

Legislative Council

Thursday, 20 October 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

HEALTH: TOBACCO

Advertising: Petitions

On motions by the Hon. Tom Stephens, the following petition bearing the signatures of nine persons was received, read, and ordered to lie upon the Table of the House—

TO:

The Honourable the President and the Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned are school teachers and we believe that education programmes alone are ineffective in discouraging children from smoking and only by combining education with legislation to ban tobacco advertising can we expect that the uptake of smoking by children will be significantly reduced.

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

(See paper No. 363.)

Similar petitions were presented by the Hon. Lyla Elliott (10 persons), the Hon. Garry Kelly (24 persons), the Hon. P. G. Pandal (96 persons), and the Hon. Kay Hallahan (35 persons).

(See papers Nos. 364 to 367.)

The PRESIDENT: Order! Honourable members are still continuing to carry on conversations while we are dealing with the business of the House, as are Ministers on the front bench, and are totally ignoring Standing Orders. I suggest that members endeavour to confine their remarks to inaudible comments.

FUEL AND ENERGY: PETROL

Price: Urgency Motion

THE PRESIDENT (Hon. Clive Griffiths): Honourable members, I have received the following letter—

Dear Mr President,

In accordance with the provisions of Standing Order 63 I wish to advise of my desire to move for the adjournment of the

House until Monday, 24 October 1983, at 4.30 pm

Because the Western Australian Government

- (1) having established a Committee to enquire into petrol pricing and related matters in Western Australia, have delayed the release of the report and, in so doing, have failed to keep faith with the petrol marketing industry.
- (2) it has been established by the Leader of the House, representing the Minister for Consumer Affairs, in answering a question to me on Wednesday, 19 October 1983, that the report was completed and delivered to the Minister for Consumer Affairs on 22 July 1983 but is not yet available to the public.
- (3) the Government, by its dilatory handling of the situation, has failed in its avowed intention to assist those engaged in the petrol marketing industry, most of whom could be described as small businesses.

For the above reasons this House censures the Government's inept handling of the sensitive situation in regard to petrol marketing as it affects, not only those engaged in the industry, but the public at large.

Yours sincerely,

V J Ferry

Member for South West Province

In accordance with the requirements of Standing Order No. 63, it will be necessary for four members to indicate their support for this motion to be debated.

Four members having risen in their places,

HON. V. J. FERRY (South-West) [2.32 p.m.]: Under Standing Order No. 63, I move, without notice—

That the House adjourn until Monday, 24 October 1983, at 4.30 p.m.

The contents of my letter have been read to the House, and they will be incorporated in *Hansard*; therefore it is not my intention to repeat those points. That will save a little time of the House, as we have a busy programme ahead of us. However I do not believe the House should consider further business until the subject matter of my motion has been discussed.

Prior to the last State election, the Government promised that price controls would be brought in

to ensure a difference of no more than 1c per litre between the petrol price in most country centres and that in Perth. That was the intention of the ALP prior to the State election in February this year. That differential was to apply across the State. No qualification was placed upon it; as I understand it, the differential was to apply far and wide throughout Western Australia.

Of course, anyone who knew anything about the petrol industry and the retailing of the product would have realised that that was an impossible situation and an impossible target to attain. Therefore, the people were sidetracked on that issue, and the Government has not met that commitment.

Hon. W. G. Atkinson: Another broken promise.

Hon. V. J. FERRY: At present, the maximum retail price per litre of super grade petroleum in Western Australia is as follows: In the metropolitan area of Perth, 46.1c; Albany, 48c; Kalgoorlie-Boulder, 49.2c; Dampier-Port Hedland, 50.1c; Karratha, 50.2c; Bunbury, 46.4c; and Busselton, 48.1c. These figures are the maximum set under the regulations. In a number of places throughout the State, the maximum price is not regulated in such a way.

That makes a mockery of the avowed intention of the Government to have a 1c differential in the rate for a litre of petrol in different places throughout the length and breadth of the State.

For the sake of expediency, I will refer to Press items which highlight the dilemma in which the Government finds itself, and the dilemma in which it has placed the retail petroleum industry. Indeed, it has placed the public of Western Australia in an unsatisfactory and unhappy situation.

I quote, from *The West Australian* of 30 May 1983, an article under the headline, "Price-control law has made little impact", as follows—

THOUGH the State Government's prices legislation has powers to cut wholesale and retail prices on a wide range of goods and services, its teeth have barely been seen in the two months since it was passed by Parliament.

So far the Prices Commissioner, Mr Fletcher, has declared two prices—petrol and petrol-station leases—under the legislation and imposed no fines.

Within a week of setting a maximum retail price of 42.9c a litre in metropolitan areas and 43.9c a litre in 10 big country centres on April 8, Mr Fletcher revised the maximum country price because country dealers com-

plained that businesses were not viable under the new prices.

Higher maximum prices were set for seven country centres with Karratha, Port Hedland and Dampier being the highest with a petrol price of 46.9c.

The next item appeared in the *Daily News* on 19 April 1983 under the headline, "RAC blasts petrol price". I quote as follows—

The RAC has blasted the Government's petrol pricing.

The general manager, Mr Bill Solloway, said today: "The arbitrary setting of retail prices has been premature.

"It seems the Government has acted without the benefit of a report from the petrol pricing inquiry, and set prices that now threaten fuel supplies at Albany.

"The rush to fix prices is causing confusion and problems within the industry, as well as jeopardising the supply of fuel to consumers.

"The RAC believes the Government should re-examine the matter."

I now quote from *The West Australian* on Monday, 18 April 1983. The headline is "Tonkin backs one fuel authority", and the article states—

THE WA Minister for Consumer Affairs, Mr Tonkin, has supported the concept of a single authority to control the retail and wholesale pricing of petrol.

The article continued—

Mr Tonkin said he visualised an authority with wide terms of reference accepting submissions from all sectors of the industry and fixing maximum retail and wholesale prices.

"The authority should also have the power to investigate a wide range of issues affecting the industry, such as the viability of service stations," he said.

"I am particularly concerned that businesses that are really fuel outlets are able to buy and sell petrol cheaper than stations that offer full customer service."

Mr Tonkin said that fuel agents were never intended to sell directly to the public.

"I am not sure whether they are trading lawfully, but if they are I think they are skating close to the edge," he said.

"I believe that in this case we need to look closely at the legislation."

Mr Tonkin said he would consider the matter further when an inquiry he had com-

missioned into the industry made its report next month.

There Mr Tonkin is referring to an inquiry set up to examine petrol pricing and related matters in Western Australia. That inquiry has been made; I believe it has been done in a most competent and expeditious way. The people involved in the committee would have done their job thoroughly. I have not spoken to any members of the committee, but I believe they would be competent people.

The report of the committee of inquiry was completed on 22 July 1983, almost exactly three months ago. It was placed in the hands of the Minister on the same day. That point was confirmed for me by an answer given in this House by the Leader of the House representing the Minister for Consumer Affairs when he responded to my inquiry on Wednesday, 19 October—yesterday. Part of my question was—

When will the report be available to the public?

The Minister replied—

This will be determined shortly.

Three months have gone by since the report was placed in the hands of the Government and the Minister. In view of the sensitivity of the fuel retailing industry especially, this matter should have been dealt with as a matter of great urgency.

Quite obviously the Government has chosen not to deal with the report expeditiously, despite what happened earlier this year when we saw a furore occur up and down the State. Certainly it occurred in the area I represent and especially in the Busselton Shire area—and all this over the tampering with fuel prices by way of regulation. So it was in Albany, Kalgoorlie, and other places.

At the present time there are a great number of rumblings within the fuel retail industry and a number of outlets have informed me that they are finding it extremely difficult to operate under the constraints applying. A number of them are company-owned and it is alleged they are being supplied with fuel at favourable prices and selling at prices that are lower than other independent operators can purchase their supplies for. The independent operators are placed in a very unfair situation.

A number of operators, being small business men, are finding it extremely difficult to stay in business. Having regard for the Government's avowed intention to help small businesses, which retail outlets are, the Government and especially the Minister for Consumer Protection, who professes to have an interest for these people, have

sat on the report of the inquiry the Minister himself established. Apparently it has been sitting in his office for the last three months.

One is entitled to ask: Why this inaction? I suggest, without having the privilege of knowing anything about the report, because it has not been made public—I certainly do not have a copy—that it could well be that some recommendations in it do not suit the Government. The people who compiled the report would have been very competent, honourable, and conscientious and they may have come up with determinations which in their view are proper, not only for the industry, but also for the public of Western Australia. They would not expect the Minister or the Government to sit on the report while the industry languishes in this uncertainty. The public are entitled to know—indeed this House is entitled to know—what the Government intends to do with the report. It should certainly be made public very quickly because it is of tremendous interest to the community. I give the Government no credit for not carrying out its avowed intentions to assist this industry.

There may be a good reason for the Government's holding up a decision on the report—it could be contemplating legislation, but I do not know. Notwithstanding that line of thought, it appears that, having gathered so much information from people in the industry, people who have put in time and effort to provide the information to the committee so that it might come up with acceptable recommendations, it is completely unfair for the Government to sit on the report and not make it available to the public. In the meantime the industry is suffering. Only today I spoke on the phone to a retail outlet proprietor who rang me to express concern, and he is not the only one suffering from this uncertainty, because it flows right through the industry.

If the Government has any concern for the people of this State, especially small business people, it should make the report available as soon as possible. We will have to determine whether appropriate action can follow. I am sure that not just the industry but also the ordinary motorists want to see the report made public. I request the Government's response.

HON. D. K. DANS (South Metropolitan—Leader of the House) [2.44 p.m.]: It seems strange to have an urgency motion introduced by those people opposite concerning our tardiness in releasing committee reports, because if I had the time today I could speak at great length on the number of occasions over the years when their Governments sat on reports time and time again.

I believe some of those reports still have not seen the light of day.

The original report consisted of more than 120 pages of closely-typed material of extensive detail and great complexity. It has taken weeks of study by a Minister involved in several portfolios. Many sensitive issues are canvassed by the report and it contains 12 recommendations which have to be considered separately and in detail. Many of the submissions received by the committee of inquiry were made in the strictest confidence and require to be edited from the report before it can be made public. I am sure the Hon. Vic Ferry understands that.

The Government categorically rejects the claim that it has been dilatory in handling this matter. For example, in 1975 the then Bureau of Consumer Affairs completed the report on prices in the Kimberley, but the report was never released by the Liberal Government of the time nor successive Liberal Governments. When the Hon. Vic Ferry talks about a delay of three months associated with this report, he should remember that the very important report on prices in the Kimberley has yet to see the light of day; eight years after it was submitted—not three months as in the case of this report—it has still to be released. Surely we have to suspect that the Hon. Vic Ferry has spoken with tongue in cheek.

One can assume only that the reason for failing to release that report is that it contained information that pointed to very high prices for food and basic items in the Kimberley and to the inaction by the Liberal Government on prices in the north. That is the essence of the reason that the report has yet to be released eight years on.

I will mention only a couple of significant examples. In 1976, some seven years ago, the duly conducted inquiry into rural affairs, an inquiry which took several months to complete, found that its report was concealed by the Liberal Government for several months. I can remember the efforts we made to find out what was contained in the report and I remember that we did not get very far. When it was finally released the version made available to the public was a slim summary of the full report, and it contained very little substance.

I do not want to take up the time of the House, considering the very urgent nature of the business on the Notice Paper, but surely members of this Chamber cannot take this urgency motion very seriously, because in this case the report is only three months old. It is being examined and it contains evidence of a confidential nature that must be edited out. As soon as the report is ready for

tabling—I hope that is not long from now—it will be tabled; there is no doubt about that. It will not be eight years after the report was submitted and it will certainly be submitted earlier than the previous Government's report that has never been tabled.

As to the industry being in a crisis, perhaps Mr Ferry is better informed than I am, but like most metropolitan members, I know of many service stations around the city and some in the outer metropolitan area that could perhaps be described as being in semi-rural areas and where few motor-cars pass by, and I have had no complaints whatsoever from individual service station proprietors. I number among my closest friends a person within the petroleum industry, and he has certainly not raised with me any problems faced by the industry.

I have had no complaints from the Automobile Chamber of Commerce. I have not been prevailed upon by Mr Harry in respect of getting the report out on time. As you, Mr President, would know, if there exists one active organisation it is the Automobile Chamber of Commerce and, had that organisation been so concerned about this report, I think it would have contacted not only me but also every member of this House on many occasions.

I challenge the sincerity of the reasons behind the moving of this urgency motion. In respect of the two or three instances about which I have spoken regarding reports prepared by other Governments, our track record, given the complexity and confidentiality of much of this report, is very good. I hope this Chamber rejects the motion moved by the Hon. Mr Ferry.

HON. V. J. FERRY (South-West) [2.51 p.m.]: I thank the Leader of the House (Hon. D. K. Dans) for responding to my motion. I find it curious that he should choose to defend the delay in making this report public by using the example of a spate of other reports. A multiplicity of reports have been produced over the years and some, by their nature, have taken longer than others to consider.

Hon. D. K. Dans: We are talking about one of those reports now.

Hon. V. J. FERRY: This report was commissioned by the Minister for Consumer Affairs on behalf of the Government on the undertaking that it would be produced as soon as possible. I have read in newspaper articles and have heard during discussions with people about instructions to get on with the job without delay and to get the report to the Government as quickly as possible because the industry needed that kind of atten-

tion. Given that the Minister for Consumer Affairs is on record, not only in the Press cuttings I quoted from earlier, but also in a whole bundle I have here, it is abundantly clear that he was concerned at an early stage to do something constructive about this problem. To his credit, he set up this committee. Now it has come to a full stop. I understand that there could well be confidential matter on file within that report, but those of us who have the capacity to deal with paperwork in various ways over the years—

Hon. D. K. Dans: You were evidently informed of those other reports that the Liberal Party had which I quoted to you.

Hon. V. J. FERRY: It looks like some more red herrings are coming my way.

Hon. D. K. Dans: No, they are blue herrings today.

Hon. V. J. FERRY: There are ways of handling reports and ways to do so expeditiously and I do not regard this as the sole reason for the delaying of this report. If it is, it is a poor commentary on the performance of the Government's advisers.

If the Government has decided to help the industry it should make it its business to take confidential information out of the report and make the balance of the report known as it sees fit, and we will take it from there. The Government has denied the fuel industry and the public the information this committee has come up with. I took with a pinch of salt the Hon. Mr Dans's jibe that he doubted the sincerity behind this motion.

Hon. D. K. Dans: I really do.

Hon. I. G. Pratt: Do you think the Government is worried about that?

Hon. V. J. FERRY: I assure Mr Dans that this was done with great sincerity. I am not particularly concerned whether the Automobile Chamber of Commerce has decided to do one thing or another. If it has not raised this issue with the Government, perhaps it should do so. This report is a report to the people.

Hon. D. K. Dans: I said they haven't raised it with me.

Hon. V. J. FERRY: Many people sought my assistance.

Hon. D. K. Dans: How many?

Hon. V. J. FERRY: I do not have the precise number, but I can assure the Leader of the House that many people approached me. As a representative of this Parliament I utilised my right to raise this issue. If the Government wants to push down my and the public's throats the fact that I am not entitled to raise this issue, it is in for the high jump.

Hon. D. K. Dans: I did not say you were not entitled to raise it. I said you are not sincere.

The PRESIDENT: Order!

Hon. V. J. FERRY: Mr Dans is really a nice guy, but he has his tongue in his cheek—

Hon. G. E. Masters: I can't agree there, judging by the answers I have been getting lately.

Hon. A. A. Lewis: He is a bit provocative.

Hon. V. J. FERRY: —when he doubts my sincerity.

Hon. D. K. Dans: I view myself—

The PRESIDENT: Order! I ask honourable members to cease their private and audible conversations.

Hon. V. J. FERRY: The Hon. Des Dans has observed me over many years in this place. I believe I have acted with a deal of decorum and conviction. I ask him to point to any instance where I have raised a matter in the public arena in a frivolous manner and without any substance. By the Government's taking that line, it is trying to blush its way out of the problem again and this sort of thing does the Government no good. The Government is trying to trample on people, push them aside and not give the industry the help it deserves. If that is the sort of reply we can expect from the Government, the people out in the streets and on country roads will be very angry, and the Government will hear a lot more about their attitude. I am sorry Mr Dans has chosen that line of defence—if we could call it that; perhaps it is ineptitude.

I seek leave to withdraw my motion.

Motion, by leave, withdrawn.

STANDING COMMITTEE ON GOVERNMENT AGENCIES REPORT

HON. JOHN WILLIAMS (Metropolitan) [2.58 p.m.]: I am directed by the Standing Committee on Government Agencies to report on the first special report in response to the Premier's ministerial statement to the Legislative Assembly on Wednesday 14 September 1983. Members will be given copies of this: I report as follows—

The Standing Committee acknowledges the response of the Premier to its Second Report and welcomes the Government's acceptance of its recommendations that a Government Directory, providing information on agencies and their services, should be made available and that a list of all agencies in operation, together with the details of their

board members, should be published regularly. The Committee also notes the Government's intention to consider amending those statutes creating agencies no longer in operation, in line with the recommendations made in the Second Report.

Overall the Committee welcomes the Government's expression of concern with the efficiency and accountability of government agencies but finds that it is not in agreement with all the points the Premier makes.

For example, the Premier refers to the inclusion in the Committee's Report of agencies such as the Yalgoo Nursing Post. It does not seem to the Committee that an appointment to the Yalgoo Hospital Board should be approached in any different frame of mind from an appointment to the Board of the Metropolitan Water Authority. Each brings with it certain responsibilities and an obligation to account for the manner in which the associated duties have been undertaken. The principles of accountability remain the same whatever the size of the agency concerned.

The Committee is also of the opinion that the Government's approach to reviewing the need for the continued existence of particular agencies requires further consideration. It is suggested, first of all, that reviews should be comprehensive, that the cost of reviews in terms of resources is high and that only a small number could be undertaken at any one time. The inference is clear that such reviews should not be undertaken lightly and that judgment should be based on a full consideration of the available facts. With this the Committee is in full agreement.

The statement then goes on to comment that the opportunity will be taken, each time a vacancy occurs on an agency board, to evaluate the need for the agency and that "Cabinet will then consider whether the functions of the agencies still need to be carried out". Given that there are over 3 000 potential vacancies and many of them come up for filling every three years, it becomes obvious that it would be difficult for even the best and most conscientious Cabinet to give each agency a completely adequate review.

The main problem, however, with the Government's approach lies in the attempt to internalise the pursuit of accountability within the Executive. This both cuts across several centuries of constitutional practice and raises significant questions about the

status of government agencies. Agencies created directly or indirectly by statute enjoy a relationship with Parliament which is not shared by the traditional ministerial departments. Parliament has imposed, through the terms of the enabling statutes, a number of obligations upon government agencies to account to the Legislature, in several ways, for the manner in which they have performed the functions entrusted to them. It would seem inappropriate for the Executive to attempt to annex this role in the accountability process to itself. Each House of Parliament clearly has a responsibility to see that agencies account for their behaviour in an adequate manner. While ministers obviously have the right to involve themselves with the agencies within their jurisdiction, the Westminster tradition is that the focus of agency accountability must always be the Parliament.

This means that Parliament has to be provided with information about an agency's activities and that it should take the opportunity to undertake such reviews as are necessary to ascertain that agencies are undertaking the tasks for which they were established in the most efficient and effective manner possible. Such access would be threatened by any attempt to downgrade the role of the Parliament in the accountability process.

The question of what should be included in an annual report should be a matter on which the Parliament has considerable input. Ministers have their own access (often guaranteed by statute) to information from Government agencies and it is essential that Parliament should be able to seek such information as will enable it to determine that a sufficient account has been rendered. It should not be a question of the Parliament receiving only so much information as the Executive will allow.

The same argument applies to the questions of evaluation and review. Were these to be undertaken internally—that is, within the Executive—the Parliament might be denied the resources to make proper examinations of its own. In this case the whole currency of accountability could become debased.

It has been the general inability of governments on a world-wide scale, to control the activities of their statutory agencies, that has led to the establishment of various separate legislative enquiries. Recognising that the basic aims of the Government and the Com-

mittee are fundamentally the same, the Committee hopes that there will be constructive co-operation in trying to achieve these aims.

I move—

That the report do lie upon the Table of the House.

Question put and passed.

DAYLIGHT SAVING BILL

In Committee

Resumed from 19 October. The Deputy Chairman of Committees (Hon. I. G. Pratt) in the Chair; Hon. D. K. Dans (Leader of the House) in charge of the Bill.

Clause 5: Referendum on daylight saving—

Progress was reported after the clause had been partly considered.

Hon. I. G. MEDCALF: When we left this matter yesterday I had asked the Leader of the House if he could give me two assurances. I think he did give me one of those assurances, but perhaps they should be placed on record.

It appeared to me that a certain date should be inserted in clause 5 as the date on which the referendum should be held as a matter of certainty and in order to ensure it is held following the completion of the daylight saving trial on 4 March next year. I refer to a debate in another place when 10 March 1984 was mentioned as a relevant date. The Minister indicated to me that there had been some agreement reached between the Premier and the Leader of the Opposition. I have, in the meantime, discussed the matter with the Leader of the Opposition and he advised that there had been discussions between the Premier and himself. Provided it is clearly understood that the date on which the referendum shall be held will be a date to be agreed between the Premier and the Leader of the Opposition, he has no objection to that arrangement and would leave that matter to the judgment of this Chamber.

Therefore if the Leader of the Government in this Chamber is able to give me the assurance that the date of the referendum will be a date to be agreed between the Premier and the Leader of the Opposition, we will be satisfied.

The second point on which I requested an assurance was that there should be no other referendum held in conjunction with the referendum on daylight saving. My reason is simply that because this is a matter of such importance to many people in this State who have divergent views on the subject—some are keen advocates of daylight saving and others are keen opponents of it—in order to determine the issue it

seems proper to me that the issue should not be confused with anything else.

I instance the number of times on which referenda have been confused with other items—sometimes deliberately—by the Commonwealth Government on contentious issues. In all those circumstances there has been a political battle on a subject which should have been decided without political interference. Daylight saving is one of those matters. For that reason I ask for an assurance from the Government that the referendum to be held on daylight saving will not be held on the same day in conjunction with any other referendum issue.

Hon. D. K. DANS: Let me answer the second point first. I am informed it is not the Government's intention to have a referendum on daylight saving held in conjunction with any other referendum.

Secondly, after consultation with the Opposition, it is the Government's intention to hold the referendum as soon as practicable after the expiration of the trial period of daylight saving.

Hon. I. G. MEDCALF: I do not wish to be difficult about this, but the actual assurances I am seeking are not quite in as broad terms as that. I want to make sure of this assurance, because the Leader of the Opposition has informed me he would be satisfied and I also would be satisfied, as long as it is understood the date of the referendum will be agreed between the Premier and the Leader of the Opposition. That is what I understood to be the position. In other words, the Premier and the Leader of the Opposition will agree to the date of the referendum. I appreciate it may not be possible at this stage to state exactly that the referendum will be held on a particular date because something could arise; but when the date is decided it will be agreed between those two persons. If that is the assurance, I will accept it. I will deal with the other matter separately.

Hon. D. K. DANS: I am informed by the Premier, who handled the Bill in another place, that the date of the referendum will be decided between himself and the Opposition as soon as practicable after the expiration of the period of daylight saving. In other words, they will agree on a date as soon as possible and on the first practicable opportunity the referendum will be held. Presumably that will be the date agreed to by the Premier and the Leader of the Opposition. It may be two to four days or whatever after the expiration of daylight saving.

Hon. I. G. MEDCALF: I thank the Leader of the House for the assurance and I take that assurance on the basis that the date of the referendum

will be agreed between the Premier and the Leader of the Opposition. I accept that.

I have already explained the reason for seeking this other assurance. I believe daylight saving is an issue which must be decided on its own and not in conjunction with other issues. I do not wish to be technical, but I understand that the Leader of the House has quite clearly indicated it is the Government's intention not to hold the referendum with any other issue. I believe a mere statement of intent is not quite adequate and I believe there should be a firm assurance that it will not be held with any other issues. If it is, it defeats the whole object of what I am saying. Although an intention might be to do something, an intention can be changed by another intention. I seek a firmer assurance, if the Leader of the House is able to provide one.

Hon. D. K. DANS: I am not quite sure I can give a further assurance. The date will be agreed between the Leader of the Opposition and the Premier. Before a date can be set those two members on behalf of their respective arms of government must agree on the date. I think that is the assurance the Leader of the Opposition needs.

It is not the intention of the Government to have a referendum on daylight saving in conjunction with any other matters; that is fairly clear to me. The referendum on daylight saving will stand alone and it will be decided on a date as soon as practicable after the expiration of the trial period. Beyond that I cannot go. An agreement is an agreement but I have no idea what the Leader of the Opposition and the Premier will agree to.

Hon. I. G. MEDCALF: I accept that assurance, on the basis that the referendum date will be agreed between the two gentlemen referred to and on the basis that, therefore, it will be clear to both of them that they will only agree to a date when no other referenda will be held. I accept the assurance on the basis that it is given by the Leader of the House whose word I have had no reason to doubt, nor that of the Premier. My belief is that assurances exchanged in the Chamber have never been broken, certainly not in my time in Parliament.

Hon. H. W. GAYFER: I have listened to the conversation between the front benches and I have had difficulty hearing the questions and assurances given.

First of all I believe an assurance was given that it is not the Government's intention to hold a referendum at a time when another referendum is being held. Secondly the Leader of the House said the referendum would be held as soon as practicable after the expiration of the trial period. In

later cross-examination by the Leader of the Opposition, Mr Dans said the referendum date would be decided after due consultation between the Premier and the Leader of the Opposition.

Frankly, that is not good enough for me. There are only two people in that bun fight and if one disagrees with the other so far as the date is concerned where do we go? The only way one can have agreement in that situation is to have three members, and I would like to be part of that committee. We might then get a positive answer. Also, I am not too sure that those assurances on a matter as vital as this are good enough. Such a matter should be in "black and ink" and written into the Bill; that is the only assurance I should accept in respect of this referendum.

I was pleased that the passage of the Bill was delayed in order for me to participate and I am aware that members are waiting for me to start a second reading speech. However, I do not intend to do so. I intend to speak in respect of clause 5 of the Bill, which has a distinct bearing on the future of daylight saving and the lives of many people in Western Australia. I am also very conscious of the fact that the will of the people in the metropolitan area could well be foisted onto the people in the country areas in two ways: Firstly, by a sheer weight of numbers; and secondly, by the fact that a referendum could be diddled with and held—because there is no agreement otherwise in the Bill—in the winter. In other words I do not trust this legislation unless the exact date is written into it.

So many people will suffer because of this Bill; people who do not have the rights, wherewithal, or ready access to recreation and those who have to put up with heat, flies, etc. because the clocks have been altered for no reason. These people have minds of their own and they populate 95 per cent of the State; they should be listened to. The sun is the climatic factor that controls 95 per cent of the State and not the five per cent area of the State which is the metropolitan area, and possibly the outer metropolitan area, from which a majority of the vote could be taken.

Mr MacKinnon summed it up very well last evening, and I quote from his speech as follows—

Yes, it was, but we should make the position clear by saying that the majority ought to be in the metropolitan area and in the country areas. Nothing is wrong with that proposition. That is the way every Federal referendum is run. A majority of the population and a majority of the States are needed to carry a question. Is that right? That is the way it is run. I suggest we should

have two zones in WA for this purpose; we should have a majority of the city vote and a majority of the country vote before we accept daylight saving.

Minorities ought not to run the country; but if we are to have a proper and democratic understanding of our community, the minority view ought to be considered. . .

The referendum sought in this clause would not be acceptable to the vast majority of the people of this State. The clause does not stipulate a date on which the referendum shall be held, nor does it indicate the conditions under which it will be conducted. Therefore, I move an amendment—

Page 3, lines 13 and 14—Delete the words “on a date to be determined by the Governor” with a view to substituting the following passage “on March 10 1984”.

I intend to move a further amendment to add new subclauses (4) and (5). For the reasons I have stated, I am not content to allow this clause to be passed unless, firstly, a date for the referendum is set down in the Bill; and, secondly, the people who represent such a vast area of the State have the power to vote in accordance with the criteria suggested by the Hon. G. C. MacKinnon and supported by me.

Hon. D. K. DANS: I hope the Committee votes against the amendment. I congratulate the Hon. Mick Gayfer on his adroit speech on this clause. I am very patient and I am glad he was not disadvantaged as a result of a misunderstanding yesterday.

I have already explained to the Committee that, for a variety of reasons, it would be preferable to leave the date for the referendum to be arranged between the leaders of the parties. An agreement is an agreement; there may be a whole number of reasons that a referendum cannot be held on 10 March. For example, an election could be held on that date. The assurances I have given to the Leader of the Opposition should be sufficient to allay the fears, firstly, that the date will not be agreed and, secondly, that the referendum will not be held as soon as practicable after the expiration of the trial period of daylight saving. I have assured the Leader of the Opposition the date will be agreed and the referendum will be held as soon as practicable. We cannot go beyond that. This is a practical proposition which has been accepted in another place and I hope it will be accepted here. There is nothing snide or smart about it.

Everyone knows that if we have a long, hot, summer daylight saving may not be favoured. I do not accept the proposition that people in the com-

munity are so dumb that, if the referendum were to be held in the middle of the winter, they would forget what the summer had been like and vote accordingly. It would be a very brave Government indeed which tried to pull the wool over the people's eyes by saying, “Because the summer has been very hot, we shall let you have enough time to cool down and we shall have the referendum in June or July”. That is not the intention.

For practical reasons we have not set a firm date for the referendum and I hope the Committee will accept my explanation and the amendment will be defeated.

Hon. P. G. PENDAL: I do not support the amendment. The referendum is to be held on a date to be agreed upon by the Premier and the Leader of the Opposition. That assurance has been given and I accept it.

However, I ask the Leader of the House whether a mechanism has been established to deal with a situation in which the Premier and Leader of the Opposition cannot agree. We could have a position analogous to that which existed on occasions in the middle ages where the cardinals were in conclave for an extremely long time in an endeavour to elect a new Pope.

If the setting of the date on which the referendum is to be held depends on agreement being reached between the Premier and the Leader of the Opposition, that is all very well, but we do not have a mechanism by which we can deal with a situation where those two gentlemen cannot agree.

The Premier might suggest a date, and the Leader of the Opposition might violently disagree with him, for good or other reasons, and might suggest another date. Has any thought been given as to how the Government will break that situation?

Hon. H. W. GAYFER: I have given that point plenty of thought, and it is why I have suggested the date 10 March be written into the Bill. This deadlock is exactly what will happen; there will be a difference of opinion as to when it is most suitable to hold the referendum. The Parliament should say when the referendum will be held, because the Parliament will decide that a referendum should be held.

It has been said that an election might be held at that time, but I say the referendum can be held in conjunction with an election, or the Parliament could set another date to hold the election. I am sure the people I represent, and others in country areas, would be more interested in voting on the Bill rather than voting on the return of this Government.

The 10 March date must be written in for precisely the reasons Mr Pandal says there is no need for it to be written in. Will we be able to obtain a uniform opinion from the two leaders that this is acceptable to the troops they control? The only thing we can do is to write the date into the Bill.

I have referred to the results of the referendum on daylight saving held on 8 March 1975. It was good enough in that era to hold the referendum at that time, so surely it is good enough that this referendum be held under those conditions, one of which is that it be held as soon as possible after the daylight saving period. Further, if one reads the figures of the votes cast in 1975 one can see that, area by area, shire by shire, country areas opposed daylight saving. Country people have a great deal of feeling about this issue, and should be given the greatest consideration possible. At least, the referendum should be held at the appropriate time and should represent the views of the people of the State.

The DEPUTY CHAIRMAN (Hon. I. G. Pratt): Order! There are two practices which appear to be commencing in the Chamber. One is for a member to start speaking before being recognised by the Chair, and the other is for a member to start speaking after being recognised but while the question is put. I ask members to abide by the rules of the Chamber, rules which will help the orderly conduct of business.

Hon. G. C. MacKINNON: Those of us who have been here a little while, with experience such as that held by the Hon. Mick Gayfer, are for good reason concerned about this matter. One has little doubt that an arrangement will be made, and consultation will take place. A message will be sent by the Premier saying, "I propose this line of action. What do you think about it?" During the Whitlam Government we had a consultation agreement with the then Federal Minister for Education. I remember receiving a letter from Mr Beazley in accordance with our agreement, which said, "This letter is to inform you that the result of our consultation with you is that the action will take place in this way". I wrote back and said that that was not good enough, and he replied further, "That is what I understand by the term 'consultation' ". One can understand Mr Gayfer's concern.

It is not possible for people who live in the city most of the time, or all of the time, to conceive how fearful many country people are of daylight saving. If one reads the Press reports of the last year or so indicating agitation in favour of a trial period of daylight saving, one thinks that daylight saving is a marvellous idea and that everybody

should agree to it. But country people have a great deal of fear of it.

Usually country people work by the sun. In addition, many country people fear the effects on their children in situations to which Mr Stretch made reference. All of these little matters, such as the one Mr Gayfer put forward, ought to be considered properly, and we ought to give country people the degree of assurance we should give them, which is that there will be a loaded vote in their favour.

Mr Pandal put his finger on the important point when he asked: If one or other of the leaders says, "I want the referendum on 5 August because that is my birth date", and agreement is not reached, who will toss the coin to decide the outcome? I cannot give much way on this matter; I must go along with what Mr Gayfer suggests.

Hon. D. K. DANS: I am absolutely astounded—words almost fail me. I have given three assurances, all of which are interrelated. Mr Gayfer suggested—and he was ably supported by Mr MacKinnon—that we set the date of 10 March, but that suggestion indicates that these members have absolutely no faith in the present Leader of the Opposition in another place, who has agreed to reach agreement on this question with the Premier. It is not a question of distrusting the Government; it is a question of these members distrusting their leader. I am astounded by that.

Hon. P. G. Pandal: You know that is not correct.

Hon. D. K. DANS: I am absolutely astounded. I think Mr O'Connor knows what he is talking about; he knows exactly where he is going.

Mr Gayfer asked three questions. He asked whether the referendum on daylight saving would be held when another referendum took place, and my answer to that was, "No". That question has a bearing, naturally, on our setting a date now. We are aware the Federal Government is to introduce referendum questions. Some date in February has been suggested, but we do not know when it will be held—it could well be March. If we pinned ourselves to a date I would break my word to the Leader of the Opposition in this place, which was, "No, there will not be another referendum held on that day".

I gave a second assurance. Apart from the agreement reached—not so much the agreement between Mr Burke and Mr O'Connor, but that between the parties concerned—I have assured the Committee that the referendum will be held as soon as is practicable, and that could well be before 10 March, if such a date is practicable. If a

date is set I am afraid I will have to say, "I am sorry, I can't assure you beyond reasonable doubt that there will not be another referendum on that day". The cold, hard facts are that a similar Bill is foreshadowed—the Referendums Bill 1983. Whether we agree or not with the holding of referenda, they are popular things here and in many other parts of the world. Therefore, there could be other referenda.

The proposition that no date be set is quite fair. We have built into this system two brakes; one is that the referendum will be held as soon as is practicable and the other is that it will be held on a day when no other referendum is held.

I will leave the question there. I can go no further than that. I hope the Chamber will accept those assurances and will vote for what I consider to be a fair and reasonable proposition.

Hon. H. W. GAYFER: The Leader of the House had me almost crying here.

Hon. D. K. Dans: You will be crying.

Hon. H. W. GAYFER: He was resorting to all the guile—

Hon. D. K. Dans: That is what you said and implied.

Hon. H. W. GAYFER: —and all the pleading that only he and another senior member of this Chamber—who is about his age—are capable of. The other member happens to sit on our side of the fence.

The comments of the Hon. Des Dans do not move me one iota. I have travelled on too many horses in this place and have known too many horse traders to know that when an assurance is given that an agreement will be reached between two people, it will not happen. I do not believe it is possible. Who is to be the arbitrator? It would be a ludicrous situation because the Government wishes to have the casting vote in respect of this decision, which is to be made between two leaders.

I can assure Mr Dans that the country people will not be satisfied with such an arrangement. The Committee should support me when I move to have certain words substituted in this clause. This will be the only way we can go to country people and say, "Look we are introducing daylight saving for a trial period. It will be of no benefit to you or your children. This move will not be of benefit to anyone, but we will give you an assurance that on 10 March if you like it you can have a chance to put your hand up". That is the position as I see it.

Amendment put and negatived.

Hon. H. W. GAYFER: I accept that my amendment has been defeated on the voices but I do not accept that members are against the proposition to place another date within this clause. I take it that 10 March did not suit, and therefore I propose a further amendment. I move an amendment—

Page 3, lines 13 and 14—Delete the words "on a date to be determined by the Governor" with a view to substituting the following passage "on a date no later than 24 March 1984".

It is obvious to the Chamber that this amendment now leaves three dates from which a choice can be made—10 March, 17 March, or 24 March.

Sitting suspended from 3.47 to 4.00 p.m.

Hon. H. W. GAYFER: I am giving the Committee and therefore the State three days from which to choose to hold a referendum. If the amendment is denied, it means we have no faith in the assurances that have been given. If this amendment is not accepted, the referendum could be held much later in the year.

I am most insistent that the referendum be held in March. The country people I represent want the right to voice their opinion soon after the cessation of the trial period. I am not a Minister, so I am able to travel around my electorate a bit. I am told by the country people, "If a referendum is to be held, let's have it right in the heat of the moment".

Mr Dans said it makes no difference. It does make a difference. We take a vote in this Chamber as the matter is discussed, and not after a spell period.

My proposition is purely that the referendum be taken no later than 24 March 1984, which gives the Government three Saturdays—10, 17, or 24 March. The Premier and the Leader of the Opposition can arrive at some date agreeable to both of them. Surely, it is in the interests of the thousands of people who could be the sufferers of this decision for that to be done.

Hon. D. K. Dans: I gave a number of reasons that the date should not be 10 March. If we accept 10 March, two of the assurances I gave may not apply. Moving the date from 10 to 17 or 24 March would not alter that situation.

I am sure the majority of members have faith in their respective leaders. As I said, if members want to have their point of view defeated, the best way is to have a vote in the middle of winter.

We are all politicians. We know how people think. I am prepared to say, as I did in reply to the Hon. Ian Medcalf, that the referendum will

not be held in conjunction with another referendum. It will be held as soon as practicable after the expiration of the trial period. It will be by agreement.

One could say, "Perhaps we should move to some kind of situation in which you just pop a Bill up for daylight saving, and not have any referendum". However, an assurance was given, not only by Mr Burke (the Premier) but also by Mr O'Connor, prior to the election. We have agreed that a referendum will be held, and it will be held as soon as possible after the expiration of the trial period. It will not be held at a time when another referendum is held; and the date will be set by agreement. That is as much as I can say.

I will not speak again if the date is moved up or down, because simply that is our position. The Government is trying to be fair.

I am sure members of the Opposition understand that if we tied ourselves to a date, the other assurances could not be given. I agree with the Leader of the Opposition that we could not have a referendum on daylight saving conjointly with referenda on something else. The issues would become confused.

Like Mr Gayfer, I understand that this is a contentious issue. On an earlier occasion, a referendum was held, and that was the end of daylight saving. However, people have become older, and many people have been pushing their point of view. I cannot see anything wrong with testing the will of the people from time to time. Doing that by referendum after a trial period is the fairest possible way to deal with this thorny question.

Hon. H. W. GAYFER: I appreciate that the Leader of the House does not intend to speak again. Therefore, I will not say anything that may incur his wrath or make him leap to his feet in anger.

I am sincere in my motives in moving that this date be within the period suggested by the amendment. I know country people, and they are equally sincere in believing that this move is in their best interests. I hope that if this amendment is defeated after I divide the Committee, they will understand that at least we tried. If the vote goes against them as far as the date being chosen is concerned, and the situation I have forecast occurs, certain people here will turn around and say, "I told you so".

Hon. I. G. MEDCALF: On behalf of the Leader of the Opposition in another place, I have accepted the assurances that the referendum will be held on a date to be agreed between him and the Premier as soon as practicable or as soon as

possible after the end of the period of daylight saving on 4 March 1984; and that the referendum will not be held in conjunction with any other referendum. I have no reason to believe that those assurances will not be carried out. In public affairs, we should have a certain amount of trust. If we have no trust, we have nothing.

The Leader of the Opposition in another place and I are prepared to accept the assurance that has been given. I do not propose to change my view in that respect. Therefore, while I appreciate that the Hon. Mick Gayfer is motivated by the best of good faith in the interests of his constituents, whose views I respect, nonetheless I cannot agree with this amendment.

Amendment put and a division taken with the following result—

Ayes 10

Hon. W. G. Atkinson	Hon. G. C. MacKinnon
Hon. V. J. Ferry	Hon. Tom McNeil
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. P. H. Lockyer	Hon. Margaret McAleer (Teller)

Noes 22

Hon. C. J. Bell	Hon. G. E. Masters
Hon. J. M. Berinson	Hon. I. G. Medcalf
Hon. J. M. Brown	Hon. N. F. Moore
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. Neil Oliver
Hon. Graham Edwards	Hon. P. G. Pandal
Hon. Lyla Elliott	Hon. S. M. Piantadosi
Hon. Kay Hallahan	Hon. Tom Stephens
Hon. Robert Hetherington	Hon. P. H. Wells
Hon. Garry Kelly	Hon. John Williams
Hon. Tom Knight	Hon. Fred McKenzie (Teller)

Amendment thus negatived.

Hon. H. W. GAYFER: I move an amendment—

Page 3—Add after subclause (3) the following new subclauses to stand as subclauses (4) and (5)—

(4) Notwithstanding anything in this Act or any enactment, the prescribed question shall not be regarded as having passed in the affirmative unless:

- a majority of the valid votes cast in the Metropolitan Area (as defined in Schedule 1 of the Electoral Districts Act 1947-1981) answers "Yes" to that question; and
- a majority of the valid votes cast in the rest of the State answers "Yes" to that question; and
- the aggregate of the votes cast in the Metropolitan Area and the rest of the State that answer "Yes" to the prescribed question is not less

than 80 per cent of the total number of electors eligible to vote on the prescribed question.

(5) For the purposes of subsection (4) "enactment" includes any Act that receives the Royal Assent or is brought into force on a date that is later than the date on which this Act receives the Royal Assent.

In this State we have a small area of population near the coast south of the 26th parallel which experiences southern weather and which is tranquillity in itself, and this area is very small in comparison with the rest of the State. This State is bigger than India, where I am sure there would be a system applying vastly different from the proposed system for obtaining a result at a referendum. The present proposal for a referendum I understand is the system that pertains at Federal referendums.

Hon. Garry Kelly: This goes further.

Hon. H. W. GAYFER: This vote should be taken in three parts, exactly as I set forward in my amendment. Each stage should have a vote, as in the Commonwealth situation. That is what my amendment endeavours to achieve. It is exactly as the Hon. Graham MacKinnon said in his second reading speech and it is exactly as I would have asked for had I had the opportunity to be present during the second reading debate. Mr MacKinnon is a man of worldly wisdom, and his experience as an acknowledged leader has enabled him to set himself up as leader of "cockies" corner in this Chamber. We should take a lot of notice of what he has to say.

Hon. G. C. MacKinnon: Hear, hear!

Hon. H. W. GAYFER: I want to clear some people's thinking, because I am sure that they know not what is meant by the amendment and have certainly misconstrued the 80 per cent. I am not saying there shall be an 80 per cent majority—although I was told by interjection that that was so, Mr Wordsworth. All I am saying is that in this State, on such a vital issue, at least 80 per cent of the total State should vote—in a compulsory vote, 80 per cent of the people should take part.

If one takes this to its obvious conclusion, if half that 80 per cent plus one vote for daylight saving, it could be said that 41 per cent could decide the future of this State on this question against 59 per cent who are against it. Do not look like that, Mr Hoft (Clerk Assistant)—this was drafted by your superior, so it must be right.

By the insertion of the requirement for 80 per cent I am only making it possible that in the event

of a close finish, 80 per cent of the people eligible to vote will have voted. Therefore in the light of the two questions contained in proposed subclause (4) and in the proviso in proposed subclause (5), I trust members will accept my amendment.

Hon. D. K. DANS: I think the Committee would understand that I will be urging it to vote against the amendment. We are dealing with a referendum, and referenda in Australia have been held on the basis of one-vote-one-value. I know Mr Gayfer is trying to say he is not trying to destroy that concept, but if we start regionalising the country simply for a referendum, there is no telling where we will end.

All we have before us is a simple Bill which says we will have a trial period of daylight saving to be followed by a simple referendum to learn if we should continue with periods of daylight saving. Please let the Committee accept that proposition. I hope it votes against the proposal advanced by Mr Gayfer. We have sufficient problems now in our electoral system, so please let us not add to them.

Please think of our pecking place in the order of society. When I was in the United States of America recently, a US Senator asked me where politicians stood in Australian society. I said we were probably reasonably well placed and he replied that it was sad to say but in his country politicians were just one peck below child molesters.

When we start to tinker around with this we not only make a mess of it, but we also make a fool of the system.

Hon. D. J. WORDSWORTH: I congratulate the Hon. Mick Gayfer for moving this amendment; it has a lot to commend it. I understand that we are considering that part which deals with the number of people who have to vote at the referendum.

During the second reading stage, Government speakers indicated that if at least 50.01 per cent of the public wanted daylight saving, they should have it. Mr Gayfer is saying that will not necessarily be the case under the present provisions of the Bill; indeed, some 30 per cent of the population could force daylight saving on the rest of the State.

Hon. D. K. Dans: What a dreadful arrangement when you compare it to the method of elections for this House.

Hon. D. J. WORDSWORTH: This is what I am fearful will happen. The people could be called on to go to a Federal referendum and they might be utterly fed up if they are called back again to vote at another one. There may even have been an election in between, and I imagine

the people of Mundaring certainly would not be very happy about it. We would not get many people to vote at this referendum.

In theory they could be subjected to a \$20 fine if they do not vote—I suppose this applies to a referendum. It would be a brave Government that fined people.

Hon. Robert Hetherington: I was fined for not voting last time.

Hon. D. J. WORDSWORTH: Very good, indeed; that illustrates the point. Perhaps I should warn the Chamber and the public—perhaps the Press might like to mention this—that unless this amendment is accepted there is a chance of just 30 per cent or 35 per cent of people deciding whether we have daylight saving in this State.

Amendment put and a division taken with the following result—

Ayes 10

Hon. W. G. Atkinson	Hon. G. C. MacKinnon
Hon. V. J. Ferry	Hon. Tom McNeil
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. P. H. Lockyer	Hon. Tom Knight

(Teller)

Noes 22

Hon. C. J. Bell	Hon. Margaret McAleer
Hon. J. M. Berinson	Hon. I. G. Medcalf
Hon. J. M. Brown	Hon. N. F. Moore
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. Neil Oliver
Hon. Graham Edwards	Hon. P. G. Pental
Hon. Lyla Elliott	Hon. S. M. Piantadosi
Hon. Kay Hallahan	Hon. Tom Stephens
Hon. Robert Hetherington	Hon. P. H. Wells
Hon. Garry Kelly	Hon. John Williams
Hon. G. E. Masters	Hon. Fred McKenzie

(Teller)

Amendment thus negated.

Clause put and passed.

Clauses 6 to 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

QUESTIONS

Questions were taken at this stage.

TOBACCO (PROMOTION AND SALE) BILL

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 4 postponed, on motion by the Hon. J. M. Berinson (Attorney General).

Clause 5: Certain promotions prohibited—

Hon. JOHN WILLIAMS: Clause 5 is central to the advertising theme in the Bill and, as foreshadowed yesterday evening, I have no desire to defeat the Bill in its entirety. However, I do wish to make a point—

Hon. Peter Dowding: There will not be much left after you have had a slash at it.

Hon. P. G. Pental: The less said by you the better.

Hon. Peter Dowding: Are you threatening me?

The CHAIRMAN: Order!

Hon. JOHN WILLIAMS: The second reading debate covered a wide area. I hope that, despite certain incidents which have occurred in the interim, my position and that of some of my colleagues is perfectly clear. It is very clear that we intend to preserve those parts of the Bill which refer to children, but we do not agree that any evidence has been produced to indicate that advertising *per se* affects children as such. That belief is simply and honestly held, and anyone is entitled to hold that belief on the evidence given to them that it will not be harmful to children.

I have stated my opinion that most of the money received should be directed towards education of children and that is not a new stance by me. It is on record in *Hansard* at least four times since 1972. Fragmentation of this sort is absolutely no good for the education of children. This is just one element. A concerted effort must be made in every area, and I have put the proposition before that if one wants children to follow a certain practice, they must be educated.

Education can be started at the age of three or four. For example, parents teach dental hygiene to children and start when they are very tiny toddlers who stand and brush their teeth. At that point and in consequential development one does not go into the incidence of caries and micro-organisms because it is beyond the child's grasp. However, that must be included in the education of children right to the point of tertiary level and from more than one aspect.

According to the Government it would appear that the only substance in the world that causes death is tobacco, and that is just so much nonsense. There are many causes of death; people die in motor cars. They do not necessarily die because they have been smoking and they do not necessarily die from drinking alcohol. If one attributes all of these deaths to the incidence of smoking, one is not honest. No-one is denying, or has denied, that smoking may be deleterious to the health of some people. In fact, smoking could be

said to be harmful to the health of the majority of people.

People who have never smoked in their lives die of lung cancer, congested heart failure, and whatever; yet we are told that smoking is the killer. I am entitled to the view which I hold, and which is held by some of my colleagues, that education of children should be a totality. We were given a fragmented programme by Mr Wells, which was brilliant; it was the Minnesota concept. In 1975 I provided the Education Department with a copy of the Toronto concept of educating children at an even earlier age on not just smoking but also drugs and personal interrelationships. The name of that programme was "Through a hole in the fence". It was a very up to date concept based on *Aesop's Fables*. This is educating the children on many facets of life and, what is more important, supplementing parental education.

Most of the things we learn in our early formative years come from our parents. The majority of people in this Chamber are non-smokers. I believe if one wants to stop people smoking it can be best done by example.

Hon. Garry Kelly: Do you mean give up or not start?

Hon. JOHN WILLIAMS: Both. An example of this is that often a child will smoke as a dare. If children in an educational environment in the classroom are taught about this matter with as much importance as is placed on English, mathematics or any of the other subjects so beloved of academics, progress will be made in teaching them to care for themselves.

Overriding all this is, having taught the child as he develops into adolescence, as an adult he is given a choice as to whether he wishes to smoke. I emphasise that a child is as much at risk from eating salted potato crisps as from smoking cigarettes. The harmful substance in potato crisps is salt. A person is at risk and shortens his life by imbibing alcohol and if he abuses it his life is certainly at great risk. If anything we as human beings practice is done to excess—and no-one can deny this—it can be deleterious to health. I only hope that advertising of cigarettes will not be banned but will be allowed to continue until, without one scintilla of doubt, it is proved that the impact of advertising at sporting functions, and in magazines and newspapers does influence children. Then let us consider it. The one expert we could find certainly gave me information that that was not so.

I have said before that we should try to look at this issue through the eyes of a child. Many adults have forgotten how to do that, but children are

quite sophisticated and have the ability to sort out things for themselves in a manner which often bewilders their parents.

Hon. Peter Dowding: Who was the expert?

Hon. JOHN WILLIAMS: Mr Smith; who, incidentally, came through very strongly this morning and refuted the fact that he had changed his position. He said he had not done so. Mr Smith lauded, as I do, the efforts in the Bill to prevent minors getting hold of the substance in the first place.

Hon. Kay Hallahan: What did he say about advertising?

Hon. JOHN WILLIAMS: He does not wish to interfere with advertising, although he is involved in advertising to a large extent. He is a consultant and people come to him and say, "If we wish to attract children to Leggo, can you tell me what we should do to make Leggo more attractive to them so that we can sell it?" That is the sort of expert Mr Smith is. In his analysis he says the legislation is wrong; that sort of advertising does not attract children. That is my firm and simple belief and that is where I part company with the Government.

Hon. Peter Dowding: Who is paying for Mr Glen Smith at the moment?

Hon. JOHN WILLIAMS: The tobacco companies are paying for Mr Smith. They invited him over here.

Hon. Peter Dowding: He is hardly independent. That rather challenges his credibility on that issue.

Hon. JOHN WILLIAMS: Of course it does not. Some Queens Counsel on the Terrace are of our persuasion and yet they are asked by trade unions to represent them in their actions.

Hon. Peter Dowding: But they don't present themselves as being independent if they are getting paid by a particular interest group.

Hon. JOHN WILLIAMS: Mr Smith is a consultant and he is independent.

Hon. Peter Dowding: He is not. He is being funded by the tobacco companies.

Hon. JOHN WILLIAMS: Mr Dowding cannot get away with that. Mr Smith is as independent as anyone who used to come to Mr Dowding when he practised his profession and ask him, "Mr Dowding, will you take this case?"

Hon. Peter Dowding: I would not be independent then.

Hon. JOHN WILLIAMS: Mr Smith is entitled to be employed by anyone as a consultant.

Hon. Peter Dowding: I agree, but not then to claim he is independent.

Hon. JOHN WILLIAMS: Of course he is independent; he is giving an independent assessment.

Hon. Peter Dowding: That is not right.

Hon. JOHN WILLIAMS: Is the honourable member saying that if one makes an independent assessment, one cannot be paid for it? If that is the case, half the lawyers in town would be out of business.

Hon. Peter Dowding: But they don't claim to be independent.

Hon. JOHN WILLIAMS: They are not independent when they go into a court.

Hon. Peter Dowding: They are not independent when they are funded by one party.

Hon. Kay Hallahan: They are biased, because they are acting for one interest.

The CHAIRMAN: Order! I suggest the member confine his remarks to the question before the Chair.

Hon. JOHN WILLIAMS: I and some of my colleagues hold that advertising is not deleterious and it does not attract children and cause them to start smoking. It never has and it never will. If members cared to remember back to their childhoods I am sure they would not say that when they were young they stood beside a tobacco hoarding or some other tobacco advertisement and said, "I am going to start smoking". That is not the way it happens. If members are honest about it they will admit that is the truth.

I move an amendment—

Page 5, lines 30 to 33—Delete all words from and including the word "Subject" down to and including the passage "promote—" and substitute the passage "A person who, for the purpose of inducing or promoting—".

Hon. J. M. BERINSON: The carriage of this amendment would reject the Government's proposal that tobacco advertising should be banned. That ban is at the very heart of this Bill. If that goes, then the most positive and potentially useful initiative against smoking which this Bill provides would be frustrated. What would remain compared to what was lost would be peripheral and cosmetic. Therefore, it goes without saying that the Government rejects this amendment absolutely.

Yesterday we discussed this issue for seven hours. I believe it is fair to say that all possible aspects of the matter were discussed, in most cases several times. I do not propose to repeat again the

comments I made as recently as 1.00 a.m. today. I made it clear enough then how strongly the Government is committed to this programme and how integral it is to our comprehensive antismoking campaign.

I have still not heard anyone deny that smoking is dangerously bad for health. For my own part, I have not denied that alcohol is also bad, but I see that as no reason to refrain from this readily available health measure. The same goes for potato chips. The same goes for the argument that a ban on advertising alone will not solve the health problems experienced by people who smoke.

The issue is clearly before the Committee. I do not suggest for a moment that other members should refrain from either repeating the matters discussed yesterday evening or preferably referring to new matters if they come to mind. If new arguments are presented, I shall certainly be interested in responding to them. However, for the moment I think the issues have been canvassed fully and the circumstances are before us clearly. I urge the Committee to support the Bill; that is, to reject this amendment.

Hon. I. G. PRATT: In the second reading debate I indicated my attitude to the Bill and I gave the Government an opportunity to answer some questions. Had those questions been answered in a satisfactory way, those answers could have affected the way I will vote on this clause.

I posed a question to the Government as to how it would protect from the effects of tobacco-induced illness the people who attend test cricket matches and those who attend other nationally televised sporting functions for which the Government will be obliged to give permission for advertising.

Hon. TOM McNEIL: Last night I made my position very clear in regard to this legislation. My fear has always been that sport will be the loser once again. Although the President is not in the Chair at the moment, several times last night he called me to order because I concentrated on that aspect. In some respects the Government could have tidied up the Bill. I do not agree with reducing the age limit from 18 to 16. I suggested an education programme should be embarked upon. I indicated I could not support the Bill, because of its effects on sport.

Since I made my speech last night I have had discussions with the Premier, who took a great interest in the fact that I had suggested sport would be the loser. We have heard discussions, deals, and promises being referred to across the floor of the Chamber tonight between the Leader of the Opposition and the Government. The

promise I have from the Premier of the State is that sport will not be disadvantaged. He has not committed himself further than that, but I have taken him at his word. The Premier believes sport will continue to enjoy the sponsorship it had prior to this legislation. How the Premier intends to do that I do not know. The Government has a big problem ahead of it, because it has opened the door to cricket, for whatever reasons. I can see that a multitude of sporting bodies will also want the benefits cricket will enjoy. However, I have shifted my position on this clause. I am prepared to accept advertising should be banned. I will not be swayed, nor can I be convinced that children take up smoking because of sporting sponsorship.

Several members interjected.

Hon. Garry Kelly: Hamburgers as well?

Hon. TOM McNEIL: That is my opinion. I have proved the point about McDonald's hamburgers. One talks about the McDonald Cup in relation to cricket, but one does not talk about going out to get a hamburger.

I have had a great deal of concern for sport in my area. I have taken the trouble to find out which sports will be affected, the amounts involved, and how they would survive were tobacco sponsorship not available to them. I have done my homework. I represent the people in the Upper West Province. I accept the assurance given to me by the Premier that if the advertising of tobacco products is banned sports will not suffer and, therefore, I am prepared to go along with that.

Hon. G. C. MacKINNON: This measure has been fraught with a tremendous amount of emotion and with advertisements which suggest all sorts of things and which people interpret in different ways. It is a measure in respect of which one member of Parliament has already accused other members of Parliament of taking bribes. Therefore, it is interesting that at this late stage of the sitting the only positive statement that we have of an assurance of financial assistance to one area of interest comes from the Premier himself.

Hon. Neil Oliver: To one member only.

Hon. G. C. MacKINNON: I suppose that is why this piece of legislation is reported in one of the newspapers as being in tatters. We have an offer from the Premier to one sport—cricket—because we are apparently in danger of losing the tests. Now we have an offer by the Premier to one member. That is fair enough. That member is looking after his constituents and he is doing so because he is their representative in this House. He is doing a good job; I thought his speech last night was very good. Certainly my judgment must have been right, be-

cause he impressed the Premier. He did not get much of a mention in the newspapers and neither did I.

Hon. D. K. Dans: That is because I was not interjecting on you!

Hon. G. C. MacKINNON: However, the member certainly impressed the Premier. I am at a loss to understand how the Premier can make the sort of promise which has impressed the Hon. Tom McNeil to that extent, because while it is all very well to find alternative sponsors—one could probably find sponsors easily enough either in the form of outside companies or the instant lottery—I have grave doubts about finding the up-front money to get the big sporting fixtures off the ground.

I am quite sure Mr McNeil would agree with me. Sponsorship is needed to run the big interstate and international functions. For instance, McDonald's Hamburgers of the US offered sponsorship of part of the Olympic Games to be held in Los Angeles. That city will run the games without conducting an appeal for funds; the games will be funded from internal moneys. It was decided that if an appeal were conducted the small associations such as the scouts and the YMCA would miss out on funds they would normally receive. It was realised people would send money to the Olympic Games fund and not to those small associations. Mr McNeil does not have the fear that his sport will be affected, but what about all the other sports? I do not envisage the Premier, with all the resources he has at his disposal, will guarantee that all sports will be catered for. Anyway, he might get run over by a bus next week.

Hon. D. K. Dans: God forgive you.

Hon. G. C. MacKINNON: I do not wish that on him, my saying that is my rather crude way of suggesting that none of us is here forever. Perhaps I am closer to not being here than anyone else in this Chamber; but, touch wood, I guarantee I will be here in the year 2000 to see what the next century looks like.

It is interesting with all the talk about money that the first positive assertion to change a vote was clearly made by Mr Tom McNeil in his speech last night as the result of a discussion with the Premier. Obviously taxpayers' money will be utilised. Mr McNeil was honesty itself by telling us without equivocation what he will do.

To enlarge on the situation in Los Angeles, McDonald's Hamburgers will build an aquatic centre for the Olympic Games. No doubt it made a deal with the local university—Caltec, I guess—to build it at the cost of a couple of

million dollars, and at the end of the games give it to the university. Why? It is good advertising. Why is it good advertising? People take note of advertisements. It is our system in this capitalist society to allow that to happen—it is legal.

I could not let this situation go without pointing out that we have witnessed a vote being influenced by a leader in the community of Western Australia by assuring that funds will be available for sports. I wonder whether that will apply forever. If I make it known that I am available for an interview, will I get a similar assurance for the South-West Football Association? I am concerned not just for that association, but also for all the other little sports bodies which have so much difficulty in attracting funds for prize money and all the rest of their needs.

The issue should not be lost on this Committee or this State. The offer was made, apparently without any secrecy, to the Hon. Tom McNeil, and it must have been an offer in the best interests of his electorate because he is an honourable man, who is dedicated to looking after his constituency. I congratulate him. He has been able to succeed in relation to this Bill far better than the rest of us.

Hon. ROBERT HETHERINGTON: I must rise to comment on what the Hon. Graham MacKinnon has just said, because the offer made by the Premier is not new.

Hon. G. C. MacKinnon: He has not made me such an offer.

Hon. Neil Oliver: I haven't had one.

Hon. ROBERT HETHERINGTON: The member should let me finish. When the Dadour Bill was before the Parliament the then Leader of the Opposition, Mr Burke, gave a clear promise that when in Government he would make money available for sporting sponsorship if the existing sponsorship by tobacco companies were removed. The money quite properly would come from the taxpayers.

I do not know whether Mr MacKinnon remembers, but if my memory serves me correctly, I guaranteed last year on behalf of the Opposition, when the Dadour Bill was before this place—it has been said in general terms since—that sport would be looked after by a Labor Government. It seems the Premier has reminded Mr McNeil of the promise made last year. The promise has continued to exist; no-one has reneged on it. Really, Mr MacKinnon has made rather too much of this guarantee to Mr McNeil, because it is a guarantee that has been before this Chamber before, one which I put to the Chamber when in Opposition as to what we would do when in Government.

This point has been forgotten. The Government has always made it clear that if there were a problem perceived with sport sponsorship would do what it could to rectify the problem. This promise is merely a repetition of an earlier one, although I am glad it has been made specific now. I am glad the promise was accepted by Mr McNeil, who I know is not easy to convince. He is an honest man.

Hon. P. G. Pental: That doesn't mean that anyone not convinced is not an honest man.

Hon. ROBERT HETHERINGTON: I was talking about one man. I said he was honest. I was not talking about anybody else.

The CHAIRMAN: Order!

Hon. ROBERT HETHERINGTON: I will deal with the honourable gentleman in due course, if he wants me to. I want to speak on this point, and to indicate that Mr MacKinnon's memory—a memory which is so good normally—for once has failed.

Hon. N. F. MOORE: In view of the three previous speakers' comments it is now incumbent upon the Government in my judgment to make a definitive statement about this matter. Has the Government made an offer to Mr McNeil along the lines raised by Mr Hetherington? As he quite rightly said, he mentioned it in the debate last year. It is absolutely essential for all members in this Chamber to know of the offer the Premier has made to Mr McNeil, and whether what Mr Hetherington said a few moments ago was the basis of the offer. If not, what is the offer?

Hon. V. J. FERRY: The further the debate on this clause proceeds, the more intriguing it becomes. It is another classic example of this Government's proceeding but not knowing where it heads. It is treating the Parliament with a degree of contempt. It has brought in a Bill to do certain things in respect of money spent on sport, but has not clearly set out the alternatives.

We have just heard that the Government's intention to assist sport is not a new idea. It was suggested many months ago, and it has been reaffirmed that the Government intends to assist sport disadvantaged by the Bill. Surely to goodness it has had time to come up with a clear-cut formula so that all sporting bodies know the ground rules. The Government has done nothing on that score. It pushed itself into a corner with the introduction of this Bill.

The cricket fraternity pointed out its position, and the Government said, "By jove, we never thought of that. We had better do a somersault to do something about this". But it has not thought out all of the other factors.

Where are we heading with this Bill? If it is good enough for the Parliament to consider this legislation in a logical way, it is good enough for the Government to do the right thing. We represent the people of this State, and we are entitled to know what will happen or will not happen in respect of the provisions of this clause. We want to know whether money will be provided in place of the money provided by private sponsors. Will the Government provide the wherewithal? If the Government proceeds with this clause it should come clean and tell us that it darn well does not know what will happen.

I may be drawing a long bow, but I indicate the Government may have to have advertisements stating, "This sport is sponsored by the Burke Government—led by the smoking Premier". We might have the Premier's photograph on billboards with the statement, "This is sponsored by the smoking Premier and his Government". I use this analogy in a somewhat flippant way, but we must face the fact the Government has been flippant over this issue.

I will repeat what I said last night: The Government has introduced this measure for political motives, and not in the genuine interests of the health of the people. It has not thought through its case.

The clause is not worthy of positive consideration.

Hon. TOM McNEIL: I am responsible for a bit of ruckus, so I will try to amplify what the Premier and I discussed so that no-one thinks Geraldton will be overly advantaged. The Hon. Tom Knight said that if people want to be involved in sport they will have to go to Geraldton.

One of my National Party colleagues asked early last week a question of the Premier to which the Minister for Health referred at page 2849 of *Hansard*. I give that reference for anyone who wants to read it further, although I will read the relevant part now. Mr Hodge said—

He sought the assurance that sport will not suffer as a result of this legislation, and I will make a number of comments about that point. Firstly, the Government is concerned and anxious to ensure that no sporting, cultural, or social organisation is disadvantaged as a result of the passage of this Bill. Therefore we have deferred the coming into law of this legislation for 12 months to give ample time to most of those organisations—in my view it is ample time—to make alternative arrangements for sponsorship so that they will not be disadvantaged by the legislation.

The Government is quite confident that most sporting and other organisations will be able to find alternative sponsors. We have already heard that one of the major sporting organisations in this State, the Western Australian Turf Club, has had offers of sponsorship for its major sporting event, and I heard news reports over the radio that the R & I Bank has offered to sponsor cricket in this State.

He goes on to discuss the matter after that. The discussion with the Premier was not in any-way secret. I would not have become involved in this holocaust simply because of Geraldton; I did not assume my vote was so important. I counted up—

Several members interjected.

Hon. TOM McNEIL: The interjections are off beam. Last night I spoke on various aspects of the Bill. I was most vociferous in saying that I could not support something which disadvantaged sport. I do not believe that sport should be made a whipping post. The discussion I had with the Premier was simple. He said, "I can assure you that sport will not be disadvantaged because of this legislation". I can see problems.

Opposition member: He assured us that tax would not go up too.

Several members interjected.

Hon. TOM McNEIL: I am sure the Premier has a worthwhile answer for the member. The start and the finish was the assertion by the Premier that sport would not be disadvantaged. We have heard the Leader of the Opposition here, the Leader of the House and Mr Gayfer having a tripartite conference on how assurances can be made by one party to another. I am accepting the Premier at face value. He has assured me that sport will not be disadvantaged, and I accept that. If others do not, I presume that they can check up on it. That is the start and finish, and that is why I am prepared to accept that part of the legislation.

Hon. C. J. BELL: I rise to oppose the amendment on a very simple premise. One either accepts or rejects advertising as a factor in respect of children taking up cigarette smoking, and one either accepts or rejects that smoking has a deleterious effect on health. I accept both those premises, and on that basis I will accept the Bill.

However, I am very concerned, and always have been, about the fact that this may well affect some other industries in our community and the people included in them. Sports sponsorship is something I am concerned about, perhaps not as much as the Hon. Tom McNeil, because I am more inclined to look at the minor sports and rec-

recreation areas rather than the larger ones as areas of real concern.

I am very concerned about the jobs of people in the tobacco service and advertising industries. A significant number of people are affected, and it is quite clear that this will have an impact on their jobs. Those aspects have to be weighed on the basis of the principle in the Bill, which is that advertising is effective in influencing children to take up this habit which is deleterious to health.

With those basic beliefs, I find I cannot support the amendment.

Hon. KAY HALLAHAN: I support the Bill as printed, and I do not support the amendment before us. My reason is that I think we are faced with a community issue which needs an integrated approach and that is what the Government has introduced—a heavier tax on tobacco products. It is not a popular measure, but we have gone through with it. It comprises a very full education programme and another absolutely essential ingredient is the ban on the advertising of tobacco products. We really create a great error and will wipe out any good we may want to do if we do not incorporate this particular aspect.

I think there is a general consensus, despite what some members have said today, that smoking is deleterious to health. That is a widely accepted position. The problem is the connection between the banning of smoking advertisements and the taking up of smoking as a habit, particularly by children. I did interject before with regard to Mr Glen Smith, but I want to make the point that my inquiries have revealed that he is associated with a moderately sized agency, and he enjoys a moderate reputation in the field. He is by no means a leading authority. That needs to be stated.

The other document which has come my way and which regretfully was not available to all members, because it may be of some assistance to those who want to consider the issue in their deliberations, is "A Manual on Smoking and Children", put out by the International Union Against Cancer. An interesting thing about this manual is that it does not represent only one discipline; the medical profession, communications experts, and behavioural scientists, are represented. It is a book with a great deal of credibility, in that it draws together those disciplines and in a co-ordinated way comes to some moderate but not unsurprising conclusions.

The manual has several interesting aspects, but the one I would like to touch on is the subject of incompatibility when proceeding with an education programme while children still have a quite

overt knowledge that the community supports advertising. That will undermine completely the whole educational programme, and the efforts of parents will be undermined as well. These people suggest that what is done in the home, will be done at school. The community at large endorses advertising and that in fact nullifies all the good intentions the people have.

I would like to read a few lines from this worthwhile publication. Some sound reasons are given why we do not have available evidence of the direct causal relationship between advertising and children smoking. It would be very simple and comfortable if we could, but we are dealing with a very complex issue, and the factors involved are not simplistic issues. The book speaks of the importance of peer group pressure. We have heard a lot about that.

At page 80 it says this—

Advertising and promotion is not the only, or even necessarily the major cause of smoking in young people but it is of special concern as an influence on smoking because it is likely that it influences other influences like peer and social pressures.

The peer group pressure itself can be created by advertising. It is certainly exacerbated by it, and it forms part of the complexity of pressures that affect our behaviour. These are matters we all live with and members in last night's debate referred frequently to peer group pressure. At pages 83 and 84, the book states—

Any widespread tobacco advertising which continually reminds people that smoking is desirable can only be seen as incompatible with the wider government smoking control policy. A child who grows up being subjected daily to large-scale cigarette advertising and promotions projected through socially legitimate media is less likely to accept that the occasional persuasions of parents and teachers against smoking are completely serious. The main argument against tobacco advertising is better shifted from the methodological impasses of arguing it to be a cause, to the issue of its incompatibility with governmental commitment to promoting a non-smoking social norm.

That is what we have been talking about. I do not think anyone has disagreed with that. None of us would disagree that the desirable thing is for the norm to be that one does not smoke. People will smoke if they want to, but the norm is that one does not have to, and this would remove pressure, particularly from the children.

We have not talked much about the effect of advertising in this debate. On page 87 advertisements, and the advertising process are dealt with. It has this to say—

With their million dollar budgets, advertising campaigns are able to say over and over again “here is sophistication / sexuality / power / independence / prestige ...” and parenthetically, “see how our brand is a natural part of this quality or concept”.

That is what is sold with advertising. To continue—

This natural, unremarkable quality in much advertising contributes to an uncritical taken-for-granted experience of the ads by most people viewing them.

So unconsciously we take on board the fact that this or that product offers us these things. I believe that is offered to many of our young people by the advertising of tobacco products. In fact the advertising campaigns of many products are aimed particularly at our young people to offer the sorts of things young people are looking for. None of us is impervious to the effects of advertising, and I do not think I have met anybody who has suggested that they are.

I refer now to the reasons for this dilemma about the lack of research on the critical links between cause and effect, and this was something which brought me to the paper from Glen Smith. His first point was that advertising does not have a direct cause and effect relationships where children are concerned. My belief is that that is quite simplistic. Anyone who knows anything about human behaviour would discount immediately a document which included that point in its terms.

From page 81, I will quote the section on advertising as a cause of smoking. It says—

Research that attempts to determine whether any linear causal relationship exists between advertising and smoking would seem destined to founder because of methodological problems concerning the relationship. Four main problems involved in reaching definitive conclusions are:

lack of acceptably matched control populations (inter- or intracultural with no exposure to advertising;

We would find it difficult to find a control group to make comparisons. To continue—

the task of holding all other factors influencing smoking constant while isolating the effects of advertising;

This puts the view that the pressure is made up of a multiplicity of factors. To continue—

deciding whether any strong relationship between advertising and smoking meant that the advertising generated the smoking or whether high smoking levels for a brand generated high advertising in an effort to maintain its market position;

the insensitivity of research methods used in obtaining valid and reliable information from people about the perceived influence of advertising on their behaviour, given the “indignity” of admitting to being personally influenced by advertising.

I think many of us know of people—perhaps ourselves—who do not wish to accept and admit that they are influenced by a certain advertisement. It means one has to admit to a certain inadequacy, a certain desire to have some quality which one does not have, and most of us are not strong in doing that.

I move from that journal to the centenary issue of *The West Australian* of 5 January 1933, which is more than 50 years old. It has very effective advertisements, because the large advertisement I am holding says that the Institute of Hygiene has for nine years approved of Craven A, and that it will not cause throat problems; the cork-tipped cigarette prevents those nasty things which happen to one's throat. The *Technical Information Bulletin* for 1980, gives figures which show that cancers of the mouth, pharynx, oesophagus and larynx in Western Australia numbered 48 and cancer of the tracheo-bronchus and lungs numbered 283.

Hon. N. F. Moore: This is a bit like a second reading speech. Perhaps you should read it in the second reading debate.

Hon. KAY HALLAHAN: I think the Deputy Chairman (Hon. D. J. Wordsworth) will pull me up if he thinks I am being too long-winded. Even the Hon. Norman Moore would be interested in chronic bronchitis, emphysema and chronic airways obstruction with a figure like 239, and ischaemic heart disease or cerebrovascular disease with 634. It was a promise of 50 years ago that it was going to be a safe product for people to smoke. We can see advertising is about profits, and that is a legitimate part of our economic system; but there comes a time when, as a community, we must weigh up the benefits of the profits as opposed to the cost to the community. I apologise to the Hon. Norman Moore.

Hon. N. F. Moore: Do not apologise to me. I thought you could have made a second reading speech.

Hon. KAY HALLAHAN: I take the member's observation, and perhaps I regret not having done

that. I have done it now for the edification of the honourable member.

Sitting suspended from 6.02 p.m. to 7.30 p.m.

Hon. W. N. STRETCH: I support this amendment, after much diligent soul-searching and research. I know all my Opposition colleagues have undertaken the same amount of work. I support it not only because of the research and the enormous amount of correspondence we all have received, but also because of a few personal observations which should be mentioned when dealing with such an important and far-reaching piece of legislation.

The first is that I firmly believe smoking is on the wave. I know all sorts of statistics and averages can be quoted, to say that is not so, but I ask members to look at their colleagues in the Chamber, at their friends at dinner parties, and at people at meetings, on tour buses and on other occasions. In their heart of hearts members will then admit fewer people are smoking.

Hon. Mark Nevill: Not fewer children.

Hon. W. N. STRETCH: I will come to children shortly.

Smoking is becoming a more socially unacceptable habit. I am sorry for my smoking colleagues, including my electorate colleague (Hon. A. A. Lewis), who is not here. If members look at this matter carefully I believe that most would take the same view.

I come back to the remarks of the Hon. Mark Nevill and the Hon. Colin Bell. I am not in any way convinced that advertising has a long-lasting effect on children. Since time immemorial as far as I can gather, children have experimented with smoking and all manner of horrible things.

The majority try it and give it away. Children smoke in the playgrounds, toilets, haystacks, behind the bike sheds, and heaven knows where else. I do not believe this legislation will affect that. When Governments attempt to move into these social fields—Governments of all colours—one finds the record is not terribly good.

This war against smoking—if I can exaggerate to that extent—is being won in the classrooms and in the home. In most cases in well cared for homes, fewer children are smoking. Children take up smoking for many reasons, including insecurity.

Hon. G. C. MacKinnon: You are quite right; the ALP is riding the wave.

Hon. W. N. STRETCH: That may be so.

Hon. Kay Hallahan: It is better than missing the wave.

Hon. W. N. STRETCH: I believe I am right and that is why I have the temerity to address this Chamber. I believe the battle is being won in the classrooms and in the churches; it is being won in the junior sporting clubs. I am sorry my friend, the Hon. Tom McNeil, is not here to acknowledge the fact that junior sport and the coaches of such sport do not encourage their prodigies to smoke. They have an influential part to play in this battle.

For these reasons I believe it is an educational process that is correctly bringing the message home to our children, and I say "our" because I have three. I hope I have done the right thing by them; none of them smokes. I am a reformed smoker from the age of 12. I gave it up for two good reasons—I could not afford it and I did not like the brand my big brother was smoking.

These are the things that count and that is why I applaud the extra tobacco tax that was collected from our smoking brethren this year and the fact that an increased amount of money will be directed to an antismoking campaign.

The antismoking campaigns are of great benefit to people who would like to give up the habit but cannot help themselves. I have received letters from people conducting these courses and they believe they are fulfilling a need in the community. That is also my belief. The increased funds granted to smoking education could have been a lot greater had the Government been a little more sincere about the amount of money collected from that tax. A very small proportion of the money raised is being directed to the education campaign on the ground. I welcome the reinforcements the Government has put into the war; I hope there will be more in future.

I agree with the Hon. Colin Bell's remarks that many pressures have been put on members—not the outside pressure referred to, but the genuine, conscientious pressures of what the electorate and the country want and what children and the industry need. I am well aware of this and I accept his opinion and his right to see it as he thinks fit. I too, do not yet claim infallibility. I could be wrong, but at this stage believe I am right. If in two or three years' time I believe we are not winning the war and the present improvement in the community does not continue, I will gladly consider another Bill to ban advertising and I may then support it.

At this stage I believe the industry and the economy is in such a state that it calls not for total dismantling and demolition of the tobacco industry, but for a little fine tuning. In some regards the Government is doing that, but an all-out

attack on the industry is a little misguided and ill-directed, and not well timed. When we undertake changes to a social system it is very difficult to gauge the effect that such changes will have if they are brought in holus-bolus. That is why I favour a fine tuning approach.

I do not believe I am shutting the door completely on advertising; I know we are unable to do that. At this stage, however, we are making good progress. I do not believe this legislation, as presented, will give us a chance to assess the effects it will have, and in five years time when children are still smoking we will be in as much of a tangle as we are now. An experimental approach should adopt a "little at a time" attitude, going through logical steps to assess the progress being made fairly and squarely and on a scientific and easily understood basis.

We should also give the tobacco industry time to assess its standards and where it is going in the future. The people in the industry are intelligent and spend a lot of money in researching their market. If cigarette smoking loses ground and they realise the educational programme that I support and applaud is winning, they will not leave their money in a dying industry; they will put it elsewhere. The more gradual approach I have suggested will be of greater benefit in the long term. I urge the Government to take a fine tuning approach to the industry and to protect the jobs involved and the general social set-up of the community without the dislocation that would follow wholesale adjustment or demolition of the tobacco industry. On these grounds I support the Hon. John Williams' amendment.

Hon. P. G. PENDAL: Like other members I used the tea suspension to wander through the hallowed portals of this establishment in the hope of coming across the path of the Premier. It appeared to me I might meet with the same fate as befell the Hon. Tom McNeil last night. Apparently, when he came across the Premier in his wanderings, he was offered some—

Hon. G. C. MacKinnon: "Inducement" is the word.

Hon. P. G. PENDAL: —inducement that would satisfy his constituents and the sporting lobby within his electorate. Obviously my friend, Mr McNeil, has something I do not have because I could not find the Premier, and if he made any effort to waylay members of the Opposition to make similar inducements to them, I was not one of them.

That is by way of saying I would totally take issue with the Hon. Tom McNeil and previous speakers, including speakers on this side of the

Chamber, who up to that point in the Committee debate seemed to place a great deal of attention of the belief—conscientiously held, I am sure—that this is a Bill about sporting sponsorship by tobacco companies. With the best will in the world I cannot see that has any bearing on the Bill.

Hon. Fred McKenzie: The tobacco companies promoted that thinking.

Hon. P. G. PENDAL: While I would disagree with the stance taken by the Hon. Colin Bell, because I intend to support the amendment moved by the Hon. John Williams, I would nonetheless agree with Mr Bell, who made some considerable attempt to draw attention to the fact that this Bill does not deal with sponsorship of sport by tobacco interests. It goes far deeper than that.

I also commend many of the remarks of the Hon. Kay Hallahan, albeit I would come to a different conclusion than the one she reached in relation to the evidence she put forward. The Hon. Kay Hallahan made perhaps one of the best speeches I have heard, not only in the Committee stage or since the Bill came before the Parliament, but in the last couple of months since it has been put on the boil again as a public issue.

If nothing else, the Hon. Kay Hallahan attempted to examine at some depth the alleged link between the advertising of a product and the intention to ban that advertising with the hoped for result of the benefit of the community. She quoted a number of learned documents. While I disagree with the conclusions of the Hon. Kay Hallahan, at least she paid attention to the central issue in this Bill, which is central to the clause now under discussion and central to the amendment moved by the Hon. John Williams.

Some most simple arguments have been put forward to suggest that 1 200 people died last year in Western Australia because of the advertising of tobacco products.

Hon. J. M. Berinson: That is not so—because of the use of tobacco products.

Hon. P. G. PENDAL: The Attorney General's interjection is precisely the point on which I am trying to place emphasis. Whatever the refinements used by people on both sides of the argument, many people in the community have been fed information, and have begun what I could best and most charitably describe as a simple line; that if one bans the advertising of tobacco products, one will not have the deaths of those 1 200 people.

I know that is not what the Government is saying; I know that is not what most members are saying. However, we have seen many advocates of

the prohibition of advertising who have been prepared to lead many members of the public to that belief. As naive, silly, and juvenile as it sounds, that is what many people believe. The letters and the telephone calls I have received as one member of Parliament prove that to my satisfaction, at least.

That is not to say that I do not accept that the Attorney General and many people in various parts of the Chamber do not have valid arguments. That is not to suggest that I do not have any respect for those arguments, notwithstanding the fact that I am not prepared to support them. Nevertheless, that notion has been an important part of this debate over the last 12 months, since Dr Dadour introduced the original Bill, since the new Bill came before the Parliament, and since we have heard a great deal of debate as to the extent to which the Bill ought to be amended. Thus an argument of serious proportions has been reduced to that simple and stupid level—if you can get rid of the advertising, you will avoid the deaths of 1 200 people. I do not know how the community avoids the sort of situation where a debate hinges in a pivotal sense on silly and simple notions.

I accept completely the assertion made by the Attorney General in the second reading debate, and perhaps earlier in the Committee stage, that there is a direct link between the smoking of tobacco products and bad health. That has been recognised on a growing scale since I was a little boy. In itself that does not warrant legislation banning the advertising of the product.

I have made it clear to the constituents who have contacted me that notwithstanding my acceptance of that argument, in the long term it is for the people themselves to make a personal decision that they will not take up the consumption of tobacco products.

It is for that reason that the sought-after ban on advertising is wrong. It is not that the objective is wrong in dissuading people from smoking, and in that regard I have not altered my stance since last year, although I have altered my stance in other areas.

In the last 15 years, the use of narcotic drugs by young people in Australia has increased to alarming proportions. Have those drugs been the subject of advertising? No, they have not. Obviously they have not because they are illegal. That relates to a point made by the Hon. Kay Hallahan who, in quoting a learned document, made the point that it is not even claimed by the health authorities that the advertising of tobacco products is, in itself, a major reason for people taking

up the habit. The honourable member referred to some of the other pressures of which we are aware—for example, the peer group pressure and a range of other things including the one I mentioned in the Chamber last year, people's religious practices. It has been shown by surveys and statistics that for many reasons people take up the consumption of tobacco products.

I put it to the Committee that the arguments presented by the Hon. Kay Hallahan tend to support more the retention of the advertising of products rather than the abolition of advertising. It has been proved time and time again that it is not the advertising of the product that is the major or the sole reason for people taking up the habit or, for that matter, maintaining the habit.

Hon. Kay Hallahan: But it is a very powerful reason.

Hon. P. G. PENDAL: I do not deny that it may be a powerful reason; but I ask the honourable member to recall what I just said about the uptake of the use of narcotic drugs in the last 10 or 15 years. They are not advertised.

Hon. Kay Hallahan: It is not in the same proportions as smoking.

Hon. P. G. PENDAL: On the contrary, people have been taking up the habit to an alarming degree and at a cost which, I suggest, may even begin to equal the admitted cost of the smoking of tobacco products.

I do not want to hear too many howls of derision, but one might even say that the practice of abortion is widely used in this community and more so in the last 15 or 20 years; yet one does not see the advertising of that practice. How does it come about that the number is increasing? It comes about through word of mouth, peer pressure, and social acceptance of something that previously was not acceptable to most people in the community.

Hon. Garry Kelly: That is not a valid comparison.

Hon. P. G. PENDAL: The practice of abortion, or the access to abortion, has grown to what some people would regard as an alarming degree in the past 15 years, without any access to the advertising of that service. Therefore, the Hon. Kay Hallahan's argument—I do not want her to interject, because she was the one who brought evidence which made it clear—

Hon. Kay Hallahan: I do not want to be misrepresented.

Hon. P. G. PENDAL: —that the advertising of tobacco products was not the major or the sole reason for people taking up the habit, is not valid.

Hon. Garry Kelly: It is a significant factor.

Hon. P. G. PENDAL: It may be a significant factor.

My only reason for entering the debate was to appeal to members to disregard the arguments put by good members like the Hon. Tom McNeil, who see this matter in terms of the sponsorship of sport. Frankly, I do not believe that is what we are discussing tonight.

The Hon. Colin Bell followed the Hon. Tom McNeil; and he and the Hon. Kay Hallahan, in my opinion, put the debate back on the rails where it belongs.

If one believes that substantial benefits will be gained by banning advertising, clearly one votes for the measure.

Hon. Graham Edwards: You would see her argument a lot more clearly if you took your blinkers off.

Hon. P. G. PENDAL: That is an intolerant suggestion by a man from whom I would expect better. It is all very easy to say that the other person has a blinkered view of things merely because one does not happen to agree with him. I do not think it becomes Mr Edwards to make that sort of comment.

I have strong doubts about the integrity of the Government's motives in all of this.

Hon. Robert Hetherington: The Government is serious.

Hon. P. G. PENDAL: The Government's lack of integrity was proved in the last 24 hours when the Government caved in on some of the most fundamental aspects of this Bill, even to the extent that we are told that the Minister for Health threatened to resign from the Cabinet.

Hon. Mark Nevill: Rubbish!

Hon. P. G. PENDAL: We have reached the extent where the Premier and other people are prepared to make concessions to the Western Australian Cricket Association which the Government has not been prepared to make for one year now in the public arena. What has brought on that change of heart?

Hon. Peter Dowding: An analysis of their needs.

Hon. P. G. PENDAL: My colleague, the Hon. Graham MacKinnon, was musing earlier as to why the Hon. Tom McNeil may have been induced to change his vote after his discussions with the Premier. It is relevant to learn why Mr Burke and the Government have decided to change their mind in relation to perimeter advertising during test matches at the WACA.

Unless one has closed ears, it is hard to believe that Mr Burke and his companions were not amenable to that argument so far as the WACA was concerned for the last 12 months, because that is how long the debate has raged. This is not the first Bill we have had before the Parliament. For one year solidly, the argument has raged in the public arena, as well it should because it is a legitimate matter of public concern. However, Mr Burke has some answers to give to the people of this State when, not just at the eleventh hour, but at the eleventh hour and fifty-ninth minute, he has made major concessions to a major sporting group in this State which, until then, had been making representations to members of Parliament to oppose this Bill.

All of a sudden we find that the Government and the WACA are able to come to an agreement, on what basis we do not know, which for 12 months has escaped them. In all fairness I put it to the Attorney General that there has to be some reason for this monumental backdown on the part of the Premier; there has to be some reason the Cabinet is agonising over the future of the Minister for Health, because it would have been an entirely different matter if, over the last 12 months, Mr Burke, Mr Hodge, and the other members of Cabinet had accepted that the Government was to give the WACA some form of exemption. That did not happen in the last 12 months—it happened in the last 24 hours, in the dying stages of this debate and as this Bill was starting its final passage through the Parliament.

It is also a very strange thing indeed that at that last minute, in the last furlong of the race, we have had the spectacle of the Premier just happening to pass a member in the corridors of the Parliament, a member who to that point was to vote against the Bill. The Premier has some explaining to do in that regard also. Whatever the motives, they are not very high, because the Australian Labor Party and the Government, which this time last year was the Opposition, has had 12 months to refine their argument, so one wonders why we see this monumental cave-in at this last minute.

The amendment moved by the Hon. John Williams is acceptable to me. I do not believe it is necessarily the end of the argument. As a non-smoker now, and without wanting to be pious about it, I hope that in the case of my children and generations from now on, they might make a decision not to get on to the cigarette kick, because they may well find it almost impossible to get off.

Hon. Kay Hallahan: It will make it easier.

Hon. P. G. PENDAL: If I thought this legislation would make it even a little easier, if I thought it would do anything at all—

Hon. Garry Kelly: It won't make it harder.

Hon. P. G. PENDAL: We never legislate on a negative basis. But if I thought the Bill would make any serious contribution to keeping kids off tobacco products, I would happily go along with it.

I honestly believe this issue has been pushed by a number of people in the medical profession acting out of good faith. I have never said they have acted with any other motive or that they do not think in their hearts and minds that there is value to be gained in the abolition of tobacco advertising; but that does not stop anyone, including me, disputing what they say and saying to them that while they may well be excellent medical practitioners and eminent specialists in their fields, this does not make them expert judges on the effects of the advertising of tobacco products—they are no more expert in this field than Tommy Smith the street sweeper. However, in all the arguments that have been dragged out for months now, people have been conferring on the medical profession a magical quality that it clearly does not have.

Hon. Peter Dowding: You say you would be prepared to support it if we had evidence to support the fact that it would work. Would you agree to giving it a trial for a limited period?

Hon. P. G. PENDAL: I see the Minister's point, but he would have to concede that in this game we tend never to turn back the clock. This legislation is not like the Bill we were debating earlier this evening when we were talking about having a period of daylight saving, when we were sure it would be just for a trial period, and we were then to go to the people with a referendum. That is interesting, and perhaps we should put this legislation to the people by way of a referendum.

Hon. Peter Dowding: Would you consider it if it came to an end after three years; in other words, it terminated by a decision of this House?

Hon. P. G. PENDAL: The Minister is talking about a sunset clause, and I would need more evidence before I would go along even with a sunset clause.

The Attorney in responding a few hours ago to my colleague, the Hon. John Williams, after he moved his amendment, said that the amendment was unacceptable to the Government because it got at the very heart of what the Government was attempting. I do not believe the Attorney is right

when he says that the advertising ban is at the heart of what the Government is attempting.

Hon. J. M. Berinson: In this Bill. But you do acknowledge it is only part of a much wider programme?

Hon. P. G. PENDAL: I will go further and congratulate the Government on the measure it introduced back in June to increase the price of cigarettes dramatically as a way of dissuading people from continuing the habit. I say that without a vested interest, because I stopped smoking in the week the tax came in, so the Government has not got a zack out of me.

Hon. Graham Edwards: Is that the only reason you have stopped smoking?

Hon. P. G. PENDAL: No. I have told my constituents that I gave up smoking because I had to and because I was told there was a direct link between a breakdown in health and my cigarette smoking. My father died of lung cancer, so I do not dispute what I have been told. I have never been one to seek to avoid the issue that there is a direct link—certainly in my view—between the consumption of this product and poor health, even death.

But I return now to the point where I was challenging the Attorney General's comment that the advertising ban was at the heart of this legislation. I ask the Attorney and Government members to underline in their minds the fact that there are two sides to the heart contained in this Bill, because it does have two elements to it, one being the advertising ban and the other being an educative-penal provision.

I suggest the Government has no right to maintain that there is only one major phase of the legislation, because clearly it has two parts, and it is quite possible to throw out that part which relates to the banning of the advertising of cigarette products and to pass that part which will attempt to make it harder for young people to have access to cigarette products.

My final comment is this: Even if we passed the advertising ban and it came into effect tomorrow, the passage of those other clauses of the Bill relating to the access by young people to cigarette products really would not have much influence at all. I would like to think I was wrong, but I do not think I am.

A good law must be an enforceable law. As legislators we know that a law must be enforceable if it is to be a good law. Any law that is not enforceable is held in contempt and people disobey it. It falls into disrepute, and even the Parliament itself suffers as a result.

I urge the Committee to reconsider the position as stated by my colleague, the Hon. John Williams. If I thought for a moment that our voting for the ban on advertising would make any serious impact on this problem, I would reconsider my position. I do not consider that to be the case, so I am prepared to support the amendment.

Hon. NEIL OLIVER: I was very supportive of the previous legislation on this subject introduced in another place by the member for Subiaco, and I was very disappointed that it was defeated in this Chamber. I have supported this legislation. I have responded to the mammoth amount of letters and other correspondence I have received on this subject, not like a politician—and many people say that politicians are people who sit on the fence with both ears on the ground—but rather I have responded seriously and stated my position clearly.

That tonight a member should have had access to or have been approached by the Premier as to the manner in which he would vote on this Bill, I find quite strange; in fact, disturbing. I do not know what transpired in that conversation—I have not spoken to the member. I have looked at the *Hansard* pages to which he referred, and I will leave it at that. I do not know whether I will have an opportunity to speak to the Premier. On previous occasions when the Premier has visited my electorate he has not even acknowledged me with a “good morning” nor indicated he would be in the area on other occasions.

I am not privileged to join the Hon. Tom McNeil in that group of people who have access to the Premier. I am very concerned about this Bill; the way it has been moved up the Notice Paper suggests a political motive is behind it. In fact, that now appears to be so.

The Bill seems to be in disarray. It has been referred to Cabinet and all 14 Cabinet Ministers voted in a certain manner; yet the Minister in charge of this Bill in another place maintained his stand on the matter. I followed and listened to the debate on this legislation in the other place. It concerns me that the Minister did not get to his feet and explain first-hand the various provisions of the Bill. I am talking about what occurred in the other place, so I will not discuss it further here.

I will not be a party to the practice of members of this place having advantages over members in the other place. I make my position quite clear on that. I fully supported the previous Bill on medical grounds. However, I will not accept the manner in which the Government has introduced the legislation, containing as it does various political

overtones. The Hon. Tom McNeil put forward his views on this matter. He said he had been approached in this regard, and this caused me great concern. I am now discussing the preamble to the Bill and not the amendment.

Frankly, in the current situation I will not support this legislation. I ask the Government to reconsider its position, to put its house in order, to put the legislation in a proper manner, and to bring it forward to the Parliament in the correct way. Then it will be dealt with accordingly.

Hon. W. G. ATKINSON: As I did not take the opportunity to speak on the second reading of this Bill I will confine my remarks to the advertising provisions. This clause particularly concerns me. I have no argument with the health aspects of the Bill; I am in complete agreement with the evidence that has been put forward by the medical profession world-wide. I find it very hard to reconcile the differences of opinion on the effects of advertising. Like most members, I have been inundated with letters to wade through. I would have fully supported this Bill had it not included the complete ban on advertising of tobacco products.

Hon. Garry Kelly: Its main provision, in other words.

Hon. W. G. ATKINSON: According to the Attorney General, whose is handling the Bill in this place, the heart of the Bill is its advertising provisions. I know the Government really intends the heart of the Bill to be the children the legislation affects. The Government will not stand any amendment to that clause. The Hon. Garry Kelly can shake his head, but that is what the Attorney informed the Committee.

Hon. J. M. Berinson: No. To be fair, I said that we rejected this amendment absolutely. That is the only amendment we are dealing with now.

Hon. W. G. ATKINSON: My point is that the words used were, “It went to the very heart of the Bill”. I have been agonising over this Bill for some months now. I had discussions with my own children—I have four ranging from 18 years down to 10 years—on the odd occasion when our family was together because unfortunately in remote areas families have to be split up to enable children to obtain further education; my eldest daughter who is aged 16 said, “Dad, you have got to be stupid if you think kids start smoking because of advertising”. I said, “Why do they really start smoking?” It appears that peer group pressure is the main factor involved. Many members have mentioned this in their speeches as being the major reason for children taking up smoking.

Seeing adults and teachers smoking also contributes to children smoking.

Hon. Garry Kelly: Advertising.

Hon. W. G. ATKINSON: It has some influence on them. I have received letters from many people who are opposed to this legislation and also from those who support the Bill. One thing that twigged in my head was the fact that I had not heard from children. I had spoken only to my own children. Last week I received a letter from the Kulin District High School in Central Province which said, "This school is in favour of the Bill and seeks your support for it". All the other letters from schools said, "We, the undersigned teachers, urge you to support this Bill", and then gave reasons. This one was written on behalf of the school. I said to myself that the "school" really means the students as well, and although it was late in the piece—it was only last week—I decided to send four separate questions to student councils at those schools. I have not received all the replies so far. Some schools said the matter was too political and could not be put to the student councils, or said that as long as I obtained the permission of the district superintendent I could put those questions to the student councils. The majority agreed to forward it to the student councils for discussion. I tried to keep my questions as simple as possible. I wanted to find out the children's views on the reasons they commenced smoking—not what adults think their reasons are but what the real situation is. It is very interesting to read the five replies I have so far received from the 18 schools to which I forwarded the questions. The results seem to point to a set pattern already.

I have had no experience in conducting surveys, and no doubt honourable members will shoot me down on this, but the questions I asked were, firstly, in regard to advertising which I split into four different sections for four different advertising mediums, I asked about adults smoking, and about peer pressure to smoke, by tobacco company sponsorship of sports. Apart from one school putting advertising as number two and peer pressure as number one, as every other school so far has done, the general answer for the second question was adults and parents smoking, and advertising was placed third. Sports sponsorship by tobacco companies was put last by every school which has replied to my survey.

That indicates a definite trend that children think peer group pressure comes first, followed by the visual effects of seeing parents and adults smoking.

Hon. Garry Kelly: What creates peer pressure?

Hon. W. G. Atkinson: I will come to that, Mr Kelly. Obviously, the last reason is sports sponsorship by tobacco companies. I agree that there is some correlation between advertising and peer group pressure. I do not need to quote the many and various codes in the self-regulation of the voluntary advertising code for cigarettes in Australia.

The Government would have been far better off had it directed its attention to restricting in some way the type of advertising that is pitched towards young people, particularly those of an impressionable age. I refer particularly to the pictorial advertisements where a certain picture is associated with a brand of cigarettes. Most honourable members would have seen the recent one in the newspapers showing the association with yachting, our winning the America's Cup where in a two-page colour advertisement, one page of which is purely a picture of a racing yacht—the association—and on the other page a packet of cigarettes and a brief description. I contend that it would have been a far better object of this Bill to seek to control that type of advertising rather than banning advertising completely.

The Government should have tried to control this pictorial form of advertising and allowed tobacco companies to advertise a packet of cigarettes, a brand name, and a brief description. Currently we see photographs of a man on a raft floating down a river or the bronzed Australian horseman galloping up and lighting his Camel cigarette. I am trying to get across the point that that is the type of advertising which creates some of this form of peer group pressure and if that can be restricted peer group pressure may be reduced.

The other thing that worries me is that it is all very well to ban the products which are produced in Western Australia, but we are looking at a very limited market here in the west. Many magazines from the Eastern States and overseas countries come into our State and will not in any way be affected by this ban apart from the clause which gives the Minister the right to make this almost a censorship State. If he disagrees with some form of advertising or article contained in a magazine he can use advertising of cigarettes as a reason for stopping that publication coming into our State.

This form of pictorial advertising will still come into WA in the kind of family magazines children in the 10 to 14 age group will often see, such as *The Australian Women's Weekly*, *Woman's Day*, and *Modern Motor*. All these magazines contain some cigarette advertisements, usually on the back page and sometimes in the middle spread. It is always this pictorial type advertising.

The Government should have a longer look at this situation and should not seek an outright advertising ban. It has been suggested that this has been put forward with a political motive or for another motive which suggests we will have the deaths of all these people on our consciences. I mention also the advertisements in the newspaper listing our names, trying to prick our consciences.

I have a conscience on this matter. This is an important Bill. I know the Government is keen to get this legislation through, but I urge it to have another look at this matter and, rather than seeking a complete ban on the advertising of tobacco products, to seek some restriction of the pictorial type advertisements which creates some of this peer group pressure.

I would be only too happy to support that type of legislation and, like other speakers from the Opposition, I congratulate the Government on its moves on the cigarette problem. The Government has increased the price of cigarettes, and this has made some impact on smokers.

When I went to a school and asked the students about smoking I found the price of cigarettes was one reason that some had stopped smoking. So, the increase in the price of cigarettes has had some effect on children, as well as adults.

Hon. Peter Dowding: What do you think of the point I raised with Mr Pendal about the sunset clause? This would provide the opportunity to test the move and ascertain whether it is effective. It would be partially effective and we would be able to have the result at the end of the three-year period.

Hon. W. G. ATKINSON: In some respects a sunset clause in this Bill would still constitute a ban. Mr Stretch has already made the point that we are on a wave of success with education about the effects of smoking. It has been pointed out that a large number of members in this place have stopped smoking. It is the trend in the community.

Hon. Kay Hallahan: But not with children, that is the problem.

Hon. W. G. ATKINSON: The point I am unable to get across is that children do not think advertising plays a great part in encouraging them to smoke. I urge the Government to seek, through self regulation in the industry, to remove pictorial advertisements. We have already a restriction on advertising on television and radio, and it would be another step to place restrictions on advertising in cinemas in a pictorial way. By that, I mean advertisements would still be able to show cigarettes but not in a pictorial way where there can be

some association with sportsmen or sporting events.

The Premier has recognised this fact in allowing a concession to the Western Australian Cricket Association, because the ground hoardings do not contain pictorial advertisements. The name "Benson and Hedges" is written on the hoardings around the arena, but is not displayed with a pictorial scene.

Hon. Kay Hallahan: I do not think we know how our mind works or why we act in a certain way.

Hon. W. G. ATKINSON: I would like to see a survey in the community to find out how many people know the names of the companies that advertise around the Victorian cricket arena. We know from newspapers that Benson and Hedges sponsors the series, but with the schools I have been to so far, the indication is that sports sponsorship is the last reason for children to take up smoking. Pictorial advertisements get the children in by way of association.

Hon. Peter Dowding: You cannot test that and that is the problem. That is the reason the sunset clause I suggested is an advantage, because it gives you a chance to test the principle and, if it is wrong and it fails, the matter can be raised and debated again.

Hon. W. G. ATKINSON: Rather than having a sunset clause in the Bill, why mention a ban at all?

Hon. Peter Dowding: You cannot test that.

Hon. W. G. ATKINSON: We could test it; a survey could be carried out now. We could know the result in 12 months' time if we put a ban on pictorial-type advertising.

As I have stated previously in this Chamber, I do not want to see more Government in the lives of people; I would like to see less regulation of our lives. That is the reason I believe that in an industry such as the advertising of cigarettes or other products the stage could be reached where the product is under threat because the companies had to pull their horns in because of a ban situation. I have grave doubts about the sunset clause because of the ban situation.

Hon. Garry Kelly: It is testing.

Hon. W. G. ATKINSON: If there is to be a phasing-in period anyway, at the end we will still have all this pictorial advertising. Many people have set their eyes on Western Australia to see what will happen.

Hon. Kay Hallahan: It is a serious public health issue.

Hon. Garry Kelly: You cannot ban material coming into the State at any time.

Hon. W. G. ATKINSON: The Australian Constitution prevents that. Why not work through this code of advertising and endeavour to get the magazines that are being sent into Western Australia to reduce the type of advertising that creates peer pressure?

Hon. Kay Hallahan: It all creates peer pressure, that is the dilemma.

Hon. W. G. ATKINSON: It is too broad a statement to say that it all creates peer pressure, because peer pressure could occur with children who have never seen advertising. The Aboriginal children and families who live in the mission areas in the remote parts of this State may see some magazines, but no doubt they see their parents or other adults smoking, so they will try it too.

Hon. Kay Hallahan: Talk about the mainstream.

Hon. W. G. ATKINSON: I am trying to get across the point that all peer pressure is not created by advertising.

No doubt there is a lot of evidence in the figures put in front of us. Some exercises are being carried out in other parts of the world. Norway has a smoking ban and Russia has a smoking ban. In Russia cigarette consumption is still increasing.

I do not deny that there has been a drop in the consumption of tobacco in Norway, but it is certainly marginal. It is something that could be achieved by a restriction on advertising, not by the banning of advertising. I urge the Government, while it still has time to halt this Bill, to consider the implications of it. If it cannot do that, I shall support the amendment moved by the Hon. John Williams.

Hon. I. G. PRATT: I object most strongly to the attitude the Government has taken to the handling of the Committee stage of the Bill. It is not being treated as a Committee stage, because no question or query raised by any member has been answered so that it can be pursued.

I was one of the early speakers in this debate and I made the point that in the second reading stage I had asked for some answers but they had not been given. I offered to the Minister handling the Bill the proposition that if he could answer those questions he might convince me not to vote for the amendment. However, he has sat there and he has not answered anyone's questions. We have really just had a second reading stage debate. It has not been a Committee debate.

The only retort we have had from the Government has been interjections from one of the Min-

ister's colleagues and from his backbenchers. I made the point, when I was speaking last night, of the fiasco of the handling of this Bill. The Government does not know where it is going. The Minister for Health is going in one direction and the Cabinet is going in another. They have changed their minds and have wasted over \$311 000 of the taxpayers' money. One or both should resign. If the Minister does not show this Committee the courtesy of answering members' questions, I suggest he should resign as well.

Hon. J. M. BERINSON: For the present I will speak briefly in direct answer to the Hon. Ian Pratt. I did have the intention of answering his first comment, but another member got the call before I rose and the course of debate has not made it convenient to return to that point.

As I understood it, his question is a restricted one; that is, how are we to protect people from the advertising which is probably still to be permitted at test matches under the exemption clause, which I will move later in this debate? Mr Pratt's question appears to have missed the point of the exercise which is to protect the proposed system from unanticipated and undesirable anomalies.

The anomaly argued in the case of test cricket has been widely canvassed and I will not go through it in detail. I concede at once that there is room to argue whether more exposure is given to a television audience during seven hours a day or to the physical audience at a test match during the whole of the match. I agree readily that there is room for argument as to where the balance of the advantage lies.

The Government has said it is impressed with the argument of the cricket authorities that the balance of advantage in terms of pursuing the antismoking campaign, is to be found by allowing oval advertising rather than the more extensive television exposure. That is a matter of judgment and other questions like that might well arise. All my proposed amendment to clause 4 is meant to achieve is sufficient flexibility to ensure that if and when such matters arise they can be sensibly dealt with.

Hon. N. F. MOORE: I repeat the question I asked before. Will the Minister in charge of the Bill give details of the conversation between the Premier and the Hon. Tom McNeil so that we will know what is the going price on the legislation?

Hon. J. M. BERINSON: I was not a party to the discussion between the Premier and the Hon. Tom McNeil, but the Hon. Tom McNeil was. That Hon. member has reported in detail the con-

tent of that conversation and I have no reason to question the details of it.

Hon. I. G. PRATT: I thank the Attorney General for his answer to my question. Unfortunately, the question he answered was not quite the same as the question I asked, and probably the length of time between asking the question and giving the answer may have had something to do with that.

I asked whether the Government had any means of protecting the people who attend test cricket matches and those who attend other national televised sporting functions for which the Government will be obliged to give permission for advertising. I made that point in my second reading speech last night. After extending this facility to cricket the Government will not be able morally to refuse it to tennis, golf, horse riding, motor racing, and similar sporting events.

We are not just looking at test cricket, we are looking at the spectrum of sporting functions which are nationally televised and which national bodies could take out of Western Australia if they are not sponsored, and hold them in the Eastern States, in which case we would receive full television broadcasts. It is not just the national test cricket; it covers a wide sphere. I would imagine that before it made a decision the Government would have given serious thought as to how it would protect these people from tobacco-induced illnesses.

Hon. J. M. BERINSON: With due respect, the member is not entitled to make assumptions about what the Government will do in regard to future sporting events. Certainly, I am not entitled to do that. What I am able to say is that the Government's decision is based on a view that each set of circumstances should be considered on its merits. That is what will be done and when I refer to "its merits" I refer to that judgment as to the relative advantage of what is proposed related to the overriding aim of the Government to discourage smoking and to discourage the taking up of smoking, especially by juveniles.

Hon. I. G. PRATT: Am I to assume from the answer given by the Attorney General, bearing in mind that I said that there would be organisations similar to cricket bodies that would be nationally televised, that I have not the right to assume that the Government will treat all organisations in a fair and equitable manner?

Hon. J. M. Berinson: They will be treated fairly on their merits, as I have explained.

Hon. I. G. PRATT: From what the Attorney General has said, am I right to assume that the Government will treat them all equally?

Hon. J. M. BERINSON: They will be treated fairly on their merits.

I would like to make a further comment in the course of which I will attempt to address a number of matters which emerged in the course of this Committee debate.

With respect to the members who were involved, I am bound to say that the debate on this amendment started off at a tangent to the real issues that are involved. It was fair enough that the Hon. Tom McNeil should make clear his reasons for deciding to support the Bill. That reason depended upon his being satisfied that the position of sporting groups would be safeguarded.

I find it very hard to understand why members should have professed themselves to be astounded at what Mr McNeil had to say, and certainly the talk about revelations was really straining the language too far.

I would suggest that anyone who looks at my second reading speech on the subject last night will find it hard to discern the difference between the Premier's comments as reported by Mr McNeil and my own comments, or between my comments earlier today and those which the Government has expressed from the first day it indicated its intention to introduce this Bill. Having said that, it really was surprising that so many of the comments which followed Mr McNeil's—by the Hon Graham MacKinnon among others—retained this heavy emphasis on sport. This is not a Bill about sport.

Hon. G. C. MacKinnon: Oh, yes it is!

Hon. J. M. BERINSON: This is a Bill about health, and it is more particularly a Bill about children's health. More than that, it is a Bill about their lives.

I have this problem to which I alluded yesterday; that is, I value freedom in all its forms, and that includes freedom of business to conduct its ordinary commercial activities.

However, I cannot put that value at a higher level than the level of human health and life, and that is what we are invited to do by the opponents of this Bill, the supporters of the amendment now before the Committee.

The fact is that in the interests of life and limb we tolerate and, indeed, we insist upon, a very wide range of restrictions of personal freedom. Perhaps the simplest example of that can be found in our road traffic laws. We restrict the side of the road on which people can drive; we restrict the speed at which they can drive; and we restrict their capacity to drink when they drive. We submit them to what some people regard as the indig-

nity of taking breathalyser tests when they may not have had a drink for weeks. Last year we agreed, and I personally urged, that we should have mandatory prison sentences for repeat drink offences. What greater restriction on freedom than that could one suggest?

Why is it that we accept all those restrictions? How do we justify them? We do so on the basis of their being in the interests of preserving life, not only of third party victims on the road, but also of those other potential victims—the offending drivers themselves. If, at the end of a year, it can reasonably be claimed that these measures have contributed to the saving of as few as 12 lives, who is there in this Chamber to suggest that all those onerous restrictions on people's freedom were not worthwhile? No-one here would suggest that.

In those circumstances it is reasonable to expect that the people responsible for the restrictions would be congratulating themselves and the responsible Minister for implementing the programme so well because it had saved 12 lives. Let us consider that in the context of tobacco-related diseases. I start at the point Mr Pental raised; I repeat and insist that we have never said in the course of this debate that tobacco advertising is responsible for all of the 1 200 deaths which are attributable each year to tobacco consumption in Western Australia.

Hon. P. G. Pental: I did not say that either.

Hon. J. M. BERINSON: I clarify to the extent it is needed that that is not what we are saying.

Hon. P. G. Pental: The Government did nothing to dispel that notion.

Hon. J. M. BERINSON: As I did yesterday I will turn my reference from Mr Pental to a member who will not complain, and I refer to the Hon. Tom Knight. He said in the course of discussion on this Bill that a ban on advertising at best would have only a limited effect on reducing smoking. As I suggested at the time, even if the ban was only one per cent effective in its aim, that would represent a saving of 12 lives per year. If it were two per cent, it would be a saving of 24 lives a year. I invite the Committee to bear in mind that we are not dealing with this Bill to ban advertising in isolation or in a vacuum. It is not just the lives that might be directly saved by even minimal effectiveness of the ban. This is only a part of a comprehensive antismoking campaign.

The first shot in that campaign was the sharp increase in prices, and I thank Mr Pental for his acknowledgment of that and his acceptance of it as a legitimate antismoking measure. The second part is what we are dealing with tonight—the ban

on advertising. The third part has already started, but is in the earlier stages of development, and I refer to a very heavy education campaign.

What we are suggesting about advertising is not something that is floating in limbo and to be looked at in a vacuum. It is to be looked at for the contribution it has to offer towards a cumulative effect, and we have no reason to doubt that that should be significantly effective in the aims we have.

I do not propose to canvass the many questions and the wide area I dealt with in my two speeches on the second reading of this Bill. But I would like to put the thought to honourable members that the vote we are about to cast is an unusually significant vote. Despite all the heat it has generated, this Bill in a sense is less political than many other measures we deal with. It is well known that Opposition members have decided collectively and explicitly they should approach this measure on a free vote basis, and some have made it clear they will support the Bill in its original form.

Hon. G. C. MacKinnon: That is a contradiction in terms.

Hon. J. M. BERINSON: In that sense, whether this measure is won or lost the approval or blame for that will be diffused, so to speak, among all the parties represented in this Parliament.

There is another sense in which this is less political than many other measures. The State does not depend for its future on what happens to a Bill to ban tobacco advertising. Governments do not stand or fall on what happens to a Bill of this nature. But the Bill is important and has to be approached in a very special way. That is because we are dealing here in quite a unique way with a measure by means of which we personally and individually can affect what happens to people's lives. I am not talking now about concepts like "standard of living" or "quality of life". We are always talking about that sort of thing in our debates. I am not talking about such abstract concepts; I am talking about life itself—the physical enjoyment of life and the premature loss of life. That is the great responsibility we have when we come to cast our vote on this measure. It is also our rare opportunity, and I put it to the Committee it is an opportunity we all ought to grasp.

Government members: Hear, hear!

Hon. I. G. PRATT: The Minister made mention in his reply which again resembled the second reading speech reply, of the total package of the Government's approach, which includes increased taxation on cigarettes. Can he tell us perhaps as one of his reasons for convincing us we should not

support the amendment, how much the Government's estimated revenue fell short because of the success of the campaign to reduce smoking by raising prices in the first couple of months of its operation?

Hon. J. M. BERINSON: I believe it is appropriate for the Committee now to proceed to vote on this measure.

Hon. I. G. Pratt: I assume the Minister does not know or is not prepared to answer the question.

Hon. Fred McKenzie: It is a silly question.

Amendment put and a division taken with the following result—

Ayes 17

Hon. W. G. Atkinson	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. P. G. Pandal
Hon. Tom Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. John Williams
Hon. G. E. Masters	Hon. Margaret McAlcer
Hon. I. G. Medcalf	(Teller)

Noes 15

Hon. C. J. Bell	Hon. Robert Hetherington
Hon. J. M. Berinson	Hon. Garry Kelly
Hon. J. M. Brown	Hon. Tom McNeill
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	(Teller)

Amendment thus passed.

Hon. JOHN WILLIAMS: I move an amendment—
Page 5, line 36—Delete the passage “; or”
where last occurring and substitute “.”.
Amendment put and passed.

Hon. JOHN WILLIAMS: I move an amendment—

Page 6—Delete all words in lines 1 to 14
with a view to substituting the following—

offers, gives or distributes a free sample
of any tobacco product to any person
under the age of 16 years commits an
offence.

Hon. P. H. WELLS: I have an amendment to clause 8, in which I wish to delete the expression “16 years” and substitute the expression “18 years”. I understand that if this amendment is carried I will lose the right to move my amendment later because we will already have accepted 16 years as the relevant age. If that is the case, I want to take the opportunity at this stage to test the age of 18. I move—

That the amendment be amended by
deleting the passage “16 years” with a view
to substituting the passage “18 years”.

The only argument that has been presented to me is that the age in other States is 16. We have a great variety of ages within our Statutes. For instance, for some reason or other, the age of carnal knowledge is 16; one can hold a driver's licence at 17; one can vote and accept responsibility at 18; and some people accept that one can leave home at 16. The Commonwealth is legislating for people to hold a Medicare card at the age of 14 years without the consent of parents. One is permitted to enter a hotel and drink at 18; and I have been told that one is permitted to enter at 16, but not drink.

Our legal system has a confusion of ages of consent or responsibility for young people. We are dealing with young people who, between the ages of 16 and 18, are still within the high school system.

As I mentioned, previously the liquor and tobacco legislation were tied in one Act, and in that Act the age was 18. There were good reasons for linking tobacco and liquor, with the age of 18 applying. For many reasons, that age was regarded as the time when a person moved into majority and responsibility.

I can see no reason for decreasing the age, and I have seen no justifiable reasons for decreasing it to 16.

The survey conducted in my electorate indicated that 80 per cent of the people believed that the age at which people could buy cigarettes legally should be 18. Although a small sample was surveyed, it reflects the beliefs of the people.

We should give consideration to the differing ages in our legislation. We cannot do it at this stage, and I can do nothing but support the age which was accepted in the past and which, based on my survey, is the age that we should accept now.

Hon. P. G. PENDAL: When this proposal was first put to me by the Hon. Peter Wells, it had some appeal. In an ideal world, most people would like to have a practical way of ensuring that people below the age of 18 observed the law relating to tobacco products. In fact, that just cannot happen.

I referred earlier to my belief that any unenforceable law or any law that patently is seen by the community as unenforceable should not exist. Such laws bring the Parliament, the law-making process, and even the notion of authority into contempt.

The proposition put up by Mr Wells is not a practical one, so I oppose it.

Hon. ROBERT HETHERINGTON: I join the Hon. Phillip Penda in opposing this amendment. It is highly undesirable, for a number of reasons.

We should look at each case as we legislate and decide what the age of consent is to be. I hope Mr Wells does not think we will now make the age of consent for sexual intercourse by women 18 years, because he might find that is extremely difficult.

Hon. P. H. Wells: I did not say that.

Hon. ROBERT HETHERINGTON: He seems to want uniformity.

Hon. P. H. Wells: I just pointed out the differences.

Hon. ROBERT HETHERINGTON: This amendment should be rejected on two grounds. Once young people pass the school-leaving age and reach 16, that is when they enter the workforce. They experience different kinds of peer pressure. They have the right to choose for themselves in their behaviour. That is how it should be, much as I deplore smoking.

Many young people between the ages of 16 and 18 smoke now, and it would be impossible to bring the law into effect if this amendment were passed. In other words, Mr Wells' amendment is asking people to disobey the law and bring it into contempt.

Hon. P. H. Wells: That is happening now.

Hon. ROBERT HETHERINGTON: That is right, it is ignored.

I oppose the amendments. I think both members who produced the amendments have their values entirely upside down. It is typical of conservatives that they are quite happy to let the predators keep preying while they screw down the victims and that is what is intended in the amendments which have been passed.

Hon. N. F. Moore: That is rubbish!

Hon. ROBERT HETHERINGTON: It is not rubbish!

Hon. N. F. Moore: It is rubbish and you know it.

Hon. ROBERT HETHERINGTON: I point out to the member who has so rudely and crudely interjected as usual that I shall ask him, as Mr Penda asked me, to assume that I am honest and believe what I say, because I do and on this issue I believe it very strongly.

Hon. N. F. Moore: I just think you are wrong.

Hon. ROBERT HETHERINGTON: Well, the member has that right. Anyway, I would have thought some of the people in this Chamber who were interested in education might have tried to create a society in which we can help to educate,

but I am not very happy with the repressive part of the Bill and I certainly do not want to see it made worse by the amendment proposed by Mr Wells. I am strongly opposed to it.

Hon. JOHN WILLIAMS: I thank the members who spoke in support of leaving the age at 16. It has been retained in the amendments, because that was the Government's original intention. Obviously it has researched the subject well. The most telling point was brought out by the Hon. Robert Hetherington when he said it was a different ball game once children left school, because they are then subjected to another set of pressures. There is no advantage in raising the age to 18 when the law at that age would be extremely difficult to police.

Amendment on the amendment put and negatived.

Amendment put and passed.

Hon. JOHN WILLIAMS: I move an amendment—

Page 6, line 18—Add after the word "accessory" the passage "supplies to any young person under the age of 16 years".

Hon. JOHN WILLIAMS: I move—

That the amendment be amended by deleting the word "young".

This was a typographical error and I ask the Committee to accept the amendment on the amendment.

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

The clause was further amended, on motions by the Hon. John Williams, as follows—

Page 6, lines 19 and 20—Delete the passage "supplies to the purchaser or any other person—".

Page 6, line 21—Delete the subparagraph designation "(i)" and substitute the paragraph designation "(a)".

Page 6, line 22—Delete the subparagraph designation "(ii)" and substitute the paragraph designation "(b)".

Page 6, line 30—Delete the subparagraph designation "(iii)" and substitute the paragraph designation "(c)".

Page 7, lines 5 to 10—Delete the passage "; or" and substitute ";".

Page 7, lines 6 to 10—Delete paragraph (b).

Page 7, line 12—Delete the passage "(4) Subsection (3) (a)(ii) and (iii)" and substi-

tute the passage "(3) Subsection (2) (b) and (c)".

Page 7—Delete subclause (5).

Page 7—Delete subclause (6) and substitute the following—

(4) A person who causes or takes part in—

(a) the offering, giving or distribution contrary to subsection (1) of a free sample;

or

(b) the supply of any benefit or thing where the supply of that benefit or thing is contrary to subsection (2),

commits an offence.

Page 8—Delete subclauses (7) and (8).

Page 8, line 32—Delete the subclause designation "(9)" and substitute the subclause designation "(5)".

Clause, as amended, put and passed.

Clause 6 put and passed.

Clause 7: Proof of offence—

Hon. JOHN WILLIAMS: I move an amendment—

Pages 9 and 10—Delete the clause.

Clause put and negatived.

Clause 8: Sale to young persons prohibited—

Hon. JOHN WILLIAMS: I move an amendment—

Page 10—Delete all words after the word "who" in line 10 and substitute the following—

sells any tobacco product or smoking accessory

(a) to a person under the age of 16 years; or

(b) to any other person for the use of a person under the age of 16 years, commits an offence and is liable—

(i) where that person has not previously been convicted of an offence under this section, to a fine not exceeding \$300;

(ii) in any other case, to a fine not exceeding \$600.

Hon. P. H. WELLS: Mr Chairman, as we have already accepted 16 years as the appropriate age, I can no longer move my amendment to this clause.

The CHAIRMAN: That is right.

Hon. JOHN WILLIAMS: This amendment is self-explanatory in that it sets out to support the

legislation and to punish people who provide cigarettes or tobacco accessories to persons under the age of 16 years.

It must be brought home to people that to supply tobacco products to people under the age of 16 years is to commit an offence. We feel that if we merely have a fine for the offence without including a continuing fine, people would be prepared to risk being caught time and time again. If they are caught on successive occasions they will now be subject to an increased fine. We feel this is necessary to underline a belief that this clause is to be in the legislation to deter people from illegally supplying tobacco products to people under the age of 16 years.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Operation of vending machines—

Hon. P. H. WELLS: I propose that this clause be deleted and replaced with the following clause—

9. (1) A person who obtains, or who attempts to obtain, from a vending machine a tobacco product commits an offence and is liable to a fine not exceeding \$100 if that person is under the age of 16 years or the tobacco product is for the use of a person under that age.

(2) A person under the age of 16 years charged with an offence against subsection (1) for the first time shall not be required to plead thereto if he consents to undergo counselling in the manner and form prescribed by regulations, and in such a case any record of the charge shall be destroyed upon consent being given.

(3) Proceedings shall not be commenced for an alleged offence against subsection (1) in a case to which subsection (2) applies unless the defendant—

(a) has declined to undergo a course of counselling in accordance with the regulations or, having agreed to undergo such a course, has failed to do so within such time as is, in the circumstances, reasonably practicable; or

(b) has previously been found guilty of an offence against subsection (1) or undergone a course of counselling in accordance with the regulations by reason of a previous allegation of such an offence.

Hon. JOHN WILLIAMS: We on this side do not object to this move by the Hon. Peter Wells.

It seems a far fairer way to deal with the offence and it certainly shows a little understanding for those under the age of 16 years who transgress. Consequently, I will at the appropriate time withdraw the amendment I have on the Notice Paper.

Hon. J. M. BERINSON: The Government opposes this proposed amendment. The clause in its original form is adequate to the purpose it is designed to serve. The Government does not support the more complicated and even convoluted procedure to be introduced by this amendment. The Child Welfare Act as it stands provides ample opportunities to meet the aims of the Hon. Peter Wells, if his primary aim is to see to it that no conviction is recorded on a first occasion.

His amendment would involve the creation of a whole new system of the equivalent of on-the-spot fines or things of that nature. That system is not needed. In fact, by moving away from the ordinary provisions of the Child Welfare Act, other opportunities which that Act provides, such as community service orders, would be limited.

In short, I put to the Chamber that the provision appearing in the Bill is adequate for all the purposes mentioned so far. In view of that the Government does not support the proposed amendment.

Hon. P. H. WELLS: I am rather sad the Government does not support the proposed clause. I am advised there was a misunderstanding in regard to what was already on the Notice Paper.

I have been advised that there are 675 vending machines in Western Australia, and only 73 per cent of those, or 182, are not on licensed premises.

This proposed clause does not deal with just the number of vending machines, but deals also with an acceptable method by which a child who has committed an offence does not need to go in the first place to a court, and this would be a more humane approach.

The amendment provides for on-the-spot fines prescribed by regulations. The same situation as applies to traffic fines would operate. A person does not have to front up for the charge. It is quite possible that the child would front up to the Department for Community Welfare to view films or attend counselling in a manner which is considered acceptable. I do not believe this would infringe on the current method of using community service orders where a person goes to the court, is examined, and given a community service order. We send alcoholics who have been driving while under the influence to see films about drink driving. People working in the area of antismoking education would be able to create an education programme for these children.

It is quite desirable in the first instance that the parents be aware of the situation. In the type of suggestion I have embodied in the amendment a child would first front up and could undergo counselling under the prescribed regulation. That would bring the matter to the attention of the parents, before the child finds himself charged and appearing before the Children's Court. The parent can take the type of action best suited to the child.

I forecast the amendment in a desire to find a way around the sending of children to the Children's Court. My amendment embodies a reasonable approach, but I am saddened by the Government's approach to this question, and, in fact, its approach to the Bill as a whole.

I had discussions with the Attorney General and I wrote to the Minister for Health and the Minister for Youth and Community Services. I was rather surprised that after not receiving a reply before my speech last night, I received a reply this morning. It took from 26 September till today for an answer to be given.

This whole area relating to young people should be put before the department. Court and welfare officers may come up with something better than charging young people and fining them \$100. The Government took some notice of my question and did some cosmetic work to clause 8 to remove the passage "gives, or supplies". Those words meant that a child who gave, say, five other children a cigarette each would be liable to a fine of five times \$100.

The Minister informed me that it is not proposed the Police Department enforce these proposed laws. He said that the fine is a deterrent to the selling of tobacco products to minors, but when offences are reported to the department attempts can be made to prosecute the offenders. What we are faced with is an admission that the Government will not be able to police this provision. We have the deterrent in terms of a person selling cigarettes to a child, and the child is subject to a fine. I seek that there be a buffer before we take that action. I ask members to support the proposed amendment.

Hon. PETER DOWDING: The Attorney has kindly agreed to my raising a point I would like to draw to the attention of members. With respect to the Hon. Peter Wells, I think his amendment will not work. One is really driven back either to clause 9 as it stands, or to Mr Williams' amendment to clause 9.

The point I raise is one that is obvious. Subclause (2) of Mr Wells' amendment refers to persons under 18 years of age who have been charged, and certain things follow. The clause

comes into effect when they are under 18 years of age and they are charged for the first time. Subclause (3) proposes that proceedings shall not be commenced against those people until certain things have happened, but as members would see from subclause (3), it has already happened—they have been charged.

The point the Attorney raised—I do not want to labour it now—is that the Child Welfare Act gives the mechanism for the activities Mr Wells encourages the Chamber to accept as appropriate, and I think all of us would assess that sort of process as appropriate.

This clause will not achieve what Mr Wells wants it to achieve, and for those reasons, if there is to be a clause of this type in the Bill, it ought to be clause 9. Second best would be clause 9 if it were amended by Mr Williams' proposed amendment.

Hon. JOHN WILLIAMS: I am grateful to the Minister for drawing that point to my attention. I had not seen that obvious anomaly, which makes the amendment unworkable. Therefore, I support the Minister.

Hon. P. H. WELLS: I took what I thought was the best advice. I even went into the sanctuary of the office of the Attorney General to discuss this clause with him. I thought that with advice from Crown Law we would come up with some workable amendment, and this proposed clause is the one I discussed with the Attorney.

Hon. Peter Dowding: I think there have been some changes, Mr Wells. That is the problem.

Hon. P. H. WELLS: I ask that the sheet I handed in with the original wording be returned to determine whether the wording is different from that which appears on the Notice Paper.

In relation to one clause the Attorney General said, "We do not want to talk about a bad clause even if we disagree with it". I do not have the resources that he has available to him. I was under the impression that I was looking at a clause amended by the Crown Law Department, which was along the lines of a traffic offence where a traffic violation ticket is written out for a person offending against that Act. In that case a person does not have to front up to a court to hear the charge. I want to develop a similar set-up in regard to this Bill. I decided that the order should be prescribed or gazetted.

I have received advice from two eminent people in regard to the legality of that concept and have used the facilities available to me within this building. I have also had discussions and have received great assistance from the Attorney. We agree that we should have a workable clause. It

annoys me that this is a non-workable clause. This highlights the problem we are confronted with in terms of the double checking of our advice. We need a system to double check the proposed wording of Bills. I would be glad to support such a move.

The Minister for Mines said that the Child Welfare Act has plenty of scope within it for young people to be given counselling orders.

Hon. Peter Dowding: I did not mention the panel system, either, which is also available.

Hon. P. H. WELLS: Presently little Johnny has to go cap-in-hand with Mum to answer to his charge. I am trying to come up with something better. I really tried to get the Minister to consider a different approach, but I received no assistance at all from his department. I would be happier if the Minister were to refer the matter to the Department for Community Welfare. His words to me were, "Oh, well, if the Bill is not just and if you are willing to come up with any ideas, I will consider them". He did not want the Minister for Youth and Community Services to have anything to do with that area.

We need to have the correct wording in this Bill. I have just been advised that the documents provided by the Crown Law Department did not make sense. Where do I stand? I was not aware of that until this very moment. It horrifies me that I have reached this stage and there is nothing I can do about it; in other words, there is not available to me at this stage—

Hon. Mark Nevill: You have destroyed the Bill.

Hon. P. H. WELLS: I suppose that is one attitude. Here I am in the middle of making a decision on this Bill and I have just discovered the wording is different and there is not available to me the research facilities I require. We have not achieved the right wording to put over our concept. There would not be one business in the whole of jolly Australia that would work under that concept. It is amazing that the Crown Law Department has not been able to achieve a satisfactory wording.

Hon. J. M. Berinson: You have not presented the Crown Law draft.

Hon. I. G. MEDCALF: On looking at this clause, I agree with the Hon. Peter Wells that it is badly drawn, and that is unfortunate. Errors occur in subclause (3), which has been badly drawn. There is no point in mincing words. Mr Wells has been let down in this respect. This illustrates the fact that it is very difficult for a private member of Parliament to secure proper and adequate advice in relation to the task which is entrusted to him when he is elected to this Parlia-

ment; namely, to have a careful look at legislation and be prepared to move amendments for the consideration of the Chamber if he decides that is necessary.

Mr Wells on perfectly valid grounds has put forward some excellent arguments for the use of a little more mercy in regard to children or young people who commit a minor offence such as obtaining a tobacco product for the first time from a vending machine. Clearly, the Department for Community Welfare already has a fairly reasonable policy in regard to such children. It has panels and ways of providing community service orders for those who are able to carry them out. Not all children are in a position to carry out a community service order, but provisions are made for that sort of thing. Mr Wells has put forward the very sensible proposal that provision should be made for counselling to be a mild punishment.

Hon. Peter Dowding: It is not a punishment because a person will not be convicted. It cannot be a punishment.

Hon. I. G. MEDCALF: All right, the Minister is talking in a very technical sense. He put it up as a provision for punishing a child who has broken the law; in other words, a child who has obtained or attempted to obtain tobacco products from a vending machine. That will be an offence if this legislation is carried. On committing that offence, instead of being formally convicted, a child could be offered punishment by counselling. It would not be a very severe punishment; in fact, it would be a very good punishment which could result in the child being led onto a better path.

Provided it is good counselling by qualified counsellors, it would have a beneficial effect. The unfortunate thing is that the Hon. Peter Wells has not been supplied with adequate technical advice. This reflects on private members of Parliament.

Hon. Peter Dowding: He has not used the advice.

Hon. I. G. MEDCALF: Mr Dowding is not the Minister handling the Bill.

Hon. Peter Dowding: I am telling you, because I raised the point.

Hon. I. G. MEDCALF: The Minister can raise it again in a moment if he wants to. I hope he will let me continue. Private members of Parliament should be able to obtain better advice than that which is currently available. This illustrates very clearly the problem.

I have mentioned that something else is wrong with subclause (3) and it should not be proceeded with in its present form. The Minister may like to correct me if I am wrong, but I heard that he

intends to report progress in order to receive messages, and he may be prepared to do so at this stage.

Hon. J. M. BERINSON: It is my intention to report progress, but I would prefer to do so after this matter is disposed of. In fairness to the Crown Law Department which has unfortunately been drawn into this debate I should make clear the position. Mr Wells produced an amendment on the Notice Paper earlier in the week and I suggested to him that it was defective. I undertook to obtain for him a suggested draft from the officers of the Parliamentary Counsel. For the record I would like to read into *Hansard* the advice which was offered, as follows—

Page 11—after line 23 To insert the following subclause:

There was a subclause (1) to be enumerated and then—

(2) Proceedings shall not be commenced for an alleged offence against subsection 1 (a) unless the defendant—

(a) has declined to undergo a course of counselling in accordance with the regulations or, having agreed to undergo such a course, has failed to do so within such time as is, in the circumstances, reasonably practicable; or

(b) has previously been found guilty of an offence against subsection 1 (a) or undergone a course of counselling in accordance with the regulations by reason of a previous allegation of such an offence.

Proposed subclause (2) (b) is reproduced in Mr Wells' amendment on the Notice Paper but you will notice, Mr Chairman, proposed subclause (2) (a) from the parliamentary draft does not appear, it has been changed radically. It was not done on my advice or the advice of the Crown Law Department. I would consider reporting progress for a short time at this stage, but I think I should also make clear that I did not at any stage indicate to Mr Wells that as well as producing the draft I would undertake to support it.

The limits of the assistance I undertook to offer was to produce a draft which might represent his views better.

With or without correction, I would urge the Committee to reject this amendment.

Hon. P. G. PENDAL: Being one of the more slow witted members in this arena I would like something made clear before we go on. I would

like the Attorney General or Mr Wells to assist me.

We are dealing here with the clause proposed by Mr Wells who seeks to bring in to the legislation a penalty other than a normal court penalty. The spirit of what Mr Wells is seeking to do is to introduce a system of counselling for first offenders. Is it the concept of the counselling that is the hangup or is the drafting the problem? I have a problem separating out just why the Committee is held up in this way.

Hon. P. H. WELLS: It would appear the full advice received from the Crown Law Department read "Suggestions for improvements to the amendments with Peter Wells". I took that to mean the amendments which are on the Notice Paper.

Hon. J. M. Berinson: It was to improve your amendment to clause 9.

Hon. P. H. WELLS: I took those words to mean what they say. I handed Mr Berinson's draft to the officer in this Chamber who is a competent person. However, now I am in the predicament where we have some problems because the system does not provide for us.

I would expect that I could move subclauses (1) and (2) but the point the Attorney General drew to my attention when we discussed the matter, is that we had created a set-up whereby educational counselling could be prescribed; but a child could decide not to attend.

Hon. J. M. Berinson: That is clause 9 (2) (a).

Hon. P. H. WELLS: That was roughly the wording that was presented when we first discussed the matter and I accepted the Attorney General's words when he said there was a problem. I provided that instruction in good faith and handed it to an officer of the House. He carried out my instructions, there was no problem with that. However I have a predicament now that I have an amendment which is not good. The simplest thing would be to argue it out. I know members do not wish to support an incompetent piece of drafting. In view of the fact that it was not my error I ask the Attorney General to report progress so that we can get this clause into correct order. I have spent a lot of time and effort on this.

Hon. JOHN WILLIAMS: Having regard for the fact that as the clause appears on the Notice Paper there must be a defective part in the drafting, and as I understand Mr Wells was supplied with the words which would have been satisfactory to the Attorney General and his department, maybe we can ask the Attorney General if he would report progress and ask for leave to sit

again so that the whole question can be considered.

Hon. J. M. BERINSON: I have already indicated that even in better form the proposal is not acceptable to the Government. Again I make the explanation that this was done in very short order and phoned through. It is, of course, open to Mr Wells to move the amendment that was supplied by the Parliamentary Draftsman. However, I repeat again that would not be acceptable to us and I would not expect it to be carried. I do not think the exercise of reporting progress is justified, considering the amendments we still have to consider and the late hour.

Hon. I. G. MEDCALF: This matter can be easily corrected by altering subclause (3) to read that, "A person shall not be convicted for an alleged offence against subclause (1) in a case to which subclause (2) applies...", and to delete paragraph (b). This subclause contains an anomaly in that it refers to a person who was previously found guilty of an offence, whereas we are dealing with a person being tried for a first offence. This amendment will overcome the problem. If the Attorney General will not report progress I believe we should continue debating this subject.

Hon. P. H. WELLS: It appears, with my leader's help, that I will be able to put forward the correct amendment. In the amendment supplied to me subclause (2) is not mentioned.

It is frustrating to find myself in this situation at this hour of night. If was a gesture on behalf of the Attorney General. Obviously it has been overlooked because in the draft provided to me subclause (2) was not considered. Subclause (2) should enable counselling to be one of the options.

Hon. J. M. BERINSON: I think we need to put some sensible limit on this sort of thing and I am prepared to contribute to that by indicating to the member that if he will accept as reasonable the time that would be made available by my reporting progress and introducing three Bills, which is I will move in that direction. If he were prepared to proceed with the proposal to amend clause 9, given an adjournment of perhaps 15 to 20 minutes, I will be prepared to report progress for that purpose.

Hon. P. H. Wells: Yes, I am happy to do that.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by the Hon. J. M. Berinson (Attorney General).

NORTHERN MINING CORPORATION (ACQUISITION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [10.16 p.m.]: I move—

That the Bill be now read a second time.

This Bill represents the single most important new initiative in the 1983-84 Budget.

The Consolidated Revenue Fund revenue Estimates provide for the receipt of \$50 million by way of an advance payment of royalties from the Argyle diamond mines joint venture partners.

The estimates of expenditure further provide for the payment of an equivalent sum to the State development fund trust account in the Treasury to be available for the purchase of Northern Mining Corporation NL at settlement. As the purchase price has been agreed at \$42 million, the balance of \$8 million is to be available to meet other expenditures associated with the company's and the Government's involvement in the joint venture.

The Bill supplements the proposed appropriation by seeking statutory authority for the purchase of the corporation by the State and such ancillary powers as may be necessary to ensure that the company is able to operate in a normal commercial manner, under State ownership.

The Government's pre-election policy statements included a commitment to seek an equity in the diamond industry and to work towards a marketing and valuation system to ensure market value is obtained for diamonds recovered. A further key aim is the establishment of a cutting and polishing industry in Western Australia.

Northern Mining Corporation's unique position in the Argyle joint venture makes it an ideal means of achieving the Government's policy objectives and giving Western Australians a greater say in an industry which would lead to the establishment of new skills and valuable job opportunities in this State.

The corporation has the right to take its five per cent share of the diamonds produced and market them separately from the other joint venturers who are selling their share of the output through the South African Central Selling Organisation.

Arrangements have already been made for the corporation's diamonds to be marketed through Arslanian Freres of Antwerp and prices obtained to date are significantly higher than could be obtained by following the marketing course taken by its joint venture partners.

The Government does not intend to disturb that arrangement, but will, of course, be looking to the corporation to work towards establishing arrangements for cutting and polishing gem quality diamonds in Western Australia.

It is not the Government's intention to become involved directly in the joint venture. The Bill authorises the purchase of the issued capital of Northern Mining and the company will continue operations as before under its articles of association. Day-to-day decisions relating to its involvement in both the Argyle diamond mines joint venture and the Ashton exploration joint venture will be made by the board in the ordinary way.

The only major change proposed is that the company will, in due course, be registered in Western Australia instead of in Victoria as at present.

The company has arranged borrowings through a European consortium bank to meet its obligations amounting to some \$22.5 million for its share of the development costs of the Argyle project. As is to be expected, the parent company, Bond Corporation, was to support the borrowings by providing guarantees and this obligation will now fall on the Government to the extent that it is necessary.

These arrangements will need to be reviewed to ensure that the cost of funds to the company is as low as possible, having regard to the strength of the Government's credit which will now stand behind the company.

In addition, some part of the company's obligation, after allowing for working capital requirements, could be met from funds remaining after effecting the purchase.

The Bill is a short, simple measure which is self-explanatory. It provides for the purchase of any or all of the share capital of the company and for the subsequent sale of all or any of the issued share capital should the Government so decide.

In this respect, the Premier has already announced the Government's intention to establish a State development corporation and one option would be to transfer some or all of the shareholding in Northern Mining to the corporation, thus enabling greater participation by the Western Australian public in this and other re-

source developments and potential growth industries.

The Bill also authorises the Treasurer to make advances to the company from the public account with the approval of the Governor should it be decided to utilise the balance of the funds available to provide the company with initial working capital or to meet, from this source, part of its obligations for development of the Argyle project.

Provision is included for the Government to provide such guarantees as are necessary for borrowings by the company without which the company could not obtain funds on acceptable terms pending the emergence of cash flows from the main project.

This Bill and the associated provisions in the Budget are a vital part of the Government's overall strategy to enhance the benefits for the public flowing from major resource developments in this State.

It is an integral part of our economic strategy and an extension of the Budget thrust to stimulate a return to economic growth with the Government working in partnership with the private sector.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

DIAMOND (ASHTON JOINT VENTURE) AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [10.22 p.m.]: I move—

That the Bill be now read a second time.

The Diamond (Ashton Joint Venture) Agreement requires the participants in this important project to locate their principal work force in a new mine town or alternatively, to assimilate that work force into an existing Kimberley town.

This Bill provides amendments to the principal agreement to discharge the joint venturers from this obligation and to allow them to use commuting arrangements. When the second phase of this project is operational, it is expected that some 370 of the 450 on-site workers will be flown to and from Perth.

The Bill ratifies the amended agreement and includes the following—

revised arrangements for work force accommodation to permit the use of commuting operations;

repeal of transitional arrangements relating to the town obligation;

modification of the Mines Regulation Act to facilitate use of the commuting option;

revised arrangements for Argyle electricity; and

further royalty provisions.

Minor amendments to the 1981 Act to which the principal agreement was scheduled are also included. A change in the title of the Act is needed to reflect a change in the joint venture structure effective as of 1 November 1982. The title of the Act is to be changed to the Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981.

In addition, two minor amendments to the Act are required: Firstly to clarify that the term "Termination date", where used in section 5(1), is the same term as that defined in section 6(1) of the 1981 Act; and, secondly, to correct an anomaly in wording by substituting the word "goods" in line one of section 29(2)(b)(vi) by the word "property".

Turning to the specific provisions of the new schedule, clause 3 varies the principal agreement. Clauses 3(1) to 3(6) and 3(10) are designed to release the joint venture participants from the requirement to locate their major work force in the Kimberley region.

The key change is made by the addition of a new clause 24A, by way of clause 3(4) of the amendment agreement which allows provision for the work force serving the Argyle or Ellendale mining areas by any one or more of the following methods—

commuting the mine work force on a regular basis from anywhere within Western Australia to the mine;

the establishment of a new town; and

the assimilation of the mine work force into an existing Kimberley town.

Clause 3(1) of the amendment agreement ensures that the definition of "Relevant town" in the principal agreement no longer constrains the participants to housing their principal work force in a Kimberley town. Clause 3(2) provides for the submission of proposals to mine on the basis of any of the alternative approaches to work force accommodation which are now to be permitted. Minor amendments to clause 25 of the principal agreement are necessary to reflect this change.

The original clause 26 permitted transitional arrangements in the event that a mine town was not established in the early years of mine operation. This provision is no longer necessary and clause 3(6) of the amendment agreement provides for its deletion.

Clause 3(10) amends the words "the relevant town" wherever mentioned in the principal agreement to read "any relevant town". As part of the commitment to the commuting option, provision has been made for the joint venturers to use a work schedule of 14 days. This is one day beyond the 13 days permitted by the Mines Regulation Act 1946. The amendment is made by way of a new clause 24(b) which also allows for the approval and review of the work schedule by the Minister for Mines.

Further amendments to the principal agreement are made to reflect changes with respect to power supply in amendment clause 3(3).

The new subclauses 21(9), (10) and (11) provide that the joint venturers shall, upon request by the State at any time before the end of 1988, enter into negotiations with the State Energy Commission with respect to hydro-electric generation works on the Ord River. They may also negotiate with the State Energy Commission to obtain further or alternative electricity thereafter.

Finally, the amendment agreement includes further royalty provisions. These are defined in three new clauses 29A, 29B and 29C as described in clauses 3(7), 3(8) and 3(9) of the amendment agreement. Under the new clause 29B the joint venturers are required to pay an additional royalty of \$50 million to the State. The payment is to be made in two equal instalments, the first of which is due within seven days of approval of mining proposals, and the balance within 45 days, or as otherwise determined by the Minister. Provision is made for interest on outstanding moneys.

The new clause 29C makes provision for royalties payable between 1986 and 1993 to be partially offset on a quarterly basis by a schedule of offset amounts. The schedule of offset amounts has been structured to ensure that the revised royalty arrangements yield the State an additional financial benefit with a net present value of \$27.5 million at a discount rate of 14 per cent per annum.

The agreement begins a new approach to the accommodation of work forces for isolated mines in this State. Our experience with the company towns which were characteristic of 1960 projects has not been an entirely happy one. As a result, a programme has been introduced to "normalise" such towns. For the Argyle project, the Govern-

ment believes that there are strong reasons for commuting workers in preference to building another company town.

A decision to build a town would involve a delay to the project of 12 to 18 months, adverse environmental impacts, the disruption of local Aboriginal communities, an invitation to create the industrial relations and social problems of company towns and considerable costs to the joint venturers.

The commuting option poses fewer security problems for the diamond mine and company studies have indicated it to be preferred by potential workers. Commuting operations are now widely used around the world to serve oil and gas fields offshore. The use of the commuting option for a mainland mine is a new experience for Western Australia, but is being used successfully elsewhere such as at the Santos gas field in South Australia.

The amendment agreement also includes the obvious benefit to Western Australia in terms of an additional royalty payment. It represents a mutual sharing between the State and joint venture participants of the benefits of the decision to alter the original arrangements. The benefits of the change may now be enjoyed by all Western Australians.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [10.31 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been prepared in accordance with the Government's policy to support the right of students in post-secondary education to organise and control their affairs free from Government interference.

Its purpose is to abolish amenities and service fees and to enable student guilds and associations to make their own decisions regarding the expenditure of funds collected by way of membership subscriptions.

The Bill provides the framework for these changes by means of amendments to the Acts governing the relevant post-secondary education institutions—the University of Western Australia Act, Murdoch University Act, Western Australian Institute of Technology Act and the Colleges Act.

These amendments relate to matters of principle and, in the broad sense, are consistent for all the institutions involved. However, some matters of detail concerning the implementation of these principles are left to be determined within each institution by means of Statutes. This will allow for variations in the approach to implementation, to suit the individual circumstances of each institution.

Students will no longer be required to pay amenities and services fees under the amending legislation. All students will be required to join a student guild or association established at their institution, unless they are ineligible for, or exempted from, membership under the terms of the legislation and relevant Statutes.

An annual subscription will be payable by members which will be determined by the student guild or association and approved by the senate or council of each institution.

Provision is made for variations in the levels of subscriptions payable by different classes of students or members.

A provision for conscientious objection has been written into each of the respective Acts to ensure that any person who would otherwise be required to be a member of the appropriate guild or association may be exempted.

The amendments to the Colleges Act will provide for a student association established at a college to be a corporate body with the usual powers and liabilities associated with corporate status. This will overcome problems encountered at the Western Australian College of Advanced Education in formally establishing a guild as a corporate body within the terms of the existing legislation. The formation of a student association at a college established under the Colleges Act will not be mandatory, as such a provision might give rise to difficulties at smaller colleges, particularly during the earlier stages of development. These colleges will, however, be free to establish student associations as soon as circumstances permit.

It is intended that the legislative changes will be operative by the time enrolments for the 1984 academic year commence. At some institutions, it may not be possible to prepare Statutes by this time, and for this reason transitional provisions are included with respect to ineligibility of certain

classes of students for membership of a student guild or association. These transitional provisions will be repealed by proclamation when relevant Statutes are promulgated. The co-operation of institutions and student bodies is being sought in preparing Statutes which are in keeping with the spirit of the amendments.

The amending legislation will remove constraints imposed on student guilds and associations by existing legislation and will provide an opportunity for these bodies to become fully responsible for the management of their affairs for the benefit of students.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. N. F. Moore.

MINING AMENDMENT BILL

Second Reading

HON. PETER DOWDING (North—Minister for Mines) [10.35 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Mining Act 1978 to provide for—

an application fee in respect of prospecting licences and miscellaneous licences; and

retention of rental upon the surrender of a mining tenement.

Prior to December 1982, no person was able to hold more than 10 prospecting licences unless he could establish that "special circumstances" existed. Following representations from industry, the Act was amended in December 1982 to remove this limit.

Since this amendment, widespread pegging of prospecting licences has occurred and these tenements comprise 83 per cent of all applications received in 1983.

The original concept of the Mining Act, 1978 envisaged that the exploration licence would be the major tenement for grass roots prospecting and that the prospecting licence would be used mainly by the prospector and, hence, an application fee for prospecting licences was not provided.

The application fee for prospecting licences is, therefore, now necessary to defray the substantially increased processing costs being borne by the Department of Mines.

It has also been necessary to impose an application fee in respect of miscellaneous licences as a result of the general increase in industry activity.

The 1904 Mining Act does not provide for any refund of *pro rata* rental following surrender of a

tenement. This is not the case in respect of the 1978 Mining Act, which provides for refund of such *pro rata* rental.

It is considered that the Mining Act 1978 should be amended to reflect the provisions of the 1904 Act and eliminate the administrative and budgetary difficulties that are currently being encountered, as a result of such *pro rata* rental being refunded.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. N. F. Moore.

TOBACCO (PROMOTION AND SALE) BILL

In Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (the Hon. D. J. Wordsworth) in the Chair; the Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 9: Operation of vending machine—

Progress was reported after the clause had been partly considered.

Hon. P. H. WELLS: I had thought that my proposed clause would provide a solution but it appears I did not come up with the right wording. I had hoped that the Attorney General would reconsider this question so that we might deal with the amendment at the third reading. However, the Attorney General did not consider it was important.

I tried to incorporate the wording with which the Government originally agreed. It was to be within the Government's hands so that, by gazettal, it could create a way in which young people could avoid having to go to court by receiving counselling. In country areas like Cue or Meekatharra, they could be counselled by the local schoolmaster, and the parents could be involved so they became aware that a difficulty existed.

I gave an undertaking, and I am willing to stand by it. However, I am extremely sad that, because of the lack of resources available to me in dealing with the Bill, I am unable to obtain advice to draft acceptable wording.

Hon. P. G. PENDAL: Like other members, 15 minutes or so ago, I gave an undertaking to the Attorney General that we would delay the passage of the Bill only while this matter was sorted out.

It is unsatisfactory for a member who has had major amendments on the Notice Paper to be treated in this fashion. Members on this side of the Chamber are in the position in which they

could be more brutal; but that has been avoided in this debate.

As I understand the spirit of the amendment proposed by Mr Wells, it is a device aimed at dissuading young people from smoking.

Hon. H. W. Gayfer: There is no more sincere person in this Chamber than Mr Wells.

Hon. P. G. PENDAL: I do not know whether the wording proposed by Mr Wells is right; but the fact remains that he put in a great deal of work.

The Government is said to be committed to legislation that will ultimately bring about fewer people in the community smoking; yet it does not seem to have any desire to accommodate this principle. Had a satisfactorily worded amendment been before us tonight, perhaps members would have voted against it. However, it now appears that we will proceed with the original clause 9.

It is unfortunate that the Government has been, as far as I can see, bloodyminded about this matter. The member has tried genuinely to promote something worthwhile in the field of antismoking.

Hon. J. M. BERINSON: I do not intend to keep this debate going but, in fairness, I should put the record straight.

The Hon. Peter Wells put an amendment on the Notice Paper earlier this week. When I considered it, it appeared to me to be defective in its drafting; and I drew that to his attention. At least one other member of the Committee could confirm that that is my practice. I cannot see any point in engaging in ambush tactics. If we are dealing with faulty drafting, it ought to be pointed out as soon as possible.

On this occasion, again for the second time, I offered the services of Parliamentary Counsel to produce an alternative draft. I put no obligation on anyone to accept that offer. It was merely an extension of the facilities of Parliamentary Counsel to that honourable member as it was extended to another honourable member in an earlier debate.

The amendment drafted by Parliamentary Counsel has not been adopted by the Hon. Peter Wells. I wish to correct any impression that the Hon. Phillip Pendal may have, and which emerged from his recent comments, that the matter now on the Notice Paper was available for my earlier attention and for further correction, and it was there long enough for me to apply myself to it. The fact is that today is the first day that this amendment has appeared. Members know that it appeared within the four full pages of amendments, most of which I had not seen before I ar-

rived at the Chamber at 2.00 p.m. today. I arrived with the obligation of continuing the carriage of a Bill on which we had already spent seven hours into the early hours of this morning.

Everyone has asked me to be fair. I invite other honourable members to accept that what I have done throughout this matter has been done in good faith and in an effort to assist the members. If matters have gone awry, the fault can hardly be put on me since the draft which I provided was not adopted.

The draft that was adopted was brought to my attention much too late for anyone to expect that, with the pressures of debate this afternoon, I could apply myself to it in the same way as I did earlier. That is fair enough. I will use the procedure which I have used previously, but I cannot meet impossible demands.

Having reached this stage in the proceedings, that ought to be accepted, at least as a concluding argument on procedures. I suggest to the Committee that members opposite should now consider the merits.

Hon. P. H. WELLS: Let me make one thing clear: I have received tremendous assistance from the Attorney General, and I know he has given assistance to other members.

The problem we have now is in the interpretation of the wording provided to me as a gesture. I agree that I accepted it. On the day that I received it, I passed it on. We were here until 1.30 this morning, and that was the first time it went onto the Notice Paper. I passed it on the same day the Attorney General provided it. The system creates this problem.

In any case, the advice given to me is that the wording has been satisfactorily arrived at. Proposed new subsection 9 (1) reads—

9. (1) A person who obtains, or who attempts to obtain, from a vending machine a tobacco product commits an offence and is liable to a fine not exceeding \$100 if that person is under the age of 16 years or the tobacco product is for the use of a person under that age.

That embodies exactly what the Minister had in the original clause. Proposed subsection (2) reads as follows—

(2) A person under the age of 16 years charged with an offence against subsection (1) for the first time shall not be required to plead thereto if he consents to undergo counselling in the manner and form prescribed by regulations.

I stop there and indicate that I have deleted the words after "and" in the third line. Proposed subsection (2) gives power to the Government, the Public Health Department, or the Minister to create a counselling order, if they so desire. Proposed subsection (3) reads—

(3) A person shall not be convicted for an alleged offence against subsection (1) in a case to which subsection (2) applies unless the defendant has declined to undergo a course of counselling in accordance with the regulations or, having agreed to undergo such a course, has failed to do so within such time as is, in the circumstances, reasonably practicable.

There was a problem with the previous new clause I sought to move in that it indicated the records should be destroyed. I am advised the new clause which I have just quoted embodies what the Government wants. In its great wisdom and concern for the wellbeing of young people, perhaps the Government could create a situation in which throughout the State, including remote towns, if a person commits an offence he is able to receive counselling in the area in which he resides. The parents could be advised of the offence and perhaps the local headmaster, sergeant of police, or probation officer could deal with the matter. If this is not laid down in the legislation, it may well never be implemented. It is certainly an option which should be embodied in the Bill and unless the Attorney can tell me the proposed new clause is worded incorrectly, I shall seek support for it.

Clause put and a division taken with the following result—

Ayes 12

Hon. J. M. Berinson
Hon. D. K. Dans
Hon. Peter Dowding
Hon. G. J. Edwards
Hon. Lyla Elliott
Hon. Kay Hallahan

Hon. Robert Hetherington
Hon. Garry Kelly
Hon. Mark Nevill
Hon. S. M. Piantadosi
Hon. Tom Stephens
Hon. Fred McKenzie

(Teller)

Noes 17

Hon. W. G. Atkinson
Hon. C. J. Bell
Hon. V. J. Ferry
Hon. H. W. Gayfer
Hon. Tom Knight
Hon. A. A. Lewis
Hon. P. H. Lockyer
Hon. G. E. Masters
Hon. I. G. Medcalf

Hon. N. F. Moore
Hon. Neil Oliver
Hon. P. G. Pendar
Hon. I. G. Pratt
Hon. W. N. Stretch
Hon. P. H. Wells
Hon. John Williams
Hon. Margaret McAleer

(Teller)

Pair

Aye
Hon. J. M. Brown

No
Hon. G. C. MacKinnon

Clause thus negatived.

New clause 9:

Hon. P. H. WELLS: I move—

Page 11—Insert after clause 8 the following new clause to stand as clause 9—

9. (1) A person who obtains, or who attempts to obtain, from a vending machine a tobacco product commits an offence and is liable to a fine not exceeding \$100 if that person is under the age of 16 years or the tobacco product is for the use of a person under that age.

(2) A person under the age of 16 years charged with an offence against subsection (1) for the first time shall not be required to plead thereto if he consents to undergo counselling in the manner and form prescribed by regulations.

(3) A person shall not be convicted for an alleged offence against subsection (1) in a case to which subsection (2) applies unless the defendant has declined to undergo a course of counselling in accordance with the regulations or, having agreed to undergo such a course, has failed to do so within such time as is, in the circumstances, reasonably practicable.

Instead of having penal provisions, it is more desirable that legislation contain provision for counselling and that some real consideration be given to young people. My early experience with the Salvation Army involved working in a reformatory where a large number of children found themselves on the path to the Children's Court. I suggest to members that penal provisions in legislation will result in children finding their way into the courts and if such provisions are supported it is clear members have no real consideration for the wellbeing of the children concerned.

The proposed new clause will provide support for parents, because the counselling order suggested would make parents aware of the situation prior to their child getting into the court system. It will alert parents to the possibility of a problem, and they will be able to deal with it in the home environment.

My amendment will provide some support to parents so that they might know what is going on. This would be a better approach than coming down with a heavy hand and using the Children's Court to overcome the problem. Too many children go to the Children's Court, and it would be better if we could keep them out of it.

Hon. Garry Kelly: You had your chances tonight, but you have blown it.

Hon. P. H. WELLS: The member is suggesting that if we do not agree with him, he will not accept anything we put forward.

If the Government wanted to ignore this provision, if it did not want to give support to the parents, it need not prescribe this so it would not interfere with the operations of the Bill. This is exactly the same as the clause provides at present.

I believe in the welfare approach and the concept of the children being counselled with their parents going along; I believe this is a far better approach than relying on penal provisions. We have this counselling approach with liquor, and people who are charged with drink driving offences are sent down to view films or to undergo educational classes. This is the sort of thing I would like incorporated in this Bill.

My amendment embodies the idea that we can give support to parents who want to look after their children and not let them go to the court. I seek members' support of my amendment.

Hon. JOHN WILLIAMS: In order to help the Attorney and the Committee as a whole I indicate that the Hon. Peter Wells has given me another explanation of this amendment, and I am conscious that an explanation is needed.

The first part of the clause is the operative part, and indicates it will come into operation when the Bill is proclaimed. It provides a penal provision for someone obtaining tobacco products from vending machines for the purpose of passing them on to someone under the age of 16 years. A 25-year-old might be seeking something from a young fellow and might try to bribe him by obtaining cigarettes from a vending machine; it is against someone like this that the penal clause should apply. Subclauses (2) and (3) do not become operative until the Government of the day decides to prescribe a regulation—that is embodied in the amendment. If the Government feels that the child welfare approach is unsatisfactory, it could prescribe a regulation.

I am sorry that the drafting of the amendment at this late stage has proved a little difficult, but I endorse what has been said by the Attorney General and by the Hon. Peter Wells in reply. I ask the Committee to accept my explanation of this clause; I hope I have made it clear.

New clause put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Defence to prosecution—

Hon. JOHN WILLIAMS: I move an amendment—

Page 12, line 23—Delete all words after the word "charged" and substitute the following—

(a) where the alleged offence is against section 5(4), to prove that he did

not know and had no reason to believe that his conduct was a part of the contravention of section 5(1) or (2);

- (b) where the alleged offence is against section 5 or 8(a) to prove that he believed, on reasonable grounds, that the person to whom he sold, gave, or supplied the tobacco product or smoking accessory was not under the age of 16 years;
- (c) where the alleged offence is against section 8(b) or 9 to prove that he believed, on reasonable grounds, that the person for whose use the tobacco product or smoking accessory was sold, given or supplied, or for whose use the tobacco product was obtained or attempted to be obtained from a vending machine, as the case may be, was not under the age of 16 years.

This clause is a tidying up of the original clause and those preceding it. No radical alteration is involved.

Hon. J. M. BERINSON: I confess that, given the pressures of the day, I have not had the opportunity to consider this amendment. I notice that clause 11 provides that where a body corporate commits an offence, every director and other officer, etc., is liable to a penalty provided for that offence.

Clause 12(a) of the Bill covers the situation where we are faced with a need to get to a director or other responsible officer, and it provides a defence for that person in the circumstances set out. At short notice it is not at all clear to me what the effect of this amendment will be and how a director or other officer of a corporate body made liable under clause 11 is now to be protected.

Hon. JOHN WILLIAMS: If I may explain, this relates to the new clause 5, which states in subclause (4)—

A person who, for the purpose of inducing or promoting—

- (a) the purchase of any tobacco product;
- (b) the use for the purpose of smoking of any tobacco product or smoking accessory; or

offers, gives or distributes a free sample of any tobacco product to any person under the age of 16 years commits an offence.

Therefore the proposed new clause 12 would refer to the new clause 5(4).

Hon. J. M. BERINSON: We may be working at several cross-purposes. I understand that Mr Williams is working on the assumption that his amendment will be carried, but we reached the stage where that course was threatened to be diverted by the carriage of the motion that the clause as printed be adopted.

Let me make this suggestion: In all the circumstances we should not attempt to remedy off-the-cuff any limited problem relating to company directors. I suggest that in the circumstances Mr Williams' amendment now be adopted. I undertake to have the position reviewed between now and the third reading debate next Tuesday. I will draw his attention to anything drastic that might emerge from what we have done.

Hon. I. G. Medcalf: You can recommit the Bill if there is any anomaly.

Hon. JOHN WILLIAMS: I thank the Attorney General for his indulgence, and assure him I will research this matter as well. I will be on standby for anything he might transmit to me should the Bill require further amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 to 15 put and passed.

Postponed clause 1: Short title—

Hon. JOHN WILLIAMS: I move an amendment—

Page 1, line 8—Insert after the word "Sale" the words "to Young Persons".

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 2: Commencement—

Hon. JOHN WILLIAMS: I move an amendment—

Page 2, line 2—Delete the expression "90th" and substitute the expression "30th".

Other sections in the Bill which have been deleted refer to a 90-day period. It was felt that 30 days with the revamped Bill would be quite sufficient time in which people could comply with all the procedures.

Amendment put and passed.

Hon. JOHN WILLIAMS: I move an amendment—

Page 2, lines 5 to 7—Delete subclause (2).

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 3: Interpretation—

The clause was amended, on motions by the Hon. John Williams, as follows—

Page 2, lines 10 to 33—Delete the interpretation "exempt newspaper".

Page 3, lines 1 to 12—Delete the interpretation "newspaper".

Page 3, after line 12—Insert the following interpretation—

"public place" means a place to which the public would normally have access whether on payment of a fee or charge or not;

Page 3, after lines 13 to 36, and page 4, lines 1 to 4—Delete the interpretation "to publish".

Page 4, line 5—Insert the following interpretation—

"selling outlet" means any shop, store, warehouse or building from which the sale of tobacco products takes place and includes a vending machine;

Page 4—Delete the interpretation "specified item".

Postponed clause, as amended, put and passed.

Postponed clause 4: Exemption—

Hon. JOHN WILLIAMS: I move an amendment—

Page 5—Delete all words after the clause designation "4." with a view to substituting other words.

This new initiative is introduced in the belief that it addresses the problem of minors, that is, persons under the age of 16 years, from smoking in public places. It is believed that this clause will do more towards breaking down peer group pressure to smoke than any other measure.

Hon. D. K. Dans: It will bring down the parents financially!

Hon. JOHN WILLIAMS: It will put the onus on the selling outlets. In other words, if young people can be dissuaded from smoking in public places a lot of peer group pressure will disappear. I will not rave on about this. It is merely a suggestion or a new initiative which I feel addresses the problems we have in regard to minors smoking in public places. These children believe it is "in" to join a group which is smoking. How many of us have not seen a group of under-16s moving through a shopping mall or other public place, puffing away? If they are discouraged from doing that and are instructed that it will be an offence to do this—it does not necessarily mean they will be fined \$100 automatically—

Hon. J. M. Berinson: No, they will just be charged.

Hon. JOHN WILLIAMS: The charge also appears in another part of the Bill.

Hon. Garry Kelly: You had a chance to do something about it.

Hon. JOHN WILLIAMS: I wish the member would not keep going on about that. I have done what I consider to be my best on this Bill. That the member's policy and mine do not coincide is no reason for him to harangue me by saying I had a chance.

Hon. Garry Kelly: You did, too.

Hon. JOHN WILLIAMS: The member is just as guilty as anybody else.

Hon. Garry Kelly: Of what?

Hon. JOHN WILLIAMS: The member should not start on that caper with me. He is making me sick.

Hon. Garry Kelly: Not as sick as you make me.

Hon. D. K. Dans: Do not start throwing up in here.

Hon. J. M. BERINSON: The Hon. John Williams has described this as a new initiative, and it certainly is that. It creates a novel offence and draconian penalties for a practice which is now widespread. It invites comparison with attempts at prohibition which earlier in this debate were described as highly undesirable. It is put forward in the context of a debate where people have expressed their concern for individual freedoms, particularly the individual freedom of a commercial operation to advertise, and here we see that for the first time ever smoking will be an offence. We have just passed clause 4 and have said to ourselves, "It would make it much easier for the draftsman if we had another clause 4. Let us find a new offence", and the one we have found is the offence of smoking by people under the age of 16 in public places. I estimate that practice is carried out by thousands of people today. Is it to be suggested that these groups of juveniles going down a mall smoking will all be charged? Let them be fined, however lightly. Are we seriously suggesting that they will be charged? If they are doing this in the school playground and the attention of the headmaster is drawn to it, he must call in somebody to pick up the kids because they are smoking and thus committing an offence.

Hon. JOHN WILLIAMS: I reassure the Attorney General that I take cognisance of the argument he has put forward. His argument was reasonable and well balanced. I will not proceed with the amendment.

The CHAIRMAN: I point out to the Committee that I think the Attorney General will

want this clause to be defeated anyway because it now has no relevance.

Amendment put and passed.

Hon. JOHN WILLIAMS: I move an amendment—

Substitute the following for the words deleted—

A person under the age of 16 years who—

- (a) smokes in a public place; or
- (b) obtains, or attempts to obtain, from any selling outlet a tobacco product, commits an offence.

Penalty: \$100.

Amendment put and negatived.

Clause thus negatived.

New clause 9A—

Hon. P. H. WELLS: I move—

Page 11, line 23—Insert after clause 9 the following new clause to stand as 9A—

A vending machine shall not be installed or operated on other than licensed premises.

This is one of the important approaches in terms of cutting out the supply of tobacco products to children. The clause previously dealt with concerned an offence in respect of someone who sells tobacco products to a child. We are now confronted with the problem of unsupervised vending machines. The only way the Government has been able to control this situation is to impose a fine on a child.

I discussed a number of options which could be considered to bring vending machines under complete supervision, but we still have a problem because if we have to pay to have them supervised, it would be tantamount to not needing a vending machine. Perhaps we could place a total ban on vending machines. Some people would find that abhorrent, but we do not sell liquor through a vending machine. I have had discussions with industry on this matter, and it transpired that of the 625 machines in operation, 76 per cent are on licensed premises. A child must be 16 years to be on licensed premises. I understand that if a licensee allows an unsupervised child on his premises, he is breaking the law. A child is permitted on licensed premises if he is under the supervision of an adult.

If we consider that law, we note that we have an ideal way in which to deal with the problem and cut out the supply of tobacco products to children. Of course, parents could supply tobacco products to their children in the home and break the law, but it would be difficult for the Government to enforce the law.

People in the industry have advised me that if we narrow the area in which vending machines can be used the leasing charge for vending machines in licensed premises may be increased. However, I think this is an ideal opportunity to come to grips with the problem. The use of vending machines is leaving the back door open for young children to obtain tobacco products.

The Minister, in discussions with me, has admitted that a problem exists in implementing the law with regard to the supply of tobacco products to children under 16. However, this Government has been willing to attempt to do something about the problem. We have the situation where a retailer who supplies tobacco products to children under the age of 16 is liable to a fine of \$200. He may employ a number of people and not wish to place himself in the position where he may be fined. He may take the easy way out and install a vending machine and then the onus is placed on the children. There could be a proliferation of vending machines. Retailers do not want to be in the position where they will have people calling to their shops inquiring into reports that they are selling tobacco products to children under the age of 16.

We must make a realistic approach and do something about the area of vending machines so that they are installed in licensed premises. We have an in-built policing body in the Police Force. We must lock the door to young people gaining access to tobacco products.

My desire is to provide less opportunity for young people to obtain tobacco products. With the use of vending machines young people have more opportunity to obtain these products without the knowledge of their parents, and they become smokers for life.

Hon. V. J. FERRY: I appreciate the motive behind the proposal moved by the Hon. Peter Wells. I appreciate also his sincerity. He has put forward a case with great force, but I am afraid that I have to differ with him on this proposal.

I believe to adopt this proposal would not be acceptable to the community in which we live today. Vending machines are present in all sorts of places, such as bus stations, railway stations, etc. I know that the Hon. Peter Wells plans to restrict these machines to licensed premises, but I do not believe the community would accept that situation.

One can go to many countries in the world and can obtain all sorts of products from vending machines, including liquor. In Australia one can obtain liquor from vending machines in hotels and they have become a universal mode of trade.

I can understand Mr Wells' attitude on this matter and I commend him for it. However, for practical purposes I find his proposal would not be acceptable in the general community.

I might make a suggestion that this matter be looked at at a later stage—say 12 months—after it has been ascertained how the legislation has settled down. If this proposal is found to be acceptable at that time I will be prepared to consider it.

Hon. P. H. WELLS: My only comment to those remarks is that it is quite correct that vending machines are available overseas. However, those countries do not consider the question of tobacco-related diseases. We want to deal with the problem of the accessibility of tobacco products to children. Other countries do not consider this question.

The penalty for owners of vending machines supplying cigarettes to children is not as great as other penalties in this Bill. We are encouraging young people to purchase cigarettes from vending machines and I want to do something about it.

I do not like restriction in any form, but I see no alternative but to ban vending machines. Unless this clause is well handled we leave wide open the opportunity for children to obtain tobacco products.

Hon. P. G. PENDAL: I intend to oppose this clause moved by the Hon. Peter Wells. It is probably true that in the circumstances there will be something of a loophole and I guess it is not good law-making to allow something to go through when one can see at this stage of the life of the legislation that there is such a loophole. Nonetheless, I think we will find that the occasions to which the Hon. Peter Wells refers will be few and far between. However, if those deficiencies become clear I think it is incumbent on the Parliament to find a proper solution. Mr Wells' new clause creates more problems than we have at the moment.

New clause put and negatived.

New clause 10A—

Hon. P. H. WELLS: I move—

Page 12—Insert after clause 10 the following new clause to stand as clause 10A—

Retailer may be prohibited from selling.

(a) sells, as part of his business, tobacco products or smoking accessories at retail; and

(b) is convicted of an offence against section 8 for the third time in a period of less than 12 months,

shall, in addition to any other penalty that may be imposed, be prohibited by the court from selling, whether from his business premises or otherwise, any tobacco product or smoking accessory for such period not exceeding 12 months as the court may think fit.

(2) A person who acts in breach of an order made under subsection (1) commits an offence and is liable to a fine not exceeding \$2 000.

This clause is to provide a regulating mechanism in terms of the business area. As I mentioned in my second reading speech, regulating mechanisms are built into legislation to prevent people from losing what they have worked for. For instance, in the mining industry a company may stand to lose leases or options for leases if they do not do what is required in the agreement. At the present time, the supply of tobacco to young persons is rather prolific. There is nothing to stop shopowners selling tobacco products to minors. This clause provides a realistic incentive to shopowners to ensure that their staff abide by the law.

Under this clause a person convicted for selling cigarettes to minors on the third occasion can be prohibited from selling tobacco products.

I believe that this clause, when enacted, would be seldom used, because it would have the effect of ensuring that people abide by the law. The department does not have available sufficient staff to ensure that the Act is implemented. The penalty that exists under this legislation is something like \$30 to \$50 for the first offence, and that is only a minor deterrent. I seek the support of members for this clause because I believe it would to some degree assist in self-regulating the industry.

New clause put and passed.

Title—

Hon. JOHN WILLIAMS: To put the title of the Bill in order it will be necessary to delete the words "advertisement and" in the first line. I move an amendment—

Line 1—Delete the words "advertisement and".

Amendment put and passed.

Title, as amended, put and passed.

The CHAIRMAN: I thank the Committee for the consideration it has shown. It has been a difficult Committee considering the fact that the Government Printer was not able to deliver the amendments until a few minutes before the Bill

was handled. Perhaps the Government should take into account the difficulties the Government Printer is experiencing in such matters.

Report

Hon. J. M. BERINSON: I move—

That the Bill be reported.

I propose to speak to this briefly for technical reasons only. With the best will in the world and all respect to the people who were involved in the drafting of the many amendments under consideration, I think it would be close to miraculous if we completed the sort of exercise in which we have been engaged tonight, especially with the short notice of the amendments to be proposed without

something being found to be wrong. I mean that in the technical drafting sense. For that reason I have not pursued individual matters in the course of debate in Committee, leaving any problems to be cleared up later.

As I indicated at one point in the debate I will attempt to have the consolidated, amended Bill reviewed and I will suggest a recommitment in due course if necessary.

Question put and passed.

Bill reported with amendments and an amendment to the title.

House adjourned at 11.56 p.m.

QUESTIONS ON NOTICE

MINISTERS OF THE CROWN

Staff: Mr Ron Smith

550. Hon. N. F. MOORE, to the Leader of the House representing the Premier:

Has Mr Ron Smith been appointed as an adviser on housing matters to the Premier or to the Minister for Housing?

Hon. PETER DOWDING replied:

Mr Ron Smith is neither a ministerial adviser, ministerial officer, or staff member.

He is a consultant to the Premier and has been employed to work with the State Housing Commission to identify land to be sold to finance construction of State Housing Commission housing.

WATER RESOURCES

Denham

572. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

- (1) Is the Minister aware that some people in Shark Bay are refusing to pay their second water meter charge of \$78?
- (2) Will the Minister initiate immediate negotiations with the residents involved to offset unnecessary confrontation with PWD officers?
- (3) Will the Minister also treat, as a matter of urgency, the dispensation of the second meter charge for the people of Shark Bay?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) No confrontation by residents with PWD officers is occurring.
- (3) No. This request has been considered on a number of occasions and cannot be supported in view of the high financial losses being sustained on this scheme.

LAND: ABORIGINES

Rights: Government Policy

573. Hon. N. F. MOORE, to the Minister for Mines representing the Minister with special responsibility for Aboriginal Affairs:

- (1) Was the Minister correctly reported in *The Western Mail* of 15-16 October

1983, as having said with respect to Aboriginal land rights: "If we were wholly committed to the NT scheme of things, there wouldn't be any need for any inquiry"?

- (2) If so, does this mean that the State Government is now not bound by the ALP's 1982 State platform, and the ALP's 1982 Federal platform, on the question of land rights for Aborigines?
- (3) If the State Government is not bound by the ALP's 1982 Federal platform on Aboriginal land rights (Chapter 1, Section B. Land Rights), is it with the concurrence of the Federal Government and the national Executive of the ALP?

Hon. PETER DOWDING replied:

- (1) In as far as the member quotes part of what the Minister said, the answer is "Yes".
- (2) No.
- (3) No.

574. *This question was postponed.*

LAND: ABORIGINES

Rights: Government Policy

575. Hon. N. F. MOORE, to the Minister for Mines representing the Minister with special responsibility for Aboriginal Affairs:

In *The Western Mail* of 15-16 October 1983, the Chairman of the National Aboriginal Conference, Mr Riley, is reported as saying: "In theory, Aboriginal people have grounds to claim the whole of the State—indeed the whole of the country..." I ask—

- (1) Is it the State Government's policy that Aborigines have grounds to claim the whole of Australia, and if so, what are these grounds?
- (2) If the State Government does not believe that Aborigines have grounds to claim the whole of Australia, will the Government publicly state what its policy is on this matter?

Hon. PETER DOWDING replied:

- (1) No.
- (2) The Government has accepted in principle that Aborigines have, because of—
 - (a) their traditional spiritual relationship with land a basis for claiming such land and/or

- (b) because of the appalling social and economic deprivation—the situation allowed to develop as a result of inaction by the previous Government—

a claim which ought to be granted. This Government is determined to ensure the improvement of the position of the indigenous population in our society. That is something the Opposition, like its Federal counterpart, should support. The Government does not believe that Aborigines have grounds to claim the whole of Australia. The Government does acknowledge that Aboriginal people resided in Australia before the arrival of European settlers and that that is a fact which the Government should and does acknowledge as placing Aboriginal people in a unique position in Australian society.

ROTTNEST ISLAND

Rowdy Behaviour

576. Hon. P. G. PENDAL, to the Minister for Mines representing the Minister for Police and Emergency Services:

I refer to the answer to question 496 of Tuesday, 18 October 1983, and ask—

- (1) Were the extra 13 police officers assigned to Rottnest Island during the October long weekend employed as part of their normal duties, or was overtime involved?
- (2) If overtime was involved, what was the amount involved for the long weekend?

Hon. PETER DOWDING replied:

- (1) and (2) The extra 13 police officers assigned to Rottnest Island during the October long weekend were employed as part of their normal duties. Overtime was not incurred.

LAND: ABORIGINES

Rights: Freehold Land

577. Hon. N. F. MOORE, to the Minister for Mines representing the Minister with special responsibility for Aboriginal Affairs:

- (1) In view of the statement attributed to the Minister in *The Western Mail* of the weekend 15 and 16 October 1983, that Aboriginal land rights would not be

granted over existing freehold land, does this mean that—

- (a) Mr Seaman has been directed by the Government not to consider granting Aboriginal land rights over existing freehold land; or
 - (b) the Government has decided to pre-empt the Seaman report and has resolved not to grant land rights to Aborigines over existing freehold land; or
 - (c) Mr Seaman has already recommended that existing freehold land should not be granted to the Aboriginal people?
- (2) If none of these assumptions is correct, why did the Minister make a definitive statement on land rights prior to receipt of the Seaman report?

Hon. PETER DOWDING replied:

- (1) (a) to (c) No.

- (2) Mr Seaman has been commissioned to inquire *inter alia* into the means by which the reasonable aspirations of Aboriginal people to acquire land can be accommodated. The Government does not regard it as reasonable that privately owned property should be available for claim except in as far as that land may be acquired by purchase upon its becoming available on the open market. If, however, the member would like the Government to consider an extension of the terms of reference to include such a proposition, would he communicate by letter to the Minister responsible for Aboriginal Affairs setting out the grounds on which he sees such a proposition could be supported.

The question obviously evidences the Opposition's ill-informed and misguided attempts to create fear in the general community about the introduction of Aboriginal land rights. The honourable member should be putting his efforts into trying to understand the genuine grievances of the Aboriginal people so that their position in society may be improved.

I heartily endorse the Minister's comments.

Several members interjected.

Hon. P. G. Pental: Gratuitous advice! He has gone right against his own statements.

Hon. G. E. Masters: That is not uncommon, is it?

LOCAL GOVERNMENT

Grants Commission: Structure

578. Hon. P. H. LOCKYER, to the Minister for Mines representing the Minister for Local Government:

- (1) Is it the Government's intention to alter the Local Government Grants Commission structure?
- (2) If so, what alterations are planned?

Hon. PETER DOWDING replied:

- (1) and (2) The structure of the commission is set down in the Local Government Grants Act and there is no intention of amending these provisions. However, the term of the present members of the commission will expire on 31 October 1983, and the membership will be revised for the ensuing term.

LAND: AGRICULTURAL

Pine Planting

579. Hon. W. N. STRETCH, to the Leader of the House representing the Premier:

In order to purchase cleared farming land for the planting of pines on suitable areas of Manjimup and surrounding districts, and in order to protect the value and sound utilisation of land in the area—

- (1) Is it the intention that the Government will be a bidder on such land put up for sale by auction?
- (2) If "Yes", will the Premier give an undertaking that such a Government agency that is bidding will publicly identify itself immediately prior to the commencement of bidding?
- (3) Will the Premier give an undertaking not to proceed with the planting of pine plantations without the written agreement of adjoining farmers?

Hon. D. K. DANS replied:

- (1) Yes, if found necessary.
- (2) Yes.
- (3) No. Normal management practices are not expected to produce adverse effects

on adjoining farms. Should problems arise they will be handled on a neighbour to neighbour basis.

HOUSING

"Spot Purchase" Plan

580. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

- (1) Was the Minister correctly reported in *The Western Mail* on Saturday/Sunday, 15 and 16 October 1983, as stating that the State Housing Commission would purchase at random 80 houses to be used for rental purposes?
- (2) If so, will the Minister advise the names of the suburbs in which these spot purchases will be made?
- (3) If not, why not?

Hon. PETER DOWDING replied:

- (1) The initial programme is to purchase 60 houses.
- (2) The purchases as far as possible will be—
South-east corridor—30
Fremantle—15
North of the river—15
- (3) Not applicable.

EDUCATION

High School: Darkan District

581. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Works:

Have the repairs and renovations been completed at the Darkan District High School?

Hon. D. K. DANS replied:

Yes. Practical completion was awarded on 1 September 1983 and the work is now in the maintenance period.

Hon. A. A. Lewis: That's wrong.

MINING: DIAMONDS

Lake Argyle: Aboriginal Community

582. Hon. N. F. MOORE, to the Minister for Mines representing the Minister with special responsibility for Aboriginal Affairs:

It was reported in *The West Australian* on 12 October 1983 that the WA Government is to set up a social impact and assessment group to protect Aboriginal interests in the development of the Argyle diamond project. Will the Minister advise—

- (1) Who is to be appointed to this group?
- (2) Which Aboriginal communities will benefit from the reported expenditure of \$5 million over the next five years?
- (3) What it proposes to do with the initial expenditure of \$1 million?
- (4) Who are the traditional residents who will be disturbed by mining activities at Smoke Creek?

Hon. D. K. DANS replied:

- (1) No final decision has yet been reached.
- (2) That is the subject of discussion with the Aboriginal community concerned.
- (3) That has not yet been decided.
- (4) Those Aboriginal people living in the surrounding communities (Woolah, Mandangala, Warmun and Guda Guda). The member may care to read that section of the ERMP report entitled "Argyle Diamond Project" dealing with the Aboriginal cultural communities affected.

RECREATION: SPORT

State Representative Awards

583. Hon. P. H. WELLS, to the Minister for Mines representing the Minister for Youth and Community Services:

- (1) How many State representative sport awards have been given out each month since they were introduced?
- (2) How many badges for these awards have been purchased?
- (3) What is the total cost of the State representative sport awards to date?
- (4) Who qualifies for these awards, and to whom do they make application?

Hon. PETER DOWDING replied:

- (1) 210.
- (2) 5 000.
- (3) \$10 781.
- (4) All State representatives, excluding officials; i.e. junior, senior, veterans and disabled. Applications should be made by State associations on behalf of the representatives. Recipients must be affiliated with State associations.

MINISTERS OF THE CROWN

Staff: Mr Ron Smith

584. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

- (1) Has a proposal been put forward by the Government's Housing adviser, Mr Ron Smith, that certain suburbs should have their names changed to improve their image?
- (2) If so, are any suburbs being considered for a name change?

Hon. PETER DOWDING replied:

- (1) No formal proposal has been received by the State Housing Commission.
- (2) Answered by (1).

EDUCATION

Primary School: Duncraig-Poynter

585. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

Will the Minister provide a detailed break-down on how and when the \$200 000 for additional stages at Duncraig-Poynter Primary School Budget allocation will be spent?

Hon. J. M. BERINSON replied:

Yes. This information will be provided by letter.

HOUSING

Land: Sale

586. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

Further to my question 133 of Thursday, 4 August 1983, will the Minister advise—

- (a) the name of the private consultant who has been appointed to report on the marketing of State Housing Commission land; and
- (b) whether his report has been completed?

Hon. PETER DOWDING replied:

- (a) Mr R. G. Smith;
- (b) yes, with regard to the metropolitan area.

EDUCATION

Primary School: Duncraig-Glengarry

587. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

Will the Minister provide a detailed break-down on how and when the \$200 000 for the additional stage at Duncraig-Glengarry Primary School Budget allocation will be spent?

Hon. J. M. BERINSON replied:

Please refer to question 585.

HOUSING

Land: North Fremantle

588. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

(1) Does the State Housing Commission own any land in North Fremantle?

(2) If so—

(a) will the Minister provide details of this land; and

(b) what does the Government propose to do with this land?

Hon. PETER DOWDING replied:

(1) Yes.

(2) (a) Part Lot 67 Thompson Road/Alfred Street—ex-fire station site.

Lots 237, 238, 243, 244, 247, 248 Phyllis Street.

Lot 320 Rule Street zoned public open space.

Lots 19-23 Ainslie Road.

Lots 24-30 Harvest Road;

(b) Lot 67 Thompson Road/Alfred Street is being considered for an aged persons complex in 1984-85.

No plans finalised by the State Housing Commission for the remainder of the land.

REGIONAL DEVELOPMENT

Budget Allocation

589. Hon. P. H. WELLS, to the Minister for Mines representing the Minister for Local Government:

For what specific purposes will the \$468 706 regional centres and emergencies Budget allocation be used?

Hon. PETER DOWDING replied:

The Budget allocation for regional centres and emergencies is \$707 000 not \$468 706 as stated in the question.

The Budget allocation of \$707 000 will be used for the following specific purposes—

	\$
(a) Printing	4 000
(b) Staff transfer costs	6 000
(c) Travelling expenses	49 000
(d) Public information and education	9 000
(e) Maintenance of operational equipment	5 000
(f) Purchase of operational equipment	80 000
(g) Training expenses	29 000
(h) Motor vehicle running costs	77 000
(i) Radio communications ...	124 000
(j) Regional Co-ordinators:	
(1) Metropolitan north	28 000
(2) Metropolitan south	25 000
(3) Carnarvon	71 000
(4) Bunbury	2 000
(5) Port Hedland	139 000
(6) Northam	8 000
(7) Albany	14 000
(8) Geraldton	10 000
(9) Derby	27 000
	<hr/>
	\$707 000

HOUSING

Land: Sale

590. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

Will the Minister provide details of any State Housing Commission land which—

(a) is currently on the market for sale by private treaty; or

(b) has been advertised as being for sale by public auction?

Hon. PETER DOWDING replied:

- (a) There are a number of sites for residential and other purposes available for sale by private treaty and I will give these details to the member by letter;
- (b) thirty-seven home site lots currently advertised for auction in Karrinyup, 12

November, 45 home site lots to be advertised Saturday, 22 November in Kingsley for auction, 19 November.

EDUCATION

Primary School: Warwick-Hawker Park

591. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:
Will the Minister provide a detailed break-down on how and when the \$157 000 for the Warwick-Hawker Park Primary School Budget allocation will be spent?

Hon. J. M. BERINSON replied:
Please refer to question 585.

EDUCATION

Primary School: Kingsley-Creaney

592. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:
Will the Minister provide a detailed break-down on how and when the \$19 000 for the Kingsley-Creaney Primary School Budget allocation will be spent?

Hon. J. M. BERINSON replied:
Please refer to question 585.

593. *This question was postponed.*

EDUCATION: HIGH SCHOOL

Warwick: Budget Allocation

594. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:
Will the Minister provide a detailed break-down on how and when the \$750 000 for the additions at Warwick High School Budget allocation will be spent?

Hon. J. M. BERINSON replied:
Please refer to question 585.

EDUCATION: HIGH SCHOOL

Duncraig: Budget Allocation

595. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:
Will the Minister provide a detailed break-down on how and when the \$893 000 for the additional stages at Duncraig High School Budget allocation will be spent?

Hon. J. M. BERINSON replied:
Please refer to question 585.

EDUCATION: HIGH SCHOOL

Craigie: Budget Allocation

596. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:
Will the Minister provide a detailed break-down on how and when the \$10 000 for the additional stage at Craigie High School Budget allocation will be spent?

Hon. J. M. BERINSON replied:
Please refer to question 585.

EDUCATION: HIGH SCHOOL

Woodvale: Budget Allocation

597. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:
Will the Minister provide a detailed break-down on how and when the \$270 000 for a new high school at Woodvale Budget allocation will be spent?

Hon. J. M. BERINSON replied:
Please refer to question 585.

EDUCATION: HIGH SCHOOL

Ocean Reef: Budget Allocation

598. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:
Will the Minister provide a detailed break-down on how and when the \$804 000 for a new high school at Ocean Reef Budget allocation will be spent?

Hon. J. M. BERINSON replied:
Please refer to question 585.

599. *This question was postponed.*

EDUCATION

School Buses: Guidelines

600. Hon. D. J. WORDSWORTH, to the Leader of the House representing the Premier:

With respect to the answer to question 571 of Wednesday, 19 October 1983, what Government agency was responsible for the insertion of the advertisement referred to in question 541 of Tuesday, 18 October 1983?

Hon. D. K. DANS replied:

The Australian Council on Smoking and Health inserted these advertisements. The Australian Council on Smoking and Health is not a Government agency.

QUESTIONS WITHOUT NOTICE

TAXATION

Sales: State Government Insurance Office

144. Hon. P. G. PENDAL, to the Attorney General:

Supplementary to the question I asked him yesterday, I now understand that the Attorney General may have some information that relates to the SGIO and its provision for taxation.

Hon. J. M. BERINSON replied:

The Hon. Phillip Pendal asked three questions yesterday. Firstly, he asked for an unequivocal assurance that neither the SGIO nor I personally had arranged or influenced the advertising programme of the SGIO so as to influence the Bill now before Parliament.

I immediately gave him my assurances in that regard. I am now able to advise that I have received a written assurance to the same effect from the General Manager of the SGIO. Secondly, the member referred to an amount of \$5.77 million as a provision for tax in the balance sheet of the SGIO for the year ended 30 June 1980.

He asked whether the nonpayment of that tax liability indicated some special advantage to the SGIO. The answer is "No".

I am advised that the item in the balance sheet was in accord with normal accounting practice and represented the office's own estimate of taxation liability. In the normal course of events the assessment of tax was rendered by the Treasurer in the financial year that followed, 30 June 1983, and it was then paid promptly.

The member asked finally why no provision was made for taxation in two of the last five years. I can now confirm my preliminary advice that it paid no taxation because it had no taxable income in those years.

TAXATION

Sales: State Government Insurance Office

145. HON. P. G. PENDAL, to the Minister assisting the Treasurer:

I ask a supplementary question on the same subject. In his most recent reply to me, in referring to the \$5.7 million, the Minister said that it had been paid promptly.

I ask whether the amount paid to the State Treasury was equivalent to what would have been the full tax liability?

Hon. J. M. BERINSON replied:

That is what I was proposing to convey. The equivalent of the taxation liability was paid promptly to the Treasury on the rendering by the Treasury of its assessment.

AGED PERSONS

Senior Citizens' Centres

146. HON. PETER WELLS, to the Minister assisting the Treasurer:

I refer the Minister to question 505 and ask when I am likely to expect a letter referring to the Budget money.

HON. J. M. BERINSON replied:

With due respect this is not a question properly put to me. It is not the responsibility of the Treasurer to account for the detailed breakdown of expenditure by the Education Department. That is a question that would need to be put to the proper Minister.

FUEL AND ENERGY: STATE ENERGY COMMISSION

Stanford Research Institute Study: Government Action

147. HON. N. F. MOORE, to the Minister for Fuel and Energy:

(1) How long has the Government had the report of the Stanford Research Institute study into the ambit of Government involvement in energy administration?

(2) When can we expect action on this report?

HON. PETER DOWDING replied:

(1) The report has been in the hands of the Government for probably a month to a month and a half, although I am subject to correction as to the precise day.

- (2) It is not the sort of report that calls for immediate action, but rather for the examination of alternatives and options and as a guide to the implementation of future policy initiatives by the Government. I do not anticipate that the member will find the Government acting upon the report in the short term.

I expect the report to be available in due course and when it is I look forward to any useful comments that the Hon. Norman Moore may find in the report and wish to make known to the Government.

UNIONS

Elections: Rigged

148. Hon. NEIL OLIVER, to the Minister for Industrial Relations:

I refer the Minister to my question 524 on Thursday 13 October. Is the Minister in a position to supply the information to that question which was not conveyed at the time it was asked?

Hon. D. K. DANS replied:

I thank the member for advising me that he was pursuing this question.

Hon. Peter Dowding: That is not Dorothy over there, is it?

Hon. D. K. DANS: At expense and time we have gone across the Commonwealth to obtain the correct answer and I hope that members will bear this in mind, because I am always doing my best to answer questions.

Several members interjected.

Hon. D. K. DANS: The Hon. Neil Oliver asked the following question—

I refer to the article on page 3 of *The West Australian* of 21 September 1983 concerning allegations that two trade union elections were rigged after postal ballots had been tampered with, and the undertaking given by the Leader of the House on the adjournment debate of 21 September. Can he now advise—

- (1) Which unions were involved in these allegations?

The union was the Australian Postal and Telecommunications Union. The second part of his question was: Is either or both these unions affiliated with the Aus-

tralian Labor Party? I advise the answer is "Yes".

The third part of the question was: Have any charges been laid against either or both the unions and/or individuals as a result of these allegations? No charges have been made against individuals or the APTU as a result of the recent allegations. Inquiries into the allegations are still proceeding and when they are available members will not have to ask me the question because the answer will be on the front page of every paper in the country.

MINING: SALT

Lake MacLeod: Difficulties

149. Hon. P. H. LOCKYER, to the Minister for Industrial Relations:

- (1) Is the Minister aware of Press reports in last night's *Daily News* and this morning's *The West Australian* concerning the possible heightening of the problems of Dampier Salt Ltd. at Carnarvon?

- (2) Would the Minister explain to the House whether it is a danger?

Hon. D. K. DANS replied:

- (1) and (2) I have been engaged in continuing negotiations with Dampier Salt Ltd. and the unions concerned and have visited Carnarvon on three or four occasions. The problem, of which the Hon. P. H. Lockyer is well aware, with the Lake MacLeod operation is that it is losing money.

In fact, the figure given to me by the Government since the inception of Texada Mines, which was the first company in operation, spent by private entrepreneurs is \$60 million. I have no way of knowing whether that is correct. However, Dampier Salt Ltd. which operates Lake MacLeod has stated that if the unions were prepared to give a bit, if the companies concerned were prepared to give a bit, and if the Government would give it certain things there is a chance that it could continue with its operations. The company would not be making money if this occurred. It is true that the unions involved have agreed to forego some conditions with a view to keeping the company in operation. The company has made a number of cuts in

staff wages, salaries and other conditions.

The P & O company which operates the tugs have made a number of concessions and the maritime unions are still considering their position. It is not that they do not want to help, but those unions are locked into the Federal wages system. I am hopeful that they will come to the party.

I hope the Government confers with the company with a view to doing some of the things the company would like it to do to allow the Lake MacLeod company to continue. The Government, as did the previous Government, sees the continuation of the Lake MacLeod operation as vital to the viability of Carnarvon and also to the social structure of Carnarvon. I hope that given a little time this issue can be brought to a successful conclusion and is not postponed further. I would like to think that any agreement entered into is of a long-term nature.

FUEL AND ENERGY: ELECTRICITY AND GAS

Charges: Inquiry

150. Hon. N. F. MOORE, to the Minister for Fuel and Energy:

I refer the Minister to three statements concerning State Energy Commission tariffs and ask how he, as Minister for Fuel and Energy, can reconcile these statements.

(a) I refer to an article in *The West Australian* on 17 October relating to the SEC. It states—

But Mr Dowding said yesterday that there was no urgency in establishing the inquiry because the 1983-84 tariffs were already set.

The inquiry would be held in mid-1984 before the next round of increased energy prices.

(b) An advertisement appeared in *The West Australian* on Saturday, 14 May which reads as follows—

This is not the ongoing enquiry into tariffs which the Government announced earlier. The ongoing enquiry cannot com-

mence prior to the closing date for these submissions.

(c) I refer him further to a question answered in the Legislative Assembly on his behalf on Wednesday, 27 July. It reads as follows—

Shortly after coming to office the Government indicated it would set up a small team to review SECWA tariffs later in the year. Further information will be released in due course.

Hon. PETER DOWDING replied:

(a) to (c) I can reconcile those quite easily.

The last of those statements chronologically is a report of a telephone discussion between myself and a reporter which occurred, I think, last Sunday afternoon. I said to the reporter that the inquiry would not affect the 1983-84 tariffs because those tariffs were not placed and they were the basis upon which the SEC had made its budgetary decision, but that the inquiry would occur and would be satisfactory as long as it resolved the issues before the beginning of the next financial year when the 1984-85 budgets would have to be in place. The report as it appeared in the newspaper did not carry that clear statement and to that extent it is a misunderstanding of the comment I made in that telephone interview.

The advertisement to which the Hon. Norman Moore referred did not give any indication that the inquiry would be determined or would commence before the date upon which the submissions called for, in relation to the 1983-84 tariffs, had been received. It was merely a statement that an invitation to the people to comment on the 1983-84 tariffs was an invitation which occurred fairly late in the day since we had only just taken office. It occurred in order to give the people who felt strongly about the issue an input instead of being confused about the inquiry.

The facts of the matter are, as stated in the third part of the question, that the inquiry will be held in due course and it will be held before the 1984-85 tariffs are set.