke despite the legislation, and the cynics will say that the Government is happy with that situation because it will continue to collect revenue from the sale of known carcinogens. I have received dozens of letters from people in the medical profession, and some of those doctors are the biggest hypocrites of all. In the past I was an oil company representative and mixed with many people in the trade. During my travels, I found that the heaviest smokers were doctors.

Dr Watson: Not now.

Mr CLARKO: Because they have become part of the fad. When I first came to Parliament I shared an office with Dr Dadour; it was the foulest office I have ever been in. A few years later, Dr Dadour went on like St Paul and bullied people who smoked, saying how evil they were. Why should I believe people like Dr Dadour who have smoked in the past? He lived for cigarettes, and he is not the only doctor who has done so.

Mr Donovan interjected.

Mr CLARKO: The member for Morley will no doubt vote for this legislation, and that is incredible because he is a smoker. Why does he not take notice of the Minister's second reading speech? The member is a smoker and he ignores the fact that 1 700 Western Australians die each year from smoking related diseases. That is how clever the member is.

Mr Donovan: It is not a matter of my being clever.

Mr CLARKO: The member does not take any notice of the statistics, so why should I listen to him? I did not listen to Dr Dadour.

The Government is going about this problem in the wrong way. When I left school, virtually every male youth smoked. They were all 17 year olds and I think only one person in the class did not smoke. However, none of the girls smoked; the only girls who smoked in those days were those training to be nurses.

Dr Watson: That is right.

Mr CLARKO: That is the profession I am supposed to take notice of. I am still very close friends with people with whom I went to school, and none of them smoke. A group of five friends from my school days, and their wives, meet with me for dinner parties every few months. We have met in this way since about the age of 30 when the majority of the men and one or two of the wives smoked. Now virtually all the men have given up smoking and a couple of the ladies continue to smoke, although only occasionally. That has occurred because of what we see and read in the newspapers and the other educational processes in the community.

My father, who is now deceased, used to smoke a pipe. When he reached the age of 60 years he gave up smoking because of what he read about the habit. I know that the member for Morley has a smoking habit, and that other members are struggling, but they are a very small percentage of members in this place. Perhaps only two members in the whole House of

57 members continue to smoke; that is, about four per cent. When I entered this place in 1974 - the same glorious year as yourself, Mr Speaker - about half the members smoked. At that time, entering the bar on a hot day for a quenching lemonade one would find the place reeking with tobacco smoke. Members do not find that the case today. In fact, this House was built around the smoking habit. The chairs at the end of the Chamber were designed to accommodate smokers. Perhaps only one or two members smoke in that area now.

Mrs Watkins: The smokers in this place are very considerate.

Mr CLARKO: That has nothing to do with it; that shows the member's lack of knowledge. The reason members do not smoke in that area now is that most people have given up smoking for the reasons I have outlined. The member should not shake her head. Over the 16 years I have been in this place the situation has changed from most people smoking to virtually no-one smoking. If this legislation is not passed, there is every chance that the member for Morley and anyone else who smokes will give up the habit. The member for Morley would feel a great deal of pressure at the moment because he still smokes. Possibly reformed smokers criticise the member for Morley every time he smokes; many people do that. The pressure is on. The changes have overwhelmingly occurred.

The member for Kenwick would agree with me, I am sure, that it is a great pity that these changes have not occurred in one area. It is a pity that young girls have ignored the danger. It is a great shame that young girls are the only ones who have ignored the process -

Dr Watson: That is because advertisements are targeted at young girls.

Mr CLARKO: It is quite clear that is not the reason. That is absolute nonsense. Young girls are not smoking because of the advertisements, and young boys are giving up because young men are not in the advertisements. The Marlborough advertisement containing the horse riding into the sunset contained good looking young men and young women. It cannot be argued that the advertising campaign is designed to pick up only young girls, or that the advertising picks up young girls more than any other group in our society. That is nonsense. I would have thought the member for Kenwick would know why young girls are smoking increasingly and why young boys are doing exactly the opposite. I have three daughters. In my day their friends would not have smoked - except for the nurses whom I have mentioned. However, today young girls smoke and young males smoke less. The situation has changed dramatically over the last 20 or 30 years. If members do not agree, I challenge them to back their argument with some evidence.

Mrs Beggs: Why are young girls smoking?

Mr CLARKO: I will come to that in a moment. I say that it is not because of the advertising. Both young males and young females see the advertising. Both attractive men and attractive women are used in these tobacco advertisements.

Mr Bridge: And nice horses.

Mr CLARKO: They certainly are fine horses.

I am a keen watcher of cricket on television. When I have time I go down to the WACA; unfortunately I do not have the time these days. I will bet the member for Peel was once a heavy smoker, and when he gave it up it had a very deleterious effect on both his temper and his figure. Many people like myself who do not smoke watch the advertisements on television while viewing the cricket. We see the Benson and Hedges advertisement at the far end of the ground the whole time we watch the game. It will have no effect on me whatsoever whether the ads are there or not. It is sheer nonsense to argue that seeing an advertisement for Benson and Hedges cigarettes will make a person like me, who does not smoke, take up smoking. I question what effect it will have on the WACA if it does not receive the money that goes with the advertising; that is the reason the Government left the legislation open. Perhaps the Minister will clarify that point later. People in the community believe that international Test matches, Shield cricket and race meetings will continue to have access to the advertising and its funding.

It is almost laughable to see in the Minister's second reading speech that the matter of people who may break this new legislation will be discussed with local government. Apparently the health surveyor will play a part in policing this new area. This will be an incredible change for Ministers of this Government. What sort of discussions did the Minister for Sport and

Recreation have with the Subiaco City Council regarding Subiaco Oval? Absolutely none. Legislation is being introduced into the upper House regarding the racecourse development trust which will affect the amount of money allocated to country and city racing and trotting. What discussions did the Minister have with people in that industry? I am told that there was none. I find it incredible that the Government will now bare its soul in discussions, yet increase the fines from \$4 to \$1 000 for apprehended shopkeepers. The Government states that it will change its approach to consultation, but it is beyond comprehension that it should do so. The Government also intends to rewrite the Local Government Act, but how much opportunity did the Government extend to people to attend meetings around the countryside on this matter? I have received dozens of letters from people in the country who were not given adequate notice of these meetings. This legislation is another example of the Government not giving people a chance to discuss the issue.

The Government adopted a goody-goody approach regarding advertising, but why is so much marijuana consumed in Australia? Marijuana is not advertised at all, yet huge quantities of it are consumed in Western Australia and Australia-wide every day. I am told that Belgium banned the advertising of tobacco products, yet the number of people in the 15 year age group that smoke in that country compared to a country next door in which tobacco advertising has not been banned was quite uneven. There is a much higher incidence of smoking among 15 year olds in the country without advertising.

I support the reduction of smoking and I promote good health in our community. However, we need positive education programs and not this mishmash in the Bill before us. A number of serious questions arise relating to the WA Health Promotion Foundation: People involved in sport are concerned about the membership of the foundation. Only two of the nine members will be representatives of sports whereas in other States the sporting representation on equivalent bodies is in the order of 60 per cent. The two out of nine members is approximately 20 per cent which is one third that of the other States, so perhaps the Minister would care to comment on that during the Committee stage. People involved in sport would like the Government to reconsider this representation. In addition, these people have concerns about the lack of indexation on the amounts of money available to sport and the arts. Apparently that applies now with Instant Lotteries as a fixed amount of \$3 million is allocated to sport and \$3 million to the arts and others. Those figures have been stationary for a couple of years, and people believe that the Government should make provision for indexation in relation to these grants.

I posed the question earlier regarding the incidence of young girls smoking increasing and the number of young boys smoking decreasing in our community, and this drew several interjections. The reasons that young people smoke are many and include a desire to experiment, a desire to copy their elders and a desire to show their independence. The incidence of smoking among young girls is increasing because girls are encouraged to exhibit their independence. I am not questioning whether they should or should not -

Mr Read: Is that encouraged by the tobacco advertising?

Mr CLARKO: If tobacco was not used to do this, it would be something else. Today young girls are encouraged to show their independence, and in the past they were encouraged to show the opposite. That is a prime factor for the number of women smokers increasing. If this was not the case, men and women would be smoking in the same proportion. The member for Kenwick may giggle but perhaps she will give a brilliant answer to the question of why girls smoke more than boys.

I refer to the inconsistent draconian measure we have before us today. We should return to education programs which I have argued were successful in Western Australia in the past 20 or 30 years. I am sure that some smokers in this House have smoked for 20 or 30 years, but responsible education programs will reduce the problem.

The television advertisement depicting the young boy watching his dad who smoked dying is totally unacceptable and should be withdrawn because of its harsh negative effect. This approach was used in the road safety campaigns in the early days in which huge crashes were depicted showing legs missing from bodies. This campaign should have a more positive approach through education. The smoking ad to which I refer must place an inordinate responsibility on very young children to start questioning their parents about their smoking habits. That is the wrong way to go about addressing the issue. The responsibility should

not be placed on the children. In fact, if the Government were dinkum, it would have banned the sale of tobacco products altogether. It is not dinkum; it wants the money raised through smoking and also wants to be a friend of the public. The television advertisement involving Doctor Fiona Stanley is much better than the one to which I referred previously. The advertisement depicting the woman ageing rapidly is another one of which I do not approve, although it is not as harmful as the one involving the little boy. Doctor Fiona Stanley's positive education approach should be encouraged.

Dr Watson: She exactly supports what we are doing.

Mr CLARKO: She could be wrong too! Just because she is a brilliant academic does not mean that she is right in saying that a little boy should carry the burden of encouraging his dad not to smoke because his dad did not pay heed to the health message. The member for Kenwick may giggle, but if she thinks that that approach is appropriate, she should stand up and say so. Why should we accept the member's judgment on matters like that? A rational indication of the negative effects of smoking would be much more appropriate than these excessive scare tactics.

I repeat, I support measures to reduce smoking and to promote health. However, I am suspicious of the way the Government has pushed its Quit program onto the public since 1983 when a great deal of revenue from these new schemes is being put into the Government's hip pocket to enable it to do deals such as the PICL deal and waste hundreds of millions of dollars of taxpayers' money.

I do not believe it is correct to direct these programs at only the young. Health programs should be directed at the young, the old and everybody in between. They are entitled to positive guidelines and assistance.

Many people opposite have become instant experts on the effects of cigarette advertising. It makes no difference to me whether I see a Benson and Hedges advertisement. People sit at the cricket all day and look at Benson and Hedges advertisements and it makes absolutely no difference to whether they smoke or they do not. However, the Government believes that we should make a half-hearted attempt to stop cigarette advertising.

I am intrigued by the Government's attempts to reduce the age referred to in the provisions of the Bill from 18 years of age to 16 years of age. The Minister said in his second reading speech that provisions in other States include the age of 16 years. Surely that is not sufficient reason for our including that age limit in our provisions; the criteria should be whether it is right or wrong. We should be trying to protect 16-year-olds.

It is a poor and inconsistent Bill and I oppose it.

DR WATSON (Kenwick) [4.33 pm]: In 1950, Richard Doll, later Sir Richard Doll, and the American Surgeon General presented irrefutable evidence of links between tobacco and lung cancer. It remains the greatest single cause of preventable death today. I have been amazed by the Liberal Opposition's unwillingness to recognise that that is what we are really speaking about. Every year 23 000 Australians die prematurely and every day 60 die. No other product that is advertised and used so freely kills when used exactly as it is intended.

In my speech, I will reiterate the need for the Bill because it is clear that some sections of the Opposition do not appreciate that need. In my electorate, in the two local authorities of Canning and Gosnells in 1987, 322 children in Canning and 321 children in Gosnells took up smoking permanently. Of every 1 000 deaths, 211 in Canning were due to smoking and in Gosnells 220. That reflects the nature of the occupations of people in that electorate and, to some extent, linked with that their social status.

Of 1 000 young men who smoke, one will be murdered, 15 will be killed on the roads, and 250 will be killed before their time by tobacco. The substance is more addictive than heroin. In Australia, approximately one-third of men and nearly three out of every ten women are addicted to cigarettes.

I have spoken in this place before about women's health and occupational health. I now wish to address those two issues in this debate. Women who smoke are much more likely to have fertility problems than those who do not. They find trying to get pregnant more difficult and increase their risk of miscarriage and stillbirth and of having low birth-weight babies. Because so many women now smoke, lung cancer will soon overtake breast cancer

as the greatest single cause of cancer deaths in women. Women who smoke even up to four cigarettes a day will double their risk of heart attack but, importantly, the children of parents who smoke are more likely to develop respiratory problems than those whose parents do not smoke.

Doctors concerned with the health of children and the Asthma Foundation point to the links between childhood asthma and parental smoking. A number of cigarette brands are targeted at women and advertisements for these brands, Alpine and St Moritz, appear in women's magazines and show highly attractive young models in enjoyable social settings. As an aside, I commend Ita Buttrose for making a policy decision that her magazine *Ita* would not accept cigarette advertisements.

Also, girls start smoking younger each year. By the time they reach year 10, in their fifteenth year, 28 per cent are regular smokers. From 1984 to 1987, smoking by year 10 girls increased to 28 per cent. They smoke more than do boys and by year 10, the percentage is exactly the same as it is among adult women smokers. Girls who smoke in years 10, nine and eight are likely to smoke the most heavily advertised brands of tobacco.

We know that smoking prevention programs should be continued and expanded to include school years other than year seven and we know also from research that was done in Perth that cigarette advertising operates to negate the Quit program. Every year in Australia, 70 000 teenagers become regular smokers and every day more than 500 Australian schoolchildren smoke their first cigarette. One out of every two adult smokers began smoking before they were nine years old and the younger children are when they start to smoke the more prone they will be to disease.

It is irrefutable that children smoke the most heavily advertised brands of cigarettes. The most popular brands for adolescents are Winfield and Peter Stuyvesant for boys and Winfield, Peter Stuyvesant and Alpine for girls. It is a disgrace that this legislation has not been able to be introduced earlier.

Members know that my other interest is occupational health. I am particularly concerned about the effects of passive smoking in workplaces, including Parliament House. Cigarette smoke contains many thousands of chemicals, most of which are known poisons. Non-smokers who are forced to breathe sidestream smoke are passive smokers. People do not acknowledge that sidestream smoke contains at least 40 carcinogens. Therefore, non-smokers exposed to sidestream smoke while at work could inhale the equivalent of five or six cigarettes a day. We know that chemicals in sidestream smoke irritate eyes and lungs. Australian research indicates that about 140 people per year die from the consequences of passive smoking.

As I have said before, children of parents who smoke are much more likely to suffer from respiratory illnesses. The Occupational Health, Safety and Welfare Act has set up a structure whereby it is possible for workers and employees to agree to prevent smoking in the workplace. Besides the obvious aesthetic problems of those so-called minor problems such as eye irritation, there is no doubt that tobacco ingestion can mix adversely and synergistically with other workplace hazards such as asbestos, certain chemicals, silica and coal. Modern employers and managers, led by trade unions, are introducing smoking policies into their workplaces. As a member of the Joint House Committee I look forward to the introduction of a smoking policy for people working at Parliament House.

The tobacco industry is still clutching at its desperate, last-minute straws - self regulation, voluntary codes, and setting up non-independent research done by paid scientists. It unethically targets young women, seducing them to smoke and then to change their brands. The only alternative to this is to phase out advertising. Experience has been gained from the Nordic countries. In 1975 the Norwegian Tobacco Act was introduced and we know that it has managed to reduce the amount of smoking and the number of young people who smoke in Norway. In 1981 - I think this would go some way to answering the criticisms of the member for Cottesloe and the member for Marmion - the Norwegian Medical Association passed a resolution urging the Government to work to make Norway a smoke-free society by the year 2000. The Minister of Health in that country has stated in Parliament that the Government has that intention.

Eight years ago a research project was started in Western Australia which aimed to investigate smoking behaviour in young people. The major findings of that prospective

research are, firstly, that the negative effects of cigarette advertising on children far outweigh the positive effects of smoking prevention programs; secondly, smoking prevention programs appear to be able to reduce smoking prevalence in adolescents by about five to eight per cent; and, thirdly, and most importantly, a response to cigarette advertisements can increase smoking prevalence rates by 15 to 20 per cent. These results show very clearly that the influence of cigarette advertising on adolescents is related to their smoking behaviour. I am glad that the shadow spokesperson on Health is the shadow spokesperson, and I hope he never becomes the Minister for Health. He acknowledges that tobacco is addictive, harmful to health and offensive. He does not acknowledge the differences - or he is sceptical or does not understand the differences - between education programs to quit versus those of the industry recruiting new smokers.

As I said before, smoking is the greatest cause of preventable death in Australia. Thirty per cent of all cancer deaths are due to smoking, which is the major cause of lung cancer. There is a dose-response relationship in that the more a person smokes the more vulnerable he or she is. Lung cancer is a preventable disease. I spoke once before about the effects of smoking on children and at the time I tabled some little Marlboro cars. I now wish to table two lung specimens which were removed during post mortems, one of a person who died of lung cancer and the other of a person who died of emphysema, both of which are preventable diseases. Lungs should be pink and spongelike, and I hope that members opposite and my colleagues will look at the specimens and learn from them.

The SPEAKER: I direct that those specimens be placed on the Table of the House for the balance of today's sitting, where anyone who is willing to get close enough can take a look at them.

[The specimens were tabled for the information of members.]

Dr WATSON: The legislation before the House will dissuade young people from taking up smoking. I said that by year 10, 28 per cent of girls are smoking. We want to stop that, and we want to stop the activities of the tobacco industry. Smoking is involved not only in lung cancer and emphysema, but also in cardiovascular disease. For six years I was the charge nurse of a peripheral vascular unit at Royal Perth Hospital. People lost their legs, often gradually, from the consequences of smoking. People lost tongues, larynxes and oesophaguses. Smoking kills and we are trying to introduce measures that will reduce the chances of people being killed by smoking.

I want to acknowledge the tremendous support the Government has received, although I know the Minister for Health has already done so. Through this issue I have made friends with many people, and representatives from the medical fraternity, the Australian Medical Association, physicians, surgeons, gynaecologists, dental organisations, and school and educational organisations who have brought intellectual and ethical integrity to this debate. The work of the Australian Council on Smoking & Health - ACOSH - has been most instrumental in giving the Government the kind of information it needs to develop these reformist policies. Three other individuals should be mentioned especially; one is Ruth Shean, the Director of ACOSH, and another is Kingsley Faulkner, the Chairman of ACOSH. They have done tremendous work in bringing this issue before the public eye. It is also appropriate to acknowledge the hard work and many disappointments of Barry Hodge, who was the Minister for Health when the Labor Government failed to get this legislation passed in 1984. I commend the Bill.

MR GRAYDEN (South Perth) [4.48 pm]: I wholeheartedly support this Bill. It simply sets out to control marketing and promotion of tobacco products and also will establish the Health Promotion Foundation. In those circumstances I congratulate the Government on having introduced the Bill and the National Party for its indication that it will support this measure.

I have some criticism of the Bill in that it does not go far enough. We should be banning all advertising. In this world are a number of authorities on matters of this kind and on the diseases caused as a consequence of tobacco smoking. The Australian Medical Association is probably the ultimate authority in this country. Globally the ultimate authority, without question, is the World Health Organisation. If we were thinking in terms of the United States - and there are many organisations which support measures of this kind - it would probably be the United States Surgeon General. If we were thinking in terms of the United Kingdom, it would probably be the Royal College of Physicians. If we were thinking in

terms of Western Australia, we would need to look at every important medical and health association. I will not read the content of the letters which all members have received from the organisations in Western Australia which support measures of this kind, but they include the Australian Medical Association, Western Australian Branch; the National Heart Foundation of Australia; the Public Health Association of Australia; the Western Australian Research Institute for Child Health Ltd; the Department of Endocrinology and Diabetes of Sir Charles Gairdner Hospital; the Australian Council on Smoking & Health; the Royal Australasian College of Surgeons; the Royal Australian College of Obstetricians & Gynaecologists; the Hospital Doctors' Association of WA Inc; the Doctors Reform Society; the Cancer Foundation of Western Australia Inc; the Cystic Fibrosis Association of WA; the Asthma Foundation of Western Australia Incorporated; the Thoracic Society of Australia and New Zealand; Hospital and University Pathology Services; the Australian College of Paediatrics; the Australian Sports Medicine Federation (WA Branch) Inc; and the Australian Dental Association Inc. Members received letters also from organisations such as the Association of Independent Schools of Western Australia Inc; and one could go on.

The organisations I have mentioned are all authorities in their particular fields. The member for Cottesloe talked about scientists specialising in science, and their role being one simply to advise. What further advice do we need than from those authorities? One could go no further, because theirs is the ultimate advice available in the world. The legislation which comes before this House has to be logical, just, and in the interests of the community. No-one in this House could say otherwise than that this Bill meets every aspect of those criteria.

If one wanted to find a part of the world where senseless killing was taking place, one could look in many directions. If one wanted to find a particular place which was synonymous with senseless killing, it would have to be Cambodia, formerly Kampuchea. Hundreds of thousands of people were killed in the killing fields of Cambodia. However, what we are overlooking is that we in Australia happen to have our own killing fields as a consequence of the activities of the tobacco moguls and the tobacco lobby. The member for Kenwick told us that in Australia, 22 000 or 23 000 people die each year as a consequence of cigarette smoking. In Western Australia, 1 700 people die each year. In Cambodia the killing took place as a result of the activities of the Khmer Rouge, a Communist organisation which used to be called the Central Committee of the Communist Party of Cambodia. The head of that organisation was Pol Pot. The Australian equivalent of the Khmer Rouge is the tobacco lobby; and of Pol Pot is the tobacco moguls, who sit in their plush offices in New York and other parts of the world. The turnover of Phillip Morris in the third quarter of this year was over \$11 000 million.

In Cambodia the victims were defenceless men and women. In Australia they are the law abiding men and women, who have been constantly subjected to and brainwashed by cigarette advertising. In Cambodia hundreds of thousands of people were killed over a limited period. In Australia about 22 000 people die annually. In Cambodia they used machine guns, bayonets, and any other weapons that came to hand. In Australia the tobacco lobby does not use those sorts of weapons but makes use of the top advertising specialists in the country; it lavishes money on extensive advertising in the media, and elsewhere. The tobacco lobby has its own department for the dissemination of false information, and has tremendous expertise in that field. The effect in Cambodia was mass killings. The effect in Western Australia is the mass killing of 1 700 people a year. It is incumbent on the members of every Parliament in this country to ask how much longer we are going to stand by and watch mass killing on that scale.

How can they point the finger at Pol Pot and criticise him for the massacres that took place in Cambodia when he would simply say, "I did that because I wanted to make Cambodia a better place in which to live", or something of that sort? He would have an argument for carrying out the sort of killing that took place in that country; yet we are turning away from the fact that 1 700 people die annually in this State and 22 000 people die annually in Australia. If we fail to take action to put a stop to this senseless killing it will serve only to delineate very sharply indeed the hypocrisy and insincerity which unfortunately is evident in so many of the debates and proceedings in this House and in the political systems of Australia and no doubt elsewhere. The only reasons we tolerate tobacco advertising is for political expediency, the vested interests involved, and the funds which tobacco companies are prepared to spend at the drop of a hat in order to ensure that their product continues to be sold.

There was a case in Sydney recently, and although I did not see it reported in *The West Australian* it was published in *The Sydney Morning Herald* on Wednesday, 22 November. The article was headed "Tobacco lobby threatened to unseat me, says MP". The first paragraph reads -

Canberra: The Sydney Liberal MP Mr John Spender told a party room meeting yesterday that a tobacco industry representative had phoned him to threaten that the industry would spend \$500 000 campaigning against him at the next election unless he opposed legislation to ban tobacco advertising.

That is the sort of thing the tobacco companies do all the time. On one occasion not so many years ago they telephoned the *Sunday Times*, and the *Sunday Times* got in touch with my local newspaper - the paper circulating in my electorate which is thrown over the fence free - and asked the editor to put pressure on me, as the local member, to refrain from supporting the tobacco legislation which had been introduced by Dr Tom Dadour. The Criminal Code of this State would have one or two things to say about that sort of pressure. For instance, it does not cover it exactly but section 55 of the Code says -

Any person who advisedly, by force or fraud, interferes or attempts to interfere with the free exercise by either House of Parliament of their authority, or with the free exercise by any member of either House of his duties or authority as such member or as a member of a Committee of either House, or of a joint Committee of both Houses, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Dr Watson: Are they doing it this time around?

Mr GRAYDEN: For as far back as I can recall, that sort of pressure has been brought to bear on members. I have a statement here concerning Ita Buttrose, the one time editor of *The Australian Women's Weekly*, as follows -

In a recent radio interview, Ita Buttrose spoke about her past experiences as editor of a publication which accepted cigarette advertising. She said that whenever she published articles about smoking and health, she would receive threatening letters from tobacco companies saying "May we remind you of the millions of dollars we spend in your publication on advertising . . ."

And so it goes on. That is just par for the course so far as the tobacco lobby is concerned. Another article was published in *The West Australian* on 18 November headed "QC says MP could face bribe charge", and referring to an Eastern States member. The first paragraph reads -

National Party MLA . . . could be found guilty of bribery charges over a \$10,000 donation to his election campaign in 1988, the Independent Commissioner Against Corruption was told yesterday.

The ramifications are immense because the tobacco companies are ladling out money right and left. Only the other day I heard of threats being made about donations, though it was nothing to do with the party to which I belong.

Dr Watson: Have they been visiting politicians?

Mr GRAYDEN: They certainly have not visited me because they would know my views extremely well. If this Parliament fails not only to enact this legislation but also, if possible, to amend, improve and strengthen it, it can be accused of aiding and abetting the activities of those tobacco drug moguls and the tobacco lobby, which are the Australian equivalent of the Khmer Rouge and Pol Pot.

The next aspect I want to touch upon, because it is very relevant, is that of asbestosis and mesothelioma. Many people are dying from those diseases at present. In 1943 all persons who worked in mines and were subject to dust which contained silica took it for granted that if they stayed in the mines long enough they would become "dusted", which meant that they would contract silicosis. All those who went to Wittenoom knew they were in danger of contracting that disease, but still they went. As it happened, they did not contract silicosis; rather, they ended up with asbestosis and mesothelioma. The mine at Wittenoom operated for 23 years, from 1943 until 1966, and its aftermath has probably cost the company \$50 million; it has cost the State Government Insurance Commission an immense amount. The Health Department has told us that it knew of the dangers of mesothelioma between

1943 and 1966, yet in all those years the Public Health Department of this State never uttered one word of warning. Not a single warning was published in the Press nor issued over the radio; no warning in any form whatsoever was given. The result is that hundreds of people have died and no doubt hundreds more will die, all as a consequence of the failure to take action at that time.

If we want a parallel with the mining of asbestos, which has a delayed effect - it takes up to 30 years before a person contracts a disease from it - we have that parallel in tobacco. The only reason people smoke tobacco is that the effects of smoking are delayed. If 1 700 people were to drop dead immediately after smoking a cigarette, no-one would smoke, but because smoking has a delayed effect, they smoke. For that reason we cannot continue to condone advertising, which creates a feeling of acceptability by society that smoking is not as dangerous as it has been made out to be. I agree with the member for Collie that the reason for advertising is firstly to make smoking acceptable in the community. Then, as the tobacco lobby says, it is to increase brand shares; I accept that. More importantly, advertising aims at attracting new addicts; and without question it certainly has that effect. One of the major purposes of advertising, which continues to be glossed over by all parties involved in this problem, is to incite a smoker to continue his addiction. The tobacco lobby knows that if cigarette advertising is displayed prominently at a football ground, for example, a person addicted to smoking will put his hand in his pocket, pull out a packet of cigarettes and light a cigarette. If the addict happens to be a woman, she will put her hand in her handbag and do precisely the same. Such people are tobacco addicts and every time someone waves a cigarette in front of them or displays a picture of a cigarette, it is an incitement for them to continue their addiction. Consequently, the tobacco lobby knows it does not matter if it fails to gain a market share by putting advertisements on television, in the newspapers or wherever. Every addict who reads an advertisement will immediately be tempted to reach into their pocket or handbag - or wherever they keep their cigarettes - and light up a cigarette. All cigarette advertising is of consequence in that way. The action required is that we should firstly ban all advertising. We should then amend the Criminal Code to make it a criminal offence to incite for monetary gain a person to continue an addiction. It so happens that the Criminal Code Amendment (Incitement to Racial Hatred) Bill is presently before this House. That Bill is aimed at preventing people from inciting racial hatred. I think we should introduce a similar Bill to make it an offence to incite for monetary gain a person to continue an addiction and we should specify the cause as being tobacco.

The next thing we can do is to increase greatly the educational programs. That is something I will not deal with because it is obvious. We should also have huge billboards depicting a skull and the caption, "Smoking kills" or something of that nature. If we were to have only one on every highway - it should be 60 feet or 80 feet long - it would have an effect; wherever that has been done, tobacco companies have taken immediate action because it is something they are very frightened of.

Lastly and most importantly I will deal with the question of Royal Commissions. We have had a spate of talk about Royal Commissions and the reasons for the establishment of Royal Commissions have mostly been spurious. If ever there were an occasion for a Royal Commission in this State or in this country, it is in respect of a situation where 1 700 people are dying annually in Western Australia - and where 22 000 or 23 000 Australians die annually - as a result of cigarette smoking. That is justification for having a Royal Commission. In this State alone 1 700 people die annually, yet we have Royal Commissions when a single person dies or when some people commit suicide in police cells. Is that number of deaths not justification for a Royal Commission? We should therefore set up a Royal Commission to examine the activities of the tobacco lobby. We should examine its dissemination of false and misleading information, the nature of its donations and contributions to various organisations and the use of pressure by the tobacco lobby. I have already talked about the pressure the tobacco lobby placed on editors of the stature of Buttrose and the pressure it places on members of Parliament. However if ever there were justification for a Royal Commission, it surely must be in this respect. The test of any member of Parliament would firstly be his sincerity, his judgment, his character and his desire to improve the quality of life of the community; such a test does not come along very often in this place but it does so occasionally and I suggest this issue is such a test. As members of Parliament we must be conscious of the fact that 1 700 people are dying

annually in this State as a consequence of smoking. It is up to us to ensure that this legislation is passed. I agree that this Bill will not stop people smoking because it does not go far enough. However, this is an important step in the right direction; as far as I am concerned it is the thin end of the wedge.

MR DONOVAN (Morley) [5.18 pm]: The member for South Perth has just made a very good speech and in some senses he has stolen some of my thunder, although I doubt whether I would go quite as far as he did. It is a shame the member for Marmion is not here because he raised this issue with me. I point out that I am speaking on this Bill precisely because I am a smoker of 26 years' duration. One thing the member for Marmion was right about is that I certainly could be described as a smoker who is battling with smoking. I think that is the principal issue. It is not about the morality injected into this debate by members opposite. It always frustrates me in respect of any proposed piece of social legislation that members opposite consistently get up and start talking in terms of morality and hypocrisy, using that sort of heavily emotionally loaded argument. That is simply not the issue. It is not a matter of whether I am a hypocrite to be a smoker while supporting this legislation. I support this Bill and many others, but that does not necessarily mean that I will take the advantage offered by some laws nor does it mean that I will necessarily engage in the sort of practices that such laws make legal, where they do so.

The issue here is not about whether the member for Morley or six other members of this House smoke and are therefore being inconsistent; and the issue is not, as the member for Cottesloe suggested, that people will smoke because they choose to do so and will continue to smoke regardless of these measures. He is right to some extent, but that is not the issue; the issue is that if members want to consider the question of hypocrisy, it can be considered in more appropriate terms, as I will indicate. The member for Kenwick spoke most aptly and provided us with some graphic evidence from the medical industry. I cannot put it any better than Yul Brynner did in his famous message before he died that "Smoking simply kills". Also, smoking causes a wide range of debilitating conditions for which the taxpayer must pick up the tab. On the question of hypocrisy, should a society which knows so much about the causes of disability and death, not only condone - as members opposite do - but also defend the right of those who want to promote the means of destruction and death? That is not a consistent position to hold in this sort of society; in fact, it is entirely inconsistent. If the question of morality is to be brought into the debate, that is an immoral position to hold. Advertising and promotion are dealt with in part 2 of the Bill. Apart from the member for South Perth, who shares many of my views, various members opposite in defending the tobacco industry they represent put the point that advertising simply does not induce people to smoke. The advertising industry does not believe that. At the risk of repeating what has been said before, the second reading speech contains some wonderfully quotable statements. I quote -

... the magazine *Tobacco International* asserted in 1987 that, "The rise in cigarette consumption is basically due to advertising". A spokesman for the Gallaher Tobacco Company has commented that sports sponsorship, "is a form of advertising which enables us to introduce glamour and excitement"; and the General Manager for Hong Kong of British American Tobacco, which now runs the Wills Tobacco Company in Australia, said of sponsorship, "We are not handing money out for nothing. We have gone into this very thoroughly and the entire JPS (John Player Special) publicity is built around the motor racing scene as a fast, exciting, trendy sport for the young . . ."

Let us not kid ourselves about the role of advertising, tobacco advertising is specifically designed for market share and market expansion. For any company to survive it needs not only to increase its share in the market, but also to expand the market as a whole. That is why the industry has geared itself specifically to the young teenage market. Two or three years ago those who took notice of what happened on the beach would have seen young women strutting along the beach with a packet of Alpine cigarettes tucked in their bikini straps in exactly the same place and manner as that depicted in the advertisement for the product. The member for Marmion mentioned the Marlboro advertisement. This was more successful in Australia than it was in America because at the time it was run it appealed to the masculine image which was regarded as important and useful for young men at that time. Today tobacco companies associate with glamour images, and that is why the tobacco industry tries to construct positive messages about smoking. As the John Player

representative said, they do not do it because it is a good idea to throw money away; they do not sponsor sport because they think it should be done as part of its civic duty; they advertise and sponsor sport because it sells tobacco products.

If in our society we were to pick up the information we know about the subject, and take heed of the health information before us in the House today, we should be prepared to say that this is a cost we are not prepared to bear. Let us be consistent and say to the tobacco lobby, which is one of the sources of responsibility for the problem, and which is, as the member for South Perth pointed out, one of the most powerful forces in our world, that it is unacceptable to be promoting the cause of death and destruction in our society. Tobacco promotion should be banned. I firmly support the Bill.

[Questions without notice taken.]

Sitting suspended from 5.56 to 7.30 pm

MR TRENORDEN (Avon) [7.30 pm]: Mr Speaker, I wish to raise a few points on matters involved with this Bill. This legislation is causing a great deal of comment in the community but the Bill itself is an absolute mess. I do not think I have seen a worse piece of legislation come into this place since I became a member. The Bill is a complete contradiction. For example, it firstly states that we need to ban advertising because of its effect on youth; then it seeks to reduce the age at which youth can be confronted by cigarettes from 18 years to 16 years. The Bill seeks a ban on tobacco advertising at sporting events because of the image sport and smoking conveys to youth. However for some inexplicable reason it is all right at national and international events where it obviously will have a lot more power to persuade youth; such advertising will be permitted at those events.

This Bill is aimed at fostering warm feelings within Western Australians in respect of health, but were the Bill a less emotional piece of legislation, it would be thrown out. However, instead of throwing the Bill out, the National Party will seek to amend it. If the Government has any brains at all, it will accept the National Party's amendments because this Bill is a joke. It has been put up to con Western Australians. The contradictions it contains are very important. If one listens to the hype on the radio and reads the articles the Government has been putting out about this legislation, one would think that the money raised through this Bill - the extra \$28 million - will be used for the benefit of public health in Western Australia. However the money is going straight into the Government's coffers to pay for WA Inc and the Government's other misdemeanours. I think that is a disgrace and it is typical of the attitude this Government has displayed over the past few years. This legislation is a charade from start to finish. The National Party's amendments will be put by the member for Collie later and will earmark where the \$90 million raised in tobacco taxes will go. We will certainly not allow the extra \$28 million increase to be used on the payment of the \$90 million-odd interest consequent upon the failure of WA Inc, or at least that part to do with the Petrochemical Industries Ltd project.

One of the key parts of the Bill deals with sponsorship. I am a great fan of football, cricket, horse racing and many other sports, but members of Parliament on both sides must be honest, although members opposite have not shown a great capacity in that regard over the past couple of years. The manner in which advertising occurs at sporting engagements is important. If the tobacco industry is allowed to hang some banners depicting a popular sporting figure who is promoting smoking, and if that is seen to be negative, it is then negative - it cannot be half negative. The national and international events which will get sponsorship comprise nearly all the people interested in the sport. We are talking about the Wildcats, the Eagles and the cricketers. Those people will still be able to be involved in tobacco advertising. The people who cannot become involved in tobacco advertising cannot become involved anyway. For example, if one looks down the pitch at the Western Australian Cricket Association ground from the northern side where most spectators are, the first signs to be seen belong to Benson & Hedges. Those signs are there for everyone to see and they will remain there. However, if one watches the Mt Newman pennant cricket, where there is no cigarette advertising, that club would not be able to have that advertising. It is an absolute absurdity. For the Government to put this Bill up is an absolute joke. The Government is treating the public of this State with disdain and that really gets up my nose.

I think the public of Western Australia will see what this Bill is worth if the Government fails to take note of the amendments proposed by the National Party. It is fair to have a

phasing out period for sponsorship but it should be all in or all out. Otherwise it is a joke because the current tobacco industry advertising is in those places where people go and see it. For example, at least 100 000 would attend the one-day cricket matches throughout the season and between 30 000 and 40 000 of that number would be children. That will continue and will apply to any of those national and international sporting events, which will not be caught in the net. Why bother? It is either all in or all out; the Government is either serious about it or it is not.

Mr Hassell: The Government is serious about a slush fund.

Mr TRENORDEN: Yes, that is a very important point. This legislation will raise another \$28 million while only putting \$9 million towards the Health Promotion Foundation. It is essential that it is made clear to all Western Australians that the foundation is independently run. Under this legislation the foundation will not be independent. The majority of people on the board proposed by the Bill come from Government sources. We have seen what happens when the Government has control of money in Western Australia - we have seen the State Superannuation Board, the State Government Insurance Commission, Western Australian Development Corporation and so on. It amazes me that the Government has had the gall to put up several pieces of legislation in recent times which open up slush funds. The latest one is legislation dealing with the Lotteries Commission, which blatantly provides a slush fund for the Treasurer. It is amazing the Government can tell the people that it is accountable and that the days of misbehaviour prior to February this year are over when things such as this roll past us day after day.

Mr Donovan: Why don't you speak to the Bill; you are pontificating and not making a lot of sense.

Mr TRENORDEN: I see a smoker complaining bitterly on the other side of the House.

The legislation as it stands would leave out some bodies from the advertising ban. If the Government is serious about the things we can control in Western Australia - I know we cannot control the publications from overseas and interstate - all advertising should be banned. What happens in other countries and States is not our problem, but we have control over our own State. This is a Clayton's piece of legislation; it is not genuine and it is a nonsense.

We will be watching this legislation when it reaches another place as the National Party will not back down on its proposed amendments. The amendments on which we will not negotiate involve seeking to ban all sport sponsorship, because if we do not do that the whole Bill is a nonsense; we will seek to ban all advertising under the control of the State and to keep the legal age at 18. The other measures were raised in the member for Collie's speech and it will be interesting to see what the Government does from here on in; this will be a test of its honesty and commitment to health. The Bill will be passed to another place in the next few days and I assure the House, for the sake of all Western Australians, that we should ensure that the \$90 million raised through these taxes will be put to good use in health education purposes, and not used to cover the misdemeanours of this Government.

MR KIERATH (Riverton) [7.42 pm]: Like the member for Avon, I have some concerns about this Bill being genuine in its intent. I intend to canvass some of the arguments previously mentioned, but at the outset I state that there is no doubt that smoking is a health hazard. We have seen many asbestosis cases passing through the courts which makes one wonder why we have not seen similar cases in relation to tobacco products. However, that is a matter which may be addressed in the future. It concerns me to observe a great increase in the number of young people taking up smoking, and, even worse, a massive increase in the number of women taking up smoking over the last few years. In my circle of acquaintances, most of the men who were smokers have given up and the women who were smoking are still smoking, but some of the women who were not smoking before have taken it up; this matter needs to be addressed. Whatever action we are taking in this regard is not very successful because it is working in reverse.

Dr Alexander: Vote for the legislation then.

Mr KIERATH: I will come to that comment in a moment.

There are a number of reasons for people smoking, such as that of role models having a negative effect; alternative role models need to be provided. The advertising industry sells a

product by trying to identify it with good times and good feelings. Another reason for taking up smoking is peer group pressure. This is something that is often overlooked and is rarely grappled with. If we look back to our younger days when we were more easily influenced we will remember that peer group pressure was a major influence in our lives. I am proud to be associated with a peer group program running in some of the high schools. Another cause for people smoking is that of habit. Once a habit - good or bad - is established, it is difficult to break. I know that many smokers find the biggest battle, once they have acknowledged that cigarettes are bad for them and have broken the addiction, is coming to terms with breaking the habit.

Reducing the age from 18 to 16 years is a poor move and goes against the spirit of everything I have heard in the House today. Does the Bill ban smoking? No, it does not. Not many of us would have the courage to ban smoking. Does the Bill ban all advertising? No, it does not; it provides for some exemptions. Does the Bill ban sponsorship? No, it does not. Although it is very difficult not to allow some exclusions, it is very hypocritical to allow some events to escape the net and to apply the ban to other events because all sporting groups and events could say that they would like an exemption because they need the money. The heart of the problem with banning sports sponsorship is that money is taken away from those groups. If we had the courage, we would go the whole hog.

With the establishment of the Health Promotion Foundation we are taking money from tobacco products via the tax and returning that money to sporting bodies and organisations. Therefore, the money is still coming from the smoking of cigarettes. Currently, the sponsorship comes from the smoking of cigarettes through advertising and into sporting events. The only difference is the vehicle of delivery; the principle is still the same in that money is raised as a result of people smoking and the money is transferred to sport. Although I acknowledge the problem of banning all advertising because sporting bodies would have the source of their income cut off, I believe that that is the way to go in the long term, otherwise a habit or an addiction will be created among the groups which are exempt from the ban. I am not saying that it would be an easy decision, but if we were serious we would ban all tobacco advertising.

Is smoking on the increase, or is it on the decrease? From my observations it is on the decrease in men and on the increase in women, young people and especially young girls. What we have attempted has not succeeded; it may not necessarily be due to a lack of effort or encouragement which has led to an increase in the number of smokers, but we must ask ourselves why is this so. This legislation does not attempt to address the causes of smoking, but looks at the peripheral matters in a half-hearted way rather than concentrating on the root causes themselves. What can we do? We could ban advertising - all of it, not just some of it; we could provide alternative role models and apply positive peer pressure rather than negative pressures, and we could help people create better habits. There was a saying that if one creates a habit for 21 days, it will be a habit for the rest of one's life. It is important to establish good habits because good habits are just as easily made as bad habits. I will give an example of my situation: I commenced smoking at the age of 13 mainly because of peer pressure. I reached a stage when I was smoking 50 cigarettes a day which is a very high number. However, one might say that I was converted on the road to Damascus or I saw the light about four or five years ago when I decided to give up smoking.

We must understand the basic principles in relation to giving up smoking. As a smoker I would shut my mind to all the information that told me that smoking was bad for me. One of the main reasons I gave up smoking was because a woman in Melbourne was diagnosed as dying from lung cancer and she was trying to sue the tobacco company. That was the first chink in my armour - it got under my protective mechanism which had shut out anything which had attempted to attack me because of my smoking habit. Members may laugh about that attitude, but I see it very often when I try to convert smokers to becoming non-smokers. I find there is a great reluctance on their part to listen and they do not want to know, and put it out of their mind.

We must acknowledge that smoking is a physical addiction. We try to solve that addiction in different ways. However, as well as a physical addiction there is a psychological addiction and this is one of the hardest addictions to overcome.

I referred earlier to habits, and when I smoked I developed the habit of lighting up a cigarette every time I used the telephone. The only way I can overcome the urge to smoke when I am

using the telephone is to play with a biro. Instead of trying to break all the habits related to smoking I tried to replace one with another habit that would not affect my health. It irritates those people around me, but it does not damage my health.

We should do everything we can to discourage smoking and should not ban only cigarette advertising. If we had the guts and the courage we would tackle the problem of whether we should ban smoking altogether and the member for South Perth referred to this earlier. The Government should not rely on tobacco tax for its Consolidated Revenue Fund or its general funds.

If we are serious about stamping out smoking we should take away the dependence of Government funds on taxes from smoking-related products. The Government should have in place a very strong education program. I have doubts about some of the results from existing programs. The children of today are far better educated against smoking than I was when I was at school and that is a positive sign. However, it does not go the whole way. The children at primary school appear to be anti-smoking, but when they reach high school their attitude changes. It shows that an education program is not the only answer because peer pressure plays a major part in influencing people's actions.

The Government should develop research programs into smoking-related diseases. It should use the revenue generated from taxes on smoking-related products for research into smoking-related diseases. We would all acknowledge that a substantial number of people in the community still smoke. Although we may think that smoking is bad for them many of those people think they have a right to smoke and they would argue that to their death. A very good friend of mine who worked for me many years ago recently died of cancer of the throat which was attributed to smoking. Even to the end, in spite of what she was told by the doctors, she would not admit that her illness was attributed to smoking.

The legislation should not only stop the sale of cigarettes to minors, but also it should apply to any person who supplies cigarettes to minors. If we were to put ourselves in the situation of a 15 year old who wanted to obtain cigarettes we would get a friend of 16 or 17 years - depending on the legal age - to buy the cigarettes. Under this legislation the person buying the cigarettes would not be selling them at a profit and would, therefore, be exempted from the penalties applying to this legislation. If we are serious about this legislation we should look at it from all aspects.

Earlier a member opposite interjected and asked why I was not supporting this Bill. The reason the Bill is unacceptable to me is that it does not ban all advertising and sponsorship; it reduces the legal age from 18 to 16 years; it establishes a health slush fund; and it will encourage sport to be dependent on tobacco funds. Other members have covered the political aspect of the health slush fund. The Bill uses tobacco tax as a general revenue and that is a terrible situation. The Government is dependent on that tobacco tax. The Bill does not put in place specific programs to eliminate the smoking habit. We must treat the causes and not the symptoms. If these concerns were addressed I would be in a position to support the Bill. I would overlook some of the shortcomings if three concessions were granted; the funds are not used to support general revenue; the funds were channelled into medical research and if the legal age was not reduced from 18 to 16.

I will now cover some of the hypocrisies of this Bill. Generally, when we amend legislation of this type we are rechanneling the traffic into finding other means of advertising. I have read the clauses of the Bill, but they do not go far enough. For example, the tobacco companies could find other devices by which to advertise their product name. An example is the round the world yacht race in which there is a yacht at Fremantle named *Rothmans*. When the more forthright means of advertising are banned the tobacco company will find alternative ways to advertise. I am sure the member will correct me if I am wrong, but I do not believe that the Winfield chairlift at the Claremont Showgrounds will be banned. Even though it is called, "Winfield" it is not actually advertising a tobacco product. Another example is the Dunhill company. It is not only associated with cigarettes, but also with pens, jewellery and leather goods. The company is getting its advertising message across in a different way and this Bill fails to address those methods.

The legislation bans shopkeepers from doing certain things, but it does not ban those people dealing in cigarettes. If we were serious about this legislation the Government would tackle this problem. It should try to ensure that the legislation covers the situation where someone

buys cigarettes on behalf of another person because that person is his friend, because he is doing it for financial gain. By removing the words, "making a profit" the problem would be overcome. The Tobacco Bill opposes the sale of confectionery and increases the value of tobacco products but does not ban toys resembling cigarettes. I have in my hand a toy called, "Puff Cigarettes". Its sale price is \$1.43. It is made in Taiwan and included in the packet are a couple of very realistic looking cigarettes. If the aims of the Bill were serious, it would have included a clause banning such items. I may be wrong, but I cannot find where such products are excluded. The Government is also hypocritical in allowing some sporting events to be sponsored by cigarette companies while other sporting events are not. That is discrimination. If we were to take this Bill seriously, surely all sponsorship and advertising events would have been banned. This Bill is supposed to discourage or prevent young people from taking up smoking, yet the Bill has reduced the age at which young people are able to purchase cigarettes from 18 years to 16 years. That goes against the spirit of the Bill.

In summary, this Bill is not acceptable to me because it does not ban all cigarette advertising and sponsorship; it reduces the age at which young people are able to purchase cigarettes from 18 years to 16 years; it establishes a health slush fund which makes other sporting bodies dependent on tobacco money; and it uses tax as a general revenue. It does not set up specific programs to eliminate smoking, especially among young people and women, who I believe should be targeted. It does not stop the friendly dealers and it does not ban toy cigarettes. I would support the legislation if those issues were addressed.

DR ALEXANDER (Perth) [8.03 pm]: Rather than going over arguments raised by other members I will turn to some of the arguments raised in opposition to the Bill. The member for Riverton seemed to be arguing against the details of the Bill rather than the principles of it. The only speakers whom I recall actually contesting the principles of the Bill have been the members for Cortesloe and Marmion. Other Government speakers have already dealt with their remarks to some extent. The Opposition appears to be opposing this Bill while at the same time some of them admit that it has good features.

Mr Kierath: I have given you the reasons.

Dr ALEXANDER: The Opposition has given the reasons and I would like to have a look at those reasons. The member for Riverton discussed three or four reasons and one of them was the question of age. He said he could not support the Bill because of minors being defined as 16 years rather than 18 years. As members have heard, that point has already been addressed in that the Government has agreed to put the age back to 18 years. That is no longer a reason for opposing the Bill. The member also suggested that it would be unhealthy for sporting and cultural organisations being sponsored by the Health Promotion Foundation to be dependent on Government. These organisations are dependent on tobacco money and the whole point of this Bill is to release them from dependency on tobacco money, while allowing them to still have sponsorship funding.

Mr Kierath: Where are the funds coming from?

Dr ALEXANDER: The funds are coming from the taxpayers' pockets. It is an excellent idea that the people who in their wisdom choose to buy cigarettes pay in part towards countering the harmful effects of smoking.

Mr Kierath: That money is stopping smoking and medical research.

Dr ALEXANDER: No, because a good part of the money will still go towards research and health promotion.

Mr Kierath: What about stopping people smoking?

Dr ALEXANDER: The member spoke as though the Government's programs were having no effect on smoking. Members on both sides of the House must acknowledge that the Government's Quit campaign has been an outstanding success. Tonight seems to be confession night for ex-smokers. My confession, for what it is worth, is that I am one who started smoking as a child and I am still having trouble kicking the habit. I am certain that one of the reasons, as the member for South Perth suggested, is that the advertising companies are constantly putting messages to smoke in front of one. The message is that smoking is good for one, that it is a great idea and good for one's social standing etc. Not that I admit to being influenced by advertising normally, but I have been in this situation. Even the Left is captive to capitalism's nuances to some extent.

The SPEAKER: Order! The background conversation is so high that I can hardly hear the member.

Dr ALEXANDER: Thank you Mr Speaker. Clearly this Bill will discourage children from taking up smoking in the first place. I talked to my children about this; I think they are excellent advisers. My 12 year old said, "Dad, I don't think that cigarette advertising is the main reason people take up smoking, but I think it is one of the most powerful reasons." I asked her what she thought was the main reason and she said that it was peer group pressure. She acknowledged, as a 12 year old avid television watcher, that in the days when cigarette commercials were televised, and as a filmgoer at a time when movie theatres run cigarette commercials, and from advertisements in magazines, that she would be influenced to some extent by that advertising which is clearly directed to the teenage market. She is on the threshold of that market and is very conscious of fashion and image as are most teenage children which makes her, as other children, susceptible to the influences of cigarette advertising. If this Bill can do anything to prevent or discourage children from taking up smoking it is worth supporting. However, it will not stop smoking; no-one is saying that.

At the same time the Health Promotion Foundation will, I believe, be attempting to channel money into campaigns which will educate the public about smoking.

The SPEAKER: Order! I would very much appreciate it, when I have been rude enough to interrupt a member who is making a speech to ask for the background conversation to either quieten down or cease, that members actually take some notice of my request.

Dr ALEXANDER: Thank you Mr Speaker. As did other members today I received in the post this little packet of "Fags". It contains a copy of a letter sent to the Premier which I will table at the end of my speech. It is not as spectacular as the lungs, but it might be quite instructive. This letter protests about a particular clause in the Bill which provides that people who sell this confectionery will be committing an offence. Some people, including the writer of this letter, who happens to be Chief Executive Officer of the Confectionery Manufacturers of Australia Limited, thinks this clause is outrageous. He says that it is a family company that has been operating in Melbourne for 50 years and therefore it is outrageous that his product will be banned under this legislation. He claims that no connection exists between this little packet of "Fags", with connotations in the name and the contents of which are clearly designed to look like cigarettes, and children taking up cigarette smoking. I remember going to the shop as a child and seeing these packets and saying, "Oh well, I can't smoke but at least I can buy a packet of 'Fags'" and coming home thinking I was pretty terrific. In the case of my kids I am well aware that these so called innocent products do influence children and their attitude towards smoking.

Mr Clarko: Produce the evidence.

Dr ALEXANDER: The evidence is from my own experience.

Mr Clarko: I used to eat those Fags and I do not smoke.

Dr ALEXANDER: I know there are a few pig-headed members of the Opposition who are not susceptible to this sort of advertising, but there certainly are people in the population that are influenced by cigarette advertising. To manufacture a product that looks like a cigarette, to sell it to children and call it by a name which relates to cigarettes - obviously this does even though the manufacturer says this has fallen out of current parlance by saying -

... the name of the product has a number of colloquial meanings -

and we know that they do -

although its use in reference to cigarettes has largely fallen into disuse.

It has not in my household.

Mr MacKinnon: Does a tobacco company sell that product?

Dr ALEXANDER: I do not think so. It is sold by Confectionary Manufacturers of Australia Limited. I doubt it is owned by a tobacco company. The point is that these products resemble cigarettes and they clearly influence kids as to whether they should smoke or not.

Mr Clarko: Are you going to abolish drinking straws because they look like cigarettes?

Dr ALEXANDER: They do not get sold as "Fags".

Mr Clarko: Little children will actually get straws and do that with them. It is nonsense, where do you stop and where do you start?

Dr ALEXANDER: It is not nonsense.

Mr Donovan: Why do you think they market these things? They are sweets and resemble cigarettes.

Dr ALEXANDER: They deliberately resemble cigarettes.

Mr Clarko: Will that stop the 1 700 that die each year?

Dr ALEXANDER: No, it certainly will not stop 1 700 people dying each year. It may well reduce the number of kids that are encouraged to take up smoking. Even if it stops one kid from smoking it is worth doing.

Each Friday I pick up my children from school and on the way home we pass the time clock in Wellington Street which shows the number of deaths as a result of smoking. My kids religiously get out a little piece of paper and write down the number of deaths. They say to me, "Well, another 2 000 people have died this week Dad, and why is it that you are still smoking occasionally?" So they are well aware of the message that has been spread by the Government's anti-smoking campaign. Like the kids in the advertisements they are trying to persuade me to stop smoking.

Mr Kierath: Why don't you set an example and give up?

Dr ALEXANDER: I try to do that and I would like to but this is not a time for moral confessions. We should acknowledge that smoking is an addiction and anything the Government can do to prevent kids getting into this addiction is worth doing. To suggest that somehow this is, as the member for Cottesloe called it, "a case of the nanny state", is absurd. Perhaps the member for Cottesloe lacks a nanny himself. I really do not know what the cause of that particular remark was, but to equate this Bill with paternalism or the nanny state is absolutely absurd. After all this Bill is directed at one of the prime causes of smoking which is cigarette advertising.

Mr Kierath: Why don't you ban cigarettes?

Dr ALEXANDER: I would like to address that argument. A number of members of the Opposition have said, "Well, yes, you should be banning cigarettes." Anybody who looks at history knows that if you ban a product, as the United States did with alcohol in the 1920s, one thing that you can be sure of is that the ban will not stop people using the product.

Mr Kierath: You have just defeated your own Bill.

Dr ALEXANDER: Not at all. We are not seeking to ban the product; we are seeking to ban the advertising of the product which is a totally different thing.

Mr Clarko: In the Soviet Union they have no advertising but stacks of people smoke.

Dr ALEXANDER: I will accept that.

Mr P.J. Smith: It is the only thing that they can buy.

The SPEAKER: Order!

Dr ALEXANDER: Advertising is only one of several factors which cause people to take up smoking. We all know that trying to ban the product is unrealistic, counterproductive, and creates a black market and goodness knows what, and a secret police force would be needed to track down the smokers. Can members imagine what it would be like? It is bad enough as it is without introducing another ban.

Mr Clarko: Your suggestion in relation to marijuana is to make it legal because people take it. That is what the Leader of the House tried before.

Dr ALEXANDER: That is a totally different argument. We are not seeking to ban the tobacco product we are seeking to ban the promotion and advertising of that product, directed particularly at children.

Several members interjected.

The SPEAKER: Order! The interjections are disorderly.

Dr ALEXANDER: We have really been getting the Opposition upset. It is interesting to see

this reaction because I suggest it is symptomatic of the Opposition not being sure of its ground and opposing the Bill. I think the member for South Perth has put the case succinctly, that any Opposition member - perhaps I should not paraphrase him like this - who thinks about this Bill will in fact support it. I urge members of the Opposition to reconsider their situation and support this Bill.

MR NICHOLLS (Mandurah) [8.15 pm]: I believe tobacco is detrimental to people's health. I would like to think that we, as a nation, could turn around and actually rid ourselves of the use of tobacco. But this is not going to be the case. There are people, as the member for Perth said, who are addicted to tobacco and cannot give up the habit. They try on various occasions to give it up, but above all there also appears to be a reason why people use the drug. That is something we need to tackle harder than we have done. The Quit campaign and the educational campaigns are heading in the right direction. We should be focusing more on education to try and stop, or reduce, the number of people smoking. I do not support the theory that advertising is one of the main reasons why people start smoking. As the member for Riverton said, peer pressure is the main reason why young people take up smoking. It does not matter how many people have repeated that, it has been seriously overlooked in this legislation.

Dr Lawrence: You check whatever means are available to you. You don't only check to see if it is a disease or a habit. You should not say that we will only address the principal one, you address as many as you can.

Mr NICHOLLS: That is exactly the point I am trying to make. Only one factor has been dealt with in this Bill and it has been addressed on the basis that advertising is the main culprit; if we ban advertising we solve most of our problems. I do not think that is the case. Peer pressure is the main problem and that can only be overcome by education and peer support programs. The availability of tobacco products is also one of the main problems that we face in trying to reduce their use. The fact that young people are able to get hold of cigarettes very easily is seen in the community as okay. We accept that when a child reaches the age of 14 or 15 and they have decided that they want to smoke there is not a lot that can be done about it. I disagree with that attitude. We need to be far more stringent and positive about it.

Another reason why people take up smoking is that they are influenced by role models. Whether these role models are their parents or people within the community, somebody that they see on television or through some other means, people relate to that. This is another major factor why people take up smoking.

Another factor that was brought up previously was the desire to experiment. Young people see cigarette smoking as something that they are not allowed to do. They get together in a group and there is a desire to experiment, not only with this drug but also with other drugs and prohibited activities that we have in our society.

Those four reasons come before advertising, and I do not believe they are addressed in this Bill. Education is the only positive means by which we can effectively reduce smoking in our community, particularly by trying to dissuade young people from taking it up in the first place. We should be examining the possibility of making it an offence for a minor to be in possession of tobacco products. That may cause some hardship, but we should examine the possibility of stopping tobacco products being passed around the community with apparent ease.

As the member for Perth said, quite rightly, a ban on tobacco advertising will not really solve the problem. Any ban is just another obstacle, and that generally heightens the desire to distribute the product through other means. If we ban tobacco advertising, we should have a total ban. Movies have been made in the last 40 years which are now classics, and characters in them used tobacco products such as cigarettes and cigars as focus points in those movies. Sporting events or other international activities are broadcast through the media, also relating to tobacco advertising. We are being a little naive in introducing a Bill which supposedly bans tobacco advertising, selectively making it difficult for some of the advertising arms to be used. The Bill does not go all of the way towards addressing the real issues.

Many people have advised the Government on ways to prevent people taking up the habit. I support the removal of glamorised advertising. That is an important factor which has been

concentrated on, and it is something which is very necessary. I do not condone the glamorisation of tobacco by making people want to relate to that product by using the hidden motive idea, where one must smoke a certain brand of tobacco to be accepted within the peer group, or to suggest that one will be far more attractive if one uses that product. It is something this Bill addresses, and it has my full support.

Earlier this year the Government banned smoking in Government offices, and I also support that move. When the Rockingham and Mandurah trains begin running, I hope we will not have to put up with smoke filled carriages on them. Two years ago, if one was unfortunate enough to need to approach a person who was smoking and causing an inconvenience, the reply was not always a courteous one. However, in the last two years - and I think largely as the result of the Quit campaign and the educational programs - smokers have become very aware of the views of non smokers; they are very aware of their habit impinging on the rights and pleasures of others. That campaign has been a very positive one and it has achieved good results. But banning the advertising of tobacco will not achieve anything positive; at least not so far as this Bill goes.

I support the increase in penalties provided for people supplying tobacco products to juveniles or minors. I echo the views raised here tonight, but the provision should go further. We should cover not only the sale but also the supply of tobacco products to a minor. I do not approve of people handing over packets of cigarettes to juveniles because they do not see any harm in it, or because they are addicted. We should apply to those supplying minors with tobacco products the same penalty which applies to those who sell them.

If the Government were really serious about cigarette advertising and, more importantly, the problems associated with health, taxpayers in general should not have to be continually footing the bill for medical treatment for illnesses attributed to smoking. In fact all the money raised from taxes on tobacco products should be directed into providing a medical facility for tobacco related illnesses, or at least looking into those problems.

Mr Wilson: It already is.

Mr NICHOLLS: I do not believe the whole \$90 million raised from the tobacco tax - and I am not sure whether that figure is accurate but I am told that it is around that figure - is being put into a medical facility which can be used to address those illnesses associated with smoking.

Mr Wilson: We are spending \$112 million on treatment.

Mr NICHOLLS: Out of taxpayers' funds.

Mr Wilson: That is right.

Mr NICHOLLS: This Bill proposes that the revenue raised from cigarette advertising will be spread proportionately around the community in sporting groups and such like.

Mr Wilson: It is only a proportion.

Mr NICHOLLS: Even if the Minister has to rearrange the granting of funds, it would be more beneficial, and in fact a political plus, for all the funds raised out of taxes on tobacco to be channelled into a medical facility, or into medical research specifically or largely devoted to looking at those diseases which originate from or are exacerbated by smoking. If that means that grants to a sporting foundation must come out of the Consolidated Revenue Fund, perhaps that is possible. If we are already funding research and medical treatment related to smoking illnesses to the tune of \$100 million, that does not change our Budget criteria, but it does change where the funds from tobacco taxes are going.

Dr Turnbull: Are you going to support the National Party's amendments?

Mr NICHOLLS: The National Party's amendments go a long way towards addressing the problem, but if we raise revenue by taxing something which is detrimental, or which should be discouraged, all the funds we raise should be channelled into research and medical facilities to cope with that problem. If that means that sporting groups need to obtain their grants from the Department for Sport and Recreation, instead of from tobacco taxes, I do not have a problem with that.

It seems hypocritical to me to say, "We do not want tobacco advertising around sporting fields, or associated with sports where people could supposedly attach the glamour of a

sporting hero with tobacco advertising and then take up the habit." I do not believe a relationship exists there but if all the revenue raised from that were put into hospitals, medical facilities and research, the Government would have a very good argument for saying, "The people who use these substances and who could contract the illnesses associated with smoking are actually funding the research and the medical facilities through the taxes raised on tobacco."

Mr Wilson: Well, they are in effect.

Mr NICHOLLS: I do not see it that way. I do not know whether it is my bias or ignorance, but I see this foundation providing a percentage of tax revenue for medical research and additionally providing a large percentage for other areas. I will not go into the Bill, but under the objectives of the foundation nothing relates to discouraging people from using tobacco products except in the final subclause where it says, "generally to fulfil the purposes set out in section 3." The foundation itself is a separate entity which will be used to disperse the funds to various groups in the community - maybe to offset the revenue such groups would have lost - but I do not see why the revenue raised by a tobacco tax should be channelled anywhere but into medical research and facilities.

Mr Wilson: All of those grants have to be associated - and the promotion fund people will decide this - with ventures which have a health message associated with them. That is what the Bill says.

Mr NICHOLLS: I have read the Bill and I understand that might be an interpretation.

Mr Wilson: No, that is in the Bill.

Mr NICHOLLS: The Bill sets up a foundation which will allow the Government to disperse funds in a general area but it could legitimately be described as a slush fund. There are no definitive criteria - except those put up by the member for Collie in her amendment - as to destinations for that funding, apart from a general direction, which is that it will support sporting, cultural and recreational activities which encourage healthy lifestyles and advance the health promotion programs.

Mr Clarko: It could also go to a hospital which is caring for people whose lungs are affected as a result of smoking. However the point is that at the moment that money is coming from the public purse anyway, so when you provide it that way the Government does not have to provide it because the money is already available.

Mr NICHOLLS: The fact that there may be funds coming from Consolidated Revenue Fund is fine. My point is that the money raised from this tax could be used to establish facilities specifically to look at illnesses attributed to smoking, and that would therefore give the Government a solid argument to say that the users of tobacco products are funding the research and facilities they will require in the future.

Tobacco advertising - while we looked at the limitations on this, I understand it is very hard to be definitive about where it should be stopped - is only a small part of the problem. The real problem in respect of advertising comes with the people who walk around our streets - the users of tobacco products now - who carry packets of cigarettes in their pockets, pull them out and offer cigarettes around, or walk through our community engaging in smoking or using tobacco products. That will defeat any ban on tobacco advertising that the Government may wish to take away from the public arena. If there is a sign on a fence saying, "Benson & Hedges", I cannot believe that will stimulate somebody to buy a packet of cigarettes and say, "I must start smoking." If there is a sign on the side of a racing car saying "Marlborough", I cannot see how that generates the desire in somebody to start smoking. I agree it might influence somebody who currently smokes to say, "If so-and-so uses this product on his racing car, maybe I should change to it."

Mr Wilson: You have already said that you recognise the dangers of associating glamorous entities with the product.

Mr NICHOLLS: That is what I want to get on to. That is, where sporting heroes or sporting activities -

Mr Wilson: Or sporting activities.

Mr NICHOLLS: Again, I do not believe that if I am sitting at one end of a cricket ground an

advertisement on a fence does a lot to me. I would not like to see the current hero of the cricket team advocate that people start smoking. However, the fact that cigarettes might be advertised on a billboard carrying a brand name will not matter. It may change people's attitudes about which brand they smoke but I cannot see how that would generate the desire in them to start smoking. I think there is a distinct difference in what we are trying to achieve. This Bill, as I understand, is trying to prevent people from taking up the habit rather than trying to stop people changing their brands. There are problems in our community that we would like to fix, ranging from moral issues right through to criminal issues, and about which we can legislate to our hearts' content and yet will not solve. Therefore, if we wish to ban advertising, we should ban advertising which glamorises the use of cigarettes. I do not have a problem with supporting that, but I do not see how a picture of a packet of cigarettes on a billboard carrying the brand name will do anything but sway people to use that brand. I agree that may be the case, but that is not the emotional influence which stimulates somebody to buy a packet of cigarettes and start smoking.

The arguments could go on until infinity. However, if we are to address this problem, the Government should alter the Bill in order to channel all the funds raised into medical facilities and medical research, and attack the glamorisation of the tobacco advertising and prohibit it, while allowing the name and possibly the picture of a packet of cigarettes to remain as a source of advertising for the tobacco industry. That will allow sporting groups, if they desire, to utilise the name of a company and - if they have a clear conscience - to take the opportunity of accepting sponsorship from a tobacco company for their sport. However, it will create a total farce in our community if some people can obtain sponsorship and accept tobacco advertising, while others cannot purely on the basis of what the Government of the day thinks and what decision is made - whether it be by Cabinet, the Health Department or somewhere else. I see that situation as totally intolerable. I do not see how we could justify agreement to that sort of ruling in the supposedly democratic society in which we are living. Moreover, we must discuss what we are to do about stopping people from taking up the habit; we must look at things like peer group pressure, the availability of tobacco products to minors and what sorts of role models we are presenting in the community, whether we are parents, leaders or teachers. I hope I have generated some thought in the Minister's mind and we may thereby have a change of attitude and a change in this Bill to allow us all to support it.

MR P.J. SMITH (Bunbury) [8.40 pm]: I speak not only from my point of view, but I also do so to support the efforts of Ron Bertram, the former member for Balcatta in this House for 21 years, who was a ardent campaigner against cigarette advertising - I believe the first attempt to ban it was in 1969. He has been a close friend of mine during my time in Parliament and I speak on this Bill on his behalf. In speaking with him about this Bill, he said that it has taken 20 years to do the obvious and introduce a Bill to ban tobacco advertising, and stated that it is amazing that 23 000 Australians will die this year, and this figure is increasing each year, yet we continue to stick our heads in the sand. The reasons for these deaths are as follows: Firstly, these people smoke cigarettes, and, secondly, they are influenced by advertising. I know that advertising works. We have heard that that has nothing to do with making people smoke, but that is a lot of rubbish. It is admitted by the advertising people that advertising works and that they want more people to smoke. They exploit our youth because they know that once these people are hooked they will be hooked for life, or a good portion of it.

I am pleased that the Government is advertising in other areas with the Quit campaign.

Mr Omodei: We are not opposed to the Quit campaign.

Mr P.J. SMITH: I did not say that the member was.

Mr Omodei: We are opposed to the foundation which is a slush fund for Government favours.

Mr P.J. SMITH: That is the member's opinion to which he is entitled.

Advertising has a direct effect on young people's lives, and if members want to know how effective advertising is, they need only check the newspapers. Every time a Quit campaign advertisement is run, or when the Government announces it has decided to legislate on tobacco, the cigarettes companies advertise in direct proportion to the anti-smoking

coverage. The more publicity the anti-smoking campaign receives, the more the cigarette companies advertise. In the 1970s the Federal Government supported a ban on television advertising, and I am pleased to see support in the Senate for the banning of newspaper and magazine advertising, which will help this legislation.

I have been involved in sport for most of my life at a State and national level. Most members involved in sport know how hard it is to gain sponsorship, but almost every organisation I have been involved with has refused to be seduced by cigarette and alcohol advertising. In 1963 I gave up smoking after being a 30 to 40 cigarettes a day smoker.

Mr Omodei: Did you start smoking because of advertising?

Mr P.J. SMITH: I do not know whether I started smoking as a result of advertising, but I am sure it was an influence in those days; when I was a child the thing to do was to smoke and everywhere we went smoking was depicted. I have no doubt that advertising works after seeing the research, seeing the effect on children after 30 years of teaching and seeing the effect on sporting people. Banning cigarette advertising will not stop people smoking completely, but it will help if we can get rid of those influences. In 1965 the Australian skindiving championships in Queensland were sponsored by Craven A which ran an advertising campaign with free samples and advertising images everywhere, and I regret that I succumbed and took up smoking after two years abstinence. It took me two years to get off cigarettes again, but it made me more aware of how powerful the advertising techniques are.

The gaining of sponsorship is a moral decision that people make, and it will be not only those groups that are presently sponsored by tobacco companies that will be helped by the provisions of this legislation, but also the groups that have not succumbed to tobacco sponsorship. In particular this Bill will help youth, sport and arts as there is a moral objection to these groups receiving help from drug companies of any sort. This Bill will go a long way towards removing one of the most powerful weapons of the tobacco drug industry; that is, cigarette advertising. The youth and health experts of Western Australia are pleading for support of this legislation - I am sure all members have received many letters. The previous member for Balcatta and I will be elated if this Bill is supported by the Opposition.

MR WILSON (Dianella - Minister for Health) [8.45 pm]: I thank the members who have spoken on this Bill in a wide ranging debate with many views presented. We have had some very impassioned speeches from the member for Kenwick, the member for Collie and the member for South Perth, who has a long record in this Parliament for supporting the moves that are provided for in this legislation; the member has stood firm in his support in that regard.

Mr MacKinnon: Without our party taking any action against him.

Mr WILSON: I was not going to say anything about that.

Mr MacKinnon: It is a little different from your lot.

Mr WILSON: If the Leader of the Opposition wants to introduce a note of nastiness, that is up to him.

I appreciate the support for the Bill from other speakers on this side of the House, and I appreciate the positive contributions made by the member for Riverton and the member for Mandurah who were not wholly negative in their approach to the legislation. I had hoped that we would get total support for this Bill with some cross-party support for its basic principles. I am very pleased that the National Party has seen fit to support the provisions of this Bill in principle, although it has obviously some misgivings and wishes to see some changes. In Victoria, when legislation of this sort came before that State Parliament, there was cross-party support; in the Federal Parliament it is pleasing to see that members of the Liberal Opposition are prepared - as the member for South Perth has indicated - to risk huge campaigns against them by the tobacco industry to support this kind of measure in Federal Parliament.

Mr MacKinnon: Did the tobacco industry run a campaign against you?

Mr WILSON: So, it is obvious to me, and probably to most members of this House, that around Australia many members in all political parties -

Mr MacKinnon: It would help if you stuck with the facts.

The SPEAKER: Order!

Mr WILSON: The Leader of the Opposition seems to be in a deplorable mood tonight.

The SPEAKER: Order! The Leader of the Opposition has had his chance to make a speech and he has passed it up.

Mr WILSON: It is obvious that throughout Australia members of all political parties are convinced about the need for legislative action to ensure that young people in particular are protected from the insidious attempts by the tobacco industry to lure them into addiction to tobacco products. That has to be of concern to everyone who is concerned about the health of the young and the health of the community. It has been said many times in the debate today that the problem is that those who become addicted at a very young age are most likely to be addicted for the rest of their lives, or a good part of their lives - that is the problem we are grappling with in this legislation.

Some members have been almost totally negative in their attitude towards this Bill. They have made accusations against the Government, have made reference to slush funds, have raised the question of the Government not being prepared to ban smoking and have said that the legislation does not provide complete and immediate bans on advertising of smoking-related products. I accept some of those criticisms because I accept that this is not a perfect piece of legislation. Since I have been Minister for Health and became responsible for developing this legislation it has been my understanding that we would not come up with a perfect piece of legislation. This legislation represents an attempt to do as much as we possibly can now to come to terms with this problem.

I can envisage, and I am sure other members can envisage, that in five to 10 years many of the things that we foresee as being impossible to achieve by this legislation will be achieved. In the long run we will come to terms in a much more effective way with the ill-effects of tobacco addiction on members of our community.

The Government does not pretend that this is a perfect piece of legislation; it does not pretend that it cannot be improved. As we go through the Committee stage of the Bill it will be made clear that the Government appreciates many of the amendments that have been put on the Notice Paper by the National Party. The Government can see the sense in many of the amendments and if they are passed they will improve the legislation.

The introduction of this legislation is a step forward in the Government's attempts to promote better community health and for the community to come to terms with the insidious effects of tobacco, particularly on the health of our young people.

I do not intend to go into any greater detail than I have because the issues which have been raised during the second reading debate will be debated during the Committee stage and all members will have an opportunity to debate them. Many of the questions raised and the issues of concern can be contested in greater detail.

I thank those members who have contributed to this debate. Most of them have contributed in a positive way and I commend the Bill to the support of the House.

Question put and a division taken with the following result -

Ayes (32)

Mr Ainsworth	Mr Donovan	Dr Lawrence	Mr Thomas
Dr Alexander	Dr Gallop	Mr Leahy	Mr Trenorden
Mrs Beggs	Mr Graham	Mr Pearce	Mr Troy
Mr Bridge	Mr Grayden	Mr Read	Dr Turnbull
Mr Carr	Mr Grill	Mr Ripper	Dr Watson
Mr Catania	Mr Gordon Hill	Mr D.L. Smith	Mr Wiese
Mr Cowan	Mr House	Mr P.J. Smith	Mr Wilson
Mr Cunningham	Mr Kobelke	Mr Taylor	Mrs Buchanan (Teller)

Noes (14)

Mr Clarko	Mr Lewis	Mr Minson	Mr Strickland
Mr Court	Mr MacKinnon	Mr Nicholls	Mr Blaikie (Teller)
Mr Hassell	Mr McNee	Mr Omodei	
Mr Kierath	Mr Mensaros	Mr Shave	

Pairs

Mrs Henderson
Mr Parker
Mr Peter Dowding
Mrs Watkins

Mr Watt
Mr Bradshaw
Mr Fred Tubby
Mrs Edwardes

Question thus passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mr Wilson (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Dr TURNBULL: What is the proposal for bringing the Act into operation? If there is any delay would those clauses which give exemptions, in some cases, to contracts already in existence be prolonged?

Mr WILSON: I can assure the member for Collie that the proclamation as described in clause 3 - that the Act shall come into operation on such a day as is fixed - is on the understanding that the proclamation will be as soon as possible in the New Year and as soon as the appropriate accompanying regulations have been drafted. It is our intention to move quickly by approaching the organisations that might be approved in the Bill to recommend membership to the foundation. The Government would like to use what might be called the dead time of the year to ensure that all the preparatory work for the establishment of the foundation is done as soon as possible.

Mr MacKinnon: Have you drafted the regulations yet?

Mr WILSON: It is not normal to draft regulations prior to legislation passing through Parliament.

Mr MacKinnon: Often they can be presented at the same time.

Mr WILSON: It is not normal to do that and I have never known it to occur.

Mr MacKinnon: I have. I just asked a question.

Mr WILSON: I know, but the Leader of the Opposition seems to have nasty inclinations tonight. The answer to his question is no.

I can assure the member for Collie that the only delay will be in drafting the regulations. It is our intention to proclaim the Bill as soon as possible in order to get on with the establishment of the foundation so that the foundation can begin allocating the \$5 million available to it during the remainder of this financial year.

Clause put and passed.

Clause 3: Purposes of Act -

Dr TURNBULL: The National Party wants to introduce an amendment at this stage so that when we get to clause 27 which deals with the functions of the foundation the scene has been set in clause 3 to enlarge and broaden the functions of the foundation. The National Party wants to include the fact that all moneys that are raised from the tax on tobacco in Western Australia will be used on health related activities. This amendment will establish this fact right from clause 3. I move -

Page 2, line 17 - To insert after "illness" the following -

; and

(c) the establishment and maintenance of services and facilities for the treatment or care of people with smoking related diseases.

Mr WILSON: The Government cannot accept this amendment. The purposes of the legislation as outlined in clause 3 are in line with the Government's intentions from the beginning. The member for Collie has indicated that her amendments relate to a later clause

of the Bill which deals with the allocation of funding. The Government has made it clear that the allocation of funding to the Health Promotion Foundation will be in the terms set out in the purposes of the Act. The Government is opposed to the amendment in that it seeks to extend the purposes to treatment. I am not closing off that argument completely because it is difficult for me at this stage, and it will be difficult for the Government until the Bill reaches another place, to know exactly what the intentions are behind this amendment. There may be certain circumstances in which we would consider these amendments further but the Government cannot accept this amendment because clause 3 has an integral relationship to the allocation of funding.

Dr TURNBULL: I would like to express the National Party's deep disappointment at the Minister's position. We believe that all the money raised from the tobacco franchise levy should be designated to improve the health of people suffering from smoking related diseases, to encourage people not to take up smoking, to encourage the people who are smoking to stop smoking, and to promote a healthy lifestyle for the people addicted to certain types of drugs, particularly cigarettes. It is obvious from the speeches made by the Liberal Party spokesmen that they also feel very strongly about this situation.

We believe also that the moneys raised should be used for research. Research is a subject to which Governments do not want to pay much attention, but this would be a great opportunity to recognise the importance of research into smoking related diseases. The Child Research Foundation has just been established in Western Australia. That foundation is headed by Fiona Stanley, whom I heard being lauded here during one of the speeches this afternoon. The research activities of that foundation will be directed towards the health and wellbeing of all Western Australian citizens and future citizens. In that respect, I am very disappointed that the Minister does not see his way clear to support this amendment. However, that does not discourage us; we still believe that the moneys should be disbursed for the establishment and maintenance of services and facilities for the treatment or care of people with smoking related diseases.

Mr HASSELL: It is amazing how one small amendment can show up the Government as effectively as does this. The Government is making it absolutely clear that the last thing it wants to do is devote all the money that it is raising from the tobacco tax to the very purpose which it claims is so essential: To stop people from smoking, and to recover the costs of the care of those people who have smoking related diseases. The amendment proposed by the member for Collie is exactly in line with what the Government is saying is the purpose of the legislation.

The Government is opposing the amendment for the same reasons that I said this afternoon it would oppose an amendment that all the money be used to establish a hospital for the care and treatment of those afflicted with smoking related diseases, and for research. The reasons are, first, that the Government wants a vast proportion of the money to go into its general revenue. Second, the money that the Government is putting into this so-called Health Foundation is in fact the buy-off or bribe money to get people to support this set up. The Government sees in this proposed amendment a conflict with the careful structure it has put together to use the taxpayers' money to buy off opposition to its legislation. The proposed amendment very neatly shows up what the Government is all about in respect of this legislation. The member for Collie is taking the Government to the logical conclusion of its position. We see how dinkum the Government really is when it is confronted with its own position.

Mr KIERATH: I find it extremely disappointing that the Minister has said the Government cannot support the proposed amendment; which I would have thought goes right to the heart of the purported intention of this legislation. I referred earlier to the establishment of medical research facilities; I would have thought the proposed amendment would be a crucial part of that. I do not see that the Government would lose a lot of revenue by agreeing to this amendment. I ask the Government to reconsider.

Mr WILSON: I can respond further to the comments of the member for Collie - which have been used by the member for Cottesloe; I think not in the way that the member for Collie intended, but for his own purposes - by saying that those who try to say that at any time we have given any undertaking or indication that the whole of the increased revenue raised by the measures recently passed in the Business Franchise (Tobacco) Amendment Bill would be

dedicated to the foundation have done so without justification. We have always made it clear what amount would be made available to the foundation. No-one can say we have tried to mislead anybody about that.

Several members interjected.

Mr WILSON: I do not mind if members want to contest what I am saying as a matter of fact, but if they look at the statements that were made they will find that it was made clear from the beginning that \$5.5 million would be dedicated in the 1989-90 Budget, and that \$9 million would be allocated in a full year.

Mr Trenorden: That is not what the Press releases in *The West Australian* were saying at the time. They said the money would go to health related issues. You did not correct them. I can go to the library and get the Press statements for you.

Mr WILSON: The member may have a particular matter on which he wishes to focus, and he may want to take the Government to task about all sorts of things, but I can assure him that in this instance, there has been no prevarication. The amount of money that we had under consideration has been made clear by the Government right from the beginning in all the Press releases and the information given to the Parliament. The member obviously disagrees with that, but there can be no doubt that right from the beginning we have made our position clear.

People are saying that the whole amount - the whole \$90 million, for instance - should go towards treating tobacco related disease and illness. The Government is already providing treatment for tobacco related disease and illness to the tune of \$112 million in the public hospitals of this State. It is not as though money from public revenue - from whichever source, including the tobacco franchise tax - is not going towards the treatment of tobacco related disease in our public system; it is. Nobody is being robbed in that sense. I can understand the argument that it would be more acceptable if the Government were to give an undertaking that all the money raised under the tobacco franchise tax, which is estimated at about \$90 million in a full year on the current rate, should be specifically assigned or dedicated through a special fund for the treatment of tobacco related disease and illness in public hospitals. I think this is the argument of the member for Collie and I think it was the argument of the member for Mandurah too, when he spoke during the second reading debate. I do not know whether that is really what is being said, but I think it is what the member for Mandurah indicated. I am not sure whether it is actually the position of the National Party, but that party will have an opportunity to say so in due course.

If that is what members are saying would be acceptable, that is obviously a matter that could be pursued further, although I am not in a position to pursue it at the moment. We do not want to be unreasonable to the degree that we would not consider that at all. However, that aside, we would still want a Western Australian Health Promotion Foundation because those foundations have been established in Victoria on an all party basis, and in South Australia, and have been shown to be of benefit to the community. They have not been political slush funds; they have not been seen as political slush funds; they have not been used as political slush funds; they have been very much appreciated by all sorts of groups in the community.

Finally, we are presently at a disadvantage because I am not in a position at this stage to get the sorts of guarantees and clarification that would enable further decisions to be made, but as we go further into the Committee stage and as the matter proceeds to another place, that possibility is not beyond consideration.

Dr TURNBULL: I thank the Minister for his statements. I am pleased to hear that the position is not exactly clarified and I would like to reiterate the National Party's position. We see the Western Australian Health Promotion Foundation as having quite a lot of objectives, and that these would be along the lines of assisting the promotion of healthy lifestyles. That could be through sporting foundations, arts promotion, and youth groups which would promote healthy living. We also envisage the foundation being involved in research into ways of promoting and encouraging healthy living, as well as research into diseases related to tobacco, and in the care of people who are suffering from smoking related diseases.

As well, we envisage the foundation being involved in the expanded foundation which will be discussed when clause 27 is considered, involving the maintenance of services, facilities,

treatment and care of people with smoking related diseases. I am pleased to put the National Party's view on record here in relation to clause 3, right at the beginning of the Bill, so that there is no diverting from what we feel the objectives of this foundation should be, and how all the moneys collected from the tobacco franchise tax should be expended.

Mr NICHOLLS: While it is encouraging to hear that there may be at least some consideration on the Minister's part regarding the directing of those funds towards medical research or facilities, the reason I made those statements during the second reading debate was that currently in Western Australia about 8 400 people are on the waiting lists in public hospitals. If we could direct \$90 million into medical facilities and research we could go a long way towards alleviating that problem.

I will go further and say that to place within legislation pertaining to tobacco products the formation of a Western Australian Health Promotion Foundation to examine health issues within our community and to promote health is a little farcical. This is only my point of view, but I believe alcohol is a greater problem than is cigarette smoking. That may be disputed by many professionals but it is a view I hold, and it is particularly true among the young. Alcohol, while accepted as part of the Australian tradition or image, is a very insidious drug. I put it to the Minister that if we were to set up a foundation to address the health issues of Western Australians, instead of putting it on the backs of the tobacco companies or of any single industry we should set it up so that all industries that contribute to health problems - such as those promoting alcohol, barbiturates and similar drugs - should contribute to that fund, and that fund should be directed squarely at addressing health issues. I do not accept the argument that, because we currently put in over \$100 million of taxpayers' money, the revenue raised from the tobacco franchise tax can now be used to fund sporting grants, health program grants, or anything else.

If the Minister were to agree to the amendment, I suggest we could go further and remove the need for the foundation within this legislation. We could remove all mention of the foundation from the Bill; separate the issues; deal with tobacco; and address funding for a foundation, if that is the Minister's desire, from all industry sources which contribute to social and health problems. I definitely do not accept the Minister's saying, "We are trying to do the right thing." While we currently fund it out of Consolidated Revenue, or out of taxpayers' money, this revenue now can be used to run health promotion programs or other community health issues.

We should stop here, adjourn debate, and consider changing the legislation so that it deals with tobacco advertising alone. If the Government wishes to set up a foundation it should draw up legislation to seek funding from all avenues of the industry which have contributed to the social and health problems, and we can debate that. The issue of social funding has not been addressed because even if that is the Government's intention another perception is easily arrived at. That perception has not been removed by the comments of the Government tonight.

Mr KIERATH: I thought I saw a glimmer of hope when the Minister said he was prepared to reconsider the Bill in another place. But the principle that all money raised should be given to the anti-smoking cause is an important one.

Mr Wilson: What do you mean by that specifically?

Mr KIERATH: I have used my words carefully because at a later stage I will elaborate. I used the words "anti-smoking cause" because the amendment is adding the establishment and maintenance of services and facilities for the care of people with smoking related diseases. That extends the purpose of the Bill. I support the idea that it encourages non smokers not to start smoking, but this provision adds an extra part. The Minister stated that the argument was that all money raised should be used for the anti-smoking cause - and that is an important principle. If we put ourselves in the position of the public, when the Government espouses a principle and then raises money for general revenue this develops a public cynicism that we are not really serious about what we say. The establishment of such a principle will go a long way toward negating the fears and cynicism regarding the Government's raking in money for other purposes.

Mr Wilson: I am not sure that is what the National Party means.

Mr KIERATH: It is the spirit of the amendments and relates to how the money should be

used. If that principle was espoused and established now it would ease the fear and cynicism in the community about this being another revenue raising measure.

Amendment put and a division taken with the following result -

Ayes (22)			
Mr Ainsworth	Mr Hassell	Mr Minson	Mr Fred Tubby
Mr Clarko	Mr Kierath	Mr Nicholls	Dr Turnbull
Mr Court	Mr Lewis	Mr Shave	Mr Wiese
Mr Cowan	Mr MacKinnon	Mr Strickland	Mr Blaikie (<i>Teller</i>)
Mrs Edwardes	Mr McNee	Mr Thompson	
Mr Grayden	Mr Mensaros	Mr Trenorden	

Noes (26)			
Mrs Beggs	Mr Graham	Mr Pearce	Mr Troy
Mr Bridge	Mr Grill	Mr Read	Mrs Watkins
Mr Carr	Mr Gordon Hill	Mr Ripper	Dr Watson
Mr Catania	Mr Kobelke	Mr D.L. Smith	Mr Wilson
Mr Cunningham	Dr Lawrence	Mr P.J. Smith	Mrs Buchanan (<i>Teller</i>)
Mr Donovan	Mr Leahy	Mr Taylor	
Dr Gallop	Mr Marlborough	Mr Thomas	

Pairs	
Mr Watt	Mrs Henderson
Mr Bradshaw	Mr Peter Dowding
Mr Omodei	Mr Parker

Amendment thus negatived.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Certain advertising prohibited -

Dr TURNBULL: I move -

Page 5, after line 10 - To insert the following subclause -

(3) A person who in Western Australia includes in a newspaper or book printed or published inside Western Australia for sale or supply for any direct or indirect benefit a newspaper or book -

(a) Printed or published outside Western Australia; and

(b) Constituting or containing a tobacco advertisement,

commits an offence.

The National Party feels that cigarette advertisements outside shops and on letterheads fall within the scope of the ban on advertising. However, it is more concerned about advertising in newspapers and printed material that is produced within Western Australia. We are concerned also about books, pamphlets and handbills that are published outside Western Australia and included in newspapers published in Western Australia. The National Party feels that advertising of all types in the printed media should be banned to achieve the full objective of the legislation. Many people believe that constant advertising reinforces people's smoking patterns and that, despite education, which is very important, advertising encourages the habit which is detrimental to people's health. Many members have stated that, despite the fact that they know what the results of their smoking habits will be and are aware of the statistics, they have found it impossible or very difficult to give up smoking. I am not suggesting that advertising by itself causes people to begin smoking. However, it provides an environment for a peer group perception that the smoking of tobacco products is acceptable behaviour.

Mr WILSON: The Government is pleased to support the amendment.

Amendment put and passed.

Dr TURNBULL: I move -

Page 5, line 13 - To insert after "advertisement" the following -

(other than a tobacco advertisement referred to in subsection (3))

Mr WILSON: This amendment is consequential upon the previous amendment and the Government agrees to it.

Amendment put and passed.

Dr TURNBULL: I move -

Page 5, line 23, to page 6, line 3 - To delete paragraph (c).

Mr WILSON: Again, it would appear that this amendment is intended to be a consequential amendment on the amendment to line 10 on page 5 of the Bill, and accordingly the Government supports this amendment.

Amendment put and passed.

Dr TURNBULL: I move -

Page 6, lines 18 to 35 - To delete subclause (4) and substitute the following subclause -

(4) In any proceedings for an offence under subsection (1), it shall be presumed that, if there is present in the relevant tobacco advertisement -

- (a) the name of a person who manufactures or distributes any tobacco product;
- (b) a trademark, or part of a trademark, of which a person who manufactures or distributes any tobacco product is the registered proprietor or the registered user within the meaning of the *Trade Marks Act 1955* of the Commonwealth; or
- (c) a brand name, or part of a brand name, used by a person who manufactures or distributes any tobacco product;

that person displayed that tobacco advertisement for a direct or indirect benefit, until the contrary is proved.

This amendment will bring in force the factors we have introduced in the earlier part of clause 5.

Mr HASSELL: I realise that the issue has already been decided by the Government and it will support the National Party's amendment. It should be recorded that we should always be questioning in this Chamber any reversal of the onus of proof or any requirement for people to prove themselves innocent. It is a matter which is of concern. It is not always possible to eliminate such provisions, but there is no reason that we should have a reverse onus in this clause and I have a reservation about it.

Mr WILSON: The member for Cottesloe indicated that the proposed new subclause creates a presumption in the absence of proof. To the contrary the displaying, selling, hiring, supplying, etc., of objects which advertise tobacco are undertaken for a sense of gain to the supplier, the displayer, the seller or the hirer. The registered proprietor who uses a brand name or trademark in relation to the manufacture or distribution of tobacco which is advertised is actually the person who displayed the product.

This provision is necessary because without it it would be very difficult, in many cases, to prove that the manufacturer or distributor actually caused the display of the advertisement. We have had to be very careful in that regard. In other words, we have a clause which ensures there is a rebuttable presumption that the person whose advertisement appears has caused its display and is the person who has received direct or indirect benefit.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Prohibition of certain sponsorships -**Dr TURNBULL:** I move -

Page 8, line 1 - To delete "certain".

Clause 8 refers to sponsorships and the National Party is of the opinion that sponsorship is just as much a part of a tobacco company's presentation of its product to people as are its advertisements. All sponsorships which go towards promoting the products of tobacco companies are of concern to the National Party.

Mr WILSON: This is not an amendment which the Government will vigorously contest. I am advised it is really not necessary because a headnote to a clause does not legally form part of the Bill. It is not relevant to the Bill, but I do not feel strongly about it and I will not oppose it. I am advised by Parliamentary Counsel that this amendment is not necessary to achieve the purpose the National Party seeks.

Amendment put and passed.**Clause, as amended, put and passed.****Clause 9 put and passed.****Clause 10: Supplying tobacco to persons under 16 years -****Dr TURNBULL:** I move -

Page 9, lines 7, 9, 11, 14, 25, 28 and page 10, lines 5, 9, 13, 17, 21 and 25 - To delete "16" and substitute the following -

18

I feel strongly about the reduction of the age at which a person may be supplied with tobacco from 18 years at present to 16 years. It is not a good move when the whole principle of this Bill is directed towards discouraging young people, particularly teenagers, from taking up smoking. I know that the present age limit of 18 years for supplying tobacco products to young people is not being enforced. I do not know whether there has been a conviction for an offence under the present Act but members would know that the fine for doing so is a trivial \$4. Many conscientious delicatessen and small shop owners in Western Australia have signs in their shops saying that they will not sell tobacco products to people under the age of 18 years. They are doing their bit towards staying within the law and discouraging young people from taking up smoking.

There is no justification for lowering that age from 18 years to 16 years. Some people say that it might then be easier to enforce the law, but everyone knows that it is as difficult to tell how old someone of 16 years is as it is to tell how old a person of 18 years is. The young people of Western Australia are used to having to prove to shop owners and those selling alcohol what their age is. If they have difficulty in convincing anybody that they are 18 years of age they must carry identification. Teenagers would not be in great difficulty proving that they are 18 years of age rather than 16 years of age. They might like to be able to purchase tobacco products officially when they are 16 years of age but the whole objective of this Bill is to discourage teenagers smoking. We must therefore discourage them and actively prevent them from purchasing this product until they are 18 years of age. The idea of this amendment is to return the age at which young people can purchase tobacco products to 18 years as it is under existing legislation.

Mr HASSELL: The Opposition supports both the clause and the amendment moved by the member for Collie. The prevention of smoking by young people is a legitimate and proper activity for the Government, given that it has been clearly established that smoking is a danger to health. If Governments sat back and did nothing about this matter it would be equivalent to a Government doing nothing about people establishing themselves in Wittenoom or doing something of that nature where there is a known danger and where children are not legally responsible for themselves and are left to take that risk.

We have a responsibility to seek to protect children before they reach maturity as we seek to protect them from many things before they reach that age. I emphasise the point I made this afternoon; that it is a strange anomaly in the legislation that we are prepared to prosecute a shopkeeper who provides a child with a packet of cigarettes and impose a hefty fine for

doing so but the child, having obtained the product, can use it without fear of any sanction whatever. That is why I said this afternoon that we should be looking at the whole issue of the effectiveness of what is being done through the Quit campaign and other campaigns and should be looking at ways to reinforce parental and school authority to stop children smoking.

There is, of course, an entrenched dislike of discipline in the minds of many liberal thinkers of today, but the fact is that in days gone by smoking was recorded as a serious offence by schools and parents and action was taken when children smoked. There would be no harm in the Parliament's considering measures to put obligations on schools in relation to students who smoke, or introducing some measure which provided a potential penalty in relation to children of sufficient years who take up smoking to understand the law. However, this clause goes some way towards that so we are not opposed to this amendment.

Mr BRADSHAW: I support the amendment. The Government must make up its mind whether it is dinkum about this legislation. It wants to reduce smoking in society, which I concur with. It would be wrong to lower the age at which tobacco can be supplied to a person to 16 years. Obviously, reducing the age to 16 years will not stop people purchasing cigarettes. However, if it is illegal it will deter some people and that is a step in the right direction. It is no good nominating 16 years of age or any other age unless the law is policed. It does not appear to have been policed in the past. I hope the Government will change its mind so that the barrier continues to exist for people between the age of 16 years and 18 years seeking to buy cigarettes.

Mr WILSON: As has been indicated on previous occasions, the Government accepts the amendment. Although much criticism has been addressed to the decision in this Bill to lower the age when a person may legally buy tobacco to 16 years, some thought was given to that. Discussions were held with authorities in other States. There seems to be a problem identifying a person's age, and the argument is that it might be easier these days to determine whether a person is under 16 years than whether he is under 18 years. We do not want to take issue with that. We understand the arguments which have been put in the community and in this Chamber, and we respect them. We have had discussions with health surveyors in local authorities and we hope to be able to make arrangements to ensure better policing of these regulations.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11: Vending machines -

Dr TURNBULL: I move -

Page 10, lines 32 and 33 - To delete all words after "area".

This clause deals with where vending machines are permitted to be placed and operated. They must be within licensed premises or an offence is committed. The clause provides that premises must be set aside by an employer as a staff amenity area. The reason for our amendment is that now the age at which young people are permitted to purchase tobacco products has been raised, supplying persons under the age of 18 years may be an offence. That would place a great burden on many employers who would have to provide two staff amenity areas. This would be an unnecessary complication, and that is why we have moved to have the provision deleted.

Mr WILSON: On further consideration we have to agree that vending machines will be available for staff amenity areas, regardless of access by employees under 18 years of age. The clause could be seen to be rather draconian otherwise, so we are prepared to accept the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12 put and passed.

Clause 13: Smokeless tobacco -

Dr TURNBULL: The introduction of smokeless tobacco and products made from tobacco,

other than cigarettes for smoking, or pipe tobacco, or other items for smoking, appears to be a very cynical move by the producers of tobacco products. They see this as an opportunity to exploit a wide sales area. There are no rules and regulations in Australia at the moment to govern this problem, and these products are very dangerous to health. In America there are people under 20 years of age who have developed cancer of the mouth, the tongue, and the gums from chewing tobacco products such as this.

It is commendable that this Bill actually bans the sale of these products. A number of members have spoken about the availability of tobacco and said they would support a ban on the availability of tobacco products. I do not think they will be put to the test because this Bill is not about banning tobacco products for smoking, but it offers a great opportunity for banning other types of tobacco products.

Clause put and passed.

Clause 14: Confectionery -

Dr TURNBULL: The subject of confectionery has been brought up today, and the product called "Fags" has been referred to. Packets have been sent to all members of Parliament in order to accentuate the fact that this small, private, confectionery company could be very severely disadvantaged if this clause were passed. But we must remember that this clause covers confectionery designed to resemble a tobacco product. I must agree with the producers of this product that since the red piece has been taken off the end it no longer looks like a cigarette; it looks like a long piece of white confectionary.

Not many young people would connect the word "Fags" with a tobacco product which one smokes, because "fags" is a word which goes back to our day, or, as one member said today, it has other connotations in the public school system. To young people today, white rods of confectionary with the word "Fags" do not really resemble a tobacco product. I rather think this company could be in a reasonably safe situation.

Mr BRADSHAW: I support this clause, which is a step in the right direction. Confectionery does encourage young people to emulate adults or older people in the habit of cigarette smoking, but the clause does not go far enough. It has been brought to my attention in the last two days that a product called "Puff Cigarettes" has been introduced. It does not say much on the packet, apart from, "Caution: Not recommended for children under the age of eight years". It has a diagram of a young person with a cigarette hanging out of his mouth. I assume these are toy cigarettes. They are very lifelike, being the same size as a cigarette and even having a burnt end which appears to be nicotine stained. I think this clause should include other items apart from confectionery; it should include things which are lifelike or imitate cigarettes and which could be used as toys - perhaps "toys" is not the right term - but the Government should look to an amendment in this regard in order to include such things as these "Puff" cigarettes.

Mr WILSON: I take on board the comments made by members on this clause, in particular the remarks made by the member for Wellington and the member for Riverton earlier. I think we would be well advised not to do these suggested amendments on the run, but I undertake to have the matter looked at and, on further advice, to look at the possibility of introducing appropriate amendments in the other place.

Clause put and passed.

Clause 15: Exemptions -

Dr TURNBULL: I move -

Page 12, line 9 - To delete "(b)" and substitute the following -
but only

The National Party's objective in moving this amendment is to limit the power of the Minister to grant exemptions. That limitation will be restricted to 12 months. The purpose of this amendment is to combine subclauses (a) and (b) which will then place a limit on the time at which the Minister responsible for this Bill can allow an exemption under it.

Mr WILSON: I regret that the Government cannot accept this amendment. I understand the reasoning behind it, but I believe this is an area in which we need more time to make an appropriate assessment of the situation. There are events of international importance which,

if they were not to be allowed to proceed in Western Australia, could have immense implications for tourism. The Government believes it needs more time in which to get a more balanced assessment of the situation. While the Government cannot accept this amendment, at clause 35 I will seek to move an amendment which would then bring forward a review of the legislation to three years rather than five years. I believe that an earlier review of the legislation would allow a more immediate review and the time between now and the review would allow the Government and the community to make a better assessment of the effects this might have on these major events.

Of course the actual power for exemption under the legislation will not expire until 31 December 1993. That is in cases of hardship. I foreshadow that the Government will bring forward the review to three years from the anniversary of the proclamation of the legislation to allow for that review period to be more immediate and for the Parliament and the community in the interim to be able to make an assessment about those matters. We have to understand that because of our isolation in Western Australia, and the fact that it is often more difficult to attract major events to this State than it may be to other parts of Australia, we must have consideration for major events. While that would seem to the National Party to be an over cautious approach on the part of the Government, I believe that in the overall interests of all the issues involved, having in mind the Government's intention to suggest a shorter period of review, that would allow the Parliament and the community at that stage to review the situation. That is, given that the legislation would have been in force over that period of time we would have a better chance to look at the situation and how it might be affected by cutting out the exemptions completely.

Dr TURNBULL: Mr Chairman -

The CHAIRMAN: Could the member clarify for the purposes of the Committee whether she is seeking to delete the whole of that clause?

Dr TURNBULL: No, I am seeking to delete the letter (b) and substitute "but only", and that combines the two subclauses.

The CHAIRMAN: So it is not actually the substance, it is just the designation.

Dr TURNBULL: I accept the explanation given by the Minister in relation to this proposed amendment and the hardship which could be experienced by some promoters of sporting activities, particularly those who are on the international circuit and require a lot of lead time for planning. That is why the National Party is leaving in clause 15(3), which deals with areas where there are significant hardships. That will then relate to line 35 where there shall be an exemption until 31 December 1993. The National Party recognises this fact and it recognises that international activities need a very long lead time in planning. The area for discussion that the Minister introduced in his reply to this proposed amendment is a very interesting one and the National Party will consider it, but the National Party stands by its amendment.

Mr TRENORDEN: I think the proposal put forward in this Bill is an absolute nonsense because what we are planning to do is ban the sponsorship of sport except in those places where there is sponsorship of sport. That is absolutely ludicrous. This amendment gives exemptions in the areas in which the tobacco industry has an interest. The areas in which the tobacco companies do not have an interest - country basketball, pennant cricket, country racing and a list of a couple of hundred other activities - will be banned from tobacco advertising. However, the areas in which the tobacco companies have an interest will be exempt from the ban. That is the nonsense! If the Minister is serious - it does not matter whether he will review it in five years as that matters little - he should tell us that until we do something about sporting activities in which tobacco companies have an interest, the situation will be left as it is. It is absolutely ludicrous to do this in the manner the Bill proposes. I know of no other area in which tobacco companies have an interest in sponsoring other than the ones exempt from the ban. I am told that they give the occasional cap to Tee-ball teams, but that would be inconsequential in the companies' overall budget. The people who will be denied tobacco advertising are the people who cannot get it. The people we would allow to receive tobacco funding will be excused by the exemption. That is an absolute nonsense!

Amendment put and negatived.

Mr BRADSHAW: Regarding the question of what would be exempt and what would not, I require clarification from the Minister regarding the around the world yacht race as a yacht called "Rothman's" is in Fremantle. Also, the Showgrounds have the Winfield chairlift and what would happen if a tobacco company bought the chairlift and named it the "Winfield Chairlift" without advertising cigarettes? Would that be allowed under this legislation? Some companies are smart enough to bring about exemptions on advertising such as is being done by Dunhill with its pens and other paraphernalia. How will these situations be affected by the legislation? Will the cigarette companies be able to get around the legislation by adopting other products so they can advertise cigarettes through them?

Mr WILSON: I can assure the member for Wellington that those situations are well and truly taken care of in other parts of the Bill. For instance, in the "interpretations of tobacco advertisement" clause it states the following -

"tobacco advertisement" means writing, still or moving picture, sign, symbol or other visual image or message, or audible message, designed to promote or publicise -

(a) the purchase or use; or

(b) a trademark or brand name, or part of a trademark or brand name,

of a tobacco product;

Clearly, that captures any attempt to use the name without appearing to be promoting cigarettes.

Mr Bradshaw: The yacht in Fremantle would need an exemption then.

Mr WILSON: I understand so. That is one of the questions which is a little unclear at the moment because, of course, that sponsorship is sourced outside the country. A lot of international events have sponsorship sourced outside Australia and these are some of the difficulties we will be confronting in the early days of policing the Act, if it comes into force. That is why I was suggesting that it might be wise to have an early review to capitalise on that experience.

Mr Bradshaw: It would be difficult if the yacht suddenly turned up.

Mr WILSON: Indeed, the member has argued for an exemption.

Mr KIERATH: What about the case of Dunhill which is legitimately making products such as the Dunhill pen as well as the Dunhill cigarette? What would be the situation regarding that company under the Bill?

Mr WILSON: I understand that that reference to interpretations and also clause 8(3) provides for that situation in the following terms -

For the purposes of subsection (1)(b), the name or interests of a manufacturer or distributor of a tobacco product shall be deemed to be in association directly or indirectly with the tobacco product if that name or those interests are commonly associated by members of the public in Western Australia with the tobacco product.

I believe that that will capture Dunhill too.

Mr BRADSHAW: I would have thought that because the company had been producing products for some time in Australia it would have the right to use that name. It has used the name for a long time and it is not as though it has suddenly struck up an arrangement to anticipate the legislation so I would have thought that as a common user over a period of time, this could be challenged in a court.

Mr WILSON: It is my view that the company will be caught, but we are only talking about a name directly associated with tobacco products. We are not talking about a company's name as such, we are talking about names that the public would normally associate with a tobacco product.

Clause put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Constitution of Foundation -

Dr TURNBULL: This is a very important clause regarding the setting up of the foundation.

The National Party's contention is that the foundation must not only perform, but also it must be independent in all aspects, particularly in its membership. The membership must also reflect the wide attitude of the community towards it. It does not matter whether the amount of money in the Health Promotion Foundation is \$90 million, \$9 million or \$5 million, but it must be representative of the community. The representatives on the foundation must be seen to be totally independent and in this respect the National Party will move a number of amendments. The first amendment will increase the membership of the foundation to 11. The National Party has recommended that four people from Government departments which currently have an interest in the foundation be appointed to the foundation. The National Party will ensure, by amendment, that the chairman is an independent chairman and that the remaining six members of the foundation will come from certain bodies in the community.

It has already been discussed that the nominations from certain bodies in the community come from the Local Government Association, the Country Shire Councils Association, the Medical School of Western Australia, the Australian Council on Smoking and Health, the Western Australian Sports Federation and the Medical Association of Western Australia. We have specifically named the bodies from which these nominations will come. The National Party has specifically stated that only one nomination from each body will be presented to the Minister for appointment to the foundation. The reason the National Party has specifically nominated the bodies from which nominees will be appointed is that it does not want there to be any aspect in which the Minister can influence the selection of the community representatives.

The appointment of the members to the foundation is the most critical part in the credibility of the foundation. These members must be seen to be responsive to their organisation and to the area of interest which they represent on the foundation. They must be free to form their opinion on the disbursement of funds by the foundation. They must not in any way be subject to any political pressure. That is the reason the National Party is proposing an amendment which will ensure that the foundation consists of 11 members, six of whom will come from nominated bodies within the community. If the nominated body decides it does not want to continue to appoint a member or it actually ceases to exist, there will be no difficulty in amending the Bill. We can cope with that contingency if and when that arises. The National Party will move further amendments to this clause. One of those amendments refers to the panel of names which will be submitted to the Minister. The National Party wants each body to nominate one person only and that is the person the Minister will appoint to the foundation. The National Party is prepared to accept that the chairman will be appointed by the Premier of the day. However, it will move an amendment that the chairman will be nominated only after discussions with all the parties in the Parliament at the time of that appointment. My explanation covers the principles behind the proposed amendments to clause 18.

I move -

Page 14, lines 2 to 28 - To delete the lines with a view to substituting the following -

18. (1) The Foundation shall consist of 11 members of whom -

- (a) one shall be appointed by the Minister on the nomination of the Premier and shall be the Chairperson of the Foundation;
- (b) one shall be appointed by the Minister on the nomination of the body known as the Australian Medical Association Western Australia Branch;
- (c) one shall be appointed by the Minister on the nomination of the body known as the Western Australian Sports Federation;
- (d) one shall be appointed by the Minister on the nomination of the Dean of Medicine at the University of Western Australia;
- (e) one shall be appointed by the Minister on the nomination of the Local Government Association of Western Australia (Inc);
- (f) one shall be appointed by the Minister on the nomination of the Country Shire Councils Association of Western Australia (Inc);
- (g) one shall be appointed by the Minister on the nomination of the body known as the Australian Council on Smoking and Health;

- (h) one shall be the person for the time being holding or acting in the office of the Commissioner of Health or the nominee of that person;
- (i) one shall be the chief executive officer of the department principally assisting the Minister for Sport and Recreation or the nominee of that chief executive officer;
- (j) one shall be the chief executive officer of the department principally assisting the Minister for the Arts or the nominee of that chief executive;
- (k) one shall be the principal employee for the time being of the body known as the Bureau of Youth Affairs or the nominee of that principal employee.

(2) Before making a recommendation under subsection (1)(a) the Premier shall consult with the Parliamentary leader of each party in the Parliament.

The reason behind selecting these persons is that there will be better representation on the foundation. The appointment of two people from the health area, together with a member from the Health Department will mean that three people on the foundation will have expertise in the area of health. The appointment of the member nominated by the Dean of Medicine at the university and the appointment of the nominee from the Australian Council on Smoking and Health will provide expertise in relation to research in all areas of health - from disease, to prevention, to health promotion. The National Party sees this as a major aspect of the foundation's activities.

The representatives from the Local Government Association and the Country Shire Councils Association will provide representation of the wider community and will promote healthy living within our community. Members may think that the National Party has been over emphasising the role of local government, but it wants to make sure that there is a representative from local government on the foundation who has a specific interest in the country area. I know that local government authorities have a great deal of input into the distribution in the community of moneys received from State Government taxation. This is one way of ensuring that the Minister of the day or some Government department will not specifically target through the foundation one body or another which is acceptable to the Government as a result of any particular attitude. It is the objective of the National Party to make the foundation as independent as possible.

Mr BRADSHAW: One part of the Bill which concerns the Opposition is the setting up of the foundation. I have nothing against a foundation as such, but over the years we have witnessed Governments pork-barrelling in electorates. If Governments can get their sticky fingers on any money and place it in the most advantageous areas to suit their purposes, they will do so. This foundation should be as independent as possible and the proposal by the member for Collie would go a long way in that direction. Therefore, I support the amendments. I hope that reason will prevail and that these amendments will be carried. If \$9 million will be available to the Government each year, that could easily be spent in areas which would be of advantage to the Government in its pork-barrelling activities.

Mr WILSON: It appears we shall run into some technical difficulties dealing with this matter, not only with regard to the amendment but also the substantial consequential amendments which will arise from it. Therefore, I suggest we suspend the sitting to allow the member for Collie and, if necessary, the Leader of the National Party, and me to confer with the Deputy Chairman of Committees (Mr Donovan) and the Clerks to work out how we should best proceed from now on.

Mr HASSELL: I do not know what procedure will be adopted, but people other than the Minister and members of the National Party have an interest in this Bill. That includes the Opposition, which happens to be part of the Parliament.

The DEPUTY CHAIRMAN (Mr Donovan): The dilemma is not the one the member for Cottesloe suspects. It is simply that before the Chair are two sets of comprehensive amendments, one consequential upon the other, in which there are areas of agreement and disagreement. I propose to suspend the sitting at least until these two can be resolved. That will not prejudice the Opposition at all.

Sitting suspended from 10.55 to 11.17 pm

The DEPUTY CHAIRMAN (Mr Donovan): I draw the attention of the Committee to clause 18 for which two sets of amendments appear at page 14, one set which appeared on the Notice Paper under the name of the member for Collie and another submitted by the Minister for Health. During the suspension of the sitting we resolved some of the obvious compatibilities and similarities in those amendments and some differences which related to line, description and things of that nature.

Amendment (words to be deleted) put and passed.

Mr WILSON: I move -

Page 14 - To substitute for the words deleted the following -

- (1) The Foundation shall consist of 11 members, of whom -
- (a) one shall be appointed by the Minister on the nomination of the Premier and shall be the Chairperson of the Foundation;
- (b) one shall be appointed by the Minister on the nomination of the body known as the Australian Medical Association Western Australian Branch;

Those amendments are in agreement with the amendment moved by the National Party. To continue -

- (c) one shall be appointed by the Minister on the nomination of the person for the time being holding or acting in the office of the Dean of the Faculty of Medicine at the University of Western Australia;

I think that this replaces (d) on the National Party's list of amendments. To continue -

- (d) one shall be appointed by the Minister from a name or names submitted by such organisations as are prescribed for the purposes of this paragraph as being representative of sport in the State;

The intention is that this be provided for in the regulations. It is to provide that the named body be the Western Australian Sports Federation. It was deemed appropriate to do things this way because it is anticipated that from time to time the name of that body may change and that, rather than that leading to an amendment of the Act, the change can be made by regulation. I give the assurance that the body named in the regulations to represent sports interests will be the Western Australian Sports Federation. To continue -

- (e) one shall be appointed by the Minister from a name or names submitted by such organisations as are prescribed for the purposes of this paragraph as being representative of culture in the State;

It is intended, again by regulation, to nominate as the representative of culture the Western Australian Association of Professional Performing Arts. To continue -

- (f) one shall be appointed by the Minister from a name or names submitted by such organisations as are prescribed for the purposes of this paragraph as being representative of local government in the State;

The emphasis should be on ensuring that the interests of country people are represented; therefore, we would nominate by regulation the Country Shire Councils Association as being representative of local government and country interests in Western Australia. To continue -

- (g) one shall be appointed by the Minister from a name or names submitted by such organisations as are prescribed for the purposes of this paragraph as being representative of health and community organisations -

- (i) in the State; and
- (ii) committed to the prevention or reduction of the smoking of tobacco products;

It is our intention to nominate by way of regulation the Australian Council on Smoking and Health as the body representative of those interests to fulfil the requirements of this section.

- (h) one shall be the person for the time being holding or acting in the office of the Commissioner of Health or the nominee of that person;
- (i) one shall be the chief executive officer of the department principally assisting the Minister for Sport and Recreation or the nominee of that chief executive officer;
- (j) one shall be the chief executive officer of the department principally assisting the Minister for The Arts or the nominee of that chief executive officer; and
- (k) one shall be the principal employee for the time being of the body known as the Bureau of Youth Affairs or the nominee of that principal employee.

Mr HASSELL: The Minister said that from time to time, the organisations may change their names. However, that does not stand up as a reason for prescribing the organisations through regulation. I do not see any reason why the organisations or their successor organisations cannot be named in the clause. It would be desirable if they were named, because once we provide that the organisations can be prescribed by regulation we are giving the Government the power to prescribe otherwise; and to not prescribe the people who would be the logical people to be prescribed. These amendments do not address the real issue: The foundation is too political, and too open to political control. It will still be dominated by Government officers and people who can be controlled by the Government, whether it be through prescribing regulations or otherwise. In relation to paragraph (f) the Minister said the Government would prescribe the Country Shire Councils Association. I take it that will exclude the Local Government Association.

If the foundation is to be genuinely independent of Government and political interference, and genuinely incapable of exercising political patronage, it needs to be more clearly seen to be independent. In relation to what happens in another place, I will be looking at measures that follow those proposed by the member for Collie in the sense of more precisely prescribing who comprises the membership, and seeing whether the membership cannot be more balanced to reduce the Government control and influence. Notwithstanding the increase of two in the number of members of the foundation, making it larger will increase the influence and power of a few people at the top, including the Government's nominated chairman. I do not know why the chairman has to be nominated by the Government. The foundation ought to be structured so that it cannot be used as a political slush fund. The Bill as presented clearly could be, and we have some way to go before that possibility is removed, although I concede that the proposed amendments of the member for Collie and the Government improve the situation. The proposed amendment to clause 27 is also an improvement. I am by no means satisfied that we are solving the problems. Our objective will be to improve the Bill further when it gets to the other place.

Mr COWAN: There are some variations between the words to be inserted on the motion of the Minister and those which were proposed by my colleague, the member for Collie. In the first instance, the representation of the foundation is the same; it consists of 11 members. We are pleased that the membership has been increased, for the simple reason that it will have a tendency to dilute the number of public servants who are appointed to fill positions on the foundation.

Mr Hassell: It still leaves a lot of Public Service members.

Mr COWAN: Yes; four out of 11.

Mr Hassell: Plus the chairman, who is a direct appointee of the Government.

Mr COWAN: Yes; and having some knowledge of the person who has been touted as nominee for the position of chairman, I would say - and I am sure the member would agree with me - that this person is someone in whom we could have some confidence.

Mr Hassell: I said that this afternoon.

Mr COWAN: I am inviting the member to repeat it.

Mr Hassell: That is only the first appointee. It does not in any way affect the future situation.

Mr COWAN: It is clear to me that if that is the standard of appointment to be made by the Government, to some extent it may allay some of the fears held by the member. We do not argue with the fears the member has expressed. That is why we sought to expand the membership of the foundation.

I should point out the other areas of difference with the Minister. The member for Collie sought to have two representatives from local government appointed to the foundation, not one, and that additional local government member has been withdrawn, as a result of the Minister's amendment, with a view to appointing somebody with a cultural pursuit. We debated the composition of this board in our party room for some time, but could not reach agreement. We finally settled for two local government representatives for the simple reason that we have a strong affinity with local government and we have confidence in it. While we are disappointed the Minister will not expand the foundation to 12 - and that might not be a bad idea - we are prepared with some reluctance to accept that local government will have only one representative.

We are somewhat heartened by the fact that the Minister has indicated that he will be prescribing the Country Shire Councils Association as the body from which that local government representation will be drawn. All too often the country membership tends to be overlooked in appointments to foundations such as this. It is important to reach a balance of representation on the foundation.

Another difference between what has been moved by the Minister and what was proposed by the member for Collie is that in four instances the Government has chosen not to name the body. The member for Cottesloe raised this issue, and it is appropriate that he has some reservations about it. I do not share the sinister implications which he saw in this issue. We do not like the idea of having these bodies prescribed; we would rather they were enshrined in the legislation. However, we recognise that because regulations have the capacity to be amended, if we do not like the body the Minister has prescribed, I can assure him that we will demonstrate our dislike by seeking to amend the regulations used to prescribe the sporting body, the local government body, the cultural body, or the group which represents the health or community organisation from which the representative will be drawn.

Mr Hassell: The trouble is that we cannot actually amend a regulation when it is prescribed. We can disallow a regulation, but we cannot amend it.

Mr COWAN: If we first seek to amend the regulation, and the Government is not prepared to do that, we may well have to disallow that regulation and see how the Government handles that.

Mr Wilson: I have no reason to take a course other than that which I have indicated will be taken.

Mr COWAN: I do not really see any ulterior motive in using the method of prescribing a body from which a nominee will come. Nevertheless, the Parliament must ensure it is vigilant enough to know whether the Government has made the right decision, firstly by its prescription of the body, and secondly, by the appointment from within that body to this foundation.

We acknowledge that the result is not quite what we wanted, but there are certain things that we do want, including the expansion of the foundation, and representatives of all those groups. The exception is local government, where we wanted two members, but that would have been to the exclusion of someone representing culture. We recognise that our suggested representation might have resulted in some degree of imbalance in the foundation.

The National Party considers this result an improvement on what was contained in the Bill. It is not precisely what we would have liked, because the Minister is saying in four instances, "Let me prescribe the body from which a representative can be nominated." We agree with the member for Cottesloe that it would have been better to do this in the legislation, but in the event we will achieve an expanded foundation and a more balanced representation, regardless of which body the Minister prescribes. There will still be a broad balance, so we are prepared to support the Minister's amendments.

Mr KIERATH: I could not allow the opportunity to pass without a comment on the representative of local government being from the Country Shire Councils Association. I would rather see the original proposal, but with the number expanded to 12. I understand a

peak local government body has been formed in Perth which is a combination of the Country Shire Councils Associations and the Local Government Association, and I would rather see a nominee from that body on the foundation. Many people in the LGA would express reservations about seeing someone from the CSCA as the permanent representative on a body such as this. If the nominee were from this local government body I referred to, he may well be a member of the CSCA, but he could equally come from the LGA or one of the other associations.

Mr WIESE: The Government is making two mistakes here. The first is in the wording of the amendment, which is, that "one shall be appointed by the Minister from a name or names submitted by such organisations as are prescribed for the purposes of this paragraph as being representatives of local government in the State." The Minister must know, as does every member in this Chamber, that there are three bodies representing local government in this State at the moment. If that does not warn him of the problems ahead, he needs to be a lot better informed of the local government situation.

Another thing that must be borne in mind is that the amendments the member for Collie has put before this Parliament, which seek to have on the Western Australian Health Promotion Foundation one representative from the Country Shire Councils Association and one from the Local Government Association, were thought out and argued at great length. The reason we believe there should be representatives from both the major bodies of local government is that if one were trying to find an organisation that represents all of the people of Western Australia I do not believe one could find two better organisations than those two. The CSCA represents virtually all the local government bodies outside the metropolitan area and as such is the best possible source of membership of this foundation. It is very important that there be someone on the foundation from the Country Shire Councils Association, and the Minister has verbally advised this Chamber that it is his intention in the initial stages that it be somebody from the CSCA. However, I wonder what will happen when local government, and in particular the Local Government Association, examines the wording of this clause and sees that a representative of local government in this State will be a member of the foundation. It will not be too long before we have the Local Government Association arguing very strongly that the representative on the foundation should come from that association. If that pressure is bowed to there will be no representation on the foundation from the country areas of Western Australia. That would be a grave mistake.

For that reason I believe the Minister must re-examine this proposal. He must rethink, and ensure there is a representative on this foundation not only from the CSCA but also from the Local Government Association. A representative from local government will be far more representative of the wishes and thoughts of all the people in this State, and in the case of the Local Government Association very specifically of all the people of metropolitan Western Australia, than is a person representing arts and culture. While I accept that it will probably be quite good to have somebody on the foundation representing arts and culture, we must re-examine the basis of this Bill. What is the justification for having a representative from arts and culture on a body that basically exists to distribute funds, the majority of which are intended to be used in, shall we say, anti-smoking activities and promotion? A person from the Local Government Association representing all those people in the metropolitan area would be a far better person to put on the foundation.

However, the member for Riverton got it right when he said the Minister should consider expanding this foundation's membership to 12 if we are to insist that someone representing arts and culture be on the foundation. That must be a very viable alternative; but to leave the wording as it is and to insist that there be only one person representing local government, and that that person come from the CSCA, will cause all sorts of problems. I am sure the Minister, being a very wise and knowledgeable person as to the state of local government in Western Australia, is very much aware of the problems that will be caused by the proposal he is putting before the Parliament.

Mr WILSON: The member for Wagin argues persuasively and skilfully in concluding his remarks with such comments of flattery, but he does make some sense, I admit. The problem is that in all our negotiations with various community organisations with respect to the foundation everybody wants more members. Sport wants more members, the arts want more members, the health professionals and those representing health promotion interests want more members. We have to see that there is a balance somewhere along the line. I thought

we were addressing the balance in the sense that we were allowing for local government involvement but we were, if you like, skewing that involvement to country interests in order that country interests particularly would be represented. The member for Wagin indicated that he does not object to that, and I am sure he would not. Both he and the member for Riverton make sense in what they say about local government. I can foresee difficulty in that area, and I am aware that a peak organisation has been formed. The problem about nominating peak organisations is that one cannot be sure that that representative will, for instance, be necessarily fully representative of country interests. I often hear that sort of complaint.

All I can say in response to what those members have said - and I take their comments on board - is that further consideration will be given to their comments and to the wishes of the National Party which initially made the point in that regard. If we can see our way clear to it, we will address the matter in another place.

Amendment put and passed.

Mr WILSON: I move -

Page 14, after line 28 - To insert the following subclause -

(2) The Premier shall, before making a nomination for the purposes of subsection (1)(a), consult with the parliamentary leader of each party in the Parliament.

Amendment put and passed.

Mr WILSON: I move -

Page 14, line 29 - To delete "The nomination referred to in subsection (1)(b)" and substitute the following -

A nomination referred to in subsection (1)(a), (b) or (c)

Page 15, line 1 - To delete "(c), (d) or (e)" and substitute the following -

(d), (e), (f) or (g)

Page 15, lines 7 to 11 - To delete the lines and substitute the following -

- (a) the Premier;
- (b) the body referred to in subsection (1)(b);
- (c) the person referred to in subsection (1)(c);
- (d) the organizations referred to in subsection (1)(d), (e), (f) or (g),

Page 15, line 14 - To delete "(2)(a) or (3)(a)" and substitute the following -

(3)(a) or (4)(a)

Page 15, lines 16 to 18 - To delete "body, sporting organizations, cultural organizations or community youth organizations" and substitute the following -

Premier, body, person or organizations

Page 15, line 27 - To delete "(4)" and substitute the following -

(5)

Page 15, lines 28 and 29 - To delete "body, sporting organizations, cultural organizations or community youth organizations" and substitute the following -

Premier, body, person or organizations

Page 15, after line 29 - To insert the following subclause -

(6) The Minister shall, before making an appointment under subsection (5) representative of the interests of the Premier, consult with the parliamentary leader of each party in the Parliament.

Page 15, line 31 - To delete "commencement of this Act" and substitute the following -

appointed day

Page 16, lines 5 to 7 - To delete "sporting organizations, cultural organizations or community youth" and substitute the following -

person or

Amendments put and passed.

Clause, as amended, put and passed.

Clause 19: Term of appointment or nomination -

Mr WILSON: I move -

Page 16, line 15 - To delete "or (e)" and substitute the following -

(e), (f) or (g)

Page 16, line 19 - To delete "(7)" and substitute the following -

(9)

Mr Hassell: What does that do?

Mr WILSON: They are further consequential amendments to the amendments moved for the words inserted in clause 18.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 20 put and passed.

Clause 21: Resignation of members -

Mr WILSON: I move -

Page 16, line 32 - To delete "or (e)" and substitute the following -

(e), (f) or (g)

This amendment is consequential upon other amendments.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 22 put and passed.

Clause 23: Objectives of Foundation -

Dr TURNBULL: I move -

Page 17, line 19 - To insert after "health" the following -

and health

The National Party's proposed amendments to this clause are in line with the amendments I proposed at the beginning of this Committee debate in relation to clause 3, which dealt with the purposes of the legislation. The National Party still feels that the objectives of the foundation need to be widened to involve other areas of health. Therefore it will seek to amend areas which describe, for example, how much money is to be placed in the foundation by the Government. The amendments the National Party wishes to move are in relation to paragraph (f), which is to fund research relevant to health promotion. The National Party wishes to add the words "and health" to make that paragraph read, "to fund research relevant to health and health promotion." This proposed amendment is to accentuate the fact that the foundation has a very strong and large role to play in research activities in this State. The other proposed amendment, which is to paragraph (j), deals with the support and maintenance of services and facilities for the treatment or care of people with smoking related diseases. I have already spoken on that proposed amendment and I will not reiterate my earlier comments.

Mr WILSON: The Government will not support this amendment. The Government believes that the present form of clause 23(1)(f) is sufficient to indicate the objectives of the foundation as it stands to fund research relevant to health promotion. The Government believes that is a broad enough division of the functions to enable quite a wide range of research to be funded. That is in keeping with the other objectives, the major one of which is

to fund activities related to promotion of good health in general with particular emphasis on young people. A range of research projects exist, including the Children's Research Foundation at Princess Margaret Hospital for Children - to which the Government is already contributing - that could easily fit into this definition without the need for extension. The Government does not see the need for this amendment.

Amendment put and a division taken with the following result -

Ayes (22)			
Mr Ainsworth	Mr Grayden	Mr Mensaros	Mr Fred Tubby
Mr Bradshaw	Mr Hassell	Mr Minson	Dr Turnbull
Mr Clarko	Mr Kierath	Mr Nicholls	Mr Wiese
Mr Court	Mr Lewis	Mr Omodei	Mr Blaikie (<i>Teller</i>)
Mr Cowan	Mr MacKinnon	Mr Shave	
Mrs Edwardes	Mr McNee	Mr Trenorden	

Noes (27)			
Dr Alexander	Mr Graham	Mr Parker	Mr Thomas
Mrs Beggs	Mr Grill	Mr Pearce	Mr Troy
Mr Bridge	Mr Gordon Hill	Mr Read	Mrs Watkins
Mr Carr	Mr Kobelke	Mr Ripper	Dr Watson
Mr Catania	Dr Lawrence	Mr D.L. Smith	Mr Wilson
Mr Cunningham	Mr Leahy	Mr P.J. Smith	Mrs Buchanan (<i>Teller</i>)
Dr Gallop	Mr Marlborough	Mr Taylor	

Pairs

Mrs Henderson
Mr Peter Dowding

Mr Watt
Mr Strickland

Amendment thus negatived.

Dr TURNBULL: I move -

Page 17, after line 25 - To insert the following -

- (j) to support the establishment and maintenance of services and facilities for the treatment or care of people with smoking related diseases.

The amendment supports the contention of the National Party that the foundation's objectives should be widened and that the activities of the foundation should include factors related to health, to healthy adults and people who have been smoking, the people affected by smoking and those who are suffering from the effects of smoking tobacco - including those who are actually dying from those effects.

Mr WILSON: I have already indicated the Government's view. We do not support the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 24: Powers of Foundation -

Dr TURNBULL: I move -

Page 18, after line 32 - To insert the following -

- (v) research organizations; and
(vi) youth organizations;

This clause covers an important area where the foundation will make grants to various bodies. The National Party believes that the foundation's sphere of influence and activity should be widened. Moneys collected through tobacco taxes should be used in the pursuit of research into the effects of smoking tobacco and how we can discourage people from smoking, and to promote healthy lifestyles. We should encourage people to change their lifestyles and to become more healthy.

Mr WILSON: The Government accepts the amendment.

Amendment put and passed.

Mr WILSON: To retain the proper meaning of the clause, it will be necessary to move a consequential amendment to delete the word "and" after "health organisations;" at page 18, line 31.

The DEPUTY CHAIRMAN (Mr Donovan): There is no need to move an amendment; the clause can be amended through clerical action.

Clause, as amended, put and passed.

Clause 25: Ministerial directions -

Dr TURNBULL: I move -

Page 19, line 8 - To delete all words after "may" and substitute the following -
make a request of the

The foundation should be independent and be able to control its own activities; it should not be subject to the will and direction of any Minister or any party which happens to be in Government at any time. This amendment will ensure that. The Minister will put the case that ministerial direction has to be permitted in line with the Financial Administration and Audit Act. Our contention is that the Minister should not in any way have any right to give directions to the foundation. The foundation should have the opportunity not to give effect to any such direction. This amendment will definitely decrease the effectiveness of the foundation.

Mr WILSON: The member for Collie was right in predicting what I would say. The Government cannot accept an amendment to remove the requirement for ministerial direction. The provision is consistent with Government policy and in keeping with the recommendations of the Burt commission. I draw the attention of the Chamber to subclause 25(2) where that is circumscribed to a large degree and where the provision is that the actual text of any such direction given under this subsection shall be included in the annual report submitted by the accountable authority of the foundation under section 66 of the Financial Administration and Audit Act.

While I understand the apprehensions contained in the remarks by the member for Collie and the National Party's concerns, we are in a difficult position because we believe that, to be true to the Burt commission's requirements, we must leave that there. The authority will have large amounts of public moneys to disburse and we feel that, in terms of the commission's report, ministerial accountability needs to be written into the Act. We hope that the second subclause of that clause will give some comfort to those with that concern.

Mr HASSELL: The Minister is making what I regard as inadequate excuses about this matter. The fact is that the Financial Administration and Audit Act does not require this clause to be included in the Bill and neither does the Burt commission report. In fact, the Government has set precedents for alternatives to this by its own amendments to the Western Australian Development Corporation legislation which allows the Government to comply with the obligation of the Minister to Parliament and that is what is required here.

I agree with the Minister that there should be a response to the Burt commission report in allowing the Minister to answer questions in Parliament and to be provided with information. What we need are amendments that will give the Minister clear power and authority to require action of the WA Health Promotion Foundation which allows the Minister to be accountable to Parliament. However, that does not extend to the Minister the right to be able to give directions to the foundation in respect of the exercise or performance of any or all of its functions because the Minister could direct the disbursement of moneys and that makes it clear that the Government could exercise political influence. No one should think that it will not happen because it will happen. An election could be coming up and a Minister or a Government may want to make a big fellow of himself or itself with some organisation. Everyone knows how Brian Burke operated. Brian Burke made agreements with people all around the place and had them carried out.

Mr MacKinnon: The current Premier is no different.

Mr HASSELL: That is right. If a Minister has a power of direction, that power of direction will be used to direct money to people that the Government wants to favour.

The principle that is sought to be established is that the foundation should be removed from political influence and that principle must be carried through. As far as I am concerned, we will be seeking amendments in another place that affect the Government's amendments which allow for parliamentary accountability but which do not allow for political direction.

If subclause 25(2) requires the sanction of reporting to Parliament, an annual report is not enough. We need a requirement that there be an immediate report to the House on each occasion such directions are given. However, I do not think that should arise because the foundation should be removed from the capacity for general ministerial direction and any ministerial direction should be specific.

In an earlier part of the debate, the Leader of the National Party said that he did not share with me the suspicions that I had about the Government being able to prescribe certain matters. I have no faith in this Government. Its record of performance in matters political is simply deplorable. I want to see written into the Statutes some statutory protection from the sorts of activities which we know the Government has got up to over a long period.

Dr Watson: You would not even have this legislation.

Mr HASSELL: That is true; I told the Chamber that. However, as I said at the outset of my speech this afternoon, if we are to have legislation, it needs to be amended and we will play a full part in seeking those amendments.

Amendment put and a division taken with the following result -

Ayes (21)			
Mr Ainsworth	Mr Grayden	Mr Minson	Dr Turnbull
Mr Bradshaw	Mr Hassell	Mr Nicholls	Mr Wiese
Mr Clarko	Mr Lewis	Mr Omodei	Mr Blaikie (<i>Teller</i>)
Mr Court	Mr MacKinnon	Mr Shave	
Mr Cowan	Mr McNee	Mr Trenorden	
Mrs Edwardes	Mr Mensaros	Mr Fred Tubby	
Noes (26)			
Dr Alexander	Mr Grill	Mr Pearce	Mr Troy
Mrs Beggs	Mr Gordon Hill	Mr Read	Mrs Watkins
Mr Carr	Mr Kobelke	Mr Ripper	Dr Watson
Mr Catania	Dr Lawrence	Mr D.L. Smith	Mr Wilson
Mr Cunningham	Mr Leahy	Mr P.J. Smith	Mrs Buchanan (<i>Teller</i>)
Mr Donovan	Mr Marlborough	Mr Taylor	
Mr Graham	Mr Parker	Mr Thomas	
Pairs			
Mr Watt		Mrs Henderson	
Mr Strickland		Mr Peter Dowding	
Mr Kierath		Mr Bridge	

Amendment thus negatived.

Dr TURNBULL: The other two amendments to this clause which the National Party has on the Notice Paper were consequential to the previous amendment being carried. There is not much point in moving these amendments because they reiterate that the provision of the request be in writing.

Clause put and passed.

Clause 26: Staff of Foundation -

Dr TURNBULL: I move -

Page 19, lines 17 to 19 - To delete all words after "may" up to and including "otherwise and" and substitute the following -

employ

The reason for this amendment is that the National Party does not believe this legislation is the place to spell out how the foundation will employ its employees. This legislation has nothing to do with industrial relations matters. It may be a trivial amendment, but people have a right to be employed under conditions acceptable to both the employers and the employees and not be subject to legislation of this type.

Mr WILSON: Advice from the Crown Law Department is that this is a standard provision. The omission of such a reference will not mean that the Industrial Relations Act will not apply. The amendment will create a resumption for the exclusion of a standard provision and indicates the intention not to employ in accordance with awards. The Government will not accept this amendment.

Amendment put and negatived.

Clause put and passed.

Clause 27: Funds of Foundation -

The DEPUTY CHAIRMAN (Dr Gallop): I will deal with the amendments in order. I give the call to the Minister.

Point of Order

Dr TURNBULL: Two of the amendments deal with the same line. Mr Deputy Chairman, which amendment do you want to take first?

The DEPUTY CHAIRMAN: I have given the call to the Minister.

Committee Resumed

Mr WILSON: I move -

Page 20, after line 12 - To insert the following paragraph -

(a) moneys paid to the Foundation under subsection (2);

Mr COWAN: Mr Deputy Chairman, this is where the difficulty arises. It is very clear that we have a problem inasmuch as the amendment to be moved by the Minister is a lot tighter than the clause in the Bill. However, it goes nowhere near as far as we would like to take it. We have a great degree of difficulty and that is one of the reasons we should have pressed a little more the question of which amendment should have taken precedence. While we accept that the amendment is stronger than the National Party's amendment it does not go anywhere as near as far as the National Party would like it to travel. If we accept this amendment it would make it difficult for us to improve on it yet again. Perhaps you, Mr Deputy Chairman, would advise me. We are now forced into a position of saying that the amendment which the Minister has moved is better than that which exists. Where do we go, when seeking to insert our amendment which is different, but which deals with the same words? I would accept your advice and would be very interested to hear it.

The DEPUTY CHAIRMAN: I think the way in which the member should proceed is to defeat the amendment moved by the Minister.

Mr Cowan: We can't.

The DEPUTY CHAIRMAN: That is the member's problem. If he does not have enough members in this Chamber I cannot determine that. I am just in the Chair.

Mr COWAN: Mr Deputy Chairman, you have left us with no choice because you have given the call to the Minister. Having given us that advice I indicate to the Minister that while we acknowledge what he is seeking to do is better than what is contained in the Bill we will be required, in order to demonstrate to him that we do not think it goes far enough, to vote against it in an attempt to defeat the amendment.

The argument that has been put forward in regard to the provision of moneys for the foundation is that the Government has applied, through another law, a tax on tobacco and that tax raises something like \$90 million. In fact, the Government increased the rate of that tax to a level which raises \$28 million more in any financial year. Of that money only 10 per cent of the total tax, or \$9 million, is to be appropriated under this legislation for the foundation. We have always held the view that all the income from the tobacco tax should be placed in the trust. That money should then be directed to health promotion, health services and matters of that nature without using funds from the Consolidated Revenue Fund.

If a tax is to be applied to tobacco products - as the Government proposes, and the National Party has no objection to that - any money collected should be directed to the areas where the consumption of tobacco creates additional cost for the Government; that is, to the provision of health services. It would have been more appropriate to put all the money into the foundation and then direct it into health services. That is the purpose of the amendment about to be moved. Having directed the bulk of the funds to health services we then go back to the Minister's amendment which relates to the money to be used for health promotion. The other advantage of placing all the money raised from this tax into the foundation is that it would negate the argument put forward by the Opposition and the tobacco companies that the revenue raised by this tax will go not into the foundation but into the Consolidated Revenue Fund. We are aware as a result of the information contained in the Solicitor General's letter that the Consolidated Revenue Fund can be used for any purpose at all, including the repayment of some of the Government's losses. In this respect the Opposition and the tobacco companies could be right in thinking that the additional revenue gained from the tobacco tax will be used for purposes other than those to which it should be directed, that is, health promotion and services, and a better lifestyle for the people of Western Australia. The National Party accepts that the amendment moved by the Minister is an improvement on the provision in the Bill, but we do not think it goes far enough. Therefore, we are compelled to oppose the amendment.

The DEPUTY CHAIRMAN (Dr Gallop): If the amendments proposed by the Minister for Health are passed, that will not preclude the member for Collie from moving her amendment, which would then become paragraph (b).

Mr COWAN: I do not think it can be dealt with in the way suggested because the amendment moved by the Minister is to insert the words "moneys paid to the foundation under subsection (2)". The National Party would prefer the clause to be amended so that the funds available for the purpose of enabling the foundation to achieve its objectives and to exercise and perform its functions consist of all revenue from licence fees payable under the Business Franchise (Tobacco) Act 1975.

The DEPUTY CHAIRMAN: That is a different Act so it is a different source.

Mr COWAN: I do not accept that it is a different source. In this amendment the Minister is confining the moneys to be paid into the foundation to a percentage of the tobacco tax. The Minister has placed in an amendment yet to be moved a qualification that at least 10 per cent of the tobacco tax will be paid to the foundation, but the National Party maintains that all moneys derived from that tax should be paid to the foundation. Our difficulty lies with the contradiction, but it is the same money coming from the same source.

The National Party has quite clearly made its point with regard to the revenue raised from the tobacco tax. Because of the present circumstances and the hour, and because I can count the numbers in this House, it is probably preferable for us to vote against the Minister's amendment indicating that we wanted all the money placed into the foundation. The National Party will place its opposition to this amendment on the record.

Amendment put and a division taken with the following result -

Ayes (25)

Dr Alexander	Mr Grill	Mr Pearce	Mrs Watkins
Mrs Beggs	Mr Gordon Hill	Mr Read	Dr Watson
Mr Carr	Mr Kobelke	Mr Ripper	Mr Wilson
Mr Catania	Dr Lawrence	Mr D.L. Smith	Mrs Buchanan (<i>Teller</i>)
Mr Cunningham	Mr Leahy	Mr P.J. Smith	
Mr Donovan	Mr Marlborough	Mr Taylor	
Mr Graham	Mr Parker	Mr Thomas	

Noes (20)

Mr Ainsworth	Mrs Edwardes	Mr Mensaros	Mr Trenorden
Mr Bradshaw	Mr Grayden	Mr Minson	Mr Fred Tubby
Mr Clarko	Mr Hassell	Mr Nicholls	Dr Turnbull
Mr Court	Mr Lewis	Mr Omodei	Mr Wiese
Mr Cowan	Mr MacKinnon	Mr Shave	Mr Blaikie (<i>Teller</i>)

Pairs

Mrs Henderson
Mr Peter Dowding
Mr Bridge
Mr Troy

Mr Wan
Mr Strickland
Mr Kierath
Mr McNee

Amendment thus passed.

Mr WILSON: I move -

Page 20, after line 17 - To insert the following subclause -

(2) There shall in respect of the financial year commencing on 1 July 1990 and of each subsequent financial year be paid to the Foundation an amount equal to at least 10 percent of the total amount of fees paid under the *Business Franchise (Tobacco) Act 1975* to the Commissioner of State Taxation during that financial year, and the Consolidated Revenue Fund is hereby appropriated to the extent necessary for the making of each such payment.

I am sorry that the National Party did not have an opportunity to move its amendment as I realise it would have made for better handling of this situation. Much has been said during the course of the second reading debate and the Committee debate about the Government's intentions in this regard. I reiterate that from the beginning the Government has made clear what amounts will be made available to the foundation. In moving this amendment the Government seeks to resolve some of the criticisms raised; namely, that there was no specific undertaking in the Bill and people held the view that that meant the Government was not as committed as it should be.

It is necessary to look at the total situation when broaching this issue. Calculations show that on the basis of an annual amount of \$9 million the foundation in Western Australia would be a larger contributor on a per capita basis than the equivalent bodies in either South Australia or Victoria. In addition, the Government is already making in excess of \$8 million available through the Health Department for health promotion programs in Western Australia. That is a greater amount spent on health promotion than is being spent in any other State in Australia, including New South Wales, which under a conservative Government introduced a tobacco franchise tax, all of which goes into Consolidated Revenue Fund and none of which is set aside for the sort of foundation we are discussing here.

Obviously people can say that they believe the whole amount should go into the foundation. Unfortunately, I am still not clear what the National Party means by that. It is talking about the whole of the tobacco franchise tax being set aside for certain purposes. The National Party has made clear that a proportion of that tax would go to the Health Department, presumably for the funding of Government programs, but that a much larger amount of the order of \$28 million would be retained by the foundation for its allocation.

Mr Cowan: That would cover the \$8 million you are already spending on health promotion.

Mr WILSON: So that would be returned to the Health Department, would it?

Mr Cowan: Yes, directly to funding the campaign.

Mr WILSON: I found it difficult to get clarification on this matter. I would like that clarification of intention in precise terms because until I have that I am not authorised to depart from this, the Government's bottom line. If it were possible to get further clarification and careful commitments about what are the National Party's intentions with regard to its amendments then further consideration could be given to this matter. In any case, the Government believes that by moving this amendment it is complying with the demands that have been made to give a specific commitment in the Bill.

I think the Leader of the National Party accepts that although he has made clear the National Party's intentions in relation to this matter that it is not enough. We must have regard to the total situation and to the fact that we are acting in a situation which is common in other parts of Australia where this approach is used as a means of general revenue raising. The tobacco franchise tax has been used as a means of general revenue raising since it was instituted by the Court Government in 1975. That is the case in every other State of Australia.

I do not think we can be cast aside as terrible villains for not complying with what is required

by members on the other side of the Chamber. We are setting aside a very significant sum of additional money for additional programs, apart from the reimbursing of those organisations which may lose out on tobacco sponsorship; in doing so we are complying with a standard which is beyond that applied in any other State of Australia. So what is being done is additional to what was done previously; in that regard, we are addressing a balanced situation in respect of what is acceptable around the country. It may be possible, between now and when this legislation is cleared through another place, for us to give better clarification of what the National Party is envisaging, but this has to be the bottom line for the Government.

Mr HASSELL: It is probably fairly easy to add to the amendment the words "at least", but we are talking about an appropriation of revenue. Who will decide that the "at least" should be 20 per cent instead of 10 per cent; and will that be appropriated under this section, or will it be otherwise appropriated? I do not think that the Minister's advisers would propose the inclusion of the words "at least". I believe the Minister wants to include those words for appearance's sake, but that does not read very well when one is talking about an appropriation of money. We can hardly have an appropriation in this Chamber of at least \$1 million or at least \$10 million. There has to be an appropriation of an amount. The Minister wants to have an appropriation of an amount; he has a problem if he leaves the amendment like this.

Amendment put and passed.

Mr WILSON: I move -

Page 20, after line 31 - To insert the following subclause -

- (4) A publication, pamphlet or advertisement that is paid for, wholly or in part, from the moneys from time to time in and standing to the credit of the Fund shall not contain any picture of, statement by or reference to any Member of Parliament, other than any statement or reference of that kind -
 - (a) required by law; or
 - (b) necessary or desirable for a proper understanding of the subject matter of that publication, pamphlet or advertisement.

Mr COWAN: The two amendments deal with the same clause, and they both have the same impact. We have no difficulty with the wording used by the Minister in his amendment, with the exception of paragraph (b), which we see as being totally unnecessary. We can accept that a publication, pamphlet or advertisement shall not contain any reference to any member of Parliament, other than any statement or reference of that kind required by law, but we cannot accept part (b) which says, "necessary or desirable for a proper understanding of the subject matter." I do not think the Minister would do this, but I suggest that all his colleagues could drive a truck through that, and the next thing we would have is a full page advertisement, with 95 per cent of the page containing a photograph of the Minister, if it is considered desirable for that Minister to explain something. We will accept the Minister's proposed amendment if he is prepared to accept the deletion of paragraph (b).

Mr WILSON: This is not something I want to contest strongly at this time of the night. I can understand why the Leader of the National Party may be concerned about it, but the reason this was put in was for fairly minor purposes. For example, in printing the annual report, it may be considered necessary to say who the chairman was, and by whom he was appointed, so there would be no doubt that the chairman was nominated by the Premier.

Dr Turnbull: Paragraph (a) should cover that: "required by law".

Mr WILSON: I do not know that that is required by law. I do not feel strongly about it. I am simply taking the advice of Crown Law in saying that there could be a technical difficulty in referring to those sorts of machinery things without its being intended to be used by law abiding politicians. I do not know how strongly the Leader of the National Party feels about this, but I can advise him that is the real intention of including it. The member's worries may be lessened if we delete "or desirable" and simply retain "necessary for a proper understanding".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 28: Temporary investment of moneys in Fund -

Dr TURNBULL: The National Party is presenting an amendment to increase the independence of the foundation in order to ensure the investment of its moneys so that any investment plus interest accruing will be under the control of the foundation at all times. I move -

Page 21, lines 21 to 25 - To delete the lines and substitute the following -

deposited in an interest bearing account with a bank as defined in section 5 of the *Banking Act 1959* of the Commonwealth, as amended and in force for the time being, a bank constituted by or under the law of the State or a building society within the meaning of the *Building Societies Act 1976*.

(2) All interest paid by the bank or building society shall be credited to the Fund.

Mr WILSON: The problem with this amendment is that it will introduce a degree of inflexibility into the clause. It will result in a lack of flexibility in a wide range of investments, apart from bank deposits. In spite of the lack of reference to it, the Financial Administration and Audit Act and the Treasurer's control still apply, as they do to other statutory authorities. The concern on which this amendment is based may be mitigated by that.

Although we do not strongly contest the amendment, it will impose constraints on the flexibility of the foundation using its funds when those safeguards actually apply to the control of the funds.

Amendment put and negatived.

Clause put and passed.

New clause 29 -

Dr TURNBULL: I move -

Page 21, after line 25 - To insert after clause 28 the following new clause to stand as clause 29 -

Disbursement of moneys in Fund

29. All moneys received by the Foundation in any one financial year shall be disbursed before two months after the end of that financial year.

This is a very important amendment related to the independence of the foundation. The National Party does not want it to be possible for the foundation's funds to be used as a slush fund. There must be no way in which moneys can be accumulated and disbursed at a time suitable to the Minister, or perhaps to a member of the foundation. This would defeat the purpose of having the moneys disbursed to those who need them at the time they need them. Moneys could be used for the purpose of promoting a factor other than health; perhaps for the wellbeing of the Government which happens to be in power at the time, or to promote some other organisation.

The Government might not want to support this amendment, but the National Party considers it a very important one. In other States quite large amounts of money are being accumulated in such foundations, and we feel that this is not the correct thing to do. If the money had all to be disbursed in one year, there might not be a deserving cause. There might not be sufficient applications for the funds, but within the first year especially, when a lot may be spent on buying out sponsorships, I see no problem in the disbursement of the moneys. The National Party is concerned to see that the foundation is not used as an arm to promote the Government in power at the time. I recommend this clause to the Chamber.

Mr WILSON: While I appreciate the sentiments of the member for Collie in moving for the inclusion of this new clause, the Government is opposed to it because it is a way of preventing the Western Australian Health Promotion Foundation from building up a capital base to compensate for the tobacco tax decreasing over time. We heard in debate earlier tonight that if all this health promotion and the bans on advertising are successful, and if people such as Hon Reg Davies screw up their packets of tobacco and give up smoking, the proceeds from the tax are bound to decrease and the amount of money coming to the

foundation will decrease; therefore it could be a benefit for the foundation to be able to build up a capital base to compensate for any such decrease.

Also, as the member for Collie herself has indicated, the fund is dependent on meritorious applications for its disbursements and it could be limited in that situation. Even if, as the member suggested, in the first year the foundation does not have difficulty in quitting itself of \$5 million, we must remember that at best the foundation will get under way in February or March 1990 and will have only a few short months in which to call applications and process them. As to substituting sponsorship for sport and other events, that will not be a problem for another 12 months because of the phasing out provision; so it really will not be all that easy in the first phase. It will not be easy in subsequent phases either, because the foundation, if it is to do its job properly, will have to do a fair bit of work to ensure that the applications that come forward are the right sort of applications - those which are trying to get across health messages and are promoting good health in the community. Therefore it could easily be envisaged that there will from time to time be a build-up of funds.

Of course, if we accept the member for Collie's amendment the prospect is that we will see what I assume she would want to see; that is, money going back into the Consolidated Revenue Fund because it has not been spent within the prescribed period. So it is probably a matter about which we should think a little more before we commit ourselves. Certainly we see problems with it and for those reasons we do not support it.

Dr TURNBULL: The Minister's reasons are very spurious. The first, in particular, when he said that the income from the tobacco tax will drop, is no excuse at all for accumulating money so that the Government can have a capital base. If and when - as we hope and as even the tobacco lobby itself predicts - the tax revenue from tobacco products drops, that is to be applauded; that is the whole objective. We will not have to buy out sponsorship of sporting bodies by that time and the moneys will be able to be spent on promotion of healthy living with great confidence that it is being successful. We may not have to run quite as many advertising campaigns by that time, either.

The other factor presented by the Minister - that is, that there will not be enough activity and proposals that warrant funding - is again very doubtful because in this State we have a newly formed WA Research Institute for Child Health. The institute is just starting to get off the ground and it needs a lot of assistance to continue the programs it is setting up. That will be a worthwhile area in which to expend this money. There is absolutely no reason why the foundation should have any idea at all of building up a capital base which will be kept within the foundation. That would be completely contrary to its expressed objectives.

Amendment put and negatived.

Clause put and passed.

Clauses 30 and 31 put and passed.

Clause 32: Offences by bodies corporate -

Dr TURNBULL: I move -

Page 23, lines 3 and 4 - To delete the lines and substitute the following -
an officer of the body corporate commits the like offence if

Page 23, line 5 - To delete "without" and substitute the following -
with

Page 23, line 7 - To delete "exercised" and substitute the following -
failed to exercise

The National Party proposes these amendments because this clause presumes that there is an offence. It is trying to make the offence active on all the people involved instead of just on the body corporate. By these amendments we are trying to emphasise that if anybody is to be presumed to have committed any offence that person will have to be very distinctly designated and it will not be possible for it to be said that every officer of the body corporate has committed an offence unless it is proved that they did so or that it was done with their consent. That is the reason for our amendments - we do not believe people should have to prove their innocence.

Mr WILSON: It is possible that in moving these amendments the actual legal position was not understood by the member for Collie. The provision does not seek to reverse the onus of proof but merely to extend what we might call the net of accountability beyond the directors, so that to create liability the Crown would still have to show the requisite criminal mental intent in the officers of the company; the officers of the company are defined in subclause (2). Therefore the member does not need to have that apprehension. There is no intention here at all of reversing the onus of proof in any way, and in that case we do not see the need for the amendments.

Amendments put and negatived.

Clause put and passed.

Clause 33 put and passed.

Clause 34: Regulations -

Dr TURNBULL: I move -

Page 24, lines 23 to 26 - To delete the lines.

As members can see, this clause deals with regulations in relation to the activities of tobacco sales in Western Australia. Clause 34(1)(e) reads as follows -

applying, adopting or incorporating (with or without modification and wholly or in part) any matter contained in, or in an instrument made under, a Commonwealth Act as in force from time to time;

The National Party wishes to delete these words because it does not feel that a Commonwealth Act should have anything to do with a State Act. We feel that paragraph is redundant; the National Party does not want to have a Commonwealth Act being forced upon this State.

Mr WILSON: The Government accepts this amendment.

Amendment put and passed.

Dr TURNBULL: I move -

Page 24, lines 33 to 34 - To delete the lines and substitute the following -

provided that in respect of any such offence the penalty does not exceed \$1 000.

Clause 34(1)(h) relates to creating offences. The National Party feels this is far too wide.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 35 to 41 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Wilson (Minister for Health), and transmitted to the Council.

UNIVERSITY OF NOTRE DAME AUSTRALIA BILL

Second Reading

DR LAWRENCE (Glendalough - Minister for Education) [1.27 am]: I move -

That the Bill be now read a second time.

I am pleased to be able to introduce this important Bill into the Parliament. Its purpose is to give legal standing to the University of Notre Dame Australia - NDA - to be established in Fremantle. Although this Bill establishes the university as a legal entity, it does not guarantee its existence. This legal status enables the university to enter into negotiations

with the Australian Vice-Chancellors' Committee and various professional bodies for recognition and accreditation.

Such legal standing is also necessary for NDA to pursue in a realistic manner the necessary fundraising program which will provide much of the resource base to enable the new university to come into being and to thrive. The viability of the university will depend significantly on its capacity to attract substantial private financial endowment. I understand that a great deal of the groundwork for this important task has been done. The Government is pleased to support the establishment of NDA through this legislation. The Government recognises that this new Australian institution has the potential to grow from small beginnings to an outstanding university, following in the great tradition of its American namesake, the University of Notre Dame, Indiana. The Government welcomes the support of that American institution for this venture, including the proposal for some of its senior officers to become foundation trustees of NDA.

Western Australia can take pride in the establishment of this first Australian Catholic university. It is also notable as the first such institution which its prestigious American namesake has sponsored outside the United States. The Government recognises that a successful University of Notre Dame Australia can make a unique contribution to Western Australia by -

adding to Western Australia's national and international reputation for excellence and uniqueness in higher education;

enhancing the economic development of the State in general and Fremantle in particular, and providing a new source of much needed export earnings; and

contributing in a special way to Western Australia's social and cultural development.

This Bill presents a university charter which is to some extent modelled on those of other well known universities, but which also has special features that reflect its essentially private and independent status. Part 2 of the Bill provides for the establishment of the university as an incorporated body and provides a statement of its objects and authority to award degrees, diplomas and other awards. These provisions are in a simplified form of provision in legislation which has established other universities in this State.

Part 3 of the Bill provides the mechanics of the government of the university. The governing body of the university is to be a board of governors, exercising the powers commonly associated with the senates of other universities. However, in keeping with the nature of a private university there is no provision for Government representation on the board of governors.

The Bill also provides for the appointment of trustees. This group does not have day-to-day involvement in the university management but exists to ensure that the university remains true to its mission. This is both an academic and a canonical responsibility. Under Canon law the trustees will be responsible to the Catholic Archbishop to ensure that the university retains and fosters its Catholic ethos.

Part 3 of the Bill also provides for the appointment of a chancellor, a vice-chancellor and a provost, or academic principal.

Part 4 of the Bill provides the university with authority to make statutes, by-laws and regulations for application only to students and staff. These provisions are general and, unlike the detail in similar legislation for public universities, leaves it to the university itself to decide the procedures for establishing and changing its statutes, by-laws and regulations. Importantly, because the university is not a statutory authority or agency, its rules, statutes, by-laws and regulations are not to be interpreted as subsidiary legislation or regulations under the Interpretation Act 1984.

The provisions of part 5 are similar to those for public universities. This part provides authority for the management of property vested in the university, for the management of investment and trust funds, and for the use of properties held in trust by the university such as could be expected from endowments, bequests and other gifts.

Part 6 of the Bill establishes the nature of the incorporated body being formed. While the university is established by Statute, it is not a statutory authority of Government. The purpose of part 6 is to make the university financially independent of the Government. It is

not to receive direct funding from the Consolidated Revenue Fund and, unlike a statutory agency, is not to have any shortfalls in operating revenues made up from a Government Budget.

This Bill will not, of itself, preclude the university from applying for research grants. However, the university has yet to establish its standing with relevant State and Commonwealth authorities which would make it and its future students eligible for such grants. The university will be able to compete with other institutions in selling services to the Government.

Part 7 of the Bill provides for the accounting, auditing and reporting standards of the university. Because it is not a statutory authority, it would be inappropriate for the university to be subject to the Financial Administration and Audit Act. However, it is also not a registered company and hence not automatically subject to the Companies Code. Part 7 sets out a requirement for accounting and auditing standards that would satisfy the requirements of the companies laws and ensure that the university has appropriate public accounting for its activities.

Finally, this university will be subject to the provisions, including section 73(1), of the Western Australian equal opportunity legislation. This should guarantee that it is a free and open institution in its staffing and enrolment policies and yet ensure that its own special character is safeguarded.

Mr Speaker, this Bill, although only a stage in the development of the University of Notre Dame Australia, represents the culmination of a great deal of ideas development, hard work, and consultation by the university planning board and many other people in the community dedicated to making this a successful venture. It will be the basis for the development of an institution of national and international repute for its quality and special mission. It is with much pleasure that I commend the Bill to the House.

Debate adjourned, on motion by Mrs Edwardes.

STAMP AMENDMENT BILL (No 3)

Returned

Bill returned from the Council with amendments.

Speaker's Statement

THE SPEAKER (Mr Barnett): The Legislative Council has returned to the Assembly the Stamp Amendment Bill (No 3) 1989 which it has purported to amend.

It appears from the second reading speeches on the Bill and on the Stamp Amendment Bill (No 4) 1989 that the No 4 Bill dealt only with the charging provisions of the second schedule to the Stamp Act, and the No 3 Bill was intended to put those charging provisions into effect.

In reviewing Speakers' rulings relevant to section 46 of the Constitution Acts Amendment Act 1899, which deals with powers of the two Houses in respect of financial Bills, there appears to have been a generally consistent approach. However, in 1966 Speaker Hearman ruled in relation to the Stamp Amendment Bill 1966 that it was not a taxing measure and therefore an amendment made by the Legislative Council was in order. A week later in relation to the Stamp Amendment Bill (No 3) 1966, the Speaker ruled that an amendment by the Legislative Council was beyond the powers of the Council and could not be considered by the Legislative Assembly.

In an attempt to distinguish between these apparently conflicting rulings, Speaker Hearman said that the amendment to the first Bill conferred a discretionary power and "did not insist that the Treasurer need forgo a single cent of taxation revenue" and the Speaker had, therefore, ruled the amendment in order. He said the House had not treated the Bill as a taxing measure, by which it seems he meant that it contained matters other than purely taxation and therefore was within the scope of section 46(7), the "anti-tacking" provision. He thought that if the Assembly treated taxing Bills in this way it forfeited the normal controls it has over taxation powers.

With this part of that ruling I must disagree. Whether or not a Bill was drafted in accordance with section 46(7), the limits of the power of the Council in relation to taxing measures remain unaffected. If the Council believed that a Bill offended the anti-tacking rule, there

are ways for that to be dealt with. Any such supposed breach of subsection (7) cannot be used as a vehicle for transferring the financial initiative of the Legislative Assembly to the Legislative Council.

Section 46(2) is unequivocal. It states -

The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue or monies for the ordinary annual services of the Government.

The question to be answered before considering the schedule of Council amendments to the Stamp Amendment Bill (No 3) 1989 is, does the Bill impose taxation? At first glance the answer would seem to be no. However if we look at the end result of the Council amendments which, according to public comment, will reduce taxation income by up to \$15 million, the case needs to be reconsidered. I have not heard argument on this matter from either side of the House and I am therefore not prepared to rule definitively on this aspect.

There is, however, in amendment No 18 in the schedule of amendments from the Legislative Council, a clearly unacceptable amendment. The Stamp Amendment Bill (No 4) 1989 was assented to last month. Amendment No 18 purports to amend the Stamp Amendment Act (No 4) 1989 - something which the Council could not do when that Act was a Bill before this Parliament.

For the Assembly to agree that the Council had the ability to amend an Act which it could not amend as a Bill would be to make significant inroads into the financial initiative of the Legislative Assembly.

In view of this and the general doubts in respect of the Stamp Amendment Bill (No 3) 1989, I strongly recommend to this House that it treats all of the purported Council amendments as a mere request and proceed accordingly, informing the Legislative Council in due course of the way in which the Assembly has treated the message and the Bill. If this course of action were taken, I would further recommend that the Council be advised that this action was not to be taken as a precedent.

MOTION - STAMP AMENDMENT BILL (No 3)

Council's Message - Committee of the Whole, Amendment Request Acceptance

MR PARKER (Fremantle - Treasurer) [1.39 am]: I move -

That this House instructs the Committee of the Whole considering Legislative Council Message No 51 relating to the Stamp Amendment Bill (No 3) 1989 to regard the Schedule annexed to that Message as containing requests from the Legislative Council to amend the Bill.

My move in this regard is to reflect the urging just given to the House by the Speaker as to how it should regard the message. In order to make sure members do not unnecessarily debate the issue, I give advance notice to the House that when in Committee I will recommend to the Committee of the Whole that it accept the request put to it and advise the Legislative Council that the Assembly will be accepting its request. I do not want to dwell too long on this motion except to say that it is important, as you have indicated, Mr Speaker, to make the point about the financial initiatives power and about the respective powers of the two Houses. As a result, the motion reflects the urging that you have made to us.

Mr MacKinnon: Do you want to move this now?

Mr PARKER: I will move a motion that we accept the amendments. These are the Opposition's amendments.

Mr MacKinnon: I have not had time to read the speech. I would be happy to deal with this matter first thing tomorrow if I have time to examine the matter.

Mr PARKER: We will agree to that. The Leader of the Opposition may move for the adjournment of this matter after I have finished my points. The point I want to make is a point of principle. We are happy to deal expeditiously with the legislation.

Mr COURT: Will you amend the Budget for the \$15 million? If it is \$15 million short will you change it?

Mr PARKER: No, because the Budget before the Houses appropriates revenue raised. The Estimates of Revenue may be out, but those Estimates are not before this House or the other House; they are Estimates of Revenue that we may raise. The Bill which is before the other place is a Bill to appropriate certain sums out of whatever revenue exists. It does not need to be amended as a result of that.

Debate adjourned, on motion by Mr MacKinnon (Leader of the Opposition).

ACTS AMENDMENT (DETENTION OF DRUNKEN PERSONS) BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr D.L. Smith (Minister for Justice), read a first time

Second Reading

MR D.L. SMITH (Mitchell - Minister for Justice) [1.42 am]: I move -

That the Bill be now read a second time.

This Bill will implement the last major item in the package of measures to reduce the rate of imprisonment which the Attorney General announced in a ministerial statement on 29 October 1987. This package was part of the Government's program of reform of the criminal law. In relation to punitive measures, that program has been guided by the principle that more severe penalties should be provided for the most serious offences, especially those involving violence and drugs, but that greater emphasis should be placed on non-custodial alternatives for what may reasonably be regarded as lesser offences. The Government has also enacted the principle, regularly expressed by the Court of Criminal Appeal, that imprisonment should be the sentencing option of last resort. Since the Attorney General's statement in 1987 a number of measures have been approved by the Parliament, including -

- amendments to the parole system;

- the removal of mandatory imprisonment for various traffic offences;

- statutory expression of the principle that imprisonment should be the sentencing option of last resort; and

- the introduction of a community corrections centre program for dealing with the non-payment of fines.

The present Bill strikes a balance between the continuing need to remove drunken persons from public places and the desirability of reducing the role of the criminal justice system for this purpose. The Bill in fact enhances the ability of the police to deal with drunken persons and with other more substantial duties by removing much of the administrative work which is associated with the present system of detention. This requires police officers to book in drunken persons, take care of them, charge them, prosecute them in court, and then in many cases subsequently pursue the non-payment of a relatively insignificant fine. Imprisonment in default of payment of fines has frequently followed, and while this aspect of the matter should be assisted by the community corrections centre program it would be unrealistic to expect it to be wholly overcome.

The immediate effect of this Bill will be to reduce significantly the number of court appearances and the pressures on police time. It will also contribute to a reduction in the rate of imprisonment because as there will be no court hearings on charges of drunkenness there can be no subsequent imprisonment in default of payment of fines for such offences. The police will simply apprehend drunken persons and either place them in a police facility until they are sober, or release them to a third party, whereupon they will cease to be in custody.

An added imperative to the introduction of this measure has been the increasing incidence of deaths in custody, especially of Aboriginal people. Both the Western Australian interim inquiry - the Vincent inquiry - and the Royal Commission into Aboriginal Deaths in Custody have recommended measures of the sort contained in this Bill. Commissioner Muirhead, in his interim report, pointed out that in 1985, for example, 90.9 per cent of drunkenness convictions in Western Australia were recorded against Aboriginal people. He said -

I have no doubt as to the significance of alcohol as a factor in custodial deaths, a significance not confined to the deaths of Aboriginal people. The evidence before the

Commission, including oral evidence and written submissions, suggests that both in Australia and overseas alcohol is the single factor most consistently linked with deaths in police custody. Intoxication at the time of arrest or detention plays a predominant role in ensuing tragedies.

The vulnerability of an intoxicated person at the time of arrest and detention cannot be overemphasised. There is much medical evidence and material which shows that a person who is intoxicated or suffering from withdrawal may be under a great deal of stress, both physiological and psychological, and thereby at risk if unsupervised. People who are seriously affected by alcohol need proper treatment and care. Lonely isolation of such people in custody has proved a disastrous recipe. Other ways and means must be found.

Traditionally in Australia, people found intoxicated in public, particularly Aboriginal people, have been dealt with by arrest and detention in police cells. In more recent times a better understanding has been gained and the trend, a slow one, is to accept drunkenness as the social or health problem that it really is.

This Bill deletes the summary offence of public drunkenness and inserts a new part VA in the Police Act which allows police to apprehend an intoxicated person without charges being laid. A person detained under the provisions inserted by this Bill is in police custody as defined in the Police Act and is subject to sanctions for resisting arrest or hindering police. However, if a detained person escapes, he is not liable to be charged with escape from legal custody although he can, of course, be re-apprehended if still intoxicated.

This special form of apprehension and detention applies only to persons who are intoxicated, which is defined as "seriously affected by alcohol", and in a public place, or trespassing on private property. Where a person is taken into custody under these circumstances, a police officer may search the person and remove for safekeeping, until the person is released from custody, any personal property, especially that which is potentially harmful to the detainee or to others. The Bill specifies arrangements for the recording and return of such property.

Having detained a person, a police officer has three options. Firstly, he may arrange for the person to be admitted to an approved hospital, in which case any personal property is also handed over to a responsible person at the hospital and the detainee ceases to be held in custody. Secondly, he may release the detainee into the care of a person who applies for his or her release, if he is satisfied that the applicant is capable of taking adequate care of the intoxicated person. The detained person must agree to be released to such an applicant. Such a person could be a relative, friend or a responsible person at a sobering up centre or other refuge.

The requirement that such a person apply for the release of the detainee will ensure that intoxicated persons are not imposed upon unwilling parties. For example, a wife may not wish to take care of a husband who regularly beats her when he is intoxicated, or sobering up shelters may not wish to accommodate persons who they know to be disruptive. On the other hand, it is the Government's clear intention that police officers should not passively wait for applications for the release of detainees. They will be expected to exercise some initiative in arranging placement in the community rather than in the lockup. The Government will assist by encouraging and supporting the establishment of special sobering up centres in areas where public drunkenness presents a special problem. In cases where the detainee is a juvenile, the Bill places a duty upon the police, where practicable, to return the child to his or her residence or place the child into the care of a responsible member of the community. A detained person may appeal to a justice against a police officer's decision not to release him or her to an applicant.

The third option, the option of last resort, is to place the intoxicated person into a police facility until he or she is no longer intoxicated. While a detainee is held in police custody, a range of protective measures apply, which reflects the fact that the detention is not part of a criminal process but aimed at the wellbeing of the person and the protection of the community. A person detained for drunkenness only cannot be charged with or questioned in relation to an offence, or photographed, measured or fingerprinted. A detained person may at any time request a police officer to take him or her before a justice to make application for release, and the police officer must do so as soon as practicable. In any event, if the person still appears to be intoxicated after eight hours, the police officer must bring

him before a justice as soon as practicable. In either case, the justice may order the release of the detained person, if satisfied that the detained person is no longer intoxicated, or may give directions to the police officer for the safety and welfare of the person. Such directions may include further detention in police custody, or release of the person to a third party.

The Bill provides, however, a very limited capacity to defer the release or review by a justice of a detained person for a minimal period in order to meet the reasonable organisational requirements of the police station concerned or where release in the early hours of the morning would not be in the best interests of the detained person. This provision is intended to have extremely narrow application. It would apply where it is physically impossible for police to release a person or to have his or her continued detention reviewed due to other more pressing duties such as a call out to a serious offence or traffic accident. It might also be appropriate to defer waking persons who are merely sleeping off the effects of their intoxication, although no longer intoxicated, rather than turn them out into the streets, say, at two o'clock in the morning. This would be particularly relevant in winter, or if the person were homeless.

This Bill represents a most significant initiative aimed at reducing the rate of imprisonment and, as a result, it is hoped, the rate of death in police custody. As an associated effect, it will allow for more effective use of police and court resources. Similar measures have been implemented successfully in the Northern Territory, New South Wales, South Australia, Tasmania and the Australian Capital Territory. There is no reason to doubt that the move will prove equally effective in this State.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Hassell.

House adjourned at 1.54 am (Wednesday)

QUESTIONS ON NOTICE

STATE EMPLOYMENT STRATEGIES FUND - CURRENT BALANCE

Expenditure Breakdown - Overseas Tours

1644. Mr MacKINNON to the Minister for Employment and Training:

- (1) What is the current balance of the State employment strategies fund?
- (2) Will the Minister table a breakdown of expenditures incurred from this account during the year ended 30 June 1989?
- (3) On behalf of which Minister has expenditure from this account been incurred?
- (4) When was that expenditure incurred and for what purpose?
- (5) Have any overseas tours been paid for from this account?
- (6) Would the Minister list each of these tours, their purpose and who went on the tours?

Mr TROY replied:

- (1) The balance of the State employment strategies fund was \$1 666 490.17 at 13 November 1989.
- (2) Initiatives funded under the State employment strategies fund during the 1988-89 financial year were as follows -

1.	More Jobs Program	Amount
	New Enterprise Scheme	309 844
	Local Economic Development	1 098 453
	Small Town Self-Help	30 650
	Productivity Policy Unit	1 255 211
2.	More Quality Training Program	
	SESDA Taskforce	42 483
	Group Training Schemes	35 463
	Training Evaluation	179 844
	Training Policy	98 069
	Traineeships	929 184
	Workskills	431 428
	NATAS Development	278 833
	Apprenticeships	32 083
	Training Administration	232 790
	Industry Training Services	824 228
3.	Improved Matching to Jobs Program	
	Joblink	2 227 736
	Jobmate	151 632
	Regional Services	545 895
	Youth Employment Schemes	1 124 470
	Vocational Instruction	
	Preparation	55 150
	Workers Compensation Rebates	68 781
	Career Skills (Redeployment)	100 776
	TLC Employment and Training Centre	35 000
4.	More Equitable Access Program	
	State Training Equity	140 318
	Equity Policy and Research	59 705
	Aboriginal Employment	548 117
	Aboriginal Economic Development	140 363
	Women's Employment and Training Strategy	215 366

	Women's Enterprise Development	107 219
	Technical Jobs for Women	213 806
	Tradeswomen on the Move	52 060
	Register of Women	68 468
	Longterm Unemployed	189 045
	Ethnic Employment and Enterprise	104 031
	Overseas Qualifications	58 104
	Youth Guarantee	200 884
	Westrek	237 000
5.	Improved Labour Market Planning Program	
	Forecasting	247 762
	Labour Market Research	149 836
	Special Projects	32 327
	Regional Profiles	100 057
	Labour Market Data Base	72 813
	Ministerial Projects	167 254
6.	Strategies Administrative Support	
	Strategies Administration	257 141
	Public relations	137 696

TOTAL EXPENDITURE 1988-89

13 587 375

(3) Minister for Employment and Training.

(4) Refer to (2).

(5) Yes.

(6) There were five overseas study missions financed through the State employment strategies fund during the 1988-89 financial year.

1. Electrical Industry - to examine industrial training in the electrical industry in the United Kingdom, California and Singapore and the application of their arrangements to Western Australia.

Participants were -

Electrical Trades Union WA	Mr W. Palmer Mr L. McLaughlin
Electrical Contractors Association	Mr E. Ferguson Mr T. Sulley

Department of Employment and Training	Mr M. Willis
Office of TAFE	Mr C. Burking

2. To examine productivity and occupational health initiatives in Singapore. Participant was Mr N. Bartholomaeus, Department of Employment and Training
3. To attend twenty-ninth workshop meeting of the Asian Productivity Organisation in Singapore. Participant was Mr N. Bartholomaeus, Department of Employment and Training.
4. To attend top management forum in Tokyo on strategic management and information technology organised by the Asian Productivity Organisation. Participant was Mr K. Arkwright, President of the Retailers Association.
5. To attend thirty-first governing body meeting of the Asian Productivity Organisation in Seoul and to visit productivity organisations in Japan and Singapore. Participants were Mr R. Meecham, Trades and Labour Council, Mr W. Brown, Confederation of WA Industry, and Mr P. Wilkins, Department of Employment and Training.

**SOUTH WEST DEVELOPMENT AUTHORITY - CONSOLIDATED REVENUE
FUND PAPERS**

Contingencies - Expenditure Details

1724. Mr BLAIKIE to the Minister for South-West:

- (1) Would the Minister provide full details of expenditure by the South West Development Authority on contingencies as contained in the Consolidated Revenue Fund papers in 1988-89?
- (2) What is the reason for expenditure being over budget by some \$300 000 in this area?

Mr D.L. SMITH replied:

- (1) To provide the full details of expenditure on contingencies as contained in the Consolidated Revenue Fund papers in 1988-89 will require considerable effort. However, the following, which is a summary of expenditure for the period in question, is provided.

CONTINGENCIES

Corporate Services

Administration

Other Staffing Costs	\$146 403	
Communications	60 954	
Services and Contracts	232 451	
Consumable Supplies	40 739	
Maintenance of Plant, Equipment, etc	7 279	
Purchase of Plant, Equipment, etc	203 025	
Grants, Subsidies and Transfer Payments	<u>\$8 903</u>	
	\$749 754	

Property Management

Services and Contracts	9 093	
Maintenance of Plant, Equipment, etc	<u>918</u>	
	\$10 011	\$759 765

Economic and Social Development

Regional Development

Other Staffing Costs	5 219	
Services and Contracts	54 420	
Consumable Supplies	3 433	
Grants, Subsidies and Transfer Payments	<u>99 146</u>	
	\$162 218	

Collie

Other Staffing Costs	1 193	
Communications	6 732	
Services and Contracts	23 620	
Consumable Supplies	4 088	
Maintenance of Plant, Equipment etc	440	
Purchase of Plant, Equipment etc	23 553	
Grants, Subsidies and Transfer Payments	<u>12 000</u>	
	\$71 626	

Mandurah

Other Staffing Costs	4 121
Communications	18 870
Services and Contracts	51 436
Consumable Supplies	8 517
Maintenance of Plant, Equipment, etc	1 790
Purchase of Plant, Equipment, etc	15 092
Grants, Subsidies and Transfer Payments	<u>19 340</u>
	\$119 166

Manjimup

Other Staffing Costs	2 299
Communications	4 548
Services and Contracts	18 299
Consumable Supplies	3 280
Maintenance of Plant, Equipment etc	495
Purchase of Plant, Equipment, etc	37 791
Grants, Subsidies and Transfer Payments	<u>28 420</u>
	\$95 132

Research

Other Staffing Costs	2 552
Communications	1 274
Services and Contracts	2 037
Consumable Supplies	<u>5 181</u>
	\$11 044

Marketing

Other Staffing Costs	19 742
Services and Contracts	46 666
Consumable Supplies	4 182
Maintenance of Plant, Equipment etc	314
Grants, Subsidies and Transfer Payments	<u>7 171</u>
	\$78 075

Investment and Development

Other Staffing Costs	27 663
Services and Contracts	92 493
Consumable Supplies	3 151
Maintenance of Plant, Equipment, etc	<u>999</u>
	\$124 306

South West Development Authority

<u>Advisory Committee</u>	
Services and Contracts	\$32 139

Financial Charges

Grants, Subsidies and Transfer Payments	\$921 385	\$1 615 091
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Promotion and Information ServicesPromotion

Other Staffing Costs	7 998	
Services and Contracts	390 473	
Consumable Supplies	6 572	
Maintenance of Plant, Equipment, etc	1 012	
Purchase of Plant, Equipment, etc	21 489	
Grants, Subsidies and Transfer Payments	34 808	
	\$462 352	

One Stop Shop

Other Staffing Costs	2 060	
Communications	524	
Services and Contracts	5 752	
Consumable Supplies	3 431	
Purchase of Plant, Equipment, etc	11 106	
	\$22 873	\$485 225

SOUTH WEST MINISTRY

Other Staffing Costs	11 006	
Communications	19 614	
Services and Contracts	9 388	
Consumable Supplies	16 799	
Maintenance of Plant, Equipment, etc	3 464	
Purchase of Plant, Equipment, etc	57 879	
Grants, Subsidies and Transfer Payments	9 450	
	\$127 600	\$127 600

- (2) The increase in 1988-89 CRF expenditure over and above the Estimates is a result of adjusted costs for capital loan repayments, rental accommodation, superannuation and project costs as approved by Treasury.

ROTHWELLS LTD - FORMER DIRECTORS AND ADVISER*Charges - Adjournment Reason*

1761. Mr HASSELL to the Minister representing the Attorney General:

- (1) Why have charges against former Rothwells directors, Tony Lloyd and John Hilton, and former Government adviser, Kevin Edwards, been adjourned until February?
- (2) Why did the preliminary hearing, expected to start on 13 November 1989, not start on that date?
- (3) Was the Crown Prosecutor's case not ready and did the Crown seek the adjournment?
- (4) Did counsel representing the Crown approach counsel representing the accused to arrange the delay?
- (5) Was the Attorney General -
 - (a) advised of the delay or application for it;
 - (b) involved in consideration of the delay;
 - (c) involved in any discussions with any party to the proceedings or any representative of a party to the proceedings or any representative of a party to the proceedings in relation to the delay?

- (6) If the Crown was not ready to proceed with the case, why was it not ready?
- (7) Who is handling the case for the Crown?
- (8) If the Crown was ready to proceed with the case, did the Crown oppose the delay in the hearing?
- (9) Has Mr McCusker, QC advised on the case or is he so advising?

Mr D.L. SMITH replied:

- (1) The Attorney General has been advised that the adjournment of some charges against Rothwells directors was arranged as a result of, and to facilitate the Rothwells investigation by Mr McCusker, QC. No further details can be given as that could prejudice the investigation.
- (2) Prior to 13 November 1989 the prosecution received a submission from solicitors for Mr Lloyd that it would be inappropriate for the preliminary hearing to proceed on 13 November having regard to the imminence of the trial date on the other charge and possible prejudice to the accused if that trial were to follow almost immediately after the preliminary hearing. Senior counsel for the prosecution, Mr Davies, QC, in conjunction with Mr McCusker, took the view that for that and other reasons connected with the continuing Rothwells investigation it would be appropriate to agree to adjourn the preliminary hearing.
- (3) The prosecution case was ready. The Crown formally applied for the adjournment, which was by consent.
- (4) See (2). Counsel for the Crown did discuss the proposed adjournment with counsel representing the accused before applying for the adjournment.
- (5) No.
- (6) See (3).
- (7) Mr Davies has been engaged as senior counsel. Corporate Affairs Department personnel are assisting.
- (8) See (3).
- (9) Yes.

INDUSTRIAL RELATIONS ACT 1979 - SECTION 96H

Prosecutions - Attorney General

1774. Mr COWAN to the Minister representing the Attorney General:

- (1) How many prosecutions has the Attorney General instituted in each of the last five years under section 96H of the Industrial Relations Act 1979?
- (2) What criteria are used for determining which employers are allowed to be and remain in breach of section 96B of the Industrial Relations Act 1979 by having a no union ticket no start employment policy?
- (3) What criteria are used to determine which unions are allowed to breach section 96F of the Industrial Relations Act 1979 by encouraging employers to have a no union ticket no start employment policy?

Mr D.L. SMITH replied:

See answer to question 1773.

MINING - EMPLOYMENT CONTRACTS

Robe River Iron Associates - Hamersley Iron Pty Ltd

1794. Mr KIERATH to the Minister for Labour:

- (1) Is the Minister aware of employment contracts used by -
 - (a) Robe River Iron Associates;
 - (b) Hamersley Iron?
- (2) Is the Minister aware that in both contracts similar provisions apply in regard to -

- (a) employees working shift work as required;
 - (b) variation to accommodation charges;
 - (c) the right to search any package or vehicle entering or leaving the sites;
 - (d) the right to transfer rail employees;
 - (e) review of conditions of employment?
- (3) Is the Minister aware of any draconian provisions in these clauses and, if so, which clauses?
- (4) Is the Minister aware of any "un-Australian" provisions in these contracts and, if so, which clauses?
- (5) Is the Minister aware of any clauses granting the right to body searches?

Mr TROY replied:

- (1) (a) No.
- (b) Yes, because Robe River Iron Associates forwarded me a copy of Hamersley Iron's contract without forwarding me a copy of its own.

(2)-(5) Not applicable.

BURT COMMISSION - RECOMMENDATIONS

Public Scrutiny and Contractual Secrecy - Government Acceptance

1826. Mr HOUSE to the Premier:

- (1) Has the Government adopted the recommendations of the Burt commission in relation to public scrutiny and contractual secrecy?
- (2) Did the Minister for Transport, in answer to my question 1657 of 1989, rely upon commercial confidentiality to avoid making public the freight rates charged on mining companies by Westrail and, if so, is the Minister for Transport exempt from complying with the accountability guidelines recommended by the Burt commission?
- (3) Will the Premier instruct the Minister for Transport to provide the information sought in my question 1657 of 1989?

Mr PETER DOWDING replied:

- (1) Yes.
- (2) Section 5.3 of the Commission on Accountability report provides that in appropriate cases details of negotiations or agreements may be held confidential at the discretion of the Minister.
- (3) No, although some information is available publicly through the relevant State agreements.

LOCAL GOVERNMENT - MANDURAH TOWN COUNCIL

Crown Land Adjacent to Council Chambers - Building Legislation, Amendments

1853. Mr NICHOLLS to the Minister representing the Minister for Local Government:

- (1) Has the Minister any intention of introducing the necessary amending legislation which will allow the Mandurah Town Council to build on Crown land adjacent to the council chambers?
- (2) If yes, when will this occur?

Mr D.L. SMITH replied:

- (1) Yes.
- (2) A Reserves and Land Revestment Bill is currently before the Legislative Council which covers this matter.

ASEI BROWN BOVERI - COUNTERTRADE COMMITMENTS

Other Developments

1860. Mr BRADSHAW to the Minister for Economic Development and Trade:

Adverting to question 1658 of 1989 -

- (a) what other developments are proposed or being considered by ASEI Brown Boveri;
- (b) how far advanced are those developments;
- (c) would the Minister give details of the pre-establishment costs incurred by ABB in identifying countertrade commitments;
- (d) do the accounts submitted by ABB to date include payments to a private public relations firm?

Mr GRILL replied:

ABB is undertaking the following activities -

- (a) A feasibility study in cooperation with Westrail and General Electric of the USA, for the manufacture in Perth of a new generation of diesel electric locomotives.

A feasibility study, in cooperation with Westrail, for the manufacture of fast freight bogies in Perth.

Investigations into export opportunities for manufactured products for its own use or sales to third parties internationally.

- (b) The feasibility study for the new generation of diesel electric locomotives is expected to be finalised in three months' time.

Design criteria for the manufacture of fast freight bogies is currently being examined by ABB.

Twenty Western Australian manufacturers' products have been seriously investigated to date. Three firms have so far shown potential for meeting ABB's requirements and are at various stages of development. Due to the commercial sensitivities these cannot be detailed, but I am prepared to arrange for my department to provide the member with a confidential briefing.

- (c) ABB has so far notified pre-establishment costs incurred as AUD\$424 619. These costs relate to executive time, travel expenses, market surveys and feasibility studies and evaluations undertaken in connection with all the above activities including the tannery proposal costs already provided to the member.

- (d) No.

HODGE, MR BARRY - FORMER MEMBER

Government Employment

1861. Mr MacKINNON to the Premier:

- (1) Does Mr Barry Hodge, a former member of the Legislative Assembly, hold any positions within Government or Government agencies?
- (2) If so, what payment does he receive for those positions?

Mr PETER DOWDING replied:

- (1) Yes.
- (2) (i) Chairman, Lands and Forests Commission - \$6 000 per annum.
- (ii) Consultant to Minister for Conservation and Land Management - \$25 000 per annum.

- (iii) Represents Commonwealth Minister for Justice, Senator, Hon M.C. Tate, as a Commissioner of the Western Australian Legal Aid Commission - \$3 750 per annum.

BURKE, MR TERRY - FORMER MEMBER
Government Employment

1864. Mr MacKINNON to the Premier:

- (1) Does Mr Terry Burke, a former member of the Legislative Assembly, hold any positions within Government or Government agencies?
- (2) If so, what payment does he receive for those positions?

Mr PETER DOWDING replied:

- (1) Yes.
- (2) (i) Chairman, Overseas Relations Committee. No remuneration.
- (ii) Chairman, East Perth Land Use and Landscape Committee. No remuneration.
- (iii) Chairman, City Northern Bypass Reserve Advisory Management Panel. No remuneration.

SWAN BUILDING SOCIETY - COLLAPSE
State Losses

1872. Mr COURT to the Treasurer:

- (1) What are the total losses incurred by the State in relation to the collapse of the Swan Building Society?
- (2) Do these losses include the \$5.5 million allegedly stolen by the former General Manager and the Investment Manager of the Swan Building Society?

Mr PARKER replied:

- (1) Advances by the State from the Consolidated Revenue Fund to the Swan Building Society under the State's indemnity to meet losses total \$16 635 000. While the Government expects total losses to be contained within the funds advanced, the final cost to the State of the Swan collapse will not be known until all legal actions for recovery have been concluded.
- (2) The \$5.5 million referred to will not impact upon the losses of Swan Building Society.

ROTHWELLS LTD - COLLAPSE
State Losses

1874. Mr COURT to the Treasurer:

Would the Treasurer please itemise the losses the State has incurred in relation to the Rothwells collapse including -

- (a) legal fees paid;
- (b) consultants' fees paid;
- (c) accounting fees paid;
- (d) loans written off;
- (e) equity positions written off;
- (f) any other commitments associated with the Rothwells collapse?

Mr PARKER replied:

- (a)-(f) \$33 million has been paid from the public account to the provisional liquidator of Rothwells of which \$10.5 million is to be recouped from the National Australia Bank. In addition, \$484 669 has been paid from the Consolidated Revenue Fund for legal services/financial advice.

The Government Employees Superannuation Board has written off its shareholding in Rothwells of \$3.51 million.

The two other State bodies with an exposure to Rothwells - the State Government Insurance Commission and the Rural and Industries Bank - are not in a position to provide a full breakdown of costs until a final dividend is declared by the provisional liquidator.

STATE ENGINEERING WORKS - LAND SALE, NORTH FREMANTLE
Consolidated Revenue Fund or Revenue Estimates Inclusion

1877. Mr COURT to the Treasurer:

(1) Was the sale of the State Engineering Works land at North Fremantle taken up in the 1988-89 Consolidated Revenue Fund or is it included in the 1989-90 revenue Estimates?

(2) How much has been included in the 1988-89 figures and the 1989-90 figures?

Mr PARKER replied:

(1) No.

(2) Nil.

EDUCATION MINISTRY - PRESCHOOL CENTRES
Administration Responsibility

1882. Mrs EDWARDES to the Minister for Education:

Will the Minister advise the name or names of the person or people in the ministry responsible for the administering of or consultation with the preschool centres?

Dr LAWRENCE replied:

Person/s Responsible

District Superintendents (located in each of 29 Districts throughout the State).

Ms J. Rice
 (Consultant - Early Childhood Education).

Mr D. Powell
 (R/Manager, Human Resources Services) assisted by -

Ms M. Jones

Ms K. Hof and Ms J. Toft

Area of Responsibility

- Supervision of preschool teachers and preschool teacher aides.

- All local operational aspects (e.g., enrolment procedures).

- Early childhood curriculum.

- Preschool teachers' appointments.

- Preschool teachers' aides' appointments.

EDUCATION MINISTRY - PRESCHOOL CENTRES
Teachers and Teachers' Aides - Funding Statistics

1883. Mrs EDWARDES to the Minister for Education:

Will the Minister advise in how many preschool centres does the ministry fund teachers and teachers' aides?

Dr LAWRENCE replied:

The ministry is responsible for the funding of teachers and teachers' aides in 128 preschool centres throughout the State.

EDUCATION MINISTRY - NON-GOVERNMENT PRESCHOOL CENTRES
Administration Districts - Statistics

1884. Mrs EDWARDES to the Minister for Education:

Will the Minister identify the number of non-Government preschool centres in each of the ministry's administrative districts?

Dr LAWRENCE replied:

School District	Number
Albany	8
Armadale	5
Balga	3
Bayswater	5
Bunbury (North)	3
Bunbury (South)	5
Cockburn	2
Darling Range	7
Dianella	7
Esperance	3
Geraldton (North)	1
Geraldton (South)	0
Hedland	3
Joondalup	8
Kalgoorlie	0
Karratha	0
Kimberley	6
Manjimup	2
Melville	2
Merredin	1
Moora	3
Narrogin	3
Northam	4
Peel	1
Perth (South)	11
Scarborough	8
Swanbourne	15
Thornlie	3
Willetton	3

STATE FINANCE - BUDGET PAPERS

Education Ministry; Staff, Minister's Office, 16 Positions - Salaries and Titles

1885. Mrs EDWARDES to the Minister for Education:

Referring the Minister to the 16 positions shown in the Budget papers as Staff Minister's Office, will the Minister advise -

- (a) the salary grade level of each position;
- (b) the title of each position?

Dr LAWRENCE replied:

Principal Private Secretary	Level 7
Technical Consultant (Education)	Level 6
Technical Consultant (Aboriginal Affairs)	Level 6
Executive Officer (Education)	Level 5
Private Secretary	Level 4
Executive Assistant	Level 4
Personal and Appointments Secretary	Level 3
Administrative Liaison Officer (Education)	Level 3
Administrative Liaison Officer (Aboriginal Affairs)	Level 3

Administration Assistant	Level 2
Administration Assistant	Level 2
Personal Assistant	Level 2
Receptionist/typist	Level 1
Receptionist/typist	Level 1
Records Officer	Level 1
Records Officer	Level 1

EDUCATION - PRESCHOOL CENTRES

Group and Ministry Controlled Centres - Operations Coordination

1886. Mrs EDWARDES to the Minister for Education:

Will the Minister advise if the operation of preschools as a group is coordinated with the operation of ministry run preprimary centres?

Dr LAWRENCE replied:

Yes, in relation to the following areas -

Implementation of Government policy on early childhood education.
Appointment and deployment of ministry-employed teachers and teachers' aides.
Supervision of teachers and teachers' aides.
Access to curriculum advice and support.

EDUCATION - PRESCHOOL CENTRES

Establishment Plans - Responsibility

1887. Mrs EDWARDES to the Minister for Education:

Will the Minister advise who is involved in the process of planning where and when to establish new preschool centres and how this is determined?

Dr LAWRENCE replied:

The initiative to establish new preschool centres - as distinct from preprimary centres - lies with the community itself. Community groups may apply to the Ministry of Education for funding for teachers and teachers' aides to provide programs for five year olds or composite groups of four and five year old children.

STATE FINANCE - CONSOLIDATED REVENUE FUND ESTIMATES

Education Ministry, Salaries - Allocation Increase

1888. Mrs EDWARDES to the Minister for Education:

Referring to Part 13, Division 60, item 1 of the Consolidated Revenue Fund Estimates and the increase of \$57 224 000 from the 1988-89 estimate, will the Minister advise -

- does the increase in the allocation of funds for salaries provide for an increase in staff employed, and, if so, how many;
- how many of the proposed increase in staff will be employed directly in schools;
- how many of the proposed increase in staff will be employed in duties other than teaching;
- how many of the proposed increase in staff will be employed in district offices;
- how many of the proposed increase in staff will be employed in head office;
- how many of the proposed increase in staff will be employed in administrative duties?

Dr LAWRENCE replied:

The estimate for expenditure on salaries by the Ministry of Education in 1989-90 represents an increase of \$56 223 000 on actual expenditure in 1988-89. Answers to the specific questions are as follows -

- (a) Yes. 223.5 persons - 95.8 equivalent full time (EFT) for 1989-90.
- (b) 220.1 (93.2 EFT).
- (c) 72.2 (31.7 EFT).
- (d) 1.4 (0.6 EFT).
- (e) Two.
- (f) Nil.

STATE FINANCE - BUDGET PAPERS

Education Ministry, Executive Support Staff - Salaries, Titles, Functions

1889. Mrs EDWARDES to the Minister for Education:

Referring to the seven listed positions shown in the Budget papers as members of the Executive Support Staff, will the Minister advise -

- (a) the salary levels of each position;
- (b) the title of each position;
- (c) the functions of each of the positions?

Dr LAWRENCE replied:

(a)-(c)

The seven positions include the personal staff of the Chief Executive Officer and staff of the ministry's public relations unit -

Salary Level	Title	Functions
Personal Staff		
Level 4	Executive Assistant	Secretarial and general administrative support
Level 1	Officer Job shared by two persons	Receptionist, clerical and typing
Public Relations Unit		
Level 6	Coordinator	Manages and coordinates activities of Public Relations Unit.
Level 5	Media Officer	Editor of <i>WA Education News</i> .
Level 3	Journalist	Journalism.
Level 2	Clerk	Projects Officer.
Level 2	Clerk	Administrative support.

STATE FINANCE - CONSOLIDATED REVENUE FUND ESTIMATES

School Division; Directors, Managers, Superintendents - Appointments, Work Levels

1892. Mrs EDWARDES to the Minister for Education:

Referring to item 1 of Part 13 of the Consolidated Revenue Fund Estimates and to the 46 directors, managers and superintendents in the schools division, will the Minister advise -

- (a) how many are actually working within the positions to which they are appointed;
- (b) how many are acting in or seconded to other positions and what are their levels;
- (c) of those in acting and secondment positions, will she please identify those positions and levels?

Dr LAWRENCE replied:

- (a) 42.
- (b) Four.
- (c)

Temporary Director of Human Resources (Special Duties)	Level 9
Relieving Director of Human Resources	Level 9
Relieving Director of Operations (Group 2)	Level 9
Temporary Manager of Human Resources (Special Duties)	Level 8

STATE FINANCE - BUDGET PAPERS

Education Ministry, Minister's Office - 16 Employees, Other Employees

1893. Mrs EDWARDES to the Minister for Education:

- (1) Will the Minister advise if there are any personnel other than the 16 noted in the Budget papers working for the Minister?
- (2) If yes, how many?
- (3) In what positions and for what purposes?

Dr LAWRENCE replied:

- (1) Yes.
- (2) Two.
- (3) An Executive Officer (Aboriginal Affairs) has recently been employed to provide me with advice and assistance in relation to the Aboriginal Affairs portfolio and a media secretary who is employed by the Premier.

ECONOMIC DEVELOPMENT AND TRADE - COUNTERTRADE DEALS

*ASEI Brown Boveri Pre-Establishment Costs - \$600 000 Payment,
Cabinet Approval Date*

1894. Mr BRADSHAW to the Minister for Economic Development and Trade:

Adverting to question 1658 of 1989 -

- (a) on what date did State Cabinet approve the payment of \$600 000;
- (b) on what date did Mr Yelco Lendich cease to be employed by the State Government?

Mr GRILL replied:

- (a) ABB Traction discussed these costs with the then Minister for Economic Development and Trade in July 1988. After consultations with the Minister for Transport he formally advised the company of the decision on 23 September 1988.
- (b) Mr Lendich left the Technology and Industry Development Authority on 7 July 1988 and, after clearing approved leave entitlements, did not return. His services were formally terminated on 8 January 1989.

These questions appear to seek to imply that Mr Lendich may have been involved in the decision about these costs. I am advised by the countertrade division of the Department of Trade Development that Mr Lendich was not involved in the decision or any of the negotiations leading up to it.

STATE GOVERNMENT INSURANCE COMMISSION - PARAGON RESOURCES
Share Purchase - Purchase Dates and Cost

1895. Mr MacKINNON to the Treasurer:

On what dates and for how much did the State Government Insurance Commission purchase the shares in Paragon Resources held by the SGIC as at 1 January 1989 costing a total of \$5 839 035 as referred to in question 615 of 1989?

Mr PARKER replied:

Date	Price Paid	
26.08.88	\$2 040 000	
16.09.88	\$2 379 940	
31.10.88	\$1 419 095	(acquired in exercising security on Rothwells deposit)

EDUCATION - LYNWOOD PRIMARY SCHOOL
Parking Problem - Government Action

1896. Mr KIERATH to the Minister for Education:

As the Minister publicly claimed on 24 November 1989 that the parking situation at Lynwood Primary School had been addressed, will she detail what action she has taken to correct the problem and when it was enacted?

Dr LAWRENCE replied:

It was resolved, following a meeting with the local council, with a representative from the buildings branch and with Mr Kierath, that the car park would not be extended but that the following would happen -

- (i) The adjacent streets would have parking restrictions imposed and traffic islands constructed.
- (ii) The bike path (Purley Park) was to be modified.

As this work is to be done by the local council; further action is in its hands.

SMALL BUSINESS DEVELOPMENT CORPORATION - ORGANISATIONAL DIVISIONS
Employees and Inquiries Statistics

1897. Mr MENSAROS to the Minister for Economic Development and Trade:

- (1) What are the present organisational divisions of the Small Business Development Corporation?
- (2) What is the total of staff members attached to each of these organisational divisions?
- (3) What was the number of inquiries received each month during the last year by the corporation?

Mr GRILL replied:

(1)-(2)

The following three principal divisions report to the managing director -

Business Services	16 staff
Small Business Policy; Administration; and Support Services	14 staff
Marketing and special projects	2 staff

- (3)

<u>Month</u>	<u>Number of Inquiries</u>
November 1988	4 081
December 1988	3 128
January 1989	4 108

February 1989	5 006
March 1989	4 290
April 1989	4 216
May 1989	5 118
June 1989	3 915
July 1989	3 616
August 1989	4 488
September 1989	3 708
October 1989	4 479

SMALL BUSINESS DEVELOPMENT CORPORATION - BOARD MEMBERS

Appointment Dates

1898. Mr MENSAROS to the Minister for Economic Development and Trade:

- (1) Who are the members of the board of the Small Business Development Corporation?
- (2) When was each member appointed and for what period of time?

Mr GRILL replied:

- (1) Mr Harry Atlas, Lee Dillon, Jeanette McDonald, Bill Lapsley, Peter Watson and Mr Rod Lane.

(2)

<u>Mr Harry Atlas</u>	- Chairman
Initial Appointment to Board	- January 1984 (Became Chairman November 1985)
Re-appointment	- December 1986
Expiry of Term	- 31 December 1989
<u>Lee Dillon</u>	
Initial Appointment to Board	- February 1989
Expiry of Term	- 31 December 1989
<u>Jeanette McDonald</u>	
Initial Appointment to Board	- March 1987
Re-appointment	- January 1988
Expiry of Term	- 31 December 1990
<u>Bill Lapsley</u>	
Initial Appointment to Board	- January 1984
Re-appointment	- February 1989
Expiry of Term	- 31 December 1989
<u>Peter Watson</u>	
Initial Appointment to Board	- October 1985
Re-appointment	- December 1986
Expiry of Term	- 31 December 1989
<u>Mr Rod Lane</u>	- Managing Director
Appointment as Managing Director	
Director	- April 1986
Expiry of Term	- April 1991

SMALL BUSINESS LOANS GUARANTEE SCHEME - APPLICANT GUARANTEES

Statistics

1900. Mr MENSAROS to the Minister for Economic Development and Trade:

How many applicants received guarantees under the small business loans guarantee scheme or any other scheme and what was the yearly aggregate sum of these guarantees in -

- (a) 1985-86;
- (b) 1986-87;

- (c) 1987-88;
- (d) 1988-89?

Mr GRILL replied:

Approvals under the small business loans guarantee scheme were -

- (a) 29 \$1 371 800;
- (b) 19 \$1 053 000;
- (c) 22 \$1 047 000;
- (d) 33 \$2 196 000.

BUSES - TRANSPERTH *Replacements*

1904. Mr NICHOLLS to the Minister for Transport:

- (1) Have any Transperth buses been replaced this calendar year?
- (2) If so, how many?
- (3) What is the average return received for a bus?
- (4) What guidelines determine when a bus is replaced?
- (5) Are they still roadworthy at the time of disposal?
- (6) What process is used to dispose of replaced buses?

Mr PEARCE replied:

- (1) Yes.
- (2) Thirty one withdrawn.
- (3) \$8 000.
- (4) Age.
Cost of operation.
Obsolescence.
- (5) Yes.
- (6) Tender.

PLANT DISEASES ACT - CHARGES LAID *Convictions*

1913. Mr MENSAROS to the Minister for Agriculture:

- (1) Against how many people have charges been laid under the Plant Diseases Act during the financial year 1988-89?
- (2) Would the Minister detail these charges into different types?
- (3) How many convictions resulted from the charges?

Mr BRIDGE replied:

- (1) Two people involving seven charges.
- (2) (i) Sending sweet corn into Western Australia without the required disease freedom certification from the exporting State's Department of Agriculture.
(ii) Obstruction of an inspector.
- (3) Six from (2)(i)
One from (2) (ii)

HOUSING - HOMESWEST *Rental Units - Building Statistics*

1914. Mr MENSAROS to the Minister for Housing:

What is the total number of rental units planned to be built by Homeswest during the current financial year and for what aggregate cost?

Mrs BEGGS replied:

Projected 1989-90 Rental Program - At 5 December 1989

Commencements	2 054
Completions	2 098
Expenditure	\$114 424 500

RHONE-POULENC RARE EARTH PLANT, PINJARRA - AIRAC REPORT No 11
Criticism

1918. Mr BRADSHAW to the Minister for Mines:

- (1) Is the Minister aware of the AIRAC report No 11 which states in its conclusion on the proposed Rhone-Poulenc rare earth plant at Pinjarra -
 - (a) Serious consideration of the requirements of ALARA has not been provided?
 - (b) There is a lack of detail in the proposed protection of the work force from radiation hazards, coupled with an apparent failure to implement the ALARA principle, and specifically in respect of generated radioactive wastes?
- (2) Is the Minister supporting the Rhone-Poulenc proposal when it has been strongly criticised in this report?

Mr CARR replied:

- (1) Yes, I am aware of the report. The Department of Mines has written to the chairman of AIRAC with regard to this report because it showed a misunderstanding of the environmental assessment processes and the regulation of radiation protection in Western Australia. The points highlighted were -

Rhone-Poulenc Chimie Australia Pty Ltd has clearly specified its commitment to the ALARA principle in its environmental review and management plan; and

complex modelling with respect to the waste management system described in the original ERMP was undertaken and reported on in the ERMP in considerable detail. This is contrary to the statement published by AIRAC.

- (2) The Environmental Protection Authority is currently assessing the stage II ERMP of the Rhone-Poulenc proposal and until such time as its recommendations are released it is not appropriate that further comments be made.

EDUCATION - CURRICULUM POLICY CONSULTANTS
Former Senior Education Officers - Equivalent Positions

1919. Mr STRICKLAND to the Minister for Education:

- (1) Are the curriculum policy consultant positions equivalent to the previous senior education officer positions?
- (2) Have these consultant positions been created under the Education Act and, if not, under which Act do they exist?
- (3) How many curriculum policy consultants have been appointed or are in the process of being appointed since the phase out of subject superintendents?
- (4) Who are the appointed curriculum policy consultants in each designated area who have been appointed since the inception of the positions and on which date was each appointed?
- (5) What essential qualifications are necessary before an applicant is eligible to apply for each designated curriculum policy consultant position?
- (6) Have any essential qualifications criteria been changed since inception and, if so, what are the details, the reasons and the authority for the changes?

Dr LAWRENCE replied:

- (1) Curriculum policy consultants are not senior education officers. For salary purposes only consultants attract a salary the same as that which applies to senior education officers.
- (2) Consultant positions in curriculum have been created under the Education Act pursuant to regulation 140(2)(f).
- (3) Thirty-two consultants have been appointed or are in the process of being appointed.

(4) School Support 1

John Leahy	01.01.88
Glen Bennett	01.01.88
Brian Wolfenden	01.01.88
Rodney Quin	01.01.89
Barbara Wadley	01.01.89
Margaret Banks	01.01.89
Lindsay Stout	01.01.89
Gisela Birch	01.01.88

School Support 2

John Smith	01.01.88
Klaas DeBruin	01.01.89
Mary Whitehead	01.01.89

School Support 3

David Axworthy	01.01.88
Keith Cook	01.01.89
Edward Hayes	01.01.88
Donald Knapp	01.01.89

Equity

Isobel Piggott	15.02.88
James Hopkins	01.01.88
Kathleen Lymon	01.01.88
Barry Blakeman	01.01.88
Carmela Briguglio	01.01.88

Frameworks

Kenneth Booth	01.01.88
Bridget Leggett	01.01.88
Jean Rice	01.01.88
Robert Graham	01.01.88
Mervyn Bond	01.01.88

- (5) Qualifications may be varied according to the specific position as per regulation and at the discretion of the Chief Executive Officer.
- (6) In 1987-88 an appropriate tertiary qualification was required for each position. In 1989 variations occurred in the following positions based on requirements for specific positions and with the authority of the Chief Executive Officer -

Consultant Services, ESL/Multicultural Coordination - An appropriate degree and teaching qualifications as approved by the Chief Executive Officer.

Consultant Studies, Agricultural Education - An appropriate degree or recognised equivalent in agricultural science or science and teaching qualifications as approved by the Chief Executive Officer.

Consultant Frameworks, Environmental Education - An appropriate degree or recognised equivalent in a field (or fields) relevant to environmental studies and a teaching qualification as approved by the Chief Executive Officer.

Consultant Frameworks, General - An appropriate degree or recognised equivalent and teaching qualifications as approved by the Chief Executive Officer.

Consultant Services, School Libraries - An appropriate teaching qualification as approved by the Chief Executive Officer and eligibility for associate membership of the Australian Library and Information Association.

Consultant, Curriculum Coordination - An appropriate degree and teaching qualifications as approved by the Chief Executive Officer.

HOUSING - HOMESWEST

Wanslea Site, Cottesloe - Redevelopment, Local Councils' Opposition

1923. Mr HASSELL to the Minister representing the Minister for Budget Management:

- (1) (a) Has there been vehement opposition from the local councils and organisations to Homeswest building 13 one bedroom units on the Wanslea site at 80 Railway Street, Cottesloe;
- (b) if so, does the Minister intend to allow Homeswest to proceed?
- (2) What negotiations has the Minister had with the local people about the redevelopment of the Wanslea site?
- (3) Has the Government looked at alternate sites for the Homeswest units?
- (4) Who was responsible for drawing up the plans for the units?

Mr PARKER replied:

- (1) (a) Opposition has been expressed.
- (b) Homeswest has been requested to approach the Cottesloe Town Council for rezoning and development approval for construction of 13 aged persons' units on part of the vacant portion of the Wanslea site. The council has recently requested further planning detail. The various groups using the Wanslea buildings will be able to continue at Wanslea and a 10-year lease has been offered to the local councils.
- (2) Negotiations with the local council have been conducted by officers.
- (3) Yes.
- (4) Homeswest.

BARRACK SILICON - STATE ENERGY COMMISSION

Electricity Supply - Negotiated Contract, Interruption Arrangement

1924. Dr TURNBULL to the Minister for Fuel and Energy:

- (1) Is there a negotiated contract for the supply of electricity by the State Energy Commission of Western Australia to Barrack Silicon which includes an arrangement to allow for the interruption in continuity of power supply?
- (2) Is this arrangement for interruption to be at the discretion of SECWA at times of peak load?
- (3) Have these arrangements had to be altered as a result of an Environmental Protection Authority ruling that functioning of the pollution scrubbers must be maintained?
- (4) Did this change require an upgrading of the relay system to prevent any cut-out on the functioning of the pollution scrubbers?
- (5) What was the cost of this correction?
- (6) What will be the consequences to SECWA in the area of peak load management?

Mr CARR replied:

- (1)-(2) Yes.
- (3) No.
- (4)-(6) Not applicable.

HOUSING - HOMESWEST

Lot 8 Fogerthorpe Crescent, Maylands - Construction Commencement

1925. Mr STRICKLAND to the Minister for Housing:

- (1) When did construction start on the Homeswest development at lot 8 Fogerthorpe Crescent, Maylands?
- (2) What construction company is handling this project and who is the principal?
- (3) What is the estimated cost of the development and what is the percentage cost of the land for this project?
- (4) When was an arrangement made with the developer for the construction of this project and what is the estimated date for completion?
- (5) What portion of the units will be rental and what will be the monthly or weekly rental?
- (6) Will the Minister verify if the normal builder's sign with relevant information is located on the site in a suitable location?

Mrs BEGGS replied:

- (1) Work started in October 1989.
- (2) The construction company is Ipsaro Builders Pty Ltd. The principal is Giuseppe Ipsaro-Passione.
- (3) The contract price for construction is \$620 000. The percentage cost of land is 37 per cent.
- (4) The contract was made in October 1989 and the estimated date for completion is May 1990.
- (5) Initially all units will be rented by Homeswest. The weekly rent for a two bedroom townhouse is \$73.50 subject to a rent to income assessment.
- (6) There was no sign as at 1 December 1989 and the builder has been requested to erect an appropriate sign.

HOUSING - HOMESWEST

Rental Accommodation - Rent Increases

1927. Mr NICHOLLS to the Minister for Housing:

- (1) Can the Minister advise of Homeswest rental increases in Mandurah for -
 - (a) single aged persons units;
 - (b) other aged persons units;
 - (c) three bedroom houses;
 - (d) four bedroom houses?
- (2) What are the guidelines under which rent increases are formulated?
- (3) How many people have been given exemption from rent increases in Mandurah?
- (4) Has any tenant been evicted from Homeswest accommodation in the last two years?

Mrs BEGGS replied:

(1)	Cost Rents	Current	Previous
(a)	Single aged persons unit (ie, one bedroom)	\$54.10	\$50.70
(b)	Other aged persons units (ie, bed, sitting room)	\$34.70	\$32.50
(c)	Three bedroom house	\$87.50	\$81.90
(d)	Four bedroom house	\$95.10	\$89.00

Rental increases in Mandurah are in line with the overall State increase in Homeswest rents.

- (2) The Commonwealth-State housing agreement sets out a formula for cost rent increases. However, approximately 70 per cent of all tenancies qualify for a lower level of rent, which is determined by the rent-to-income policy. This policy uses tenant's ability to pay as a basis for maximum rent liability and is adjusted by allowances for age and/or children. Rent increases and changes to the rent-to-income subsidies are subject to approval by Cabinet.
- (3) There were no exemptions.
- (4) Yes, but not within the Mandurah area.

WESTERN AUSTRALIAN DEVELOPMENT CORPORATION - LAND OWNERSHIP *Mandurah Shire*

1928. Mr NICHOLLS to the Premier:

- (1) Can the Premier advise of any land which is still owned by the Western Australian Development Corporation within the Mandurah Shire?
- (2) Can the Premier provide details concerning purchase and sale prices, previous owners and purchasers of land which the WADC controlled from 1984 to 1989?

Mr PETER DOWDING replied:

- (1) Cockburn Sound Location 2915, Volume 1809, Folio 095.
- (2) The following information is supplied relating to the Mandurah Shire only -
No land, with the exception of that dealt with in (1) above, has been purchased and sold by the Western Australian Development Corporation within the Mandurah Shire over the period 1984-1989.

HOUSING - FEDERAL GRANTS *Accommodation Programs - Returned Moneys*

1929. Mr NICHOLLS to the Minister for Housing:

- (1) On how many occasions have funds from a Federal grant for accommodation programs been returned to the Federal Government either in part or whole?
- (2) Could the Minister provide details of any moneys returned?
- (3) How many people are waiting on official lists for Keystart loans?

Mrs BEGGS replied:

(1)-(2)

Nil.

- (3) There is no waiting list. A waiting list will reopen around the middle of 1990. The 417 households who had lodged an application prior to 22 November 1989 and not called up by the retailer will be given priority access to the list once it reopens.

QUESTIONS WITHOUT NOTICE

GRASSHOPPERS, WINGLESS - OUTBREAK

Dandaragan

385. Mr McNEE to the Minister for Agriculture:

- (1) Is the Minister aware of an outbreak of wingless grasshoppers in Dandaragan?
- (2) Is he further aware that this is a constant occurrence in the Dandaragan area?
- (3) Could the Minister give details of assistance available to the local people to overcome this problem?
- (4) If no assistance is available, is any research being carried out into this problem?
- (5) If not, why not?

Mr BRIDGE replied:

(1)-(5)

I cannot remember whether I have recorded a song about this insect; however I am not aware of the problem raised to the extent that I am able to give a worthwhile response to the question. I will take the question to my department and will provide the information for the member either later today or tomorrow.

APPLES - APPLE SCAB DISEASE

South West - Source Determination

386. Mr HOUSE to the Minister for Agriculture:

- (1) What action is being taken to determine the source of the disease apple scab infection in the fruit growing areas of the south west?
- (2) Are those orchards with the infection now in quarantine?
- (3) Will the Minister give an assurance that no apples are, or will be, imported from the Eastern States?
- (4) Will the Minister give assurances that the Government will fund the necessary program to carry out eradication of apple scab?

Mr BRIDGE replied:

I thank the member for some brief notice of the question.

- (1) Survey teams are currently in the area to undertake an evaluation of the extent of the problem and what is related to it.
- (2) No. The properties are not currently under quarantine. However, there is a need for that approach to be seriously considered and a decision will be made in the next day or so.
- (3) Yes.
- (4) Control measures as required are being assessed and, as a result of the assessment a decision will be made. It is difficult to answer the member's question in terms of just how we will be able to initiate the plan. It may well be that at the end of the day it will have to be a Government decision as it has been with several other eradication programs launched in the State. The assessment will be made as quickly as possible because the problem is of great concern to the industry and, of course, to the Government.

STATE FINANCE - BUDGET

Balancing Illusion - Leader of the Opposition's Accusation

387. Mr MARLBOROUGH to the Treasurer:

- (1) Is the Treasurer aware of the accusation by the Leader of the Opposition that the people of Western Australia are being fooled by the Government's claims that the State Budget is balanced?

- (2) Is the Opposition Leader correct in stating that the balancing of the Budget is an illusion created through the separation of capital and recurrent expenditure in the presentation of the State's accounts?

Mr PARKER replied:

(1)-(2)

I am aware of the claims made by the Leader of the Opposition. I did respond to them in part last week, although very late in the evening, during the debate in which he made those claims. Those comments went unreported. The claims by the Leader of the Opposition are sheer nonsense. The Budget of this State has been formulated in a particular way for many years. It is, in fact, formulated in that way by law. The law requires the Budget to be formulated with two separate sections - the Consolidated Revenue Fund and the General Loan Fund sections. This Government, for the first time, has presented the figures in a way that enables people to see how much money is being borrowed. That has never been done before. It was not done during the time the Opposition was in Government and had it been in the last year it was in Government it would have shown, in the terms outlined by the Leader of the Opposition, a deficit in the order of \$900 million. The then Liberal Government presented it as a balanced Budget and it complied with the terms of the law which applied at that time and which still applies. Under those terms our Budget is a balanced Budget and it is balanced in every sense. If it were a commercial budget in the commercial sector it would be written in the same way.

Mr MacKinnon: That is not true.

Mr PARKER: It is true. The Leader of the Opposition was wrong in his analogy about that. I have indicated a willingness on the part of the Government to consider a different way of presenting the Budget in line with the way in which it is presented in New South Wales and the Commonwealth. Of course, I have already taken the most substantial step in that direction by presenting the national accounts' figures in the way in which I did in the Treasurer's supplementary Budget information.

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE

Rothwells Ltd, Liquidators' Payment - Advance, Industry (Advances) Act

388. Mr MacKINNON to the Treasurer:

The Treasurer has received some notice of my question - I telephoned his office.

- (1) Was the payment of \$22 539 415.07 made to Rothwells' liquidators as outlined in this year's Budget made as an advance under the Industry (Advances) Act?
- (2) If so, was the financial assistance provided pursuant to sections 3(a) and 3(b) of the Industry (Advances) Act?
- (3) In either case, on what basis was Rothwells considered to be engaged "in industry", as defined in that Act?

Mr PARKER replied:

(1)-(3)

As the Leader of the Opposition said, he gave my office some notice of this question. I was a little puzzled when I read the question and I caused some inquiries to be made. I understand that comments have been made in the other House to the effect that the Solicitor General suggested in his opinion which I gave the Opposition last week that the advances to Rothwells had been made under the Industry (Advances) Act. I read the opinion to ascertain whether there was any truth to that claim. There is not because the Solicitor General clearly made the point in his opinion, on pages 9 and 10 under the heading, "WA Government Holdings Ltd", that advances to WA Government Holdings Ltd were made under the Industry (Advances) Act, but made no reference to advances made under that Act in relation to Rothwells.

Mr MacKinnon: That is not true.

Mr PARKER: It is true. In order to confirm that my understanding of his opinion was correct, I spoke to the Solicitor General this afternoon to clarify that my reading of the intent of his opinion was correct. He said it was correct and that his instruction from Treasury was that the advances made to WA Government Holdings Ltd were advances under the Industry (Advances) Act. The Solicitor General was given no such instructions relating to Rothwells and in the comments he made on his opinion - which he and I went through carefully when he confirmed it again to me - he made it clear that the advances referred only to those made to WA Government Holdings Ltd.

PETROCHEMICAL PROJECT - GOVERNMENT INVOLVEMENT

Outstanding Major Contractual Commitments - Settlements

389. Mr COURT to the Treasurer:

- (1) What outstanding major contractual commitments need to be settled in relation to the Government's involvement in the petrochemical project?
- (2) When it is anticipated that these settlements will be finalised?

Mr PARKER replied:

(1)-(2)

The major commitment is that which we have previously announced and talked about at length in this House - that is, the commitment which the Government has to JGC and Clough. Those matters are currently the subject of negotiations and they will be concluded when negotiations are completed to the satisfaction of both parties. I cannot immediately think of any other major commitments. The Government has taken on commitments it was not obliged to undertake; I previously referred in this House to engineers and one or two other people who had been employed by Petrochemical Industries Ltd. I cannot think of any other major contractual obligations which are outstanding. If the member puts the question on the Notice Paper I will check the matter.

LAND - MT LESUEUR AREA

Environmental Significance - Conservation Groups Commitment

390. Dr ALEXANDER to the Minister for Environment:

In view of the growing recognition of the environmental significance of the Mt Lesueur area, would he advise whether any commitment has been made to conservation groups about this area?

Mr PEARCE replied:

I thank the member for the question. The Government has made it very clear that in resolving the difficult land use decisions involved in the Mt Lesueur issue proper attention will be given to conservation values. We have made that commitment to conservation groups and at the same time made it clear that the existing obligations in the area would be honoured and that the matter would be dealt with in a sensitive way. I understood that to be the Liberal Party's attitude because on 15 November 1989 in this Parliament the Deputy Leader of the Opposition was challenged about the Liberal Party's attitude to Mt Lesueur. On page 4581 of *Hansard* he is reported as saying -

We have not discussed that matter in our party room, nor have we made a decision on the Mt Lesueur project.

A little later, in response to an interjection by the Deputy Premier he said -

We have not made a decision about the coal reserves in that area.

The Deputy Premier interjected because the Government had been told by people in the conservation movement that such commitments in regard to Mt Lesueur had been made by the Liberal Party. I made further inquiries and unearthed a letter from the member for Greenough to the Conservation

Council dated 7 July 1989 in which he said in regard to the Mt Lesueur matter -

You will also be interested to know that we have opposed the proposed mine/power station subject only to something remarkable coming out of the E.P.A. report. (Highly unlikely!)

It seems to me that one or other of the members opposite is not telling the truth in regard to his party's attitude on the Mt Lesueur project. Either the Deputy Leader of the Opposition is being truthful when he says that the party room has not considered the matter and neither has a decision been made -

Mr Court: It has not been put forward to the party.

Mr PEARCE: I am not saying that the Deputy Leader of the Opposition is not telling the truth. I am saying that if he is telling the truth then the member for Greenough is not as he says in his letter to the Conservation Council dated some months before the comments of the Deputy Leader of the Opposition -

You will also be interested to know that we have opposed the proposed mine/power station subject only to something remarkable coming out of the E.P.A. report. (Highly unlikely!)

It is incumbent upon a party to take a single attitude to these matters. It is not good enough to tell the Parliament one thing and special interest groups another. The attitude adopted by the Deputy Leader of the Opposition is the right one; this is a difficult issue and all of the values of that area need to be taken into account; but he or his leader should take action to call to account members of the shadow Cabinet who write out untruths in letters to special interest groups.

BOUNCERS - POLICE OFFICERS

Off Duty Nightclub Work - Action Taken

391. Mr HOUSE to the Minister for Police and Emergency Services:

Further to my question without notice last week relating to off duty policemen working as bouncers in nightclubs, what action has the Minister taken regarding that situation?

Mr TAYLOR replied:

I have spoken to the Commissioner of Police in relation to this matter and he has assured me of two things: Firstly, there is a requirement that police officers do not work as bouncers - they have no choice in that matter. As I pointed out in the House the other day, that is also my view in relation to this matter. Secondly, so far as the Commissioner of Police has been able to ascertain only two former police officers are working as bouncers. There may be police officers working as bouncers, but, if so, they are not doing so with the approval of the Commissioner of Police and he would like to find out about that without a spying operation being undertaken out there.

HOUSING - HOMESWEST

Wanslea Development - Aged Urban Gheto, Cottesloe Town Council Claims

392. Mr CATANIA to the Minister for Housing:

- (1) Is the Minister aware of reported claims by the Cottesloe Town Council that Homeswest intends to create an urban ghetto for aged people at Wanslea?
- (2) What development is proposed by Homeswest for the Wanslea site, and why?

Mrs BEGGS replied:

(1)-(2)

I thank the member for his question. I wish I could answer no, that it were not the case. However, there was a media report in which it was reported that the Cottesloe Town Council has made some rather emotional and unwarranted comments about the Wanslea project. I can cope with the emotional and ill-informed comments that have been made, but I cannot cope with the unfair

comments as reported in the *Subiaco Post* of 28 November 1989. The article states -

Mayor Charles Murphy and councillors took turns to condemn the Government decision to go ahead with 13 -

And I emphasise, 13 -

- Homeswest units for aged people.

Mr Murphy said, "I consider that if we do have them, they should be integrated, not in ghettos."

It is easy to be amused by that sort of comment in the late 1980s going into the 1990s, but for the mayor of a council like Cottesloe's to suggest that 13 one bedroom units for aged people is likely to create a ghetto is the sort of social prejudice that people in Western Australia should have long passed. It is also true to say that, unlike previous Governments, this Government does not create that sort of welfare housing ghetto anywhere. All new housing developments have a low Homeswest rental presence and a mixture of private rental housing and private and assisted purchase homes.

Mr Peter Dowding: Good quality, too.

Mrs BEGGS: Yes. Spot purchase and development programs in existing suburbs are creating the same desirable social mix. It is absolutely incumbent upon all members of Parliament to ensure that the attitude displayed by the Cottesloe councillors is one that nobody supports. This Wanslea project is intended to provide much needed housing for elderly people who have absolute direct links with the Cottesloe district, but are without the financial resources to rent privately or purchase in that area. It is absolutely disgusting that from time to time the sort of attitude displayed by the Cottesloe Town Council emerges.

Mr Taylor: The other important issue here is that the units will be built alongside the school, which provides an important opportunity for young people to interact with old people.

Mrs BEGGS: Yes, and that is the sort of approach that Homeswest is trying to adopt. The area involved is 1.08 hectares for that 13 unit development. The development is absolutely in keeping with the surrounding area. It appears that there are some people at local government level, and unfortunately some parliamentarians, who think that Homeswest housing in certain areas is not desirable. The weekend before last the Leader of the Opposition supported a rally in the northern suburbs where the same sort of housing development is proposed at Hepburn Heights and that same sort of social prejudice was displayed. It is about time that members of the Opposition stated their attitude to aged housing, particularly as it relates to those people.

Mr Hassell: People aren't allowed to disagree with your social prejudice, are they?

Several members interjected.

Mrs BEGGS: The people we are trying to assist with these aged housing programs have fought in world wars and are desperately in need of assistance. I see people every day at my electorate office who are desperate for that assistance with housing and with the other types of programs we have developed and tried to put in place. The housing to be provided in this financial year has been thwarted by the attitude of people such as the Leader of the Opposition and councillors of the Claremont Town Council.

Mr Hassell: No-one is allowed to have a different social attitude from yours.

Mrs BEGGS: That is what makes the most marked and significant difference between the attitude of the conservative forces and that of the Labor Party in this State.

Several members interjected.

The SPEAKER: Order!

Mrs BEGGS: His different social attitude is not one that anyone in Western Australia would willingly or openly support because we are talking about housing for the aged and all of us will be old one day. The member for Cottesloe may be in a position to buy his own home, but if he is so blind as not to recognise the plight of many hundreds of elderly people in our community who are desperately waiting for housing, that is his problem. That housing can be provided if the attitude of people like the member for Cottesloe and the Cottesloe Town Council would alter. I am sure we could then get on with the job. I am appalled at the statements of the council members and I understand that the member for Cottesloe has been actively supporting them.

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE

Rothwells Ltd, Liquidators' Payment - Authority

393. Mr MacKINNON to the Treasurer:

Under what authority was the payment of \$22 539 415.07 made to the Rothwells' liquidators if it was not made under the Industry (Advances) Act as my reading of the Solicitor General's opinion indicates?

Mr PARKER replied:

I have referred not only to the Solicitor General's written opinion but also to his subsequent comments to me about that opinion which conform absolutely to the words in the opinion. I will have to check this, but my recollection is that I have answered a question on notice relating to this matter in which the Leader of the Opposition or one of his colleagues asked precisely the same question. I will check and if that is not the case I suggest that the Leader of the Opposition place his question on the Notice Paper.

RAILWAYS - MANDURAH RAILWAY LINE

Construction - Government Commitment

394. Mr READ to the Minister for Transport:

Has the member for Mandurah received a commitment from the Government to build a railway line to Mandurah?

Mr PEARCE replied:

One reads some funny things in the newspaper!

The SPEAKER: Can the Minister talk about Rockingham, which is on the way?

Mr PEARCE: The study is already at an advanced stage in terms of the provision of a railway to Rockingham, using existing lines and diesel rail cars to transfer from the suburban line when it is electrified. So I guess I shall see a headline in the Rockingham paper next week saying, "Barnett wins rail link commitment". In your case, Sir, there may be some truth to it.

I had a good laugh in what was otherwise a dull morning when I saw this morning's edition of the *Mandurah Telegraph*. This is the headline: "Nicholls wins rail link commitment".

Several members interjected.

Opposition members: Hear, hear!

The SPEAKER: Order!

Mr PEARCE: I do not know why the member for Applecross keeps interjecting. Every time I look at him I think he looks like King Kong after he has shrunk.

Several members interjected.

The SPEAKER: Order! Members should not be so personal.

Mr PEARCE: When members make statements to newspapers about speeches they made in Parliament they should be a little more careful of the truth.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: This is what the article says -

Mandurah MLA, Roger Nicholls, has won a commitment from the State Government over a Perth to Mandurah rail link.

Opposition members: Hear, hear!

The SPEAKER: Order!

Mr PEARCE: I think the people who write the *Mandurah Telegraph* do not read it because on Wednesday, 23 November last year -

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: On Wednesday, 23 November 1988, a story in the same newspaper under the heading "Study on rail link" said, "A rail link between Mandurah and the metropolitan area will be the focus of a study to be undertaken by a Government task force. It has been established by Transport Minister, Bob Pearce, following representations by Mandurah MLA, John Read."

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: So a mere 11 months after these moves were undertaken to do the planning for the Mandurah rail link, the new member for Mandurah comes into this Parliament and suggests that there should be a train to Mandurah. On that basis I pointed out to him that the Government was already working in this direction. That is the truth, and everyone understands that is the case. The member for Mandurah is a new member in this place, but a member does not do his credibility any good when, after an interjection from the Minister -

Several members interjected.

The SPEAKER: Order!

Mr Clarko: Is the member for Rockingham upset?

The SPEAKER: I am not upset, I am getting my railway, but the member will be upset when I terminate question time if this behaviour continues.

Mr PEARCE: It is rough for members, in those circumstances, to pretend something like this is all their own work. I may be wrong, and the member can interrupt me if he likes, but I assume, since *Hansard* did not come out until today, that the *Mandurah Telegraph* was given a copy of *Hansard*, which was extensively quoted. I did not give the *Mandurah Telegraph* a copy, so I can assume only that it was given to it by the member for Mandurah.

Mr Clarko: With a copy of the Press release.

Mr PEARCE: That would not be a bad idea either.

Several members interjected.

Mr PEARCE: The simple fact of the matter is that the member for Mandurah has made no contribution at all to the work relating to this railway.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: That is the simple truth. The matter was discussed originally with the former member for Mandurah and myself, and this development was announced by the Premier a long time ago, before this member became the member for Mandurah. But the height of cheek comes a little later in this story, because the member for Mandurah is now making an innovative suggestion and asking his constituents to write in with suggestions about where the Mandurah railway station might go.

Mr Clarko: He will need it, seeing he has a railway line.

An Opposition member: That is why he is the member for Mandurah.

Several members interjected.

Mr PEARCE: Although the Government may be prepared to have a system of railway lines and allow members through whose electorates they run to hold competitions to decide where the stations might be put, when we plan the Mandurah line and the Rockingham line, the positioning of stations will be worked out by transport experts and published in a master plan.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: But we have a system of public input. Members opposite are trying to improve a member's credit rating and output. We are quite happy for the member to be involved in the local input process.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: I am denying that the present member for Mandurah won a commitment, because the commitment to the Mandurah railway line was given 11 months ago and the member for Mandurah is seeking to grab the credit for work done by others.
