

Legislative Council

Wednesday, 29 August 1990

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

JOINT SELECT COMMITTEE ON THE CONSTITUTION

Substitution of Member

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That Hon Derrick Tomlinson be appointed to the Joint Select Committee on the Constitution in place of Hon P.G. Pandal.

MEMBERS OF PARLIAMENT - LEAVE OF ABSENCE

Hon John Halden

On motion by Hon Fred McKenzie, resolved -

That leave of absence be granted to Hon John Halden (South Metropolitan) for six consecutive sittings of the House due to urgent public business overseas.

RACECOURSE DEVELOPMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Police), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [2.40 pm]: I move -

That the Bill be now read a second time.

This Bill makes several amendments to the Racecourse Development Act 1976 to alter the role and composition of the Racecourse Development Trust established under that Act. The Racecourse Development Act establishes the Racecourse Development Trust and empowers that trust to distribute funds to country horseracing and trotting tracks for improvements to tracks and related facilities. Following amendments to legislation to implement parts of the Quin report in 1988, the funds available for distribution by the trust consist of unclaimed Totalisator Agency Board betting dividends. In the trust's 1989-90 financial year, which ended on 31 July 1990, this sum amounted to \$1.3 million. This is double the amount which would have been available if the 1988 amendments had not been made.

The trust comprises a chairman and member appointed by the responsible Minister, a person nominated by the Western Australian Turf Club and appointed by the Minister, a person nominated by the Western Australian Trotting Association and appointed by the Minister, and the Chief Executive Officer of the Office of Racing and Gaming or a person nominated in writing by the chief executive officer. At present, the trust may grant or lend funds only to horseracing and trotting clubs outside the Perth metropolitan area and, when considering a particular proposal, must allow a representative of country racing or trotting interests, as relevant, to make submissions in support of the application.

In keeping with a recommendation in the Quin report, this Bill provides that funds in the Racecourse Development Trust fund may now be applied to metropolitan as well as non-metropolitan horseracing and trotting tracks. To allow proper consideration to be given to this wider distribution formula, the Bill also changes the composition of the trust. It provides that the trust shall comprise seven members. There will be a chairman and one other member appointed by the responsible Minister, as well as the Chief Executive Officer, or nominee, of the Office of Racing and Gaming. In addition there will be four industry representatives, and, of these, two persons will be nominated by the Western Australian Turf Club and appointed by the responsible Minister; one will represent metropolitan horseracing

interests and the other will represent country horseracing interests. A person will be nominated by the Western Australian Trotting Association and appointed by the Minister to represent metropolitan trotting interests, and a person will be nominated by the Western Australian Country Trotting Association and appointed by the Minister to represent country trotting interests.

On matters relating to general trust business, such as the adoption of policy and the making of regulations, the trust will comprise these seven members with a quorum of four. Where there is a proposal for the funding of a particular horseracing club, or horseracing clubs in general, the two trotting representatives will not form part of the trust. Conversely, when a proposal relates to a trotting club or trotting clubs in general, the two horseracing representatives will not form part of the trust. In this way, on any particular proposal relating to horseracing or trotting clubs, the trust will not comprise more than five members.

Because of the extra funds available to the trust and the ability to apply those funds for the purposes of metropolitan horseracing and trotting clubs, it is anticipated that the trust will play a more prominent role in relation to capital improvements at tracks throughout the State. For this reason, and consistent with the principles set out in the Burt Commission on Accountability report, the Bill provides that the trust will be subject to directions from the responsible Minister with respect to its functions and powers. It is not intended that the Minister give directions to the trust in relation to a particular application before the trust. The trust will carry out its day to day functions free of ministerial direction, and directions, if given, would be only on general policy or if it was clear that some practice or policy of the trust needed to be corrected.

At present the Racecourse Development Act does not stipulate how the trust should allocate the funds between horseracing and trotting clubs. In practice, in the past the trust has applied approximately 60 per cent of the funds to horseracing clubs and approximately 40 per cent to trotting clubs, in keeping with the ratio for allocation of Totalisator Agency Board surplus funds between these two codes. The Bill provides that the trust apportion the funds between the two racing codes to reflect the changing ratio for the distribution of TAB surplus moneys established in the Totalisator Agency Board Betting Act by amendments passed in 1988.

Horseracing, by its very nature, involves a degree of danger, especially for jockeys and reinspersons. That danger can result from driving or riding practices or from the state of track facilities. Riding and driving practices are regulated by stewards, but at present there is no independent forum with adequate powers to ensure that track facilities are safe. Where a track safety issue arises and is not quickly resolved it can lead to disputes between racing officials and personnel and to a reduction in public confidence in the industry. The trust will be given power to direct individual clubs on safety issues. This could occur whether or not a racing club has applied for assistance. Jockeys and reinspersons will be given the right to raise safety issues with the trust, again whether or not there is a proposal already before the trust. If the trust considers that a safety matter should be attended to, it could give a direction to the club to remedy the defect and, if necessary, provide the funds to the club for this purpose by way of a loan or grant. In this way, the trust will become an independent forum on this important issue, allowing genuine matters to be addressed before they become damaging to the industry or injurious to participants.

The Bill also provides that public servants may be used to provide support services to the trust. It also provides that, with the responsible Minister's approval, the trust may engage professional or technical consultants to assist it in making decisions about proposals. In the area of track safety this will assist the trust to make impartial and independent decisions.

The Bill provides that grants or loans may be made subject to conditions, and may be recovered by the trust if the racing club does not use the funds for the approved purpose. Whenever an application is made to the trust or the trust is considering giving a direction to a racing club, the Bill provides that the trust must allow a representative nominated by the racing club a reasonable opportunity to appear before the trust and make submissions on the matter.

Once the amendment Act comes into operation, the newly constituted trust may also deal with any moneys left in the fund before the amendments. However, it is proposed that the responsible Minister will give a direction in writing to the trust to the effect that any unspent moneys which have accrued to the fund before 1 August 1989 may be applied only to

country horseracing and trotting tracks. This is in keeping with a commitment to the industry that metropolitan clubs will have access to the funds only after 1 August 1989.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.H. Lockyer.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Police), and returned to the Assembly with amendments.

BILLS (2) - REPORT

1. Builders' Registration Amendment Bill

2. WADC Liquidation Bill

Reports of Committees adopted.

TOBACCO BILL

Second Reading

Debate resumed from 10 July.

HON MAX EVANS (North Metropolitan) [2.51 pm]: The Tobacco Bill has been around for a long time. If the Minister for Planning is like me, she will have had to refresh her mind as to what it is all about. Many amendments which were placed on the Notice Paper before the summer recess are no longer on the Notice Paper. The delay with dealing with this Bill has brought a lot more interest in it and its workings and knowledge of the problems with legislation have come out of South Australia and Victoria. Those States have encountered problems which could affect the smooth running of the legislation and we know that the Government has placed a great deal of emphasis on its platform to assist sporting organisations with the funds collected under this legislation. It is ironic that many of the organisations that the Bill proposes to help abhorred tobacco sponsorship but now they can hardly wait to get their hands on this money. It is the same money, but now those organisations close their eyes to where the money comes from. That is hypocritical.

I am still waiting for replies to questions on the tobacco franchise tax which I asked last March. As my questions related to the quantity of tobacco, I should have had answers long before this.

The philosophy of this legislation is to tax the tobacco consumers to stop people smoking. That was also the theory in 1983 when the tobacco tax was first introduced. An amount of \$2 million of that tax was given to the Quit campaign as part of the Government's policy to improve the health of the nation. I made a recommendation to the anti-smoking council at that time to put pressure on the Premier of the day to put 33 per cent or 50 per cent of those funds into medical research. The anti-smoking council did not go public on that. It was happy to see \$2 million provided to the Quit campaign which was only a marketing exercise, doing no real good.

Hon Kay Hallahan: It is an educative program.

Hon MAX EVANS: Yes, funds are to be provided for medical research which funds should have been provided at that time. Instead, an extra \$28 million went into the Consolidated Revenue Fund. In fact, the amount that went into that fund averaged about \$30 million over the seven years with a total of \$210 million being provided. In the same period approximately \$14 million has been provided to the Quit campaign. It was a very big bonanza for the Government.

However, not being content with that bonanza, the Government decided that it would give its revenue from tobacco another huge boost by increasing the revenue from tobacco licence fees, providing a third of that to the Health Promotion Foundation because both South

Australia and Victoria thought that the electorate would find that favourable politically and that they would win many votes from it. In fact, they are getting a lot of headaches from trying to administer the legislation. There are six States in Australia with various national and international events being held around the country. An estimated amount of \$9 million from this legislation will go to the Health Promotion Foundation, being 10 per cent of the total funds raised from the tobacco tax. The idea is that, as the Consumer Price Index increases, the tax will increase. That has occurred because inflation has increased the price.

The pressure placed on tobacco companies by this type of legislation is wrong. They are selling a legal product in this country, with views on the different types of advertising of the product being distorted throughout the country. It is highly politicised from one State to another. The marketing managers of tobacco companies must find the different legislation in every State difficult to deal with. In the 1960s and 1970s companies legislation throughout Australia became uniform because businesses which operated throughout Australia found it difficult to keep up with the different legislation. The tobacco companies now have the same problem. Many people will ask, "So what?", but these companies are big employers and pay huge amounts of companies tax to the Federal Government.

The Bill passed through the other place in December last year after a fair bit of discussion. However, one of the wonderful things about this Bill is that, as it has taken so long to be dealt with in this place, many anomalies have been discovered. It is standard practice for this House to debate Bills seven days after they are introduced. That makes one wonder why there is not more bad legislation than good legislation. That time constraint does not allow one to discuss legislation in the public arena. In Great Britain, two weekends are allowed between the introduction of a Bill and the time it is debated which allows plenty of time for legislation to be considered. Two solid weekends can be devoted to considering legislation because Parliament sits from Monday to Friday.

Hon Kay Hallahan: You are not suggesting that we have not had enough time on this Bill, are you?

Hon MAX EVANS: It took me six months to read the 12 pages of the promotional stuff before I got to the Bill. I am not suggesting that the time has been short with this Bill. I said that the beauty of this Bill has been the time allowed for its consideration. That is a wonderful thing and I thank the Minister for giving us that time. The industry is grateful that the Minister, although not responsible for the Bill, has shown commonsense by allowing us plenty of time to consider the matter. The industry thanks the Minister, although many more queries about it have been raised. That time has been allowed to them by the procrastination of the Government.

A key problem with the Bill involves the horseracing industry. I wish Hon Philip Lockyer were here. The horseracing industry in Western Australia is a big industry employing many people that would not be employable in other industries. I am not denigrating them; many of them have grown up in the industry. Some of them make a lot of money out of the industry and others treat it as a game and make money on the side. It is a huge industry which is uncertain about its future under this legislation. An extra \$1.2 million was made available to turf clubs in South Australia for prize money so that they were not continually going back to the health promotion fund in that State with concerns about tobacco advertising. Funds from tobacco sponsorship are provided to the horseracing industry in Victoria although harness racing receives no sponsorship. It probably receives funds from the health promotion fund.

The Minister indicated yesterday in answer to some of our queries that the horseracing industry could either depend upon the funds or not depend upon the funds. The Minister's speech refers to exemptions for the horseracing industry, exemptions to which I will refer in a few minutes. That industry in this State is unclear about where its funds will come from in the future because, if it dissociates itself from tobacco sponsorship, it will have to depend on picking up the revenue presently supplied to it from the tobacco tax. I think that amount totals \$700 000 which includes funds for country racing. In some ways, the country racing industry is more dependent than the metropolitan industry. The industry will then be required to approach the foundation for its funds. It will be only a short time before the industry will have to lift the stake money considerably to attract horses from other States. It is only the promises of big stake money in years to come that encourages people to breed certain horses, stayers or sprinters. Stayers are bred only for a few long distance races of just

over two miles each year. That is where the big money is spent - on races like the Winfield Perth Cup.

Where will the Turf Club be a couple of years down the line when, instead of receiving \$360 000 for the Perth Cup, it wants \$500 000 for one race? It will approach the Health Promotion Foundation for a doubling of its funds to make that race worthwhile not because it wants to be over generous but because it wants to match the stakes provided in the other States.

The racing industry will have a problem in presenting a case to the Health Promotion Foundation for funds because there does not appear to be a subcommittee for the racing industry. Mention has been made of subcommittees for sport and the arts, but not for the racing industry. None of the 11 foundation members represents the racing industry. In her speech on the Racecourse Development Bill, the Minister said that the two racing industries cannot vote on the same subject. The Trotting Association cannot vote on the Turf Club and vice versa. How would they negotiate with the Health Promotion Fund for a big stake for one race? When a big stake of, say, \$600 000 is negotiated by the racing industry, how much could it spend on signage? At the present time the money received from tobacco companies is all stake money. Sponsorship of \$350 000 provides the stake money for the Winfield Perth Cup; a dinner and entertainment is also provided to enhance the event. The industry is concerned about how it will be affected by exemptions and the limitations to 30 June 1994. Two interpretations have been made; one is that it will apply only to certain aspects and not to others. Will racing continue to receive an exemption from the rules to accept tobacco sponsorship after that date? The industry may want to seek sponsorship from the Health Promotion Foundation because of advantages for the long term and in the interests of promoting good health. However, what will be the conditions attaching to any funds? What funds will the industry receive? How much of the funds can be allocated to signage? That amount may be 20 per cent; most of what comes from the Eastern States places a big emphasis on promoting health not directly in relation to a particular sport or art. How much of the funds will be allocated to the message and how much to the substance?

Hon Kay Hallahan: Do you mean that is different from tobacco advertising?

Hon MAX EVANS: An amount of \$350 000 would be allocated to stake money and signage is paid for separately. When money is provided for key events such as the Winfield Perth Cup or the Benson and Hedges Cup, if the amount granted must be used for stakes as well as marketing of health promotion, more or less money may be required. What will be the rules with respect to this expenditure? Victoria and New South Wales follow different rules under different legislation. I heard Hon Phil Lockyer raise the matter of country racing, which may face more problems because many small meetings held in the country are sponsored by tobacco companies. Will each one put up a case to the Health Promotion Foundation? Who will look at their case? I have seen the names of the 11 members on the committee, and I know that no-one on the committee understands the problems of racing. Someone should represent the industry.

The Bill provides for exemption of events of national or international significance. Will the signage have to come down the day after the event? In Victoria, signage is removed on days when no competition is held and is put up when competition occurs. Benson and Hedges signs are provided for the cricket association for a large part of the year and that company is the main sponsor for the WA Trotting Association. If the signs are permitted to be shown for only two weeks, or the time of the event, promotion will be far less attractive to the sponsors. They may be reluctant to provide large sums of money if their profile were for only two weeks and not for the whole year. The cricket association would also like to know if the situation will be similar to that in Victoria. Rather than making their own interpretation, industries would like the facts. In Victoria their interpretation is that signage can be placed only for the event and not for the whole year as occurs at present in Western Australia. The outcome may have a big effect on the association's income. The association could be forced, for the wrong reasons, to approach the Health Promotion Foundation for funds it does not even know the value of before it divorces itself from the present people who have looked after the industry very well. I want to know the facts.

Hon Kay Hallahan: Hang on a moment, the industry might perceive that it was looked after by the tobacco companies, but the companies have had a very good return on their money.

They have not looked after the industry; they have invested their money in sporting events. Lets not get into some fuzzy thinking about people looking after people.

Hon MAX EVANS: Were we allowed to deviate from the Bill to debate marketing and value for money -

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! We will not do that.

Hon MAX EVANS: It would be a good debate. Often, these companies give money away unwisely because an executive likes a particular sport and they kid themselves that they will make some money on it. It gives them a nice warm feeling to provide sponsorship.

Hon Kay Hallahan: We must be very clear about what is the nice warm feeling and what is the economic return.

Hon MAX EVANS: Stake money is still important to them. Horseracing is a very big industry employing many people. The breeding of horses does not simply involve finding a horse and immediately racing that horse; long term planning is required for a breeding program. Money paid for mares and stallions' fees is an investment for a race horse which may return on that investment three or four years down the track. The return on a stayer will be received four or five years down the track. If the industry were to foresee problems in stake money from tobacco companies which were unable to obtain a satisfactory deal because of the new rules, or the uncertainty of the health promotion fund and the money it will provide, which would be only on a year to year basis, would the fund be able to provide a contract for three years? The racing industry will need assurances that funds can be provided to racing to make it worthwhile carrying out breeding programs for the best horses.

Hon Peter Foss: It is the second largest employer in the State, and it affects many people in the East Metropolitan Region.

Hon MAX EVANS: As Hon Peter Foss says, the racing industry is the second biggest employer in this State. Many of the people employed in the industry are unemployable elsewhere. Other members in the east metropolitan area will support greater assistance for the industry because they are greatly concerned about it.

Rugby league is also sponsored by the Winfield company. Much of that company's advertising is mass produced in Sydney where rugby is sponsored. Rugby league must look very carefully at what funds it will receive in the short and long terms. As I mentioned during my speech on the tobacco franchise Bill, the sponsorship of these sports has often involved more than just the money and the warm feeling that the Minister cynically referred to. A great deal of panache often surrounds the sponsorship, highlighted by dinners where entertainers are provided. Those promotions add something special to a deal and elevate the sport. Rothmans used to sponsor rugby league and soccer, but I understand that has changed. The Benson and Hedges Cup and the Winfield Perth Cup were provided by Rothmans. The sponsorship promotions play an important part in enhancing the various sports in the eyes of other people.

Before the end of June, the different industries were worried about whether they would receive the whole estimated \$5 million prior to 30 June and the \$9 million this year. The Minister should be able to say exactly how much would have been collected under the criteria of 10 per cent of the total tobacco tax from 1 November to 30 June. This should not be a very hard calculation to work out. On that basis, what funds would have been due to the Health Promotion Foundation had it been formed before the end of June? The Opposition does not have a Press release saying the Government has held up the legislation like Hon Joe Berinson produced on another Bill. We do not want to see a Press release saying we have held up this legislation.

Hon Kay Hallahan: This House refused to reintroduce it.

Hon MAX EVANS: That was on a principle.

Hon Kay Hallahan: A principle is not a delay.

Hon MAX EVANS: We came back in May and the Minister could have introduced the legislation then. There was plenty of time to do that before the beginning of June. Will the Minister tell us about this \$5 million and explain exactly how much would have been raised from a tobacco franchise tax using the present formula between 1 November and 30 June?

Has that money been put in a suspense fund to become part of the health promotion fund this year, or has it been lost into the Consolidated Revenue Fund to help the Government have its \$300 000 surplus instead of a \$4.7 million deficit? It would be interesting to know how the Government handled that book entry. With my reasonable knowledge of public finance and the CRF I cannot see how it could be put aside when the legislation had not been passed.

Hon Fred McKenzie: Does all the money saved as a result of not having to sponsor these events mean that cigarettes will be cheaper for consumers?

Hon MAX EVANS: Yes, but it will not be noticed because of the tax imposed by this State Government. If the price of cigarettes were dropped by 1¢ or 2¢ a packet one would not notice as the Government gets 30¢ or 40¢ off the top.

Hon Fred McKenzie: They are already paying that amount, so we could expect cigarette and tobacco prices to drop.

Hon MAX EVANS: How can they, the company has to market its product? If the cigarette company saves \$700 000 on racing in this State it might put that \$700 000 elsewhere as it has a marketing budget part of which is paid to the racing industry. It will stick to that budget and spend the money elsewhere, or maybe make more profit. Hon Fred McKenzie is like the Arabs who raised the price of oil in 1973 because the Governments of other countries were getting more by way of tax than the Arabs were getting from the oil out of the ground. At the moment the Government is getting more from cigarettes than the tobacco companies are getting from their product.

Several members interjected.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon MAX EVANS: If the companies make more money, 35 per cent will go back to the Federal Government by way of tax and we will benefit that way; the State Government will get a part of that.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Max Evans should address the Chair and then, hopefully, other members will not interject.

Hon MAX EVANS: In the second reading speech the Minister said the following in relation to exemptions -

These exemptions will be granted by the Minister for Health following consultation with the Minister for Sport and Recreation or the Minister for The Arts, as appropriate. The exemptions will not be lightly granted, but will ensure that sports such as cricket, where there are events of clear national and international significance, and horseracing, which is of little appeal to children, can receive appropriate consideration.

The Minister may also grant exemptions at his discretion where significant hardship would result from the application of the advertising and sponsorship ban. It is intended that these hardship exemptions may be granted up to the middle of 1994. Particular preference will be given to arrangements in force before the proposed Act is proclaimed for which exemptions will be available in cases of hardship.

That paragraph is clearer than the previous Bill in relation to horseracing. One sees that appropriate consideration will be given, but these people want to know where they stand. The Minister kindly answered a question just before lunch about the four boats in the Whitbread yacht race being cigarette sponsored. That race receives consideration as an event of international significance, which is good.

Hon Kay Hallahan: This does not apply to international events.

Hon MAX EVANS: That is not clear in the Bill.

Hon Kay Hallahan: I will make a statement about that.

Hon MAX EVANS: If it does not apply to international events, does it apply to national events? Will the Minister tell me about that, because they are two different things? If it does not apply to international events being eliminated in 1994, the people involved will still have to apply for exemptions. Will they be able to get exemptions three or four years ahead,

because there is nothing in the Bill which says, "You are an event of international significance, therefore you shall get exemption." The world car rally is due to be held here soon. Many of the cars involved have tobacco company sponsorships which keep them travelling around the world. They will want to know well ahead what is happening.

The Minister commented a few minutes ago about events of international significance. The Western Australia Cricket Association will be interested in that comment because Sheffield Shield matches are sponsored by Benson and Hedges. Where do those matches stand? They are almost unique because the sponsorship goes to the Australian Cricket Board and money is fed back to the States. The WACA could say, "We do not get any tobacco sponsorship but receive a dividend from what Channel 9 pays for world series cricket." It gets a dividend because Channel 9 rents the ground for a certain amount for a major match and takes all the revenue from that match.

Will cricket be in a position of not getting tobacco sponsorship? Can it get health promotion funds to help it? Where does it stand in relation to Benson and Hedges signs that it must show as part of the contract the Australian Cricket Board has with Benson and Hedges for cricket matches? Where does it stand - as in racing - in relation to signs in the short term, and the longer term? We realise that Benson and Hedges signs are covered by the other sponsors' signs during one day matches - by Kentucky Fried Chicken or McDonald's signs. For the rest of the year the Benson and Hedges signs are showing. Will they be required to be covered up at other times?

In a letter dated 5 January 1990 the Minister for Sport and Recreation had the following to say to Ms Jackie Berkhout, State Manager, Confederation of Australian Motor Sport, regarding an exemption -

Exemptions will be made on receipt of application and each one will be considered on its merits taking into account the requirements of the Act and any special circumstances.

Generally, the situations you describe would be treated in the following ways:

1. Given that an event of national or international significance sponsored by a tobacco company is exempted, this exemption would include all competing vehicles carrying tobacco sponsorship. Exemption for such an event would necessarily involve coverage of all vehicles sponsored by tobacco companies participating in the event.
2. If an event of national or international significance does not have tobacco company sponsorship, competing vehicles that are sponsored by tobacco companies would need to apply for exemptions. It would also be possible for the organisers of the event to cover all such requirements in a single proposal.
3. If an event of national or international significance has Health Promotion Foundation sponsorship vehicles carrying tobacco sponsorship would not be allowed to compete. The conditions of sponsorship would, of course, include this requirement.

I would also like to point out that from time to time extenuating circumstances may necessitate interpretations of the exemption provision other than those outlined above.

I am not sure whether in extenuating circumstances they would or would not be given an exemption.

Queries have been raised before about tobacco sponsorship advertising on suits worn by drivers. This would be another exemption. We accept the Bill, but I am against the philosophy of what we are doing, except that the money is being raised to benefit many organisations. Many organisations are expecting a lot from it.

In this period of uncertainty, one group has raised the fear of losing Lotteries Commission money; it might be phased out by the Health Promotion Foundation. I have assured these people that I cannot see that happening; the Lotteries Commission Bill has gone through with an amount of two per cent for sport and two per cent for art. These fears are unlikely to materialise. If the Government wants to change that Bill because too much money is going out, I warn the Minister that she will have a big argument on her hands. Hon Bob Pike will

be leading the storm, because he brought in a Bill to govern lottery funds some years ago. We hope the Government will not be silly enough to say that these people are getting enough now.

Hon P.G. Pandal: An increasing amount of lottery funds are siphoned off into consolidated revenue anyway.

Hon MAX EVANS: They always have been. This goes back many years.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! The honourable member will stick to the Bill. He is wandering a little.

Hon MAX EVANS: I am sticking to the comments raised. This Bill could have an effect on the lottery legislation. Fear has been expressed by certain people that they may lose what lotto money is coming in now. I have assured them that as the Bill has just gone through the Parliament I cannot see that happening.

What worries me is whether we will see the wise and prudent expenditure of money on health promotion. The Minister wonders why tobacco companies promote sport. They are very successful companies in the marketing of their products.

Hon Kay Hallahan: They are very successful - and devastating.

Hon MAX EVANS: The alternative to being a success in business is being a failure. This Government has been that. It has been a failure in the petrochemical project and all that. The tobacco companies have been successful and they have made a lot of money. This Government has been an outright failure.

Several members interjected.

The DEPUTY PRESIDENT: Order! I am asking all members to come to order.

Hon MAX EVANS: What worries me, with my experience in marketing, is that the Health Promotion Foundation wants to spend money for the sake of getting out a message because it makes the Minister feel good.

Hon Kay Hallahan: Don't be silly!

Hon MAX EVANS: That is what it is all about.

Several members interjected.

Hon MAX EVANS: The Minister read this out herself -

I should also note the Government's commitment to ensure that some of the billboards which currently carry tobacco advertising will be replaced with health advertising. This has occurred in both South Australia and Victoria, where some hoardings carry the message, "This poster has given up smoking and it feels great."

They are even madder than I thought. That is not a good expenditure of money. Those States could have made better use of that money than spending thousands of dollars on painting the billboards. Westrail might do well out of it. It is not good advertising to put up posters like this saying, "This poster has given up smoking and it feels great" at a cost of \$5 000 over 12 months. That is what worries me.

Hon Kay Hallahan: You worry me when I hear you speak like that.

Hon P.G. Pandal: Don't get hysterical; they will be in here with a white coat for you.

Hon Kay Hallahan: When will they come?

Hon P.G. Pandal: The sooner the better.

The DEPUTY PRESIDENT: Order!

Hon MAX EVANS: Members should not forget that this is \$9 million. The Health Promotion Foundation could find good, logical reasons for spending money. I am stunned.

Hon Kay Hallahan: It feels good to have given up smoking. Why do you support tobacco company advertising if you think advertising has no effect?

Hon MAX EVANS: I do not reckon that is the best way to market health.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon MAX EVANS: I am very glad that I have unlimited time, otherwise the Minister would have taken an hour of my time already.

Hon Kay Hallahan: That is not true.

Hon MAX EVANS: I quote -

The legislation bans tobacco sponsored sport, the arts and similar activities. This ban does not apply for 12 months to contracts of sponsorship entered into before the proposed Act comes into force, or if an exemption is granted. Clause 15 provides exemptions in relation to sponsorship and advertising of tobacco products generally. Exemptions can be provided for events of national or international significance.

I shall keep coming back to where these people stand. It will need more than just an interpretation of the answer given by the Minister. I said to the Minister last night that the best thing for this Bill would be to refer it to the Legislation Committee, which could consider submissions from other people about their real fears. There has been a long delay and it would do no harm. We accept the Bill, but we should like to make certain that Mr Harry Sorensen, the proposed chairman, will have a foundation which will not have problems getting its message over. It must understand the full rules of what will be done.

Hon Kay Hallahan: So you support the concept of the Bill?

Hon MAX EVANS: The Government has the money; it may as well get the money out and we will see what comes back. I am not in favour of the principle, but as the Government has the money, perhaps it should distribute it. I do not want to see revenue being used in this way. I do not like all these uncertainties. These things must be sorted out. We want these organisations to come before the Legislation Committee.

Hon Kay Hallahan: Is that just to express their anxieties; not to have the matter sorted out?

Hon MAX EVANS: They will give the benefit of their experience and outline their concerns to the committee in order that it may produce better legislation. It should be quite clear what is meant by exemptions so that there will be no misunderstandings or uncertainties, particularly with trotting associations, turf clubs and cricket bodies and cyclical international events such as the Whitbread yacht race and the world car rally - in the future there may be others. The world basketball competition might come here, and it might be sponsored in other countries by tobacco companies. That would create a problem because we could have the Health Promotion Foundation here putting on a world basketball tournament and the Government may say that teams sponsored by tobacco companies will not be allowed to play. That problem will have to be faced up to. The Bill says that for a sporting body to be sponsored by the Health Promotion Foundation it must have no identification with tobacco.

Hon Kay Hallahan: International events are exempt anyway.

Hon MAX EVANS: International events are exempt when they have tobacco sponsorship. If an international event is to use Health Promotion Foundation money, the sportsmen involved cannot take part if they have tobacco sponsorship. We might need an extra exemption for something like that. I know this conflicts with what the Minister has said. I am not certain what could be done.

The second major component relates to the WA health promotion fund. This is selling good health which, I agree, is very important to the community. I am not certain whether selling health includes using signs around sporting grounds, although these signs do make an impact. I am not certain whether signboards will be used to promote health.

Hon Kay Hallahan: We are selling a lifestyle; many people have made changes already.

Hon MAX EVANS: Yes, they have, and that is very important. The Minister's second reading speech states -

The foundation will be able to replace all the funds and more provided by the tobacco industry to sport and the arts.

That statement requires an explanation. How will rugby league be affected? I do not know how much money that sport receives. What would be the package offered to replace support by Winfields? Would that package represent X dollars, or would it be X dollars plus several

functions to promote rugby - such as a dinner at the end of the year to be paid for by Winfields? Would such a deal be negotiated? Would the Health Promotion Foundation provide expertise to rugby league to put on a top class function at the end of the season?

Sporting bodies do not rely on only one sponsor. The image of any sport is important in order for it to attract sponsors; if it is well run, it will attract sponsors. Such bodies would be reluctant to rely on a sole sponsor - such as the Health Promotion Foundation - because if such support were lost the sporting body would have to renegotiate to find another sponsor. It is very hard to negotiate sponsorship contracts in this State because not many sponsors are available.

Hon Kay Hallahan: That is precisely what the foundation will do.

Hon MAX EVANS: It will replace the tobacco sponsorship but we do not know how much will be received.

Clause 15 outlines exemptions. A degree of uncertainty exists in this area, and we seek some clarification and enunciation in the Bill. The clause reads -

- (1) Subject to this section, the Minister may, by notice published in the *Gazette* -
 - (a) exempt a person or class of persons either wholly or in part from the operation of section 5 or 8 subject to such conditions (if any) as are set out in that notice or prescribed for the purposes of this paragraph; or
 - (b) amend or repeal an exemption granted under this section.
- (2) An exemption may only be granted under this section -
 - (a) after consultation between the Minister and the appropriate Minister -

Hon Kay Hallahan: Sport or arts.

Hon MAX EVANS: I will continue -

- and having regard to the nature and background of the event, function or series concerned and to the purposes of this Act, to facilitate the promotion and conduct of -

- (i) a sporting or cultural event or function;
- (ii) a series of sporting or cultural events or functions, of national or international significance;

Activities such as cricket fall within those provisions but no clear indication is given of exemptions for horseracing. Perhaps that would come under a sporting or cultural event. Horseracing is the sport of kings but the matter needs clarification to avoid misunderstanding about whether horseracing is exempt. By interpretation horseracing would not be guaranteed an exemption under this clause. It can be assumed, but that exemption should be clearly stated.

Hon Kay Hallahan: Why should horseracing not receive money out of the foundation? What is the problem?

Hon MAX EVANS: Maybe horseracing could receive money from the foundation but I am referring the House to the second reading speech made by the Minister. That speech stated, in part -

The exemptions will not be lightly granted, but will ensure that sports such as cricket, where there are events of clear national and international significance, and horseracing, which is of little appeal to children, can receive appropriate consideration.

The Minister suggests those sports should be exempt. My point is that the Bill makes no direct reference to horseracing, although that activity could come under the sporting umbrella.

The matter was raised on a television program some months ago which queried whether horseracing would be included in the sports allocation. The second reading speech also states that grants will be made to sporting, cultural, health, community, research and youth organisations. Members of the industry are asking where horseracing fits in. When I have

been asked I have said that it must come under sporting activities because there is not much culture about horses. The riding of horses could come under the health umbrella. The horseracing industry could not be regarded as a community organisation, although the Police Force uses horses. So horseracing must receive a share of the sporting money. The Western Australian Sports Federation thought it would receive a substantial amount but \$700 000 at least will go to the racing industry if that body does claim an exemption for tobacco advertising. That body does not know whether it can claim an exemption or for how long.

These people are very concerned, although the establishment of the foundation has been promoted as being of great benefit to sport. Sporting personalities, such as John Inverarity, appeared in television advertisements to promote the foundation and its functions. Members of the horseracing industry are worried about just how much that industry will receive. The horseracing industry cannot be ignored, because it is the second largest sporting industry in the State and involves a large number of people. Funds must be guaranteed to that area for the long term.

I return to clause 15(3) of the Bill which reads -

- (3) For the purposes of subsection (2)(a), the appropriate Minister is -
 - (a) in relation to an exemption to facilitate the promotion and conduct of a sporting event or function or a series of such events or functions, the Minister for Sport and Recreation; or
 - (b) in relation to an exemption to facilitate the promotion and conduct of a cultural event or function or a series of such events or functions, the Minister for the Arts.

With horseracing the relevant Minister would be the Minister for Racing and Gaming, who will consider the exemption when a case is put forward. No reference is made to the Minister for Racing and Gaming having to look after the interests of that industry.

Hon Kay Hallahan: Most people regard that activity as sport.

Hon MAX EVANS: As long as the Minister can clarify that moneys for the horseracing industry will be allocated from the sports allocation -

Hon Kay Hallahan: Racing receives money on top of the sports allocation.

Hon MAX EVANS: How will that be defined? The accusation could be made that such a provision is not included in the Bill. I want a better Bill to ensure we do not face these problems. It is not clear what will happen if the racing industry wants an allocation. Moneys are allocated in eight different ways.

Hon Kay Hallahan: What is the problem with a sporting allocation? Racing is the king of sports -

Hon DERRICK TOMLINSON: The sport of kings, my dear.

Hon Tom Helm: But it lives on paupers.

Hon Kay Hallahan: I knew sport was involved!

Hon MAX EVANS: This is a matter that was raised by sporting organisations in April. Doubt has been expressed about the allocations to racing; it has been said that it is not true that the money will not come out of sport. Where will the money come from? So many furbies and rumours are circulating, and the Opposition wants to know the facts because this Bill, which will provide for the distribution of \$9 million a year, is the rule book and could be compared to an instruction manual for motor vehicle drivers. It is not similar to the situation a few years ago when the health promotion fund drew \$12 million from the State Government Insurance Commission and did what it liked with the money because there were no terms of reference. The Government just distributed the money and I am not criticising how it was distributed, but it did not involve a Bill such as this one which stated what was to be done with the money. The Government distributed that money very wisely but the SGIC was not very wise to give it to the Government because it needs the money today; however, that is a different matter. The Bill is the log book, the driving manual. If the Government does not provide all the instructions we will run off the road.

Hon Kay Hallahan: And by the Minister's discretion as well.

Hon MAX EVANS: I quote again from clause 15 which states -

- (4) The Minister shall, when deciding whether or not to grant an exemption under this section for the purposes referred to in subsection (2)(a), have regard to -
 - (a) any substantial connection between the relevant event or function or series of events or functions and other significant events or functions outside the State; and
 - (b) any reasonable efforts that have been made to obtain sufficient financial or other support for the relevant event or function or series of events or functions from sources other than the advertising of tobacco products to render the exemption unnecessary.

This virtually means that a sporting group will have the choice between tobacco sponsorship or other sponsorship. An amount of \$350 000 may be involved in the Winfield Perth Cup and the Western Australian Turf Club must assure the Minister for Racing and Gaming - or somebody who does not understand the problems involved - that it has sought sponsorship other than from Winfield. A lot of time may be wasted on that. A substantiation exists in the clause; this means that when a group comes to the committee and says, "Well, we cannot get any alternatives to tobacco sponsorship so now we are coming to you" there may be some doubts surrounding that statement. The committee may say, "We think you should go back and have a look at the situation again. We believe you can get other sponsorship." It will want to save the money by not paying \$500 000 for the next Perth Cup. Out of a budget of \$9 million, \$500 000 is a lot of money for only one race, but that is what the Government will be looking at.

Hon Kay Hallahan: They may also know what other corporations have got to handle in the way of advertising budgets.

Hon MAX EVANS: I accept that completely. I know what they have got. Whether they spend that money on that event is another matter. BMW has now come into the Australasian Derby and has put up \$200 000 or \$300 000. It uses the event to show off its cars as it did at some race meetings in the Eastern States. BMW has only just entered the game in Western Australia. Ron Meatcham, the general manager, was born in Western Australia. It may give him a nice feeling to know that he is in Western Australia supporting the game, but I do not think that is the main reason BMW would become involved in sponsorship. BMW is helping sponsor other events. Some races have already lost major sponsors. The Rothwells Perth Cup was lost a few years ago. There is no more money from that source; the liquidator said that he could not contribute to the Rothwells Perth Cup any more because limited funds were paid out to creditors when they should not have been paid.

Hon Mark Nevill: They should reduce the stakes on the big races and put more on the small races.

Hon MAX EVANS: That is a good point but we have to convince the industry that it will work. The industry does its breeding for big races; they are all gamblers and everybody knows that they will win the Perth Cup.

Hon Garry Kelly: It is a form of socialism to distribute stake money to other horseraces.

Hon MAX EVANS: The member would know all about that. Clause 15(5) states -

An exemption granted under this section for the purposes referred to in subsection (2)(c) shall not have effect after 30 June 1994.

Clause 15(2)(c) states further that -

In any other case of significant hardship to persons other than manufacturers or wholesalers of tobacco."

At one stage I was talking to people at the Western Australian Cricket Association who convinced me that this provision gives an exemption after 1994. This worries me and I think we need to look at the legal aspects. I do not think the meaning of clause 15(2)(c) is clear. I will let the Minister look at that because it is another matter which I think the committee should study.

Hon Kay Hallahan: Do you mean the Committee of the Whole House? Are we going into the Committee stage?

Hon George Cash: We will determine that depending on your response.

Hon MAX EVANS: There is a Standing Committee on Legislation of this House. According to the Attorney General it has done a very good job by getting other people to come and discuss these matters. I believe it could do a very good job now. It is even more important now because that committee is getting out of practice.

Sitting suspended from 3.45 to 4.00 pm

Hon MAX EVANS: I have alluded to the anomalies in this Bill. The Opposition is of the opinion that the legislation should be referred to the Legislation Committee. It is an opportune time for that to occur because Hon Garry Kelly, the chairman of that committee, is looking for some more work. He has already dealt with two important Bills and I am sure he would like to deal with this legislation to clear up the problems which exist.

Hon Kay Hallahan: I would like to see it stay in the House. That is what we are here for.

Hon MAX EVANS: I know the Minister would like the Bill to remain in the House, but Hon Joe Berinson has already referred to the wonderful job that Hon Garry Kelly's committee is doing. Many community groups which are interested in this legislation should have the opportunity to put forward their views and the Legislation Committee would allow that to occur. We humble members of Parliament may not understand all the problems.

Hon Kay Hallahan: What are we elected for?

Hon MAX EVANS: Community groups should have the opportunity to put forward their views. The Minister has not clarified certain aspects of the legislation and, by her comments, she will create more problems. One group in the community has asked for the reason that the Health Promotion Foundation will distribute money for sport. Why cannot we allocate a certain amount of money to the Department for Sport and Recreation and trust it to distribute it to sporting organisations?

Hon Garry Kelly: Part of the revenue has been dedicated to that fund.

Hon MAX EVANS: An amount of \$9 million has been allocated to the foundation, but why should we have another bureaucracy to distribute the money to sport and recreation when the department could do it? Of course, there has been a great deal of pork barrelling by the Department for Sport and Recreation in the last few years. Last year its budget was overspent by \$1 million in order to provide grants to different sporting organisations prior to the last election. I am not certain whether it would be the most reliable way in which to distribute funds, but perhaps it should be given consideration. No-one in the arts world has expressed a view that the Department for the Arts should allocate funds.

Hon Garry Kelly: Don't you see the link between sport and health?

Hon MAX EVANS: Yes, most sportsmen and women are healthy. The more healthy a nation, the less medical costs it has. The same could be said about smoking.

On the question of sport I advise members that a greater part of the money will go to promoting health. In 1987 the Quit campaign made a worthwhile contribution to athletics and swimming when assistance was required to run championships during the America's Cup. It gave the Quit campaign the image it wanted at a fairly low cost. I ask the Minister how much money will go to sport, per se, in running large events, helping to develop sport for youth and towards promoting health?

I am certain I read recently that there will be advisory committees on sport and the arts to advise the foundation. Will the Minister say whether the advisory committees will report to the Minister for Sport and Recreation or his representative before it takes a request to the foundation? Will the Minister also say whether the same will apply to the Minister for The Arts or his representative? What will be the nature of the advisory committees? Will they comprise public servants or representatives from the Department for Sport and Recreation and the Department for the Arts? Will the committee operate in accordance with knowledge it has obtained elsewhere? Will the representatives of the committee have some knowledge of marketing in order to market the product? What extra cost will be involved by the foundation? What will be the definition of the advisory committees. Is it intended to include regulations in addition to this legislation? Members will notice that regulations are always printed in small print so that people cannot read them properly. What will those regulations

be? Will the regulations define the advisory committees - sport and the arts - and will they outline who will be represented on those committees? What will be the term of appointment for members of the committees and will their appointment be ongoing? At the end of the day these two advisory committees will probably be the most powerful parts of the foundation. The committees will be expected to put up a coherent case on how the money should be expended and there will be a tendency for them to be easily influenced. Therefore, the nature of the committees is important.

Rhonda Galbally, the executive director of the Victorian foundation, admits that the Victorian foundation takes cognisance of where the Government wants the money to be spent in the area of sport. It may be a good or a bad idea, but it will depend on where the money is allocated.

Members are aware of the huge financial problems facing the State Football League and there will be problems for the Western Australian Cricket Association in trying to service its debts. Will the Minister advise whether the committees will be in a position to allocate funds for capital expenditure? After all, the R & I Bank was able to use its money for the R & I Lilley/Marsh Stand at the WACA.

Will the Health Promotion Foundation make funds available for capital expenditure? I cannot see that it will be allowed to do so; however, the Bill does not say it may not. That is another matter I would like the committee to look at. It may put money into capital expenditure. It would often be well expended on equipment; for instance, on a bowling machine for cricket which could have a sign on it "Quit Smoking - Get Rid of Arthritis - Use this Machine", or something like that. There are a number of ways that money could be better spent on capital equipment which should be considered. I understand that the funds in the other States do not do that, and that could be confirmed.

We do not want it said that we cannot change for another three or four years. The Bill is silent on that, which means the Government can say yes or no quite easily. Appointments have been changed from the original grouping and the chairperson of the foundation is Mr Harry Sorensen, formerly of the Challenge Bank. Other members come from the Australian Medical Association; the Western Australian Sports Federation; and the next one is most interesting, the Western Australian Sports Council, which did not exist when the amendment was passed in the other place. The previous Minister relieved the chairman of his position on the Western Australian Sports Council and the Western Australian Institute of Sport because it was said that person helped write my sports policy, which is contrary to the Minister's sports policy. However, I wrote it myself.

The Western Australian Sports Council has been reconstituted in the past six months by the Minister. Who is on the council? I do not know whether they are the Minister's advisers or friends. That shows how these things can be rushed through. The name of the Western Australian Sports Council was included last December. Mr David Neesham is the chairman and there are other persons on that board. Two good authorities have told me that the council has only been operating for the past six months. I am amazed, if this is supposed to be good legislation, that a member can mention a body in the Bill which did not exist at the time. That shows the shortcomings of the way in which the Bill was put together. At that time, the Minister for Sport and Recreation was in this place and the Minister for Health was handling the Bill in the other place.

The Country Shire Councils Association of WA (Inc) will represent country sporting interests. That was a good amendment made in the other place because 40 per cent of the youth of Western Australia, and maybe more, are in the country. That is where a lot more help is needed for sport, which tends to be neglected. There are regional directors of sport and recreation in country towns, but I am glad there will be a representative to look after their interests. I am sure Hon Murray Montgomery can outline how much they can help.

The Western Australian Association of Professional Performing Arts is another important organisation which needs financial help for ballet and opera. I assume this representative will be looking after their interests, as they have had problems and the Government is finding it hard to help them from general revenue. It can now handball that problem to this body. With everybody handballing their problems to this body it will run out of money quickly, so we will have to encourage people to smoke more to raise more money in taxes.

Hon Kay Hallahan: That is an outrageous suggestion.

Hon MAX EVANS: If the Government were successful with its Quit campaign, as the Premier promised in 1983 - and it will take a long time to keep that promise because revenue is up - revenue from tobacco products should be down. I know the consumer price index causes the price to rise, but we have heard debate about the number of sticks of cigarettes sold or the number of grams of tobacco per person. However, basically, it is said it has been effected downwards, but my figures show it has gone upwards.

Hon Kay Hallahan: The Quit campaign has been successful.

Hon MAX EVANS: Ten per cent of the adult population of Western Australia, 120 000 people, have quit smoking, it is said. I cannot believe that.

Hon Kay Hallahan: Where does the member go? Everywhere I go everyone has stopped smoking.

Hon MAX EVANS: All the young people in my office smoke. It is said that 10 per cent of the total adult population have given up smoking yet the number of cigarette sticks used has increased since 1985 and is increasing slightly all the time; so people are smoking more and better.

Hon Kay Hallahan: The population is increasing, and younger people are targeted.

Hon MAX EVANS: That is how the Minister gets the figures down - tonnes of tobacco divided by the number of people; more people result in less grammes per person. That is how he gets his statistics.

Hon Kay Hallahan: Does Hon Max Evans not know people who have given up smoking? Does he not go to places that are much freer of smoke than was the case previously.

Hon MAX EVANS: I think it is marvellous; we should ban it in this House, too. Restaurants in Singapore have signs "Smoking is banned in here by law". On the subways are signs "Smoking banned by law". Also, consumption of drink and food on the subway is banned and the penalty for disobeying the ban is a fine of \$500 Singapore. That is the law there, but here we pussyfoot around.

Hon Kay Hallahan: Only because the people opposite will not take courageous moves to improve people's health.

Hon MAX EVANS: The list continues: The Australian Council on Smoking and Health will make its own contribution and I understand it is the main coordinator of the Quit campaign; the Commissioner of Health or his nominee; the Minister for Sport and Recreation or a nominee of that chief executive officer; the Minister for The Arts or a nominee of that executive officer; and a representative of the Bureau of Youth Affairs. All those bodies have a genuine interest. Sports bodies still feel they have been badly done by. They would like better representation because they believe they were used and manipulated although they believe in this Bill. They believe that having been used for this process they should get a bigger share of the cake.

The Bill mentions 11 people, but somewhere along the line we must think seriously of having 12 people so that horseracing can come under this Bill. I will wait until after the committee has looked at this matter to find where horseracing stands and whether it will recommend an amendment. There is then the problem whether it is turf racing or harness racing, but that is the Minister's problem not mine.

Hon Kay Hallahan: It would be a great mistake to get into individual sports.

Hon MAX EVANS: I do not see racing as an individual sport. I see it as a major industry and a large sum of money being involved. That is why it should be looked after. I do not know whether the same amount of money would go to youth affairs, that is up to the committee. This is an industry with unique requirements and if it does not get money it will go under.

In summation, we are looking at the problems we see with this legislation, as will other members. I came to be involved in this matter late in the proceedings and the Minister is unlucky because had she presented this Bill last December Hon Barry House would have handled it for the Opposition and this might have been a shorter and different speech. I have

a great interest in cricket and in horseracing as I am invited to their functions from time to time. My interest has arisen through cricket and horseracing because I have seen the uncertainties they have faced.

Hon Kay Hallahan: What about football?

Hon MAX EVANS: Cricket is the big problem because of the national television coverage and where Benson and Hedges stands.

Football clubs still have some tobacco sponsors like Philip Morris. They are being replaced, but the bulk of the money is not tobacco money, it is from such organisations as the Town and Country WA Building Society and the Swan Brewery. There are a couple of tobacco sponsors, but that will be changed. My interest has been in cricket, because this sport has experienced problems in the other States. Football can still have tobacco sponsorship in Victoria. The Fitzroy Football Club receives funds from the Victorian foundation. One of the other clubs receives money from a tobacco company. It is quite a big sum of money, and that is the club's choice.

In South Australia the only exemptions are test matches, Sheffield Shield matches and the Grand Prix motor racing event. South Australia must have problems defining those things. I do not know if any other sports can be exempted. This legislation provides a wider exemption as the Government has learnt from the problems in other States. The provisions of the first Bill were not as wide as they should have been. This Bill covers things like the Whitbread yacht race and the World Car Rally. There is a lot more learning to be done here. Is there a need for the Health Promotion Foundation to distribute money for art and sport when the money is already there? Is this the most effective method of distributing these funds?

Where do we stand on exemptions? I am sure the Minister will give the answers, but whether we take them on board and believe them or accept them is another matter. We will probably want them enshrined in the legislation so that Harry Sorensen and his committee have a manual with which to run this foundation efficiently and effectively in order to administer the money in the best way possible.

Hon Kay Hallahan: Legislation is for frameworks and regulations are for manuals. Do not let us get confused.

Hon MAX EVANS: The Minister will come back on this at the Committee stage. From time to time we have regulations which are due, and sometimes they are very long in the making. That is often necessary because there are many problems to be covered. We have given the Minister all the queries which have been raised with me by many of these organisations. They must be sorted out and the most appropriate way would be to refer the Bill to the Legislation Committee.

HON MURRAY MONTGOMERY (South West) [4.22 pm]: Community standards have changed. If we look back 60 or 70 years, we know that there was a great acceptance of smoking. We have seen a change; older people have decided that smoking causes problems, particularly to people's health. Smoking by older people has gradually given way to smoking by young people - even younger than me and the Minister.

Hon Kay Hallahan: Are you being rude?

Hon MURRAY MONTGOMERY: I am being complimentary. We now see many teenagers who have taken up cigarette smoking, and it is the young people that the tobacco companies have targeted. I do not blame them; it is their job to sell the product, but whether I agree with that is a different matter.

This Bill tries to limit the way in which tobacco companies can promote their product, and at the same time it allocates the taxes on cigarette or tobacco smokers. By so doing the Government is redirecting that funding back into the community to promote better health and less smoking, and to try to dissuade people from using a product which is alleged to cause health problems. It has been demonstrated that tobacco can cause deleterious effects to health. It appears to me that the cigarette companies are doing everything they legally can; and I do not see any problems with that. If we change the rules, the tobacco companies must abide by them.

I have spoken to the Minister at length about some of the exemptions in the Bill and the

confusion resulting from those exemption clauses, particularly in regard to 30 June 1994 and how that date relates to events of international or national significance. I picture an international event, perhaps motor vehicle racing at Wanneroo or around the houses.

Hon Kay Hallahan: Not around mine.

Hon MURRAY MONTGOMERY: I believe we are to have one in Albany next year. If a vehicle comes from overseas, and that vehicle is sponsored by a tobacco company, as I understand it the people involved with that vehicle will not be permitted to display the logos of the tobacco companies. That would mean that those people would probably not come. They would not be able to display that logo on their clothing. As Hon Max Evans said, it may be that motor vehicle racing and yachting will not take place. I wonder what would happen if, as happened some years ago, international jockeys who were sponsored by tobacco companies came here. If they wore logos on their clothing, would they be exempt?

Clause 15(2)(b) says -

to allow the performance during the period of 12 months commencing on the appointed day of a contract entered into before that day if significant hardship to persons other than manufacturers or wholesalers of tobacco might result if the exemption is not granted;

I understand they would not be subject to the legislation for a period of 12 months. I refer the Minister to clause 23 on page 20 of the Bill. This clause refers to proposed section 8 and to contracts entered into before 24 August 1989. There is a conflict there.

Hon Kay Hallahan: What is the conflict?

Hon MURRAY MONTGOMERY: The Bill refers to contracts entered into before 24 August 1989, yet we are told that in the case of agreements entered into on or before the assent to the legislation, a period of 12 months will be allowed.

Hon Kay Hallahan: No, it is just exempt. That is separate from this.

Hon MURRAY MONTGOMERY: I wonder if the Minister could look into that.

Hon Kay Hallahan: I would be happy to.

Hon MURRAY MONTGOMERY: Obviously country racing attracts tobacco sponsorship. That creates a problem because the Western Australian Health Promotion Foundation will have to buy out those contracts. However, what will happen after June 1994? Many country racing clubs rely on sponsorship. One race club I know of has a sponsorship of \$4 000 for a particular race meeting, and I do not think very many businesses in that town could come up with that sort of sponsorship on an ongoing basis. It is fine to say that the Health Promotion Foundation will buy out these sponsorships, but for how long? The tobacco companies are ongoing sponsors, but how long will the foundation continue to sponsor those clubs? This is of concern because country race meetings are important social events, especially for country people.

I see some problems in the setting up of the Health Promotion Foundation. Will the Minister set up what will virtually amount to a second bureaucracy? We already have departments with expertise to allocate funding, as Hon Max Evans has said. We have the Department for Sport and Recreation, certainly we have the section within the ministry controlled by the Minister for The Arts, and certainly we have the Health Department section relating to medical research. I wonder why we are setting up another bureaucracy. How quickly will it grow?

Hon Max Evans: And how much will it cost?

Hon MURRAY MONTGOMERY: Exactly - how much will it cost; and how much will it draw out of the foundation for its administration?

Hon Max Evans: Will there be a percentage limit on that?

Hon MURRAY MONTGOMERY: There is nothing about that in the Bill as I read it.

Hon Kay Hallahan: It will be a lean, mean machine.

Hon MURRAY MONTGOMERY: I am dying to see that, from one of these bodies which has been set up by Government - whether it be this Government or any other. It is

interesting to note that the South Australians set up a mean machine and they have been able to spend it all, and that money has not been going into the areas where we believe the money allocated to our foundation should go. We do not think that should occur over here. These questions need to be answered and I am not sure that the Minister is able to answer all of them in a satisfactory way.

Hon Kay Hallahan: But are you open to information?

Hon Max Evans: We have open minds.

Hon MURRAY MONTGOMERY: Perhaps a committee should examine it - and I am not suggesting for one moment that the legislation, in some shape or form, should not proceed.

Hon Kay Hallahan: Good.

Hon MURRAY MONTGOMERY: I have always said that; however, several buts and question marks should be answered before the legislation is allowed to proceed further. I am sure the Minister would acknowledge that good legislation is the object of the exercise.

I spoke of another bureaucracy and the funding that will take place. Are we actually starving other Government departments, siphoning off funding which should really go to those departments? Will the Government say, "We are spending so much in sport, so much in arts, and so much in health research, in such a way that it will cut back the spending of those Government departments"? It will be interesting to hear the Minister's answer; it will be more interesting to see what the Budget brings down.

Hon Kay Hallahan: They are two separate issues.

Hon MURRAY MONTGOMERY: Obviously the Minister cannot pre-empt one, but she can tell us about the other.

Hon Kay Hallahan: Absolutely. I agree, and I will.

Hon MURRAY MONTGOMERY: Hon Max Evans also asked what has happened to the \$5 million allocated in last year's Budget. Where will that go? Is it being held in a suspense account; is the Government using those funds which were allocated in the Budget for setting up this foundation; or will it be added to the funding that will be raised during this financial year, so that the foundation will have some \$14 million to spend in its first year? If so, there is nothing in the Bill to say how long the foundation can hold funds after any financial year. Does it have to spend all of its funding within a certain period after the end of a financial year, or can it accumulate funds? If it accumulates funds, will we see some focus to Government spending at an appropriate stage, closer to an election - or, as one would like to call it, pork-barrelling? These issues have caused a great deal of concern and must be answered.

Hon Kay Hallahan: What is this pork-barrelling bit?

Hon MURRAY MONTGOMERY: If the foundation is able to retain the funding and has no limits on the extent to which it can hold its funds, it could appropriately spend those funds. It could even do so at the direction of a Minister. I know the Bill provides that that would need to be reported in its annual report, but that could be presented up to 12 or 18 months afterwards.

Hon Kay Hallahan: I thought the foundation was separate and independent from and not connected with members of Parliament.

Hon MURRAY MONTGOMERY: But it can take direction from the Minister, even in writing.

Hon Kay Hallahan: So it should.

Hon MURRAY MONTGOMERY: And the Minister can direct, and if the Minister does direct, then it will do so. Even if the Minister's directions are reported in the foundation's annual report, that could be up to 18 months afterwards.

Hon Kay Hallahan: That is not much use if you are talking about pork-barrelling.

Hon MURRAY MONTGOMERY: But it is there. Is there any provision in the Bill which says the funds raised in the previous financial year will be spent within two months of the end of that financial year, or can the foundation accumulate those funds?

With those comments, and having sought those explanations from the Minister - which I am sure she will give - I believe that, with the Bill in its present form, we would need to consider getting some other explanations and perhaps even sending it to a committee, or the Committee of the House, where a few of these problems can be ironed out in order to make it better legislation.

HON TOM HELM (Mining and Pastoral) [4.39 pm]: I would like to ask the House to support this Bill as a reformed smoker, but I cannot. I am still a smoker.

Hon Kay Hallahan: Tsk, tsk!

Hon Max Evans: Keep it up, we will need the money.

Hon TOM HELM: Maybe I am a hypocrite, I do not know. What I do know is this: Without the advertising put out by the tobacco companies and producers, I am convinced that fewer young people - and, from what we are led to believe from statistics, fewer young women - would smoke than do at present. I started smoking whe. I was 11 years of age.

Hon Peter Foss: You could not read then, I suppose?

Hon TOM HELM: Tobacco advertising was not heavy when I was 11. I am now nearly 50 and I have smoked in all of that time. I have tried to stop for whatever reasons, but it is an addiction. It is not possible that the tobacco companies would change their manner of advertising in the interests of the nation because the shareholders would ask questions about the millions of dollars spent on advertising if the advertising did not make the product seem more attractive.

Hon Mark Nevill: They could increase their sales in New Guinea.

Hon TOM HELM: Yes, they have created problems in the western world and now they are starting on the third world.

The previous two speakers have said nothing more than that they agree with the legislation. However, they said that the tobacco companies are looking after the interests of the people, yet these speakers did not mention tobacco advertising at all. We need to refer to the second reading speech to understand the kind of statistics involved - these statistics are unquestionable. The second reading speech reads -

Smoking is the largest single cause of preventable death and disease in the community. Nationally, it causes some 20 000 deaths each year. In Western Australia alone, more than 1 700 people die prematurely each year because they smoked.

Those sentences do not describe the pain and heartache involved with such disease, and they do not mention the cost to the taxpayer of looking after these people when they are ill. I hope that I am not one of those people, but it may be that I will be.

Hon Kay Hallahan: And you will cost us.

Hon TOM HELM: If we do not do something to help prevent the incidence of death and disease, it will carry on unabated. The amount of taxpayers' funds used to help cure people or to make their death a little easier can be realised when considering that 1 700 people die each year in this State from smoking. I wonder how many people have died since this Bill was introduced or since this Bill was blocked in this place as part of a raft of Bills which were introduced a while ago.

Hon P.G. Pandal: Because of the free choice they make to smoke nicotine products.

Hon Kay Hallahan: Do you include young people, and especially young women, in that? You are irresponsible, Mr Pandal.

Hon TOM HELM: I do not disagree with Mr Pandal, as I do not believe it was advertising that led me to take up smoking when I was 11. However, the impact of advertising is effective on people of my age, never mind young people, and this has been clearly demonstrated.

Hon Peter Foss: Do you not believe that peer pressure is more important?

Hon TOM HELM: That may very well be the case. If it can be demonstrated that tobacco companies are advertising for the good of the nation, and that their advertising has nothing to

do with their profits, I will be prepared to sit down and keep quiet. However, the evidence is already in place and is overwhelming. Hon Murray Montgomery spoke about community standards and about how things have changed. People can see their parents and friends who have been affected by smoking. However, it is a nonsense to suggest that tobacco sponsorship is not done to promote tobacco products. Tobacco companies use this medium better than most other industries. We must look at ourselves in this Chamber, and we must consider the number of people who have died since this Bill was blocked. We must consider the effects of this Bill's being diverted to the Legislation Committee.

Hon Max Evans said that he did not agree with the thrust of this legislation and he believed that it was out of order. He went on to tell us about the horseracing industry and his attraction to that industry. He expressed some doubt about tobacco sponsorship and the horseracing industry and suggested that we should increase the controlling body by one to allow a person to represent that industry. Hon Murray Montgomery said that he could see many problems with the legislation and that a number of questions needed to be answered. If the Minister were able to answer those questions, would the member be able to agree with the Bill? Let the Bill go to the Committee of the Whole rather than be passed to the Legislation Committee for more delay in an opportunity to nitpick various aspects of the Bill - it should be dealt with as quickly as possible to stop disease and death in our State.

The impact of tobacco advertising is known and this Bill will help to restrict the health problems associated with tobacco products. It will encourage all persons, and particularly young people, enjoying sport, recreation and arts activities to receive a positive message stating that we can live a healthy lifestyle and suggesting that we - especially young women - should not smoke.

I am a little critical of my Labor Government in that the tobacco companies have been able to lobby the Government so that an exemption will apply for four years in certain areas. Questions have been asked in this place about the commencement date and the exemptions which will apply, yet the queries raised by Hon Murray Montgomery concerning clause 24(2)(a) can only be answered in four years' time when the exemptions no longer apply. We have a problem with some aspects of the Bill. One is the exemption time and the other is whether the provisions will apply from June 1989 or from the time that the Bill is proclaimed.

We have another problem regarding how to use the billboards which are presently being used to advertise tobacco products. As Hon Max Evans pointed out, the example in the second reading speech indicates that a billboard can be used to advertise the fact that because the billboard was no longer smoking it felt much better! I have never said and I have never heard anyone else say that tobacco companies had a nerve for taking up space on billboards suggesting how good it is to smoke a certain type of cigarette. Yet, criticism is aimed at the Health Department for taking up space telling people how healthy it is not to smoke. On the one hand, the tobacco companies are trying to sell their goods and, on the other hand, the State Government is trying to save taxpayers' money by not having to provide health care for people affected by smoking and by trying to give us a happier, healthier and longer life. To some people that seems to be objectionable. I cannot understand the connection. On the one hand it is quite all right for a billboard to blot out the landscape with ladies running around in bikinis - I do not think that is a bad idea; in fact it is better than words. However, no-one should object to advertisements attempting to drill home to me that I am abusing my body by smoking cigarettes or the dangers of my son or anybody else for whom I have affection taking up my habit. We should be quite happy that we as a society care so much that we help to promote those things either at sporting venues or on roads rather than supporting those flashy advertisements containing the message that smoking is good for us.

Many of the questions that have been raised have been connected with the sponsorship issue and how that sponsorship will affect international and interstate competition. I am sure the Minister will answer them. However, while sport, the arts, culture and all of those sorts of things in which we are involved rely upon tobacco company sponsorship, what guarantees are there that that sponsorship will continue? We were told today about the closure of an interstate coach line on which many people had booked their passage. That will greatly affect people in the north of the State. What about the sponsorship that keeps horseracing and football going or the sponsorship that keeps cultural events going? What guarantees are there that that will continue? Surely if we think it is a good idea to have those things - I

certainly do - we should take some responsibility as taxpayers to see that those things continue. If we are going to be a user pays society, I am afraid that we will have to do without many things. Many things will be beyond our pockets including the football and other sports because we have to pay our players certain amounts of money and the game is subsidised by those promotions. We now hear that football clubs are in dire straits. Surely it is to our advantage to replace that sponsorship with something that is guaranteed by fools like me who want to keep smoking and pay the taxes which the State Government charges. I have no objection to that money being used for that purpose. I would rather that than having to dip into my pocket to pay increased taxes or having to pay more to attend a football game or the races. I would prefer that money be used on an ongoing basis to keep an event going rather than its going to the tobacco companies and the tobacco companies choosing the events in which they want to get involved and the basis upon which they want to become involved.

This Bill has been in the Parliament since last December. We have had an opportunity of debating it before, but we have not taken up that opportunity. I did not understand Hon Max Evans' argument. He praised the Minister for providing us with the opportunity of being able to go to our constituents and to the tobacco industry and talk about it. I have done that. I spoke to the tobacco industry about the matter, but I tried to ease my conscience because if it was able to tell me that Health Departments in various States were wrong about smoking, I would cop it. I love smoking; I am addicted to it and I want to smoke even though I know in my heart that it is not doing me any good and I know that the community is paying for my habit.

Hon P.H. Lockyer: We are worried about you; you have not been looking well of late.

Hon TOM HELM: I feel terrible. If one lives in Perth one is apt not to feel very well.

Hon P.H. Locker: See how much better Mr Butler looks since he gave it up.

Hon TOM HELM: Yes, far better.

I ask the House to consider the question of sponsorship by tobacco companies compared with the sponsorship to be provided by the Health Promotion Foundation. Hon Max Evans suggested that the committee be increased by one to take care of the racing industry. Hopefully we can put together a foundation that will represent all interests and will collect and disburse funds in a fair and proper manner.

Questions were asked about how much money would be available and who would get what. The Bill refers to certain percentages of funds going to certain sports, to the theatre and to other organisations. The question was also asked about how much would be given to different groups. I do not believe anyone can answer that question because first of all the question needs to be asked about how much the racing industry will need, how much the theatre will need and how much will be needed to replace that money provided already by the tobacco companies. Will we need to put more money into different organisations than do the tobacco companies at the moment? That is a difficult and complicated question. It cannot be answered by the committee and it cannot be answered until the four year period has expired because that period has been set to allow organisations and groups to determine how much they need.

The Government has been accused of being hypocritical by making it illegal to advertise something that is legal. The only answer to that is to make smoking illegal. I do not suppose anybody here was around in the days of prohibition in the 1930s and the days of Elliot Ness in Chicago. Sometimes I feel that old; smoking makes me feel old.

Hon P.G. Pendal: If you ban smoking, you should ban salt and sugar.

The PRESIDENT: Order! Let us ban interjections.

Hon TOM HELM: By making the activity illegal it becomes more attractive to people. Everyone is aware of that. If the Government were to make smoking illegal, it would be impossible to enforce such a law. The Government does not want to make smoking attractive to people who are involved in sporting activities and it is able to make the advertising of tobacco products illegal in those circumstances. However, smoking cannot be made illegal.

[Questions without notice taken.]

Hon TOM HELM: The proclamation of this Bill is in the interests of the people of this State because with that proclamation we will save lives, much pain, and taxpayers' money.

I wish to emphasise my earlier remarks by providing some statistics. In Western Australia, 1 700 people die annually. People die from lung cancer, heart disease, bronchitis and emphysema - and that is just the start.

Hon Barry House: They could get run over by a truck.

Hon TOM HELM: Some people are run over by trucks because they are looking at advertisements by tobacco companies instead of watching the road.

Hon Derrick Tomlinson: Does that figure represent the total number of people who die from smoking related illnesses?

Hon TOM HELM: The member got it in two.

Hon Derrick Tomlinson: I had to get it in two, because the member did not get it in one.

Hon TOM HELM: One thing about my contribution to debate is that I make members think. Obviously, I have made Mr Tomlinson think. Members have not done much thinking about this matter, and if the previous two speakers are any indication of what the Opposition feels about the legislation, that is obvious. Hon Max Evans said that he was grateful the legislation took so long to proceed because that allowed time to consider it and the drafting of amendments. Hon Murray Montgomery told us that apart from the few amendments he thinks necessary the Bill is okay. If members opposite do not wish to stonewall or block the Bill - or even divert it - no valid argument can be put to refer it to the Legislation Committee. We can deal with it forthwith.

Hon P.G. Pental: What frightens Government members? What is frightening about Bills being diverted to the proper process? Members opposite are frightened of scrutiny.

Several members interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order!

Hon TOM HELM: What a silly question from a silly man! How can one be so stupid as to ask such a question?

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Tom Helm is on his feet, and we will listen to him.

Hon TOM HELM: Is the member not concerned about people who die, about young people today who will start smoking because they are attracted by advertising?

Hon P.G. Pental: They are not forced to smoke; they make a decision.

Hon T.G. Butler: Does the Government have a responsibility?

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: I am sure members opposite do not wish to reflect the opinions of journalists. Does the member think that people are not encouraged by tobacco companies' advertisements? Do the tobacco companies not sponsor various activities in order to encourage people to smoke?

Hon P.G. Pental: Would you encourage the Government to accept money from tobacco manufacturers? What if you found that the Government had accepted \$100 000 from a tobacco manufacturer?

Hon TOM HELM: I have no doubt that it has. I also know that the horseracing industry, the motor racing industry, swimming, cricket, football, soccer -

Hon P.G. Pental: You don't think that represents a double standard?

Hon TOM HELM: I do not think so. We are working within the current standards. Mr Pental should pay attention. My point is that the standards should be changed; it should be illegal to promote tobacco products. The legislation will not only stop certain things happening, but also it will be pro active in that it will prevent the waste of taxpayers' funds.

One cannot say that the legislation is all bad. I do not suggest that. A need exists for sponsorship money because some activities will cease such funding. The member must be thick if he cannot understand what I am trying to say.

Hon P.G. Pendal: I cannot understand the way you talk.

Hon TOM HELM: Because money is generated from tobacco advertisements, people die. There is a direct relationship between the two. If the tobacco companies did not encourage people to smoke, the shareholders would hold a gun on the companies and accuse them of being philanthropic. The Bill is not a negative one. Members should not be afraid to agree to this legislation. The people who support the Opposition will be proud to think that Opposition members have supported the Bill. They would be ashamed if those same members attempted to block the legislation, or to divert it. Members opposite should sit back, settle down and listen.

Hon Kay Hallahan: And vote in favour of the Bill.

Several members interjected.

The DEPUTY PRESIDENT: Order! Debate will proceed smoothly if the member directs his comments to the Chair.

Hon TOM HELM: I apologise, Mr Deputy President. Obviously, Sir, you can pick up exactly what I am trying to say. People are dying, and we have to address that fact. The overwhelming weight of evidence suggests that people are dying because they picked up a habit at the age of 11 and still have that habit.

Hon P.G. Pendal: It has stunted your growth.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: Were Hon Derrick Tomlinson present for the earlier part of the debate he would have heard my comment that when I was 11 years of age it is unlikely that the advertising of tobacco products was as heavy as it is presently. Therefore, it is unlikely that advertisements attracted young people, unless Hopalong Cassidy or Roy Rogers smoked.

Several members interjected.

The DEPUTY PRESIDENT: Order! Too much extraneous conversation is taking place.

Hon TOM HELM: When China becomes a capitalist society, I suppose the advertising of tobacco products will do to that country what it has done to Western society. The member is correct; tobacco products are not advertised over there. I ask the Opposition to allow the Bill to proceed and be proclaimed. Taxpayers' money should not be spent to save lives or to make dying easier. The problem does not lie with the Bill, because only Hon Max Evans has said that we cannot proceed -

The DEPUTY PRESIDENT: Order! There is far too much audible conversation going on.

Hon TOM HELM: During debate yesterday, Opposition members said that the role of this place is to review legislation. Contributions made so far at the second reading debate stage have pointed out areas of concern within the Bill which need to be addressed. Those matters can be addressed in this place. If any doubt exists in Opposition members' minds regarding tobacco advertisements, I remind them that the relevant area of the legislation will not be proclaimed for 12 months and those problems can be addressed before the expiration of that time span. The full impact of the Bill on some industries will not be felt for four years.

I emphasise again that if this House is considered a House of Review the questions raised can be answered in this place, allowing the Bill to proceed and to be proclaimed as soon as possible.

HON MURIEL PATTERSON (South West) [5.39 pm]: I will not oppose the Bill outright. However, some points deserve clearer answers to eliminate confusion in the community and in this House. The Government is placed in a most unusual situation where already money has been collected without clear direction as to where money will be distributed. Some questions being asked are: Have the administration costs been allocated in the Budget, or will it be a case of simply paying the administration costs? Has any impartial body asked the public or sporting organisations how they would like activities to be

funded? It seems to me that, by definition, every funding body is selective. There are winners and losers in sponsorship programs. How can we be sure that minor country and suburban clubs will be given a fair go? Will there be remuneration to board members and what are their costs likely to be? Have serious negotiations been held with tobacco companies? We must realise that, because of community attitudes on smoking, the tobacco companies have shifted ground and have respected the public view on the danger of enticing young people to start smoking by voluntarily withdrawing advertisements depicting the human form, and by not displaying advertisements in the vicinity of schools and sports grounds. I find anomalies in the fact that the Bill will prohibit the display of tobacco advertising in such public places as cinemas and other places of entertainment, yet advertisements may appear inside stores patronised by children. I am yet to be convinced that advertising does entice young people to smoke. We have a very big problem with drug taking in Western Australia. We have heavy penalties for those caught out, and yet I have never seen an advertisement asking people to take up drugs.

Hon P.G. Pental: Good point!

Hon MURIEL PATTERSON: The aim of the Bill is the promotion of health and I could accept this if it were not for the fact that there can be exemptions in relation to sponsorship in tobacco advertising generally. These exemptions will be granted by the Minister for Health, the Minister for Sport and Recreation or the Minister for The Arts. This is inconsistent. There are problems and I will quote from Mr R.D. Barnard, the Managing Director of Barnard Project Management Ltd. He said -

In Victoria the ridiculous situation exists where the Department of Sport & Recreation is having to curtail its programmes as its funding reduces, whilst the Foundation's budget increases. This latter point must suggest that they are not succeeding in reducing tobacco consumption. The relative imbalance in funding is so extreme that the Department has very little influence on the future of Sport in that State.

Mr Barnard continued -

Probably the most inconsistent feature of the Foundation is that it evaluates itself. All other Departments presumably have the Auditor General looking over their activities so why should the Foundation be self policing.

A large sum of money is involved - in excess of \$9 million in this State. In order to protect the Government of today and future Governments from accusations or, for that matter, temptation to turn that sum into a richly flavoured pork barrel of political patronage I believe that some of these questions need to be answered before the Bill can be passed.

Today I received a letter from the Chief Executive of the Country TAB Clubs' Racing Association, Mr Bevan. He said -

Mr. Keith Wilson, the Minister for Health stated in his second reading speech on the Tobacco Bill, delivered during December of 1989, that representation on the WA Health Promotion Foundation from outside Government will always outnumber that from within Government.

Mr Bevan continued -

I question this assumption as the Foundation shall consist of a Chairman appointed by the Minister, representatives from Health, Sports, the Arts and Community Activities plus Chief Executives from the Health, Sport and Recreation, Arts and Youth Affairs. I would count that as five for the Government and four from outside.

The establishment of these Health Foundations have and will create a very dangerous situation . . .

Hon Kay Hallahan: I hope you are not saying that Harry Sorensen is from the Government?

Hon MURIEL PATTERSON: No, he is one who would not be. No-one is saying that.

Hon Fred McKenzie: There are more members from outside Government.

Hon MURIEL PATTERSON: These questions require further information. For the benefit of this House and the community this Bill should be presented for further examination

allowing wider input from the health authorities, the sporting fraternity, the arts, and tobacco companies.

I am philosophically opposed to any more Government intervention in our lives. However, I would accept the findings of a non-partisan legislative investigating committee.

Hon Kay Hallahan: Where will we find this body?

Hon MURIEL PATTERSON: I support the motion.

Hon Reg Davies: Hear, hear!

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.45 pm]: I have no doubt that this Bill is no more than an instrument of social engineering by the Government. It is not about whether people should smoke or not.

Hon Kay Hallahan: Or die or not.

Hon GEORGE CASH: It is not a question of whether people should die or not, as the Minister has said. It is not a question of whether a particular foundation should distribute funds to various sporting groups within the community. It is about the Labor Party's philosophy of introducing Bills into this place designed to engineer and alter the community.

Hon Fred McKenzie: It is to save lives, that is what it is all about.

Hon GEORGE CASH: Hon Fred McKenzie tells us that the Bill is designed to save lives. I ask him when we can expect a Bill in this House banning the advertising of sugar, salt, alcohol and food - after all, those things cause obesity.

Hon Barry House: Motor cars.

Hon Peter Foss: Eggs and butter.

Several members interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! One person is on his feet and the debate will proceed much more quickly if he is heard with as few interjections as possible.

Hon GEORGE CASH: As soon as I suggested that this Bill was about social engineering -

Hon B.L. Jones: Social justice.

Hon GEORGE CASH: - Government members were prepared to offer other areas in which Bills might be introduced. Some mentioned motor cars.

Hon Kay Hallahan: That was your backbench. What nonsense!

Hon GEORGE CASH: It is supported by some of the Minister's people. I say to the Minister that the Bill in its present form is also a nonsense.

Several members interjected.

Hon GEORGE CASH: The Bill in its present form has done no more than confuse the community as to the Government's real intent.

Hon Kay Hallahan: Only the Opposition appears to be confused.

Hon GEORGE CASH: Some tobacco manufacturers have no doubt made approaches to members of the Government. Members of the community in general, and in particular members of the sporting community, are now unsure as to what the Government really intends with the provisions of this Bill.

Hon Doug Wenn: Where does the Australian Medical Association stand on this?

Hon Mark Nevill: Who did Hon George Cash take advice from?

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon GEORGE CASH: I will refer to an article which I researched and found in the library which is titled "The Interfering Itch" and which refers to the need for Labor Governments to become involved in various aspects of our lives. There is no question in my mind that the Labor Government wants to tax anything that moves, and if it cannot put in place a tax, it will impose some sort of restriction, because it wants the Government or the State to control the lives of people.

Hon Kay Hallahan: You are irresponsible.

Hon GEORGE CASH: This Bill is no more than one element in that total situation that is pushed by the Government.

Hon Doug Wenn: Who is the author?

Hon GEORGE CASH: The author of "The Interfering Itch" is none other than Mr C.D. Kemp and this essay first appeared in the *IPA Review*, volume 37, No 2 of some years ago. The article states -

Many of us find it hard enough to control and direct our own lives successfully without feeling we are in any way equipped to control those of our neighbours. The growing army of busy-bodies, however, has no compunction about invading the privacy of others and their freedom to decide for themselves how they will spend their money or dispose of their property. Behind this interfering itch is the inexcusably self-righteous attitude that "we know what is good for you better than you know yourself".

I instance that by the campaign against smoking. The article continues -

There seems little doubt that smoking is bad for health.

I am prepared to acknowledge that. Let us understand that statement in the context of the life we lead. The article continues -

But the opposition to smoking has taken on almost a religious fervour. It is one thing to point out to others the hazards of smoking. It is quite another to pursue the opposition to such lengths that many call for a total ban on advertising, and some even on the manufacture of cigarettes.

Again, an instance by C.D. Kemp, in his article "The Interfering Itch" of the art of social engineering which this Government specialises in so well.

Another article which I found of interest related to the Victorian Tobacco Act and was titled "The Victorian Tobacco Act - The Forerunner for Other States?" by L.J.M. Cooray and in part, under the heading "The Act's Social Engineering Aims" it certainly relates to the Western Australian Bill and it reads -

The Act has clear objectives of controlling people's behaviour and lifestyles in order to promote what its authors consider to be the people's own good. Those objectives and the motives for pursuing them are declared in the preamble to the Act as well as in its substantive provisions. A preamble normally sets out the reasons for enacting the legislation.

The author goes on to say that in the case of the Victorian Act the preamble was found to have little to do with the actual intent of the Bill when the provisions of the Bill were fully analysed. Again, that applies to the Western Australian Bill. The preamble does not refer to the real substance and the basic elements of the Bill; it is an attempt by the Government to engineer the community in a particular way. Having established that this Bill is nothing more than an attempt at social engineering by the Labor Party, it is important to recognise that the Federal Government has in recent times passed certain legislation affecting the advertising of tobacco products. It is also important to ask ourselves when considering this State's legislation whether there are any inconsistencies between the Federal Act and the State Bill which is now before the House.

I wonder how much work the Minister who is handling this legislation has done in identifying the inconsistencies between the now passed Federal Act and the Western Australian Bill. If the Minister had done her job properly, she would be proposing various amendments to this Bill so that it is not in direct conflict in many instances with the Federal Act. Hon Max Evans, who led the debate for the Opposition, Hon Murray Montgomery and Hon Muriel Patterson have acknowledged that this Bill is a very complex piece of legislation.

Hon Kay Hallahan: Here we go again - every Bill is complex.

Hon GEORGE CASH: The tone of the Minister's flippant interjection implies that she considers this Bill is not complex. If that is her real position and she genuinely believes the

interjection she made, all it does is to demonstrate to me that she has no real understanding of the complexity and the implications of the Bill she is meant to be handling in this House.

Hon Kay Hallahan: I am handling it.

Hon GEORGE CASH: That worries me and yet it encourages me even more, along with my colleagues on this side of the House, to believe that this Bill, because of its complexity and its inconsistencies and the confusion that exists in the community as to the real intent in the Government's legislation, should be referred to the Legislation Committee.

Several members interjected.

Hon GEORGE CASH: During the debate this afternoon the Minister has on a number of occasions indicated that rather than have this legislation referred to the Legislation Committee she would like the complex matters that would no doubt be raised handled in this House. I put it to the House that one of the reasons we established the Legislation Committee was to enable outside interests, be they people involved with sport, general members of the community who might have an interest in this Bill or the tobacco manufacturers and those associated with them, to go before the committee to put their cases and then to allow the committee to analyse the information put before it. The committee would then make a report to this House on any considered changes and that would be considered, in due course, by the House. It should never be forgotten that every member of the Legislative Council is entitled to attend the meetings of the Legislation Committee, to ask questions, to introduce evidence and to make a positive input. It cannot be said we are taking this legislation away from the House to deal with it behind closed doors. My hope is that if this Bill goes to the Legislation Committee matters that will not be able to be introduced during the second reading debate will -

Hon Kay Hallahan: We could introduce a lot of information in the Committee stage if members had questions.

Hon GEORGE CASH: I will keep an open mind on whether this legislation should go to the Legislation Committee. Whether I vote for it to go to that committee will depend on whether the Minister is able to convince me -

Hon Kay Hallahan: None of us is fooled by those words.

Hon GEORGE CASH: - and other members of the Opposition would probably be of the same mind - that she has the answers and is prepared to consider amendments that might be put forward. If it is that the Minister proves she does not understand the provisions of this Bill then clearly, as a responsible member of this House and a person who is taking part in a process that will impose obligations on members of the community, I will ensure that the Bill goes to the Legislation Committee in order that it receives the proper attention it deserves.

Sitting suspended from 6.00 to 7.30 pm

Hon GEORGE CASH: Prior to the dinner adjournment, I described this Bill as nothing more than an attempt by the Labor Party to undertake more social engineering of our society and I referred to the need for the public to have the opportunity of freedom of choice. I referred also to some of the inconsistencies between the Federal Act and this Bill.

Manufacturers of tobacco products are often criticised for the manner in which they advertise their products and are even blamed for the fact that advertising causes young people to take up smoking. I do not know whether that is right or wrong. On the one hand statistics have been prepared by various interest groups to show advertising encourages young people to smoke, and on the other hand various people would argue the opposite point of view.

The tobacco manufacturers in Australia have recognised and responded to the shift that has taken place in community attitudes. Were the Bill defeated in this Parliament I understand that the tobacco companies would be prepared to enter into a voluntary agreement with the Government which would take into account aspects of their advertising. I have been advised of some of the matters the tobacco manufacturers would be prepared to discuss with the Government about advertising. Should the legislation be sent to the Legislation Committee for further consideration, as a result of the Minister handling the Bill not being able to convince this House that she has all the answers to the questions that might be asked tonight, I would like that committee to consider the points raised by the tobacco companies. During discussions I have had with representatives of tobacco manufacturers, they have not

acknowledged at any time that advertising influences young people to smoke. However, that is not an unreasonable position from where they stand in the argument.

I understand that the manufacturers would be prepared to consider producing advertisements in which no people or representation of them would appear. The companies are also prepared, by way of voluntary arrangement, to discuss a proposal whereby scenes, activities or illustrations which appeal to children would not appear in tobacco advertisements. I understand also that negotiations could take place to ensure that no advertisement would suggest or imply social, sporting or sexual success attributable to the use of tobacco products.

With regard to whether advertising of tobacco products should appear near schools, the following would be the responsibility of the tobacco lobby or companies: No tobacco advertisements would be allowed within 200 metres of the boundary of a school, children's playground or park which is predominantly used for children's activities. They also propose that no tobacco advertising would appear in cinemas. Members will be aware that it has become commonplace for advertisements to be placed at the rear of taxis operating in Perth. The tobacco manufacturers have made it clear to me, and I hope to the Government, that they would agree to no tobacco advertisements appearing on commercial vehicles and to limited advertising on taxi cabs.

In relation to tobacco products and promotional materials, agreement could be reached that these not be provided to people under the age of 18 years; that no person under the age of 18 years be included in competitions promoting tobacco products and that no tobacco advertisements will appear on promotional material, except by corporate name, brand name or trademark of the tobacco companies. The need for health warnings has been recognised as a fact of law in recent years. However, the cigarette companies probably do not recognise them as serving any other purpose than complying with the law. Nonetheless, negotiations could be undertaken about health warnings on all tobacco advertisements, except on sponsorship corporate signs, which could carry the current Government's approved health warnings. Negotiations would be undertaken on the size and contrasting colour of the warnings so that they can be clearly read.

Members will be aware that the Smoking and Tobacco Products Advertisement (Prohibition) Act which passed through the Federal Parliament some time ago will ban cigarette advertising in newspapers and magazines from 28 December 1990. Free samples are often discussed when talking about the promotion of tobacco products. I understand the tobacco companies would be prepared to discuss with the Government that free samples be available only to adult smokers in tobacco selling outlets or licensed premises. I also understand that agreement could be reached with the tobacco companies to ensure that vending machines would be installed only on premises licensed to sell liquor, in places which constitute a staff amenities area and where children's access is denied by signs, or where adult supervision is provided.

Packet size is also a question that needs to be addressed, and a proposition by the companies to the Government could be along the lines that cigarettes should not be sold in packets of less than 20 cigarettes.

The tobacco companies would be prepared to agree that there be no sponsorship of events which are confined to children or where the majority of persons to whom the event may appeal are children. In respect of advertisements promoting a tobacco company sponsored event which refer to or depict a tobacco product, the tobacco companies could negotiate with the Government to ensure that those advertisements contain a health warning. Advertisements which do not refer to or depict a tobacco product would not need to contain a health warning.

I understand that the tobacco manufacturers and the major tobacco companies in Australia have discussed those matters with the State Government; if they have not it has been because when the representatives have made approaches to certain Government Ministers those Ministers have refused to see them. It seems pretty silly to me that the Government would want to introduce a Bill when it has not fully consulted the people on whom the Bill is likely to impact. Substantial legal opinion exists to indicate that there are significant inconsistencies between the current Federal Act and the Bill now before the House, and rather than read to the House tonight a substantial opinion which I have been given in respect of the question of inconsistencies, I will make available to the Standing Committee on

Legislation, if this matter is referred to it, a copy of the opinion, so long as the authority of the person to whom it is addressed is granted.

I have addressed some of the issues on which the tobacco companies are prepared to negotiate with the Government. I have listened to the views of a number of representatives from various tobacco companies and sporting organisations in this State, and to other persons who do not appear to have a vested interest in either the sale or manufacture of tobacco or, indeed, sport in general, and I have had drafted a Bill which would generally cover the areas to which I referred earlier. It would not serve any great purpose to read into *Hansard* the provisions of that Bill, save to say that it generally addresses the areas where it is clear that some agreement could be arrived at between the State and the people involved in tobacco manufacturing and marketing. I will be more than happy to submit this draft Bill to the Legislation Standing Committee because I believe it is worthy of consideration by that committee and may form the basis for substantial amendments to the Bill in its current form.

Another area that concerns me greatly is the confusion that clearly exists in the community, among sporting bodies in particular, about whether they are likely to share in the proceeds of what the Government has described in the Bill as the Health Promotion Foundation. The Minister's second reading speech and the provisions of the Bill, coupled with public statements that we have read from time to time, and also coupled with various letters that I have received from sporting groups in Western Australia, clearly indicate a huge amount of confusion about what is intended by the Government in this area. That disappoints me, given the fact that this Bill has been around for a long time, and also because when the Government originally introduced this Bill into the other place some months ago it suggested that the sporting community was 110 per cent behind its proposal. The passage of time has demonstrated very clearly that is not the case, and it appears that some of the sporting institutions which the Government previously claimed were supporting this Bill have turned turtle and are very concerned that the provisions of the Bill do not adequately cover them and do not represent the position that they understood would apply when the Government first introduced the legislation.

I refer in particular to the Confederation of Australian Motor Sport, and advise the House that I, along with, I am sure, a number of members of this Parliament, have received a substantial submission from that organisation, which makes it clear that it believes there must be more discussion about the distribution of funds if a Health Promotion Foundation is to be established. I have always been of the view that the establishment of such a foundation is a very questionable situation. I may go so far as to say that in attempting to achieve the social engineering that is the basis of this Bill - that is, banning the advertising of tobacco products - the Government has sold the Bill by inducing sporting organisations in this State to believe that they will be the beneficiaries of some of the revenue that the Government will raise by its various tobacco taxes. That worries me because it makes me wonder what the Government is all about and to which group it will next turn its sights to induce it to support the Government's social engineering by promising to it some financial inducement.

Recently I received a letter from the Squash Rackets Association of WA (Inc), which reads in part -

We are not aware of any squash centre that sells tobacco products and in fact over 95% would operate a smoke-free zone policy. We believe that this fits in with the health image that squash enjoys amongst the general public.

The letter continues by saying that the Squash Rackets Association does not believe that it will be covered by the proposed Health Promotion Foundation. It says -

We note the stand taken by the Liberal and National Parties in relationship to the release by the Government of the operating structure of the proposed Health Promotion Foundation. We hope that it will not be too long before West Australians will learn of exactly how the proposed new Foundation operates.

There is obviously some confusion about whether the organisation should anticipate any funding being distributed by the Health Promotion Foundation as proposed by the Government. Hon Max Evans mentioned the confusion which exists in some racing clubs around the State. I received a letter from the Kalgoorlie-Boulder Racing Club which, in part, reads -

The Kalgoorlie Boulder Racing Club is most concerned as any change may jeopardize our current sponsorship arrangements with Rothmans of Pall Mall.

As you will appreciate, sponsorship is a vital part of our funding and Rothmans are one of our major contributors.

My Committee are of the opinion that Racing Clubs should be exempt for sponsorship by tobacco firms as we would find it very difficult to operate without their support.

We would like to record our support to the tobacco industry to continue advertising, thus allowing the Thoroughbred Racing Industry to benefit by way of sponsorship.

The letter finishes -

We request your consideration and advice on the matter.

The Bill provides opportunities for the Minister to grant exemptions in some cases. Many of those exemptions are at the discretion of the Minister, and it seems hypocritical to introduce a Bill which attempts to ban the advertising of tobacco products on what could be described as a very ad hoc basis. That is to say, where it suits the Government to ban the advertising, it will be banned, and when it suits the Government for its political good to allow certain exemptions to occur, it will allow them.

I am not advocating this course of action, but if we are to be dinkum about this, either we should ban advertising completely, or we should let the companies advertise in a responsible manner which they would be prepared to negotiate with the Government. The hypocrisy of the exemption clauses in the Bill leaves a lot to be desired. I do not know how the Minister will be able to justify those provisions when she responds to the second reading debate.

Without wishing to set out the anomalies which obviously exist in this Bill when compared with the Federal Act and other Acts of Parliament, it is my view that there is a need for this Bill, because of its complicated and technical nature, to be referred to the Legislation Committee for further consideration. I hope in due course Hon Max Evans, as the lead speaker for the Opposition, will give consideration to moving, if the Bill is sent to the Legislation Committee, that that committee consider and report on the need for further restrictions in Western Australia on advertising and sponsorship by tobacco companies. Parliament has to be satisfied that there is a real need, and if that need cannot be demonstrated, the Bill will fail on that count alone.

Members need to consider whether there is a need to set up a Health Promotion Foundation. If members consider the Victorian situation and the allegations made about the distribution of funds by the Victorian foundation, that in itself may lead many members to believe that this is not the proper way to distribute funds to sport.

Hon Kay Hallahan: What is wrong with the Victorian situation?

Hon GEORGE CASH: The Minister is asking me, during my second reading comments, what is wrong with the Victorian Health Promotion Foundation and its distribution of funds. That indicates that the Minister has not done the sort of work one would expect, and I hope members will take that into account when they consider whether this Bill should go to the Legislation Committee.

Several members interjected.

Hon GEORGE CASH: Another matter which needs to be considered is the most effective method for the allocation of any funds which are to be distributed to support cultural, art, youth and health organisations. That matter needs substantial discussion. It is very important that the Legislation Committee should consider whether the proposed Tobacco Bill of 1990 is workable and enforceable in the light of the potential inconsistencies between this Bill and certain Federal laws.

Other areas which need to be discussed are the criteria to be applied by the Minister responsible in exercising his or her discretion to exempt from the provisions of the proposed Tobacco Act certain tobacco advertising and sponsorship agreements. Members will be aware of my comment earlier about the hypocritical way in which the Bill proposes that that should occur.

Another matter which needs greater consideration is the nature and composition of the proposed Western Australian Health Promotion Foundation with particular emphasis on safeguards to ensure its independence from political influence and use as an extension of political patronage. In proposing that that matter be considered by the committee, I do not want it to be assumed that I favour the establishment of such a foundation, because it seems to me that the Legislation Committee, or indeed other members, will be able to propose some more practical and workable alternative to that apparently offered in the Bill.

As a member of this House I am often worried that, when legislation is introduced, no economic impact statement or environmental statement accompanies it. On many occasions members of Parliament are prepared to pass Bills and cause laws to be created without fully understanding the impact and ramifications of the legislation upon the community. We do not know whether those ramifications will be of a social or financial nature, or of any other nature. There is a need for the Legislation Committee to inquire into the impact of the effectiveness of similar legislation on reducing the incidence of smoking in other jurisdictions. That is to say whether positive or negative impacts have flowed from similar legislation in other jurisdictions. In addition we should give consideration to the economic and social impact likely to flow should this Bill be agreed to.

Members will be aware that last year at the time this Bill was introduced in this House it was accompanied by another Bill which was designed to provide for an additional amount of tax on tobacco products to be collected by the Government. It was understood at the time that both Bills went hand in hand, but as a result of some quirk or for some other reason the Government was able to get through the Parliament the first Bill, which increased revenue, but never got around to debating the Tobacco Bill now before the House. That seems to indicate that the Government might have been more interested in raising money than in saving lives or distributing funds to sporting organisations. That is something which I believe the Legislation Committee needs to look at; that is, the impact that the previous increases in the Western Australian business franchise tobacco licence fee has had on the Commonwealth - not just in Western Australia but right across Australia. That is an important matter which needs to be considered.

I believe the Legislation Committee should address many other matters and I hope that, in due course, Hon Max Evans, in moving that this Bill be considered by the Legislation Committee, will outline the general terms of reference which should be considered by that committee. However, irrespective of the terms of reference which might be nominated tonight, it seems to me that the committee should also take upon itself to inquire into such other matters as it may consider appropriate and which are within the authority of the committee, and not just rely on any terms of reference which may accompany the Bill when it is referred to the Legislation Committee.

I cannot support the Bill in its present form. I see it as no more than an attempt by this Government to continue its social engineering philosophy.

Hon P.G. Pendar: The nanny State!

Hon Kay Hallahan: Let us all die of lung cancer to prove our individuality!

Hon GEORGE CASH: I trust this House will not be swayed by the emotional rhetoric that is likely to come from the Minister in her response to the second reading debate.

HON PETER FOSS (East Metropolitan) [8.02 pm]: My personal view about smoking is that it is a filthy, antisocial, disgusting habit and I am quite convinced that it is a significant vector in the cause of ill health in our community. I am convinced by the statistics that it is responsible for a large number of diseases and for premature deaths in our community. I have held this view for a considerable time, and I held it at a time when it was not very popular to hold this view. I can remember that when I first put a notice on my desk to prevent people from smoking in my office there was considerable concern that it might be offensive to my clients. The original sign I had on my desk said "Thank you for not smoking". In due course I put it up to "Please do not smoke here", and finally "No smoking". I was able to do this because over a period of time attitudes in the community had come more closely into line with my attitude; and I am pleased that that has happened. A change has taken place in our community because people have used their influence and their peer pressure to change the views of others.

I will give an illustration of the situation in the United States. There was another way in which tobacco was consumed in the United States - and, in fact, in Australia; but it is easier to talk about the United States because the change there has taken place more recently. In the United States tobacco chewing was very popular. It also is an antisocial, unhealthy habit.

Hon Kay Hallahan: But not quite as bad as smoking.

Hon PETER FOSS: When I last visited the United States Congress - and I do not know whether it is still the case - all around the floor of the House were large spittoons, because the chewing of tobacco was still a fairly common practice there and the Senators and Congressmen would spit, as they chewed, into these spittoons placed around the House.

Hon Tom Stephens: You are not going to suggest that it is carcinogenic?

Hon PETER FOSS: It is carcinogenic.

Hon Tom Stephens: Not in all forms.

Hon PETER FOSS: My understanding is that it is. However, the important fact is this: Public attitudes to the chewing of tobacco have changed. Whereas it was permissible in our society at the turn of the century to chew and spit, it is now regarded as a totally unacceptable way of public or private behaviour. One does not chew and spit in our society now; that is regarded as filthy and revolting. That is the way I regard cigarette smoking - as filthy and revolting - and I am glad to say that more and more people in our society are regarding it as filthy and revolting.

Hon B.L. Jones: That is because of our Quit campaign programs. They have been very successful.

Hon PETER FOSS: I do not believe it is because of the Quit campaign, although I must say that I do not object to the Quit campaign. However, the real power of change is contained in the people of this State. One of the most interesting things revealed by the statistics is that one reason children take up smoking is that their parents smoke.

Hon B.L. Jones: Not always.

Hon PETER FOSS: No, I realise it is not always, but people who smoke do not always get lung cancer, either. If Hon Beryl Jones looks at the statistics she will find that people who smoke more frequently get lung cancer. The same statistics reveal that parents who smoke more frequently have children who smoke. That is not a big surprise, because what is the reason for people taking up smoking? Members in this House had better think about that, because if they do not think about it they will not have done the necessary thinking for enacting a Bill such as this. The most important reason for children taking up smoking is peer pressure. It is the effect on them of those people they regard as role models - parents, and people of their own age.

Hon B.L. Jones: What about sophisticated people in advertisements?

Hon PETER FOSS: The member should allow me to develop my arguments, and she can make interjections later. She should listen to this. I do not think she will deny what I am saying. If she does not agree then she can interject, but she should listen to the development of the argument. The reason is peer pressure.

Hon T.G. Butler: Is that the most important one?

Hon PETER FOSS: The role model is by far the most important one. I will come to advertising, but the member should wait and hear what I have to say. The effect of role models is extremely important.

Hon B.L. Jones: Movie stars are good role models.

Hon N.F. Moore: That is the longest speech she has made this session.

Several members interjected.

Hon PETER FOSS: I am going to ask for time on, I think. The real reason for children taking up smoking is the effect of role models. Members should realise that there are things far more important than advertising. I do not discount the effect of advertising and I will deal with that later, but it has nowhere near the effect that peer pressure has. Members will note that the number of smokers among people of much the same age as me is very low. I

have never smoked. When I first started objecting to people smoking there were many smokers in the office around me, but people of my age, generally speaking, have a far lower incidence of smoking than do people in other age groups.

Hon Tom Stephens: Just for the record, how old are you?

Hon PETER FOSS: What does it matter?

Hon Tom Stephens: You are talking about people of your age.

Hon PETER FOSS: I am 44.

Several members interjected.

Hon PETER FOSS: I am beginning to think this little group of interjectors on my left is not at all interested in hearing the debate.

Hon P.G. Pandal: Of course, they are not; they never have been.

The DEPUTY PRESIDENT (Hon Muriel Patterson): Order! Members should allow Hon Peter Foss to speak and he should address the Chair.

Hon PETER FOSS: It is clear that people of certain age groups are giving up smoking and that people of other age groups are taking up smoking. It is a matter of considerable concern that the age group which is taking up smoking is the young age group, in particular young girls; but the fact remains that the reason they are taking up smoking is principally related to the effect on them by those people they regard as role models.

I suggest that members in this Chamber who are smokers, who have children, and who seriously believe that they wish to tackle the problem should themselves, as a first move, give up smoking. I find it a little upsetting that one member who was lecturing us earlier on our failure to do anything about smoking in this community confessed he was a smoker. Smokers themselves are one of the biggest causes of other smokers in our community. It is their poor example that leads to others taking up the habit. So do not let any smoker in this place give me a lecture on whether we are taking a responsible attitude to smoking in our community. Any smoker who continues to smoke, unless that person does it in a place where nobody can see that smoking, is contributing more seriously than advertisements to the taking up of smoking in our community. So stop the hypocrisy, look at the real reasons, and let us begin to tackle the problem. One of the unfortunate facts about smoking is that it is so addictive; people who take up smoking find it extremely difficult to give up. Even members who make a public declaration in this House sometimes find that a declaration is not enough to pin them to the resolution.

The next point I wish to make about the Bill relates to advertising. I believe that the cigarette advertisers should modify their advertising, and that they should be allowed to do that under a voluntary code. The problem of course is that this Government has shown not the slightest interest in entering into a voluntary code.

Hon Kay Hallahan: That is right.

Hon PETER FOSS: That vouches for what the Leader of the Opposition has said. This Government is not interested in anything other than taking power and exercising it for social engineering. I believe that the voluntary codes need to be closely enforced -

Hon Kay Hallahan: We cannot enforce voluntary codes.

Hon PETER FOSS: We certainly can.

Hon P.G. Pandal: Of course you can!

Hon PETER FOSS: It is a code voluntarily entered into which regulates what advertisers do. The Minister does not think about it; that is the dreadful thing about the Government. The Minister says that we should do what everybody else does; we should engineer the world. The Minister believes the Government should not talk to these people, or find out anything useful. She says, "Let's legislate; always legislate!" How can the Minister say something will not work if she is not willing to talk to people? Has she asked how it could be made to work? Of course she has not. So she should not tell us what will or will not happen, because she has not tried.

I concede advertising does have an important effect but nowhere near the important effect

that members opposite would give to it. I believe there is a need to modify advertising by cigarette companies because advertising can affect peer pressure. I concede that an image where the belief is created that smoking is healthy, young, vibrant, and exciting, is the wrong image in immature minds and it will affect attitudes which in turn will affect the attitudes of peers - but peer pressure is the ultimate pressure.

I ask members now to look at a couple of advertisements; first, the Stradbroke advertisement. I suppose it could be said to observe some of the terms of the voluntary code but it does not observe the spirit of it. This advertisement does not have any people in it, I admit that. However, there is every sign that people have stepped to one side of the picture a few seconds ago. We see an umbrella, snorkelling equipment, a car, a surfing mat, and some other sort of equipment -

Hon T.G. Butler: Probably oxygen.

Hon PETER FOSS: They would need oxygen; they would not be able to snorkel. That would not be a sensible advertisement for the purpose of saying that will not influence children. I believe it would influence children.

Another advertisement is for Cambridge 35's. No people appear in it but it contains a picture of a Holden car and the words "value you can count on". It might be said possibly it is seeking to indicate that there is some lifestyle message in it. That is probably not an objectionable one.

A Government member: It is not influencing people to smoke?

Hon PETER FOSS: No, I do not think so. The next advertisement is for New Longbeach 40s, and promotes "40 at a 35's price". It contains a beach, birds and other healthy things.

Hon Doug Wenn: Birds and beaches do not smoke.

Hon PETER FOSS: This advertisement is not acceptable; it does not stick with the intention of the code.

The next advertisement is for St. Moritz Menthol 25's and refers to a fresh new taste and today's new style. It shows two chairs, a coffee pot and two full coffee cups in the foreground. Obviously people have stepped out of the picture so that the picture can be taken of the mountains behind. That is not honouring the real intent of the code because it is indicating it is a lovely fresh lifestyle and people are around.

The next advertisement for Stradbroke 35s is similar to the first one in that it shows a beach, a boat, flippers and snorkels. An emphasis is made on snorkels as far as smoking is concerned. I wish all smokers were forced to wear goggles and snorkels at all times. One of the worst actions taken was when the cigarette manufacturers made cigarettes safer by reducing the tar content in them. They should have increased the tar content and maybe added a cyanide pill to every sixth cigarette; that would get rid of smoking in a short time.

Hon Derrick Tomlinson: That would be a dreadful social injustice.

Hon PETER FOSS: People would not have to smoke it, of course. But knowing the suicidal tendencies of smokers, those cigarettes would be in huge demand.

Hon P.G. Pendal: Don't ask to whom I would offer those cigarettes.

Hon Tom Stephens: That puts a new meaning on Russian cigarettes.

Hon PETER FOSS: The next advertisement states that the cigarettes are "Fresh as Alpine". How any cigarette can be regarded as fresh I do not know but once again we see snorkels and goggles, and a pair of flippers. Two people have dived into the water and we cannot see them so strictly speaking we cannot see any people.

Hon Derrick Tomlinson: She's on the back page.

Hon PETER FOSS: Strictly speaking, that advertisement is not honouring the full idea of the code. But that does not mean that it is not possible to honour the full idea of the code, that it is not possible to have advertisements which do what the cigarette advertisers claim they wish to do; that is, to try to persuade people to change brands as opposed to telling people something about the product that will make them want to smoke if they are not already smokers. I do not think these things would have much effect on non smokers of an adult age. Frankly, this type of advertising would not have much effect on adults who have never

smoked. It may have an effect on adult smokers because they already have the craving and it may have an effect on children because it promotes this lifestyle thing.

Hon Tom Stephens: What about lapsed smokers?

Hon PETER FOSS: I now show the House what I believe is the type of advertisement that would not be offensive: It is a Benson and Hedges advertisement and there are quite a few of them in this style.

Hon Mark Nevill: It appeals to the silver tail.

Hon PETER FOSS: It shows a number of electronic clock radios.

Hon Garry Kelly: Not flippers.

Hon PETER FOSS: There are no flippers, goggles, snorkels or boats and no full pots of coffee. The time on the clock reads 9.46 precisely and at the bottom right hand corner of the advertisement is a sun dial with the caption, "I know." A packet of Benson and Hedges appears in the picture. I refer also to a brand of cigarettes which are widely advertised in the United Kingdom called Silk Cut. This product's advertisements normally show a piece of silk with a cut in it. In fact, the name of the product does not even appear. Unless a person knows about Silk Cut he would be puzzled by the picture of a piece of silk with a cut in it. The only way a person can tell that it is a cigarette advertisement is by the endorsement on the bottom of the advertisement saying "Smoking reduces your fitness". The advertisement is required by law to have a smoking warning.

Hon Garry Kelly: That is from the cryptic school of advertising.

Hon PETER FOSS: This form of advertising is used a lot in England; they particularly like puns. I cannot see any objection to that form of advertising and my understanding is that the industry would be prepared to confine itself to that form of advertising. The Government must realise that it cannot go around stopping everything. Our society is not a place in which the Government can ban every single thing that it does not like or because it is not healthy. I agree that smoking is a revolting habit and we have to fight against that habit. I cannot argue with that, but I question how much the Government is doing to ban this kind of advertising.

Hon Garry Kelly: Do you agree with the banning of advertising of cigarettes on television? Do you agree that it should be reintroduced?

Hon PETER FOSS: I do not agree that it should be reintroduced. I do not think that I would have supported it at the time the issue was before this Parliament, but now that it has happened I would not reverse the decision only because it has been accepted by the cigarette manufacturers.

Hon Mark Nevill: My objection is that advertising promotes smoking as being acceptable to the community.

Hon PETER FOSS: If that is the criterion to be used the problem is that the result is something that promotes it even more - parents and other people who smoke. The Government must tackle the problem in other ways. It is rather like a whole lot of people standing between a person and his goal. He may hit the smallest person even though that person is not really stopping him. The Government is hitting the smallest person in this case. It is striking at an important part of our society and is regulating cigarette advertising simply because it is the easiest thing to hit.

Hon Tom Stephens: They would be one of the hardest lobby groups to hit.

Hon PETER FOSS: The smoking lobby is certainly the easiest group to stop. The member should try stopping members from smoking. The Government should introduce one of its social engineering laws to stop parents smoking in front of children. If it really wanted to do something like that it could.

Hon Garry Kelly: If we could we would. That would be unenforceable.

Hon PETER FOSS: Cigarette advertising is easier to stop than stopping parents from smoking in front of their children. The Government thinks that is a good reason to stop advertising. At least there is a clear statistical connection between parents smoking and kids smoking; there is no clear statistical evidence that advertising promotes smoking. I have seen nothing to show a connection between advertising and smoking. I gave the example

earlier of China, which is a country I have visited. In that country a person can hardly breathe when he enters a room because every person in that room will be smoking. China has one of the highest incidences of smoking in the world and smoking is not advertised in that country. What statistics are there to show that advertising is a significant reason for people to smoke? I will accept - just as a gut reaction - that advertising could have an effect on some kids' attitudes towards smoking, but the statistics do not show it is a big factor.

Hon Garry Kelly: What is a big factor, apart from parents?

Hon PETER FOSS: The answer is peer pressure; the member knows that. If a person asks somebody who smokes why he smokes the answer will be that he was offered a cigarette and he thought it would be a good thing to do.

Hon Garry Kelly: Where does peer pressure come from? It does not come out of thin air.

Hon PETER FOSS: If you want to take it back to the beginning, then Sir Walter Raleigh should have been shot. It all started when he brought tobacco from the new world. I accept the example that was given by Hon Muriel Patterson that there is no advertising for heroin, speed or LSD and yet drug taking is increasing.

Hon Garry Kelly: Drugs are not half the problem that tobacco is.

Hon PETER FOSS: The member thinks that it is not half the problem that tobacco is but the cost to our community of drug related crime is enormous. The corruption to our society through drugs is enormous. I know that the Premier has said that yuppies are worse than drug addicts and maybe that is the reason the member does not think that it is important. The evidence clearly shows that the real cause of smoking is peer pressure. If the Government really wants to do something about smoking it will have to convince and educate children in order to make them change their minds about smoking. The Government has to convince them that it is a filthy habit in the same way that they believe spitting is a filthy habit.

I will accept that pressure can be brought to bear on the cigarette companies to change the way they advertise. They have responded to that pressure and have said to the Government that they will enter into the voluntary code. If the Government wants some suggestion as to how to tie them down legally I will be very happy to offer that information.

Hon Bob Thomas: You would probably charge for it.

Hon PETER FOSS: I will even do it for free. I believe that we can have a voluntary code which is fully enforceable and will achieve what we want in our society, without the social engineering and nonsense that the Government has been undertaking. We always want to salve our consciences instead of solving the problem. Something is written in the Statute book and attention is drawn to what has been done. The Government keeps proving that it has done something by putting it on the Statute book.

Let me tell the House what is on the Statute book now. The corner shop on my street is close to two schools. Every day boys and girls would go into that shop and buy cigarettes. That is one of the reasons why the Opposition opposes the idea of lowering the age limit to 16, because if a person sees a school child he knows that that child is too young to smoke. That shopkeeper was supplying cigarettes to children, and my wife went into the shop and said to the proprietor, "You know that that is illegal. Why are you doing it?" I hasten to add that the person involved is not the current owner of the shop; it involves the former owner. His answer was that if he did not sell cigarettes to children somebody else would and if nobody stops him why should he stop selling cigarette to children. My wife then rang the police and informed them that the shopkeeper was selling cigarettes to schoolchildren. She told them that the children were all in school uniforms and it is was quite clear that they were too young to purchase cigarettes. Absolutely nothing happened as a result of that. What is the point of putting something on the Statute book if nothing is done about it?

Hon T.G. Butler: We are doing something about it. We admit that you cannot do anything about peer pressure and parents smoking but children can be prevented from smoking.

Hon PETER FOSS: Of course something can be done about peer pressure. Why does the member think that the attitude to smoking by various age groups has changed?

The advertising is not effective. It has nothing to do with advertising whatsoever; it has to do with education. It is quite clear that the one place in which the Government must work is in

the schools. If it cannot convince the kids in the schools, it will never succeed. The Government can ban advertising for as long as it wants, but it will never achieve its aims.

I point out a ludicrous aspect of this legislation: This pack of sweets I am holding was sent to me by a sweet manufacturer. I received these before the tobacco legislation originally came before the House but unfortunately I cannot show members the product because I left them in my office and somebody ate them! I am sure every member received one of these packets of sweets called "Fags" which it will be illegal to sell under this legislation. Now, we are not banning cigarettes; we are not banning tobacco; we are banning sweets! It is incredible logic which causes us to ban sweets for the reason that it is thought that kids will buy them and then be persuaded to go out and buy cigarettes.

My family could hardly be more opposed to smoking than any other household I know. I have on my front door a sign saying "No Smoking", and it has been there for 15 years. If members think back to 15 years ago, not many such signs were around. It is clear to my children that I loathe smoking.

Hon Mark Nevill: You are a puritan.

Hon PETER FOSS: Yes, I am. My four year old child, even though no examples of smoking can be found in our house, has wandered around the house sucking on a biro in the manner of smoking - children will do that. We do not encourage guns and my wife would not allow guns in the house, but children still make guns out of Lego and sticks. Will the Government ban all long cylindrical objects, because that is the sort of stupidity in which it is engaging? Children can pick up straws and use them in smoking gestures. It is a nonsense, as the Government is hitting the little boy. It is a disgrace! The Government cannot ban tobacco because it knows it cannot enforce it; however, it can ban sweets. That is pure tokenism! The Government should be ashamed of itself for banning sweets simply because it cannot stop people from smoking. That indicates the ludicrousness of this legislation. I hope the Government is ashamed of the petty stupidity of banning sweets. If the Government wants to do something about smoking, it should get to the root causes in the schools by educating children not to smoke.

Hon Kay Hallahan: You do make us weep, Mr Foss!

Hon PETER FOSS: The Minister makes me weep; the Government is a social engineer and all it wants to do is to put legislation on the Statute book and say to people, "What a good thing we are doing." However, the Government has done nothing to solve the base problem. I ask the Government to reconsider clause 14 because it is pathetic.

Hon T.G. Butler: You are so negative.

Hon PETER FOSS: That is a very good statement from Hon Tom Butler because I have told him what the Government should be doing. It should be going out and trying to change peer pressure - that is a positive statement. What is the Government doing? It is banning things, which is a mere gesture - that is negative. This is being done without any statistical evidence or proof which indicates that it will reduce the problems of peer pressure. The Government is not tackling the problem.

Hon Mark Nevill: What about the Quit campaign?

Hon PETER FOSS: I support educational campaigns.

Hon Mark Nevill: You are saying that we are doing nothing.

Hon PETER FOSS: I am not criticising that.

Hon Kay Hallahan: You said that we are doing nothing, and it is being argued that what is being done is substantial.

Hon PETER FOSS: I give it to the Minister that the Quit campaign is something; however, the Government must work a lot harder in the schools - it can forget about older people because they are caught and it is very hard for them to be weaned off cigarettes. Certain aspects of this Bill are directed towards trying to persuade children not to smoke. Perhaps these provisions are not quite drafted as well as they could be, but the intent is there and we can improve on them.

Something needs to be done about the quality of advertising, as the Government has not gone

about this in the right way. I am disappointed that no attempt has been made to discriminate between advertising such as the lifestyle example I displayed earlier and the purely brand advertising I also displayed. Unless the Government is prepared to look at the problem rather than just proposing polemic, tired old remedies, it will never tackle the problem. The problem can be tackled and it is up to the Government to take positive action. This negative action will not get us very far because it will not take the matter any further. I urge the Government to consider an enforceable voluntary code.

Hon T.G. Butler: How do you enforce that?

Hon PETER FOSS: Has the member not had anything to do with this voluntary code? Perhaps the member should read the literature.

Hon T.G. Butler: How do you enforce a voluntary code?

Hon PETER FOSS: The parties voluntarily enter into an agreement.

Hon T.G. Butler: What do you do if they break the agreement?

Hon PETER FOSS: Penalties are provided in the agreement.

Hon T.G. Butler: So, it is not a voluntary code.

Hon PETER FOSS: If one enters into a contract voluntarily, and if one breaches that contract, one is subject to the penalties of the agreement.

Hon Tom Stephens: Your whole speech has highlighted the breaches of the code as it currently exists; you held up examples of this.

Hon PETER FOSS: The honourable member missed what I said earlier. It is possible to enter into an agreement which is enforceable - all it requires is that people try to do so, and this Government refuses to speak to people on this.

Hon T.G. Butler: We used to register our agreements.

Hon PETER FOSS: The member's agreements certainly were not voluntary! It is possible to enter a voluntary agreement, but it is difficult when the Government refuses to talk to the other party.

I hope that members listen to the positive aspects of which I have spoken. I support action directed at changing the effects of peer pressure in our community. Cigarette advertisers should be brought to the negotiating table to ensure they improve their advertising - I agree that advertising of the kind of which I have shown examples is unacceptable. However, I accept other kinds of advertising. We must have a community in which we arrive at solutions which are acceptable and reasonable. The problem with this legislation is that the Government has picked the easy mark and is belting the advertiser, even though that is a minor factor, and the Government is belting the sweet manufacturer when there is not the slightest jot or tittle of evidence that the sale of those sweets is a problem, except for one's teeth.

Hon George Cash: It is probably because of the sugar content - that will be the next subject for legislation.

Hon PETER FOSS: The prohibition of sponsorship in clause 8 of the Bill causes me some problems regarding the way in which it is drafted. It is far too comprehensive in the way it prohibits persons who happen to manufacture cigarettes from advertising their name anywhere or on anything. It seems extreme that an enormous penalty is imposed on a group which happens to produce more than one thing. I offer the example of Amatil Ltd - although it is no longer involved in cigarettes - which was a company which used to have quite a lot to do with the selling of cigarettes, but also sold bottled Coca-Cola and a huge variety of other products.

Hon Mark Nevill: It distributed Twisties and Steggles chickens.

Hon PETER FOSS: If a company is a manufacturer or a distributor of tobacco products its name cannot be used in connection with any sponsorship, and that seems somewhat extreme. Something has to be done to prevent an approach that is too broad brush.

I will dispel the unwarranted remarks made by certain members opposite with regard to the Legislation Committee. Every time a Bill has been referred to the committee the Opposition

has heard the nonsense from members opposite that it is seeking to delay the passage of legislation. The reports and the speed with which they have been brought to this House give the lie to that. Of course, members opposite have had little concern to represent truly what has been happening in the committee. I am afraid that we have even heard the suggestion that this House has been delaying legislation that has not reached here yet.

Hon N.F. Moore: That is right.

Hon PETER FOSS: That is not a proper response when one considers that Government members supported the establishment of these committees. Haste is not a good quality in legislation. Once legislation is passed it will be in place for a long time. It is far better to think it through and get it right before it is enacted. I for one believe that haste and legislation are incompatible. The old saw of more haste less speed applies particularly to legislation. We have seen Governments of both persuasions hurrying ill thought out legislation through this Parliament which has caused tremendous problems in the community and led to amendment after amendment having to be introduced. It never really gets put right, until after 10 or 12 years the whole thing is chucked out and a Bill which does the job properly is brought in. Haste and legislation are not necessarily compatible qualities.

The suggestion is that referring legislation to the Legislation Committee is a delaying tactic. Members opposite supported the establishment of the committee and they should be able to see from the reports that have come back from it that its members make a genuine attempt to get good legislation, that they carry out the job that has been given to them, and that they have brought back better legislation. The committee has a good track record and if anybody from the other side would like to deny that, I would like to hear them give chapter and verse as to why they say that. The committee has brought back its reports speedily and it was only in the committee that legislation was able to continue being considered during the recent recess. The product which has come out amply justifies the process. Members opposite should stop saying things for purely public purpose. They have no regard for the facts. They are standing up mouthing statements about delaying tactics -

Hon Kay Hallahan: Listen to the expert.

Hon PETER FOSS: Members know perfectly well that it is our intent to get the legislation right and to do the job properly. Members opposite know that.

Hon Kay Hallahan: I don't!

Hon PETER FOSS: The fact that members opposite leave this Chamber and make statements that we are holding things up shows that they have no genuine interest in getting the right sort of legislation. They do not care what the legislation is like as long as they ban something -

Hon P.G. Pendal: They are telling the same sort of fibs on this as they did on heritage matters.

Hon Kay Hallahan: That is rubbish.

Hon PETER FOSS: Yes; that this House is holding up legislation which has not even arrived. The Government would not deal with our heritage legislation in the other place. The heritage legislation which passed through this House was not touched in the other place. The Legislation Committee has been told that it is holding up the heritage legislation yet it has not even arrived in this House. The Minister talks about obstructing legislation but she is not getting on with it.

Hon Kay Hallahan: You are out of your tree.

Hon PETER FOSS: Is the Minister saying that the Government dealt with it in another place?

Hon Sam Piantadosi: We will not have to worry about tobacco smoke killing us; we will have to worry about industrial deafness.

Hon PETER FOSS: I do apologise to honourable members. However, I did have a balcony of chirping birds over which I had to speak in the early part of my speech and it unfortunately caused me to raise the volume of my voice. If I could be certain that the birds have gone to sleep I will lower the volume of my voice.

Hon Mark Nevill: Hon Peter Foss should use the dramatic pause a bit more often.

Hon Derrick Tomlinson: Not at all; he has been quite melodious.

Several members interjected.

Hon PETER FOSS: I will have to raise my volume soon.

The DEPUTY PRESIDENT (Hon Muriel Patterson): Order!

Hon Kay Hallahan: That is a real threat.

Hon Sam Piantadosi interjected.

Hon PETER FOSS: I have two minutes left and if the member does not stop interjecting I will request an extension of time. It is unfortunate that this Government has chosen as a continuous tactical measure to accuse the Opposition of delaying legislation. It has done this with legislation that has not even reached this House. I heard an example where we were accused of delaying legislation that has not even come into Parliament. The Minister is trying that old tune again today by saying that sending the Bill to the Legislation Committee will delay the matter.

Hon Kay Hallahan: That is my belief.

Hon PETER FOSS: The record shows that the Legislation Committee works hard and quickly on seeking to bring in better legislation. It has been remarkably successful and if the Minister was genuine and if she wished us to believe that she had any genuine intent she should at least be able to back up what she says in this Chamber. It is clear that the Minister's statement is quite wrong.

HON FRED McKENZIE (East Metropolitan) [8.47 pm]: I support the Bill. There has been a great deal of debate so I do not intend to take up a lot of the time of the House. The debate has indicated that the Government is the pacesetter in respect of this legislation, but I remind members that Victoria and South Australia already have this legislation.

Hon Max Evans: And they have problems.

Hon FRED McKENZIE: I do not think they have problems. Nobody has told us what the problems are. There have been allegations.

Hon Kay Hallahan: They are going very well. You are quite right.

Hon FRED McKENZIE: Some of the members in this House will be aware of the promotion that took place in Victoria because they were members of the parliamentary bowls team that went to Victoria. Hon D.J. Wordsworth and Hon T.G. Butler could tell members that the interstate carnival was sponsored by the Victorian Health Foundation. It created a great deal of publicity. Members opposite would not want to know, but it was a bipartisan arrangement because the arrangements to support the carnival were made through Liberal members of Parliament.

Hon Mark Nevill: If I had known that I would have gone.

Hon Doug Wenn: They are supported by Quit.

Hon FRED McKENZIE: They do not call themselves Quit, but the Health Foundation of Victoria. The greens were surrounded by publicity associated with the foundation; that is nothing new.

Hon Barry House: I bet they have a photograph with a Labor member handing out a cheque.

Hon FRED McKENZIE: We have come a long way toward the banning of tobacco advertising in a short space of time. It is not that long ago that an Australian Labor Party Conference in the 1980s discussed whether we should ban tobacco advertising. There was a lot of opposition to that. Do members know why?

Hon Derrick Tomlinson: No.

Hon FRED McKENZIE: Because the tobacco companies were weighing in very heavily to individual members.

Hon Max Evans: Is that where you got your money from?

Hon FRED McKENZIE: Maybe that is where Hon Max Evans got his, and probably where

he will continue to get it. That is what the opposition is all about. Since we took the bold step through Barry Hodge after the Burke Government was elected in 1983 -

Hon George Cash: You are not too proud of the Burke Government.

Hon FRED McKENZIE: There are some things about which we are very proud. One of those things was the provision of additional taxes to fund the campaign to match the advertising of the tobacco companies.

They talk about voluntary codes when the inevitable faces them. What happens in poor countries? Tobacco companies are advertising in those countries for all they are worth knowing full well that tobacco smoking kills people prematurely. Seven hundred people die prematurely in Western Australia each year, according to the Minister's second reading speech.

Although peer pressure does not always encourage people to smoke, it has something to do with it. I am convinced that advertising has a lot to do with young people smoking. It is certainly a contributor. I suppose one can have a value judgment about the extent of it, but my example convinces me that it is a major contributor. I have two adult children, one 20 and one 23 years of age, who both smoke cigarettes and they have never seen me or my wife with a cigarette in our mouths. I am convinced they picked up their smoking habits from advertising on television. That has now been cut out. When they were young children they had the opportunity to watch those advertisements on television.

Hon P.G. Pandal: It has been cut out for years now. They must have been very young when they took up smoking.

Hon FRED McKENZIE: Children do smoke. Mr Helm indicated earlier that he began at 11 years of age. The Opposition lead speaker, Hon Max Evans, told me at the afternoon tea break that he gave it away at 11 years of age so he must have started very young.

Hon George Cash: When he told you that, he did not think you would tell the House. That is something that was said outside this place.

Hon FRED McKENZIE: It may have been said in jest. I smoked cigarettes until I was in my thirties.

Hon P.G. Pandal: The children must have seen photos of you smoking.

Hon FRED McKENZIE: I hid them. I did not want them to know about my dirty past and cigarette smoking is part of my dirty past.

I am convinced that advertising had something to do with their smoking and now they are hooked on it. It is a drug and we should not promote it. We should curtail its use, no matter by what means, and this is a step in the right direction. We should remember the hundreds of millions of dollars that is spent in providing medical services for people who smoke. We ought to be doing everything possible to discourage cigarette smoking, because not only does it kill people prematurely, but also it chucks up a very huge medical bill. The more we can do to educate people against smoking, the better off we will be. It is significant that, with our standard of education, we are able to successfully convince people, maybe later in their lives, that they should give up smoking. It is working, because 70 per cent of people believe that tobacco advertising should be banned.

Hon Derrick Tomlinson: Seventy per cent of which people?

Hon FRED McKENZIE: The polls indicate -

Hon Derrick Tomlinson: Which polls?

Hon FRED McKENZIE: Opinion polls.

Hon Derrick Tomlinson: Which opinion polls? Do you mean the one that was commissioned by the Government?

Hon FRED McKENZIE: I got the figure from the Minister's second reading speech.

Hon Max Evans: I would not believe that.

Hon FRED McKENZIE: Putting all that aside, I will go onto another tack. We all know about the campaign against cigarette smoking by the medical profession. That profession is convinced that it causes ill health. It sent dozens of cards to me advising me of the people

who have died from lung cancer in my electorate. That profession did a remarkable job and it is the profession that has to treat the victims of smoking. We are not attempting to ban people from smoking. We are banning the means by which people are encouraged to smoke. That is what this Bill is about in part.

There has been some concern about sporting sponsorships. It is a great tragedy that they ever took them on in the first place.

Hon Derrick Tomlinson: Who?

Hon FRED McKENZIE: The various organisations including horseracing and motor racing organisations. They took on those sponsorships.

Hon Derrick Tomlinson: Who are they?

Hon FRED McKENZIE: The WA Turf Club, the WA Trotting Association, the motor racing organisations and shooting clubs. I have had letters from them indicating that they are worried about losing the income they derived from this area. However, I accept the accuracy of the statement that four times the amount of money will be available for these sporting clubs and the arts. It will be spread out over a greater area and more will benefit from the income.

Hon T.G. Butler: There are other areas they can go to for sponsorship.

Hon FRED McKENZIE: That is right. The tobacco companies have to obtain support from any area and of course they can buy support.

Hon P.G. Pandal: The Labor Party knows all about buying electoral support.

Hon FRED McKENZIE: It also does electorally unpopular things.

The tide has been turned because of the educational process. One thing leads to another. The opposition to this Bill is by no means as vehement as it was when a similar Bill was dealt with many years ago. The Opposition has toned down its arguments because of public opinion. During the previous debate, Hon Peter Wells indicated that the way to fix the problem was to increase the fines. That was his answer. I thought that suggestion was not worth a crumpet. However, we are back again with a Bill in which there is much more meat. We know of the experiences of similar legislation in South Australia and in Victoria. Twenty other countries in the world have also adopted similar legislation. Those countries include Finland, Canada and Norway - hardly bastions of social engineering.

I support the Bill. There may be some problems in the administration of the Bill, but how can one argue against the people who have been appointed to the foundation? The curriculum vitae of the chairman, Barry Sorensen, indicates that we could not have made a better choice for that position. I am grateful that a person of that standing has agreed to take on the chairmanship of the foundation.

People are worried unnecessarily about many things in this Bill. We have to stop somewhere to achieve what is being sought and we have gradually improved our goals. If members believe that advertising has no effect on cigarette smoking they should refer to the Minister's second reading speech when she referred to a magazine, *Tobacco International*, which indicated that there were many benefits in advertising. She referred to a statement by a spokesperson for the Gallaher Tobacco Company and to publicity built around the John Player Special. Without question the earlier advertisements have been toned down but the advertisements of companies such as the John Player group were aimed at young people and they glamorised smoking. Advertising is an important facet of that industry. Hon Derrick Tomlinson must know that it is. When election campaigns are in progress exorbitant sums are spent on advertising as each party tries to sell its product.

Hon Derrick Tomlinson: The tobacco companies know the value of advertising and that is why they spend their money on it. I ask Hon Fred McKenzie, what is the effect of that advertising?

Hon FRED McKENZIE: It encourages more people to smoke cigarettes.

Hon Derrick Tomlinson: No, the effect of advertising is brand identification.

Hon FRED McKENZIE: The more people who turn away from smoking the better. It is more desirable for the community and it would save taxpayers a lot of money. It is estimated

that 120 000 have stopped smoking. How many people in this Chamber smoke cigarettes? Many members have stopped smoking.

Hon P.G. Pendal: There are a few left.

Hon FRED McKENZIE: Twenty years ago the smokers in this Chamber outnumbered the non-smokers, but now they are fighting a losing battle and are constantly being told not to smoke.

Hon Derrick Tomlinson: Even with all that advertising!

Hon FRED McKENZIE: Yes, even with all that advertising. However, that advertising is aimed at young people. Those who have been smokers know the difficulties facing young people. I have been a smoker.

Hon Derrick Tomlinson: So have I.

Hon FRED McKENZIE: I found it difficult to give away smoking.

Hon Derrick Tomlinson: So did I.

Hon FRED McKENZIE: I tried several times before I was successful but eventually I conquered it.

Hon Derrick Tomlinson: So did I.

Hon FRED McKENZIE: When I was a young person life was cheap. I will not hide my age; I am 56 years old and will be 57 in December. I want to hang on to the little bit of life I have left. I suppose that is why Hon Derrick Tomlinson gave it away also.

Hon Derrick Tomlinson: I do not have much time left either.

Hon FRED McKENZIE: Hon Derrick Tomlinson has more time than I have.

Hon Derrick Tomlinson: I can't be sure of that.

Hon FRED McKENZIE: I assume from comments made by members opposite that this Bill will be referred to the Legislation Committee. Strange to say, I do not object to that. It could have been dealt with in this House but the new-found crusader in this House wants to perform the work of parliamentary draftsman. We have utilised the parliamentary draftsmen for a long time without a great deal of hassle and have been able to amend Bills satisfactorily. However, the new-found idea is that the Legislation Committee can handle the legislation far better and can bring out the true meaning of it. It has done a fairly good job with the one or two Bills it has handled so far. I do not think it is necessary but I am not opposed to this Bill being referred to that committee so long as it is not delayed for too long. After referral to the committee it will be returned to this House for further consideration.

I refer to the comments of Hon Peter Foss with regard to the confectionery marketed under the name of Fags. Of course, that name has certain connotations and that cannot be denied. Clause 14 of the Bill states that a person who sells -

- (a) any confectionery or toy that is designed to resemble a tobacco product; or
 - (b) any confectionery or toy in a package that is designed to resemble -
 - (i) a tobacco product; or
 - (ii) a package containing a tobacco product,
- commits an offence and is liable to a penalty of \$1 000.

If Hon Peter Foss does not think that a packet of Fags does not resemble a tobacco product, he should not worry about that clause. Should the manufacturer be confident that that product does not contravene the Bill he can continue to manufacture it and the case can be challenged in court. I would certainly ban that product because when I was young the word "fags" was a slang word for cigarettes.

Hon Derrick Tomlinson: And for other things as well.

Hon FRED McKENZIE: It is a long time since I have had one of those "fags" but I recall that at the end of each one was a red spot which was designed to resemble the lit end of a cigarette. That has now been removed by the cunning manufacturers in an attempt to change the image. I do not think confectionery items will be banned willy-nilly under the provisions

of this legislation. It is part of growing up that kids want to be smart and to show how big they are. Many of them would buy a product such as this whether or not they liked the taste of it.

I indicate my support for this Bill before the House. I hope members will allow the Bill to be read a second time and that before long it will complete its passage through the Parliament and the advertising of tobacco products will be banned.

HON P.G. PENDAL (South Metropolitan) [9.06 pm]: I want very briefly to associate myself with the remarks made by earlier Opposition speakers and express the view that we are dealing here with a classic case of social engineering, with all the implications that has. We are dealing with a Government with a misguided sense of priorities. I give one example of the hypocrisy, to say the least, on the part of the Government which has sponsored this Bill. In particular, I address some remarks to proposed section 8 of this Bill which deals with prohibition of sponsorship.

Members will be aware that this part of the Bill imposes some fairly steep penalties on people who promote or publicise the name or interests of a manufacturer or distributor of tobacco products. Later in the Bill it is stated that penalties for breaching that provision could be as high as \$5 000 in the case of an individual and \$10 000 for a second or subsequent offence. This Bill represents rank hypocrisy on the part of the Government. Had it been in operation a couple of years ago a Government Minister may have breached its provisions. I am personally aware of a donation of \$100 000 made by Amatil Ltd, at a time when that company was a cigarette manufacturer or distributor, although it is not now, involving the Western Australian Government. At the time the old observatory residence, a mere 100 metres from this place, was being restored as the headquarters for the National Trust in Western Australia. It was in the bicentennial year that Amatil, to its credit, made available a substantial amount of money to restore a number of heritage properties around Australia as part of a gift to the nation program for the 1988 celebrations.

I was present when a representative of Amatil Ltd handed a cheque to the value of \$100 000 to the National Trust of Australia (WA). The trust is a statutory instrument of this Parliament and the cheque was accepted in the presence of a senior Minister of the Government. Everyone stood around -

Hon Max Evans: And cheered.

Hon P.G. PENDAL: - and cheered, as Mr Evans correctly interjected, and praised Amatil for its contribution to the bicentenary. The Government stood by and bathed itself in the glow of the publicity. If that did not represent rank hypocrisy of the first kind, I do not know what would. Two years down the track that very action, if it were to occur on the part of a private individual or a corporate body, would be illegal under this Bill. If the Government were half serious - I do not think it is - about the principle that allegedly flows through this legislation, it would immediately return the \$100 000 to Amatil and then reimburse the National Trust for the \$100 000 that it would have forgone. By doing that, the Government would be paying \$100 000 towards the restoration of the old observatory residence.

The Government cannot have it both ways; it cannot under clause 8 of this Bill outlaw the actions of people who promote or publicise the name or interests of a cigarette manufacturer, but have been the recipient of \$100 000 two years prior to that provision taking effect. Surely there must be equity and an absence of double standards. I am hoping that by way of interjection a Government member will say that he agrees with my point and will recommend to the Premier that the \$100 000 be returned to Amatil. Why should an organisation like Amatil be the butt of the smart alec remarks made by members on the Government side of the House while, at the same time, those members accepted \$100 000 from Amatil and all the publicity and glory that went with it? I ask members opposite and the Minister why any of us should endorse that sort of double standard. Either it is wrong to accept money from a cigarette manufacturer, or it is not. If it will be wrong for someone to do it next week when this Bill becomes the law, it would have been wrong in principle and from a moral viewpoint two years ago when the National Trust and the Government accepted \$100 000 to restore that building. That is what irritates not only members in this House, but also people outside the Parliament who must come to grips with that sort of nonsensical logic.

Hon T.G. Butler: Amatil does not solely manufacture cigarettes.

Hon Kay Hallahan: It is not selling them now.

Several members interjected.

Hon P.G. PENDAL: Hon Tom Butler is saying that it is okay to accept a donation from a tobacco manufacturer provided it is involved in other aspects of business which Amatil was at the time; it was also a distributor of soft drinks and potato chips.

Hon T.G. Butler: That's a stupid thing to say.

Hon P.G. PENDAL: I agree that it was a stupid thing for Hon Tom Butler to say. I ask him and the Minister whether the Government will agree to refund the money to Amatil, which would no doubt be pleased to see the return of \$100 000 because the economy is not what it was two years ago.

Hon Kay Hallahan: The company would not want it returned. It would have made a donation in the public good. I expect it would be embarrassed by the return of the money.

Hon P.G. PENDAL: I accept that Amatil made a donation for the public good and obviously in the hope -

Hon Kay Hallahan interjected.

The PRESIDENT: Order!

Hon P.G. PENDAL: No doubt Amatil made the donation in order to receive the benefits inherent in making any donation. The situation is comparable with a member of Parliament donating a \$50 trophy to a basketball club. The club and the children are very impressed, but we must not kid ourselves that we do not have a vested interest in making that donation. Nothing is wrong with having a vested interest in presenting a trophy to a basketball club and receiving some of the benefits of doing that as a member of Parliament.

Hon Kay Hallahan interjected.

Hon P.G. PENDAL: The same applies in this case. Tonight I have heard the greatest amount of claptrap from people criticising the self interest of the tobacco companies. Every lobby group that comes into this Parliament has a self interest.

Hon Kay Hallahan: Not all of them are so destructive; that is the difference, Mr Pendal.

Hon P.G. PENDAL: In that case, why did this Government accept \$100 000 from a tobacco manufacturer two years ago, when everyone knew that tobacco products were just as destructive as they are now? The House is deafened by the silence. I do not think the Bill deserves to succeed.

Hon Kay Hallahan: Really? Are you voting against it?

Hon P.G. PENDAL: I will vote the way I see fit in a few minutes.

Hon Mark Nevill: I will respond to your comments about Amatil in a minute.

Hon P.G. PENDAL: I hope the member's comments are better than the comments I received from the then Premier; I will throw them into the arena should it become necessary. We have heard tonight that the Bill is designed to dissuade young people from taking up the habit of tobacco smoking. That issue was of no consideration when this Government held out its mitt to receive the \$100 000 from Amatil.

Hon Kay Hallahan: Do you have any other contribution to make?

Hon P.G. PENDAL: The Government could show its seriousness by refunding that amount and ensuring that the National Trust takes down any wall plaques that were unveiled at the time which gave credit to the sponsor of the donation. Were that sort of donation to be made when this Bill comes into effect, the donor would become some sort of criminal. On that basis alone, we are dealing with not only social engineering, a matter adequately covered by many of my colleagues, but also rank humbug and hypocrisy from a Government which lurches from one set of values to another. That has been at the very heart of its conduct which has cost this State \$850 million - some of the answers to which we may receive tomorrow. The Bill deserves to fail.

HON MARK NEVILL (Mining and Pastoral) [9.18 pm]: I have been a member of the National Trust of Australia (WA) for as long as I can remember.

Hon Max Evans: That is not very long.

Hon MARK NEVILL: I have been a member for at least eight or 10 years.

Several members interjected.

Hon MARK NEVILL: I am a member of many organisations and, like members opposite, it is difficult to recall instantly when one joined an organisation. For many years I have been a member of the National Trust and have taken an interest in its buildings in the goldfields. I have done whatever I can to assist that organisation in relation to Warden Finnerty's house in Coolgardie and with other projects.

I welcomed the donation that Amatil gave to the National Trust. It is very different, Mr Pendal, having the name Amatil attached to that, as I doubt whether even a small percentage of people in Western Australia know what the hell Amatil is, or what products it produces.

Hon P.G. Pendal: So Hon Mark Nevill agrees with the change to clause 8, then?

Hon MARK NEVILL: Earlier tonight Hon Peter Foss commented on the different activities in which Amatil indulges. I do not think many people know what food products it produces and distributes.

Hon P.G. Pendal: The Bill talks about the name of a manufacturer.

Hon MARK NEVILL: I know what the Bill says. It would be very different if they were putting signs on the front of National Trust buildings "Smoke Marlboro" or some other brand of cigarette. To take the member's argument to its logical conclusion, that the Government should not accept any money from any of these companies that indirectly promote smoking, would probably lead one to say that the Government should not take tax from them because it is taking money from tobacco companies. I do not think the Amatil argument is sound at all.

There is no doubt that the campaign to stop cigarette advertising is a form of behaviour modification the same as the Keep Australia Beautiful campaign, which has been extremely successful in stopping people throwing cigarette butts and cans out of the windows of vehicles.

Hon Garry Kelly: Social engineering.

Hon MARK NEVILL: I do not call it social engineering; there are other things I would put in that class. However, they are valid forms of behaviour modification. Cigarette advertising is slick; it promotes smoking as a socially acceptable activity. If people want to smoke, that is all right by me. However, I do not think it is something we should be promoting as a socially acceptable activity.

Hon Barry House: What about the warning on the packet? That says something about the activity, too, does it not?

Hon MARK NEVILL: That has a limited impact. I suppose the warnings have discouraged some people from smoking. I do not believe we should be encouraging people to smoke, if we can avoid it. I think the banning of cigarette advertising on television was a good thing. I agree with Hon Peter Foss in relation to that. I am a person who is averse to that sort of activity, but cigarette advertising is a sensible and worthwhile matter to legislate against.

As Hon Peter Foss said, peer pressure is extremely important. I do not know how one gets to that other than through Quit campaigns and that sort of advertising. The relationship between parents smoking and children smoking is extremely important and is the reason I gave up smoking. I read somewhere that if I smoked the probability of my children smoking was double, or whatever it was, but it was significantly higher.

Hon P.G. Pendal: Do they smoke, as a matter of interest?

Hon MARK NEVILL: I am not aware if they do, and pity help them if I find out they are. My children are between nine years and 13 years of age. I have not caught them smoking but have caught them rolling pieces of paper and practising.

I make the point that I am averse to Governments interfering overly in the day to day lives of people, but I believe this legislation has merit. I have no problem with this Bill going to the Legislation Committee as I think the reports that have come back from that committee have

been good ones and have improved the relevant legislation. I have great faith that the chairman, Hon Garry Kelly, will do a good job with this Bill, which is worthwhile and which I support. I urge other members to support it as well.

HON J.N. CALDWELL (Agricultural) [9.24 pm]: It was not my intention to speak on this Bill, but I felt it necessary that I express my feelings after listening to the speeches made by other members in this Chamber. I have always been worried by this Bill, even when it was mooted some time ago. The other part of the Health Promotion Foundation has already been passed; that is, the money raising part. I think we were probably conned into that because we did not realise what this legislation was about at that time; we had not studied it sufficiently to find out.

I have never smoked. As Hon Peter Foss indicated, and I wholeheartedly agree, it is a rather filthy habit and affects everybody around the offender, which is a particularly disturbing facet of smoking. It is interesting to note that Hon Peter Foss said he thought smoking was caused by peer pressure. I have no quarrel with that argument.

I believe the financial worries assailing young people today have an impact on their wanting to do things as a relaxation or to help their nervous tension brought about by the economic climate. It is well known that young people are having difficulty finding jobs. It is interesting to note that those who have little always seem to turn to something that is detrimental to their health in an attempt to alleviate their problems. Of course, smoking is one of the things to which they can turn in an attempt to help them overcome their tensions.

Young people have problems with their parents when they cannot find jobs. Sometimes the parents feel the children are sponging on them and the stress of not being able to get a job worries the young people. I guess that is one of the reasons why young people take up smoking. One has only to walk up St George's Terrace to see that it is mostly young people who are walking along the terrace with a cigarette hanging from their hand. It is also interesting to note that the ratio of young people smoking is about 3:1, with the majority being young women. I hope people take notice of this, because it seems to be mainly young women who are walking up and down the terrace smoking.

Hon Kay Hallahan: They are the focus of advertising campaigns, interestingly.

Hon J.N. CALDWELL: I take notice of everyone walking up and down the terrace because one learns a lot by observing what is going on around one.

It was a little over 12 months ago that the National Party came to grips with the problem of whether advertising should be banned. The matter was discussed at length, and in a reasonably close vote National Party members voted in favour of banning cigarette advertising. Little did members know at that time what they were letting themselves into. I came to grips with that motion and went along with it saying, "Yes, it is a good idea. If it helps reduce advertising, I have to be in favour of it." I had doubts about it because I thought it invaded people's liberties and would stop them from doing something that was legal. The National Party was in favour of banning the advertising of cigarettes before the Government introduced this Bill. At that time I guess we thought it was a good idea. We must have thought that because we passed the other Bill which relates to this one. However, the foundations which have been formed in Victoria and South Australia have been performing pretty badly.

Hon Kay Hallahan: That is not true.

Hon J.N. CALDWELL: There have been a number of problems. The foundation in South Australia started off as a problem, and after it had been in operation for six months one commentator called it a disgrace, and just recently it has been hailed as a scandal. I am not sure whether that is a good recommendation for our trying to emulate that foundation in Western Australia.

Hon Kay Hallahan: We are not seeking to copy it.

Hon J.N. CALDWELL: Thank goodness we are not, but this Bill contains provisions which are similar to those contained in the Bills passed in Victoria and South Australia, so we must be concerned about this.

I have yet to be fully convinced that this legislation will achieve what we want to achieve, and that is the reason that I believe it must go to the Standing Committee on Legislation, of

which I am a member. It is interesting to note that the two members of the Government who are on that committee - Hon Garry Kelly and Hon Cheryl Davenport - have not yet had an input into this legislation. I am sure they would like to have an input, and the Legislation Committee is the right place for them to do so. I support this Bill's going to the Standing Committee on Legislation.

HON BARRY HOUSE (South West) [9.31 pm]: I support the comments made by my colleagues on this side of the House about this legislation's going to the Standing Committee on Legislation. I am encouraged by the recent accolades which have been given to that committee for its work on the incitement to racial hatred legislation, and on other pieces of legislation. The committee has proved itself to be a very effective mechanism, and it is pleasing to see that it is working well. Perhaps with the provision of adequate resources it will be able to work even more effectively.

I am a little suspicious that this legislation may have little to do with health promotion but a lot to do with political manipulation of sport, the arts and youth organisations. I do not have many other concerns, and I may be convinced about the provisions of the Bill in respect of tobacco advertising, but I certainly have serious reservations about this aspect of the Bill. There is an inconsistency in logic between the statements and actions of certain Government members and this legislation. The intention of this Bill is in clear contrast to the statements made in this House last night, for example, by Hon Mark Nevill, that we cannot - indeed, he went so far as to say we should not - protect people from activities that involve some degree of risk. He was talking about the risk involved for the people of Esperance by ships loaded with ammonium nitrate docking at the Port of Esperance. We all acknowledge, and it is well documented, that some risk is associated with smoking. It is beyond argument that there is a close correlation between smoking heavily and the incidence of cancer, and I would not want to deny that.

Hon Kay Hallahan: Good.

Hon BARRY HOUSE: All I can say is that it serves such people right. It is their choice to smoke, and as long as we have a system in our community which educates people about the dangers of smoking, if they want to smoke it is up to them. However, I object to smokers' infringing on my rights and on my space, and there is some evidence that people can incur health problems from passive smoking. Therefore, I support the recent decisions in Australia to ban smoking on domestic airlines and on the *Australind* train, and I am also pleased to be able to go to a restaurant which offers me a choice between a smoking and a non-smoking area. I do not smoke. I have never smoked, apart from smoking one or two cigarettes when I was about 12; I did not enjoy it then and I loathe the habit now.

This Bill seems to be an extension of the "Nanny State" mentality and of "Big Brother" Government, which knows what is best for every individual in our society and which seeks to interfere with virtually every aspect of our lives. The Bill seems to fit into a pattern that is developing in this State of creating bodies which are outside the traditional Public Service structure to collect large sums of money, always from the ever suffering taxpayers, and to distribute that money with political largesse. It worries me that we will see these funds being distributed via Labor politicians' handing out cheques to all sorts of groups.

Hon Kay Hallahan: That is simply not possible. Much as we would love to do it, the Bill precludes it.

Hon BARRY HOUSE: The Minister should forgive me, but I have become very suspicious of the activities of bodies such as this which have been created by the Labor Government.

Hon Kay Hallahan: People have shared your view and they have precluded it in the Bill - sadly, because I would like to be associated with some -

Hon BARRY HOUSE: The establishment of this organisation, which is outside the traditional Public Service structure, follows the pattern which the Government has adopted in respect of regional development. The various regional development authorities in the State have created the atmosphere where virtually every activity in certain areas - and the south west and the great southern are probably the two worst examples I can think of - has become dependent in some way on those bodies handing out funds, and giving out approval, information, and everything else. The Goldfields-Esperance Development Authority is the next cab off the rank. The Geraldton Mid-West Development Authority seems to be better organised than the others.

This is socialism at its best, where Big Brother is sending out feelers into every aspect of the community. At this stage, I cannot see why these large sums of money should not be distributed by the traditional departments such as the Health Department and the Department of Sport and Recreation. I may be convinced, after this Bill has gone to the Legislation Committee for consideration, that there is little to fear, but at this time I remain unconvinced.

It is ironic that when this program was launched early last year by the Government's public relations machine it was promoted as the saviour of sportsmen and sportswomen all over Western Australia. We saw the first indications of the health promotion fund, via the blatant use of prominent sportsmen to promote and sell the idea, before we had even caught sight of any legislation in this Parliament. That follows the pattern that the Government seems to be adopting with respect to all sorts of other things; for example, the cooling off period in relation to used cars seems to have been sold in that way as well. We then saw the revenue side of this package sewn up very quickly by a revenue desperate Government as part of its Budget last year. I can remember speaking last year on that Bill, and we agreed to defer discussion and our response to the revenue side of it until we had seen some evidence of the legislation in this Parliament. We should have dealt with the revenue and the expenditure side of this legislation concurrently. There is now general confusion among sporting bodies and other organisations about the intentions and the reported benefits of this legislation. In some quarters there was outright anger about the Government's misrepresentation of the Bill's provisions for different organisations. These people had every right to feel used and even cheated as a result of the Government's attempt to sell its message via those people.

There is a large degree of uncertainty among motor sports, rugby, horseracing, cricket and other sports, and this needs to be cleared up. That is why I support referring this legislation to the Legislation Committee before a final response is given.

I am a non-smoker, and I dislike the habit intensely. As has Hon Peter Foss, I have had a No Smoking sign in my office for many years; I discourage it. A couple of weeks ago I was in Sydney and I hired a taxi. I could hardly breathe because the bloke driving was a smoker and he had all the windows up. I only went about 100 metres and I asked him to stop and I got out. He did not get paid for that short trip; I caught another taxi because it was so obnoxious. I dislike people infringing on my space. If they want to smoke without infringing on other people's space, knowing the dangers they are courting by smoking, good luck to them; it serves them right.

It should be remembered that those people are contributing via the heavy taxes they are paying.

Hon Kay Hallahan: This is foolish. The costs of health care are astronomical.

Hon BARRY HOUSE: The people who smoke contribute very heavily towards the public coffers as a result of the heavy taxes they pay on cigarettes. They are already contributing to the health costs associated with these diseases.

Hon Kay Hallahan: But they take out much more than they put in.

Hon BARRY HOUSE: They are already making a significant contribution.

Hon Kay Hallahan: That is absolutely ridiculous!

Hon BARRY HOUSE: Other people are entitled to protection. I have an open mind about the effect of advertising, on young people in particular, but I am not convinced about the arguments for and against the other provisions. I feel strongly about the confusion created by the legislation and its effect on sporting bodies, arts bodies, youth organisations and the like. This relates to the structure and role of the Health Promotion Foundation and other aspects which have been dealt with by previous speakers. Further consideration should be given to this Bill by the Legislation Committee.

HON KAY HALLAHAN (East Metropolitan - Minister for Planning) [9.43 pm]: As we can see from the number of speakers we have had on this measure, this is a very significant Bill and one about which members have very strong feelings. That is as a result of the change in attitudes on smoking; what has been acceptable in the past is not now acceptable or socially desirable. I guess that is the dilemma with which members are grappling, to some extent.

I am pleased with the expressions of support for the Bill in general terms. Many reservations

have been expressed, but only one or two members have expressed outright opposition to the Bill. I am therefore hopeful that, while acknowledging that it is very likely that tonight this Bill will be referred to the Legislation Committee, when it returns it will receive the support of members opposite.

I do not want to single out individual members, but I shall refer to some of the many questions which have been raised. We must realise that we are dealing with a very serious health hazard in the community. The debate has seemed to minimise the habit of being dirty, deplorable, or something else rather negative. The fact is that it is those things, but in addition it is a very serious health hazard.

The reasons people smoke are many and varied, but we know that if we want to change people's attitudes about themselves and their health we need to look at the cost of the product, at its promotion, and at education about the effects of the product. Indeed, the questions of peer group pressure and role models are interwoven; there is no doubt about that. We cannot single out something as powerful as advertising, put it on one side and say it is not a significant factor and we should not tamper with it.

Some very colourful phraseology was used in the debate. One phrase was social engineering. I thought we had moved beyond that about 20 years ago, but perhaps that is where this Chamber is. Perhaps it will catch up with the 1990s eventually, but we are still using this strange terminology. However, we are leaders in our community and we have a responsibility to give some leadership. Where we know that a product like tobacco, when used as it is meant to be used, is a definite health hazard, we should give some warning. That is the problem with it. We can say about a lot of other things that if used in excess they will cause problems, but we cannot say that about tobacco, because using it in the way it is meant to be used results in its being the health hazard that it is in our community. It is the largest single cause of death and disease today.

That fact causes huge problems in family life, the quality of life, premature death and all the economic and emotional problems which go with it. Tobacco causes the most enormous health care costs to the community in terms of maintaining a system to care for people as they go down with these very serious and fatal illnesses. That is the nature of the problem we are dealing with, and that is why it deserves to be treated very seriously. I think members have treated this matter very seriously. I do not care for the content of some of the debate, but nevertheless I think members have treated it very seriously.

Hon Barry House: Smoking is not the only cause of disease.

Hon KAY HALLAHAN: It is the most significant. We must not minimise the impact of this substance and the effect it has in terms of preventable diseases. It is one thing to say that something is not preventable, but tobacco smoking is one of the clearest examples of a cause of preventable disease.

A suggestion has been made that we only want to stop advertising at sporting events and artistic pursuits. That is nonsense. Honest members opposite know that that is not the case. A magnificent effort has been put into the Quit campaign, and it has been highly successful. That is not just a statement. We all acknowledge that when we go to places we now have choices with no-smoking restaurants, and trains are non-smoking. The community's attitude has changed, and that has come about as a result of the recognition of the very destructive effects of smoking.

Hon Barry House: It has not come about as the result of any changes to advertising.

Hon KAY HALLAHAN: One of the factors which has to be addressed if we are to be successful in dissuading people from smoking is taking away the coercive nature of things such as peer group pressure and role models. Advertising clearly underpins these things. It is a very powerful medium and members should recognise that anyone wanting to do anything in the community knows promotional programs must be used to do it. The tobacco industry shows us beyond all doubt how convinced it is about promotion and how successful advertising has been. That information ought to be available to members and we should not have to debate that point.

I turn now to some basics about the Bill. The Bill allows people and organisations to apply to the Minister for exemptions, and allows sporting bodies and people to apply to the Western Australian Health Promotion Foundation for funding. There are a number of

aspects to the Bill, but that statement will clear up some of the misunderstandings we have heard tonight: People apply to the Minister for exemptions and to the foundation for funding. I will deal with the exemptions because we have heard a great deal of confusion about this Bill, and I do not understand that. People in the Health Department have been available to talk with sporting bodies about their concerns. A lot of that has gone on, and as a result there has been major support for this Bill. Nevertheless, when we do something different there are always people who miss out on the information and do not know where to turn in order to get it, and if they are speaking to members opposite, the chances are that they will not be pointed in the right direction to have their queries clarified and made very simple and straightforward.

Hon Barry House: That does not explain why we are still getting lots of letters. People do not know what the effects are.

Hon KAY HALLAHAN: As a member of Parliament myself, separate from being a Minister of the Crown, I always take the opportunity to use letters from constituents to educate, to get back to them and to tell them what is the real situation. I thought members opposite would have that responsibility too, but it worried me tonight to hear in the debate that some members opposite are very confused; and therefore the quality of their responses to their constituents would not be educative but merely confusing, one suspects, to the poor recipients of that information.

Hon Barry House: We have only confusing information to give them.

Hon KAY HALLAHAN: Where did members opposite turn for their information? Did they try the Health Department of Western Australia?

I will go through the exemptions quickly. There is an exemption for up to 12 months after the Act comes into force, for any person or company that has entered a contract before the proclamation, on the grounds of hardship. People can get an exemption if they make an application on that basis, and there is a real attempt in this Bill to not have people disadvantaged by it. We cannot bring about change in the community if we actually make people worse off, whether they are an individual or a body involved in sporting or cultural activities, or whatever organisations are affected by this Bill. We do not want anybody to be worse off, and the whole Bill is structured around that. I want to reassure members on that point, because it seemed that some of them had a real fear about that. If members believed that, I can understand their anxiety. If bodies are going to be worse off, of course they will complain and be unhappy; but that will not be the case. There will be four times as much money in the foundation as is spent by the tobacco companies on advertising and sponsorship in a year in this State. There will be much more money available for sporting and artistic bodies than has been the case in the past. We are entering a new and revolutionary phase and it is quite an exciting development.

In other cases where significant hardship can be demonstrated there will be a limit up to 30 June 1994. Reference was made to this earlier, and it seemed to be a point of some confusion. However, we cannot say that people can forever claim hardship in some way.

Hon Max Evans: So the Whitbread race cannot come here after 1994?

Hon KAY HALLAHAN: No, that is not the case. It would go for an exemption on the basis of its international status. National and international events could be granted exemptions, on application to the Minister, indefinitely, not limited to 1994. That is a significant point of confusion we want to be clear about. There will be no time limit on those; they will go on. The limit of 1994 does not apply to those events, and that probably overcomes a number of the concerns that have been expressed.

In addition to that, there is nothing to stop two or three year exemptions so that people can plan ahead. This is something about which Hon Max Evans was concerned. People need to plan ahead; the Government accepts that, and the Health Promotion Foundation will also accept that. We all know that we cannot have significant events without long term planning, so there will be exemptions. I really think this will be quite workable. In addition, there is the case where the whole structure of an event or competition is set up with Health Promotion Foundation funding and is wholly funded by the foundation, and in comes an international competitor sponsored by a tobacco company, wearing the company's logo and looking terribly antisocial!

Hon Peter Foss: And smelling of smoke.

Hon KAY HALLAHAN: I doubt it! We are talking about athletes and so on. An exemption is also possible in that case. The fact that the structure of the event is funded and sponsored by the Health Promotion Foundation does not preclude international competitors coming in. There is no desire to limit their access to exemptions.

Hon Max Evans: That is good; they could be from Victoria.

Hon KAY HALLAHAN: In response to that interjection, the Victorians went early with the foundation idea and there may have been a few problems, but my information is that it is regarded as running very successfully now. In fact, when this Bill was debated in another place and negative comments were made similar to those made here tonight, the Liberal Party parliamentarian who is a member of that foundation actually wrote to parliamentarians in this State on the Opposition benches, I understand - certainly to two of them, so disturbed were they.

Hon Max Evans interjected.

Hon KAY HALLAHAN: I am advised that is the case. The Victorian foundation is structured differently, in that a member of each of the three major political parties is on that foundation. That will not be the case in Western Australia, and I will come to that. However, that is why that Liberal parliamentarian took it upon himself to write to the expressions he had heard from the debate in another place, to say that that was quite incorrect information and that the Victorian foundation is running very well. South Australia has had some problems. We do not want to emulate the problems of other places, and we have had the opportunity to learn from those experiences.

I must say that the longer one is in this place and the more one hears members speak to various Bills, the more surprises one receives. I would have thought that Hon Max Evans was interested in healthy, active, participatory sorts of sports and I had not realised he had such close links with the racing fraternity. I have always seen him as linked with swimming and so on.

Hon Max Evans: I don't like swimming - I like athletics.

Hon KAY HALLAHAN: In any event, it is instructive. With regard to the stake money, about which Hon Max Evans was concerned, I do not think we can assume that for individual events people can keep on raising their stake money and expect, necessarily, to have that carte blanche from the foundation; but they can put a case and say that to compete with others and to be a prestige event, and given the amount of money needed to do that, additional funds are needed. That case can be made to the foundation, and I am very confident it will be treated very sympathetically.

What I do not want to give a commitment on tonight, but what could be floated if there is a real concern by that industry, is not that the industry have an individual member on the foundation but that maybe there could be a special advisory committee to the foundation. Maybe the Minister could instruct the foundation to set up an advisory committee to advise on the horseracing, training, reinsman-type sports, and maybe that will overcome the kind of concerns to which Hon Max Evans referred. I think we can find ways around the problem. I agree with Hon Max Evans that racing is a very significant part of sporting and cultural history, and certainly, as he says, it is an industry. However, I think we would all agree that racing must be seen as a sport; indeed, we would want it to be regarded as a sport in order to qualify for funding under this Bill.

Hon Max Evans: So their money would come from a sporting allocation?

Hon KAY HALLAHAN: That is right, but they are guaranteed money on top of other sports, so it will actually bump up the whole quota of money going to the sporting field; there are clear undertakings about that. I think we will not have concerns from the racing industry once it clearly understands that. Again, on behalf of the Government I express some regret that some members have had expressions of concern made to them.

Hon Max Evans: I appreciate the Minister's comments, but there is no clear indication of that in the second reading speech or the Bill. I wanted that matter clarified.

Hon KAY HALLAHAN: I am giving an undertaking now that those bodies will receive additional funding, the effect of which will be to bump up the percentage that is allocated to sport.

Hon Garry Kelly: Even totally replace their tobacco sponsorship?

Hon KAY HALLAHAN: No organisation will be worse off under this Bill; sufficient funding will be available to replace tobacco sponsorship. That will apply right across the board.

Hon Garry Kelly: Will that include the racing code?

Hon KAY HALLAHAN: Tobacco sponsorship in all areas, including country racing, will be accommodated by this Bill. The amount set aside for the foundation far exceeds what is currently being brought in by tobacco sponsorship. I hope that will reassure some members.

Hon Murray Montgomery: Will that mean that their contracts will be ongoing?

Hon KAY HALLAHAN: The foundation will be an ongoing body.

Hon Murray Montgomery: Are you saying there will be a special allocation for racing?

Hon KAY HALLAHAN: Organisations will approach the foundation and lay out the contracts and arrangements which they want taken over. The organisation will have to work out for itself in the next 12 months what it wants. At the end of 12 months those organisations will be in a position to negotiate their replacement funding. They will then have Health Promotion Foundation funding, which will obviate the need for tobacco sponsorship. At the same time they will have to negotiate their signage and functions. The member referred to the fact that dinners and other things would have to be included in funding packages. The funding available will be sufficient to cover the amount currently being spent in those areas around the State.

People involved in the arts have been reluctant to accept tobacco sponsorship; many of them do not have large audiences to attract tobacco sponsorship. However, there is a great deal of enthusiasm in the arts community for the Health Promotion Foundation fund and what it will provide.

Some members asked me to outline the functions of the advisory committees because there was a possibility that the Bill would be referred to the Legislation Committee. It would be better if we could include this in the debate tonight even though there will be access to other information. The advisory committees will be established by the foundation, which will set out the membership and the way that those committees will operate.

Hon Max Evans: Will they be set up with their own terms of reference?

Hon KAY HALLAHAN: They will not report to the Minister for Health, the Minister for Sport and Recreation or the Minister for The Arts; they will report to the foundation itself.

Hon George Cash: To whom will they be accountable?

Hon KAY HALLAHAN: They will be accountable to the foundation, the foundation will be accountable to the Minister, and the Minister will be accountable to the Parliament, in the true spirit of the Financial Administration and Audit Act. The foundation will also be able to establish other advisory committees; that is why I was suggesting that they could examine the racing issue.

The issue of capital expenditure was raised by a member. The foundation will have the ability to fund capital items but it is not the Government's intention for the foundation to fund large grandstands. The Government does not want an excessive amount of money allocated to capital items; however, where it promotes active involvement such expenditure will be legitimate.

Hon Max Evans: A lot of sporting associations were worried about that. Often they can get better value for capital expenditure than just ongoing expenditure which is gone within one year.

Hon KAY HALLAHAN: There will be areas in which organisations will need these items. However, the Government is reluctant for the foundation to place too much emphasis on major capital items.

Hon Max Evans: In one of the other States it is debarted.

Hon KAY HALLAHAN: It will not be precluded from this Bill. Once again, the foundation will work that out. If the Government is not happy with the matter it can be raised in the Parliament and the Minister can give some directions.

I refer to concerns expressed by Hon Max Evans and Hon Murray Montgomery. One of their concerns was the threat of creating another bureaucracy. I interjected at the time Hon Murray Montgomery was speaking to say that the foundation would be a lean, mean machine; that is precisely what is envisaged. It will be an allocating body which will consist of four to six staff. I want to make it clear that the foundation's role will be to disburse the funds and not to carry out the activities supported by the foundation. Other foundations have become confused on this matter. Bodies exist within Government departments to carry out other functions and they will continue to do so. The foundation will be complementary in its roles and will simply disburse the funds and there will not be a need for a large bureaucratic structure. The foundation will be truly independent.

Hon Muriel Patterson, together with other members, made comments in relation to pork-barrelling. The board will have seven members from outside Government and four from within the Government representing particular departments. Therefore, there will be an opportunity for coordination. However, seven members outside the Government structure will act as a safeguard which members of the Opposition, particularly the National Party in another place, requested. It was at the insistence of the National Party that the Bill incorporate clause 27(5), which states -

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;
- (b) necessary or desirable for a proper understanding of the subject matter of that publication, pamphlet or advertisement

That subclause was included specifically to exclude the association of Government members from allocating funds. Personally, I regret that addition but it was a requirement insisted on by the National Party. I would like to point out that while the National Party can insist upon greater independence and separateness from Government it cannot then argue that there is a duplication of functions and roles by the foundation. If the body is to be independent and is to allocate funds it has to stand alone. The National Party having argued for that, it then becomes difficult to understand the argument that was put forward tonight that there is a duplication of the role of the foundation. That will not occur and the Government has accepted the strong feelings of members who wanted the fund to be independent and who did not want members of Parliament to be associated with the presentation of grants and cheques to different sporting bodies.

In regard to the signage, sporting and artistic bodies are now required to promote the company that is providing their sponsorship. Indeed, the Health Promotion Foundation will also expect some promotion and indications of support. That is absolutely reasonable.

Hon George Cash: Will you substitute the tobacco logo with the Health Promotion Foundation logo?

Hon KAY HALLAHAN: That will be part of the negotiations with the Health Promotion Foundation when a sporting or artistic body seeks assistance. I am sure we will see many interesting advertisements around sporting grounds in the State.

Hon George Cash: I hope we do not end up seeing an Australian Labor Party logo on the bottom of the advertising.

Hon KAY HALLAHAN: Oh dear! That is impossible.

Hon George Cash: Have you lost that much favour in the community?

Hon KAY HALLAHAN: Not at all. We have never exploited Government funds for advertising for the Australian Labor Party, and we will not begin to do that now.

Hon Max Evans: What about the funding to 30 June?

Hon KAY HALLAHAN: That is a good question.

The PRESIDENT: It may well be a good question, but I suggest the Minister get on with her summing up. If discussion is necessary members should wait until the Committee stage of the Bill; in the meantime we ought to finish this debate.

Hon KAY HALLAHAN: Mr President, I am always given to following your very sound advice but, despite some of the hysterical content of debate, some genuine concerns have been raised and some matters need clarification. One such matter relates to funding up to 30 June. The second reading speech states -

The WA Health Promotion Foundation will be established with committed Government funding of \$5 million for the 1989-90 financial year and the Government is committed to funding for the foundation of at least \$9 million annually thereafter.

I do not know how members think we can pay \$5 million into a foundation which does not exist. There is some uncertainty after tonight's debate about whether the foundation will ever exist. If it exists in 1990-91, the \$9 million will be forthcoming. If the foundation does not exist, that amount will not be forthcoming.

Hon Max Evans: The \$5 million is lost.

Hon KAY HALLAHAN: The \$5 million is in the Consolidated Revenue Fund. I will have to consult the Minister for Health about that. I cannot see how we could logically do that when the foundation did not exist in that financial year.

Hon Max Evans: Sporting bodies were led to believe it would be in place, but I accept the Minister's answer.

Hon KAY HALLAHAN: That is how it appears to me.

Hon Derrick Tomlinson: It is like the State Employment and Skills Development Authority; it does not exist.

Hon KAY HALLAHAN: SESDA does not exist because the Opposition in this House emasculated the Bill to such a degree that it could not proceed. That was a very serious setback to training in this State. We do not want a similar exercise with this legislation when we have a chance to do something constructive for the State's future.

By interjection, a question was raised a moment ago about ministerial directives to the foundation. Directives from the Minister to the foundation must be in writing and must be published in the annual report. The foundation will comprise seven people from outside Government and four people from departments within Government, so I do not foresee any difficulty involved with all matters being aboveboard in respect of the Minister's directions. I hope that the foundation will be established, and I seek the support of all members for this great innovation.

Hon George Cash: If the foundation is not established, the Government could save another \$9 million; it has already saved \$5 million.

Hon KAY HALLAHAN: The Bill gives us an opportunity to cut down one of the pressures placed on people in regard to smoking. Anything that is preventive is a cost saving in the long run to the Government, and in terms of human misery. That is a far bigger goal than that of saving \$9 million in the current financial year.

Hon P.G. Pandal: Your delaying that Bill has saved the Government \$5 million.

Hon KAY HALLAHAN: Due to the strategy adopted by the Opposition of not agreeing to the reinstatement of the Bill to the Notice Paper when the House resumed in the first half of the year, we find we have moved into the next financial year and we are still discussing the Bill. We could continue to argue and to score political points, but that is a reality.

Hon Max Evans: The Minister is repeating garbage.

Hon KAY HALLAHAN: That is not garbage; it is reality.

Hon Max Evans: The Bill could have proceeded quickly through the other place.

Hon KAY HALLAHAN: To answer another question, the foundation can accumulate funds. Some comment was made about the need to spend funds within a specific time after the end of a financial year; that has been looked at seriously and our view is that that would be an added pressure and may cause funds to be spent in an ill-advised way. Evidence suggests that the compulsion to spend money by a specific date is not the best way to go. We might want to support an ongoing, large funding arrangement, and that is a reason for the flexibility contained in the Bill; time pressures should not be placed on the clearing of funds at the end of a financial year or within a couple of months afterwards.

Some members made very good contributions to the debate, and I hope that by my general and specific comments I have covered most matters raised. A further significant point should be made: The Victorian foundation is working very well indeed; that is a success story, and not a negative - as has been suggested. In this State, funding will be available to cover all areas funded by cigarette sponsorships. I should also refer to the point raised by Hon George Cash in relation to the duplication and perhaps conflict between State legislation and proposed Commonwealth legislation. The Commonwealth Smoking and Tobacco Products Advertisement Prohibition Act 1989 will come into force on 28 December 1990. The Commonwealth Act's jurisdiction is limited to trading organisations and foreign corporations, and supports and complements actions we are now taking in this State.

Hon George Cash: Not in the case of trademarks; conflict occurs in that area.

Hon KAY HALLAHAN: If areas overlap with that legislation, section 109 of the Commonwealth Constitution states that where a State law is inconsistent with a Commonwealth law the Commonwealth law shall apply to the extent of the inconsistency and the State law shall be invalid but only to the extent of the inconsistency. That is a common interchange between Commonwealth and State law. We consider it is far better to be comprehensive in this joint approach than to have gaps or to allow unscrupulous companies or individuals to abuse the situation. I think that covers the member's concern.

Hon George Cash: Not at all. Just because the Constitution provides that the Commonwealth shall take precedence does not mean that is good for this State.

Hon KAY HALLAHAN: It is the usual relationship between Commonwealth and State law and there may not be areas of overlap. The point the member is making may not be valid when considered closely.

Hon P.G. Pental: It is when they both have power to legislate, and only then.

Hon George Cash: My Queen's Counsel's opinion has some merit.

Hon KAY HALLAHAN: Most people have access to QCs' opinions these days.

Hon P.G. Pental: Except that we have to pay for ours.

Hon KAY HALLAHAN: Some inconsistencies occurred in some arguments put forward during debate. I guess when we are up against new legislation it takes time for people to understand it. One member opposite actually said he accepted particular legislation some years after the event.

Should we have the wisdom to pass this legislation when it comes back from the Legislation Committee, in five years' time members opposite may say that they took part in an historic, progressive piece of legislation.

Hon George Cash: We did not say that it would take five years with the Legislation Committee!

Hon KAY HALLAHAN: I am suggesting that it stay a very short time with the Legislation Committee because it was stated that it was an advantage to send the Bill to the committee because it would not get lost there and would be considered thoroughly and be returned to the Chamber in due course. My point is that it takes a while to implement these things and for them to find acceptance in the community as people discover that the fears expressed tonight do not become a reality. At that point we could all congratulate ourselves and say that we all took part in an important debate in 1990.

Hon George Cash: Will you bring in a Bill to ban alcohol, bread and sugar?

Hon KAY HALLAHAN: Sometimes the comments made by Hon George Cash are very good, but those comments belittle the position he holds and the position he could hold.

Hon P.G. Pendal: His comments were very valid.

Hon KAY HALLAHAN: Earlier I said that tobacco used as it is marketed constitutes a health hazard and the substances mentioned by the Leader of the Opposition are only a problem when consumed in excess; that is, consumed in a manner in which they are not meant to be consumed. On the other hand tobacco is destructive and addictive when used as intended.

Hon P.G. Pendal: So is alcohol.

Hon KAY HALLAHAN: Alcohol is not a health risk when taken in moderation; therefore, it is not a risk to most people.

Hon Derrick Tomlinson: There is some argument that tobacco in moderation also has its benefits.

Hon P.G. Pendal: Could you touch on the matter of the \$100 000 you accepted?

Hon KAY HALLAHAN: I have pages of notes before me but I have selected those which are most seriously worrying members.

Hon D.J. Wordsworth: That is a novel approach.

Hon KAY HALLAHAN: As this Bill receives more consideration and as people become more familiar with it, and as people become assured by the concept that the legislation can work and that sporting and artistic bodies will be better off, they will not feel so concerned about its passage. Therefore, given the indication I have received during the debate that the Bill may well be referred to the Legislation Committee, and given the amount of misunderstanding and confusion which exists in the minds of some members, maybe that referral would not be a bad thing.

Hon P.G. Pendal: Good response.

Hon KAY HALLAHAN: The Bill is worthy of a response. I ask members to support the second reading and to do so in some sort of belief that really we are doing a good thing on behalf of the community.

Question put and passed.

Bill read a second time.

Referral to Standing Committee on Legislation

HON MAX EVANS (North Metropolitan) [10.24 pm]: I move -

That the Tobacco Bill 1990 be referred to the Legislation Committee for consideration and report on the following matters -

- (a) (i) the need for further restrictions in Western Australia on advertising and sponsorship by tobacco companies;
- (ii) the need for a Health Promotion Foundation; and
- (iii) the most effective method for the allocation of funds to sporting, cultural, art, youth and health organisations;
- (b) the likely effect of the proposed exemptions for events of national and international significance and horseracing to 30 June 1994, and their future after that date;
- (c) whether the proposed Tobacco Act 1990 is workable and enforceable in the light of potential inconsistencies with certain Federal laws;
- (d) the criteria to be applied by the Minister responsible in exercising his or her discretion to exempt from the operation of the proposed Tobacco Act 1990 certain tobacco advertisements and sponsorship agreements;
- (e) the nature and composition of the proposed Western Australian Health Promotion Foundation with particular emphasis on safeguards to ensure its independence from political influence and use for the extension of political patronage;
- (f) the impact of effectiveness of similar legislation in other jurisdictions in reducing the incidence of smoking;

- (g) the funding arrangements of the proposed Western Australian Health Promotion Foundation, its objectives and funding;
- (h) the impact that previous increases in the Western Australian business franchise tobacco licence fee has had on the incidence of smoking in the Commonwealth;
- (i) the independently assessed effectiveness of current publicly funded anti-smoking programs, including the Quit campaigns and school projects, in reducing the incidence of smoking, especially among the young;
- (j) the evidence of the effect of advertising on the inception of smoking, especially among the young;
- (k) the impact and extent of Government, as opposed to private sector, sponsorship of sporting and cultural events;
- (l) whether it is proper to impose constraints upon the sale of goods or commodities other than tobacco under the terms of this proposed Act; and
- (m) such other matters as it may consider appropriate within the authority of the committee.

The PRESIDENT: Order! The Minister knows that when the President is putting the question she cannot wander around the Chamber.

Hon Kay Hallahan: My apologies, Mr President; I forgot my place.

The PRESIDENT: While I was reading the motion I was considering a question put to me unofficially by a member; the question was whether this motion can be debated and whether it can be adjourned. So, before I put the question I reply by indicating that this motion can be debated and it can be adjourned.

HON KAY HALLAHAN (East Metropolitan - Minister for Planning) [10.29 pm]:
has Members would now be aware that the Opposition just circulated this very long motion to the House which refers this Bill to the Legislation Committee. As the Minister handling the Bill, I am most unhappy about the terms of reference to the Legislation Committee. Some of these items do not even refer to the Bill and the Government will be voting against the reference of this Bill to that committee on these terms.

We find ourselves in a most unusual situation. A new committee of this House is now operating. A very long reference to a committee without any reference to the Minister has dropped into the Chamber on less than a minute's notice. For those who want to see that committee work well, they are going the right way about confirming my personal suspicions about the validity and operation of that committee. It cannot work on this basis and I ask members opposite to defer dealing with the reference tonight in the hope that we can have some consultation about the terms of reference to that committee and have some bipartisan agreement about it at least so that the committee can get on with its work.

This is most unsatisfactory. Some of the items here are not relevant to the reference of a Bill to that committee. In my view, the Opposition is trying to set a new precedent about how legislation will be dealt with. It is most unacceptable and a great pity that people are trying to sabotage a new mechanism for dealing with legislation which some members want to see work. This practice will not help that to happen. It is a very unsatisfactory reference and I ask members, in the hope that we can come to some agreement about the terms of reference, not to deal with this motion tonight, that there be further consultation about the terms of the reference and that we deal with the motion at the next sitting of the House.

I implore members opposite to seriously consider my offer to arrive at some agreed terms of reference or an impossible situation will operate in that committee.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.33 pm]: The Minister for Planning misunderstands completely the reason these terms of reference have been moved by Hon Max Evans. A number of members on this side of the House made it clear during their speeches in the second reading debate that they believed the Bill in its present form needed consideration by the Legislation Committee. It would have been possible to refer the Bill without any terms of reference whatsoever and allow the Legislation Committee to do as it saw fit. However, some members wanted the committee to pay

particular attention to the matters contained in the reference. The time and detail the committee puts into the various references contained in the motion moved by Hon Max Evans are up to it.

While the Minister seems to believe some of the terms of reference may not fall within the purview of the committee, reference (m) requires the committee to inquire into such other matters as it may consider appropriate within the authority of the committee. That is a fairly wide reference.

I suggest to the Minister that there is no intention to delay the passage of this legislation. The moving of these terms of reference gives some direction to the Legislation Committee on the areas that need inquiry and report. The Minister will have an opportunity of going before that committee and giving whatever evidence she may wish to give. If she wants to put the argument that she has put to the House tonight, I am sure the committee will listen and take those points into account.

The PRESIDENT: Order! The debate on this matter is taking a direction that I feared it may take when I was given a copy of the motion. I have indicated already that I am not happy about certain aspects of it. The comments I am making now are for the benefit of members so that they know where the President stands on this question.

I indicated to the author of the motion that I am not happy that term of reference (a)(i) is a proper question to be directing to the committee. I am not quite so adamant about term of reference (a)(ii). However, I am concerned about it nevertheless. I indicated that if this was agreed to, I would be making a ruling that I would examine closely the whole content of this motion with a view to making a ruling on it tomorrow. Because controversy has entered into the discussion - I was not aware it was going to - I need to let members know before they reach a decision that, at first sight, certain aspects may go beyond the committee's charter. When I get some time to concentrate on it, I may well not have that same opinion. However, because the debate is now proceeding and it is up to the House, the House may well reject it. I will not make my ruling until members have finished.

HON GARRY KELLY (South Metropolitan) [10.36 pm]: I agree with the comments that you have made, Mr President, about the appropriateness of some of these terms of reference. I am speaking as Chairman of the Legislation Committee. The House has to get used to the fact that that committee is a Standing Committee of this House. The House is in the process of developing the procedures that it will go through for dealing with Bills that are referred to it.

These rather lengthy references contained in the motion are, in effect, second guessing the processes and procedures of the Legislation Committee. I do not think the terms of reference are required in the first place and will not add anything to the procedures that the committee has developed already. The points listed in the motion which members who framed the motion wish to raise before the committee could be raised by them in an appearance before the committee.

I do not think these terms of reference are appropriate or necessary. It is enough to move that the Bill be referred to the Legislation Committee and for the committee to go through its procedures and issue a report in as short a time as possible.

In moving this motion, at my request Hon Max Evans did not set a date for report.

Hon Kay Hallahan: How could he; you will go on for 10 years.

Hon GARRY KELLY: I assure the Minister that that will not happen. If he had set a report date and we do not meet it, we would have to apply for an extension which would not expedite the process. I assure the House that the committee will report in the shortest possible time and will make sure that the Bill is dealt with in the House in good time. On the general point of referral, members seem to be of the opinion that the Bill must be referred once the second reading is agreed to. In fact, the Bill can be referred to the Legislation Committee at any time after the second reading. I suggest to Hon Max Evans that in this case it may be advisable to go into the Committee of the whole House and to sort out some of the problems before the Bill is referred to the Legislation Committee. It may be worthwhile exploring some issues in the Committee of the Whole first. Most of the answers to the material contained in the referral document can be found in the Minister's second reading speech and her reply to the second reading debate. I do not see the need in general

terms for this Bill to be referred to the Legislation Committee. By his body language Hon Max Evans indicates that many of the queries he raised were answered in the Minister's reply to the second reading debate. The committee will refer to the response to the second reading debate, match it with the queries raised during the second reading debate, and determine that most of the concerns have been answered. There would be a great deal of merit in the Opposition's withdrawing the points listed in the referral motion. Should the Opposition want to refer the Bill to the committee it should preferably do so after the Bill has been considered in Committee for a short while to determine whether some of the questions can be answered in this place, and possibly obviate any need to refer the Bill to the Legislation Committee at all.

HON DERRICK TOMLINSON (East Metropolitan) [10.42 pm]: I had hoped when the Minister indicated her unease about certain items contained within the terms of reference moved by Hon Max Evans that she would indicate which items caused concern. She did not do so and, therefore, I do not know which they are. I am grateful to you, Sir, for indicating your unease about item (a)(i) - the need for further restrictions in Western Australia on advertising and sponsorship by tobacco companies. To answer that one must consider clause 3 of the Bill.

The PRESIDENT: Order! It is not open to Hon Derrick Tomlinson to debate the comment I made, which was made by way of an explanation. He may certainly make reference to it but not in relation to the comments I have made to it.

Hon DERRICK TOMLINSON: I must draw the attention of the House to clause 3 which indicates the purposes of the Bill. The Legislation Committee would have to accept as Government policy the purposes of the Bill as spelled out and accepted in the second reading debate. Having accepted those purposes of the Bill as Government policy, it would then be appropriate to consider the Bill in terms of those purposes, because each of the other clauses sets out the machinery by which those purposes will be attained. That would require the committee to go through each clause, considering it in its own terms and then considering it in relation to the purposes as specified in the Bill and as accepted as Government policy. That is the way in which the committee would need to proceed.

When I consider the items proposed by Hon Max Evans, I see that each of the questions is relevant to each of the clauses and each of the clauses in relation to the purposes of the Bill. We could proceed in one of two ways: We could proceed by accepting the terms of reference moved by Hon Max Evans or in the way suggested by the chairman of the committee; that is, simply to accept the referral. If we proceeded in the latter manner, having accepted the referral, the first thing the committee would have to do is consider its own terms of reference which would mean looking at each item in terms of Government policy. I suggest that the proposal by Hon Max Evans would short-cut that process considerably, and it would expedite the business of the Legislation Committee if the House were to give that direction to its deliberations rather than allow it to spend at least one meeting determining its own terms of reference.

I put it to the House that, in fact, the committee has been expeditious in dealing with the four Bills referred to it. It has worked hard and long; I do not say that to boast, but merely as a point of information. In fact, in the case of each of the Bills referred to the committee, a report was made to the House on or before the specified date. However, even though the committee was exhorted to deal with these matters expeditiously, what is the present situation? The Director of Public Prosecutions Bill for consideration in Committee as reported from the Legislation Committee on 10 July is still on the Notice Paper.

Hon Kay Hallahan: It is for the Leader of the House to determine the business on the Notice Paper.

Hon DERRICK TOMLINSON: The Criminal Code Amendment (Incitement to Racial Hatred) Bill is still on the Notice Paper. The committee is being exhorted to be expeditious; it has been expeditious but then the reports lie on the Table, certainly quite properly at the discretion of the Leader of the House. It is not proper to argue that the Legislation Committee has at any time deliberately been obstructive. I suggest to the House that the motion moved by Hon Max Evans will expedite the work of the committee and, if accepted by the House, will enable us to proceed expeditiously.

Adjournment of Debate

HON FRED McKENZIE (East Metropolitan) [10.48 pm]: I move -

That debate be adjourned until the next sitting.

Question put and a division taken with the following result -

Ayes (13)

Hon T.G. Butler
Hon Cheryl Davenport
Hon Graham Edwards
Hon Kay Hallahan
Hon Tom Helm

Hon B.L. Jones
Hon Garry Kelly
Hon Mark Nevill
Hon Sam Piantadosi
Hon Tom Stephens

Hon Bob Thomas
Hon Doug Wenn
Hon Fred McKenzie
(Teller)

Noes (14)

Hon J.N. Caldwell
Hon George Cash
Hon Reg Davies
Hon Max Evans
Hon Peter Foss

Hon Barry House
Hon P.H. Lockyer
Hon Murray Montgomery
Hon Muriel Patterson
Hon P.G. Pandal

Hon R.G. Pike
Hon Derrick Tomlinson
Hon D.J. Wordsworth
Hon Margaret McAleer
(Teller)

Pairs

Hon J.M. Berinson
Hon J.M. Brown
Hon John Halden

Hon N.F. Moore
Hon E.J. Charlton
Hon W.N. Stretch

Question thus negated.

Debate Resumed

HON FRED McKENZIE (East Metropolitan) [10.51 pm]: I am concerned that the debate was not adjourned as that courtesy is generally extended to this side of the House. I make clear it is my intention to speak until 11.00 pm when the debate will automatically be adjourned. There is more than one way to skin a cat. It is unfair of the Opposition to do what it has done. It is one thing to refer a matter to the Legislation Committee, which is accepted by this side of the House and which when put to the voices was not opposed and we did not divide on. However, to place a two page terms of reference, if you like, before members on this side of the House expecting the Minister or any member to digest all its points from (a) to (m) and then make a decision whether they should be accepted is quite unfair. I hope this practice will not develop with further moves by the Opposition to refer matter to the Legislation Committee.

This has been done in poor taste. We do not know the ramifications of adopting these points without commenting on them before they are referred to the Legislation Committee. It would have been fairer if we had been provided with an opportunity to digest the points in this document. No member on this side was provided with a copy of it. We were completely in the dark. How can members opposite expect any member on this side of the House to digest a full page and another couple of paragraphs on the second page sensibly and make a decision on this issue?

I am sure that members are not aware what you were speaking about, Mr President, when you said that you intended to make some sort of ruling in relation to referring matters to the Legislation Committee. Whatever position we adopt on this occasion could set a precedent for future occasions. That is important for the smooth running of this House. Point (a)(i) relates to -

the need for further restrictions in Western Australia on advertising and sponsorship by tobacco companies;

Point (a)(ii) relates to -

the need for a Health Promotion Foundation.

That requires much thought. This is in the legislation and the members opposite want to know whether it should be there.

Hon Garry Kelly: And whether they agree to the second reading.

Hon FRED McKENZIE: Hon Garry Kelly might have agreed to its being there, but the Committee of the Whole has the ability to remove it during the Committee stage.

Hon Garry Kelly: Only by direction of the whole House.

Hon FRED McKENZIE: Of course. The member's point was agreed during the second reading debate, but there was no indication it would be taken out, which might have helped us understand it. There was an indication that it might be amended. The second point relates to "the need for" a Health Promotion Foundation, which means the whole clause could be removed from the Bill. Point (iii) relates to -

the most effective method for the allocation of funds to sporting, cultural, art, youth and health organisations.

That is a comprehensive matter, yet we did not even have a copy of this document. Point (b) relates to -

the likely effect of the proposed exemptions for events of national and international significance and horseracing to 30 June 1994, and their future after that date;

I do not know whether it would be proper for the Legislation Committee to look at that matter of principle. Further items were apparently added to this document because the first items are in bold type and then at point (c) there is a lighter type. Point (c) relates to -

whether the proposed Tobacco Act 1990 is workable and enforceable in the light of potential inconsistencies with certain Federal laws:

There may be some validity in that matter. We would not want it to be inconsistent with certain Federal laws. I think the Legislation Committee would automatically look at that matter. In any case, how could we have a law here that is inconsistent with a Federal law? That question should be answered. If that were the case it could be ruled out automatically. Point (d) relates to -

the criteria to be applied by the Minister responsible in exercising his or her discretion to exempt from the operation of the proposed Tobacco Act 1990 certain tobacco advertisements and sponsorship agreements;

The criteria to be applied by the Minister would have made it competent for the Legislation Committee to ask the Minister to appear before it to give an indication of that criteria. My understanding is that that took place when the Legislation Committee met on previous occasions; the Minister appeared before it and gave explanations. I do not know whether that happened in relation to each of the Bills referred to the committee. Point (e) refers to -

the nature and composition of the proposed Western Australian Health Promotion Foundation with particular emphasis on safeguards to ensure its independence from political influence and use for the extension of political patronage;

Those items are fairly comprehensive, and I believe that when your ruling is made tomorrow, Mr President, it will be of great importance. I do not envy you your task in going through each of these matters.

[Pursuant to Sessional Orders, debate adjourned.]

ADJOURNMENT OF THE HOUSE - ORDINARY

HON KAY HALLAHAN (East Metropolitan - Minister for Planning) [11.01 pm]: I move -

That the House do now adjourn.

Adjournment Debate - McCusker Report - Royal Commission - Premier's Untruths

HON R.G. PIKE (North Metropolitan) [11.02 pm]: Before the House adjourns members ought to consider the following information. I believe that the Premier of Western Australia, Hon Carmen Lawrence, is guilty of untruths or of handling the truth carelessly.

Withdrawal of Remark

Hon KAY HALLAHAN: I would like that remark to be withdrawn.

The PRESIDENT: Order! I was about to tell the member that he has to withdraw that remark.

Hon R.G. PIKE: I withdraw that comment.

Debate Resumed

Hon R.G. PIKE: We all remember the statement made by the Premier that it would be wrong to establish any inquiry while McCusker was investigating Rothwells and Connell. We also remember that this statement was made in the face of overwhelming legal advice that this was possible, provided the evidence was heard in camera. The Solicitor General gave advice, which the Premier refused to table, and there was also overwhelming advice from many competent lawyers saying this was a furphy; and I guess one must choose the words carefully.

It was simply not a fact, it was incorrect, and it was wrongly stated, because obviously I cannot say it was an untruth. The Labor Premier of Victoria has recently gone on record as saying that a Royal Commission will be appointed to inquire into the Victorian debacle with the State Bank and Tricontinental. When the question was put to Premier Kirner about the problem of in camera evidence as compared with possible prosecutions, it became quite clear that she was proceeding steadfastly down the path that Premier Lawrence has refused to go down.

I make the point that because there are two McCusker reports it is clear that the second report will recommend a series of prosecutions. Therefore, the most possible scenario is that Premier Lawrence will maintain her attitude, which has been put to the lie in respect of the legality of the situation by what is happening in Victoria. I believe she will say that any inquiry that may be held now will prejudice actual prosecutions. Previously they were merely prosecutions to be discussed.

It is now clear, because of the confidentiality of the No 2 report, which has yet to be circulated, so I am saying this in anticipation, that she must say that the actual prosecutions will be such that there can still be no further inquiry.

Hon Tom Stephens: Do you know what the Opposition said in Victoria as soon as the Government announced its initiative? It said it was not enough.

Hon R.G. PIKE: I repeat again that this is in absolute contradiction to what has happened in Victoria. Were one to make a prediction and to risk being wrong, I believe that sometime tomorrow, because of these facts, Premier Lawrence will announce a type of extension of the McCusker inquiry into Rothwells, which will probably be conducted under the Companies Code and not under the Royal Commissions Act. She will cite the existing experience and knowledge that Mr McCusker has already obtained from his sectional inquiry into Rothwells as the reason that perhaps he will be appointed as the person to head the inquiry. Such an inquiry will be under the Companies Code - and I may be wrong; it may be a Royal Commission, but I seriously doubt it - and will have less authority than will a Royal Commission.

This matter needs to be dealt with by the House because we need to closely monitor the matter in order to decide whether this House should proceed further with its own WA Inc inquiry. The participation of Warren Anderson in the WA Inc debacle has become public only recently as a consequence of court action. That illustrates what I have consistently referred to in this House as the jigsaw of WA Inc; that is, were a jigsaw to have a thousand pieces in it, probably 10 to 50 of those pieces would be about Rothwells and Laurie Connell. Every day we see the introduction of new names, deals, trickery, evasion and subterfuge, and the same retread of where we have been going.

I implore this House to pay close attention to the comments that will be made by Premier Lawrence tomorrow. I have taken the slight risk of predicting the course she will take, and I think I will be right.

I conclude as I began by saying that the inconsistency of this Premier in trying to convince the State - so far successfully - that it would be wrong and improper to have any inquiry while McCusker is looking just at this bit, which is Rothwells, while at the same time being advised by competent lawyers that it is not so, and her refusing to table that advice - and the lie has now been put to that by the action of the Victorian Labor Premier in doing the very

thing that Premier Lawrence says she cannot do - means that the mendacity of this Premier must be questioned.

Question put and passed.

House adjourned at 11.10 pm

QUESTIONS ON NOTICE

POLICE OFFICERS - KARRATHA POLICE STATION

Youth Harassment Complaints

589. Hon N.F. MOORE to the Minister for Police:

- (1) Have any complaints been received by the Karratha police station in the last 12 months relating to alleged harassment by police officers of young people in Karratha?
- (2) If so, how many complaints have been received?

Hon GRAHAM EDWARDS replied:

- (1) The Commissioner of Police advises that no formal complaint of alleged harassment by police of young people in Karratha has been made to the police.
- (2) Not applicable.

PRISONS - MUSTERS

Barton's Mill

591. Hon PETER FOSS to the Minister for Corrective Services:

- (1) What is the maximum designed muster of each prison?
- (2) What was the maximum design muster of Barton's Mill during the time of its operation?

Hon J.M. BERINSON replied:

	Standard Accommodation
(1) Albany Regional Prison	126
Bandyup Women's Prison	83
Broome Regional Prison	66
Bunbury Regional Prison	115
Canning Vale Prison	290
CW Campbell Remand Centre	151
East Perth Lock-up	13
Eastern Goldfields Regional Prison	102
Fremantle Prison	277
Greenough Regional Prison	121
Karri Prison Farm	122
Pardelup Prison Farm	65
Roeboorne Regional Prison	112
Wooroloo Prison Farm	143
Wyndham Regional Prison	54
(2) 114.	

PRISONS - PRISONS ACT SECTION 94

Permission to Leave and be Absent Recommendations - Case Conference and Superintendent's Role

592. Hon PETER FOSS to the Minister for Corrective Services:

- (1) What is the role of -
 - (a) the case conference; and
 - (b) the superintendent
 in making recommendations for permission to leave and be absent from a prison pursuant to section 94 of the Prisons Act?
- (2) How frequently is the recommendation of either not followed in the making of the decision to give leave under section 94 of the Prisons Act where the prisoner is one to whom subsection (7) applies?

Hon J.M. BERINSON replied:

- (1) (a) In all prisons the case conference acts as a recommending body and is concerned with the assessment and management of prisoners.
- (b) In prisoners where there is no position of assistant superintendent, the superintendent is chairman of the case conference. The superintendent has a role in referring prisoners to the case conference for assessment and approval of recommendations regarding authorised absences from prison, other than those absences under sections 83, 86 and 94(7) which require the approval of the Minister or the Governor in Executive Council.
- (2) Most prisoners, although not all, who require approval under section 94(7) are subject to the pre-release policy, and inclusion in section 94 programs is part of a total pre-release program. Where recommendations are outside policy they are not approved. In practice this happens rarely. During the last six months there have been three recommendations under this section of the Act, two of which were not approved because of the length of sentence outstanding.

PRISONS - PRISONERS

Murder or Willful Murder Convictions - Releases, Permission to Leave and be Absent Statistics

594. Hon PETER FOSS to the Minister for Corrective Services:

- (1) How many prisoners who had been convicted of murder or wilful murder have been -
 - (a) released from prison;
 - (b) permitted to leave and be absent from prison
 in the period since this House rose until the date of answer?
- (2) What period of their sentence had each of those prisoners served?
- (3) How much of that period of their sentence had each spent actually inside a prison?

Hon J.M. BERINSON replied:

- (1) To 24 August 1990 -
 - (a) None.
 - (b) On the recommendation of the Parole Board three prisoners have been permitted to leave prison on community based work release under the Community Corrections Centres Act.
- (2)-(3) The length of sentence completed prior to release on work release for each of the three prisoners was 11.2 years, 5.9 years and 5.9 years respectively.

PRISONS - PRISONS ACT SECTION 94(7) *Permission to Leave and be Absent Statistics*

596. Hon PETER FOSS to the Minister for Corrective Services:

In the last five years at any prison -

- (1) Have any persons who fall within subsection (7) of section 94 of the Prisons Act been permitted to leave and be absent from the prison?
- (2) To how many such persons, during what years and from what prisons has such permission been given?
- (3) Have any persons who have more than 18 months of their prison sentence to serve - having regard to remission) been so permitted to leave and be absent from prison?
- (4) To how many such persons, during what years and from what prisons has such permission been given?

Hon J.M. BERINSON replied:

Detail for the five year period is not readily available and would have to be manually extracted. It is available for the six months 2 February 1990 to 2 August 1990 and the following answers related to that period:

- (1) Yes.
- (2) A total of 19 prisoners, only one of whom was serving a finite sentence.

Bandyup Women's Prison	2
Bunbury Regional Prison	2
Greenough Regional Prison	1
Karri Prison Farm	7
Pardelup Prison Farm	2
Roebourne Regional Prison	1
Wooroloo Prison Farm	2
Wyndham Regional Prison	2
- (3) In the case of prisoners whose sentence is subject to remission, none.
- (4) Not applicable.

HOSPITALS - COOLGARDIE HOSPITAL

Size and Layout Complaints

668. Hon N.F. MOORE to the Minister for Planning representing the Minister for Health:

- (1) Is the Minister satisfied that the new Coolgardie Hospital is large enough to provide for the needs of both medical personnel and patients?
- (2) Has the Minister received any complaints about the size and layout of the new hospital and if so, who has complained, and why?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) There is no hospital at Coolgardie. The old nursing home facility is being extensively redeveloped to support a range of revised and new health services.
- (2) I am not aware of any such complaints.

ASSET MANAGEMENT TASKFORCE - 1118 HAY STREET, WEST PERTH

Building Sale

669. Hon BARRY HOUSE to the Leader of the House representing the Deputy Premier:

- (1) Has the building at 1118 Hay Street, West Perth, which houses the Youth Health Services and "Canteen" (Cancer Teenage Group) been sold by the Asset Management Taskforce?
- (2) If so, for how much and to whom?
- (3) If the answer to (1) is no, is the building being considered for sale or lease by the AMTF?
- (4) In the event of the building being sold, what plans have been made to relocate and accommodate the organisations which currently use the premises?

Hon J.M. BERINSON replied:

The Deputy Premier has provided the following reply -

- (1) No.
- (2) Not applicable.
- (3)-(4)

Yes. A decision has been taken by the Government for the property at 1118 Hay Street to be sold on the open market and the Asset Management Taskforce is presently considering future disposal

options. The AMT is currently awaiting completion of a Health Department review of the Youth Health Services including their immediate and ongoing accommodation requirements. Once suitable alternative premises are identified for the current users the taskforce will initiate disposal arrangements.

MEDICAL PRACTITIONERS - MEDICAL BOARD OF WA

Decision Appeal Provisions - Cranley, Dr Patrick

671. Hon GEORGE CASH to the Minister for Planning representing the Minister for Health:

- (1) What appeal provisions are available to medical practitioners as a result of decisions of the Medical Board of Western Australia?
- (2) Why did the Medical Board delay providing Dr Patrick Cranley the reasons in respect of a recent termination affecting that medical practitioner?
- (3) Is the Minister aware of significant public concern in respect of a recent decision of the Medical Board of Western Australia which affected Dr Patrick Cranley and further, will the Minister require the Medical Board to review its decision as a matter of urgency?
- (4) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Medical practitioners aggrieved by a decision of the Medical Board may appeal to the Supreme Court of Western Australia.
- (2) This question should be referred to the Medical Board.
- (3) I am aware that concern has been expressed but I am not able to require the board to review its decision.
- (4) There is no provision in the Medical Act 1894 empowering me to intervene in this matter. The appropriate avenue for a review of this decision is by appeal to the Supreme Court of WA.

HOSPITALS - DERBY REGIONAL HOSPITAL

Present Stage Completion

690. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for Health:

- (1) When will work being carried out at present to the Derby Regional Hospital be completed?
- (2) On completion of this present stage, when is the next stage to commence and what is the anticipated completion date?
- (3) What does the next stage of work comprise?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Practical completion is due on 25 April 1991.
- (2) Commencement of the next stage has yet to be determined and will depend on the availability of capital funding.
- (3) Details have not been finalised but it is expected that it would be an element of the agreed master plan.

REFUGEE CAMPS - PORT HEDLAND, WYNDHAM, BROOME, DERBY

Cambodian Refugee Camp Proposal

691. Hon P.H. LOCKYER to the Leader of the House representing the Premier:

- (1) Are any of the following towns being considered as a refugee camp -
 - (a) Port Hedland;

- (b) Wyndham;
 - (c) Broome; or
 - (d) Derby?
- (2) Does the Government support the proposal to situate a Cambodian refugee camp in Western Australia?

Hon J.M. BERINSON replied:

- (1) (a)-(c) This is a Commonwealth Government matter. The State Government is not aware of any such plans.
 - (d) The Commonwealth recently asked the State Government to consider the location of a Cambodian refugee camp at Derby but has since withdrawn its interest in the site.
- (2) There is no such proposal being considered by the State Government.

QUESTIONS WITHOUT NOTICE

TAFE - MOTOR VEHICLE PURCHASE

Student Amenities Funds

513. Hon GEORGE CASH to the Minister for Planning representing the Minister assisting the Minister for Education with TAFE:

- (1) Have any contributions been made from student amenities funds for the purchase of motor vehicles for any TAFE staff?
- (2) If so, will the Minister provide details of the particular student amenity funds which have contributed finance, the number of vehicles purchased, and the campuses to which those motor vehicles are assigned?
- (3) What criteria are applied in the use of student amenity funds?

Hon KAY HALLAHAN replied:

The Minister responsible for TAFE has provided the following response -

(1)-(3)

He is informed that a common practice for the purchase of college vehicles is through surplus funds generated by college operations, such as canteens and bookshops. The majority of revenue comes from bookshop operations. Under the previous Liberal Minister responsible for TAFE the colleges were directed to sell books at the recommended retail price. This direction was given to ensure that colleges were not in unfair competition with private sector bookshops. If the member would care to name a specific college or the vehicles in question, the Minister will be happy to make further inquiries, rather than provide a general response.

McCUSKER REPORT - NAMES REMOVAL

514. Hon P.G. PENDAL to the Attorney General:

- (1) Is the Attorney General aware of any attempts by individuals to remove their names from or seek access to the McCusker report prior to its publication?
- (2) Did those approaches imply that action could possibly be taken to attempt to stop publication if this access were not given?
- (3) If the answer to these questions is yes, who made the approaches and were they agreed to?

Hon J.M. BERINSON replied:

- (1) I am aware of a number of requests for access by parties with a particular interest in the report. They have come into my office and have been declined.

(2)-(3)

These questions can be properly addressed only by Mr McCusker. If the honourable member would like to follow them up with a question on notice, I will refer them in turn for such advice from Mr McCusker as he believes appropriate.

McCUSKER REPORT - THURSDAY RELEASE

Prior Summary

515. Hon PETER FOSS to the Attorney General:

My question is supplementary to question 505 asked yesterday relating to the release of the McCusker report.

It is not clear from the Minister's answer, and I ask the Minister to make clear, whether any person will receive a verbal or written summary or resume of the contents of the McCusker report prior to its being supplied to the Leader of the Opposition tomorrow?

Hon J.M. BERINSON replied:

All matters related to the presentation of this report are with the Premier, and any questions of this sort are henceforth to be directed to her.

McCUSKER REPORT - NAMES REMOVAL

Names Disclosure

516. Hon P.G. PENDAL to the Attorney General:

Will the Attorney General tell the House what prevents him from disclosing to the House the person or persons who made the approaches for the removal of their names from the McCusker report?

Hon J.M. BERINSON replied:

I thought I made it clear in my previous answer.

Hon P.G. Pendal: You duckshoved it to McCusker.

Hon J.M. BERINSON: That is as clear as can be. A question of that sort can be put to and addressed by only Mr McCusker.

Hon George Cash: What about you?

Hon J.M. BERINSON: It cannot be addressed by me because I did not conduct the investigation.

O'CONNOR, MR MICHAEL - CORPORATE AFFAIRS DEPARTMENT

Replacement

517. Hon MAX EVANS to the Attorney General:

(1) Has an appointment been made at the Corporate Affairs Department to replace Michael O'Connor?

(2) If so, who has been appointed, what experience does he have and what are the conditions of his appointment?

(3) Will he be expected to transfer to the Federal department in due course?

Hon J.M. BERINSON replied:

(1)-(3)

Mr Barry Sargeant has been appointed to the role of commissioner. It is understood that this appointment will continue only under current arrangements while the office continues. Mr Sargeant's background is in Treasury and, while I do not have his curriculum vitae readily in mind, he was proposed by the Public Service Commissioner as an appropriate appointee for this purpose. I am quite sure that that was very good advice.

McCUSKER REPORT - NAMES REMOVAL

Names Disclosure

518. Hon GEORGE CASH to the Attorney General:

Why does the Attorney General continue to refuse to advise the House of the names of those persons, whom he is aware of, who sought to have their names removed from the McCusker report?

Hon J.M. BERINSON replied:

The reason that I declined to enter into this discussion has already been put to the House twice. I will put it a third time and, if members continue to ask the question again and again, I will repeat it a fourth and fifth time.

The PRESIDENT: You will not do so because the question will not be asked a fourth and fifth time.

Hon J.M. BERINSON: Then I answer this question for the third time by referring the Leader of the Opposition to my answers to the first and second questions on precisely the same matter.

AUSTRALIAN SECURITIES COMMISSION - QUEENSLAND CORPORATE
AFFAIRS DEPARTMENT

Negotiations

519. Hon MAX EVANS to the Attorney General:

(1) Is the Queensland Corporate Affairs Department negotiating with the Federal Government with regard to certain aspects of the Australian Securities Commission?

(2) If so, what are the aspects and what are the procedures for referring these matters back to the States?

Hon J.M. BERINSON replied:

(1)-(2)

I have no particular knowledge of Queensland's approach on this matter that is outside the general scope of the discussions that all States are having. If Hon Max Evans can be more precise about the matter to which he refers, he might prompt my memory or give me a basis for making further inquiries.

AUSTRALIAN SECURITIES COMMISSION - QUEENSLAND CORPORATE
AFFAIRS DEPARTMENT

Negotiations

520. Hon MAX EVANS to the Attorney General:

I have been told that Queensland is acting on a one to one basis rather than the Federal Government's working with all States on certain aspects of bringing together the Australian Securities Commission. I take it that the Attorney General does not have further information and I will try to find out more about this matter.

Hon J.M. BERINSON replied:

All States are working on a one to one basis. I have previously indicated, for example, that Western Australia in common with a number of other States, but perhaps to a greater extent, has been especially interested in the question of maintaining the level of local service. I understand that Queensland shares that concern. It may well be pursuing detailed discussions on that issue in the same way that Western Australia is. All States will have a very particular interest requiring separate negotiations in the area of staff transfers and other arrangements.

This reminds me that in his earlier question Mr Evans asked whether it was proposed that the new Commissioner for Corporate Affairs should transfer. That is not a matter which has come under consideration. My understanding of the position is that although the Commonwealth has agreed, under the

heads of agreement, to give preference to existing State Corporate Affairs Department staff, it has reserved to itself the right to make appointments to the position of regional director in each State.

McCUSKER REPORT - GOVERNMENT INQUIRY PROPOSAL

521. Hon R.G. PIKE to the Leader of the House:

Has he been consulted about the type of inquiry that the Government may pursue post the McCusker report; and, if so, is he in a position to advise the House about the details of any proposed inquiry?

Hon J.M. BERINSON replied:

I am sure the member puts that question seriously, and the serious answer is that if he will wait for about 18 hours he will find out.

TAFE - RESTRUCTURING

Structural Efficiency Principles

522. Hon GEORGE CASH to the Minister for Planning representing the Minister assisting the Minister for Education with TAFE:

I have given some notice of this question.

- (1) Will the Minister advise of the elements of the structural efficiency principle to which the Minister has frequently referred in his statements on the restructuring of TAFE?
- (2) Has the manner in which the Minister has conducted the TAFE restructuring negotiations contributed to a significant reduction in the morale of TAFE staff?

Hon KAY HALLAHAN replied:

I thank the member for giving some notice of this question. The Minister assisting the Minister for Education with TAFE has advised that -

- (1) The structural efficiency principles are -

Establishing skill related career paths which provide an incentive for workers to continue in skill formation.

Eliminating impediments to multiskilling and broadening the range of tasks which a worker may be required to perform.

Creating appropriate relativities between different categories of workers within the award and at enterprise level.

Ensuring that working patterns and arrangements enhance flexibility and the efficiency of the industry.

Including properly fixed minimum rates for classifications in awards related appropriately to one another with any amounts in excess of these properly fixed minimum rates being expressed as supplementary payments.

Updating and/or rationalising the list of respondents to awards.

Addressing any cases where award provisions discriminate against sections of the work force.

The SEP criteria will be fulfilled by TAFE proposals for -

alternative delivery strategies;

averaging of working hours;

promotion based on merit;

a salary-linked, career management system which incorporates structured staff development and teacher training;

new promotional positions for lecturers who wish to remain in the classroom;

a review of the criteria for crossing salary bars; and

development of an award.

- (2) No. The Department of TAFE, in concert with the Department of Productivity and Labour Relations, is responsible for the restructuring negotiations.

McCUSKER REPORT - NAMES REMOVAL

Names Release

523. Hon P.G. PENDAL to the Attorney General:

- (1) Will he seek advice from Mr Malcolm McCusker, QC in time for tomorrow's sitting of Parliament on attempts by individuals to remove their names from the McCusker report?
- (2) Will he then ensure that those names are released to the Parliament at tomorrow's sitting?

Hon J.M. BERINSON replied:

If the member places that question on notice it will be dealt with in the usual way.

McCUSKER REPORT - NAMES REMOVAL

Cabinet Minister Name

524. Hon GEORGE CASH to the Attorney General:

Will he advise the name of the Cabinet Minister who sought to have his name removed from the McCusker report; and, if not, why not?

Hon J.M. BERINSON replied:

The Leader of the Opposition is really too clever for me. What he is going to do is say, "Please name the Cabinet Minister. Please name the backbencher in the Liberal Party who made that request. Please name the businessman who made that request."

Hon George Cash: Come clean.

Hon J.M. BERINSON: This is pitiful. While I am not prepared to answer the previous questions in the positive, I am certainly prepared to answer this question in the negative. There was no such request from any such person.

AUSTRALIAN SECURITIES COMMISSION - BUDGET

Corporate Crime Inquiry Share - National Companies and Securities Commission Budget

525. Hon MAX EVANS to the Attorney General:

Mr Tony Hartnell of the Australian Securities Commission said on the "Sunday" program that the ASC would have a budget of \$107 million, and a large part of that would be \$55 million for establishment costs. Has the Attorney been assured that the share of that budget for the section of the ASC that will chase corporate crime and charge companies - which will be equivalent to the work that the NCSC was doing previously, on a budget of \$6 million - will enable its work to be greatly enhanced in the future? Has he been assured that more money will be allocated to chasing corporate crime?

Hon J.M. BERINSON replied:

It can be rather misleading to attempt to compare a budget of \$107 million for the ASC with a budget of \$6 million for the NCSC because much of the work of the NCSC was done on a delegated basis by the State Corporate Affairs Departments. As a result, to get a true comparison of the total resources for all corporate work one would have to add to the NCSC budget the budgets of the various existing State Corporate Affairs Departments. I do not have a breakdown of the proposed staff structure or budget of the ASC but very clear indications have been given by Mr Hartnell that there will be much greater emphasis in his use of available resources on the proper administration and investigation of corporate affairs matters.

LEGAL AID - FEDERAL FUNDING

526. Hon DERRICK TOMLINSON to the Attorney General:

I note that the Commonwealth's allocation for legal aid as a specific purpose payment to the State for the current financial year is \$11.975 million, which represents an increase of about eight per cent on the allocation through the specific purpose payment for that purpose last year, and that is about the equivalent of the consumer price index. Given the Attorney's previous statement in this House that legal aid funding from the Commonwealth represents a diminishing proportion, yet it has been a constant sum at constant money values for the past five years, to what extent does he anticipate an increase in legal aid allocation from State sources?

Hon J.M. BERINSON replied:

There are two reasons why I cannot answer that question in detail. First, it would be an attempt to anticipate Budget allocations. Second, the administration of the Legal Aid Commission is now with the Minister for Justice and not with me. Nonetheless, rather than leave Mr Tomlinson bereft of anything to go on, I indicate that the problem with one component of legal aid funding going up roughly in accordance with CPI movements is that the movement in legal costs and the demand for legal services between them continue to go ahead far in excess of that level.

McCUSKER REPORT - ROYAL COMMISSION

Westminster Government System - Inquiry

527. Hon R.G. PIKE to the Leader of the House:

In view of the proper action taken by the Victorian Labor Government - that is, the appointment of a Royal Commission - in respect of its problems with the State Bank of Victoria and Tricontinental, will he have his staff research the facts about the Westminster system of government, the overwhelming weight of which indicates that worldwide in Commonwealth Parliaments a comprehensive Royal Commission in these situations is the continuing answer, and not the blatant disregard of total accountability which his Cabinet colleagues are presently pursuing?

Hon J.M. BERINSON replied:

I thought Mr Pike's last question was extraordinary, but this one leaves it for dead! I think I said then that he had only to wait 18 hours to learn of the Government's response to the report. I was wrong; it was 19 hours then; it is closer to 18 hours now, but he will still have to wait. It is pointless talking in these general terms.

Hon George Cash: I thought that question was very specific.

Several members interjected.

Hon J.M. BERINSON: As far as I am concerned, the honourable member can get anyone to go away and look at anything, but there is no point in doing that until one has something to compare his preferred measures against. If the honourable member will contain himself until about midday tomorrow he will have from the Premier a quite specific response on this issue and he might then be better placed to put questions which are capable of some rational answer.

Hon R.G. Pike: I suggest you read the question again.

WESTERN AUSTRALIAN THEATRE COMPANY - INQUIRY

528. Hon B.L. JONES to the Minister for The Arts:

Is the Minister aware of a report into the policy and operations of the Western Australian Theatre Company?

Hon KAY HALLAHAN replied:

I thank the honourable member for taking an interest in this matter and for giving me some notice of her question. A committee was set up by the Western Australian Theatre Company, and it has recently reported to the Board of the Western Australian Theatre Company on the management and artistic direction of the company. I have requested and received a copy of the review, and that occurred last Friday. As a result I have indicated that I shall consider the issues raised in that review with some urgency. I congratulate the WATC on its willingness to undergo such a thorough internal review. The review has identified issues which are broader than the future of the company alone; issues which need to be examined in the context of State Government funding for the overall provision of drama in Western Australia. That arises because the WATC is a major recipient of State Government arts funding and therefore the future development of theatre in Western Australia and the future of the WATC itself are matters which cannot be considered in isolation.

PRISONS - CASUARINA PRISON

Completion Date

529. Hon GEORGE CASH to the Minister for Corrective Services:

I refer to a question in this House on Tuesday, 15 May 1990, in respect of the completion date of the Casuarina Prison. The original date the Minister gave was 29 September 1989. I now ask -

- (1) Is the completion date of the Casuarina Prison now anticipated to be in the latter half of 1992?
- (2) If not, what is the currently anticipated date of completion?

Hon J.M. BERINSON replied:

(1)-(2)

I do not have with me the anticipated completion date of the building, but I can say that we are planning towards the phased occupation of Casuarina in the second half of 1991, and the latest advice is that that prison is likely to start occupation about July or August 1991.

Hon George Cash: What about the completion date of the prison?

Hon J.M. BERINSON: What I am saying is that the building will obviously be completed before we have phased it in for prisoners, so it will be sometime before July, but I have not had a recent report on the building as opposed to the occupation date. That date is July 1991, not 1992.

TAFE - WEMBLEY COLLEGE

Tenfold Course Fee Increase

530. Hon GEORGE CASH to the Minister for Planning representing the Minister assisting the Minister for Education with TAFE:

- (1) Have any TAFE course fees been increased tenfold from \$37.50 to \$375 during the past 12 months for courses being conducted at the Wembley College of TAFE?
- (2) If so, will the Minister provide details of the justification for such increases?

Hon KAY HALLAHAN replied:

(1)-(2)

I thank the honourable member for giving me some prior notice of this question. The Minister responsible for TAFE has provided the following information -

In line with the Government's objective to utilise fully the resources of TAFE to the maximum benefit of the community, some programs previously offered as short vocational courses were replaced by self-supporting fee for service courses. Greater emphasis is being placed on entry level and formal award programs through the restructuring of short vocational courses which were

previously subsidised and are now run on a fee for service basis. Incorporated in these course changes in many instances is structure and upgrading of the course format; therefore it is not a straightforward matter simply of comparing fees for 1989 with those for 1990. It should be noted that the Minister responsible for TAFE has commissioned a review of TAFE fees and charges to address issues of access and equity. In announcing the review the Minister also instructed that fee for service courses were to be frozen at the levels which applied at the last time the course was provided.

TAFE - YEAR 11 AND 12 SECONDARY STUDENTS

Course Enrolments

531. Hon GEORGE CASH to the Minister for Planning representing the Minister for Education:

- (1) Has the Minister for Education considered allowing Year 11 and Year 12 secondary students to enrol in TAFE courses where it is assessed that these students would be better suited to learning work skills through a TAFE course rather than remaining in the secondary school system?
- (2) If so, could the Minister advise on the current status of such investigations?

Hon KAY HALLAHAN replied:

Again I thank the honourable member for giving notice of this question. The Minister for Education has provided the following answer -

- (1) Yes.
- (2) The honourable member's attention is directed to two discussion papers released by the Minister for Education for public discussion on Friday, 17 August 1990: "Adjusting to the Future: A Framework for Post-compulsory Education", joint schools/TAFE Ministerial Post-compulsory Education Taskforce, Perth 1990 - especially pages 7 and 8; and "Perspectives on Post-compulsory Education", Marsh, C.J. and Parker, L.H., Secondary Education Authority, Perth, 1990 - see pages 1 to 21. These reports are the outcome of a process of investigation and experimentation in this area over the last three years. Copies of these discussion papers can be obtained from the Ministry of Education.

LAND - CITY OF BUNBURY

North Shore Reserves

532. Hon BARRY HOUSE to the Minister for Lands:

- (1) Is the Minister aware of requests made to the City of Bunbury to hand over reserves on the north shore to the Department of Land Administration?
- (2) Does she support these requests?

Hon KAY HALLAHAN replied:

(1)-(2)

I suggest that the honourable member put his question on notice and I shall have it looked at.