

LEGISLATIVE COUNCIL

Wednesday, 20th November, 1991

The President took the chair at 10.30 a.m.

The President offered the Prayers.

PETITIONS

Abortion

Petition praying that because of recognition of the right to life of the unborn child, the House support the Procurement of Miscarriage Limitation Bill, received from the **Hon. Elaine Nile and the Hon. J. R. Johnson**.

Stray Dogs

Petition praying that the Premier fulfil his promise to ban the sending of stray dogs to laboratories within New South Wales, received from the **Hon. R. S. L. Jones**.

BUSINESS OF THE HOUSE

Precedence of Business

Motion, by leave, by the Hon. E. P. Pickering agreed to:

That as a matter of necessity and without previous notice so much of the standing and sessional orders be suspended as would preclude general business taking precedence of Government business today with the following order of business:

Tobacco Advertising Prohibition Bill
Procurement of Miscarriage Limitation Bill
Medical Practitioners (Amendment) Bill
Nurses (Conscientious Objection) Amendment Bill

TOBACCO ADVERTISING PROHIBITION BILL

Second Reading

Debate resumed from 14th November.

The Hon. Dr B. P. V. PEZZUTTI [10.35]: Last Thursday afternoon when I was interrupted by extraordinary circumstances when the Hon. Elisabeth Kirkby made offensive remarks I was speaking about the evidence of a correlation between cigarette smoking and advertising. I bring to the attention of the House a survey of secondary schoolchildren within the age range of 13 to 17 conducted by the Victorian Government and also in New South Wales. As honourable members will be aware, in the past few years there has been a difference between New South Wales and Victoria, and the harsh edge of the effect of advertising should best be seen on those people beginning to take up this most addictive habit. The Anti-cancer Council of Victoria showed that in Victoria there had been a decline in the level of smoking by students across all age groups. The

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difference between Victoria and New South Wales can be shown only on the basis that the New South Wales figures relate to current smokers and the Victorian survey related to weekly smokers.

The survey showed that there is a difference between cigarette smokers in the two States. Among males in years 7, 8, 9, 10 and 11 New South Wales has lower smoking rates. Though that represents a decline in Victoria, the number of current smokers versus weekly smokers in Victoria is substantial. Allowing for the difference of methodology, it is more alarming that in New South Wales 19 per cent of females in year 9 smoke as against 16 per cent of males. In year 10 the difference is even more remarkable, with 19 per cent of males and 27 per cent of females smoking, which is an absolutely horrendous set of figures. In Victoria the rate is high, with 24 per cent of females in the year 10 age group being smokers. Those figures are important because the effect of advertising on young people can be gauged not so much by the incidence of smoking across the nation but by looking at what happens when people start feeding into the bottom end of the smoking population. I shall discuss both those points in detail later. At this stage it is important that honourable members realise that on the 1989 figures, which are the last figures I have, in New South Wales society 27 per cent of young females and 19 per cent of young males in year 10 were described as current smokers.

In Victoria the figure is 23 per cent for young males and 24 per cent for young females, equally high figures and statistically not a different result. Therefore, there must be something other than advertising driving this process because in Victoria there has been no advertising for a long time. Its Health Promotion Foundation has been going for some years. We must attack other issues as well as advertising. I will speak on my position on that matter later. The patterns and trends identified in the report are generally consistent with the findings of similar studies conducted in other States. There is a decreasing level of use, but the level is still most alarming. The Thoracic Society of Australia produced an editorial by William Musk and Ruth Shean in the *Medical Journal of Australia*, dated 1988, "Cigarette advertising increases consumption". This is the first time that I have seen that bald statement in a scientific journal open to review. I looked for the references. One is an article by a researcher named R. J. Reuijl from Boston dated 1982 entitled "On the determination of advertising effectiveness". I could not get a copy of that article because the full report could not be obtained. However, the other reference was anonymous and was from a journal called *Tobacco International* dated 17th April, 1987. Again I was not able to obtain a copy of that. Both articles, sourced to back the statement that cigarette advertising increases consumption, are fairly obscure. The reference from the Thoracic Society is much more interesting. It says:

Children constitute a small, but important, part of the tobacco market that is created thereby. Children smoke the brands of cigarettes that are advertised most heavily, and children who approve of cigarette advertising are more likely to smoke.

That is an important message for all of us. When reviewing further articles, I found some other information. In an abstract of an article dated 16th January, 1989, from the *Medical Journal of Australia* by Michael Gliksman and others it is shown that by the age of 15 years 32.4 per cent of girls and 26 per cent of boys in the study sample had smoked at least one cigarette in the seven days before they were surveyed. This information reveals a remarkably dangerous situation. It shows that more young girls than boys aged 15 years are smoking. This is a complete reversal of the trend. Whilst we had been targeting young males in our health promotion information and in many

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other ways, as a result of this article, from 1989, we have moved towards targeting the young female market. The conclusion of this study is as follows:

These findings should encourage a serious reappraisal of the role of cigarette advertising in the promotion of smoking in young persons.

The article indicates that there is no hard, scientific evidence of the nexus between advertising and cigarette smoking. However, the article goes on to say that perhaps we have been doing our research in slightly the wrong way. I will come to that matter again further in my contribution. The concern is that the findings are in marked contrast with those of many earlier surveys, which found that boy smokers consume more cigarettes than girl smokers. This is the first indication that we have had of a growing threat to the health of young Australians. I now turn to an article dated 1988 from the *Medical Journal of Australia*. It is an original article by David J. Hill - not the David Hill of North Sydney and Australian Broadcasting Corporation fame. He has a master of arts degree and a doctorate of philosophy and is an important researcher for and director of the Centre for Behavioural Research in Cancer at the Anti-Cancer Council of Victoria. He did a major survey of 9,500 Australian men and women over the age of 15 years. He was able to show that the percentage of current smokers amongst men was 32.9 and amongst women 28.5 with the peak prevalence of smoking in the age groups of 20 to 24 years for both men and women, both being at 40 per cent. This is a horrendous figure if we think about how far we still have to go.

Amongst men some 27.7 per cent were past smokers and amongst women 16.5 per cent. If more young women continue to take up smoking, we will start seeing a major increase in the reversal of past smoker and present smoker categories as these young 15-year-olds move into the 20 to 24 years age group, which is the peak age for smoking. That is a matter of grave concern to me. I commend that article to honourable members. It is an important article. It is also important to recognise that this report found that the incidence of smoking in the category of lower blue-collar working women was more than double that of upper white-collar working women. Amongst men a similar, although not so strong, differentiation was made. The possession of a university degree was the index that was most closely associated with low smoking prevalence in both men and women. That article tries to point out that the people most at risk are those who have not attained higher education.

It is also important to look at what has happened in the past. David Hill wrote another article in exactly the same journal, looking at trends in male and female smoking from 1974 - which was just before we introduced the ban on television and radio advertising, to 1986 - this is an Australia-wide survey. Given slight differences, we can see that the incidence of cigarette smoking by men has dropped from 42.2 per cent to 31.9 per cent, which is 10 per cent over the last 12 years. There has been no change for women, with figures going from 29.5 to 28.8. It is important to recognise that there was a hump in the number of women smokers within that time. In 1974 the figure was 29.5 per cent and in 1976 it was 32.3 - that was in the mid-1970s. Then it went back to 31.1 in 1980, 30.8 in 1983 and 28.8 in 1986. The article to which I referred earlier on trends amongst young people shows that we are likely to face such a hump in the number of women smokers again unless we do something pretty dramatic about it.

I then read a paper about advertising and tobacco consumption by Michael J. Waterson which appeared in the 1990 edition of the *International Journal of Advertising*. Michael J. Waterson is the research consultant to the United Kingdom Advertising Association and has served as an expert witness before many legislative bodies including

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committees of the United States Senate and House of Representatives, the Canadian House of Commons, the European Parliament, the Council of Europe and the United Kingdom Government. He is a major broadcaster and his writings have been translated into many European languages, as well as Russian, Arabic and Chinese. His paper is erudite and interesting. He was at some pains to point out that if the message was one of brand swapping, it would be a win-loss situation, in other words, a choice between two brands of toothpaste or cigarettes. If that line is followed, the amount of produce sold would not increase. He refers also to petrol advertising. Advertising different brands of petrol in no way attempts to increase the use of petrol as a whole but relates to brand swapping. However, it is important to note that Michael Waterson said:

Theoretical and anecdotal evidence offers no proof of the impact of advertising in mature markets, but it does demonstrate clearly that there are good theoretical reasons why brand advertising taken collectively is unlikely to expand mature markets, and why in many markets it appears highly unlikely that advertising influences the total size of the market.

That sounds sensible except it assumes that cigarette advertising is directed at mature people. I will refer later to another research paper which also deals with that matter. I do not believe that the cigarette advertising market is a mature market. An examination of the cigarette smokers' market reveals that a large number of people drop off the top end of the market either because they give up smoking or they die.

The Hon. Ann Symonds: They drop off the twig.

The Hon. Dr B. P. V. PEZZUTTI: That is right. They either drop off the twig or drop off the cigarette, or the cigarette drops them off. We know that a large number of people are former smokers. As I said before, approximately 25 per cent of males are former smokers. To replace those former smokers and to maintain market size, people must be enticed into the bottom end of the market. I believe the erudite discussion paper by Michael J. Waterson is flawed because it does not examine the dynamics of the mature market. He said:

Effects of generic advertising can vary depending on the nature of the market and its objectives. It can stimulate demand either by:

1. Persuading non-buyers or users to try the product;
2. persuading existing buyers of all brands (as opposed to purchasers of the individual brand) to buy or use the product more frequently or in larger quantities;
3. increasing buyers' perception of the value of the product.

That does not seem to be the aim of the type of advertising seen in New South Wales. Later in the article he said:

Generic advertising, on the other hand, is quite different from brand advertising in intention, even though it uses the same media and similar techniques. Generic advertising is intended to increase the total demand for a product category.

The importance of that statement is that anti-smoking advertising such as the Quit for Life campaign is aimed at reducing the total number of cigarettes smoked or the number of smokers. The advertising of tobacco companies seems to be directed at particular brands. And if that were the policy the objective of Department of Health and the medical profession in stopping people taking up smoking would be a success, because that apparent policy pays little regard to the mix at the bottom end of the market. However,

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I do not believe that so-called brand advertising is intended merely to promote a particular brand. I believe it encompasses smoking as a generic activity. Michael J. Waterson quotes Professor Ehrenberg, who said:

Competitive advertising for different brands can lead to a higher level of consumption of the product class as a whole than would exist without it but there is no evidence that such secondary or even unintended effects are either big or particularly common . . .

The author of those words then deals with what I am about to say. In the Organisation for Economic Co-operation and Development countries where these studies have been conducted

tobacco consumption has generally decreased as people have become more aware of the health messages and the empirical evidence about the diseases caused by cigarette smoking. The decrease has been dramatic and has been pursued by the medical fraternity, public health bodies and governments round the world. The decrease may have been much more dramatic had tobacco advertising not been allowed to continue. Professor Ehrenberg says that although advertising in a particular country makes little difference, if tobacco advertising had been stopped for a longer period of time the decrease may have been more dramatic. I wish to refer to some comments appearing on page 67 of Waterson's paper. That portion of the paper deals with the percentage change from 1975 to 1989. I have updated figures for 1990 and 1991 from the same source. In the Netherlands, where there are no advertising bans of any sort, in that 12-year period there has been a 41.05 per cent decrease from 1,700 sticks of tobacco per capita to 1,000. That is a large decrease.

The decrease in Norway has been from 1,581 to 1,504. That is not such a big change. In 1975 the amount of smoking in Norway was much less than in the Netherlands. The Netherlands continues to be much more prosperous and its citizens have more disposable income. As I said in my contribution last week, one of the biggest factors in young people taking up the habit is that they have more disposable income. That is an important consideration. The decrease in Australia has been from a very high 2,301 to 2,099. That is a small change of 8.79 per cent during that time. As I have said, during that time the percentage of men who smoke has dropped from 40 to 30, a 10 per cent change. However, it seems that individuals are smoking more than they did in 1975. The figures for the period from 1987 to 1990 reveal small continuing changes but with the same trend. From 1975 to 1967 in countries where advertising bans have been imposed such as Belgium, Norway, France, Portugal and Italy, the number of cigarettes smoked increased. I do not pretend to understand why that is so, but that is the reality as revealed in Mr Waterson's paper.

The Hon. Ann Symonds: Who is Mr Waterson?

The Hon. Dr B. P. V. PEZZUTTI: I have just described who he is. I will give the honourable member a copy of his curriculum vitae. He is a major researcher for the United Kingdom Advertising Association and he has been mentioned in various houses of parliament. But it will be in the *Hansard* and the honourable member will be able to read it when she reads my contribution. Mr Waterson makes the statement that the table I have referred to demonstrates clearly that those countries which have experienced the most rapid falls in tobacco consumption have not been those countries that have banned advertising. That conclusion is borne out no matter what data source is used. However, that presupposes that advertising is the only element that matters in those countries.

The Hon. Ann Symonds: Do you not accept the Canadian statistics?

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The Hon. Dr B. P. V. PEZZUTTI: I will come to the Canadian statistics. Mr Waterson says that the issue is not advertising; it does not seem to make any difference. Some of those countries where there have been big changes in smoking patterns have had major research and education programs.

The Hon. Ann Symonds: They have had an integrated package approach and advertising is one element of it.

The Hon. Dr B. P. V. PEZZUTTI: That is right, but it seems from the figures that the integrated package is the answer, not the advertising.

The Hon. Ann Symonds: But advertising must be part of it.

The Hon. Dr B. P. V. PEZZUTTI: But The Netherlands, where there was no ban on advertising, experienced the most remarkable fall in tobacco use, and I suspect that fall was related to the total overall package, as well as to the fact that its people are wealthier and better educated than those in many other countries. As they became better educated I suspect that they became more responsible for their own health and for the health of others. I understand that The Netherlands has been one of the leading countries in the world in looking at the other issues. Those other issues include smoking in the workplace. Banning of smoking the workplace has produced a big change in the number of people who smoke and has provided a major impetus for people not to smoke. Insurance companies have used the carrot and stick approach. A smoker pays a penalty and a non-smoker receives a premium reduction. Other activity in this country and in other parts of the world has encouraged people not to smoke.

The Hon. Ann Symonds: The campaign by NCADA, the National Campaign Against Drug Abuse.

The Hon. Dr B. P. V. PEZZUTTI: Yes, it has indeed, but those programs have not been as well funded as they might have been, nor have they been able to target the right people. Recently there has been a big change in advertising campaigns to move away from anti-smoking campaigns.

The Hon. Ann Symonds: Oh, come on!

The Hon. Dr B. P. V. PEZZUTTI: There has been a big change. The big change was in targeting women smokers. That is not to say -

The Hon. Ann Symonds: Be generous.

The Hon. Dr B. P. V. PEZZUTTI: I am telling you the facts. The facts are that anti-tobacco advertisements have been discontinued and now advertisements are run for women. Those advertisements show pictures of women doing various things and the slogan used is: smoking, who needs it? They are not anti-smoking advertisements. They try to demonstrate to young women that smoking is an irrelevancy that they should not become involved with. I believe those sorts of campaigns will be much more effective in dealing with smoking among women than those -

The Hon. Ann Symonds: No, no. "Kiss a non-smoker" was the best one.

The Hon. Dr B. P. V. PEZZUTTI: I believe that is true - "taste the difference". In Western Australia a parliamentary committee that looked at the matter of tobacco advertising came to some remarkable conclusions, including the following:

The Committee acknowledges also that the evidence of a direct causal relationship between advertising and the taking-up of smoking is, at best equivocal. This is because much of the evidence is epidemiological.

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Of course, that is the sort of evidence one would expect to be able to use. Why would that committee throw away something because it was epidemiological? That is the only way we will find out. The committee report continued:

After receiving evidence from people eminent in relevant fields of research, the Committee is forced to the conclusion that no compelling evidence has been presented that advertising causes people, and particularly young people, to begin smoking.

I believe that is probably correct, but it has missed the point. Later the committee stated:

The Committee's conclusion is that any decision to ban all forms of tobacco advertising, including sports sponsorship is purely a political decision. It is not based upon irrefutable empirical evidence, but upon prevailing values which suggest that the societal and financial costs to individuals and the community is so great as to justify measures to minimize the legitimacy of tobacco products.

That is probably absolutely correct as well - and what is wrong with that? The Canadian evidence and the court case there I dare say will be dealt with by other members. Suffice it to say that it was found in that case that the scientific documents produced as evidence by the Canadian Government did not show that advertising bans would affect tobacco consumption. Part of the judgment stated:

The virtual totality of the scientific documents in the State's possession at the time the Act was passed did not demonstrate that a ban on advertising would affect consumption.

That is one of the real problems we all have with this bill. We have gone down the track of removing tobacco advertising from the electronic media and from newspapers and magazines in this country. That was done at the Commonwealth level. Then the New South Wales Government, under the leadership of the former Minister for Health, Peter Collins, took the path of developing a code with the advertisers. That code brought to an end theatre advertising, among other things. The code was policed fairly solidly by the New South Wales Cancer Council, and Ms Elaine Henry of that organisation was at the forefront of noting advertising breaches. The code has resulted in the lessening of the impact on the community of tobacco advertising. With epidemiological data it is difficult to show that that is the case. However, I believe that was a major step in the right direction. At the same time as New South Wales was taking those steps, Mr Dowding - the much decried and disgraced Mr Dowding - set up a health promotion foundation and increased the price of cigarettes in Western Australia in order to produce a \$24 million annual increase in that Government's take. How much did he put into the Western Australian health promotion foundation for that year? It was \$8 million. He just ripped off the community on the basis that he was doing something about health promotion, but in fact he was not. On 30th June, 1989, the Hon. Peter Collins announced that the New South Wales Government would increase tobacco fees and licence fees from 1st July and would introduce a new voluntary code into the industry. Effective on all tobacco sales from that date was a 5 per cent increase in tobacco licence fees. At that time the Minister made this comment:

Health is a high priority area for the Greiner/Murray Government and we plan real growth in health funding of around \$90-million in the new financial year. Achievement in this area will be difficult with the substantial cuts in the 1989/90 Commonwealth funding and with an expected reduction of about 15-per-cent in revenue from stamp duty on contracts and conveyancing.

He made the point that the business franchise licence fee imposed on tobacco sales outlets was expected to yield \$27 million, or about \$32 million in a full year. The Minister said that although the increase is not directly related to health projects, it will assist in funding

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increased health expenditure. He said the decision will increase the licence fee from \$10 plus 30 per cent of the value of tobacco sold to \$10 plus 35 per cent. That means that a packet of cigarettes will cost an additional 10c to 11c. There is major evidence that suggests that the most sensitive method of discouraging cigarette smoking is the price mechanism. In 1986 there were many other reliable documents from the Drug and Alcohol Authority of New South Wales in relation to surveys of drug and cigarette use in schools, which I do not have time to deal with today.

The Hon. Ann Symonds: Yesterday the Minister for Health and Community Services said that the former Labor Government had done nothing about tobacco.

The Hon. Dr B. P. V. PEZZUTTI: These are surveys. The information available here is the information that the former Labor Government should have used. They are the documents that should have been used.

The Hon. Ann Symonds: The Minister for Health and Community Services apparently was not aware of the Quit for Life program.

The Hon. Dr B. P. V. PEZZUTTI: That is something that the Minister was very much aware of. I spoke to him about it three days ago and he had been aware of it for some time. The most recent important document to note is the *Government Gazette* dated 15th November. It states that where tobacco products are sold signs must be displayed stating the following:

Selling tobacco products to a person under the age of 18 is a criminal offence - maximum penalty \$5,000. Please report offences to the New South Wales Department of Health, 391 9111 or your nearest police station.

That sign must be displayed wherever cigarettes and tobacco products are sold. The gazette then deals with the funeral industry, which is fairly apropos -

The Hon. E. P. Pickering: When was that gazetted?

The Hon. Dr B. P. V. PEZZUTTI: On 15th November, 1991. This is the latest gazette. I read it on Monday. I always read the *Government Gazette* to keep up to date with what is happening. I have received many messages, which I will not detail to any great extent, from the Australian Medical Association, the New South Wales Cancer Council, Senator Peter Baume, the College of General Practitioners and the College of Physicians. I received an interesting message from the Printing and Allied Trades Employers Federation, which apparently does not want this bill passed for some reason. This morning I received a fax from Dr Geoffrey Long of the Royal Prince Alfred Hospital and an important message from the Australian Medical Association signed by Stuart Boland. All those who sent these messages are keen to have cigarette advertising prohibited. Many polls have been conducted, including today's Morgan Gallup poll, which do not shed much light on the subject. The poll conducted by the Roy Morgan Research Centre merely asked the question: should cigarette companies be allowed to sponsor sporting events, the arts and concerts? Across New South Wales the answer was yes. The next question was: do you think your State member of Parliament should vote for or against the anti-tobacco bill proposed by the Reverend Fred Nile? Again, across the board, the majority vote was against the bill.

The Hon. Ann Symonds: They become confused. Everyone wants to vote against Fred.

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The Hon. Dr B. P. V. PEZZUTTI: Precisely. The question "Do you think cigarette companies should be allowed to sponsor sporting events, the arts and concerts or not?" is a straightforward one. Perhaps the community has not had the same access to information that Reverend the Hon. F. J. Nile and I have had, and perhaps it is not as informed as it might be.

The Hon. Ann Symonds: Who commissioned that poll?

The Hon. Dr B. P. V. PEZZUTTI: I presume it was commissioned by the Tobacco Institute. Is the honourable member trying to tell me that Morgan is not an ethical pollster? That is precisely what the honourable member is saying. In 1988 another important survey was

commissioned by the New South Wales Cancer Council. The results showed that 69 per cent of Liberal Party and National Party electors approved of a ban on all forms of cigarette advertising, and 90 per cent of those electors approved of a 10 per cent increase in the price of a packet of cigarettes. That result is contrary to the information gathered from the polls. On 15th January a Morgan poll was conducted for the *Bulletin* which asked the question: does cigarette sponsorship encourage family smoking? Eighty-seven per cent of people, whether they were smokers or non-smokers, said that cigarette sponsorship was unlikely to encourage family smoking. The next question was: should tobacco sponsorship of sport and the arts be allowed? Eighty-three per cent of smokers and 68 per cent of non-smokers said yes. Then there was the question: will sponsorship encourage non-smokers to start smoking? Across the board, over three years, the answer continues to be no. The Hon. Ann Symonds will be pleased to note that I have kept the best evidence until last. I asked the professional and scientific agitators on this issue to find evidence to suggest that patterns of cigarette smoking or the amount of cigarette smoking in Australia are affected by advertising. I spoke at some length to Arthur Chesterfield-Evans, the President of The Non-Smokers Movement of Australia Inc., an important person in preventative health in this State, particularly in the prevention of deafness. He said to me that there is no scientific nexus between tobacco advertising and cigarette smoking. In his letter he said:

The key aspect of stopping advertising, is that without the glamour attached to smoking children tend not to start. If cigarettes are judged on their own merits they are recognised as the dirty, smelly product that they are. Reductions in the advertising do not affect adult smoking, because the adults are already addicted. Only one-third of smokers aged 20 will quit by the age of 65.

That is a most disturbing statistic. He further said:

Therefore, the key issue is not to get people to start smoking - and banning advertising is a key element in that. The only difference between sponsorship and advertising is who gets paid.

That is where I disagree with him. He also said:

Both Canada and New Zealand have had packages of measures against tobacco. New Zealand currently holds the record at 10% drop in tobacco smoking in one year. Canada may break that record in 1991, as forecasts are there will be an 11% drop in smoking. This is partly due to the complete ban on tobacco advertising, but also involves increases in Federal and State excise. Tax remains the most important single factor.

The other important factor that I found in my research is the health message - getting the message out that smoking causes cancer; smoking causes heart disease; and smoking makes your legs fall off. That is the message that will stop people from smoking. That is why the better educated person is more likely to take up the message than the person

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who takes little notice of these issues.

The Hon. Elaine Nile: What about you?

The Hon. Dr B. P. V. PEZZUTTI: He who is without sin shall cast the first stone. Do I dictate the things that I do not like that you do? An important point I want to make is to be found in the Medical Journal of Australia of 19th September, 1988. Anthony McMichael, Professor of Occupational and Environmental Health, Department of Community Medicine, University of Adelaide, and Nigel Gray, Director of the Anti-Cancer council of Victoria, wrote:

Social commentators of the 21st century will see the epidemic of tobacco smoking of the 20th century, and its tolerance by society, as one of history's great public-health

follies. Last century, governments had a central legislative role in the conquest of infectious disease, by way of environmental sanitation, housing, food and water policies. In the face of today's major threats to public health - including cigarette smoking, the acquired immunodeficiency syndrome, road accidents and occupational diseases - a similar need remains for government legislation and regulation on a broad intersectorial front.

That is an important message. When I speak to people such as Peter Baume, Dr Chesterfield-Evans and representatives of the Cancer Council, I receive the same message: we must do everything in our power to try to stop people smoking.

The Hon. Elaine Nile: Everything.

The Hon. Dr B. P. V. PEZZUTTI: Everything. There has been an industry voluntary code on advertising. Now the industry will be controlled by this legislation, as amended. We will move in an orderly way to phase out, as the Premier said, "these two remaining bits of advertising". Therefore it does not really matter that the evidence in support of the retention of the remaining bit of advertising is not good. At the Committee stage of the bill I shall speak about sport sponsorship. It remains for me to speak about the major reason why I believe we should do something about advertising. I refer to an important article written in the winter 1988 *Journal of the American Cancer Society*. The article, entitled "World Smoking & Health", was written by Messrs Tye, Warner and Glantz. The article said:

In the case of tobacco, the addictive properties of nicotine give the phrase "investment in future increased sales" an ominous ring. Over half of high school seniors who smoke have unsuccessfully tried to quit; while only 5% believe they will still be smoking 5 years after graduation, in fact 73% are still smoking an average of 8 years later. Though a large majority of adult smokers say that they would like to quit, most who try are unsuccessful.

The consequences of tobacco-induced diseases are enormous human suffering and social cost. The evidence linking advertising and promotion with increased smoking, and the resulting disease and death, is sufficiently compelling to warrant that it not be permitted by our society.

The article goes on to deal with the important issue I spoke of earlier, namely, that people generally think of markets as being mature or growth markets. The article contends that the cigarette market discloses characteristics of both those markets simultaneously. Advertising does not affect the global pattern of cigarette smoking, but it does continue to promote itself, using any form of advertising, so that young people take up smoking as older people stop. The peak age group at which people smoke is between 20 and 24 years of age. People above that age are less likely to smoke, and very few people above 24 years of age take up smoking. However, as older people give up smoking, a whole new group of young people take up the habit. I am alarmed by the

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results of the 1990 study to which I referred earlier, which show that young women, much more than young men, are taking up smoking.

Reverend the Hon. F. J. Nile: Because of women's liberation.

The Hon. Dr B. P. V. PEZZUTTI: I suspect that that happens for a large number of reasons, none of which has to do with women's liberation. It has to do with assertiveness, peer pressure and being thin. People commence any activity for a variety of reasons. Generally it is not just one reason. Banning cigarette advertising from taxis and hoardings will probably make no difference at all. However, it would show a commitment to banning cigarette advertising, and I believe that if the community had all the information available to it, it would want such

advertising to be banned. I should like to place on the public record the following important information from the same article. It states:

These statistics translate into the need for more than 5,000 children and teenagers to begin smoking every day simply to maintain the current size of the smoking population.

The cigarette market is not a monolithic structure, but contains many segments, some growing and others contracting. The market segment of middle-aged smokers has been shrinking as health-conscious adults - particularly those with higher education levels - have quit smoking in large numbers. The market segments of young females and some minorities, on the other hand, have been recognised as growth sectors by the industry and account for a large proportion of advertising and promotion expenses.

With regard to whether brand share or market expansion is the aim of advertising, the article states:

A simple calculation shows that brand-switching, alone, could never justify the enormous advertising and promotional expenditures of tobacco companies: with 10% of some 55 million smokers switching brands in 1983 . . .

Influencing people to switch brands is not a viable reason for the level of advertising undertaken. The article states further:

The industry's support in the late 1960s of the broadcasting ban - in recognition of the reductions in cigarette sales that the Fairness Doctrine antismoking messages were producing - demonstrates that the industry would not combat an ad ban on grounds of "principle".

In other words, there was no way that cigarette companies could advertise that smoking is good for people. Therefore the product did not lend itself to that form of promotion. The article continues:

Each year, more than 2 million children begin to smoke and an estimated 30 million adults attempt to quit, the vast majority unsuccessfully. If 5.5% of these new smokers and attempted quitters were influenced by cigarette advertising and promotion, the industry would have achieved a positive return on its investment.

I refer to a 1981 paper by Mr Schneider and others as to the empirical evidence, entitled "Governmental Regulation of Cigarette Health Information. Law and Economics". Mr Schneider concluded:

. . . the 1971 ban on broadcast cigarette advertising had an insignificant effect on total consumption, and in fact may have actually increased consumption by inhibiting the flow of information to consumers and reducing cigarette prices due to temporarily lower advertising costs.

That is an important comment as it points to the multifactorial aspect of this subject.

The Hon. Dr Marlene Goldsmith: Does that mean that we should not do
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anything about one of the practices that we can do something about?

The Hon. Dr B. P. V. PEZZUTTI: No. If the honourable member had been listening, she would know that I have already spoken about that aspect, very carefully.

The Hon. Dr Marlene Goldsmith: I am a little confused. The honourable member is approaching the matter from a number of angles.

The Hon. Dr B. P. V. PEZZUTTI: That is because this is not something upon which you could release a report and expect the world to beat a path to your door and agree with everything you say. This is an ongoing study dealing with a continuing problem in many countries. The article continues:

Other studies have concluded that cigarette advertising does increase consumption. Taken together, these studies indicate that advertising increases cigarette consumption, at least in part by attracting new customers.

That is the clue.

Reverend the Hon. F. J. Nile: The question is: does the honourable member support the bill?

The Hon. Dr B. P. V. PEZZUTTI: This bill is like the curate's egg: it is good in parts. However, overall it is not a good bill. I continue:

Several studies have shown that young people are aware of and influenced by cigarette advertising. While this does not establish a cause-and-effect relationship, it constitutes suggestive evidence consistent with the hypothesis that advertising influences consumption. Australian studies show that school children who smoke are more aware of cigarette advertising; that most children who smoke use only one brand, suggesting the "major role" advertising plays in causing and maintaining smoking among children; and that children themselves believe that advertising is a major reason that children smoke . . . In Norway, cigarette advertising was outlawed, tobacco taxes were increased, and educational programs were initiated in 1975.

This was a full frontal, multifocused attack. It continues:

Over the next 5 years, cigarette sales declined by 15%, with the largest component being the decline among children, particularly girls. The decline was especially striking when compared to the steady growth in consumption prior to the initiative. This example suggests the potential of a comprehensive program to reduce tobacco consumption. A study of smoking control strategies in 15 countries found that comprehensive, legislated approaches, including advertising bans were more effective than voluntary approaches in reducing cigarette consumption.

If honourable members believe that the answer to this vexed question is simple, they are deluding themselves. It is a difficult matter.

The Hon. Ann Symonds: Who said anything about it being simple?

The Hon. Dr B. P. V. PEZZUTTI: I have been told that it is a confusing matter for the Hon. Dr Marlene Goldsmith. It is confusing for the epidemiologists and the researchers of this topic.

The Hon. Ann Symonds: It is a complex issue.

The Hon. Dr B. P. V. PEZZUTTI: It is a very complex issue. The important issue is that the message be sent out. If this bill and this debate is a way of doing that, I am more than happy to support a ban on cigarette advertising. I believe it is a token gesture, however, and I am sure that most researchers believe -

The Hon. Ann Symonds: You have said that a ban on advertising was an integral part of the success of the Norwegian initiative.

The Hon. Dr B. P. V. PEZZUTTI: It was. New South Wales, however, has got to the stage of banning cigarette advertising in cinemas and on television and radio and in newspapers and magazines. I believe that this proposal will not make much difference.

The Hon. Ann Symonds: If it will not make any difference, why are tobacco companies so upset about it?

The Hon. Dr B. P. V. PEZZUTTI: I do not know the answer to that question. I shall address the issue of sponsorship on another day. From 1980 to 1990, a period when most forms of advertising of cigarettes were banned, the number of upper white-collar workers who smoked decreased from 30 per cent to 20 per cent. During that same period the number of lower blue-collar workers who smoked decreased from 47 per cent to 42.5 per cent. That is not good enough. It means that more must be done than merely to ban the remaining forms of cigarette advertising. More direct methods must be adopted to get the message across to smokers that their habit will kill them. To the upper white-collar worker any increase in the price of cigarettes is irrelevant. Price increases have an effect on lower blue-collar workers. Therefore, that method is discriminatory. In other words, they are being hit in the pocket for their addiction.

The Hon. Ann Symonds: It hits their families as well.

The Hon. Dr B. P. V. PEZZUTTI: Yes, and that is an important issue. The most effective method of persuading lower blue-collar workers to stop smoking is to increase the price of cigarettes. They do not necessarily take notice of advertising and, therefore, would not be aware of the message that is trying to be relayed to them. Statistics show that 42.7 per cent of lower blue-collar workers smoke; that is, the semi-skilled, the unskilled, farm workers, the unemployed, pensioners, and housewives. Among females in that same group in 1980, 30 per cent smoked. In 1986 the figure was 36 per cent. These statistics are alarming and cause concern. I support the abandonment of the advertising of tobacco on taxicabs and billboards. I look forward in Committee to discussing further the issue of the sponsorship of sport, which is separate from the advertising issue. I conclude by saying that we will have taken a giant step in the right direction if we are able to do something to stop people from smoking and for those who smoke.

The Hon. Dr MARLENE GOLDSMITH [11.35]: Last Thursday Mr Dick Smith presented an award to the cigarette company that was most successful in its marketing to children. This was, of course, an ironic presentation, and deliberately so. Dick Smith was making the important point to our community that cigarette advertising is about marketing to children; it is about getting new consumers. Largely, adults are set in their life patterns. The habit is formed during childhood, when people are most vulnerable. The habit is formed when users are too young to understand advertising and the subtle appeal of sponsorship. I refer to the appeals to security and glamour and the use of hero images in the sponsorship of sport. Concern for the protection of our children is what this bill is about. I commend Reverend the Hon. F. J. Nile for his initiative and concern. He was a member of the Standing Committee on Social Issues, as I was, that prepared the report entitled "Drug Abuse Among Youth". During that inquiry the committee extensively examined the research on smoking. The committee in its report recommended the restrictions on advertising and promotion that are specified in this

legislation. There were good reasons for those recommendations - reasons that relate to our obligations as a just and caring society to protect our children.

Most people who take up smoking become addicted to nicotine while they are still children. I am able to share some facts and figures with honourable members to support that statement. Those facts and figures have been taken from the report of the committee and from a range of research papers. Many of the statistics have already been cited in this debate. Each day more than 400 Australian schoolchildren smoke their first cigarette. Every year in Australia 70,000 teenagers become regular smokers - three times the number of people who die each year from diseases caused by smoking. Further, 75 per cent of adults who smoke commenced to smoke when they were adolescents, and 33 per cent of current adult smokers began to smoke before they were nine years old. The earlier a person starts smoking the longer they are likely to smoke, the more likely they are to smoke heavily, and, consequently, the more likely they are to die from smoking-related disease. By year 10 one-fifth of males and one-quarter of females are regular smokers. Indeed, Australian schoolchildren spend more than \$30 million a year on cigarettes. The dangers of smoking have been covered extensively by other honourable members. I could speak on that in some detail also; I have research material referred to in the report of the Standing Committee on Social Issues and the World Conference on Tobacco and Health I attended in April last year in Perth. This matter has been canvassed extensively by other members, and I am sure that there is no longer any need to persuade people that smoking is bad for them. The more one researches the matter, the more one learns just how bad smoking is. It is increasingly being correlated with a range of nasty medical consequences.

Even passive smoking - breathing in someone else's cigarette smoke or being in an atmosphere where tobacco is present - is increasingly being shown to have dangerous consequences for people. These dangers are well known. Despite our knowledge of those dangers, I have no wish to restrict the right of adults to smoke. It is a right we have in our society; we do profess to have a free society. This is a legal drug. These people have become addicted to tobacco because it is available as a legal drug. It would be most unfair to turn now to these addicts and say: "No, you cannot smoke any more. We are going to ban this product". That would be a betrayal of them. But those people should not expose others to their smoking; I cannot accept that other people should be forced to breathe the smoke of smokers. As adults, we have a special responsibility to protect children. In view of the facts I cited from the Standing Committee on Social Issues report, we, as legislators, must accept our share of responsibility and examine our duties to the children of this State.

As has been said, in recent years advertising has been increasingly restricted. We had hoped this would have been sufficient to protect our children but, sadly, this has not been the case. A classic example of that was the voluntary code on advertising was introduced with the best of intentions by the Greiner Government in an endeavour to restrict the advertising, marketing and promotion of cigarettes to our young people. Clearly, that voluntary code has not worked. I refer honourable members to pages 35 to 50 of the report of the Standing Committee on Social Issues, which deals with clause after clause of this agreement that has been flouted by the tobacco industry. If legislators are now forced to look at more draconian methods of controlling the promotion of tobacco, the producers have only themselves to blame because they have treated that voluntary code with clear contempt.

My particular concern is the glamour of tobacco company sports sponsorship. Sport appeals to youth. One finds the sporting heroes of youth, the healthy imagery, the

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participation in exercise and outdoor activities. All these factors appeal to the vulnerability of children; their need to be popular, their desire to be good at those things our culture values. There is no doubt that Australians value sport. Children also desire to be popular with their peers. Great emphasis is placed on teamwork in sports. I believe it is no accident that sports are a major receiver of sponsorship. Cigarette companies are less likely to sponsor worthy cultural activities such as the opera, sad to say. That is because they will not gain their new market from those activities. Mr Martin Riordan of W.D. and H.O. Wills believes no deliberate attempt has been made by tobacco companies to promote smoking among children by

deliberately focusing on sports as a source of sponsorship. He informs me that sports sponsorship has a very long history, going back well before any such machiavellian attempt could be presumed. I have no reason to refrain from accepting Mr Riordan's statement, but the fact remains that this has grown into a major concern.

Sports sponsorship has increased. Considerable research shows that advertising, and in particular sports sponsorship, has a connection with young people taking up smoking. Australian studies show that children usually smoke the most heavily advertised brands of cigarettes. That result emerged from a community health study by Fisher and Magnus. As previously stated, the brand that is identified with the major football code in each State is the brand most smoked by children. That is a particularly damning statistic. Ledwith found that sponsorship by tobacco manufacturers of televised sports acted as cigarette advertising to children who were better able to identify cigarette brands after watching tobacco sponsored sporting events than they were before. A further study by Tye and others on a review of available evidence concluded that "a preponderance of quantitative studies of cigarette advertising suggests a causal relationship with consumption".

The Hon. Dr B. P. V. Pezzutti: Suggests.

The Hon. Dr MARLENE GOLDSMITH: My colleague the Hon. Dr B. P. V. Pezzutti states "suggests". Indeed this is true and I intend to discuss this point at a later date. We are not talking about proof. We are talking about correlations, connections. With human beings it is difficult to prove anything definitively for the simple reason that we are complex characters who engage in a multitude of activities, tobacco smoking being only one of them. It is difficult to isolate any two such activities and say definitively that one causes the other. The most we can do is identify a connection in patterns. Mr Deputy-President, as you would be well aware, for 30 years the tobacco industry used that precise fact to argue that cigarette smoking did not harm people. It was able to use that line and not be held to account for telling a lie because it took the definition of scientific research to that extreme end. Were that standard of proof to apply, then many important matters relating to human beings and human endeavour could never be demonstrated through research. Most of the things society cares strongly about are not amenable to that type of laboratory research. We are not laboratory rats.

Comments have been made about the effects on children of advertising and cigarette promotion. I refer honourable members to page 52 of the report of the Standing Committee on Social Issues which cites a number of these matters. These are a wide range of research studies from many sources. They are a cause for concern if we are to take seriously the matter of youth addiction to the drug nicotine. With the glamorisation of sports it is difficult not to conclude that the tobacco industry is deliberately courting children, deliberately pursuing the type of promotion that is most appealing to children, deliberately trying to get young people addicted while they are still relatively uninformed

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and particularly vulnerable to clever psychological appeals, adolescent yearnings and insecurities. The report, at page 54, describes how various cigarette manufacturers pay large sums of money to movie producers, in particular to producers of movies which appeal to young people, to have their cigarettes promoted or used in those movies. Cigarette companies are utilising that avenue for sponsorship of their product. Cigarette companies are using clever psychological ploys in subliminal advertising. Advertisements are designed to sell goods, but advertising by means of sports sponsorship is much more subtle. Concern about such sponsorship is the reason for the introduction of the bill and the reason I support it. The effect on young people of tobacco sports industry sponsorship is of much greater concern than billboards or advertisements on taxis.

We have a particular responsibility to our young people because nicotine is addictive. The Standing Committee on Social Issues heard evidence that nicotine may be more addictive than heroin. The committee was informed by a counsellor who had assisted heroin addicts that

a heroin addict would find it more difficult to give up nicotine than to give up heroin. I was very disturbed at that particular information. I hesitate to describe that as a scientific finding for it was not based on widespread research. Whether that statement is true or not, nicotine is a most addictive drug. Evidence given at the world conference on tobacco and health last year supported that view. A paper presented by Dr Michael Russell stated that 75 per cent of smokers want to quit but only four in 10 of these succeed. In other words, 60 per cent of smokers who want to give up the habit cannot do so. About 75 per cent of smokers say they would find it difficult or very difficult to quit.

The Hon. E. P. Pickering: It is extremely difficult.

The Hon. Dr MARLENE GOLDSMITH: The Leader of the Government in this House says it is extremely difficult to quit. Another paper, by Dr Greg Connolly, focused on the likelihood of smokeless tobacco and low yield cigarettes hooking people into using nicotine, which is an appallingly addictive drug. We must be concerned about what happens to our young people. As a caring society that believes in looking after its young, we must protect our children from anything that might influence them to use this drug. Females are particularly vulnerable. Increasing numbers of young women are taking up cigarette smoking. Rates are declining substantially among males but not among females. Some groups ascribe that to women's liberation but tobacco use has much more to do with the image of women that our society expects. The ideal model of womanhood in our society has the Belsen-like thinness of a fashion model. Research cited by Naomi Wolfe in her book *The Beauty Myth* points out that the average weight of fashion models in the United States is more than 20 per cent below average body weight, which I am informed is approximately the weight of inmates of Belsen and other concentration camps during World War II. I have no reason to disbelieve that, but even if women in our society come close to that so-called ideal standard it would be appalling. The information in *The Beauty Myth* is most relevant to young women wanting to take up smoking, an activity which is widely believed to keep people thin.

The Hon. E. P. Pickering: It does; it kept me thin. I gained three stone when I ceased smoking.

The Hon. Dr Marlene GOLDSMITH: The Leader of the Government asserts that information is correct and that he had a problem when he ceased smoking. Society is telling young girls that they have to be impossibly thin and that smoking helps them stay impossibly thin. Nicotine is a poison and a drug. We should be most concerned for young women because they are the bearers of the next generation of Australians. Cigarette smoking by mothers is known to be correlated with low birth weight babies and

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more serious problems at birth. The question must be asked: if a baby of a heroin addict is born addicted, is the baby of a nicotine user born addicted to nicotine and forced to suffer appalling withdrawal symptoms immediately after birth? Society has a responsibility in this. Is it any surprise that cigarette companies first started marketing to women with the specific brand Virginia Slims? That brand supposedly referred to a cigarette but clearly it referred to something more subtle and appealing to young women - the anorexic model of womanhood in our society. The tobacco companies have only themselves to blame if legislators have been driven, as we have been, to introduce a bill such as this. I commend Reverend the Hon. F. J. Nile for introducing the bill. Mr Reinier Jessurun of the Tobacco Institute expressed a reasonable concern to me about the bill. Clause 5(3)(e) of the bill provides that tobacco advertisements displayed inside a shop or other retail outlet where tobacco products are offered or exposed for sale and which comply with any regulation made under section 32(1)(c) are not prohibited. Does clause 5(3)(e) cover kiosks in supermarkets or shopping mall areas?

Enclosing tobacco advertisements completely inside a kiosk so that such advertising cannot be seen outside is most difficult. I do not object to such kiosks displaying advertisements of brand names and prices. Lists advertising brand names and their prices in

small kiosks could not be placed out of sight of people outside such a kiosk. Those small businesses could be put out of business if such display boards were not permitted. I do not regard that form of advertising, however, as being so serious a problem as the advertisements that appeal subliminally to the yearnings of young people. Kiosks should be allowed to continue in business. Perhaps that aspect could be addressed in later debate on the bill. One of the best ways to cut adolescent smoking is to increase the price of the product. The Premier deserves commendation for having done that. Recently the New South Wales Government increased the cigarette tax in the Budget. I am pleased that has happened but I am disappointed that the Hon. Ann Symonds has unfairly criticised the Government on this measure and has ignored it. My colleague the Hon. Dr B. P. V. Pezzutti pointed out that a number of research studies have shown that price increases are a most important factor in determining whether people smoke or not. I can cite further evidence in this regard, for instance from the World Conference on Smoking and Health, papers by Dr S. T. Han, a paper by Professor Kenneth Warner, another by Dr Murray Laugesen and others. This is just one of the factors involved. I confess to being a little bit confused, as I mentioned during his presentation, about the speech of my honourable colleague, Dr Brian Pezzutti. My confusion was not so much with some of his arguments, but rather the way he presented them. In his contribution last week he was quite scathing about advertising being a contributor to youth smoking. Today he seemed to have suffered somewhat of a change of heart, I thought.

The Hon. Dr B. P. V. Pezzutti: There has been no change of heart.

The Hon. Dr MARLENE GOLDSMITH: The honourable member today cited much more evidence of the sort that I would have found to be scientifically convincing.

The Hon. Dr B. P. V. Pezzutti: I gave all the evidence.

The Hon. Dr MARLENE GOLDSMITH: Last week the honourable member criticised the notion that advertising is the only or principal reason young people take up smoking.

The Hon. Dr B. P. V. Pezzutti: That is right.

The Hon. Dr MARLENE GOLDSMITH: I do not think for one moment that
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anyone is arguing against that suggestion at all. It is one of the reasons. Other reasons include the price factor, which is extremely important, parental influence and peer influence. To state that advertising is the only reason for young people taking up smoking is quite silly. No one is suggesting that. Advertising is however one area in which we can have an influence. I should advert to the evidence from last year's conference. A major paper presented at the conference was Predictors of Smoking Onset and Cessation in Adolescents by a number of distinguished researchers led by a Mr Hein de Vries. They came to the conclusion that those who started smoking encountered much more pro-smoking social influences. Among pro-smoking social influences one would have to include advertising - and sponsorship - and, most particularly, sports sponsorship. I must point out also that my friend Dr Brian Pezzutti referred to a study which suggested that young people took up smoking for various reasons. The study asked young people whether advertising was the reason they took up smoking. Very few young people admitted that this was so.

The Hon. Dr B. P. V. Pezzutti: Around the world.

The Hon. Dr MARLENE GOLDSMITH: Around the world, indeed. I am not in the least surprised. If the honourable member were asked whether he was a pushover for advertising, or a question to that effect, would he admit it? Of course people do not tend to admit that they can be pulled in by advertising. The honourable member did not cite the origin of this study, as I recall.

The Hon. Dr B. P. V. Pezzutti: Yes, I did.

The Hon. Dr MARLENE GOLDSMITH: Yes, he did. It was Infotab in Brussels. We know about Infotab. The report was prepared by the Children's Research Unit of London, sponsored by Infotab in Brussels and - surprise, surprise - published by the International Advertising Association of New York. That is a relevant point. I am quite concerned that my most learned colleague should accept at face value research information that comes from such a source. It is a major concern.

The Hon. Dr B. P. V. Pezzutti: I used all kinds of sources. In fact I sourced my information. Where are you sourcing your stuff? Out of your own head?

The Hon. Dr MARLENE GOLDSMITH: I am surprised at that remark by my normally most temperate colleague. I have been citing research evidence at length during this presentation. I have been quite concerned about whether I might have been extremely tedious by insisting upon sourcing all of my research. It has been researched and quoted in detail. I invite the honourable member to examine the report of my speech in *Hansard* if he has a concern. Last week the Hon. Dr B. P. V. Pezzutti in his contribution cited reasons that young people give for taking up smoking. They include such things as "I will look more mature", or "I am grown up". One must ask what cigarette commercials and sponsorship do to foster that image of cigarettes, the image that cigarette smoking will make one seem to be grown-up or more mature. Other examples he gave were "The conformity with one's mates who smoke", and the image that cigarette smoking will make one appear to be one of the group and to be popular. Traditionally it has been very much a part of cigarette advertising and cigarette sponsorship to encourage such images.

Again we come back to advertising. Young people do not admit that advertising persuades them to take up smoking, although a group of young people on the "7.30 Report" two nights ago stated precisely that. However, I am reluctant to use them as I
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do not know how reliable a sample they are and the information is only anecdotal. One must be concerned when young people give such reasons, as they did in this study. I also have some confusion. My particular puzzlement with the speech of my learned colleague had to do with the fact that this morning he cited Norway as a country where many different things have been done to address smoking among youths and yet in last week's presentation he stated "In Norway they have done nothing".

The Hon. Dr B. P. V. Pezzutti: No, I did not.

The Hon. Dr MARLENE GOLDSMITH: He was talking about the banning of cigarette advertising. He stated that apart from stopping advertising, "they have done nothing". That was my point of confusion.

The Hon. Dr B. P. V. Pezzutti: If I said that, I was wrong. I spoke today about the Norwegian scene.

The Hon. Dr MARLENE GOLDSMITH: I appreciate that clarification. The honourable member went on at length last week in his presentation to talk about the situation in Norway. He cited particularly figures for cigarette use among youth. He said that between 1975 and 1985 cigarette use among 15-year-old boys fell all the way from 23 per cent to 22 per cent. He derided that as having made very little change. I have a major concern with his use of this information because I have what I believe to be the original research tables and the article he cited in reaching his conclusion about these figures. I can assume only that he took them from a secondary source which used that example rather than show the whole graph. It is interesting to examine the graph regarding usage. The rate of smoking among boys of 13 years fell from 7 per cent to 3 per cent in those ten years; in other words, it was slashed by

more than half. Among 14-year-old boys, it fell from 21 per cent to 10 per cent, again slashed by more than half; and among 15-year-old boys, he was quite right, the rate fell from 23 per cent to about 21.5 per cent. That does not seem much at first glance but when one examines those figures carefully one sees that of every 100 young boys who would have been smoking otherwise, six young boys were not. That is a substantial change in real terms if one takes 1.5 per cent as a proportion of 23 per cent.

The Hon. Dr B. P. V. Pezzutti: The rates for girls were alarming. They did not change, and that was terrible.

The Hon. Dr MARLENE GOLDSMITH: The rates for girls changed even more drastically than boys' rates, except for 13-year-old girls, where the rate did not change.

The Hon. Dr B. P. V. Pezzutti: Fifteen-year-old girls.

The Hon. Dr MARLENE GOLDSMITH: The rate for 15-year-old girls went from about 28 per cent down to 19 per cent. The graphs show the other side of the equation - the smoking rates for young people before the introduction of the advertising ban were skyrocketing. In the years between 1957 and 1975 the rates for 13-year-old boys went from 3 per cent to 7 per cent; the rates for 14-year-old boys went from 6 per cent to 21 per cent, and the rates for 15-year-old boys went from 12 per cent to 23 per cent. At the time that all advertising was banned in Norway the graph shows a clear peak. The graph, which is a clear summary of what happened in Norway as a result of the cessation of advertising, gives figures for both girls and boys and shows clearly that advertising and sponsorship - which were banned in Norway at the same time - make a difference. It is a matter of great concern to me that in the face of such evidence claims

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are made that there is no scientific evidence that a ban on advertising affects consumption, unless one takes the definition of the term scientific to its most extreme and pedantic level, the sort of pedantic level where it is difficult to find anything that can be linked in a meaningful way with human beings.

I have the greatest respect for my learned colleague the Hon. Dr B. P. V. Pezzutti, who is widely informed on things medical. He knows that I have a high opinion of him in that regard. That is why I wish to clear up these areas of concern, and in particular those statistics. Honourable members know there are lies, damned lies and statistics and that things can be used in a variety of ways. A number of the papers that have come by me in this debate, particularly those that have been forwarded by the Tobacco Institute, have led to questions in my mind about the way certain facts have been utilised. The graph to which I have been referring is an example of the way that statistics can be misused. I am sorry if my colleague has had access to papers that have misused statistics in such a way. There is a real question about this whole matter, a question that was raised before the Standing Committee on Social Issues. It concerns why we ban some drugs but allow others to be advertised. Young people are entitled to be cynical about society's approach to drugs of all sorts if we can say on the one hand that some drugs are so dangerous that no one can get access to them but that other drugs are so terrific that they can be advertised and people can be persuaded to consume them. I confess that I have a difficulty with such hypocrisy.

We are sending the wrong message to our children when we allow any drugs to be advertised. For that reason I support the cessation of the advertising of nicotine. Many drugs are not advertised in our society. I am informed that drugs such as Ventolin asthma spray are not advertised other than in the trade press - and I do not have a problem with the trade press - but are not advertised widely because there is not a wide enough market for them and that people who need them will use them anyway. But that is not the point. Honourable members have to ask themselves serious questions about the advertising of drugs. Some products are not harmful, but where they are harmful should society allow sophisticated advertising

techniques - and honourable members know how sophisticated advertising is these days - to persuade people to use things that are harmful and addictive to them? My colleague the Hon. Dr B. P. V. Pezzutti has shown me precisely such a trade advertisement as I just mentioned. It appeared in the *Australian Doctor Weekly*. That is exactly the sort of advertising with which I do not have a great problem, because not many children read *Australian Doctor Weekly*. I do not know any children who read that publication.

As I said at the beginning of my remarks, my concern is with children. The Government should treat medicinal drugs as restricted products, whatever the drugs, and allow adults access to them where they are legal already, but not in a way that encourages their use. Cigarette companies argue that advertising does not persuade people to smoke; it persuades them only to change brands. I find that most interesting. I draw the attention of honourable members to a full-page advertisement in the *Sun-Herald* of 10th November. The advertisement, which was inserted by the Tobacco Institute of Australia, states in very large lettering, "Like your job Rev. Fred? So do 25,344 tobacco industry workers". The advertisement suggests that if advertising and sponsorship are done away with, people in the tobacco industry might lose their jobs. But if advertising does not persuade people to smoke, if it persuades them only to change brands, why would people lose jobs? The consumption of one brand name might decrease, but if one accepts that tobacco industry argument, another brand would increase in consumption and new jobs would be created. The tobacco industry cannot have things both ways: on the one hand running scare campaigns about job losses, and on the other hand saying that advertising

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does not persuade people to smoke. That is clearly hypocritical and this advertisement by an institute that proclaims that advertising encourages people only to change brands can be regarded only as the height of hypocrisy.

The Hon. R. S. L. Jones: We know that is nonsense.

The Hon. Dr MARLENE GOLDSMITH: I do not think the Hon. R. S. L. Jones was listening to me. That is precisely what I was saying.

The Hon. R. S. L. Jones: I totally agree with the honourable member.

The Hon. Dr MARLENE GOLDSMITH: I am delighted to hear that the Hon. R. S. L. Jones agrees with me. It is difficult to take the Tobacco Institute seriously when it tries to persuade people of two contradictory arguments at the same time. I am not concerned about adults, who have the right to smoke and I hope are sufficiently informed to make their own choices; my concern is for our children. I cannot resile from that concern. Consequently, once more I commend Reverend the Hon. F. J. Nile for his initiative in this important area.

The Hon. R. S. L. JONES [12.20]: I compliment and congratulate Reverend the Hon. F. J. Nile and the Hon. Elaine Nile on the introduction of this extremely valuable and important bill, the Tobacco Advertising Prohibition Bill. It is extremely important for the children of Australia, who are very vulnerable to the insidious advertising of this dangerous drug industry, the tobacco industry. The children of Australia are not yet aware that tobacco is the most dangerous drug available on the legal and illegal market. It is more dangerous than heroin and marijuana. They both result in terrible problems, but tobacco is more dangerous than either of those drugs which are attacked so heavily in the media and by government. Tobacco is by far the biggest killer of people in our community. About 20,000 Australians a year die from tobacco. What moral government can support the production, marketing and advertising of tobacco? No moral government can support that.

In the last few days of this debate, my other colleagues have already put on record that tobacco is the number one dangerous drug in the community. Unfortunately, it is still accepted by many people as their drug of choice. The Hon. Dr B. P. V. Pezzutti unfortunately still has a

problem with an addiction and some other members of this House also have a problem with addiction. Some members of this House have thrown off their addiction to the drug, tobacco. No doubt they will live much longer as a result of that. An article was published in the *Australian* recently about an actuary in America who had done estimates for the insurance industry. They showed that of two males aged 30, one being a smoker and the other being a non-smoker, the smoker will die 18 years earlier than the non-smoker. This is a very startling statistic. I have also heard of figures of an eight-and-a-half to nine-year reduction in life span. That is a devastating toll for our society.

The tobacco industry is evil - that is the only word for it. It is now fighting its last-ditch stand to maintain the sale of its deadly drug to its existing addicts and it is also attempting to recruit 12 year olds, 13 year olds and 14 year olds to replace those who are dying prematurely. The tobacco industry must recruit these young people or the industry will simply die as addicts die from tobacco addiction. Tobacco growers, wholesalers, cigarette manufacturers, cigarette sellers, advertising people and promoters of cigarettes are no different whatsoever from their counterparts in the heroin trade. They have the same level of morality as people marketing heroin to our young people. In fact tobacco

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is more addictive, as the Hon. Dr Marlene Goldsmith would know. It kills approximately 100 times more people than heroin, yet no one would imagine for one moment that the advertising, promotion and free sale of heroin should be allowed. The tobacco industry is attempting to get to as many 12 year olds, 13 year olds, 14 year olds and 15-year-olds as it possibly can and to addict them for their shortened lives. All it is interested in is making money out of this dangerous drug. It is not interested in morality or anything other than making money at the expense of our young people, who will die prematurely. Many will be crippled.

Its immorality and lack of ethics has been highlighted by its recent advertising campaign. As the previous speaker said, it is trying to put two entirely contradictory arguments and it expects us to believe them. The tobacco industry spent about \$6 million in Western Australia trying to prevent the introduction of a similar bill to that of Reverend the Hon. F. J. Nile, and it failed. It may wish to spend \$6 million in this State, maybe \$10 million. That in itself indicates that it is very keen to continue advertising, particularly through sponsorship. The other forms of advertising - using the backs of taxis; the fronts of shops, including confectionery shops where children buy confectionery; and billboards - are not very important to the tobacco industry. They are nowhere near as important as sponsorship. Sponsorship is what the tobacco industry wants to keep.

The health problems caused by tobacco in New South Wales cost approximately \$1 billion a year. It is difficult to tie to tobacco every illness which is caused by tobacco. Sometimes one cannot necessarily ascribe complications to tobacco addiction. One can only go by the statistics, which show that people who are addicted to tobacco die many years earlier. People die from heart attacks and lung cancer. In fact, the tie that I am wearing belonged to a person who died from lung cancer one year ago. He was my brother-in-law. At 29 years he died from lung cancer, and he was a smoker. I wear his tie today as a symbol. Very large numbers of people die and are crippled. It is not possible to ascribe every one of these deaths to tobacco addiction. It is not possible to say that there is a direct and absolute proven cause and effect. Many laboratory experiments would have to be carried out to prove that, but there is no doubt that the non-smokers of New South Wales, people who are healthy, are subsidising the health costs of smokers by up to \$1 billion a year. This Government supposedly believes in a user-pays system, so why do the users not pay in this case? If the users were to pay, they would be paying \$3, \$4 or \$5 a packet for cigarettes. At least the money coming from the taxation of tobacco would pay for the health costs of those crippled in our hospitals. People are dying on this very day in our hospitals from tobacco addiction. Why will the Government not act? Why did it take such a long time for the Premier to increase tax in line with other States to 50 per cent?

The Hon. R. J. Webster: It is because Queensland would not do so.

The Hon. R. S. L. JONES: The Goss Government in Queensland is still in thrall to the tobacco corporations. We are aware of that. We are also aware that just the other day a truck being used to smuggle cigarettes was caught on the border. Some smuggling is not an excuse for a delay in the increase of the tobacco tax. People in Victoria might have taken the same view. There is a domino effect. People may have been smuggling cigarettes from New South Wales to Victoria, but that is not an excuse. In any case, police know very well which trucks go to which wholesalers. They can easily track down these trucks. It is quite simple to track down New South Wales trucks and stop them when they come over the border. It is only a matter of whether this Government has a sufficient will to stop smugglers. The level of smuggling is not so

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significant that it would justify the maintenance of a lower level of taxation. This Government says that it now has the same level of taxation as other southern States, even though the Goss Government has not yet caved in to people who are interested in the health of our children. It is still in thrall to the tobacco industry. There is no reason why this Government cannot increase the tax 50 per cent, 60 per cent, 80 per cent or 200 per cent and force other governments to take the same line. In order for the tax to pay for health costs, it would have to be increased 200 per cent or 300 per cent. We know that. Why have we been so slow in taking action? It is because the tobacco industry is extremely strong and has a very powerful influence upon this Government.

[The Deputy-President (The Hon. Dr Marlene Goldsmith) left the chair at 12.30 p.m. The House resumed at 2.30 p.m.]

The Hon. R. S. L. JONES [2.30]: It is extraordinary that a product as dangerous as tobacco is allowed to be freely advertised and promoted. It is interesting to speculate about whether if this drug were introduced into Australia for the first time today, much like the designer drugs that come from the United States of America every week, it would be classified as a legal product. I am certain that if, say, tobacco was discovered today in the rainforests of South America and was brought to Australia as a drug for potential use, the marketing or use of it would not be allowed. Undoubtedly severe penalties would be imposed on anyone attempting to grow or market a drug which kills about 20,000 Australians a year. If tobacco were introduced as a new drug today, growers would face long gaol sentences; people who dealt in a ton or half a ton of tobacco would face life sentences. Tobacco has been used in western society for about 400 years. American Indian society used it for many thousands of years. It seems that the American Indians used it as a sacred drug. The American Indians used to smoke the pipe of peace and try to resolve their problems around a camp-fire. They did not smoke it continuously throughout the day as so many people do today; they did not abuse it. As tobacco has been used for several hundred years and because a significant proportion of our population is, regrettably, addicted to it, clearly it would not be sensible to consider prohibiting the product.

During the Great Depression, it was impossible to prohibit alcohol in America. Attempts to do so in those early days led to a significant increase in crime, the running of illicit alcohol, and the strengthening of the Mafia and other organised crime groups. Any attempt to prohibit tobacco would have similar results and would be foolish. Some tobacco industry lobbyists argue that the bill is an attempt to prohibit the use of tobacco. Any such attempt would be nonsense. The product has enormous market penetration which, fortunately, is diminishing. Unfortunately, almost one in three adults still smokes. Large numbers of older people, those who fear death, are giving up smoking. Though young people smoke like there is no tomorrow, the older people of age 30, 40 or 50 are beginning to realise that they are suffering and may well be doomed to an early death. Some who have been smoking for 20 or 30 years somehow find the willpower to quit smoking.

Unfortunately, for many it is too late and they drop dead in their tracks from heart attacks or develop cancer in their lungs or other parts of their bodies. They realise it is too late and wish they had not become addicted in the first place as teenagers. As these people die - regrettably, on average, 18 years earlier than those who have managed to keep off the drug - young people have to be brought into the fold to replace them. For the tobacco industry to maintain its profit, it is essential that young people are convinced by some means or other to smoke. One is aware of the constant peer pressure among children which urges them to take up tobacco smoking. Many children are convinced that

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because two or three of their friends smoke, they should join in as a bit of fun. One must ask why they would want to do something that will eventually lead to an early death or disablement. Fundamentally, the inhaling of tobacco smoke is not a pleasant thing to do and yields no benefit. Many times one hears of people who vomit and turn green when they smoke their first cigarette. It increases the heart rate and perhaps gives children a bit of a lift. Why do they want to do it?

One reason is that they feel it is an adult thing to do. It makes them look older; it makes them feel grown up. It is peculiar that 12-year-olds, 13-year-olds, 14-year-olds, 15-year-olds and 16-year-olds want to appear older than they are, yet people in their 30s and 40s wish they were younger. Young people, particularly boys, wish to appear adult. Unfortunately, so do increasing numbers of girls. At present young girls seem to become addicted faster than boys. That is a great shame. Where do young people get the idea that it is adult to smoke? That is the crux of the debate about tobacco sponsorship. Tobacco advertising gives smoking the aura of being an adult thing to do; it is manly, it is glamorous. One remembers those insidious Virginia Slims advertisements which were introduced in the 1960s. They claimed, "You've come a long way, baby". In those days women were not smoking in sufficient numbers so far as the tobacco industry was concerned. Tailor-made cigarettes targeted specifically at women were introduced: the sexy, slim Virginia Slims cigarettes. The advertisements targeted the women's market and claimed, "Now you have come a long way, now you can choose to smoke". For many decades, smoking was not the thing for women to do; it was anti-social. Women who smoked were regarded as a little tartish perhaps. It was regarded as not very glamorous and not a good thing to do.

The tobacco industry then decided to target women and find a way of getting under their guard. It sought to find something that would appeal to women to make them more modern and independent, stronger and equal with men. For many years women had been put down. After all, society has been putting women down for many hundreds of years. So women were specifically targeted with their own cigarettes. Virginia Slims was a classic example. In this country Alpine cigarette advertising was directed towards young women. One remembers the disgraceful advertisement showing the bottom half of a young girl's body covered only by a tiny bikini and a packet of cigarettes stuck into the bikini. The slogan read, "They fit anywhere", a sexually suggestive phrase. It was designed to turn on 12 year olds and 13 year olds, even 30 year olds and 40 year olds. I notice that some members on the Government benches looked up when I mentioned a teenager in a bikini. It was a very sexy advertisement. It turned people's heads. Some people in cars had accidents because their attention was diverted by these advertisements of a slim girl wearing only the bottom half of a bikini with a packet of cigarettes tucked very sexily into the side of it.

The Hon. D. F. Moppett: Does the honourable member say that was forceful advertising?

The Hon. R. S. L. JONES: I did see an honourable member lick his lips just then but I will not say which member it was. It was a very sexy advertisement and a very sexy sale. Girls of 12 and 13 years of age thought it was great to pretend they were growing up with the boys, thinking about sex for the first time. These budding young females got the idea that it was sexy to put cigarettes in places such as that. It was an extremely successful campaign. The market

for the boys was targeted by Peter Jackson cigarettes. The advertising was targeted deliberately at boys of 12, 13 and 14 years of age. It was successful, though I am pleased to note that sales have slumped recently. This deliberate targeting of 12-year-old and 13-year-old boys and girls was designed to

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encourage them to replace the adult smokers who were dying in hospitals, or having tracheotomies and other operations. Honourable members may have seen the picture of the Marlboro man, dying in hospital, with his horse beside him. The Marlboro man died of lung cancer. Since then sales of that brand of product have dropped.

The Hon. D. J. Gay: What happened to the horse?

The Hon. R. S. L. JONES: The horse contracted a secondary infection from sidestream tobacco smoke and has been pensioned off. It still has one lung and manages to hobble around. It also had a damaged back from being ridden around the countryside promoting cigarettes. It is clear the market will remain; people will continue to smoke cigarettes. The question is whether tobacco corporations will be allowed to recruit smokers from those in the age group of 12 to 13 years, the prime target market. Will this Government allow this to happen? I guess that will remain to be seen. I had a career in advertising. My first job in advertising was as a copywriter; for many years I was instructed and paid to sell all types of products. Fortunately I managed to avoid the advertising and promotion of cigarettes. I would never have done that, I am very glad to say. I should point out that my father died of cigarette addiction when I was 23 years of age and my mother died shortly afterwards from a similar addiction, so I have a personal interest in this subject.

Direct market advertising is a most precise form of advertising because it is possible to know exactly how every dollar is spent. If I spend \$10,000 in a direct marketing campaign I know exactly how much comes back as a result of that, whether it is \$12,000, \$1,500 or \$73,000. It is possible to know how every advertisement works. Every cent must count and must be able to be monitored. It is interesting to monitor the cigarette advertising campaigns; having had a unique insight into how advertising works, I can see how the cigarette companies target people through sponsorship, and to a certain extent I can assess the results. One experience in advertising involved my changing four words in an advertisement, though the average person would not have been able to tell the difference between the original advertisement and the changed version. The one I changed increased the response fourfold compared with the unchanged version. I have done that many, many times. I know exactly how advertising works. I have sold many products. In my time I have sold tens of millions of dollars worth of products. My advertisements have been used in almost every country of the world, in the press, radio and television.

Sponsorship works because essentially it juxtaposes cigarettes, the names of those cigarettes and their image with what is being sponsored. The image of the cigarettes is more important than the name. As sponsorship is phased out companies such as Winfield or Marlboro will use images and colours instead of the name of the product. Colour images are very important. In a few years' time these companies will provide financial sponsorship but will not advertise the name of the product, although the people being sponsored will wear the colours of the products. This is happening already overseas. For example, with McDonalds' golden arches one does not have to see the name of McDonalds to recognise that the symbol is representative of that organisation. That has been an extremely skilful campaign; in fact McDonalds is one of the finest marketing companies in the world and, as a result, one of the most successful. There is no doubt that the tobacco corporations, these very big drug dealers, are highly successful marketers. They have maintained their total market share against the most incredible odds, although that market is declining. The majority of people in the community are aware that tobacco kills, and they see members of their family dying of the effects of tobacco. Against all the odds the tobacco companies have maintained their marketing

At one time I was involved in the advertising of a pharmaceutical product which probably no longer exists. It was manufactured by an international chemical company which was trying to maintain its market share, though that share was declining. The product was reasonable but it was being replaced by newer products. Through the launch of a skilful campaign, with well-placed and well-written advertisements, the company managed to slow down the demise of that product in order to maintain profits. The company knew the product would die eventually. Had it not maintained the advertising, the product would have died much earlier. The company had only a certain profit margin within which to work and had limited advertising funds. The effect was that the company was able to maintain sales for a longer period than it would have had it stopped advertising. It is true to say that if one stops advertising a product, the product will still sell but the volume of sales will decline at a steeper rate than if the product is not advertised.

Sponsorship is a very successful form of advertising. We are aware that the tobacco advertisements on the back of taxis will go. That is not a large market for the tobacco companies, although it does attract attention, particularly the attention of children travelling in cars. Children also see advertisements outside shops to which they go to buy confectionery and on billboards. I saw a school bus that was plastered with cigarette advertisements. This is wonderful marketing for children. But the big target area is not so much billboards or the point of sale, though point of sale advertisements are more important than any other advertisements because they will probably remain and be a key marketing tool for tobacco companies. The big target is undoubtedly sponsorship. It is seen on television every week, particularly at weekends. I have studied this on several occasions and I have made a note of the number of times the name of a cigarette was shown on the television. It was something like 40 or 50 times in an hour. It is so-called incidental advertising, but it is not incidental at all.

In a study that was carried out in the United States of America - and I believe it happens here also - it was revealed that cameramen were paid extra money by the tobacco corporations to focus and linger on the names of the products. There is some corruption there, apart from the corruption of the political system by the tobacco corporations which have been paying very large sums of money to political parties. Unfortunately that money is laundered through the administration accounts in Canberra and not through the campaign accounts, so the money given by the companies does not come to light. In 1981 the Liberal Party was given \$30,000 and it will receive this year perhaps \$250,000 or \$300,000 for the next campaign. It is not known how much it will be, but it will be a large amount of money. Tobacco companies know that they can maintain their market share by maintaining the political party in office. However, these amounts of money are laundered. In a sense there is corruption throughout the system. Cameramen and camerawomen are paid to focus and linger on the name Winfield, for example, for an additional second or so while filming sporting events.

The Hon. J. H. Jobling: The honourable member should make those allegations outside the House.

The Hon. R. S. L. JONES: I have written an article about it. It is all on the record. I was not sued, because the tobacco companies knew that what I had written was true. Tobacco companies also sponsor the use of cigarettes in films. Often in a film when a person lights a cigarette the camera will focus on the Marlboro pack. That is not a coincidence. Tobacco companies pay hundreds of thousands of dollars just to get one

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or two shots of the name of the cigarette. In the film "Crocodile Dundee" the actor Paul Hogan smoked cigarettes. Paul Hogan is a walking cigarette commercial. Whenever he appears in a film he is a symbol for cigarette smoking. In his films he is often seen smoking. When Paul Hogan appears in a successful film, or in an advertisement for Australia, shown in the United

States, he is recognised as a symbol of tobacco and cigarette addiction. That is a deliberate ploy. It is more difficult now because cigarettes cannot be advertised on film or on television any longer. They can be promoted only through incidental advertising, by bribing directors to show the name of the tobacco product in films. Therefore it is now difficult to build up personalities such as Paul Hogan.

Celebrities such as Paul Hogan, Tony Barber and Stuart Wagstaff are identified through cigarette advertising. Those three people are recognised as promoters of cigarettes. Because of their public image they are still promoting cigarettes long after they were paid to do so. Sponsorship is extremely valuable. Tobacco companies will fight tooth and nail to try to preserve their markets. The only way they can preserve their markets now is through sponsorship. Some tobacco billboards advertise free brochures. In this way tobacco companies are building up a direct mailing list. Political parties are using that sort of promotion also. It is more successful than spending money on television advertisements. Tobacco companies will be switching from advertisements on the backs of taxis, the point of sale, and on billboards, to a direct mail campaign. They will identify their markets as fast as they can. They have been doing this for some months now as they know the writing is on the wall - they know it will all end at some point; that the party will be over. Tobacco companies will be going directly to people's homes through these mailing lists, bypassing the advertising system. No doubt that method will continue because one cannot interfere with private mail. In four or five years' time products associated with cigarettes will be advertised directly in people's homes. This will enable tobacco companies to maintain their market share and their profits at the same time. It will be interesting to see how that campaign develops.

The insidious thing about tobacco sponsorship is that it is associated with sports that most Australians love and are involved in. Australia is probably more involved in sport than any other country in the world. It is important to Australia and to Australians to have healthy bodies. Australians are very much outdoor people. The whole aura of sport is vigorous and healthy. When 12-year-old and 13-year-old impressionable children see these advertisements, they remember them. They associate cigarettes with racing cars and sport. To them Winfield is a winner. It is associated with the Winfield Cup and winning. It was no accident that the name Winfield was chosen by the tobacco company. It is actually a combination of Winston and Chesterfield, the American cigarettes. Longbeach is another name that appeals to children. Longbeach cigarettes have penetrated the children's market extremely well. The Longbeach advertisement depicts a long stretch of beach, because the companies know that children long to go to the beach; they like surfing and the outdoor life. Longbeach cigarettes are very popular with children. The names of cigarettes are chosen carefully. The Peter Jackson cigarette packet has exciting colours of reds and blues, and advertisements show sexy clothes scattered on a beach, suggesting that a couple have shed them and gone off to have sex in the sand dunes. Peter Jackson cigarettes have a very sexy image. It is all insinuated.

It has been said that people do not take up cigarette smoking because of tobacco sponsorship. That may be true, but the sponsorship builds up an aura of a particular cigarette and it only needs a little push from peer groups before people go over the edge and start smoking, say, Peter Jackson cigarettes. Young children aged 10, 11 and 12 believe that Peter Jackson cigarettes and Alpine cigarettes are sexy. Children aged 12

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and 13 are into sex, and so this whole sexual image, the excitement of winning, is built into the aura of the product. Children believe if they smoke Peter Jackson cigarettes that they are both sexy and successful. They think: "I look really great smoking cigarettes. I look older. I will not wimp out and say that I do not smoke. I want to be successful and sexy, so I am going to smoke". Sponsorship is built around enthusiasm, excitement, winning the Winfield Cup, opening up the champagne and so forth. Cigarettes are not exciting to those lying on a hospital bed with a tube down their throat, dying of lung cancer. It is not exciting to those who can hardly breathe because of emphysema. It is not exciting to a 55 year old on the point of death. It is exciting to healthy 15 year olds.

The Hon. D. F. Moppett: The honourable member must have done a lot of smoking from the description he has given.

The Hon. R. S. L. JONES: I had whooping cough and pneumonia. I cannot smoke because I have a damaged lung. I have suffered as a result of my parents smoking. Cigarette companies are desperate not to lose valuable sponsorship. They would kill not to lose it. They would certainly pay a lot of money to political parties not to lose it. Their recent advertisements about the effects of sponsorship have been contradictory. Several letters appeared in the *Sydney Morning Herald* of 19th November. A letter from John Kitchen of Lindfield stated:

The advertising of the Tobacco Institute of Australia supporting cigarette advertising raises some very important issues and a significant opportunity for the industry.

By citing the Russian experience, in which it is claimed that without cigarette advertising "more than double the percentage of the population smoke compared to Australians" (*Herald*, November 16), the institute has demonstrated that cigarette advertising doesn't work in the sense of increasing demand.

In its four-page advertisement, it then goes on to state "They want us to sacrifice jobs, funds for sport, and the arts, for an idea that doesn't work."

I think it is strange that it actually wants to spend money on something that does not work.

If cigarette advertising doesn't work, and, as stated by the institute "Banning advertising won't stop people smoking" the elimination of cigarette advertising therefore won't reduce the funds available to the tobacco industry to provide support to sport and the arts.

I suggest the Tobacco Institute could overcome its stated concerns by continuing to give money to support jobs, sport and the arts, but to do so anonymously and voluntarily.

That is a very good point. The tobacco industry could sponsor sport, even under this legislation, but it could not allow names to be associated with sponsorship. The tobacco industry could give sport \$20 million from its ill-earned profits. The tobacco industry should have a conscience about killing 20,000 people a year, so why should it not give some blood-money to sport? But, oh no, it wants the advertising. The tobacco companies will not give away money for nothing. Football clubs and other clubs could say to the tobacco companies: "We would like your money, but do we have to use your name? We are embarrassed about people dying from tobacco addiction. We will take your money but do you insist on advertising your name?" The tobacco companies will reply: "Of course we need to advertise. What do you think we are doing it for? We are not an altruistic organisation. We need the profits". That proves that there is a very strong link between sponsorship and the sale of tobacco and recruiting young people to smoke. Mr Kitchen continued:

In this manner, jobs won't be lost and sport and the arts will continue to be supported.

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Furthermore, those who oppose cigarette advertising will have their concerns removed. Surely everyone wins, including the tobacco industry, which can avoid the need for unproductive, defensive advertising expenditure.

Obviously defensive advertising does not work. It does not work in Russia. In that country tobacco is not advertised, but the people there smoke twice as much as we do. According to

this logic, if companies cease advertising, cigarette sales should increase. Perhaps the companies are wasting their money. Perhaps sales are decreasing even though they are advertising. Is that possible? Is that logical? I do not think so. The writer continued:

I have to add that I am incredibly impressed that the tobacco industry's only concerns are altruistic ones related to jobs, sport and the arts and have nothing to do with its own business desires.

How about that! Another writer, John Souter of Lewisham, spoke about tobacco lobbyists having bed on the brain. Reverend the Hon. F. J. Nile and the Hon. Elaine Nile will rightly be extremely upset by this continual reference to Reverend the Hon. F. J. Nile being in bed with the Leader of the Opposition, the Hon. Bob Carr.

The Hon. Elaine Nile: Definitely. That is gutter tactics. It is deeply offensive to me.

The Hon. R. S. L. JONES: Reverend the Hon. F. J. Nile and the Hon. Elaine Nile are highly honourable and moral people. This House acknowledges that. Their hearts are absolutely in the right place. It is the lowest possible tactic, absolute gutter tactics, to insinuate that Reverend the Hon. F. J. Nile is in bed with the Hon. Bob Carr. The tobacco industry would be well aware of Reverend the Hon. F. J. Nile's attitude to gay issues, and is seeking to make him doubly embarrassed. I am not now speaking about my attitude to these issues; my point is that because Reverend the Hon. F. J. Nile has introduced this bill, the tobacco industry is putting the boot into him in a most disgustingly immoral, gutter fashion. That is upsetting his family, and particularly the Hon. Elaine Nile, who is highly offended by this tactic. This is a disgusting way to treat two members of this House, and all honourable members should be annoyed about it. It is a disgraceful way to treat anyone, but particularly people who have shown that they are sensitive about this issue. Mr Souter wrote about the tobacco industry's obsession with beds. John Singleton's firm created the advertising. Mr Singleton is renowned for some basic advertisements, some of which work and some of which are absolute disasters. Mr Souter wrote:

Will they persist with this theme by telling us how many hospital beds are occupied by smoking victims?

How many people are in bed at this moment, right now, in hospital in New South Wales as a result of having been conned into smoking when they were 12 and 13 years of age and having been unable to give up the most addictive drug on the market? How many people are dying right now in hospital from lung cancer, liver cancer, emphysema or any tobacco-related illnesses? Clearly the community will reject the advertisement by the Tobacco Institute. I believe that this advertising campaign has done the institute more harm than good, because it has offended the community. People are not stupid; they know that cigarettes are bad for them. Most smokers would like to give up smoking but are addicted and cannot. The Hon. Dr B. P. V. Pezzutti and other honourable members of this House who are addicted would like to give up smoking, but, as I say, they are addicted in a way that no other drug could addict them. The advertisement undoubtedly

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will fail to convince the public to take the side of the Tobacco Institute. The people will not be conned by the advertisement and it will fail absolutely.

I should like to place on record a number of comments in letters that I have received. I do so now as I may not have the opportunity again. If this bill is passed it might be the final nail in the coffin of the tobacco industry. On 18th November the Heart Foundation wrote to honourable members, making the point that Mr Singleton and the tobacco industry are distorting the intent and purpose of the bill. The foundation pointed out that the bill does not seek to ban sponsorship, only advertising of tobacco products. The foundation said that present sponsors could continue to donate money to sport if they wished, and that other suitable

sponsors could be attracted. The recipients of sponsorship could receive a double whammy: they could receive money from the Tobacco Institute and other money from suitable sponsors. The Quit for Life program, for example, could provide sponsorship of \$10 million a year. That program should receive additional funding. I sincerely hope that as the Government has now seen fit to fall into line with the other States in imposing a 50 per cent tobacco tax, it will use a proportion of that money for pro-health and pro-life campaigns. The Quit for Life campaign receives very little funding from the Government. Clearly the Government does not want to offend the tobacco industry, and provides very little funding to inform teenagers of the dangers of tobacco addiction and to reveal tobacco advertising for what it is - an insidious means of encouraging 12 year olds and 13 year olds to commence smoking. The Heart Foundation said:

The Bill provides for a phasing-in period of four years, and there are possibilities for special exemptions. This means that the existing contracts can be honoured and that the advertising will only slowly disappear.

If during this four-year period the Government of the day introduced funding for the Health Promotion Foundation, a mere 5 cents per pack would cover **all** the existing sponsorships, and 7 cents per pack would allow great support for mass participation sports which do not benefit from the present sponsorships.

That is the point. The tobacco industry is interested only in high profile sports that are televised on Saturdays and Sundays. The companies note how many times their names are screened during prime time television and work out how much that is worth in advertising terms. They calculate whether it is worth \$25 or \$100 every time their company name appears. That is a cheap form of advertising. However, the tobacco companies are not interested in sponsoring sports that do not have television coverage such as, say, croquet. Have honourable members ever heard of the Winfield Croquet Cup?

The Hon. Beryl Evans: We see tennis.

The Hon. R. S. L. JONES: Tennis is a high profile sport. The tobacco companies would like to be involved with additional tennis sponsorship. The companies are attracted to anything that has a high profile and a high level of television exposure. They are not interested in sponsoring, say, the Balgowlah croquet club. There is no mileage in that for them. Croquet does not receive television coverage and would not provide a return from sponsorship. There is no point in companies sponsoring a sport that does not receive television coverage; they sponsor only those sports that are televised. To do otherwise would be to waste money; it would be altruistic. On 13th November I received a letter from the National Heart Foundation. It is just one of a number of letters that I have received from the foundation. It is battling to save lives. It does not make any money from this fight; it is interested in one thing only, and that

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is to save lives.

It seems that the Heart Foundation has a bit of a struggle on its hands with this Government. The Greiner Government is more interested in appeasing the Tobacco Institute and the tobacco industry. One can only put that down to motives that are less than pure, which may include campaign donations. I wonder whether such donations are sufficient to oppose the National Heart Foundation, the Pharmaceutical Society of Australia, the Royal Australasian College of Surgeons, the New South Wales branch of the Australian Medical Association, the Public Health Association of Australia, the Australian College of Paediatrics, and the New South Wales Cancer Council, all of which are supportive of this legislation introduced by Reverend the Hon. F. J. Nile and the Hon. Elaine Nile. These organisations are fighting to save lives. Anyone who opposes their work is, one might say, pro-death and, therefore, pro the tobacco lobby. Anyone who is opposed to saving lives must be on the side of the devil, on the side of the demons, and on the side of evil. The evil is the tobacco corporation and those who

support that corporation. Any member of this House who supports the tobacco lobby is speaking on the side of evil. They may be duped by the money they have received through their administration accounts; nevertheless, they are speaking on the side of evil.

More people die from tobacco addiction than have died in wars. Of the order of 20,000 people die in Australia each year from tobacco-related disease. About half a million people in America die each year from tobacco addiction. That is more than the number that died in the Vietnam war, and more than the number that die from road accidents or any other cause. Yet governments defend tobacco corporations. The New South Wales Liberal Government and Nick Greiner himself defend this situation. I remind honourable members that Eastern Creek Raceway was constructed on a promise of cigarette advertising and sponsorship. Soon after the Eastern Creek discussion in the Parliament I said to Nick Greiner, "That was an extremely immoral thing to do". He said to me, "At least that is an argument". He would not accept the dollars and cents argument but he did accept that I could argue it was an immoral act to allow the raceway to be built on a promise of tobacco sponsorship. The Hon. Elaine Nile has just handed me a copy of a letter that I am sure has been distributed to all members of this House. I thank her for having taken the trouble to provide me with her copy. The letter was sent on 19th November from the New South Wales regional committee of the Faculty of Anaesthetists. I suspect it was sent out as a result of the efforts of the Hon. Dr B. P. V. Pezzutti, but I could not be sure. It states:

With the Tobacco Advertising Prohibition Bill now being considered in the New South Wales Parliament, I write to seek your support for this important matter.

The Faculty of Anaesthetists, Royal Australasian College of Surgeons recognises the detrimental effects of smoking on the health of people of all ages, and is particularly concerned about the increased risks of anaesthesia and surgery in smokers.

I hope that the Hon. Dr B. P. V. Pezzutti is made aware of this letter and that in Committee he will respond to it. I hope that he will soon realise that smoking is not such a great habit after all. I believe that he would love to give it up. The letter continues:

The Faculty supports all reasonable measures to reduce tobacco use in the community -

It asks for the support of members of Parliament for the Tobacco Advertising Prohibition Bill. I assure the faculty that the bill has the 100 per cent, absolute support of the Australian Democrats. On 4th November the Pharmaceutical Society of Australia sent
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me an interesting brochure sponsored by Duncan Flockhart and supporters of smoking cessation, who are waging a campaign to reduce the use of tobacco and to assist smokers to quit. Pharmacists throughout Australia are involved in the campaign, for which they are to be applauded. They believe that every support should be given to all efforts to reduce the use of tobacco, which reduces the health of our community. One could say that it is not in their interests to be involved in such a campaign. If more people are encouraged to smoke, more people would become sick and, therefore, seek prescriptions from them. Obviously they are being altruistic; they want to reduce the use of tobacco because they see the suffering of those addicted to tobacco. The brochure, entitled "Smoking: The Health Facts", states, inter alia:

Smoking kills about 23,000 people each year in Australia.

We knew that already. It continues:

Nicotine: Raises the pulse, making the heart work harder.

One study looking at the sudden deaths of 19 active sportsmen found 13 were smokers, and 11 smoked more than 20 cigarettes a day.

Even sportspeople who smoke, though they are otherwise healthy, die suddenly from heart attacks. The brochure refers also to the effects of carbon monoxide. It states:

Carbon monoxide: Leaves the heart with less oxygen to do its work of getting the blood around the body and the brain.

Smoking has an adverse impact on veins and arteries. It reduces potency and hair loss. It is noticeable that, generally speaking, smokers are far less healthy than non-smokers. Their sex life suffers terribly. The wives of male smokers often complain about their partner's lack of activity; they cannot get the blood flowing like non-smokers can. Smoking affects one's sex life. Though smoking is promoted as sexy, it is exactly the opposite. It restricts the flow of blood to those parts of the body that require it for the purpose of making love. The brochure refers also to the effects of tar, in the following terms:

Tar: Clog the lungs with chemicals many of which produce cancer.

There are dozens of carcinogens in cigarette smoke. It states further:

Phenols: Stun and eventually destroy the hair-like lining of the airways. This leaves the lungs open to irritants and cancer-producing substances.

Often phenols will destroy the capacity of lungs to recover. It may well be that smoking does not cause lung cancer. It may be that phenols have destroyed the hair-like lining of one's airways, making one more vulnerable to other carcinogens. Honourable members, I am sure, have seen the effects of emphysema. People not so far from where I am standing, who are heavily addicted to cigarettes, experience the greatest difficulty breathing. The brochure states further:

Sickness: Smokers are sick more often. Smokers average 30-60% more sick days off work than non-smokers.

Heart attack: Smokers have 3 times the risk of non-smokers or ex-smokers.

It is well known that smokers are more likely to suffer from peptic ulcers. I have been advised that the Hon. E. P. Pickering gave up smoking many years ago.

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The Hon. E. P. Pickering: Many years ago.

The Hon. R. S. L. JONES: I am sure he feels a lot healthier and better within himself.

The Hon. E. P. Pickering: Much better. You have no idea what it did for my sex life.

The Hon. R. S. L. JONES: Did it improve your sex life?

The Hon. E. P. Pickering: Definitely. I had all my children while I was a smoker.

The Hon. R. S. L. JONES: I am sure his giving up smoking has kept his family together. Being a member of Parliament is difficult. It puts a great strain on one's family. Ted Pickering's giving up smoking has kept his family together. The brochure continues:

Male smokers have more abnormal sperms and a lower than average sperm count.

This whole push to allowing sponsorship by tobacco companies and cigarette advertising might be an insidious plot to reduce the population of Australia. It might be population control in a different guise. The brochure continues:

Female smokers also are less fertile.

People who smoke suffer, their children suffer; and women who smoke give birth to smaller babies. Those children are already preconditioned to cigarette smoke. When a pregnant woman smokes this impacts directly on the baby in the womb. The brochure continues:

Women smokers on the pill have up to 20 times greater risk of heart attack, about 20 times greater risk of stroke.

That is a phenomenal figure.

Women who smoke during pregnancy have an increased risk of suffering a miscarriage, still-born baby, or one who dies soon after birth or has a lower than average birth weight.

So, smoking is child abuse. Many times people light up a cigarette in a car with the windows closed. Children sitting in the car are forced to inhale secondhand cigarette smoke. That is another form of child abuse. This matter is probably the number one issue to come before this House during this session - probably the Parliament.

The Hon. P. F. O'Grady: This is one thing we will have an input into which will have a generational change.

The Hon. R. S. L. JONES: As the Hon. P. F. O'Grady has said this is one thing into which we will have an input which will have a generational change. We hope to persuade members of the Government to support this bill as it stands without mickey mouse amendments it proposes - of which we are all aware - to get around the import of the bill so that they can continue to have Winfield sponsorship for ever more. Today the Hon. Nick Greiner said on radio that we will always have the Winfield Cup. The Hon.

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Nick Greiner may be lying but I do not think he would do that - and the Hon. Ted Pickering is shaking his head. The Hon. Nick Greiner is saying in effect that the Government will bring some mickey mouse amendments before this House to negate the effect of this legislation so that it will have no impact; and that we will always have a Winfield Cup and donations will always be made to the Liberal Party and National Party. The Government cannot manage without that money.

The Hon. J. H. Jobling: And the Democrats.

The Hon. R. S. L. JONES: Unfortunately, the Democrats do not qualify for cigarette sponsorship money. We do not ever get money from the marihuana growers. We are not on the side of the big boys in this game - the tobacco lobby and the big druggies. The real issue in this debate is not sponsorship but the addiction of the Liberal Party and the National Party to tobacco money. Those parties cannot manage without that money. What would they do without tobacco money? How could they run a decent campaign without tobacco money.

The Hon. J. H. Jobling: Let us put it to a vote and get the bill passed. The Hon. R. S. L. Jones is holding up the legislation.

The Hon. R. S. L. JONES: Mr Deputy-President, I am being urged to wrap up my contribution to the debate. I have so much to say with so little time. I shall mention a few

organisations that have written to me and other honourable members and make one or two comments about each one. These organisations which are about public health, not about public death, should have their work placed on the public record. The New South Wales branch of the Australian Medical Association is calling for a ban on all incidental tobacco advertising, the prohibition of all tobacco sponsorship of sporting events and the establishment of a health promotion unit to be financed by increased taxes on tobacco products. Last week the Public Health Association of Australia and New Zealand wrote in these terms:

. . . the tobacco industry has long and consistently claimed that cigarette advertising has no effect on the total demand for cigarettes, preferring to claim publicly that advertising only influences brand choice.

When it suits them, they run the line that advertising bans don't work. Then when a ban looks imminent, they suddenly start claiming that a ban will cause everyone from the chief executives of tobacco companies to the corner store owner who sells cigarettes to lose their jobs.

Obviously they are either lying most of the time to the public about advertising not affecting the market, or they are making misleading claims with this campaign.

Recently the Australian College of Paediatrics wrote to honourable members putting its views in support of Reverend the Hon. F. J. Nile's bill. That letter dated 28th October when referring to a policy statement from the Australian College of Paediatrics published in the *Australian Paediatric Journal* 1985 stated:

In this statement the serious health hazards of smoking are emphasised. Reference is made to the inadvertent exposure of the unborn infant and young child through parental smoking. Commitment to achieving a reduction in a maternal smoking in pregnancy as well as parental smoking in the same environment as the young child was also indicated. In addition this statement stressed the equal importance of preventing older children and adolescents from commencing smoking.

Recommendations included the prohibition of advertising of tobacco products in all forms as well as research and education to try and aid parents in their efforts to stop smoking, as well as preventing children from taking up the smoking habit. The Committee therefore feel that the proposed bill would be a step towards achieving these recommendations.

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Last week the Royal Australian College of General Practitioners also wrote to honourable members. Its 1986 policy provides as follows:

The Royal Australian College of General Practitioners condemns the advertising of any tobacco products . . . Active and passive tobacco advertising, tobacco sponsorship of sport and other activities serves to promote an industry which threatens the patient's health and escalates costs.

That body is also opposed to this Government's attempts to retain sponsorship of sport by tobacco companies. The New South Wales Cancer Council has written to honourable members in a letter dated 12th November in these terms:

The latest Cancer Council survey of the smoking habits of NSW schoolchildren shows that nearly 20,000 of those under the age of 16 started smoking last year and almost 44,000 are current smokers. It confirmed previous research which had shown that more girls than boys were now smoking.

Of the 43,700 children smokers under 16, there were 16 per cent more girls (23,500) than boys (20,200) who were current smokers.

Girls are now the big market for the cigarette companies. The drug dealers are targeting young girls. This is insidious. The letter continued:

A child who begins smoking at 14 years or less is 15 times more likely to die of lung cancer than someone who never smokes, and 5 times more likely than someone who starts smoking at age 24 years or more. Very few people start smoking aged over 24 years.

That is because by the time they reach that age they know the dangers of smoking and have no need to start. They are well aware by then of the problems in taking up cigarette smoking. The time to get them to take up smoking is when they are 12 years, 13 years and 14 years. Though male lung cancer death rates have fallen 6 per cent in the last five years, female lung cancer death rates have increased by 15 per cent. I predicted that in 1965. Between 1965 and 1969 I ran a strong anti-smoking campaign in Sydney based on information received from around the world. At that time I predicted that female lung cancer death rates would increase dramatically, and they have done so. The New South Wales Cancer Council says that unless both State and Federal governments act to further curb cigarette advertising, the prospects of turning around female lung cancer death rates remain grim. Unfortunately, that will be so. A letter dated 31st October from the Westmead and Parramatta Hospitals and Community Health Service states in part:

The finding that cigarette advertising does have an influence on children's smoking behaviour has been confirmed by other Australian and international studies.

There are many reasons why cigarette advertising should be banned, not least among them being the fact that such advertising does not go unnoticed by the next generation of potential smokers - our children.

A few days ago David Hill, President of the North Sydney District Rugby League Football Club Limited, whom I have known for many years, wrote a letter to me about sports sponsorship.

The Hon. Dr B. P. V. Pezzutti: The railways lost money hand over fist when he was running them.

The Hon. R. S. L. JONES: I doubt that anyone is more honourable than David Hill. His letter states:

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I am writing to you about a matter which has been raised with me by a number of Parliamentarians in relation to proposed legislation to prohibit all forms of tobacco advertising and sponsorship in New South Wales. In this context I have been asked about the significance of the Winfield sponsorship to the financial viability of the "Winfield Cup" Rugby League competition.

It is my view that the importance of Winfield sponsorship has been very much overstated. The future of rugby league is assured even with an end to tobacco sponsorship and League administrators are more than capable of moving to secure alternative funding or sources of sponsorship to replace it.

The New South Wales Rugby League will not disclose the value of the Winfield sponsorship but it is accepted that the revenue from Winfield (Rothmans) is included in the League annual accounts as part of "Turnover from Trading Activities".

The cost of operating the "Winfield Cup" is overwhelmingly met by the individual clubs who participate in the competition and not by the NSW Rugby League. The club of which I am President, North Sydney, is one such.

It costs between \$3 and \$3.5 million per annum to run a typical "Winfield Cup" football club. This covers all players payments, all operating, administrative and other costs. Individual clubs are also responsible for junior rugby league and the development of the game in their district. The staging and cost of "Winfield Cup" games is met by the "home" team.

The only significant expenditure incurred for Winfield Cup matches by the NSW Rugby League is for referees and the League's judiciary system. The League argues it also spends money on advertising and promotion of games but this is also used as a mechanism to promote Winfield cigarettes.

Taking Norths as fairly typical, the total cost of operating the club in the "Winfield Cup" competition in 1991 was \$3.4 million.

Funds for the Club derive from various sources but it is instructive to look at the financial support for our involvement in the "Winfield Cup" competition provided by the League itself.

All clubs, including Norths, received a grant from the NSW Rugby League of \$290,000 for 1991; around 8 per cent of their running costs. Clubs also receive some additional TV rights funds if they are the "home" team and play a televised game on either a Friday night or Saturday. In 1991, Norths received a further \$75,000 for this reason.

The League receives very substantial rights payments for these telecasts. Of the standard \$290,000 grant to each club, the NSW Rugby League has stated that the major component is from television rights.

Given that the League grant is only a small proportion of the competition operating costs and that TV rights provide most of that, the Winfield sponsorship is at most only a marginal component.

An end to Winfield sponsorship would not adversely affect the future of the great game of rugby league.

David Hill's letter shows once and for all the big lie that is being perpetrated by the Tobacco Institute adding lies to more lies in its advertising. Sponsorship by the tobacco industry does not affect the Winfield Cup. The Winfield Cup need not be known by that name but could be called the Quit for Life Cup. That would be more honourable than to allow the game to be sponsored by the biggest drug dealer in the country. I reiterate my support for the bill introduced by Reverend the Hon. F. J. Nile and the Hon. Elaine Nile. I express deep appreciation of their courage in fending off and standing firm against attacks from the tobacco industry. They have been subjected unfairly to the most gross and disgusting abuse in a heap of lies by John Singleton and the tobacco industry. The Tobacco Advertising Prohibition Bill, if passed intact by this House, as it should be, will do more good and save more lives than any other legislation enacted during the entire term of this Fiftieth Parliament.

The Hon. BERYL EVANS [3.37]: Having been a smoker I feel compelled to speak on the proposed legislation. It is time that those of us who have been there and done that should speak. The bill has many controversial aspects that require comment. In my family smoking was not an issue. I do not think my father ever had a cigar out of his mouth. I was offered cigarettes at an early age and absolutely refused them. I neither liked them, nor wanted to smoke. In 1942, when I joined the Air Force, wherever we went and whatever we did, we never stopped to have a drink or a rest, we always stopped for a smoko. So it became the thing to smoke. I am amazed at all this talk about how attractive advertising is these days and how it woos young people to smoke. In my day when I started to smoke the advertising was absolutely superb. In that emotional era real things appealed to us. Most cigarette packets of that time portrayed a most glamorous man dressed in uniform, which was an attraction, but not once did that influence me to smoke or to select other than the type of cigarette I smoked. What interested me was the cigarette I liked and enjoyed.

Without doubt a person who smokes and becomes addicted has great difficulty giving it up. I am sure that over the years that I smoked I have given up smoking more often than 10 other people put together. At one stage I gave it up for 12 months. At other times when I thought I was smoking too much I rationed my smoking to 10 a day but often would go for an evening out and smoke half a packet. I gave up smoking a long time ago - I cannot remember when - but I still miss it. It is one of those things. I did not want my children to smoke. I realised all along that smoking was not advisable. So I bribed my sons not to smoke. I offered them £100 each on turning 21 if they did not smoke and showed no inclination to smoke. I must say that I need not have done that. They loathed smoking. As they grew up, every time I lit up a cigarette in the car they would wind the windows down. When they came home from school holidays they would take my cigarettes and hide them. Things became so desperate that the only place I could enjoy a cigarette was in the bathroom. Their intense dislike for smoking began to influence me but my eldest son, I think it was, eventually made me pull my socks up. He came home on leave from university and said to me, "You know, Mum, we have always considered you an intelligent old girl but the fact that you smoke is something that I will never be able to understand".

The Hon. E. P. Pickering: You were young then.

The Hon. BERYL EVANS: I was very young. That was the thing that pulled me together. What disturbs me most is that the Government should play the role of parent. That is being sought by this bill. There is no reason for it. It is not the place of government to tell young children that they must not smoke. That is the prerogative of parents. Parents should be left to carry that responsibility and not be interfered with by the Government. It appals me that increasingly legislation brought before the Parliament tends to reduce the role of parents. I shall elaborate on that later. One of two things should be done in regard to cigarette smoking: either it should be banned or we should forget it. I cannot understand how some honourable members can continue to be hypocritical by saying that advertising will be banned when they do not really care how many people smoke or whether those who smoke are children or adults. They seem to believe that if advertising is banned people will stop smoking. That is absolute nonsense.

The Hon. R. S. L. Jones: What the honourable member said is nonsense.

The Hon. BERYL EVANS: I ask the Hon. R. S. L. Jones, if smoking is banned what would he replace it with? If something is banned, it is replaced by something worse. The Hon. R. S. L. Jones goes on with a lot of nonsense but he wants to legalise
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marijuana. He is willing to legalise that drug and ban cigarettes. That makes me mad.

The Hon. R. S. L. Jones: The honourable member is being hypocritical.

The Hon. BERYL EVANS: I am speaking at present. The honourable member had his chance and spoke for an hour and a half. The Legislative Review Committee of the Western Australian Parliament made a report on the Western Australian Tobacco Bill this year. That committee found as follows:

After receiving evidence from people eminent in relevant fields of research, the Committee is forced to the conclusion that no compelling evidence has been presented that advertising causes people, and in particular young people, to begin smoking . . . The Committee's conclusion is that any decision to ban all forms of tobacco advertising . . . is purely a political decision.

I share that opinion. The hypocrisy of the legislation makes me sick. There are many other things in the community that are bad for people's health. Following a serious motor vehicle accident recently involving a semitrailer, when gas was released into the air, I asked several of my friends about what had happened. They told me that fire brigade officers were stopping cars and asking the drivers "How is the air conditioner now working inside your car? Is it drawing in air from outside or is it using air circulating inside the car?" A number of my friends come to work in the city and travel by car. They sit in long queues of vehicles each morning and evening, sometimes stationary in the tunnel. I asked them "What does your air conditioning do? Does the air reticulate from inside the car or does the air conditioner still draw in air from outside?" Not one of them knew. Day after day, morning and evening they sit in their cars and inhale carbon monoxide. Other things are as bad as cigarette smoking. Some food is bad for one's health. I am a farmer and have been told I should not eat butter, drink milk, eat cream and all sorts of things, because of the level of cholesterol. Is alcohol to be the next product in respect of which bans will be placed on advertising?

Another thing that worries me about this debate is that fallacious figures have been presented to honourable members as to how many people have died from smoking. I assume that if I dropped dead tomorrow as a result of a heart attack, the statisticians would say that my death was the result of cigarette smoking because I had smoked when I was younger. Nothing else would be taken into consideration. I loved the story about the doctor who recently was asked by his patient "How bad is my condition and what should I be doing?" The doctor said "Let us look at it; nine out of 10 people die from heart failure; nine out of 10 people die from strokes; nine out of 10 people are killed on the roads; nine out of 10 people die from other diseases - what would you like?" People have a lot of choices. Statistics have been presented about those who smoke and why they smoke. Some members of this Parliament persist in smoking, even though aware of all statistics that have been presented. One wonders how it will be ever possible to change things. They are intelligent people, such as Dr Pezzutti, the Hon. Virginia Chadwick and the Leader of the Opposition. Let me remind honourable members what was said by Dr Refshauge in the other place:

The proposed ban will not achieve the stated aim of reducing consumption. Dr Refshauge, Deputy Leader of the Opposition, has admitted he expects no reduction in consumption to result from the ban in the short or intermediate term. This highlights the political manipulation which is occurring.

I should like to read to the House an excerpt from Canadian International Papers of what was said by Judge Chabot, the presiding judge of the Quebec Superior Court which overturned the 1988 Canadian Tobacco Products Control Act. He said:

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. . . the societal problem lies with tobacco use - not with tobacco advertising which has not been proven to cause health problems by itself, to induce consumption, to reassure smokers, to maintain the respectability of smoking, to be so inherently attractive as to

distort reality, and to be reinforced by the nicotine dependence of smokers - all common criticisms of tobacco advertising.

In this context Judge Chabot quoted an ancient Greek philosopher who commented to the effect that the word "dog" never bit anyone; and he asked whether words such as Matinee and Craven A - two Canadian cigarette brand names - are so unacceptable or harmful that they cannot be heard or seen by the public, when these products can be legally sold to the public. I remind honourable members that this debate is about banning advertising in an endeavour to cause people to stop smoking. Yet cigarettes can be legally sold and the substances from which they are made can be legally grown. Another quotation I should like to give honourable members comes from Andrew Ehrenberg, Professor of Marketing at the London Business School, who in the 1990 International Journal of Advertising said:

Most advertising for brands attempts to defend or maintain brand share. Most firms view advertising as a price they must pay to stay in the market - a price they often try to minimise.

Though 10 brands of soap might be advertised, the advertisements do not suggest that one must use them all, but only the brand that they say is the nicest. On Monday evening I watched the Australian Broadcasting Corporation's "7.30 Report" which confirmed my thoughts about the hypocrisy of this legislation. Once again the reference was not to the number of people who might smoke or be prevented from smoking but rather concentrated on the number of cigarettes that would be sold so that the Government could use the revenue from taxation on tobacco products. My final comments relate to what was said further by Judge Chabot. He raised serious moral and social issues. He lambasted the Canadian Government's attempt to control the thoughts of Canadians as amounting to State moralism, paternalism and totalitarianism, since it suppresses messages contrary to those imposed by governments, that is, health warnings, while determining for citizens what they are permitted to hear. He concluded that the 1988 Act "aims to be essentially moral but, in fact, constitutes a form of censorship and social engineering which is incompatible with the very essence of a free and democratic society". No matter what happens to this proposed legislation, I shall never lose the zest for living and the things I can do and want to do. If I live to be 90, I intend to start smoking again.

The Hon. S. B. MUTCH [3.49]: In 1917 Henry Lawson wrote a letter to the electors of Botany in favour of the candidature of his old travelling mate, Tom Mutch, who was my grand-uncle. Among other things, Henry Lawson wrote as follows:

He has carried his swag with me, and was, and is, the straightest mate I ever had; and I made him smoke a pipe - and once got two medium beers into him consecutively. It took me three years to do these things; and now, I reckon I ought to have a say in his affairs.

Tom Mutch smoked that pipe and many more afterwards. Finally, tobacco killed him. In those days a man was regarded as queer if he did not smoke a pipe. Those today who find it difficult to fathom why peer pressure and advertising lead to a high incidence of smoking, among young girls in particular, should look at the pictures on the mantelpiece. Most of our male ancestors smoked or chewed tobacco because it was the manly and fashionable thing to do. In 1956 T. D. Mutch was stricken with cancer, and for two years he died a slow and agonising death. At the time of his death at 73 years of age he was working on a monumental task of compiling an index of early colonial settlers for the reference of future historians. Tom Mutch was an eloquent man, and I would like

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to record for the benefit of honourable members his own words on his condition. In a letter to his sister he had these things to say:

I was in such pain and misery that I did not care if I went to sleep through sheer exhaustion whether I ever woke up again. I did not think anyone could have so much pain and still live.

Talking of the treatment by X-ray and the implanting of radium, he said:

. . . there is acute suffering while the needles are in the mouth; the tongue is so swollen that you cannot close your mouth and you cannot swallow any fluid without acute pain; you cannot talk and must write down what you want to say; and yet it is essential that you must have fluid of some kind, if only water.

. . . two doctors . . . tried to pass a tube down my nose so that I could get some fluid. Both failed. The tube either went down into my lungs, or it curled up and came out of my mouth. The needles which were impaled at the back of my tongue created a barrier which the tube could not pass. I can tell you it was just plain hell.

[*Interruption*]

The Hon. S. B. MUTCH: I think these letters are fascinating. It is important to look at the realities of what smoking does to people. Referring to radium needles, Tom Mutch said:

The "needles" are of gold, made radio-active, and are about 1½ inches long, and as thick as a 2-inch nail. I had twelve of them in my mouth, five of them spiked into and sewn into my tongue, each attached to what looked like a silken thread; the threads are carried out of the side of the mouth, and strapped to the face with sticking plaster, so that if one works loose, it will not be coughed out and lost. I am told they are worth about a tenner each. So that for at least a brief period in my life I was a little gold mine.

I have no appetite, nor any sense of taste; plain warm water seems to be salty . . . I have tea, but it doesn't taste like tea.

I could go on, but I shall not bore the House.

The Hon. Ann Symonds: Everyone else has. Why don't you?

The Hon. S. B. MUTCH: That is right. Other members have continued on ad nauseam. I just wanted to bring home to honourable members the reality of smoking. This is what it can do. Today things can be done to alleviate suffering, but the substance holds true: early death and loss of productive years. An honourable member has pointed out to me that there are young children in the gallery. It is most important that they understand the realities of what smoking leads to. People die painful deaths because of smoking. That reality should be sheeted home to them. I saw it again two years ago when my uncle Frank was admitted to Prince Henry Hospital with lung cancer. He was a very heavy smoker. He paid the price. He died at the age of 59. He was not an eloquent man like Tom Mutch, but the afternoon that I left him - as it happened to die - his eyes spoke as eloquently to me as those words of Tom Mutch. The truth is that tobacco companies are in the business of peddling death. It can be said also that those who sell motor bikes are selling certain death to young fools. The police call motor bike riders temporary citizens. Though it is seen as an infringement of civil liberties, the Parliament has legislated to make the wearing of helmets compulsory for motor cyclists. As for tobacco, the argument, perhaps genuine, is that if it is legal to consume a product, it should be legal also to advertise it. But nonsense being peddled that tobacco

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advertising only leads addicts to change their brand serves to discredit tobacco companies. I believe in civil liberties. If the Hon. Dr B. P. V. Pezzutti wants to smoke and do himself lots of physical damage in the process, that is on his conscience.

The Hon. Dr B. P. V. Pezzutti: If the Hon. S. B. Mutch wants to drink and do a lot of damage to his health, that is his business.

The Hon. S. B. MUTCH: One can drink in moderation. I do not think one can smoke in moderation - not in my experience of people who smoke. I should say, however, to the Hon. Dr B. P. V. Pezzutti that he has an obligation to a wonderful wife and family and I hope he will salve his conscience one day in the future before his physical health is impaired.

[Interruption]

The Hon. S. B. MUTCH: I do not think it is a bit rough at all. I think it is a most important point. I think the Hon. Dr B. P. V. Pezzutti would like to give up the habit.

The Hon. Dr B. P. V. Pezzutti: I am certainly trying hard.

The Hon. S. B. MUTCH: He is trying hard, as he interjects.

The Hon. Dr B. P. V. Pezzutti: I shall continue to try hard. My family totally disapprove.

The Hon. S. B. MUTCH: I am merely saying that the Hon. Dr B. P. V. Pezzutti is a man of great energy and great talent. His country needs him. Most smokers have a genuine blind spot for their addiction. Smokers have said to me in my car, "Do you mind if I smoke?" I have said to them every time, "Yes, I do mind if you smoke. I find the prospect of secondary inhalation quite sickening". The response of some smokers is to laugh and light up. They become, through their habit, completely insensitive to the comfort of others around them. Some of my best friends are smokers. People with a fag in one hand and a can in the other are often fun people. However, I physically cannot stand to be in their presence when they are smoking. I am physically quite sickened by it. I support phased in prohibitions on tobacco advertising. I accept the evidence that advertising has a significant impact on children. I believe in civil liberties for adults. I believe in paternal protection for children.

In my view, the State is in locus parentis to all children in New South Wales, and these measures might be one small way of protecting them. A lot more should be done to protect non-smokers from having to suffer the discomfort, the inconvenience and the major health risk of being in the vicinity of smokers. It is appalling that in Sydney in 1991 it is difficult to eat in a restaurant without being enveloped in a huge haze of smoke. Recently I was on an international flight to New Zealand. I was in a non-smoking section but only two feet away from a smoking section and had to put up with that all the way to New Zealand. If an international carrier advertises non-smoking flights, I will take my custom away from Qantas, which I believe fervently is the best carrier in the world. I urge honourable members to listen to the professionals. The Faculty of Anaesthetists of the Royal Australasian College of Surgeons has written to honourable members asking them to support the important matter of tobacco advertising prohibition.

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The Hon. M. R. Egan: Does the Hon. Dr B. P. V. Pezzutti know that?

The Hon. S. B. MUTCH: I think the Hon. Dr B. P. V. Pezzutti does know that, and I hope he takes account of it. I think honourable members should pay due regard also to the report of the Standing Committee on Social Issues that was commissioned by this House. That committee has given honourable members the path. All they have to do is lead by following the committee's advice.

The Hon. P. F. O'GRADY [3.59]: The issue of tobacco advertising is of great importance. Of all issues on which honourable members have the opportunity to make a contribution, both by way of speaking and also by the way in which they vote, this issue is of most significance.

The PRESIDENT: Order! Pursuant to sessional orders, business is interrupted for the taking of questions.

QUESTIONS WITHOUT NOTICE

FIREARMS CONFISCATION

The Hon. DOROTHY ISAKSEN: I direct my question without notice to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Has the New South Wales police force been directed to follow the recommendations of the Select Committee on Gun Control on the confiscation of firearms in a domestic violence situation, which the Minister has stated were accepted by Cabinet? If not, what is the reason for the delay and will the Minister ensure that these recommendations are in force before the Christmas holiday period, which has proven to be a high-risk period for domestic violence?

The Hon. E. P. PICKERING: I thank the Hon. Dorothy Isaksen for her question, which I am sure she asks with a note of responsibility. At the moment the New South Wales Police Department is preparing formally a very detailed Cabinet submission which will incorporate the recommendations of the select committee and the aspirations of the national Police Ministers Council and which hopefully will be endorsed by the Premiers in Adelaide tomorrow. One of the recommendations relates to a mandatory seizing of firearms in situations of domestic violence and apprehended violence orders. The honourable member will understand that that can be done only by police and by legislation through the application of a mandatory seizure. At the moment obviously police have the power to seize firearms in accordance with a law brought in by this Government as part of the toughening up of gun laws in 1988 or shortly thereafter. Discretion clearly still lies with police officers, and they have used that discretion.

In my view there has been an unacceptable level of seizure of firearms in situations of domestic violence. About 200 seizures have taken place since the legislation was passed. I do not know how many domestic violence situations police have attended to. I would have thought that it would be around hundreds of thousands, if not millions. I have been advised that in about 15 per cent of the cases people involved have shooters' licences. On the basis of such figures, it can be seen that a lot of discretion is being used by police in this regard. I will be placing before Cabinet a recommendation, as far as I am aware, of a mandatory seizure provision, but that can only be done by the

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Parliament, and accordingly it is not possible for such a law to be proclaimed before Christmas of this year as it obviously will not be debated by Parliament before next year. Unfortunately, that is the situation. However, I have indicated to the commissioner my concern regarding the level of discretion, if you like, being currently exhibited by officers and I hope that that will improve in the meantime.

ROYAL PRINCE ALFRED HOSPITAL SITE DEVELOPMENT

The Hon. DELCIA KITE: My question without notice is directed to the Minister for Planning and Minister for Energy. Did the Minister intervene in the proper local government planning processes of South Sydney City Council by overruling the decision of council in approving the private development by Macquarie Health Corporation, which is to be built in the

grounds of the Royal Prince Alfred Hospital? What justification can the Minister give this House for permitting 40 per cent more development on the Royal Prince Alfred Hospital site than the council has agreed to? Did the Minister approve of the exclusion of the 600 car parking spaces which Macquarie Health Corporation was obliged to provide for the Royal Prince Alfred Hospital? Was the Minister aware of the decision by the Minister for Health and Community Services to close two wards at Royal Prince Alfred Hospital prior to his ministerial decision to exempt the Macquarie Health Corporation from the normal planning requirements?

The Hon. R. J. WEBSTER: I am very pleased that the Hon. Delcia Kite is able to read the newspapers. Needless to say, I am not surprised that this matter was raised in the House today. As honourable members would know, in September 1989 the Minister for Health at that time, the Hon. Peter Collins, announced that a private hospital complex would be built on part of the Royal Prince Alfred Hospital site at Camperdown. He further announced that the complex would be operated by the Macquarie Health Corporation, which was selected following calls for expressions of interest in the project. The site was to be leased to that corporation. The private hospital complex and associated facilities include a hotel for the accommodation of patients and their families before and after their treatment, a commercial car park and ancillary, retail and commercial developments. I hope that all honourable members in this House support the construction of such a hospital and complex.

The Hon. Delcia Kite: Why did the Government close the wards in Royal Prince Alfred Hospital?

The Hon. R. J. WEBSTER: I am quite sure that even the Hon. Delcia Kite would be keen to see that development take place because many thousands of jobs would be created for people across Sydney, and particularly for people in the inner western suburbs where Royal Prince Alfred Hospital is situated. It is true that I recently I amended local environmental plan No. 118, which permits the construction of a private hospital complex and associated facilities on part of the Royal Prince Alfred Hospital site. That site currently accommodates 600 car parking spaces for the existing hospital. The applicant, Macquarie Health Corporation, is required to replace that existing parking in addition to its proposed development as part of the development. To facilitate the provision of both the private hospital complex and parking for the existing hospital, I amended the local environmental plan to exclude the 600 car parking spaces which Macquarie has to provide from the floor space ratio calculation for the new development. Obviously it is one thing to accept the obligation to provide those car parking spaces; it is another to ensure that the development is of a sufficient magnitude to make it viable.

The Hon. Delcia Kite: What will happen to those 600 car parking spaces?

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The Hon. R. J. WEBSTER: I will give the honourable member the answer if she waits. The local environmental plan sets the floor space ratio on the development at 2.5 to 1. I took the decision in consultation with and upon the advice of the Director of Planning and other experts in the Department of Planning that this exclusion will create an undesirable precedent for other rezonings, especially given the circumstances of the case - surplus government land - used to provide a hospital which is a much needed community facility. We have heard honourable members opposite braying about the problems of a lack of hospital beds and of hospital closures. This is a positive initiative by this Government to try to alleviate the problem and provide a new, modern, private hospital in the inner western suburbs.

The Hon. Delcia Kite: There is a new section in the Royal Prince Alfred Hospital and the Government has closed two wings there.

The Hon. R. J. WEBSTER: I am aware of the honourable member's close association with South Sydney City Council, and I cannot help that. This Government is about improving

health services, giving people a range of options, and getting things done. We hear speeches all the time from the Federal colleagues of the mob opposite, saying that they want to fast track things, create jobs, have special projects divisions and so on. We will make this hospital happen, and we will be able to do so because we have used proper planning techniques and a little bit of imagination to solve a problem which is holding up a major development. The encouragement of this development is totally consistent with the Government's health policy of supporting the private sector provision of health services and will ensure that this development goes ahead with 600 car parking spaces. It is good, creative and innovative planning, and I do not apologise for encouraging this development.

EQUITY PLACE, CANLEY VALE HOME UNIT SALES

The Hon. E. M. OBEID: My question without notice is addressed to the Minister for Police and Emergency Services and Vice-President of the Executive Council. When were police informed of allegations made to the Department of Housing in February that Jose Mendoza of Mendoza Real Estate Pty Limited had falsified a large number of HomeFund loan applications? Was Mr Mendoza arrested by fraud squad police as he attempted to board a flight to Spain yesterday? If so, who advised of Mr Mendoza's plans to leave the country? In view of the fact that court orders have already been taken out to prevent Mr Mendoza threatening witnesses in this very serious matter, what action will police take to ensure that Mr Mendoza does not threaten any other witnesses? Given that these serious allegations were notified to the Department of Housing in February and referred to the Department of Consumer Affairs in July, how much longer will the victims of this scam have to wait for a thorough investigation and charges to be laid? Are police also investigating allegations of inappropriate conduct by a police officer who is a friend of Mr Mendoza?

The Hon. E. P. PICKERING: Honourable members know that I will not discuss ongoing operational matters in the House. I merely confirm that the department is investigating the matter. If the honourable member has genuine concerns about these sorts of matters, he should address them to me in private.

TAFE DIRECT BROADCAST NETWORK

The Hon. ELISABETH KIRKBY: My question without notice is directed to the
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Minister for School Education and Youth Affairs, representing the Minister for Industrial Relations and Minister for Further Education, Training and Employment. Has the Government considered the use of the direct broadcast network, DBN, a joint venture between the New South Wales TAFE Open College and Acesat Satellite Corporation Pty Limited, as a way of easing stress in the TAFE system? Will the Government consider the feasibility of expanding the use of such a service?

The Hon. VIRGINIA CHADWICK: As the honourable member would understand, I must refer the detail of her question to my colleague Mr Fahey. However, both TAFE and the Department of School Education, not only in New South Wales but across Australia, are implementing various aspects of technology to improve both the quality of and the equity of access to young people - and indeed older people - to, training opportunities. In recent years there have been enormous developments in technology. Indeed, national moves have been discussed as recently as a month or so ago at Australian Education Council meetings to examine more co-operative ventures between the States to develop education technology. The question will be a matter of great interest and relevance to my colleague and I will refer the matter to him. Anything that can be done to assist accommodating as many students as possible within the TAFE system will be done. That was the basis of the sometimes acrimonious debate that developed between the States and the Federal Minister, Mr Dawkins, as New South Wales tried to secure more funds for TAFE next year. The Federal Minister's

price was a little too high: he wanted to run TAFE. Thankfully New South Wales still has the money and still has TAFE.

ELECTRICITY COMMISSION APPRENTICESHIPS

The Hon. Dr MEREDITH BURGMANN: My question without notice is to the Minister for Planning and Minister for Energy. In view of his long answer yesterday about the number of apprentices now being employed by the Electricity Commission, will the Minister tell the House how many of those apprentices were women?

The Hon. R. J. WEBSTER: I do not know the answer to the honourable member's question. However, I will endeavour to find out and provide her with those details.

Later,

The Hon. R. J. WEBSTER: Earlier this afternoon the Hon. Dr Meredith Burgmann asked me a question about the number of women apprentices employed by the Electricity Commission. The honourable member will appreciate that the area of apprenticeships in the Electricity Commission has, in the past, been exclusively a male domain. Notwithstanding that, the Electricity Commission currently has 14 apprentices who are female.

The Hon. Dr Meredith Burgmann: Out of 300? Shame!

The Hon. R. J. WEBSTER: The honourable member says, "Shame!" Eight are electrical fitters, five are fitters and turners and one is a motor mechanic, making a total of 14. How many women want to be a motor mechanic?

The Hon. Dr Meredith Burgmann: More would if they were encouraged.

The Hon. R. J. WEBSTER: The Electricity Commission gives them all the
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encouragement that it is possible to give them. Discrimination does not exist in the Electricity Commission. These 14 women are employed throughout the State - at Bayswater, Liddell, Munmorah, Eraring, Newcastle, Orange and Wallerawang. That indicates a very strong commitment by the Electricity Commission towards providing equal opportunities for apprenticeships for women and I commend it for that.

EMERALD BEACH PROTESTER ARRESTS

The Hon. R. S. L. JONES: I address my question without notice to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Have Coffs Harbour police announced they are dropping charges against almost 70 of the 117 Coffs Harbour residents charged in relation to Look At Me Now Headland? Does this mean that the residents were charged incorrectly? Whose decision was it to charge the residents and who made the decision to drop the charges? Will the Minister order an investigation into the treatment and charging procedures of those residents of Coffs Harbour? Will the Minister also as part of that investigation seek a determination on whether it is appropriate to use section 545B of the Crimes Act, which relates to intimidation or annoyance by violence or otherwise, to charge residents when this section has never been used before in such circumstances, especially when the residents have been neither intimidatory nor violent?

The Hon. E. P. PICKERING: I will refer that detailed question to the Commissioner of Police.

COMMISSIONED POLICE OFFICER EMPLOYMENT

The Hon. JUDITH WALKER: I address my question without notice to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Are there currently in excess of 40 commissioned police officers occupying disestablished positions? Why are commissioned officer positions still being advertised? When will the position be clarified for this substantial number of officers?

The Hon. E. P. PICKERING: I rely upon my memory to answer the honourable member's question. For a variety of reasons, certain officers within the New South Wales Police Service are referred to as corridor officers in that they are officers who hold particular ranks but do not hold substantive positions. An officer who is on long-term sick leave because of a particular problem is an example that comes readily to mind. I recall the situation of a particular officer who is suffering from Alzheimer's disease. The report I received only this week indicates that the service has 20 corridor officers. This week I was advised that the number is expected to be eliminated in the near future so far as is practical. Obviously an officer seriously debilitated by Alzheimer's disease is not expected to return to duty. The problem is nowhere near as extreme as the honourable member suggested and I am reliably informed that it is well and truly under control.

TOBACCO ADVERTISING LEGISLATION

The Hon. ANN SYMONDS: My question without notice is directed to the Minister for Health and Community Services. How does the Minister respond to Dr Bruce Shepherd, who says of the proposed Tobacco Advertising Prohibition Bill, "It is the single biggest opportunity this century to improve the health of Australians by
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preventing cancer"?

The Hon. J. P. HANNAFORD: I note that the legislation to which the honourable member refers is at present before the House. Therefore the question should be addressed to me during the course of debate on that legislation.

URBAN CONSOLIDATION

The Hon. P. F. O'GRADY: I address a question without notice to the Minister for Planning and Minister for Energy. Does the Minister agree that Leichhardt municipality is accommodating more than its fair share of Sydney's population and is meeting the Government's urban consolidation objectives? Why then has the Minister singled out five sites in Balmain for special treatment before the State environmental planning policy has been produced? Will the Minister name other sites and other municipalities over which he plans to assume control? Will the Minister propose similar strong-arm tactics against Lane Cove and Hunters Hill councils to force them to meet urban consolidation objectives?

The Hon. R. J. WEBSTER: The honourable member's question will enable me to give the House some further information about the Government's urban consolidation initiatives. The Hon. P. F. O'Grady did not get his question quite right because State environmental planning policy 32, which is the new policy that I announced some weeks ago, was in fact gazetted last Friday; it is now part of the Government's planning code. I have not singled out the sites in Balmain as the honourable member claimed. They were the five most glaring examples of the need for the new State environmental planning policy. The honourable member may have noticed in the media that I received a request - in fact I mentioned it in the House - from the Federal Government to rezone under the State environmental planning policy 13 sites throughout the Sydney metropolitan area owned by the Army. As the honourable member would know, the Federal Government and the New South Wales Government are at one on the need for urban consolidation. Obviously the Government is assessing those Army

sites and will identify those which fall within the specifications of the new State policy and will deal with them accordingly.

I do not agree with the assertion of the honourable member that there is no need for urban consolidation in Balmain. The honourable member would know that Balmain, within the Leichhardt Municipal Council area, along with many areas closer to the city, is of a higher density than suburbs further out which contain a larger number of freestanding dwellings. I am not sure what the honourable member is suggesting by the implication in his question. For instance, is he suggesting the sites in Balmain should be left as they are? Is he suggesting they should remain industrial sites? Is he suggesting something else should happen to them other than some form of medium-density housing, with the appropriate amount of open space as recommended by the report of the commission of inquiry headed by Commissioner Simpson? The honourable member has not said that in his question but almost by implication he is saying we should not put housing on those sites in Balmain. I would like to hear the honourable member's solution to that at another time. The State environmental planning policy is now in force. Its main aim is to ensure consistency by way of redundant sites, particularly in the inner and middle ring suburbs in Sydney as well as in Newcastle and Wollongong. Apart from the 13 Army sites, the Government is assessing a number of other sites.

The Hon. P. F. O'Grady: What are they?

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The Hon. R. J. WEBSTER: I will tell you in due course. There will be a number of announcements by me before Christmas about sites, and I will be very happy to send the honourable member a copy of my press release when I decide to announce them. I am certainly not going to announce them to accommodate the honourable member.

The Hon. P. F. O'Grady: But you will do it before Christmas?

The Hon. R. J. WEBSTER: Yes, indeed I will.

The Hon. P. F. O'Grady: Up to 30 sites?

The Hon. R. J. WEBSTER: I will not put numbers on it. If the honourable member knows so much about it, he should tell the House about it.

The Hon. P. F. O'Grady: I am asking you. You are the Minister and you are supposed to know.

The Hon. R. J. WEBSTER: Yes, and I have given you an answer. I have told you I will name some more sites before Christmas.

The Hon. Ann Symonds: I heard the Minister say "I am not going to tell you".

The Hon. R. J. WEBSTER: Not now, but later. Don't be sooky. It is also very obvious that the Labor Party - the Opposition in New South Wales - at least at leadership level and so far as the shadow spokesperson for planning is concerned, generally supports the thrust of what the Government is doing. Mr Carr has said that privately. His silence on the subject since the announcement of the State Environmental Planning Policy 32 indicates some degree of support for it.

The Hon. P. F. O'Grady: The Minister has still not come to Hunter's Hill and Lane Cove; he refuses to answer that part of the question.

The Hon. R. J. WEBSTER: Hunters Hill, Lane Cove and the North Shore - every other suburb in Sydney is subject to the same scrutiny with regard to SEPP 32 but at this stage no one has made any announcements about sites in those areas. The Government may well do so before Christmas or after Christmas. The Hon. P. F. O'Grady will have to wait to see.

SYDNEY ELECTRICITY LOCAL GOVERNMENT RATES

The Hon. A. B. MANSON: I address my question without notice to the Minister for Planning and Minister for Energy. Is it a fact that Sydney Electricity, as a statutory authority, is no longer required to pay local government rates? Is the Minister aware that the failure of Sydney Electricity to pay rates will cost council ratepayers millions of dollars? Did the Minister agree to Sydney Electricity paying ex gratia payments in lieu of rates last financial year? Will the Minister now direct Sydney Electricity to continue paying ex gratia payments in lieu of rates for future years?

The Hon. R. J. WEBSTER: The answer to the first question is yes. The answer to the second question is that the matter is still under consideration but it is fair to say that we will not be making any decision with regard to the payment of rates by

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Sydney Electricity that will disadvantage constituent councils. Obviously, as the honourable member would know, a review is taking place of local government rating. The question of statutory authorities paying rates is part of that review and will be addressed during that review.

PROPANE GAS LEAK

The Hon. J. KALDIS: I ask the following question without notice of the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Minister for Transport. Does the Minister recall that on 1st November he answered a question I asked about the leak of several litres of propane gas from the vessel *Kelvin* at the Boral plant at Port Botany in June in which the Minister said that the Minister for Transport had directed officers of his department to implement the recommendations contained in a report prepared by the head of the safety and environment section of the Maritime Services Board? Is the Minister aware of reports that the Minister for Transport noted and returned the file for further action if necessary but that the report has not been acted upon? Why did the Minister mislead the House over the actions of the Minister for Transport and when will something be done to rectify the position and to notify the public that the risks have been removed?

The Hon. E. P. PICKERING: Obviously the answer given on 1st November would have been provided to me by my colleague in another place. I have no personal knowledge of it and I will therefore take up the new question from the honourable member and refer it to the Minister for Transport for his detailed consideration.

WILLIAM SIMON UNIVERSITY LEASE

The Hon. DELCIA KITE: I address my question without notice to the Minister for Health and Community Services, representing the Minister for the Environment. As the court declared the lease of the William Simon University at the Sydney Harbour National Park, South Head, as invalid and Woollahra Municipal Council passed a unanimous resolution this week to have it removed from the premises, when will the Minister take the action to carry out the court's decision?

The Hon. J. P. HANNAFORD: My knowledge, like that of the honourable member, is restricted to what was reported in the newspaper. I will obtain a detailed response from the

Minister. From my reading of what was in the newspaper, it was suggested that this matter was scheduled to come back before the court in May of next year. The purpose of having it restored to the court list is to allow the court to make final orders in relation to the injunction sought. As I read the resolution of the council, the council will seek to be represented at the hearing in order to ensure that orders are made in terms of the council's resolution. This matter is the subject of litigation and, as such, the parties are not taking steps outside the terms of the court action and obviously are awaiting the final order of the court. I say that based only on the comments contained in the newspaper. I will obtain a further detailed statement from the Minister for the honourable member.

DEPARTMENT OF SCHOOL EDUCATION PARRAMATTA BUILDING

The Hon. JAN BURNSWOODS: In the light of claims made by the Minister for School Education and Youth Affairs about the savings brought about by restructuring the Department of School Education, will the Minister inform the House how much the

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department has paid, or will be paying, to the owners of the second building in Wentworth Street, Parramatta, which the department was planning to lease until the recent restructuring of the Scott restructuring?

The Hon. VIRGINIA CHADWICK: I should like to go back and be absolutely convinced of the accuracy of any comment I make. However, my recollection on that matter is that given that we have not entered into a lease, we have in fact paid nothing.

DEPARTMENT OF SCHOOL EDUCATION PARRAMATTA BUILDING

The Hon. JAN BURNSWOODS: I ask a supplementary question of the Minister. Will the Minister investigate the cost of computer cabling and other such things that were installed?

The Hon. VIRGINIA CHADWICK: Anything to oblige.

LATIN TEACHERS

The Hon. R. S. L. JONES: I ask the Minister for School Education and Youth Affairs a question without notice. As increasing numbers of students are studying Latin for their Higher School Certificate curriculum, is the Minister able to indicate whether sufficient Latin teachers will be available to cope with the increased demand?

The Hon. VIRGINIA CHADWICK: I know from general informal discussions that the honourable member, like I am, is very excited and thrilled at the increase in the Latin candidature in high schools, in particular the candidature for this year's higher school certificate. I assure the honourable member that it is also a matter of great pride to the Latin Teachers Association, who started to consider themselves as educational linguistic dinosaurs within school education. After many years of declining interest in their field of expertise, they are thrilled by this resurgence, which I suspect is part of the general resurgence generated by the development in New South Wales of targeting priority languages, and the implementation of mandatory areas of language study for 1996. All of that will present great challenges, not just in the teaching of Latin, but also in the teaching of a number of languages not now taught in New South Wales schools and not taught extensively at universities. The language that immediately springs to mind is Korean. Clearly it is important that the study of Korean be introduced into New South Wales schools, having regard to our trading partners. I will check specifically on the availability of Latin teachers, and I thank the honourable member for his enthusiastic interest in this area.

SECURITY INDUSTRY PHOTOGRAPHIC LICENCES

The Hon. JUDITH WALKER: I address my question without notice to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Why were photographs removed from security industry licences from 1st July this year? As this is the only recommendation of the Bartley report adopted by the Government, when will the other recommendations be acted upon?

The Hon. E. P. PICKERING: As the honourable member has correctly identified, the removal of photographs from security industry licences was one of the recommendations of a report prepared by Mr Bartley. From memory, it was anticipated that those photographs would be supplied to holding security companies that employed
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persons acting as security agents. There has been some concern about that matter, and to the best of my memory I reversed that decision by way of recent regulation in recognition of the fact that I am about to legislate for photographic licences for shooters. It seemed inconsistent to introduce photographic shooters' licences on the one hand and at the same time adopt that element of the report. In future all licences will be photographic licences.

SCHOOL CERTIFICATE KEY COMPETENCY TESTS

The Hon. ELISABETH KIRKBY: My question without notice is addressed to the Minister for School Education and Youth Affairs. Is it a fact that the New South Wales Board of Studies will cut the length of the school certificate examination to facilitate the proposed key competency test, which may replace the school certificate? Is this cut only to save money and to prevent the board having to investigate the feasibility of introducing a new examination to replace the school certificate? How will the board be able to cut the length of that examination and still cover the ground of the present school certificate or reference test? Is the board thinking of a multiple choice format, and if so, why?

The Hon. VIRGINIA CHADWICK: It is true that the New South Wales Board of Studies has recommended that key competency testing for year 10 students be introduced in 1993. This would enable piloting, trialing and monitoring in selected areas next year. It is an interesting, worthwhile and relevant proposal for a number of reasons. Honourable members will realise that the Finn report, which is of national importance, and was brought down a couple of months ago, led to urgings from the Commonwealth Minister, Mr Dawkins, for the implementation of a central skills test for year 9 students. If we were to make sensible and State-based responses to the Finn recommendations and establish a national skills testing for year 9 students, I wonder about the long-term standing and credibility of the school certificate. For that reason it is sensible of the board to try to interpret those Finn recommendations, examine them in a New South Wales context, make them fit fair and square with the school certificate, and take the running on this particular issue. New South Wales should be looking towards the development not of a crude and narrow reading, writing and arithmetic approach to basic skills testing, but towards a more sophisticated and meaningful development of the essential key competencies for young people. These should be tested and subjected to some meaningful appraisal. That is clearly why they are competency tests rather than skill-based tests.

At present the external school certificate examination is two and a half hours long. If some competency aspects are to be comprehension, English understanding and writing, aspects that are generally called literacy, clearly some of those will impact on the current school certificate English test. It is currently the thinking of the Board of Studies, given that there would be duplication of some elements, to make the proposal cost-neutral. That would alleviate additional stress on students from the length of examinations and how many tests they sit for. The feeling of the staff of the board at present is that it is worth exploring taking half an

hour from the external tests, thereby creating one hour for competency testing. However, at this stage these are merely proposals. I look forward to what will be an interesting and exciting development. Given the honourable member's obvious interest in this matter, I will be delighted to ensure that the present Board of Studies keeps the honourable member well informed of its thinking and any progress made in this area.

ELECTRICITY COMMISSION ENVIRONMENTAL POLICY

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The Hon. D. J. GAY: My question without notice is directed to the Minister for Planning and Minister for Energy. What initiatives has the Electricity Commission taken with regard to environmental management, remembering of course the high regard in which this House holds native fauna, especially wombats?

The Hon. R. J. WEBSTER: I thank the honourable member for his question and for his continuing interest in native flora and fauna. The Electricity Commission has a comprehensive environmental program in place to meet the challenges created by the size and complexity of its operations, together with the demands of changing community expectations. The commission's environmental program involves a long-term commitment to environmental monitoring and research, increasingly more sophisticated pollution control technology, implementation of environmental initiatives and adoption of management policies aimed at increased efficiencies and environmental protection. An executive environmental committee has been established to provide executive co-ordination and direction on environmental issues and to monitor performance of the commission's operations. The fact that this committee is chaired by the chief executive officer highlights the importance that the commission places on the environment. A formal management structure allows for clear definition of responsibilities and accountabilities, as well as a practical means of addressing environmental issues and assessing performance.

The management structure includes planning, operational and co-ordination aspects and is aimed at ensuring that sound environmental management is the concern of every employee. A considerable number of initiatives have been taken by the commission in respect of environmental management and these will continue in the future to maintain a strong focus on environmental responsibility. These initiatives include the environmental auditing process which has been in operation for some time at the commission's power stations. It has now been supplemented and extended to include all areas of its operations. The commission has also introduced a formal five-year environmental planning process which is being implemented on a regional basis to cover all environmental issues that exist within each region, and proposes appropriate strategies for their management, monitoring or resolution. These plans will be reviewed on an annual basis.

An environmental services group has been established within the commission to co-ordinate environmental investigations, develop policy guidelines and provide technical support services to regional managers on environmental matters. Moreover, considerable effort is undertaken to protect aquatic and estuarine environments near power stations. From studies taken during the past 30 years, a considerable understanding of cooling water discharges and their effects on aquatic ecology has been gained and information from these studies has been made available to responsible organisations for independent review. The commission has an ongoing commitment to sponsoring these types of studies. State-of-the-art water management systems have been included in the design of Bayswater and Mount Piper power stations at a cost of approximately \$100 million for Bayswater and \$25 million for Mount Piper.

Regional air quality issues are carefully considered and regional ambient air quality has been monitored since the 1960s. Bayswater and Eraring power stations have been fitted with fabric filters which collect more than 99.9 per cent of the fly ash produced in the boilers and

prevent its discharge to the atmosphere. In addition, retrofitting of fabric filters to older plant is underway and \$80 million is currently being spent on fitting fabric filters to the Liddell power station. As a significant participant in the development of Australia's energy-related greenhouse response, the commission is

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sponsoring work in the areas of end-use efficiency, coal-fired plant efficiency improvements, gas firing, co-generation, combined cycle plant, hydro plant, solar energy, wind energy, landfill gas and coal seam methane. Without going into any more detail, it is abundantly clear that the Electricity Commission's approach to environmental management is comprehensive, responsible and exemplary. The Electricity Commission leads Australia in dealing with the emission of greenhouse gases and proposals to further reduce those gases. I look forward early next year to informing the House of other greenhouse gas developments. Energy conservation will be a major initiative of the new, corporatised Pacific Power Corporation, when the relevant legislation passes this House later this session.

COFFS HARBOUR SEWERAGE SCHEME

The Hon. Dr B. P. V. PEZZUTTI: I ask the Minister for Health and Community Services, representing the Minister for the Environment, a question without notice. Will the Minister explain why the State Pollution Control Commission has extended Coffs Harbour City Council's licence to discharge treated sewage effluent from the Woolgoolga sewerage treatment plant only on the condition that all existing buildings within the area serviced by the plant will be connected to the sewer by June 1992? Does this mean that dwellings with perfectly adequate sewage treatment plants such as biocycle and envirocycle systems also will have to be connected to the sewer? Is this move by the SPCC designed to put pressure on residents to support the Look At Me Now Headland ocean outfall?

The Hon. J. P. HANNAFORD: I thank the honourable member for his question. I know that he is interested in sewerage problems at Coffs Harbour. He will appreciate that as the question is of a detailed nature I shall have to obtain information from my colleague. I shall do so as soon as possible.

CASINO HIGH SCHOOL ABORIGINAL DAY CELEBRATION

The Hon. D. F. MOPPETT: My question without notice is directed to the Minister for School Education and Youth Affairs. Will the Minister provide further information to the House about an incident at Casino High School, referred to last week in a question asked by the Hon. Jan Burnswoods?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for his question, which provides me with the opportunity to speak on some of the matters raised last week by the Hon. Jan Burnswoods. It is true that the deputy principal of Casino High School and the school's Aboriginal education aide organised a number of activities to celebrate National Aboriginal Day on 4th November? The activities included a special assembly featuring Aboriginal dance, song and drama items. It also included a morning tea for the parents of Aboriginal pupils. On the morning of 4th November the deputy principal distributed a school notice of the day's activities. On the notice the day was entitled "Australiana Day". A staff member raised the point that this may have been an inappropriate title, and it was changed by the deputy principal. So much for the allegation about insults and continuing insults. The notice was changed. The Hon. Jan Burnswoods will be disappointed to learn that the morning tea and assembly were a big success. They were very well attended and the principal received a number of compliments from Aboriginals attending the functions, as well as a letter complimenting him upon his arrangements for the day.

Following these functions a games afternoon was held for the entire school. The

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afternoon included traditional school activities such as egg and spoon races, games with netballs and footballs, three-legged races, and other such activities. And, yes, during that afternoon a cow pat throwing competition and a gumboot throwing competition were held. Perhaps they are what were referred to as a riot. Those activities were totally in line with other activities held on the day and I am very sorry that the Hon. Jan Burnswoods and the Labor Party have seen fit to drag down the honourable intentions of the school to gutter level and to try to create bad feelings between the school community and the local Casino community, and particularly between the school community and the Aboriginal community of Casino. That is despicable. Fewer Aboriginal children attended the sports afternoon, not because of some outrage or boycott as the Hon. Jan Burnswoods would suggest. The reason was that on the same day Casino West and Casino public schools had activities celebrating National Aboriginal Day.

Many Aboriginal parents attended the celebrations and took their children with them. This was done with the knowledge and permission of Casino High School. The morning tea and assembly were well attended and many Aboriginal students were present at the assembly. Subsequently, a complaint was received by the northern region of the Department of School Education about the naming of the special day. The school then had two meetings with representatives of the Casino Aboriginal Education Consultative Group. The deputy principal then provided a written apology to the Casino AECG for the name given to the special day. It was an error. It was agreed also at the meetings that the AECG should participate in a revitalisation of the school's Aboriginal education policy, and this process is continuing. So far as the school and the Aboriginal community were concerned, the incident was over. Apologies had been received and the school was to work closely with the AECG. But then the Labor Party came sticking its nose into the business of others, causing nothing but trouble. Mr John Aquilina put out a press release stating "Cow manure slur at National Aboriginal's Day". What a troublemaking insensitive document it is. Interpreting the facts in his usual way, Mr Aquilina managed to stir up trouble for absolutely no reason. Yesterday an unsigned press release was issued, supposedly from the executive of the Casino AECG. It alleged many things and would have been a cause for concern, were its contents true. However, today the president of the Casino AECG put out a statement denying that the release was issued by his organisation. He stated:

The press release issued on 19/11/91 supposedly by the Casino Local AECG Executive Committee was not drawn up or approved by this organisation.

The problem was solved but Mr Aquilina is still causing trouble. One wonders who issued that fake press release yesterday. The Hon. Jan Burnswoods and the honourable member for Riverstone should hang their heads in shame. I am confident that the activities of the school and the region were handled appropriately. I dread the day Mr Aquilina blunders in on an issue. On this occasion, and for reasons that are unclear to me, he was determined to stir up racist trouble among people of good will who had a successful day at Casino.

ETHNIC SCHOOLS PROGRAM

The Hon. HELEN SHAM-HO: I direct a question without notice to the Minister for School Education and Youth Affairs. Has the Government received a request from the Federal Government for the State to assume complete responsibility for the ethnic schools program? What is the response of the State to the Commonwealth's proposal?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for her question and her continuing commitment to providing top quality learning opportunities

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for children from non-English speaking backgrounds in New South Wales schools. I regret to inform the House of an extremely tawdry effort by the Federal Government to wash its hands of ethnic schools after years of financial neglect. New South Wales will not accept sole financial

responsibility for ethnic schools, as proposed by the Commonwealth, because Canberra refuses to make the funding available to properly support the program. The Commonwealth Minister, Mr Dawkins, is trying, on the cheap, to rush through significant changes in the funding arrangements for ethnic schools, with no consultation. The white paper on language and literacy released in September by Mr Dawkins stated that the State school systems "will be asked to take over responsibility for the program, with some additional funding to enable them to make improvements". New South Wales was notified of Mr Dawkins' proposal to transfer the program to the State education systems, and it was promised continuing dialogue, but this has not occurred.

The Federal Minister has unilaterally transferred the program through his legislation without appropriate negotiations. Officers of my department were graciously afforded a 10-minute take-it-or-leave-it discussion. There have been no meaningful negotiations or discussions. The offer Mr Dawkins has made is inadequate. He talks of a 30 per cent increase in funding being made available, but the program has been frozen since 1986 and many new schools have been ineligible for funding. New South Wales could not continue the program with this kind of inequity. Mr Dawkins' own white paper on language and literacy highlighted problems with the program. Mr Dawkins said that there is a need to improve the quality of provision under this program. The paper highlighted such criticism as lack of formal curriculum, including appropriate student materials; inadequate formal qualifications for teachers; and lack of formal government supervision and direction, resulting in a lack of formal recognition of the contribution of ethnic schools. The white paper also referred to the capping of the program in 1986 as reducing the program's capacity to meet the needs of newly arrived people. That is an understatement. The Commonwealth program has managed only to give funding to 300 of the 500 after-hours ethnic schools in New South Wales. Mr Dawkins has put ethnic schools on starvation rations in this State. Our State program has had to prop up the inadequately funded Commonwealth program. Federal funding covered only 28,000 of the 38,000 student enrolments in New South Wales. The money being provided by the Commonwealth will not be sufficient to cover even the existing 38,000 enrolments in after-hours classes, even at the current level of Commonwealth per capita funding.

If New South Wales were to accept transfer of the program, many ethnic schools would receive less money, not more, as the funding would have to be spread over all ethnic schools in New South Wales. I have decided to decline Mr Dawkins' offer to transfer the program under the present funding arrangement. I conveyed that view to Mr Dawkins on 17th October. To date I have not been given the courtesy of a reply. In addition, I have asked officers of the Office of Education and Youth Affairs to meet with the Federation of Ethnic Schools to discuss the implications of Mr Dawkins' unilateral transfer of the program to the States, with such a limited funding base. Honourable members will know of my strong personal commitment to children from non-English speaking backgrounds. I know that members on both sides of the House share my concern for such children. The New South Wales Government will do nothing to deny these children the learning opportunities and the equitable access to resources they deserve. I know that I will have the bipartisan support of members of this House as I campaign for the rights of children in our State's ethnic schools.

STEWART HOUSE DIAMOND JUBILEE APPEAL

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The Hon. PATRICIA FORSYTHE: I direct a question without notice to the Minister for School Education and Youth Affairs. Will the Minister inform the House about the Stewart House Diamond Jubilee Appeal? How will it work, and where will the money be spent?

The Hon. VIRGINIA CHADWICK: The question asked by the honourable member is most important. She and I, as teachers - albeit some years ago - know only too well that Stewart House is the teachers' charity. It is a revered institution in New South Wales. This

year Stewart House celebrates its diamond jubilee. Not only is it seeking to celebrate the occasion but also it is using it as an opportunity to raise funds to assist children in necessitous circumstances in the State's public school system. Many children who attend Stewart House have never seen a city or the sea before. This is a matter that has clearly touched the Hon. Ann Symonds. Today I met with the staff of Stewart House. I know many honourable members would have noticed that earlier some of those young children who are spending a fortnight at Stewart House were present in the gallery as part of their two-week program. Stewart House is a wonderful organisation which is 60 years old. I thank all honourable members who have already put 60c for 60 years in their envelopes and, should honourable members feel so inclined, I have many more envelopes with which to contribute to Stewart House.

The Hon. E. P. PICKERING: I suggest that further questions be placed on notice.

MOTOR VEHICLE GREENHOUSE EMISSIONS

The Hon. E. P. PICKERING: On 1st November the Hon. Elisabeth Kirkby asked me a question relating to motor vehicle greenhouse emissions. The Minister for Transport has advised that this issue comes under the administration of the Minister for Industrial Relations and Minister for Further Education, Training and Employment.

TOBACCO ADVERTISING PROHIBITION BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. P. F. O'GRADY [5.2]: Before question time I was saying that this issue is of great significance. It enables honourable members to make a contribution which could have a long-term effect on the children and health of this nation. Politicians are often accused of refusing to take decisions which have some long-term benefit and that they are a group of people obsessed with taking short-term decisions in the interests of some political gain. This issue lays to rest that philosophy. This issue is not about some short-term political gain or short-term effect but is about the possibility of a long-term effect on the general health of the community. Madam Deputy-President, you spoke with some passion about your experience with tobacco use, the influence your children had in stopping you smoking and your conviction that the role of government was not that of a parent - that government should not be making determinations on issues such as this because fundamentally it is the role of parents to ensure children do not smoke or behave in an anti-social manner. We must clearly accept that smoking is a habit, an addiction which does not benefit individuals and certainly does not benefit our society. The figure of \$6 billion has been mentioned as the annual cost to our health system of cigarette

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associated diseases. That is a large amount of money that has an enormous impact on our health care budget. The Government, the Parliament and the community generally should play some role in seeking to reduce the incidence of addiction. There is no doubt that members of this Chamber who are smokers are addicted. The Leader of the Opposition, the Hon. M. R. Egan, and the Liberal Party member, the Hon. Dr B. P. V. Pezzutti, were the only two mentioned from this Chamber.

The Hon. E. P. Pickering: I was.

The Hon. P. F. O'GRADY: I am not aware of the Minister's particular addiction.

The Hon. E. P. Pickering: Totally addicted to cigarettes for 17 years.

The Hon. P. F. O'GRADY: The Minister for Police and Emergency Services acknowledges that he had an addiction to nicotine for 17 years, and on a number of occasions the Leader of the Opposition has said to me how he would dearly love to give up the habit, but in fact -

The Hon. E. P. Pickering: He is powerless to do so.

The Hon. P. F. O'GRADY: That is right. He is in fact powerless to do so. People who are addicted to nicotine and endeavour to give up smoking go through great withdrawal pain.

The Hon. Jan Burnswoods: I remember from years ago it is agony.

The Hon. P. F. O'GRADY: Here is another confessed smoker. People who had former addictions to nicotine are coming out of the closet. Madame Deputy-President made the point earlier that not a day goes by when she does not long for a cigarette. I do not know if that is the case with the Minister.

The Hon. E. P. Pickering: No, I have never wanted a smoke since the day I gave it up.

The Hon. P. F. O'GRADY: The Minister for Police and Emergency Services claims that he has never wanted to smoke since the day he gave it up. Some confusion exists over the effect of giving up smoking.

The Hon. Jan Burnswoods: Some of us have stronger personalities.

The Hon. P. F. O'GRADY: I do not think it is a question of stronger personalities; it is a question of whether one still longs for the substance. Some people long for the substance of nicotine, and that longing is something they never lose. The Hon. Beryl Evans also spoke about her zest for life - that is one of her greatest qualities. She has an enormous zest for life and displays that in most fashions in this Chamber. I respect her greatly for her contribution today. She made reference to the way in which cigarettes were promoted when she was young and a member of the armed services. The Hon. Beryl Evans said that advertising and sponsorship was not as prevalent in the 1940s as it is these days but that, in the difficult and strenuous emotional era when she began smoking, tobacco companies promoted their product with cigarette packets depicting attractive males in armed-service uniforms. I have no doubt that cigarette companies at that time deliberately chose to promote the armed services to attract people

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to smoking. If advertising had no impact, companies would not advertise.

The Hon. R. S. L. Jones spoke of the Longbeach brand of cigarettes. The Sterling brand of cigarettes is advertised at the movies, where movie goers are told that it is a sterling idea to go sailing or drive fast cars, and so on. Tobacco companies - or companies promoting Coca-Cola for that matter - would not need to advertise products or sponsor if advertisements and sponsorship did not have an impact on consumers. Available statistics must be considered when examining and weighing up the issues dealt with by the bill. The Standing Committee on Social Issues, in its report on drug abuse amongst youth, set out fairly compelling statistics about the dangers of addiction to tobacco. The chairman's foreword to that report states that there is no single solution nor any finite body of solutions to this problem of excessive drug abuse - of nicotine or the whole gamut of drugs - by the youth of this community. That statement can be applied to each and every form of addiction. Nicotine addiction, that is addiction to the use of tobacco, is addressed in the bill.

The Hon. Dr Marlene Goldsmith: There is no safe level of nicotine abuse, as with other drugs such as alcohol.

The Hon. P. F. O'GRADY: Yes, but persons addicted to a substance - nicotine, alcohol or anything else - should not use it. That is the point I am making.

The Hon. E. P. Pickering: Even salt.

The Hon. P. F. O'GRADY: For me it is sugar, knowing what effect sugar and in particular Coca-Cola have on me. I can get high on Coca-Cola.

The Hon. E. P. Pickering: I understand that people put pumpkin seeds in coke to get high.

The Hon. P. F. O'GRADY: I do not need to put pumpkin seeds in Coca-Cola.

[Interruption]

The Hon. P. F. O'GRADY: The Hon. R. T. M. Bull said that Coca-Cola taken whilst driving is most effective, and it is particularly effective for me. I have no problems driving from Eden to Sydney on a few bottles of Coke to ensure that I keep awake. Whether or not that is a safe practice is another issue.

The Hon. E. P. Pickering: It is not unsafe. It is safer than falling asleep at the wheel.

The Hon. P. F. O'GRADY: I am not sure that it is responsible behaviour for parliamentarians to drive the distances necessary on occasions.

The Hon. E. P. Pickering: I well remember those days.

The Hon. Patricia Forsythe: Putting pumpkin seeds in Coca-Cola has a psychological effect more than anything else.

The Hon. P. F. O'GRADY: I do not think it has a psychological effect but is an essential part of the body's make-up. Sugar plays a vital role in keeping one awake, alert and alive.

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The Hon. Patricia Forsythe: I am not sure about sugar but it is nonsense about caffeine.

The Hon. P. F. O'GRADY: I was talking about Coca-Cola as a product being full of sugar and caffeine. I turn from Coca-Cola to tobacco. The report of the committee states that each day more than 5,000 Australian schoolchildren smoke their first cigarette. Every year in Australia 70,000 teenagers become regular smokers - three times the number of people who presently die each year from diseases caused by smoking. Seventy-five per cent of adults who smoke began smoking when they were adolescents and 33 per cent of current adult smokers started smoking before they were nine years old. Those figures are extraordinary. The earlier a person starts smoking, the longer that person is likely to continue smoking heavily and to die of a smoking-related disease. In Australia, if present smoking trends continue, 256,000 boys and 159,000 girls who are now under the age of 14 will die before they should because they have smoked. Children smoke the most heavily advertised brands of cigarettes, both Winfield and Peter Jackson. Despite the fact that in New South Wales the sale of cigarettes to children under 16 is illegal, 65 per cent of males and 75 per cent of females under 16 purchase their

cigarettes from shops. That information is contained in the report of the Standing Committee on Social Issues.

Yesterday the Government increased the legal age to 18, and from 15th December fines of \$5,000 may be imposed, but children will continue to smoke. Children who smoke or who live with family members who are smokers suffer more coughs, colds and respiratory infections than non-smoking children or children in non-smoking families. One of the first constituents who I interviewed as a member of Parliament came to me because he needed to have his Housing Commission accommodation updated. He came with a letter of reference from a doctor which said that the man's child suffered from smoking-related illnesses, that they lived in a one-bedroom unit and that for the health of his child they needed to be moved or transferred to a larger unit. The man admitted that he was a compulsive addicted smoker and that he smoked vast quantities of cigarettes, up to 80 cigarettes a day. He admitted that in the interests of his child's health he should stop smoking but physically was not able to do so. He sought my assistance to gain different accommodation to ensure that the child had a separate bedroom to provide a barrier to his smoking. Unfortunately, he was not able to gain Housing Commission accommodation sufficient to alleviate that problem. Of 1,000 young Australian males who smoke one will be murdered, 15 will be killed on the roads and 250 will be killed by tobacco. Those statistics should be kept in mind. Quite rightly, governments across Australia have made a significant effort to minimise the number of people being killed on the roads. Nevertheless, for every one person who is murdered and every 15 killed on the roads, 250 will die from smoking-related diseases. More than four out of 10 women aged between 16 years and 24 years smoke regularly. By year 10 one-fifth of males and a quarter of females are regular smokers. Australian schoolchildren spend more than \$30 million a year - \$82,000 each day - on cigarettes. That is another extraordinary figure.

The Hon. D. J. Gay: Is the honourable member filibustering?

The Hon. P. F. O'GRADY: No, I am not.

The Hon. D. J. Gay: It is taking a long time for him to get to the point. They seem to be briefing other members.

The Hon. P. F. O'GRADY: I am not briefing anyone.

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The Hon. D. J. Gay: The Labor Party. I think the Labor Party is filibustering on this debate.

The Hon. P. F. O'GRADY: I do not know what is going on outside the Chamber.

The Hon. Ann Symonds: How can the honourable member say that? This morning two speakers from the Government side took up the entire morning session. That charge is absurd.

The Hon. D. J. Gay: That did not stop the honourable member making a charge against members on this side of the House.

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order!

The Hon. P. F. O'GRADY: The point that the Hon. D. J. Gay seeks to make about members who have participated in this debate does not take account of the fact that the Hon. R. B. Rowland Smith spoke for an incredibly long time.

The Hon. D. J. Gay: What he said was pertinent.

The Hon. P. F. O'GRADY: That is the honourable member's view. The Hon. R. B. Rowland Smith expressed a point of view and took a long time to do it. He did it with his normal style and sophistication. There is no argument about that. I recall the Hon. Dr B. P. V. Pezzutti having a great wad of documents before him and going through them piecemeal.

The Hon. D. J. Gay: A list of speakers has been available for some time and it is unusual to have names added to that list.

The Hon. P. F. O'GRADY: I am one member who has been left off the list of speakers on the odd occasion. The last time it happened was in the debate on the report related to medically acquired AIDS. Other members were slipped into that list but I was left off it.

The Hon. E. P. Pickering: I cannot understand why.

The Hon. P. F. O'GRADY: No, I could not understand it either. I was a little upset at the time, but managed to -

The DEPUTY-PRESIDENT: Order! If members want this debate to finish, they should engage in less chatter and give more attention to the subject of the bill.

The Hon. E. P. Pickering: Let us get on with it.

The Hon. P. F. O'GRADY: I am responding to the outrageous allegations made by Government backbenchers.

The Hon. E. P. Pickering: Ignore them and carry on.

The Hon. P. F. O'GRADY: It is very difficult. The central issue of the debate is that the bill has some chance of achieving a generational change in smoking.

The Hon. Ann Symonds: I wish the honourable member had not used that term.

The Hon. P. F. O'GRADY: I am sorry I have offended the honourable member
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but the measure is about achieving change over a long period. Members have a responsibility to be mature on the issue, which is not about censorship or lack of freedom. I do not accept that because a product is legal there is a right to advertise that product.

The Hon. Ann Symonds: Dr Bruce Shepherd said this was the single greatest preventative measure taken for public health this century.

The Hon. P. F. O'GRADY: That is the point I seek to make. We are taking a decision that will not reduce cigarette smoking tomorrow, next month or next year. This is a long-term measure. I return to the point I made at the beginning of my contribution that politicians are often rightly accused of having a short-term view of the world for political gain. This measure will not have a short-term result. Members should be proud to be associated with this bill, which will have long-term results. If the legislation is passed and the Opposition amendments are supported, I doubt that members of this House will again have the opportunity of effecting such a significant change in their parliamentary careers. In basic terms we are discussing the saving of lives and the long-term ability to discourage people from smoking. I conclude by pleading with members to support the legislation and the amendments that have been foreshadowed by the Opposition. If that happens, in the long term a real change can be made for the benefit of the men and women of New South Wales.

Reverend the Hon. F. J. NILE [5.26], in reply: I thank honourable members who have spoken in this debate, which has been lengthy. Strong and sincerely held opinions have been expressed by members from both sides of the House. In the course of the debate there has been a change in the position taken by the Government. Members have given more thought to the proposed legislation, which I had asked be done earlier. When I introduced the bill in September I sought from members of the Cabinet who are directly involved in this issue that they approach the matter in a bipartisan manner, similar to what was done with the gun issue. A tremendous amount of pressure is put on members of Parliament and all political parties when controversial matters are debated. The gun control debate was one example. In this instance there has been a strong lobby by the Tobacco Institute and the cigarette companies in relation to the banning of tobacco advertising and sponsorship. Pressure is also placed on the whole community and the media when various groups take sides.

Prominent personalities have taken sides. John Laws has been attacking and John Tingle extending thanks. Extreme points of view are held on the issue because it is controversial. Therefore it is desirable to develop a bipartisan approach. We have now moved closer to achieving that. There has been a meeting of minds of Government members and Opposition members to find a middle area of agreement that can be supported by the majority of, if not all, members of the House. The provisions of the Tobacco Advertising Prohibition Bill will need to be carefully monitored. It is not easy to draft a bill that will do all things at once and which will preclude various interpretations. Even Government legislation that has been well drafted has been known to have loopholes. I do not believe that this legislation has any loopholes. It deals with the complex issues of tobacco advertising and sponsorship of sport. Therefore, by its very nature, it is a complex measure that must be carefully monitored.

After a trial period next year I would be the first to support positive amendments if it can be shown that the bill can be improved. As honourable members know, no bill is set in concrete; no bill that a man drafts is perfect. Perhaps the only laws that were perfect were the ten commandments. What honourable members do in this House is as

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much as they can using their intelligence and seeking the help of advisers and also God. That does not mean, though, that the end result is perfect. Further amendments may be necessary. A large number of amendments have been foreshadowed by the Australian Labor Party and also by the Government. Those will be discussed in due course. In the main they will be advantageous and will make the bill more effective. It is vital that there be a cutoff date for sports sponsorship. I am pleased that the concept of a phasing in period following the introduction of the bill has borne fruit. When I introduced the bill I did not put strongly enough the need for a phasing in period of four to five years so that the legislation is not disruptive and can be followed through by commerce, the tobacco industry and even the signwriting industry.

Signwriters have contacted me and expressed great concern that they will lose a great deal of their signwriting business tomorrow. Whether the signwriter is pro-tobacco or not is not the question. Painting tobacco signs is a way for a signwriter to earn his income. The signwriters association expressed concern. No one wants to put the signwriters out of business. Therefore, the phasing in period is desirable for many reasons. The advertising ban will affect the tobacco industry directly and also associated industries that have no direct vested interest in the selling of tobacco. The Tobacco Institute's advertisements have made a great deal of noise in the media. The institute has made a big fuss and said that tobacco is a legal product; therefore, there should be no prohibition on advertising or sports sponsorship. Honourable members should note that tobacco is already in a special category. Strictly speaking, it is not a legal product as are ice cream, milk and bread. It is already severely restricted and is one of the few products that has a limit on the age of those who can purchase it.

The Hon. Dr B. P. V. Pezzutti: Alcohol has too.

Reverend the Hon. F. J. NILE: I said that tobacco is one of the few products that has a restriction on the age group of those who can purchase it. There are severe penalties for those who sell tobacco to children under 16 years of age. That age limit is to be raised to 18 years of age. That indicates the seriousness with which the Parliament regards the sale of tobacco to underage children. Tobacco is one of the few products that carries an explicit health warning that must be printed on the packet and reproduced on large posters and billboards. Alcohol advertising does not yet require such warnings. Tobacco is already in a special category. I would call it a restricted product rather than a legal product. The matter of freedom has been raised in the debate. Some Government members because of their liberal philosophy have a knee jerk reaction to any attempt to impose more laws and restrictions on free enterprise. I support their concern. I am in favour of freedom. In the debate in this House and in the community an attempt has been made to blur the issue and to say that the tobacco advertising ban is a question of freedom. I do not believe that is true.

The Hon. Dr B. P. V. Pezzutti: It is not freedom at any price.

Reverend the Hon. F. J. NILE: It is not a question of freedom. Nothing in the bill will prevent a person of the correct age from smoking or buying cigarettes or the tobacco industry from sponsoring sport. However, the tobacco companies will not be able to advertise their sponsorship. If tobacco companies feel that sport is such a fine institution and they wish to encourage sport, they can donate \$1 million to that sport without expecting any advertising in return. I do not believe that will happen. The tobacco companies sponsor sport so that their brand names receive maximum exposure. By associating Benson and Hedges with cricket and Winfield with rugby league the companies receive a great deal of incidental advertising through the advertising of their

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brands on television. The tobacco companies get what they describe as incidental - or accidental - advertising on television as the camera focuses on the Winfield logo. I regard that as an attempt to defeat the principle of the legislation that bans the advertising of cigarettes on television. It is important for honourable members to support the Tobacco Advertising Prohibition Bill because we are talking about the youth of our nation. Teenagers associate themselves with cricket and football heroes and even with the theme music of the rugby league final, "The best", and other slogans. It is not difficult for the promoters of cigarette brands to convey an explicit message that their product is the best. The winners are the products, not the football or cricket teams.

The successful implementation of the bill, with a definite cutoff date, will save many lives. It is estimated that up to 16,000 people die annually from cigarette-related diseases. Up to one in three beds in hospitals are used by people who have cigarette-related illnesses. I have emphasised the need for a cutoff date in the bill. It was not spelt out strongly in the bill and may have to be the subject of an amendment. I was disappointed this afternoon to read on page 3 of today's *Daily Telegraph Mirror* that the rugby league is boasting that it has escaped the ban on cigarette advertisements. It claims that the rugby league would be permanently exempt from bans on tobacco sponsorship, in spite of the bill before the House, and that the legislation affecting sponsorship will have virtually no effect on this State's most popular sport. I do not believe that is true. It is not the function of the bill, my intention or the intention of the organisations supporting the legislation - the National Heart Foundation or the Cancer Society. If that is the case, the bill must be strengthened so that it does have a cutoff date. A suggested date was 26th September, 1995. By that time sporting bodies and others would know there was a cutoff date and that they had to make a serious attempt to find other sponsors. They should not feel that they will be able to get further exemptions in 1995. The report in the *Daily Telegraph Mirror* is not accurate because it is not the intention or the spirit of the bill that the rugby league should be permanently exempt. The bill aims at having a positive effect on the health of people in our State, and particularly young people. The object of the bill is:

. . . to encourage healthier lifestyles by prohibiting certain activities aimed at promoting the sale of tobacco products and consequently reducing the incentive for people to smoke.

That first object of the bill is vital, and any permanent exemption for tobacco sponsorship of sport would be flying directly against that objective. I am also pleased that the bill before the House, as was pointed out by the Hon. Dr Marlene Goldsmith, endeavours to take up a number of the recommendations of the report of the Standing Committee on Social Issues on drug abuse among youths, which was issued in December 1990 after many months of intensive investigation. Committee members went to other States, including Victoria and South Australia, and investigated the matter at first hand. Some members also went overseas. Recommendation 10 of that committee was supported unanimously, representing all parties, and states:

That a person or persons be prohibited from the sale, display, importation or advertising of any product (not including cigarettes) which include a tobacco trademark, brand name or logo or part of a trademark, brand name or logo used by a tobacco company.

Recommendation 11 states:

The committee recommends that no taxi be permitted to carry a tobacco advertisement.

Recommendation 12 states:

That billboard advertising of tobacco products be prohibited.

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Recommendation 13 states:

That the minimum age at which cigarettes may be purchased be raised to 18.

All of those recommendations have either been implemented or will be implemented through this legislation. Recommendation 14 states:

That as soon as practicable no sporting, cultural or artistic event in New South Wales may advertise or exhibit a tobacco brand name, logo or trademark in association with the name of that event.

Generally, recommendation 15 strengthens the tobacco health warnings. Recommendation 16 states:

That all advertising at point-of-sale and on public venues, ovals and sporting grounds, including brand names and trademarks and logos represented on the surface of such venues, be prohibited as soon as practicable.

Honourable members may have noted that the word "practicable" has been added a number of times, indicating that this is not a violent axing overnight but a process requiring some phasing in. That is what this bill endeavours to do. There is no doubt that in closing we must remember that we are dealing with a very clever and resourceful cigarette lobby, the Tobacco Institute and associated organisations. Even way back in November 1970 during a meeting involving a number of key people in the tobacco industry, they were trying to anticipate legislation such as has been introduced into the Parliament. The minutes of that meeting are as follows:

Discussing smoking and health, Mr Watson advised that we can expect more severe attacks on the industry -

That is, the tobacco industry. They continue:

- in the near future. In Canada and the U.S.A., advertising restrictions are pending and in the U.K. there is no cigarette advertising other than press. We can expect similar restrictions here within the next few years. This is the reason for the existence of the R.N.S.F. and our sponsorships which are being developed in anticipation of restrictive advertising action in Australia.

All in all, we have not had a bad year. In terms of profit we anticipate a satisfactory result, however, it is imperative that we sell more cigarettes than last year.

We are dealing with a very versatile opposition, one might say, in the form of the tobacco lobby. Hundreds of thousands of dollars has been spent during the past few weeks in trying to create a backlash.

The PRESIDENT: Order! It is not permissible for persons in the gallery to converse with members of Parliament.

Reverend the Hon. F. J. NILE: The Tobacco Institute and associated organisations have spent hundreds of thousands of dollars. No one knows how much has been spent, but certainly it is a large amount of money. They have been doing that in an attempt to create public opinion against the bill and to intimidate members of Parliament, including Government and Opposition members and me. I am pleased that they have failed, in spite of their efforts. However we need to be on our toes, so to speak, as we discuss the amendments to the bill. Already the Non-Smokers Movement of Australia Inc. has sent out a media release, entitled 'Beware Clayton's Amendments'.

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It says that amendments to the Tobacco Prohibition Advertising Bill may be designed to water it down. We must not allow that to happen. I am pleased that during the past week, even up until today, I have received the widest possible expression of support for the bill before the House. I have just received a statement from the Australian Council of Churches, which was signed by representatives of the Anglican Church, the Antiochian Church, the Assyrian Church, the Lutheran Church, the Romanian Orthodox Church, the Salvation Army, the Religious Society of Friends, bishops of various Anglican dioceses, the Armenian Orthodox Church, the Greek Orthodox Church, the Presbyterian Church, the Seventh Day Adventist Church, the Uniting Church and so on. All those bodies supported in a unified way a statement encouraging members of the Parliament and me with these words:

Church leaders in NSW today encouraged members of the New South Wales Parliament to vote in favour of the Tobacco Advertising Prohibition Bill that is currently being debated.

Believing there is convincing evidence that smoking is the single most preventable cause of death and disease in the community, the church leaders said that the passing of this Bill would create an environment for a significant reduction in the level of smoking, especially among young people.

It concludes:

The central consideration, they said, is that by the passage of this legislation the parliamentarians of our State will be serving the interests of its present and future citizens, particularly the youth. Therefore, it is the kind of issue that deserves a free vote in parliament.

As we know, respective parties have treated the bill as a party vote and not a conscience vote. We have heard of other expressions of support from the New South Wales branch of the Australian Medical Association. Another expression of support that I have just received is from the New South Wales regional committee of the Faculty of Anaesthetists, of which I believe the Hon. Dr B. P. V. Pezzutti would be a member. It says:

The Faculty supports all reasonable measures to reduce tobacco use in the community and I would ask you to consider this in relation to the Tobacco Advertising Prohibition Bill.

The Chairman of the Clinical Professors Association of New South Wales of the University of New South Wales, Professor John Dwyer, supports this bill. The Pharmaceutical Society of Australia sends an expression of support signed by its president, John A. Bell. He writes:

The Pharmaceutical Society of Australia is cognisant of the harm that results within the community from the use of tobacco and has for a number of years attempted to take a more prominent role in the anti smoking campaign.

The proposed NSW Tobacco Advertising Prohibition Bill 1991 appears complementary to the Society's policies on smoking, drugs and smoking cessation, and we thus commend it to you for adoption.

We believe that support should be given to all efforts aimed at reducing the use of tobacco and which are assisting to improve the health of our community.

The Royal Australian College of General Practitioners issued a very strong statement supporting the Tobacco Advertising Prohibition Bill. The National Heart Foundation of Australia not only supports the bill, but also has had a great deal to do with assisting in its preparation. The New South Wales Cancer Council has sought to answer some of the false statements in the advertising of the Tobacco Institute. The Australian College of Paediatrics has also strongly supported the bill, saying:

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On behalf of the New South Wales State Committee of the Australian College of Paediatrics, I am writing to you to indicate our strong support for the above bill which, as you know, was introduced into the New South Wales Parliament on 26th September, 1991 by the Reverend Fred Nile.

The letter refers to the Tobacco Advertising Prohibition Bill. I have also received statements of support from the Department of Surgery at the University of New South Wales, the Non-Smokers Movement of Australia Inc. and many other community groups. I believe that apart from some negative comments from the Tobacco Institute and certain sporting bodies concerned about the effects of the bill, the legislation has genuine widespread community support and widespread support within this House. I commend the bill.

Motion agreed to.

Bill read a second time.

PROCUREMENT OF MISCARRIAGE LIMITATION BILL

Second Reading

Debate resumed from 31st October.

The Hon. Dr MARLENE GOLDSMITH [5.51]: Some weeks ago in the debate on this legislation I stated that this bill was not a bill about abortion as such, though that is clearly its intent. The Hon. Elaine Nile stated, "It is an abortion bill". The bill is in fact about seeking to limit what is at present a legal activity in this State under certain limited circumstances, abortion, to public institutions. However strongly one may feel about abortion, the bill involves a fundamental principle. That principle is, as I mentioned previously, whether the end justifies the means. I must state that I cannot accept that belief. While I am speaking about fundamental principles, I should remind the House that a number of my female colleagues deliberately absented themselves from the House during the second reading speech of the Hon. Elaine Nile. For most of that time I was the only female member in the Chamber. For me that involved another fundamental principle, the principle of freedom of speech. I am reminded of the statement that is commonly attributed to Voltaire. That statement was, "I disapprove of what you say, but I will defend to the death your right to say it".

Whether or not there is opposition to what any member is proposing to this Chamber, I have a problem with denying that member a quorum when the House has agreed to hear debate on the issue. To remove a quorum from the Hon. Elaine Nile would be a violation of the principle of freedom of speech, a violation I could not support. The legislation before the House involves another problem and that is, of course, the law of unintended consequences. There is a real possibility that this legislation, rather than achieving what it sets out to achieve, may have a consequence that is unintended and counter-productive. Public hospitals have waiting lists for many kinds of surgery. If abortions are to be limited to public hospitals, it is possible that this would lead to waiting lists for yet another medical procedure. The notion of waiting lists for abortions is particularly repugnant to me. The later an abortion is performed, the greater the risk of complications. I would infinitely prefer not to see waiting lists for abortions, and that is a possible counter-productive consequence of this bill.

It has been mentioned in this debate that South Australia and the Australian Capital Territory have experienced a substantial decrease in abortions since introducing legislation similar to the bill before the House. I appreciate the belief of honourable members that that is due directly to people having fewer abortions, but that is not necessarily the only reason for the decrease. Indeed, it may be that many abortions that were previously performed in South Australia and the Australian Capital Territory are now being performed in New South Wales and other States where abortions are easier to obtain. If that is so, the issue is not merely one of abortions but abortions for the wealthy and not for the poor. That leads to another social concern. Those who can afford an air ticket to New South Wales are able to have an abortion and those who cannot are unable to. If a service is legally available, it should be legally available to all citizens - not merely those who can afford it.

The Hon. J. R. Johnson: It is not legally available. The Act has not been repealed.

The Hon. Dr MARLENE GOLDSMITH: The Hon. J. R. Johnson states that abortion is not legally available. If he recalls the earlier part of my contribution, I specifically referred to "under certain limited circumstances". I am well aware of those limited circumstances. It is important that women receive thorough, compassionate and informative counselling before making the very important decision to undergo an abortion. During this debate a number of concerns have been expressed about whether women are indeed receiving such counselling. I had particular concerns in that regard and because of those concerns I visited the Preterm Clinic with my colleague the Hon. Beryl Evans, indeed at the instigation of my colleague the Hon. Beryl Evans. I found the approach at the Preterm Clinic to be caring and responsible and one that certainly reassured me that counselling was taking place. Before an abortion occurs at the Preterm Clinic, a woman must return for a second appointment. She attends for the first appointment and receives counselling and literature. She is sent away to make her decision and she then returns for the abortion. I am aware that there are a number of other clinics and I believe that the information that has been used in this debate refers to other organisations I

have not personally investigated. If women are not receiving adequate counselling that would certainly be a matter of concern to me. Abortion is a serious matter and it is treated as such at the Preterm Clinic. The Preterm Clinic is a most responsible organisation and is concerned about the seriousness of abortion.

There are other concerns regarding this legislation. Some of those concerns have been brought to my attention by the Family Planning Association. The association has stated that one of the effects of the bill might be to transfer the cost of abortions from Medicare to the New South Wales hospital system. That must be a concern for a State government that is under very strict budgetary limitations, a State government that has in recent years received a constant barrage of medical services transfers, by one means or another, by various sleight-of-hand, from the Federal system to the State system. The Federal Government keeps removing important medicines from the pharmaceutical benefits list so that they have to be provided through the public hospital system. That is one way of the Federal Government transferring its responsibility to the State without providing any support for such transfer. We must be concerned about the transfer to the States of the cost of abortions.

There could be problems with public hospitals being in chaos with the huge increase in requests for abortion services. Extensive counselling services would need to be set up in hospitals. I have referred already to the counselling I was made aware of at Preterm. I have grave concern as to whether public hospitals have the capacity to provide counselling services of the level and quality I saw at Preterm, because public hospitals have many other demands on their services. Another possible effect of the bill

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might be an increase in the number of second trimester abortions in New South Wales and this conclusion is based on South Australian experience. Another matter could be an increase in the number of general anaesthetics administered for this procedure; general anaesthetics are quite dangerous. The Family Planning Association believes the whole question of abortion is being approached from the wrong angle. There needs to be an inquiry or a study into why so many women have unintended, unwanted pregnancies, and why they are unwilling to take these pregnancies to full term. Once the answers to these questions are known, a positive public education campaign can be instituted to drastically reduce the number of abortions in New South Wales. Until that happens, I am afraid we have a problem. Why is it that women need abortions? Why is it that they have unwanted pregnancies? What lack of support is there for women and for families? What lack of information is there on birth control? Until we answer those questions, there is a very real danger that, by cutting off access to abortion for women across the board, we will be blaming the victim for her affliction.

The Hon. J. R. Johnson: The victim is the baby; it always dies.

The Hon. Dr MARLENE GOLDSMITH: The Hon. J. R. Johnson states that the baby is the victim. I appreciate where he is coming from and his concern. Sadly the baby is not the only victim. Unfortunately in our society there are plenty of instances where children give birth to babies.

[Interruption]

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order!

The Hon. Dr MARLENE GOLDSMITH: I am aware of a number of cases of girls of 10, 11 or 12 years of age who become pregnant to their fathers or some other male relative, often following many years of child abuse. No one can tell me that that baby - the 10, 11, or 12-year-old - is not a victim herself. To force her young body to carry a child to term when she is not physiologically, psychologically or emotionally ready for such an event, and when she has already been subjected to such traumas, is to my mind the ultimate cruelty. Reverend the Hon. F. J. Nile and I have discussed this issue at length, and he is aware of my dilemma and stance

on it. I cannot support any aspect of legislation that will force those children who are already victims to bear babies that they should never have been impregnated with. I know the concerns of Reverend the Hon. F. J. Nile about the level of abortions in New South Wales, but I cannot support this bill.

The Hon. D. J. GAY [6.3]: Before I start my contribution to this debate I should like to say that I am reluctant to speak on this issue for two reasons. First, as a member of Parliament, I do not believe this is an issue we should be canvassing. Second, as a male, I do not believe I understand the dilemma a woman faces regarding abortion. Having said that, we have a social responsibility to debate the issue. I have looked carefully at the bill and, though I have some reservations about aspects of it, I find enough of it fits in with my basic beliefs, so that I support the bill. However, although I am on the record as opposed to abortion, I believe there are some grey areas, especially those referred to by the Hon. Dr Marlene Goldsmith relating to incest and rape. Another grey area is where there is a threat to the life of the mother, whether that be physiological or psychological. In part, the bill put forward by Reverend the Hon. F. J. Nile addresses my concerns. I would like to see included in this bill the South Australian legislation provision giving the Minister for Health, having determined private clinics to be of a standard of public hospitals, the right to extend the time for counselling. Page 5002

I was quite taken by the message of the Hon. Elaine Nile, who said that in private clinics in New South Wales people say a woman has a right to do what she wants with her own body. I say that along with that right there is a responsibility. If that responsibility is harming her or a child, a right is being breached. But no one could condone the butchery that is happening in some clinics. I find it hard to understand that pro-abortion people support that butchery. I certainly cannot condone it. If there is a limitation to counselling, I should like the Minister for Health to have the power to endorse proper procedures in clinics in those circumstances. I support the bill.

The Hon. R. S. L. JONES [6.10]: I wish to defend the reputation of my colleague the Hon. Elisabeth Kirkby, whose statistics on maternal deaths or deaths after abortion were attacked. I have been given some figures by the United Kingdom Royal College of Obstetricians and Gynaecologists, figures that were the result of a confidential inquiry into maternal deaths in England and Wales. Deaths from abortions in 1952 to 1954 were 244; in 1970 to 1972 there were 71 deaths; in 1979 to 1981 there were 14 deaths; and from 1985 to 1987 there were six deaths. The Act was changed in 1968-69. Abortions per million maternities were 70 in 1952 to 1954; 50 in 1966 to 1969; 25 in 1969 to 1972 and five in 1985 to 1987. There has been a decline in the number of abortions even though abortions were legalised.

The Hon. J. R. Johnson: The honourable member means a decline in maternal deaths.

The Hon. R. S. L. JONES: There was a decline in the number of abortions and maternal deaths. Women are now able to choose whether or not to continue with their pregnancies. Many more women either are more effective in preventing pregnancy, or they are choosing to keep the child. Those figures alone prove that legislation is not effective in reducing the number of abortions. People in the community have been polled on this issue. In March this year a poll was conducted of people 18 years and over about whether the decision about abortion should be left to the individual and the doctor. Of those surveyed, 34 per cent agreed strongly, 47 per cent agreed, 7 per cent neither agreed nor disagreed, 7 per cent disagreed, 5 disagreed strongly and 1 per cent did not know. Thirty-one per cent of men agreed strongly, 49 per cent agreed, 7 per cent neither agreed nor disagreed, 8 per cent disagreed, 4 per cent disagreed strongly and 1 per cent did not know. Thirty-six per cent of women agreed strongly, 45 per cent agreed, 8 per cent neither agreed nor disagreed, 6 per cent disagreed, 5 per cent disagreed strongly and no one said she did not know.

Members of the community accept that if abortions were to become illegal in this State, the level of abortions would probably remain the same. However, many women would be pushed into the hand of backyard abortionists, which would have the effect of increasing the incidence of crime and corruption which the Government is trying to stamp out in New South Wales. Clearly it is up to women to decide whether or not to have children. As a male legislator I am not in a position to decide whether a pregnant woman in Wollongong should or should not have her baby. I should not decide whether a pregnant woman in Bourke should or should not have her baby. It must be the woman's decision whether to continue her pregnancy. The decision to become pregnant should be the woman's decision. It cannot be my decision. Catholics for a Free Choice published an interesting booklet called "A Guide to making Ethical Choices", and in part Beverley Wildung Harrison said:

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. . . it is the capacity of women to undertake, in freedom, the consummately moral action of childbearing that is threatened when the politics of abortion play fast and loose with the particularity of women's lives . . .

Essentially the Aboriginal people say that this issue is women's business. I am not a woman and I cannot decide whether women should become pregnant or remain pregnant. I am not pro-abortion. It would be wrong to say that people who do not support this legislation are pro-abortion. I believe there would not be one person in the world who is pro-abortion, except those who make a living solely by carrying out abortions. I am certain that the vast majority of men and women would be anti-abortion. It is logical to be anti-abortion. It is also logical to allow women to make the choice themselves. It should be left to the individual woman to make that choice and not left to male legislators or males in the community to tell women what they should do. I should like to see further education of children so that they are informed of the responsibilities of parenthood. If children were given proper sex education from an early age, the level of abortions would drop far more dramatically than they would by the enactment of any law. The enactment of such a law would lead to an increase in the incidence of crime and corruption and force women into the hands of backyard abortionists. I accept and fully understand the motives of the Hon. J. R. Johnson, the Hon. Elaine Nile and Reverend the Hon. F. J. Nile but I believe they are going about it the wrong way. Education will be the answer. Draconian laws or flawed laws are not the answer. Education is the answer, and the decision should always remain with the woman.

The Hon. J. F. RYAN [6.16]: This bill has caused me a great deal of agony, as I am sure it has many honourable members. I personally regard abortion as an immoral act, except where it is carried out to save a mother's life or to protect a woman from pregnancy as a result of an act of rape or incest. Essentially this view is the traditional view of the mainstream protestant Christian church, of which I have been an active member since I was 16 years old. I see no reason to burden honourable members with further detail in justification of this view, as most of these issues have been canvassed in detail already. In summary, those who hold views about abortion similar to mine do so because they believe that unborn children have a right to life that transcends the rights of their parents to escape the physical, social or economic consequences of any pregnancy. I use the word "parents" because I mean the responsibilities to include those of the male parent as well as the female parent who actually carries the infant.

Usually I would be in support of any measure that seeks to protect and preserve the rights of unborn children. I regard the number of abortions that are carried out in this State and country as a national disgrace. Many couples who cannot have children desperately long for the opportunity to love and care for them. The fact that thousands of unborn children who might satisfy this longing and would benefit from this love and care are destroyed is an indictment of society. It is a cause of profound regret to me that we have not found a way of making adoption a more preferable alternative to abortion for women who are faced with unplanned pregnancies. Nevertheless, despite my strong personal views about abortion - in

fact, in opposition to abortion - I have a number of problems with this bill. In some respects the debate on this bill has been bizarre. Some of those opposed to it would rather women continue to risk poor quality care in some dubious private abortion clinics so as to ensure that abortion remains possibly more accessible than the written letter of the law currently allows in New South Wales. There are some who support the bill, yet by doing so seek to lavish the greatest and most expensive health care on people who seek to carry out an act which they condemn as being morally questionable. I believe it is possible to assess the merits and demerits of

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this bill without necessarily involving oneself in the moral question of whether abortion is right or wrong.

Strictly speaking, this bill is not designed to tighten legal access to abortion. It seeks only to transfer abortions out of private clinics and into public hospitals. Consequently this bill must be considered not just as an abortion bill but also in terms of its merits and effects as a public health measure. If passed, this bill would suddenly transfer the burden of carrying out abortions into the already stressed public hospital system. It is beyond doubt that that would have disastrous consequences for the public hospital system. The Government has made significant inroads into reducing the waiting lists for elective surgery at public hospitals. This bill has the potential to completely undo much of that work. There is credible evidence to suggest that restricting abortions to public hospitals would not cut the abortion rate in this State. In South Australia abortions are carried out only in public hospitals. I understand that under the provisions of that State 4,300 abortions are carried out every year. Given that South Australia's population is a quarter of that of New South Wales, 4,300 abortions represents a rate of abortion that is only marginally lower than the New South Wales rate. That is particularly so when one considers that some South Australian women travel to other States for abortions and that a large number of abortions performed in New South Wales are carried out on women from other States.

I have considered the evidence outlined by my colleague the Hon. Dr B. P. V. Pezzutti. He said that the number of babies offered for adoption in South Australia is similar to the number offered in other States. That evidence suggests that South Australia does not have a greater number than other States of women who continue with unwanted pregnancies. Therefore, if this bill is passed, it is possible that it will have adverse consequences on our public hospital system but still not have any appreciable effect upon limiting the outrageous number of abortions carried out in this State. Many of the objects of this bill could be achieved in a far less controversial and more sensitive manner than is proposed in the bill. With regard to achieving its desired policy objectives, the bill is very much a blunt instrument. It seeks to achieve an ill-defined objective in a very simplistic manner without consideration of other adverse but probably unintended consequences. I should like to propose a package of legislation and regulations that would achieve the best objects of this bill in a more precise way. I really doubt whether there is one member of this House, regardless of his or her view on abortion who does not have some reservations in the present virtually unregulated environment about the quality of the service provided to women seeking abortions from private clinics.

I have carried out my own inquiries and discovered that very few regulations govern the operations of abortion clinics. I think also that Reverend the Hon. F. J. Nile and the Hon. Elaine Nile have raised very legitimate concerns about the quality of service provided to women in some abortion clinics. I believe also that the overwhelming bulk of clinics, such as Preterm and the Bessie Smyth Foundation, provide good care to their patients. However, I am concerned also that there are not many legal obstacles standing in the way of unscrupulous operators, who do not provide the same high standard of care. Sufficient credible evidence about abuses carried out in private abortion clinics has been presented to this House to arouse my concern. I am sure that all honourable members accept that women who seek abortions from private clinics are vulnerable. That is so because in almost every case they are women in crisis. In most cases they see abortion not as a choice but as the only action they can take when they run out of choices. Many of them are prone to feelings of guilt, and some would not be

altogether sure about the exact legal status of what they propose to do. If we consider their position as health care

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consumers, they are highly unlikely to complain if they receive poor treatment; and that makes them prone to exploitation. Consequently, I believe that these women need more protection from the law, not less.

Abortion clinics are able, for example, to seek certification under the Day Care Procedures Act, which the Government introduced in 1988. To comply with the Act, a clinic must comply with minimum standards relating to the provision of an admission and recovery area, recovery beds, operating room floor space, scrub-up areas, oxygen supplies, suitable electrical installation, quality of maintenance, and so on. There is also a special set of provisions relating to endoscopy centres. However, to my surprise, I discovered that abortion clinics have no obligation to seek certification under the Act. It should be mandatory for abortion clinics to be so certified, and regulations under the Act should be written specifically with reference to abortion clinics, as applies to endoscopy centres. There should be a code of professional practice for abortion clinics, setting out agreed standards of practice and staffing. Those standards should be the obligatory minimum for these clinics to follow before they are legally allowed to operate.

The sorts of matters that should be included in the code of practice are: an outline of the minimum amount of counselling and the content of information which should be given to women seeking an abortion; minimum standards for the practice of surgery, with regard to access to anaesthesia and how procedures might change to cope with advancing stages of pregnancy. The code should also deal with how medical staff should provide for parental involvement in dealing with an application for abortion by an extremely young person. The code should stipulate minimum levels of aftercare for patients. It should specify what arrangements should be in place to ensure the speedy transfer of patients to a hospital if complications occur. It might provide also for a means by which women are afforded suitable time to think about their decision, such as a 24-hour cooling-off period. In other words, we should develop a regime of regulations that ensures that women seeking abortion are able to gain access to the high quality of care that Reverend the Hon. F. J. Nile and the Hon. Elaine Nile intend from the passage of this bill. The Government should put out of business private clinics that are not providing quality service but are operating with an undue interest in commercial gain.

Two other aspects of the South Australian law relating to abortion should be enacted in this State. The South Australian Criminal Law Consolidation Act 1968 contains a provision for the compilation of statistics about the number of abortions. That is quite useful for public monitoring. The statistics include the number of terminations carried out, the classification according to the category of law under which the procedure was legally permitted, the term of the pregnancy and, most important, the number of procedures in which there were complications, such as the need for an emergency transfer to a hospital or post-abortion complications. The South Australian law also contains a provision to protect the interests of fetuses that are involved in late-term abortions. Abortions on women who have entered the twenty-eighth week of pregnancy do not necessarily have to involve the death of the child. In these circumstances I believe that the New South Wales law should contain provisions similar to those in South Australia. In that State a termination must be carried out in such a manner that allows the foetus a possible chance of survival. I believe that the package of laws I have referred to would be far preferable to the regime proposed by this bill.

Finally, I was asked to consider voting for this bill as a symbolic gesture or demonstration against the practice of abortion. My vote one way or the other will not make much difference to the fate of this bill as I am sure that it will be decided by a convincing margin. However, I do not believe that any member of this House should make such

compromise for the sake of symbolism. If I cannot agree with the specific provisions of a bill, I should vote against it, no matter how much I might support its
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overall intent. So, it is with some mixed feelings that I will vote against this bill. However, during my term in this House I look forward to achieving at least some of the reforms to which I referred earlier.

[The President left the chair at 6.30 p.m. The House resumed at 8.15 p.m.]

Reverend the Hon. F. J. NILE [8.15], in reply: The Procurement of Miscarriage Limitation Bill deals with the whole issue of protection of the unborn baby. It is a life and death issue about which honourable members could spend hours presenting their points of view. I spoke at length at the second reading stage of the bill, as did the Hon. Elaine Nile when she spoke in support of it. I thank most sincerely the Hon. J. R. Johnson for his loyal and outspoken support, perhaps not so much for the bill as for the protection of the unborn baby. I thank also the Hon. D. J. Gay for his expressions of support for the legislation. It takes courage to publicly support such legislation. He has nailed his colours to the mast for which he will receive criticism from some quarters and praise from others. I believe that those who support this bill in principle are seeking to do the will of God the Creator. Life is sacred. Call to Australia believes in the sanctity of life as expressed in the Ten Commandments: thou shalt not kill. We believe that the unborn baby in the womb is a person who has rights, and certainly has a right to life.

The bill is, perhaps, a serious misjudgment by the Right to Life movement, particularly by the pro-life lawyers who drafted the original, for which notice of introduction into the lower House was given by a then member, Mr Guy Yeomans. However, it did not proceed further. It was presented to me to keep it alive, as it were, to be introduced into this Chamber. The pro-life lawyers, sincere Christian men who drafted the bill, thought that the bill would receive wider support than that given to the Unborn Child Protection Bill. It was their strategy to take on the abortion clinics, in which, the evidence is clear, abuses were occurring. Even honourable members who will not vote for the legislation, such as the Hon. J. F. Ryan, conceded that fact. Generally speaking, abortion clinics offer abortion on demand. They advertise openly, in the telephone directory and by other means, activities that literally are against the law.

The pro-life lawyers realised that governments were loath to act either for or against the abortion issue, which is both sensitive and controversial. For a number of reasons Labor and Liberal Party-National Party governments have sat on the fence so far as taking action is concerned to reduce the number of babies that are being aborted. It was thought that this bill would prompt some action and that it would receive the support of honourable members who are pro-life. I am aware that a number of members of this House support the strategy of the pro-life movement though they have some reservations about the legislation and believe they could have presented more suitable legislation than that drafted by the pro-life lawyers. The Hon. J. F. Ryan said that he could not give the bill symbolic support. Perhaps "symbolic" is not the right word. The reality is that between 40,000 and 60,000 abortions are carried out each year in New South Wales - part of the 100,000 that take place each year across the nation. The pro-life movement believed that the number could be calculated by examining figures relating to Medicare funding, in particular graphs supplied by the Australian Senate relating to Medicare statistics on pregnancy terminations to determine whether Medicare funds should be made available to pay for abortions.

The trend is upward from 1981 to 1990. Where will it end? With my agreement the pro-life lawyers felt something must be done in an endeavour to bring down this horrific abortion rate: one way would be to close down the abortion clinics.

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The Unborn Child Protection Bill is to be debated in the Parliament. That legislation deals with an issue that the Hon. Dr B. P. V. Pezzutti desired to debate, a bill debating when life begins

and other philosophical questions. That is the thrust of that particular legislation. Because the Unborn Child Protection Bill has so many different aspects, the pro-life lawyers said that honourable members may evade their responsibilities by focusing on a minor measure and then saying that in principle they could not support the legislation. It was felt that this bill would receive more support. Honourable members have said that the legislation is too simplistic, but that was deliberate. The pro-life lawyers were of the view that the legislation should be drafted in simple terms so that no member would find any way to evade the basic issue that abortion clinics provide abortion on demand and should be closed down.

Practical problems will arise such as setting up counselling and pregnancy help centres in association with the public hospitals. Questions may be asked as to whether public hospitals can handle the demand. That demand would not in any way be equal to the number of abortions being performed in abortion clinics; public hospitals could cope with them. Some pro-life members have stated they would abstain from voting on the bill because it did not prohibit abortions in public hospitals. But if that provision had been included, other members would not then have given support to the bill because all alternatives had been closed off. In an attempt to gather more support two bills were drafted. In so doing perhaps I have lost the support of one or two honourable members. One must juggle the conflicting points of view and pressures with the simple desire that something be done.

I hope honourable members come to the view that this legislation will not cause serious problems but will have major advantages. I ask them to vote for the legislation. Although initially the Government will supervise the implementation of the legislation, suggestions may be made in the future to amend that method of operation. The bill is designed to be as simple as possible and not have detail. In due course that detail will become part of the regulations normally drafted with the assistance of the Minister for Health and others directly involved. Even at this late date I urge honourable members to examine their consciences. It is a matter of sanctity of life. This legislation seeks to reduce the number of abortions in this State, that is, abortions on demand, not those involved with incest, rape or where a mother's life is at risk. Many abortions are done for convenience, even because the baby is of unwanted sex. One could not have a more irrational, unworthy motive than that. For that reason I urge honourable members to examine their consciences before they vote on this bill.

There has been community debate as to the right of members of Parliament, male politicians, to discuss this issue. Whether male or female we each have a conscience and wish to protect the disadvantaged, weak, ill, handicapped and unborn babies in our society. Parliament has a perfect right and that right has been respected by parliaments down through history. That is why we have legislation in the Crimes Act which prohibits abortions. Parliaments have always understood they have a right and obligation to protect unborn babies because of respect for the sanctity of life. Even if only one abortion is averted because of this legislation, the bill will have been worth while.

The Hon. J. R. Johnson: We have had four.

Reverend the Hon. F. J. NILE: If one unborn baby were saved and one mother were protected from post-abortion grief, this bill would be worth while. The Hon. J. R. Johnson interjected to say that because of this debate a number of women planning to have abortions have not proceeded. This legislation is a conscience-raising exercise. Through the media we have received authentic reports that a number of women did not

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proceed with abortions. The bill, if passed by this Parliament, will have an even greater effect and more babies will survive to become young Australians and participate in the growth and development of our nation. Honourable members should bear in mind before voting that the bill was initiated by lawyers from the pro-life and Right to Life movements. I have statements supporting the bill from all church leaders including some leaders of the Uniting Church, not from the official hierarchy but from parishes and other clergy of that church. Every other church

is on record as supporting the bill. Every religious group in this State - including the Catholic Church, the Russian Orthodox Church, the Pentecostal Church, and the charismatic churches - has expressed support for what it regards as a pro-life bill. Honourable members who vote against the bill will be voting against a pro-life measure and cannot escape that responsibility. It is beyond my ability to change that. A vote in this House will be seen by the Right to Life movement as a vote for or against life, a vote pro-life or pro-abortion.

The pro-life movement will widely publicise the vote on the bill in their journals and elsewhere. It is a serious matter. I urge all members to examine their consciences. The passing of the bill will not do any damage to anyone in our society. A vote against the bill will allow the abortion tragedy to continue unabated. As evidenced by the graph I produced earlier, the number of abortions will continue to rise, and most abortions in Australia will be done in New South Wales. Honourable members cannot avoid that responsibility. The majority of abortions in Australia are happening in our State. The State Parliament must accept responsibility. The buck stops with us. With this bill the lives of unborn babies are with us. The elected members of Parliament have responsibility for and are the protectors, so to speak, of unborn babies. I hope and pray that tonight honourable members might hear their cry and respond by giving them a measure of protection by supporting the measure. I commend the bill to honourable members and to their consciences. The bill affects hospitals, abortion clinics, and so on, but essentially it is a pro-life measure. Honourable members may vote according to their consciences and are not bound by their parties. Each member must vote according to his or her conscience.

Question - That this bill be now read a second time - put.

The House divided.

Ayes, 7

Mr Egan
Mr Enderbury
Mr Johnson
Mrs Nile
Revd F. J. Nile

Tellers,
Mr Gay
Mr Obeid

Noes, 29

Mr Bull
Ms Burnswoods
Mrs Chadwick
Mr Coleman
Mr Dyer
Mrs Evans
Mrs Forsythe
Miss Gardiner
Dr Goldsmith
Mr Hannaford

Mrs Isaksen
Mr Jobling
Mr Jones
Mr Kaldis

Miss Kirkby
Mrs Kite
Mr Manson
Mr Moppett
Mr Mutch
Mr O'Grady

Dr Pezzutti
Mr Pickering
Mr Samios
Mrs Sham-Ho
Mr Shaw
Mrs Symonds
Mrs Walker
Tellers,
Mr Macdonald
Mr Ryan

Question so resolved in the negative.

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Motion negatived.

MEDICAL PRACTITIONERS (CONSCIENTIOUS OBJECTION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Reverend the Hon. F. J. NILE [8.43]: I move:

That this bill be now read a second time.

This bill is related to a second bill that will be introduced this evening, the Nurses (Conscientious Objection) Amendment Bill. These matters have been raised with me by doctors who requested the present amendment because they believe they have been discriminated against on the basis of their moral or religious belief. This is a simple bill. It could be argued that doctors already have the right that is provided for in the measure. However, we believe this amendment would remove any shadow of doubt if it were contained in legislation by being incorporated into the Medical Practitioners Act 1938. We know that doctors have been asked a number of questions about their moral and religious beliefs. Some doctors believe they have been discriminated against because of their beliefs.

The Hon. Dr B. P. V. Pezzutti: There is legislation about that, and it is called the Anti-Discrimination Act.

Reverend the Hon. F. J. NILE: The anti-discrimination legislation in no way covers moral or religious beliefs. That is a fact of life. By that legislation these doctors have no grounds on which to complain. Some of them have even been required to complete questionnaires before taking up positions in hospitals or in other situations. This is a simple concept. I am sure all honourable members will agree that no doctor should be compelled to do something on which he has a conscientious objection on the basis of moral or religious belief. No member of the House would force a doctor to participate in medical treatment or service on that basis. Therefore, in principle, all honourable members should support the amendment. I conclude my remarks by asking honourable members for their support.

Debate adjourned on motion by the Hon. Elaine Nile.

NURSES (CONSCIENTIOUS OBJECTION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

The Hon. ELAINE NILE [8.45]: I move:

That this bill be now read a second time.

I have much pleasure in moving the Nurses (Conscientious Objection) Amendment Bill. The object of the bill is to amend the Nurses Act 1991 to allow nurses to decline to take part in the provision of medical treatment or nursing services in respect of which nurses have a conscientious objection on the ground of moral or religious belief. I am pleased

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that the Government agrees in principle with the bill, but originally preferred that the conscientious objection provision be included in the nurses code of ethics. We prefer this provision to be part of the Nurses Act as well as being included in the code of ethics. All fair-minded members will support the bill which, though a simple measure, embodies a very important human and civil right to protect a nurse's conscience. No nurse should be ordered to carry out a hospital or medical procedure that is against that nurse's moral or religious belief, which is a violation of the nurse's moral or religious belief, or which causes a deep personal conflict between that person's functions as a nurse and his or her moral and religious beliefs. The bill includes two grounds for objection: first, moral, and second, on religious grounds. Therefore, this bill does not recognise only the rights of religious persons but also the rights of those nurses who may not be religious but have high moral convictions. This bill is not restrictive as it does not seek to define or limit what may or may not be a function or procedure that causes moral or religious offence to a nurse. It is left open for each particular nurse. What one particular nurse agrees to do another nurse may object to on moral and religious grounds. I therefore have much pleasure in commending this important bill to all members of this House for their enthusiastic support.

Debate adjourned on motion by Reverend the Hon. F. J. Nile.

TOBACCO ADVERTISING PROHIBITION BILL

In Committee

Part 1

Reverend the Hon. F. J. NILE [8.52]: I move:

Page 2, clause 2. Omit the clause.

As honourable members will be aware, this amendment will prepare the way for another amendment that will ensure that the Act binds the Crown.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [8.52]: The Government will accept the honourable member's proposal. This amendment omits the commencement date and, therefore, means that the provisions of the bill will commence 28

days from the date of assent. This will ensure that there is no delay in the introduction of the Act.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [8.53]: I move:

Page 2. Before clause 3, insert:

Act binds the Crown

2. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

The effect of this amendment will be that the Act will bind the Crown in right of New South Wales and the Crown in all its other capacities.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services)

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[8.53]: The Government recognises the effect of the amendment and accepts it.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [8.54]: I move:

Page 2, clause 4. Omit the definition of "appointed day", insert instead:

"appointed day" means 1 November 1991;

This amendment will omit the definition of appointed day and insert instead 'appointed day' means 1 November 1991".

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [8.54]: I move:

That the amendment be amended by omitting "1 November 1991" and inserting instead "26 September 1991".

The effect of the Government's proposed amendment is that the appointed day will become 26th September, 1991, being the date on which this bill was first introduced into this House. This effectively means that contracts and arrangements for tobacco advertising and sponsorships entered into after this date will be caught by the legislation.

Reverend the Hon. F. J. NILE [8.55]: I have much pleasure in supporting the amendment, which fulfils our aim completely that the appointed day should be 26th September, 1991, when I introduced the bill into this House.

Amendment of amendment agreed to.

Amendment as amended agreed to.

Reverend the Hon. F. J. NILE [8.56]: I move:

Page 2, clause 4. In alphabetical order, insert:

"authorised officer" means:

(a) a health surveyor appointed by the council of a city, municipality or shire; or

(b) a person authorised as an officer for the purposes of this Act by an order made by the Director-General of the Department of Health;

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [8.56]: The proposed amendment is accepted by the Government. It provides a definition of authorised officer which is necessary for the purposes of a substantive amendment that will be dealt with later by the House.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [8.57]: I move:

Page 3, clause 4. Omit the definition of "Foundation".

Page 3, clause 4. Omit the definition of "Fund".

Page 3, clause 4. Omit the definition of "objective".

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These are consequential amendments that will arise as a result of an amendment that I shall propose subsequently, which will delete part 3 of the bill. These amendments all relate to that part, which is opposed by the Government because it is opposed to the establishment of the foundation. The Government's position is that a foundation should not be supported in this State. The Government has said that it has a commitment not to give funds to that foundation. As proposed, the foundation would provide funds as a substitute source of income to the organisations that benefit by sponsorship or by the removal of advertising. Those are commercial activities that should be maintained in the corporate sphere. It should not be the role of government to make government funds available to be used to provide substitute finance for cultural or sporting activities.

Last year, for instance, the Victorian Government raised in excess of \$30 million for the purposes of its funds. But less than 50 per cent of those funds were actually used in health promotion; in fact, only \$13 million was spent. In New South Wales, the administration of the Department of Health has a very active and effective health promotion campaign. In New South Wales in excess of \$20 million has been allocated in the current Budget for health promotion alone. Health promotion is pursued not only within the department but also throughout health regions. In addition, the Government, through a number of areas, has pursued a very active health promotion program. In 1991, for instance, the department's budget for health promotion was almost \$200,000 for projects carried out in association with the New South Wales Cancer Council and \$295,000 was given to the New South Wales Cancer Council. About \$5.1 million was spent on community-based health promotion programs through area health services, country health regions and tertiary institutions.

The New South Wales Quit for Life program continues to provide to youth, as well as other population groups, one of the major avenues of information concerning the dangers of smoking and to assist those who have begun smoking to quit. One million dollars has been allocated to fund activities for the coming year aimed at adolescents. In particular this allocation is to fund the following programs. The program "Smoking! Who needs it?" is a new school teaching resource. A campaign has recently launched this latest educational resource aimed at teenagers in years 9 and 10 of high schools. Training for teachers from every high school round the State is currently under way. There is an existing school teaching resources

program. This campaign has put in place teaching packages aimed at year 7 and 8 students called "Why smoke?" and packages aimed at years 5 and 6 students called "Go the non-smoking way". A rock eisteddfod sponsorship has been established. This popular high schools event has a high profile and offers students the chance to be involved in high quality entertainment activities relevant to dance, drama and music. Quit for Life has attempted to associate the positive and prestigious event with the non-smoking message. The campaign has sponsored the rock eisteddfod every year since 1988. Last year more than 20,000 students participated in that activity. As part of that activity, children had to participate actively in the promotion of non-smoking activities.

The Aboriginal education resource program is maintained under this health promotion program within our Budget. A supplement to the schools package "Smoking! Who needs it?" is being developed in conjunction with the Aboriginal health promotion unit. The program is hoped to be completed by June 1992. Again in association with the Department of School Education in the metropolitan southwest region, a quit smoking program specifically for high school students is being developed and trialled to encourage adolescents to cease smoking. For students of a non-English speaking background, a program promoting the use of quit campaign material for use in translation exercises in community language schools has been implemented and targeted at students. In addition,

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the Quit for Life campaign will relaunch the successful, award-winning "Hooked" commercial on statewide television.

Activities in relation to youth run much broader than the issue of smoking. I can inform the House that I recently endorsed a youth health policy developed by the Department of Health which addresses drugs and many other health issues faced by young people. Of particular note is the youth alcohol action plan, which is co-ordinated by the Drug and Alcohol Directorate but involves the co-operation of all sectors of government in dealing with the problems of the purchase, availability and consumption of alcohol by young people. All health programs are required to be both relevant and accessible to young people, and this is particularly true in the drug and alcohol field. The House would also be aware of other programs that I have announced in other areas, particularly those directed at the Aboriginal community. A very significant allocation of funds has been targeted at health issues involving the Aboriginal community. Honourable members would be aware that we announced this week an increase to 18 years as the minimum age of persons to whom tobacco can be sold. A very significant program will be developed to promote that change to make certain that children are aware of the new laws and of the reasons for the laws being in place. Education kits will be circulated throughout schools. It could not be suggested that this Government has not recognised that promotion should be pursued. We are pursuing it within our Budget.

It has been argued that if the fund is established taxation on tobacco should be increased. I have previously indicated to the House that the Government increased taxation this year so that it is uniform with that of all States except for Queensland. That uniformity has been strongly advocated by Labor Premiers throughout the States. For this Government to embrace now a suggestion to increase taxation and ignore that uniformity would break that arrangement under which so much has been achieved, an arrangement that was supported by Labor Premiers. I was surprised that the Labor Opposition here is advocating an increase in taxation that would have New South Wales withdraw from that uniformity arrangement. For these reasons, the Government seeks that these definitions be omitted because they are part of the much larger proposal which will be covered by the omission of part 3, relating to the creation of the fund.

The Hon. M. R. EGAN (Leader of the Opposition) [9.7]: The Opposition opposes these amendments for the very cogent reasons which my colleague the Hon. Ann Symonds is about to explain.

The Hon. ANN SYMONDS [9.7]: One of the important points to be made is that the deletion of these clauses of the legislation completely guts it. No other response can be given to the amendments. The Government should acknowledge that the Victorian Government, in its endeavours to prevent tobacco-related diseases in its State, took up a legislative package that had three objectives: namely, to stop the recruitment of new smokers; to encourage smokers to give up the habit; and to promote health and illness prevention. Quite clearly the Victorians believe that the health promotion aspect of their legislation is integral to the success of their new program. I know that I am privileged in that I have had the experience of sitting on the Standing Committee of Social Issues for the period in which we deliberated on these issues at length and decided to recommend the establishment of a health foundation, such as those in Victoria, South Australia and Western Australia and other countries. As a member of that committee, I am more than privileged in that I had the opportunity to travel to the United Kingdom, The Netherlands, Scandinavia, Canada and California, where the issue of tobacco was one of chief issues discussed. The chairman of the committee, the director of the committee and I discussed this topic with eminent members of the research community in those countries and senior government officials. Although we acknowledge that the

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Canadians have had outstanding success in the reduction of smoking in their community, the Canadians said to us when we were there that they envied the system that we have in Victoria. They said, "If only we had such a system".

The critical element of the Victorian system is the need for proactive health measures in conjunction with the elimination of advertising and sponsorship. In addition to the replacement of sponsorship funds, advocacy on community health issues is needed. The Victorian model has effectively enabled that State to spend the moneys raised. Despite what the Minister for Health and Community Services says, the Victorian model has been an outstanding success. The range of sponsorships of community-based arts and sporting activities has overwhelmingly convinced the Victorian community that such an organisation has a fundamental and important role. It is so broadly and widely accepted that the members of the Liberal Party and the National Party who serve on the committee which oversees the operation of the Health Promotion Foundation are in absolutely unanimous accord with the members of the Labor Party who also serve on that committee. During our visit to Victoria, we found that the most articulate spokesperson for the foundation was a member of the Liberal Party. I only wish that he was here to convince the recalcitrant members on the Government side of the House of the necessity for such an organisation. It is absurd for the Minister to continue to say the sorts of things he has said. For example, he has failed to acknowledge that if there is not the most watertight legislative response to the measures taken by the tobacco industry, the long-established strategy of that industry will flourish. Perhaps some members were not paying attention at the time but Reverend the Hon. F. J. Nile mentioned earlier that a copy of the minutes of the meeting of the management committee of the tobacco industry is available in the Chamber. That meeting was held in November 1970.

The Hon. J. H. Jobling: In 1970?

The Hon. ANN SYMONDS: Yes. The meeting was held in 1970. It is now the twenty-first anniversary of the creation of the strategy of the tobacco industry and we have not woken up to it. We are complying with it. It is ridiculous.

The Hon. Dr B. P. V. Pezzutti: Our eyes are wide open.

The Hon. ANN SYMONDS: It is absolutely ridiculous. When the committee was discussing smoking and health, one of the members advised:

. . . we can expect more severe attacks on the industry in the near future. In Canada and the U.S.A., advertising restrictions are pending, and in the U.K. there is no cigarette advertising other than press. We can expect similar restrictions here within the next few

years. This is the reason for the existence of the Rothmans National Sporting Foundation and our sponsorships which are being developed in anticipation of the restricted advertising action in Australia . . . it is imperative that we sell more cigarettes than last year.

These are the minutes of the committee's meeting and one of its members is saying that its sporting sponsorships are fundamental to advertising its product and increasing its sales. If the Minister for Health and Community Services does not acknowledge the reality of that, he will have a lot to answer for. Another thing that I cannot tolerate -

The Hon. Dr B. P. V. Pezzutti: You are an intolerant person.

The Hon. ANN SYMONDS: I am intolerant of a number of things, yes. The failure of people to be convinced by factual information is one thing of which I am intolerant. I find fascism intolerable; I find distortion intolerable; I find deception

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intolerable. Yes, I find many things intolerable. I am aware that other members may want to participate in the debate, but I wish to refer to one other feature of the contribution made by the Minister for Health and Community Services. He offered excuses for his opposition to the proposition - they were not reasons; they were excuses. It is critical that any advocacy group in the health promotion area be independent of any government department. Unless it has that independence, it cannot adequately fulfil its role. The Minister's contention that a continuation of the status quo is sufficient is clearly unacceptable. The obfuscation on the funds issue is another matter that needs to be addressed. A prime example is available of the way in which this foundation could be funded. The New South Wales Cancer Council is an independent statutory body.

The Hon. Dr B. P. V. Pezzutti: Very independent.

The Hon. ANN SYMONDS: Yes, thank goodness. It does remarkable work for the benefit of the community. So many individuals and agencies have a high regard for its work that it is able to raise funds to continue its work, in addition to a government grant -

The Hon. Dr B. P. V. Pezzutti: The funding of the Government.

The Hon. ANN SYMONDS: Do not try to say what I propose to say.

The Hon. Dr B. P. V. Pezzutti: It is predictable.

The Hon. ANN SYMONDS: Please do not say what I propose to say. The New South Wales Cancer Council maintains its high level of advocacy in the health area because the Government recognises that it is fulfilling a useful community health role. Because of that role, the Government makes an annual grant to the New South Wales Cancer Council which assists it in its work. Exactly the same set of circumstances could apply to the proposed health foundation. I am distressed by this gross failure within the system. It indicates clearly that the Government has failed to accept the research of a unanimous committee of this House and that the Government is rejecting that research in favour of a tawdry proposition that will put at risk the health of a whole generation of Australian citizens, particularly young people. As I have said, the message must be sent out in various ways. The Health Promotion Foundation in Victoria is a proven success. It is the envy of countries in other parts of the world. To deny New South Wales that opportunity is to deny what we all know, that is, that 80 per cent of drug-related deaths in our community are tobacco related. We must be seen to be acting forcefully. If this clause is deleted from the bill, the Government will not be seen to be acting forcefully.

The Hon. Dr B. P. V. PEZZUTTI [9.17]: I wish to make one or two brief comments. I understand that honourable members are intelligent and will quickly comprehend the points I

wish to make. First, the independence of the funding that the Government gives to various organisations in no way overtakes the roles they play. The community gives credence to the advocacy of those organisations because they are independent of government. The Government supports them because it considers they are doing a good job. If honourable members had listened carefully, they would have heard the Minister say that the Government will continue to do that. As I said earlier in my contribution, the Victorian figures relating to young people taking up smoking are precisely the same and equally as alarming as those in New South Wales. The 1989 figures reveal that a large number of women are taking up smoking. In spite of what the Hon. Ann Symonds says about the figures, they are precisely the same, whether they be from Victoria or New South Wales. That is probably because the New South Wales

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Government is spending at least as much per head of population - I suspect vastly more - as the Victorian Government. However, the New South Wales Government is doing it a little more intelligently, because the Peer Support Foundation is funded to overcome the peer pressure process. In Victoria 10 per cent of government funding is used solely for administration. More important, in Western Australia in the year the tax on tobacco was increased and the Western Australian Government collected an additional \$20 million, a bare \$8 million was allocated to its health promotion fund. What a joke! In Victoria some of the money for health promotion funding is sprinkled widely among the arts and sport and has nothing to do with health promotion material. The reason I will not support this amendment to establish a foundation is that it allows the form of patronage to go mad.

The Hon. E. P. Pickering: Political patronage.

The Hon. Dr B. P. V. PEZZUTTI: Yes. In Victoria they sought to overcome this by having all parties equally represented. But all political parties are a little venal.

Reverend the Hon. F. J. Nile: Except Call to Australia.

The Hon. Dr B. P. V. PEZZUTTI: I am sorry, with the exception of Call to Australia, the Australian Democrats, the Liberal Party and the National Party. Those parties I have just mentioned are not venal, but the Labor Party is venal and has shown itself to be venal in a number of ways. The sort of political patronage I am talking about does not work only for the Government; it works equally for the Opposition because at election time -

The Hon. Ann Symonds: What has this to do with the matter before the House?

The Hon. Dr B. P. V. PEZZUTTI: It is precisely to do with it because at election time the Opposition can promise from the health promotion fund that it will give a soccer team or a netball team some funding. If one is a member of the Government, one can deliver it. This becomes a political football. I believe it is a way of collecting tax and putting it in a fund and then manipulating it. I believe it is too much of a temptation. On that basis I reject the idea of a foundation as not shown to be useful or necessary. How many countries in the world find this to be a useful technique? If we are to follow Victoria, God save us all.

The Hon. ELISABETH KIRKBY [9.21]: It appears that certain members of the Government cannot even read the report prepared by the Standing Committee on Social Issues. One of the recommendations in the report of the committee relating to drug abuse among youth was that a health promotion foundation should be established. People who think along the same lines as the Hon. Dr B. P. V. Pezzutti were those who brought to the committee arguments against the establishment of a health promotion foundation. What did the standing committee do? It investigated the matter. It investigated the arguments against the establishment of such a foundation, and at paragraph 5.43 of the report the committee stated, "Upon investigation by the Committee the detailed claims did not stand up to scrutiny". All

these furbies that are being brought forward by the Hon. Dr B. P. V. Pezzutti, and I presume by the Minister, have been investigated and proved not to be true.

I believe that the Government would like to have access to some money to avoid the drain on consolidated revenue, especially in these times when it is having to cut back on funding in the Budget. A foundation would be a self-funding organisation and that

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would provide the Government with more money to spend on health promotion, such as the Quit for Life program. Funding for many of these health promotion programs has been cut, in line with cuts in funding in other areas. Why do we not get back some of that money and apply it to a health promotion foundation which can be self-funding? As the Hon. Ann Symonds has already said, similar foundations in South Australia and Victoria are held up as models of what a health promotion foundation should be. I do not believe it matters whether such foundations have been established in Canada, in Great Britain or in Germany. We have examples in Australia of the existence of valuable foundations. Instead of lagging behind, as we always do in these areas, we ought to be taking the lead, not trying to turn back the clock. It would be ridiculous for any thinking member of this Chamber to support the amendments moved by the Government. I assure the Committee that the Australian Democrats will not support these amendments.

The Hon. R. S. L. JONES [9.26]: I am astounded to hear a Liberal Minister for Health and Community Services and a Liberal doctor arguing against the establishment of a New South Wales health promotion foundation; it is almost unbelievable. It is almost certain that a New South Wales health promotion foundation will be established within the next five years, regardless of the views of the present Minister for Health and Community Services.

Reverend the Hon. F. J. NILE [9.25]: I introduced this bill in good faith, on the advice of the Action on Smoking and Health Organisation and other groups, and based on the recommendations of the Standing Committee on Social Issues of this Chamber. From all the evidence I was able to gather it seemed that it would be desirable to have a New South Wales health promotion foundation, and for that reason the provision was included in the bill. The objects of the foundation were to include the funding of activities related to the promotion of good health, especially among the young. I had to present this private member's bill in order to ascertain the Government's response. It has taken some time - in fact virtually until today - to be quite certain about the Government's attitude to various aspects of the bill. Some weeks ago I sought, through contact with various Cabinet Ministers in areas related to this legislation, to try to get a bipartisan approach, but I was not successful. In view of the Government's strong opposition to the concept of a health promotion foundation I believe the Committee needs to note that the report of the Standing Committee on Social Issues, which was supported by all members of the committee stated at paragraph 28, page x:

The Committee believes that for such a foundation to become viable, it must be strongly supported by all parties within the Parliament. Nominees of both the Government and Opposition should be represented on the board of trustees.

The dilemma facing this House is that it would be very difficult, if not impossible, for the foundation to work unless it had the wholehearted support of all parties in this Chamber, particularly the Government parties. At this stage it obviously does not have government support.

The Hon. Ann Symonds: It had yours once.

Reverend the Hon. F. J. NILE: And it still does. I agree in principle with the establishment of a foundation. The practical problems are, first, that we do not have genuine support for the establishment of such a foundation from both sides of the House. Second, the Government is the only source of money, and money bills must be introduced by the

Government. We would have a foundation without funds. In response to my request I am pleased that the Minister for Health and Community Services has tonight
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indicated that more money is spent on health promotion by the New South Wales Government than is spent by the Victorian foundation. In other words, the health promotion unit of the Department of Health carries out those duties.

The Hon. Ann Symonds: It is not sponsorship replacement money though, is it?

Reverend the Hon. F. J. NILE: The interjection is that the Department of Health is not sponsoring sport. The Government does not wish to be involved in that area as a matter of principle, so that is the cause of the blockage in respect of the concept. One of the reasons for establishing health foundations in other States, and why I supported the concept, was to endeavour to reduce criticism of the law by sporting bodies - if they felt there was a genuine attempt to provide alternative sponsorship through the health foundation they would not enter vigorously into the debate as concern was being expressed for their future. The Government believes that sponsors will come forward from the private sector to fill that need, as tobacco sponsorship is phased out in the next four years. But it is not known definitely that that will happen. I do not know whether the Government has received any information or advice from corporations to the effect that if they had the opportunity they would tender for sponsorship rights. The amount of money sporting bodies receive from sponsorship is a closely held secret. They appear to make private sponsorship arrangements, rather than open arrangements, where two or three bodies can compete for the sponsorship of a sporting body. At present it seems that not all private corporations have the opportunity to participate.

The Government does not support enthusiastically the concept of a health foundation, and that is why I do not think we should proceed with it at this stage. That is why the establishment of a health foundation is being postponed. The Government may think that is the end of the matter but I believe we should wait and see how matters progress. At this stage I take at face value the Government's statement that it will maintain and increase expenditure in the health area and fulfil the requirements of the bill - the promotion of good health, especially among the young, which the Government has been doing, but which I believe can be expanded dramatically. If a foundation were established it would have the effect of duplicating the bureaucratic work done by the Government's health promotion unit. Two bodies would be doing the same work. For that reason I support the Government's amendments.

Question - That the amendments be agreed to - put.

The Committee divided.

Ayes, 18

Mr Bull
Mrs Chadwick
Mr Coleman
Mrs Evans
Mrs Forsythe
Miss Gardiner
Mr Hannaford

Mr Jobling
Mr Moppett
Mr Mutch

Mrs Nile
Revd F. J. Nile
Dr Pezzutti
Mr Pickering

Mr Samios
Mrs Sham-Ho

Tellers,
Dr Goldsmith
Mr Ryan

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Noes, 18

Ms Burnswoods
Mr Dyer
Mr Egan
Mr Enderbury
Mrs Isaksen
Mr Johnson
Mr Jones

Mr Kaldis
Miss Kirkby
Mrs Kite
Mr Manson
Mr Obeid
Mr O'Grady
Mr Shaw

Mr Vaughan
Mrs Walker

Tellers,
Mr Macdonald
Mrs Symonds

Pairs

Mr Rowland Smith
Mr Webster

Mrs Arena
Dr Burgmann

The CHAIRMAN: Order! The vote being equal, I give my casting vote with the ayes and declare the question to be resolved in the affirmative.

Amendments agreed to.

Amendment by the Hon. M. R. Egan agreed to:

Page 3, clause 4. In alphabetical order, insert:

"premises" includes any place;

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [9.41]: I move:

Page 3, clause 4. From the definition of "racing" omit "means", insert instead "includes".

This amendment would expand the definition of racing by providing that those forms of racing specified in the clause are not exclusive, thereby ensuring the closure of any possible loophole in this regard in the legislation.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [9.42]: I move:

Page 4, clause 4. Omit the definition of "tobacco advertisement", insert instead:

"tobacco advertisement" means writing, still or moving picture, sign, symbol or other visual image or message or audible message, or a combination of two or more of them, that gives publicity to, or otherwise promotes:

(a) the purchase or use of a tobacco product; or

(b) the trademark or brand name, or part of a trademark or brand name, of a tobacco product;

The definition of tobacco advertisement in clause 4 refers to writing, et cetera, designed to promote or publicise a tobacco product. In other words, the test is subjective. The
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effect of this amendment is to make clear that the test is objective. It is not just a matter of the writing or advertising being designed to promote or publicise a tobacco product; it would be an offence if the writing or advertisement gives publicity to or otherwise promotes a tobacco product.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [9.43]: I move:

That the amendment be amended by inserting after "promotes", "or is intended to promote".

The Government accepts the intent of the amendment moved by the Opposition. However, the Government's expansion of that amendment would make it broader and more encompassing, and would guarantee that those who embark on a program intended to promote, even though it does not achieve promotion, also is guilty of an offence.

Reverend the Hon. F. J. NILE [9.43]: The Call to Australia group will support the Minister's amendment of the amendment. We want the bill to be as strong as possible and the Minister's amendment will do that.

Amendment of amendment agreed to.

Amendment as amended agreed to.

Part as amended agreed to.

Part 2

The Hon. M. R. EGAN (Leader of the Opposition) [9.44]: The ALP amendment No. 7 as circulated refers to contracts or arrangements entered into before 1st November, 1991. In view of earlier amendments passed by the Committee, I seek leave to change that date to 26th September, 1991.

Leave granted.

The Hon. M. R. EGAN: I move:

Page 4, clause 5. After clause 5 (2), insert:

(3) This section does not apply in relation to anything done before 1st November 1995 under a contract or arrangement entered into before 26th September 1991.

Reverend the Hon. F. J. NILE [9.45]: The bill as drafted provided no reference to the dates by which certain matters should happen. The dates could be provided by regulation, but the bill will be stronger if it were to include the dates. The amendment provides that proposed section 5 will not apply in relation to anything done before 1st November, 1995, under a contract or arrangement entered into before 26th September, 1991. That amendment will impose a cut-off date of 1st November, 1995. That will make clear to the tobacco industry and sporting groups that the Parliament is serious about its intentions with this bill and that they must take direct action to make other sponsorship arrangements by that date. As that date approaches the Government and the Opposition could monitor the amendment and make any necessary amendments to the legislation. It would be better if at the outset the intent of the bill were clearer than that provided in the bill as originally drafted.

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The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [9.47]: I move:

That the amendment be amended by omitting all words after "before" and inserting instead: "26th September 1995, or such other date as may be prescribed by the regulations either generally or in a particular case or class of cases, under a contract or arrangement entered into before 26th September, 1991".

This amendment of the amendment would provide for the phasing out of advertisements by 26th September, 1995, or such other date as may be prescribed by regulation. The Government continues to recognise its responsibility to protect young people from influences which might attract them to start smoking. In line with this, the Government recently introduced a new Public Health Act, the provisions of which include raising from 16 years to 18 years the minimum age that a person may purchase tobacco products and imposing prohibitive penalties upon those who transgress. I assure the House that a public campaign about this advising the community and young people in particular, through schools, parents and retailers, will be launched in the very near future. The campaign will encompass all forms of media, including mass television advertising. The staged phasing out rather than the immediate prohibition of advertising in sponsorship is supported. The Opposition has said that that is its aim also.

The measure would allow existing contracts to expire and therefore enable the orderly settlement and rearrangement of the affairs of commercial organisations and other bodies that previously relied on tobacco sponsorship. Though it is envisaged that the dates for the phasing out of advertising generally will be earlier than 26th September, 1995, this measure will allow

extension beyond that date in exceptional or unforeseen circumstances. The form of words used provides that exceptional or unforeseen circumstances can be varied only by regulation, and that regulation would be capable of disallowance by the Parliament if it did not accept the reasons given by the Government, or otherwise given, for an extension of time with regard to a particular case or particular class of case. Not all the circumstances of advertising, contracts, and individuals are always available. Rather than provide a peremptory termination in 1995 the Government is seeking to ensure that the Parliament is able to extend the date if unusual circumstances arise. That is a more desirable framework, and it takes account of the matter raised by Reverend the Hon. F. J. Nile. There are or could be circumstances unknown to the House and the parties at this time. The Government seeks to ensure that flexibility remains to enable exceptional and unforeseen circumstances, should they arise, to be addressed.

The Hon. M. R. EGAN (Leader of the Opposition) [9.50]: This is the con amendment that provides a cut-off point at 26th September unless the Government decides otherwise. That is a complete and utter con of the Parliament and of the people of New South Wales. The Australian Labor Party amendment provides for a phasing out of sponsorship that is certain - as at 1st November, 1995. The Minister proposes that the phasing out will apply unless in the meantime a regulation is introduced to exempt a particular case or class of case. That is having two bob each way. Either we phase out the sponsorship of sporting and cultural events by tobacco companies or we do not. If we are honest, we should not be having two bob each way. The Parliament makes the law, and if a subsequent Parliament wants to alter the law, it can do it by legislation, not by regulation.

The Hon. ELISABETH KIRKBY [9.52]: On behalf of the Australian Democrats I support the comments of the Leader of the Opposition. The amendment moved by the
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Minister is indicative of the Government's approach to the Tobacco Advertising Prohibition Bill, which was introduced by Reverend the Hon. F. J. Nile. Because the Government realises it cannot win, it is seeking to make the bill as ineffective as possible. The Government is falling over backwards to introduce a stream of amendments to weaken the bill to make it easier for tobacco companies to do what they want to do in the future, and not what every reputable medical authority and the large proportion of citizens of New South Wales want. Why should the tobacco lobby be given a longer lead time in this State for the cessation of advertising than it has been given in other States of the Commonwealth? Never has the tobacco lobby had the luxury of four years in which to phase out tobacco advertising. When tobacco advertising was phased out in the print media, tobacco companies were given 12 months' notice. Why is such a long lead time suddenly being introduced for New South Wales? The period provided for in the amendment proposed by the Australian Labor Party is adequate. Tobacco companies are not being asked to stop advertising tomorrow; they are being given a reasonable time to reorganise their affairs. For the Government to attempt to open the door even wider is, as the Leader of the Opposition said, a con, and it should not be supported.

The Hon. R. S. L. JONES [9.54]: During the next four years approximately 80,000 Australians will die from tobacco addiction. Does the Government want another 30,000 or 40,000 to die? The Minister should be arguing strongly to ban tobacco sponsorship as soon as possible, not to allow a period of three or four years during which many more Australians will die and many children will be recruited to tobacco addiction. If the Minister were serious about health matters, he would support the Opposition amendment and not attempt to water it down.

The Hon. ANN SYMONDS [9.55]: I support the comments of the Leader of the Opposition and the Hon. Elisabeth Kirkby. I ask the Minister whether he agrees that acceptance of the Government's amendment will encourage people to enter into arrangements that will be subject to exemptions in a particular case or class of case.

The Hon. J. P. Hannaford: I do not have carriage of the bill. The honourable member should address the question to Reverend the Hon. F. J. Nile.

The Hon. ANN SYMONDS: Whoever is in cahoots on this matter should answer the question. I care little whether it is the Minister or Reverend the Hon. F. J. Nile. I am merely asking whether acceptance of the amendment will encourage people to enter into arrangements that will be subject to exemptions at a later date in particular cases.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [9.56]: The situation is, having regard to amendments that have already been accepted, that only contracts in existence as at 26th September, 1991, will be sustainable. Contracts entered into after 26th September will not have the benefit of any protections under the legislation. My amendment is aimed at those who were the recipients of benefits under a contract that, because of hardship or some unforeseen circumstance -

[Interruption]

The Hon. J. P. HANNAFORD: It has nothing to do with tobacco companies. Such issues may need to be addressed. If the Opposition is genuine about wanting a transitional program, it would ensure that it is flexible. That is the approach of the Government.

Reverend the Hon. F. J. NILE [9.57]: No phasing-out period was provided in the original bill. I envisaged that the prohibition would take effect as rapidly as possible. The four-year phasing-out period was introduced by way of an Australian Labor Party
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amendment. In other amendments provision has been made to phase out 25 per cent of advertising by 1st July, 1993, and 50 per cent of advertising by July 1994, and so on. The four-year period suggested by the Australian Labor Party is generous. I did not envisage such a lengthy period. Now the Government is saying that a four-year period is not adequate. It seeks the legislative ability to extend the period in specific circumstances. Obviously various bodies will put pressure on the Government and plead hardship to seek assistance. If the Government's proposition were not available, its stand would be strengthened. It could say that the Parliament has taken a strong view on the matter. If an exceptional circumstance arises, as the Leader of the Opposition said, it could be brought to the Parliament and legislation may have to be amended. It seems that the proposed Opposition amendment will strengthen the legislation and not allow an open door of opportunity for organisations to lobby the Government to have their requests accepted. I realise that regulations can be disallowed, but that will open up the door even wider.

The Hon. Elisabeth Kirkby: That depends on which party has the numbers.

Reverend the Hon. F. J. NILE: Yes, who knows what the numbers might be in 1992, 1993, 1994 and 1995. We may have had one or two elections before then. That situation may change. Obviously the Minister would like to have that flexibility but it does seem to open up a door of dangerous opportunity, influence and pressure on the Government. For that reason we will not support the Government's amendment but will support the Opposition's amendment.

Amendment of amendment negatived.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.4]: I seek leave to recommit amendment No. 13.

Leave granted.

The Hon. J. P. HANNAFORD: I move:

Page 4, clause 5. After "before", insert:

26th September 1995, or such other date as may be prescribed by the regulations either generally or in a particular case or class of cases, under a contract or arrangement entered into before 26 September, 1991.

I move this amendment because the House will be aware from amendments circulated that I proposed that a tobacco advertising prohibition committee should be established. The role of that committee will be to establish a code of advertising. The purpose of that code will be to provide a mechanism under which advertising will be phased out. A code will be developed also for minimising the sponsorship and advertising billboards used in association with sponsorship. The Australian Labor Party has proposed that the mechanism for the phasing out of advertising should be by the director-general requiring the removal of 25 per cent of advertising each year over a number of years. The Government's view is that that cannot properly be administered. A burden should not be imposed on the director-general to form a view as to what advertising should be removed from the back of taxis, which tobacco companies should remove it or which particular billboard should be removed. An advertising committee should be made up of a person appointed by the director-general, a chairman appointed by the Minister and a

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person recommended by the chairman of the board of the Tobacco Institute, similar to the present tobacco advertising review committee. That committee could be given the role of phasing out in an orderly fashion all advertising before 1995. That is why I have recommitted amendment No. 13.

Reverend the Hon. F. J. NILE [10.6]: The Call to Australia group is happy to accept that, together with the Minister's explanation that the words will be "or such earlier date", so the period is not being extended. The phasing out date would still be 1995 but through this mechanism the Government could have within 12 months an even earlier phasing out of taxi cab advertisements.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.8]: I move:

Page 4, clause 5. In clause 5(2), after "A person who", insert ", after 3 months from the commencement of this section,".

This amendment provides for an immediate cut off of a number of activities. The purpose of this amendment conforms with the purpose outlined previously by the Leader of the Opposition, that is, to allow some orderly commercial transition to take place. This is in keeping with the remainder of the proposed amendments and will provide a three-month period in which existing arrangements and contracts will be allowed to expire if they are affected by this particular provision.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.9]: I move:

Page 4, clause 5. In clause 5(2)(b), after "any object", insert "to any person (other than a person, or the employee of a person, who is a manufacturer, distributor or retailer of a tobacco product)".

The provision in the bill is aimed at the consuming public. The amendment will enable the sale or supply of various promotional material strictly between manufacturers, distributors and retailers of tobacco products. Prohibition of that activity would be unduly harsh upon and disrupt trade relationships between such commercial bodies. Supply of promotional material by a tobacco manufacturer directly to retailers would be prohibited by the existing provision. That is not the intention of the legislation. The intention of the proposed legislation is not that advertising material should be prohibited from being handed over to a retailer. The amendment will allow those standard practices to continue unaffected.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.10]: I move:

Page 5, clause 5. From clause 5(3)(e) as printed, omit "any regulations made under section 32(1)(c)", insert instead "the regulations".

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This provision will give control of the manner in which material is displayed at points of sale and require that such control should be by regulation under section 32(1)(c) of the Act. The Government proposes that the tobacco advertising prohibition committee, which will be established, will be required to prepare a total code governing the way in which promotional material should be used at points of sale. That activity will be governed quite comprehensively through that code, which will be reflected in a regulation made under section 15. The Government regards that as a much more orderly way of controlling point of sale advertising.

The Hon. Dr B. P. V. Pezzutti: It will be a statutory code?

The Hon. J. P. HANNAFORD: It will be a statutory code. Breaches of that code will attract penalties similar to those for breaches of the Act.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [10.11]: I move:

Page 5, clause 5. From clause 5(3)(f) as printed, omit "of business", insert instead "of the business of a manufacturer or distributor of a tobacco product".

The purpose of the amendment is to eliminate possible loopholes that tobacco companies could use to advertise on invoices or dockets of another company. For instance, a tobacco company might pay a supermarket to allow tobacco advertisements on the back of checkout dockets - the sort of advertising that the bill seeks to prevent.

The Hon. ELISABETH KIRKBY [10.12]: The Australian Democrats support the amendment moved by the Leader of the Opposition for the reasons that he has just given.

Reverend the Hon. F. J. NILE [10.13]: The Call to Australia group also is happy to support the amendment.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.14]: The amendment is supported by the Government.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [10.15]: The proposed amendment No. 9, on the printed document that has been circulated, has a typographical error and should read "... (5) subsection (3) (e)" instead of "... (5) subsection (4) (e)". I seek the leave of the Committee to amend that error.

Leave granted.

The Hon. M. R. EGAN (Leader of the Opposition) [10.16]: I move:

Page 5, clause 5. After clause 5 (3) as printed, insert:

(5) Subsection (3) (e) does not apply to a tobacco advertisement that is visible from a public place on or after 1st July, 1993 regardless of when the advertisement was first displayed.

The purpose of the proposed amendment is to eliminate point of sale advertising from July 1993. The amendment will ensure that that sort of advertising will not disappear immediately and will be subject to a phase out period until that date.

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The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.17]: The Government opposes the amendment, which applies to point of sale advertising visible from a public place. Point of sale advertising is to be dealt with by regulations under the code of advertising which is to be developed. Furthermore, the proposed amendment raises uncertainties as to how readily visible an advertisement must be to fall within clause 5(3). Does the clause cover a situation where a person can see a point of sale advertisement within a shop only by peering through a shop window from the footpath? That is a logical extension of the amendment. If a point of sale advertisement is in a shop but is visible to a person in a public place - that is, on the footpath outside the shop - that advertisement would be illegal. The Government has taken the approach of developing a code of advertising program to ensure that the code, which would deal with all these types of issues, would be covered by regulation. The Government takes the view that is a more beneficial way to deal with the problems adverted to by the honourable member.

The Hon. ELISABETH KIRKBY [10.18]: In view of what the Minister for Health and Community Services has just said I wish to state for the public record that it would be far more preferable for New South Wales to follow the course adopted in South Australia. Representations were made to the South Australian Government about the complexity of point of sale advertising. I am informed that it is not possible in South Australia to have advertisements in so-called public places such as supermarkets and shopping malls. A person running a kiosk and selling lottery tickets may sell cigarettes but may not allow the kiosk to be festooned with any particular cigarette brand or brands. A kiosk proprietor will not be prevented from having a blackboard inside the kiosk showing the prices of the cigarettes on sale. A person buying a lottery ticket and wanting to buy cigarettes is given a good idea of the cost of the various brands by reading the blackboard. However, any person walking in the shopping mall or supermarket will not be able to see any advertisement for a particular brand of cigarettes.

Such a provision would cover every aspect. The person selling cigarettes would be allowed to display clearly marked prices but no form of advertising that could immediately attract a person to that particular point of sale. If passersby went to the kiosk for any purpose they would see that cigarettes were sold there but they would not be tempted, for instance, to go down an escalator after reading a sign on a kiosk suggesting that cigarettes were sold there. The matter should be handled in that way. The Leader of the Opposition has covered that possibility. I therefore support the remarks made by him. Proponents of smoking have argued

that cigarette advertising is legal because cigarettes are legal products. Honourable members should remember that many other legal products are on sale. For example, many drugs that can be bought from a chemist are not advertised in a chemist's shop. A person can enter a chemist shop with a prescription and ask the pharmacist for a drug, which will be sold over the counter, but nothing in the pharmacist's shop indicates that that particular drug is being sold there. This is an important point when dealing with a substance that is as addictive as tobacco. It has been proved that tobacco is the most addictive of all drugs. So long as tobacco remains legal people will be able to sell it and others to buy it. It should not be possible to advertise that drug because advertising tempts others to take up one of the most addictive habits that is most injurious to health.

Reverend the Hon. F. J. NILE [10.20]: In reply to the remarks made by the Minister in opposition to the amendment, I should say that in principle Call to Australia supports the amendment moved by the Opposition. The Government has argued that it will have a code and therefore would rather not have the provision relating to the restriction of advertising at point of sale included in the legislation. It would be simple

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to embody those words in the code when it is finally drafted. The code would simply state that 1st July, 1993, will be part of the phasing out procedure. The amendment moved by the Opposition will not mean that the code will be undermined. The code has not yet been drafted but will simply include the words to which I have referred. The other matter raised by the Minister related to the meaning of visible. That definition could be included in regulations. The Government adopted a similar approach previously. It rang a bell with me and I recalled that the Prostitution Bill was amended to include the words "in view of". Apparently the Government considered that some things were visible or "in view of" and included what I regarded as a vague term in the prostitution legislation.

I do not regard that as sufficient reason for rejecting the Opposition's amendment. The time allowed is generous, 1st July, 1993, being 18 months away. Promotional departments of cigarette companies are versatile and clever. If a loophole is left in legislation, they will fasten on to that and suggest that although they may be restricted from advertising outside shop premises, they would be able to go to town inside shops. The example given was children's tuckshops near schools, where children buy meals. That kind of advertising could be done in such shops. The code may take care of that matter but I see no reason why the legislation should lead to an area of concern being included in the code. For that reason we support the amendment moved by the Opposition.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.22]: I move:

Page 6, clause 6. In clause 6 (1), after "A person who," insert "after 3 months from the commencement of this section,".

Clause 6 relates to competitions. Some competitions will have been under way and developed. It is intended that all of those competitions should be completed within three months of the commencement of the Act. The amendment will allow an orderly transition.

Reverend the Hon. F. J. NILE [10.22]: We accept the amendment.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.23]: I move:

Page 6, clause 6. In clause 6 (1) (a), after "other person" where firstly occurring, insert "(not being a purchaser or other person who is, or is the employee of, a manufacturer, distributor or retailer of a tobacco product)".

As with a similar amendment moved to clause 5(2)(b) this amendment will enable promotional competitions within the tobacco trade but will not allow those promotional competitions to be extended to the purchaser of these products. In other words, it will allow in-house promotional activities to continue.

Amendment agreed to.

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The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.25]: I move:

Page 6, clause 7. After "another person", insert "(not being a person who is, or is the employee of, a manufacturer, distributor or retailer of a tobacco product)".

This amendment is moved for reasons similar to those given in relation to the previous amendment. It will allow in-house activities and trade activities to be maintained.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [10.26]: I move:

Page 7, clause 8. Omit clause 8(4)(a), insert instead:

(a) anything done before 1st November, 1995 under a contract or arrangement entered into before 26th September, 1995; or

The purpose of the amending clause is to ensure that sponsorship contracts in existence before 1st November, 1991, may continue until 26th September, 1995. The amendment is necessary to allow sporting and cultural groups a four-year period to negotiate alternative sponsorship agreements.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.27]: I move:

That the amendment be amended by omitting all words after "before" and inserting instead: "26th September, 1995, or such other date as may be prescribed by the regulations either generally or in a particular case or class of cases, under a contract or arrangement entered into before 26th September, 1991; or

As I told the House earlier, by amendment No. 24 the Government will be establishing an advertising code. That will also cover the issue of sponsorships. Associated with sponsorship are a large number of advertising signs. The code will be developed to provide a better framework within which promotional activities associated with sponsorships can be administered. That would allow some of those promotional activities to be phased out during the four-year period. I commend the amendment to the Committee.

Reverend the Hon. F. J. NILE [10.28]: Call to Australia is happy to accept the Government's amendment having in mind the Minister's explanation. Our only concern has been that it might have been considered that the cut-off date was movable. This amendment makes it clear that the cut-off date is 26th September, 1995. The Government I am sure will do all it can to ensure that it occurs earlier than that date.

Amendment of amendment agreed to.

Amendment as amended agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.29]: I move:

Page 7, clause 8. After clause 8 (4), insert:

- (5) Nothing in subsection (1), (2) or (3) applies to the giving of, or an agreement to give, a scholarship by a manufacturer or distributor of a tobacco product to an

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employee, or a member of the family of an employee, of the manufacturer or distributor.

This amendment will enable in-house activities of manufacturers and distributors to be maintained and to allow them to provide scholarships and support to employees and to their families. I commend the amendment.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.30]: I move:

Page 8, clause 11. After clause 11 (2), insert:

- (3) A person must not, after 3 months from the commencement of this section, sell any confectionery or other food that resembles a tobacco product.

Maximum penalty (subsection (3)): 25 penalty units.

This amendment will provide further protection for young people in that it will prohibit the sale of confectionery or other food resembling tobacco products. A lead-up period of three months from the date of commencement is provided to enable existing stocks of products that would breach this section to be disposed of.

Reverend the Hon. F. J. NILE [10.30]: The Call to Australia group is happy to support the Government's amendment.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [10.30]: I move:

Page 8, clause 12. Omit clause 12(2)(b) and (c).

The purpose of this amendment is to eliminate the capacity in the bill for the Minister to make wholesale exemptions on the ground of hardship. In the face of other amendments that will ensure that there is a reasonable phase-out period for existing advertising, the Opposition believes that the provisions are unnecessary.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.31]: I move:

That the amendment be amended by inserting after subclause (a) the words

or

(b) in any case of significant hardship to persons other than manufacturers or wholesalers of tobacco.

The bill as drafted recognised that there could be a case of significant hardship to persons other than manufacturers or wholesalers which should be recognised in relation to an exemption. This is consistent with the other approaches within the legislation to allow for an orderly transition under the legislation. The Government believes that the approach of an orderly transition should be maintained, that it should be recognised that cases may arise where there could be hardship to persons other than manufacturers or wholesalers of tobacco and that as part of that orderly transition the Government should

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be in a position to recognise that hardship and to permit an exemption until the stage that the hardship is no longer sustained.

The Hon. DOROTHY ISAKSEN [10.32]: Will the Minister give honourable members an example of some organisation or business that may be affected by the provisions of this clause?

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.32]: An illustration comes to mind, though I do not have details of it. I am aware that people spend large amounts of money to buy a franchise to operate a Dunhill distributorship. Honourable members may be familiar with those distributorships in the city. Under this proposal those distributorships and the contracts under which they are established may be severely affected. It could well be that under the proposed legislation, depending upon the nature of the contract - and we do not know what the contract is - a person who has paid what may be to him a fortune may lose the total value of the contract. Kiosks in various buildings may be affected. The contract may be such that the proposed legislation will completely frustrate its operation, which could result in a significant loss to the franchisee. Neither the Government nor the Opposition knows the range of contracts in the market-place. The bill provides that no matter what the hardship is, the franchisee must bear the consequences and suffer the hardship. The proposed legislation should provide an avenue for the Minister to recognise that hardship could arise, and, if it is sustained, appropriate exemptions, which may be qualified exemptions, could be provided to overcome that hardship.

The Hon. ELISABETH KIRKBY [10.34]: Again honourable members must remember that the product they are discussing is the most dangerous and addictive drug in our society. That was clearly documented by the Standing Committee on Social Issues following its lengthy investigation. It is not proper to allow a loophole on the grounds of hardship. Honourable members know the damage that tobacco does to people's health, the dangers of young people becoming addicted and the persuasive ways in which the Tobacco Institute is fighting to retain its ability to promote to the fullest extent this highly addictive drug. It is dangerous to water down the legislation by accepting the amendment moved by the Minister on behalf of the Government. The amendment moved by the Leader of the Opposition will eliminate the capacity of the Minister to make wholesale exemptions. It would allow for an orderly phasing out period, which I believe is sufficient time for any amendment to be made, including the insertion of a clause dealing with hardship. Any provision that deals with hardship in this context is unnecessary and a loophole that I feel certain will be exploited to the hilt. For that reason the Australian Democrats cannot support the Government's amendment. We are happy with the amendment moved by the Leader of the Opposition.

Reverend the Hon. F. J. NILE [10.36]: The Minister will be able to exercise his discretion for a limited period of only 12 months, will he not? It will not obtain until 1995, will it?

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.37]: Clause 12 provides:

12. (1) Subject to this section, the Minister may, by notice published in the Gazette:

(a) exempt a person or class of persons . . . from the operation of section 5 or 8 . . .

(2) An exemption may be granted under this section only:

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The Government proposes that exemptions be granted in only two particular cases: first, in relation to certain sporting events and, second, where there is hardship on a person other than a manufacturer or a wholesaler. In the application of clause 12, that exemption would have to apply subject to such conditions, if any, as are set out in the notice published in the *Government Gazette* or as may be prescribed for the purposes of the paragraph. Exemptions that are granted and the conditions upon which they are granted will be publicly acknowledged in the *Government Gazette*. The Government is interested only in cases where there is significant hardship on an individual, who may well be the operator of a business, and more likely than not is the operator of a business. That person may be involved in advertising, affected by certain advertising restrictions or involved in one of the myriad sponsorships. The person must show actual significant hardship as a result of having a sponsorship or advertising contract terminated. I do not represent to the Committee that I know that such circumstances exist, but it is not beyond the wit of honourable members to recognise the possibility that significant hardship may be caused to some people. I have adverted to the Dunhill contractual situation. Potentially under this legislation we are taking away some proprietary right of a business franchise holder in the community. The question that is always addressed by this Chamber is fairness to those people whose proprietary rights are affected. I recognise the issue that is being raised by the honourable member, but I cannot envisage that there would be large numbers of these people around. At least the Committee should recognise the possibility and allow for it.

The Hon. ELISABETH KIRKBY [10.40]: In view of what the Minister has just said, perhaps we ought to go back to remarks made earlier in the Committee debate on this bill. I refer to the remarks made by Reverend the Hon. F. J. Nile that, if when the bill is in operation it is discovered that there is some facet of the bill which is causing undue distress or hardship, it would be possible for the Parliament at that time to introduce amendments to the bill to alleviate that problem. The Minister has already explained to us that he cannot give us chapter and verse the actual hardship that might result from this legislation. He has given us a very good hypothetical example, but he admits himself that he cannot think of any other examples at the moment. Therefore, surely it would be advisable for this Chamber to accept the amendment moved by the Opposition. If something significant does emerge when the bill comes into effect it will still be possible to deal with it very speedily by a further amendment. I believe that that is the proper way to deal with it - not insert a loophole that provides for a hypothetical hardship or emergency when we do not even know what that hardship might be. I am convinced that this loophole will be exploited by tobacco companies to the hilt. Overseas experience has demonstrated the sort of rearguard action that the tobacco manufacturers take. They have a great deal of money, and I feel perfectly confident that they would be in a position to mount a very considerable challenge. Certainly they would have a large number of corporate lawyers going through the legislation with a fine-tooth comb, looking for every loophole that they can find. They are now fighting to retain their ability to promote their product, and I do not think we should give them any further encouragement.

Reverend the Hon. F. J. NILE [10.42]: If the notice is published in the *Government Gazette*, what relationship will it have to a regulation that can be disallowed in the House? Will the Minister simply list it?

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.42]: The question raised by the honourable member is whether or not a notice published in the *Government Gazette*, as proposed by clause 12, could be the subject of a disallowance motion within the House. Such notice could not be disallowed in the House.

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Reverend the Hon. F. J. NILE [10.43]: I accept some of the concerns that have been expressed by the Hon. Elisabeth Kirkby, but, as was stated originally, this provision has been placed in the bill by my advisers, the ASH group and others who feel that it should be included to deal with the sorts of isolated cases that we have been talking about. Obviously, if we felt that there would be any abuse of this provision, as was suggested by the Hon. Elisabeth Kirkby, that door would have to be shut very quickly. The Minister has to make that assessment in terms of the words "significant hardship". Though we want to crack down on the advertising of the product, we do not want to disadvantage seriously any small businessmen - for example, kiosk owners - who may not have anticipated this sort of legislation. They could argue that they should be compensated for any loss of income. The middle ground seems to be to provide that at least they be given some extra time in particular situations. That is a reasonable proposition within the legislation and it should be retained.

Amendment of amendment agreed to.

Amendment as amended agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [10.45]: I move:

Page 9, clause 12. Omit clause 12 (5), insert instead:

(5) An exemption granted under this section has no effect after 1st November 1995.

This is the key amendment because it will ensure that all tobacco sponsorship of sporting and cultural activities will cease beyond 1st November, 1995. The Opposition believes that that is the essential element to the bill. I commend the amendment to the Committee.

Reverend the Hon. F. J. NILE [10.46]: In principle we agree with the Leader of the Opposition. In light of earlier amendments moved by the Government, perhaps it will change the wording of its proposed amendment from "or such other date" to "or such earlier date". Maybe we are all jumping at shadows, but we feel that it would be better if the cut-off date was "or such earlier date". According to what the Government is proposing, the date may be in the year A.D. 2001. That may not be the Government's intention, but that is a fear in many of our minds. It would help us if the Minister amended his proposed amendment to read "or such earlier date", as he did earlier.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [10.46]: I move:

That the amendment be amended by omitting all words after "this" and inserting instead:

subsection (2)(b) has no effect after 26th September 1995 or such other date as may be prescribed by the regulations either generally or in a particular case or class of cases.

Perhaps I could explain to the House the purpose of this amendment, which follows on from a previous amendment which the Committee allowed. Subsection (2)(b) relates to the section that the Committee just passed, which deals with cases of significant hardship. It provides that

any arrangement entered into will have no effect after 26th September 1995. Because of hardship, there may be a need to allow for a subsequent date. Having recognised that a hardship could arise, it will be dependent upon the nature of that hardship as to what further period of sponsorship will be allowed and what further period of promotional material will be allowed to be displayed. This will be dealt with by way of regulation. As I indicated to the Committee earlier, the determination of significant

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hardship must be achieved by way of a notification. If a case of hardship is notified and it is then determined that an exemption should be extended beyond 1995, that can occur only by regulation. Upon the notification of hardship, a regulation will be gazetted to allow for a specified period for that arrangement to continue. Obviously, the House would be able to disallow such a regulation.

The only other objection is to the final prohibition proposed by the Opposition on these exemptions beyond 1st November 1995. This prohibition relates to all events and promotions of national and international significance as referred to in clause 12(2)(a). The proposal is at direct variance with the Western Australian legislation, on which the bill before the House is modelled. In fact the provision with which the House is now dealing is the law in Western Australia at the present time. That particular provision was introduced in Western Australia as a consequence of the difficulties experienced with the South Australian legislation. If there is to be a total prohibition in New South Wales on particular activities of national or international significance after 1995, the reality is that those activities will be able to take place throughout the rest of the country but will not be able to take place in New South Wales. For example, the Benson and Hedges World Cup is recognised and will continue to be recognised in South Australia and Western Australia because it is exempt from provisions similar to those with which the House is now dealing. Because all exemptions in New South Wales will be eliminated after 1995, the Benson and Hedges World Cup and other major sporting activities will not be able to take place in this State at all.

The Hon. M. R. Egan: That is nonsense.

The Hon. J. P. HANNAFORD: It is not nonsense. I draw to the attention of honourable members the words of clause 12(2) which read:

(2) An exemption may be granted under this section only:

(a) after consultation between the Minister and the appropriate Minister, and having regard to the nature and background of the event, function or series concerned and to the purposes of this Act, to facilitate the promotion and conduct of:

(i) a sporting, racing or arts event or function; or

(ii) a series of sporting, racing or arts events or functions, of national or international significance;

That is the exemption that is granted from clause 8, relating to sponsorship. The Opposition proposes a new clause 12(5) which reads:

(5) an exemption granted under this section -

That is an exemption granted to a national or international sporting, racing or arts event:

- has no effect after 1 November 1995.

That means no exemptions can be granted under clause 12 after 1st November, 1995.

[Interruption]

The Hon. J. P. HANNAFORD: Exactly, that is what I am saying. That type of cut-off does not exist in Western Australia or South Australia. Clearly, after 1995 international sporting, racing or arts events will not be allowed in this State, although

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they will be allowed in other States. For example, the Benson and Hedges World Cup has legislative permission in South Australia but will not be allowed in New South Wales. That is exactly what the Labor Party is proposing. I make the clear and unambiguous statement to the House that the Labor Party is proposing that after 1995 national sporting activities which are recognised as lawful in other States of Australia will not be lawful in this State. I make that clear and unambiguous statement to the House. The Labor Party says, "Yes, that is exactly what we intend". The Labor Party can play all the politics it likes in relation to Eastern Creek, but it is clear that international advertising is associated with grand prix racing. That was recently recognised by the Victorian Government in its decision to exempt advertising material and allow the grand prix to take place in Victoria. Today an announcement was made that Australia will be given the international grand prix for five years with an option for another five years. The grand prix could be held at Eastern Creek or it could be held in Victoria. The Opposition is clearly saying that so far as New South Wales is concerned, no international sporting activity, no international motor racing activity, no international motor bike activity which has any association with tobacco sponsorship will be permitted in this State. I make it clear that the Labor Party concedes that is its intention.

At least the stupidity of the position advocated by the Labor Party was recognised by its colleagues in Western Australia and South Australia where provisions similar to those which the Opposition is now trying to frustrate by means of this amendment were allowed. Victoria has no prohibition at all on tobacco company sponsorship. What is prohibited in Victoria is the advertising associated with the sponsorship. I say clearly to members of the Opposition and to the crossbenchers that if they support the amendment moved by the Opposition, after 1995 New South Wales will be totally isolated from the rest of Australia. If the Opposition thinks it can sell this amendment to the arts organisations, the racing organisations or the sporting organisations and still maintain its credibility, I challenge it to proceed with the amendment. If the amendment is carried, the Opposition will rue the day it was proposed.

The Hon. M. R. EGAN (Leader of the Opposition) [10.57]: Apparently it has escaped the attention of the Government and the Minister that from 1993 the use of cigarette brand names to promote all grand prix events in Great Britain, Germany and France will be banned. The Minister is telling the House that European countries can ban such sponsorship from 1993 but New South Wales cannot do the same from 1995. That is absolutely ludicrous. It seems to have escaped the Minister's attention also that the purpose of the bill and of the Australian Labor Party amendment is to stop tobacco sponsorship of sporting and cultural events. He is berating us by saying that if the amendments are passed, that is what will happen. Has it not dawned upon him that that is the purpose of the amendment? I do not believe that sporting and cultural events of national or international significance are of such national or international significance if in four years the promoters of such events cannot arrange for adequate alternative sponsorship.

Honourable members should not be under any doubt that the amendment the Minister has moved relates only to sporting, racing or arts events of national or international significance. In fact, the exemption he seeks to ensure will continue after that date relates also to clause 12(2)(a)(i) which relates to a sporting, racing or arts event or function. It relates also to any other case of significant hardship to persons other than manufacturers or wholesalers of tobacco, as set out in clause 12(2)(c). The Minister is being too smart by half when he suggests that his amendment relates only to sporting or cultural events of national or

international significance. Clearly clause 12 relates to sporting and cultural events other than those of national or international significance. I

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remind the Minister that the purpose of the amendments moved by the Australian Labor Party - and, for that matter, the purpose of the bill - is to ban tobacco sponsorship of such events. It is no good for the Minister to say we should not move the amendment on the basis it will have that effect; that is the intended effect.

The Hon. ELISABETH KIRKBY [11.1]: I support the remarks of the Leader of the Opposition. It should be put clearly on the record that the Government is trying to ensure that there will be no sponsorship of these events except by tobacco companies. It is firmly closing the door in the face of other sponsors. As the Leader of the Opposition just pointed out, in four years' time there will be the ability for all sporting bodies to find other sponsors, whether that is golf with Benson and Hedges, rugby with Winfield, or cricket. As long as there is an in-built privilege for tobacco companies, other sponsors will never have the possibility of coming forward. Let us not be semantic about sponsorship. Sponsorship is advertising, 100 per cent. One cannot say that it is not advertising, merely sponsorship. It is advertising. It means so much to the tobacco companies that they are fighting hard to retain it. Does any honourable member really believe that, as advertising is so vitally important, the profits gained from it would not be eagerly prized by a variety of other manufacturers of other and less harmful products? Those products exist and the manufacturers of those products should be given the opportunity to sponsor golf, cricket, rugby league or any other activity. That is the purpose of the bill. Let us give other companies the chance to sponsor these events. Why should we always be the place that comes in last? It has been pointed out already that in the sport of motor racing the use of brand names of cigarettes will not be permitted in overseas countries. Why should we be the only country in the world that permits the use of brand names of cigarettes for motor racing? Why must we continue to allow cigarettes to be allied with motor racing or with any other sport? This bill gives us the opportunity to change that. For that reason I support wholeheartedly, as does my colleague, the amendment moved by the Opposition.

The Hon. R. S. L. JONES [11.4]: I concur fully with the remarks of my colleague the Hon. Elisabeth Kirkby. The whole purpose of this bill is to phase out and get rid of sponsorship by drug companies. Here we have the deadliest drug that is available on the market. It is still legal; it should never have been legal in the first place but it is legal and will probably remain so. The Government's mates, who have been winking at them from the gallery, have bent the Government to try to ensure that the amendment is passed. It is extraordinary to hear the Minister for Health and Community Services in this House arguing the case so strongly for the tobacco companies. He should not be the Minister for Health; clearly he should be the Minister for ill-health. He is arguing the case so strongly for tobacco company mates who have this Government in thrall, who pay so much to electoral campaigns, but whose funds are laundered through administration accounts and are never revealed in campaign accounts. I wonder how much the Government will get for the next election - maybe \$0.5 million, maybe \$1 million or maybe even \$2 million - from its tobacco mates.

The Hon. J. P. Hannaford: You always like to tell lies on the floor of the House.

The Hon. R. S. L. JONES: Perhaps the Minister would like to explain how much the Government gets and to reveal the amount that goes into the administration account. He will never reveal it; of course he will not. The Minister for Health and Community Services should not be arguing the case for tobacco corporations and drug mates. He should be arguing the case for the health of our children. We should not have sponsorship by tobacco companies and drug companies of that ilk in this State. It is

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about time we phased it out and got rid of it. Four years is a very long time in which to find other sponsors. If we cannot do it, we are not trying.

Reverend the Hon. F. J. NILE [11.5]: One of the dilemmas that shows through the comments is that, though this is a State House of Parliament concerned with issues in this State, the Minister has put up a case that the result of the passing of this amendment would be to stop these activities in this State and push them into other States. Western Australia, South Australia, Victoria, and the Australian Capital Territory all have Labor governments and would be free to take up these sporting events. The passing of this amendment would not affect the health of young people. However, it would disadvantage our State. I do not believe exemptions will be granted extensively. After all, they must be done by way of regulation which the House can allow. This should not be interpreted as giving a blank cheque to Winfield, to Benson and Hedges and others to continue into the future. Obviously members of the Australian Labor Party and the Australian Democrats feel strongly about this issue, but there seems to be a double standard operating.

The Hon. R. S. L. Jones: You have sold out, Fred.

Reverend the Hon. F. J. NILE: No, I have not sold out. I am concerned about all the young people in Australia. If the Australian Labor Party could present a case to say that, were this amendment passed, it could guarantee that the governments of Western Australia, South Australia, Victoria, and the Australian Capital Territory would pass similar amendments to their legislation -

[Interruption]

Reverend the Hon. F. J. NILE: You are all from the same political party and therefore have some influence.

The Hon. Delcia Kite: It has nothing to do with politics; it is all to do with children's health.

Reverend the Hon. F. J. NILE: That is the point I make, it will not affect the health of the children of Australia. Those events will be conducted in Western Australia, South Australia, Victoria and the Australian Capital Territory.

The Hon. R. S. L. Jones: You have been bought off.

Reverend the Hon. F. J. NILE: No one has, has tried, will or could do that. I see a double standard operating in the debate in this House. I would be happy for this State if there was some guarantee that other States would follow. There is no indication of that. In fact, Labor Party members here say they will not do it. That is the dilemma we face. If events cannot be held at Eastern Creek, that would be sabotaged and would be a further economic drain on the taxpayers of this State. Perhaps we can arrive at a formula of words to prevent exploitation by major tobacco companies. I was annoyed with the headlines in the newspaper which quoted the Premier as guaranteeing that Winfield will continue permanently in this State. If we support the amendment on this occasion, the Government will have to find another formula before the cut-off date of 1995.

The Hon. R. S. L. Jones: Reverend the Hon. F. J. Nile has sold out.

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Reverend the Hon. F. J. NILE: The Hon. R. S. L. Jones should stop saying that I have sold out. I am reluctant to do anything to sabotage this State in favour of the other Australian Labor Party States. The young people of those States will still be subjected to tobacco sponsorship and advertising. It is a matter of whether one is selfish and looks only at New South Wales or whether one looks at the national view. An important principle from my point of view is to find a way to formulate a national policy on this issue.

The Hon. M. R. EGAN (Leader of the Opposition) [11.11]: This really is the key amendment and the key provision which will ensure that after 1st November, 1995, there can be no tobacco sponsorship of sporting or cultural events in New South Wales. I understand the difficulty Reverend the Hon. F. J. Nile is in, but the problem with his proposed course of action is that, if he accepts the Government's amendment, the rugby league competition in New South Wales can, for ever and day, be called the Winfield Cup. Clearly that is a sporting event of national significance. If honourable members in the year 2000 or the year 2010 want the rugby league grand final to be called the Winfield Cup, they will support the Government's amendment. Obviously neither I nor any other member of this Parliament, whether they be Liberal Party or Labor Party members, can give an assurance about what other States or other Parliaments can do. However, I will give Reverend the Hon. F. J. Nile this assurance: if the Government's amendment to the amendment that I have moved on this clause is defeated, my colleagues the Leader of the Opposition, Mr Carr, who will soon be the Premier of this State, and the Deputy Leader of the Opposition, Dr Refshauge, and I will accompany Reverend the Hon. F. J. Nile to every State Labor Government, and the four of us will shame those governments into matching what we have done in New South Wales. That is the only assurance that I can give, that other States will follow the lead that I hope New South Wales will set today.

If we do not set that lead then the expectations in the community that this bill and its amendments will phase out tobacco sponsorship by the end of 1995 will be completely dashed, because we will be passing a sham piece of legislation that does not do what the public expects it to do, and what we have indicated it will do. If my amendment is not carried, then probably in the year 2095 the rugby league competition will be still called the Winfield Cup. I have not been to a rugby league grand final since it has been called the Winfield Cup. But every year, from my eighth year to my twenty-eighth year, I went to the rugby league grand final. I attended every match of the day at the Sydney Cricket Ground. I went to Kogarah Jubilee Oval every other Sunday when St George, and later Cronulla, were not playing the match of the day. In those 20 years when I was going to the football, first with my father and later with my mates, there was no tobacco sponsorship.

The Hon. Dorothy Isaksen: That is right. It was the Giltinan Shield.

The Hon. M. R. EGAN: Precisely. The Hon. Dorothy Isaksen has a better memory than I have. In those days the rugby league competition was untarnished by the sponsorship of a lethal product. That is what I want the rugby league competition to be once again, so that all the kids who go to those games, as I did as a kid, as a teenager and as a young adult, are not influenced by the grubby sponsorship by a lethal product such as tobacco. If honourable members are fair dinkum, they will pass my amendment. If they are not fair dinkum, they will accept what the Minister has put to them. I assure Reverend the Hon. F. J. Nile of my sincerity and that of my colleagues the Deputy Leader of the Opposition, Dr Refshauge and the Leader of the Opposition, Mr Carr that, if my amendment is carried, the four of us will go to each State Labor Government - to

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Carmel Lawrence, Michael Field, Joan Kirner and Wayne Goss - and not only go through the motions, but create such a stir that they will follow the lead that I hope we will set here tonight in New South Wales.

The Hon. R. S. L. JONES [11.17]: It is no wonder the tobacco industry is laughing tonight and saying that the rugby league competition will always be called the Winfield Cup. Tobacco companies have got to the Greiner Government and, through the Greiner Government, it would appear they may have got to Reverend the Hon. F. J. Nile.

Reverend the Hon. F. J. Nile: If the Hon. R. S. L. Jones keeps on saying that I will oppose him.

The Hon. R. S. L. JONES: I hope they have not. If the Government's amendment is passed it will make a mockery of this bill, and the Government knows it. This amendment could be called the Winfield amendment or the Benson and Hedges amendment. If the Government's amendment is successful the bill will have no meaning. This is probably the most important bill that has come before the Committee in my time as a member of Parliament, but it will have no meaning without this essential Australian Labor Party amendment. This important bill will save more lives than any other piece of legislation that I have dealt with or probably will deal with in my time as a member of Parliament. I regard this as the single most important piece of legislation, and I have backed the Hon. Elaine Nile and Reverend the Hon. F. J. Nile to the hilt, because I believe that what they are trying to do by the bill will have extraordinary significance, not only to New South Wales but to the whole of Australia. I believe other States will be forced to follow the lead of New South Wales.

The Hon. E. P. Pickering: What nonsense.

The Hon. R. S. L. JONES: They will be forced to follow the lead of New South Wales and it is about time that New South Wales led the way. Why are we always dragging our feet? Why is New South Wales almost the last State to increase the cigarette tax? It is because the tobacco companies have put so much pressure on the Greiner-Murray Government. Reverend the Hon. F. J. Nile is leading the way, leading the Government into taking action that should have been taken several years ago. This is the most important clause in the whole bill and the Australian Labor Party amendment must pass. The Minister for Police and Emergency Services and the Minister for Health and Community Services know it, and their tobacco mates know it. They know full well that if the Government's amendment is passed the tobacco companies will be popping champagne corks tonight and getting drunk, celebrating a great victory.

I have been fighting this issue since 1965. To my knowledge I was the first person to advocate an advertising campaign against cigarette advertising. If the ALP amendment is passed, my campaign of 25 years will prove to have been worth while. It took Reverend the Hon. F. J. Nile to lead the Government by the nose screaming away from its tobacco mates. If its tobacco mates win tonight, they will be popping the champagne corks and we will go home with our tails between our legs. If the ALP amendment is lost we might as well walk out of the Chamber immediately. If the ALP amendment is agreed to, the public will pop the champagne corks. The tobacco industry will have to keep the corks in its champagne bottles for a long time. Indeed, it would have to sell its champagne. If the ALP amendment is agreed to, the children of this State will be grateful for ever more to Reverend the Hon. F. J. Nile. If the Government's amendment is agreed to, the tobacco industry will be for ever grateful to the Minister for Health and Community Services.

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The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [11.22]: My first comment is that in a debate of this nature it does the Hon. R. S. L. Jones no credit to resort to personal vilification. If he cannot pursue the issue on the basis of intellectual debate he should remain silent. I remind honourable members that clause 12 of the bill has been copied word for word from the Tobacco Control Act of Western Australia. That Act was passed last year and assented to on 2nd January this year. It is only 11 months old. It was introduced by the Opposition's Labor colleagues. That Act provides exactly what Reverend the Hon. F. J. Nile intended that this legislation should provide; this legislation was modelled directly on the Western Australian Act. The intent was to bring New South Wales into line with Western Australia, which has the most modern tobacco advertising legislation in Australia. Section 5 of the Western Australian Act provides that an exemption granted under that section for the purpose referred to in subsection 2(c) - that is the hardship section - will not have effect after 30th June, 1994. The Leader of the Opposition in this House has recognised that the 11-months-old, landmark Western Australian law provides that national and international sporting

and cultural events should be exempted from the legislation. That is the law in Western Australia. We say that the New South Wales legislation should provide the same exemption.

The Hon. Ann Symonds: The Minister is repeating himself.

The Hon. J. P. HANNAFORD: The honourable member may bleat, but her colleague has sought to place on the line his credibility and that of his four leadership colleagues. This matter must be judged against the reality, and the reality is that only 11 months ago Western Australia introduced legislation upon which we in New South Wales have sought to model our legislation. Reverend the Hon. F. J. Nile must realise that to accept the ALP amendment would be to place New South Wales at a significant economic disadvantage as against every other State of Australia. Queensland does not charge the same rate of tobacco tax, and has no tobacco advertising prohibition legislation. The Labor Opposition urges honourable members to accept that any sporting sponsorship contracts sought to be entered into in this State, to the benefit of this State, should not be entered into. Rather, it suggests that the sporting events should be conducted in Western Australia, because the Opposition's Labor colleagues in Western Australia have provided for long-term exemptions. Alternatively the Opposition suggests that our sporting events be held in Victoria, because in that State the Opposition's Labor colleagues are willing to amend the laws of that State to attract international events. Or, it suggests that our sporting events should be transferred to Queensland, which has no tobacco prohibition rules at all.

The posturing of the Leader of the Opposition on this issue tonight belies the truth. He knows that his amendment would significantly affect and harm the economy of this State by comparison with the economies of other States administered by his Labor colleagues. From the comfort of Opposition, he is willing to take that stand, without having to accept responsibility for the best interests of this State. I urge Reverend the Hon. F. J. Nile to consider that point. This legislation is not yet law; it has to be debated in the other place. I ask Reverend the Hon. F. J. Nile to consider also whether this legislation satisfies his requirements of it: that there be uniformity of tobacco advertising legislation between New South Wales and Western Australia, that the law in both States be comparable, and that the law in this State does not operate to the disadvantage of this State and to the advantage of other States.

The Hon. M. R. EGAN (Leader of the Opposition) [11.28]: When speaking to this clause Reverend the Hon. F. J. Nile said, to the best of my recollection, "We need
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a form of words that will ensure that after 1995 the rugby league grand final will not continue to be known as the Winfield Cup". I ask the Minister to assure the Committee that if the Government's amendment is agreed to, after 1995 the trophy for the New South Wales rugby league competition and grand final will not be the Winfield Cup. I suggest he cannot give that assurance. The only way to provide that assurance is for the Committee to agree to my amendment.

[Interruption from gallery]

The CHAIRMAN: Order! I direct persons in the gallery to be orderly.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [11.29]: I accept the challenge of the Leader of the Opposition. He should read the legislation. Clause 12(4) imposes upon me as the relevant Minister a specific obligation. It requires that I must, when deciding whether to grant an exemption under this clause for the purpose referred to in subclause 2(a), have regard to, first, any substantial connection between the relevant event or function or series of events or functions and other significant events or functions outside the State. Second, I must have regard to any reasonable efforts that have been made to obtain sufficient financial or other support for the relevant event or function, or series of events or functions, from sources other than the advertising of tobacco products, to render the exemption

unnecessary. No doubt I shall be given further advice about that provision, but I would expect that anyone who seeks an exemption will provide me with all the necessary financial material to enable me to make a decision.

The Hon. M. R. Egan: Including the details of donations to the Liberal Party?

The Hon. J. P. HANNAFORD: That is the type of low comment that the people of this State have come to expect from the Labor Party. The Leader of the Opposition in this House and the Labor Party make accusations without justification or basis. The people of New South Wales and honourable members of this House are just about fed up. The Leader of the Opposition refuses to acknowledge the accuracy of the statement I am making to the Committee with regard to paragraph (b). I am, or whoever is in my place will be, under an obligation to require from an individual or group seeking exemption all the necessary financial material to enable me to form an opinion. I would also require that individual or group to provide to me all the necessary information to determine what other sources of funding may be available. I should have thought that if that individual or group has not sought to obtain other finance, they would have difficulty complying with the legislation.

The Hon. M. R. EGAN (Leader of the Opposition) [11.32]: I have no doubt, having regard to the provisions of clause (12)(4) that if the Hon. Peter Collins were to be the Minister for Health at the end of 1995, the rugby league competition would not be exempted from the provisions of the Act and, therefore, would not be able to receive tobacco sponsorship. But we are not talking about the Hon. Peter Collins, who has a track record of opposition to the tobacco lobby. We are talking about the Hon. John Hannaford, who we know was rolled in Cabinet on this bill. This Minister said to the Greiner Government, "Let's hold out and make this an issue in the by-election for the electorate of The Entrance, and let's have all that money from the tobacco lobby advertising every day of every week against Reverend the Hon. F. J. Nile and the Labor Party". He was the tactician who urged that proposition on the Greiner Government. I also give credit to the Hon. E. P. Pickering, because he and the Hon. Peter Collins persuaded the Cabinet to allow this bill to be debated tonight. If I knew we would be

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dealing with the Hon. Peter Collins four years down the track, I would be happy in the knowledge that we could rely on him as the health Minister to do the right thing. However, given the present Minister's track record on this bill, I can place no such trust in him.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [11.34]: I do not intend to allow the comments of the Leader of the Opposition to go unchallenged. It is not normal for Cabinet Ministers to discuss Cabinet meetings, but I will not allow my colleague to be besmirched by a scurrilous lying statement of the Leader of the Opposition which has absolutely no basis. What he said about the behaviour of my colleague at a recent Cabinet meeting bears no relationship to reality and is a complete distortion of the truth. I assure the Committee of that.

The Hon. ELISABETH KIRKBY [11.35]: Given what has happened in Committee in the past half an hour one should begin to feel sorry for the Minister for Health and Community Services. Because of this particular amendment the Premier was able to say confidently on the John Laws radio program this morning, "I can tell the people of New South Wales that Winfield will sponsor rugby league for ever". He was able to say that because he knew the effect of this particular government amendment. He made it clear that he was winning, and it mattered little what Reverend the Hon. F. J. Nile, the Australian Democrats, the people of New South Wales or all responsible medical authority wanted; that is, a ban on advertising of tobacco for sporting events. The Minister for Health and Community Services is being forced by his Premier to move and support an amendment that will allow healthy sports to be sponsored by unhealthy products. Reputable New South Wales medical authorities have written to members of this Chamber begging for their support of the bill introduced by Reverend the Hon. F. J. Nile. More than 10 years ago, when I became a member of this Chamber, I moved a private members'

motion to ban cigarette advertising. Obviously, it got nowhere. Had Reverend the Hon. F. J. Nile not moved to introduce this legislation at the beginning of this session, the Australian Democrats would have moved to introduce a private members' bill to ban cigarette advertising and sponsorship. Reverend the Hon. F. J. Nile received the call first and he moved to introduce this bill.

The Australian Democrats were not distressed about that. We were perfectly happy because the issue is so important. Though the legislation was not introduced by the Australian Democrats, but by Call to Australia, it has our support. We gave Reverend the Hon. F. J. Nile our complete and wholehearted support because we believed he was sincere and that he believed in and would fight for the legislation. We knew also that he would have to fight a terrible battle because we know how powerful tobacco companies are. I referred to that matter at length during my contribution at the second reading stage of the bill. It is disappointing that, for reasons not yet made clear - despite all the material referred to in the weeks leading up to consideration of the legislation in Committee - Reverend the Hon. F. J. Nile has decided to abandon his stand. I suggest that he think carefully about his attitude to the amendment. Not only are popular movements in this State demanding a prohibition on tobacco advertising; it is the concerted expert opinion of leading medical authority that tobacco advertising and sponsorship is dangerous. And how much more dangerous can it be than when it is directed at young people?

Tobacco advertising and sponsorships are particularly powerful when linked with sport because every boy in New South Wales who is interested in rugby league has rugby league leaders as his hero. They are the icons of the sporting young. When those young

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people see footballers go on to the field or watch them play football on television and see them associated with Winfield, they are given the impression that Winfield, the cigarette, is linked with this exciting sport and the prowess of leaders of that sport. That is the danger. This also has been clearly pointed out in the document printed in December 1990 entitled, "Drug Abuse Among Youth". A few moments ago the Minister said that the Western Australian legislation had been in place for only 12 months and he was only attempting to adapt this legislation to come into line with the Western Australian legislation. When the Western Australian Parliament passed that legislation it did not have the report of the standing committee that worked for many months on this matter. It did not have the benefit of the information collected by that standing committee. Also, it did not have the benefit of the unanimous support that was given to the recommendations in the report of the standing committee.

This was a unanimous report. Members of the National Party, Liberal Party, Labor Party and Reverend the Hon. F. J. Nile agreed with the Committee's recommendations, which are now to be overturned. I hope I am quoting the Minister correctly - it is difficult to remember everything honourable members say until one reads it in *Hansard* - but I believe he said that members of the Opposition were not thinking about the cost to the State. I suggest that the Minister for Health and Community Services should think about the cost to the State of tobacco-related illnesses. They are swallowing up his health budget. The amount of money he must spend on treating and providing beds for those suffering from tobacco-related diseases is making it difficult for the Minister to provide beds for patients with other curable and preventable illnesses who are not being encouraged by the use of a most dangerous and addictive drug. Looking after these people is costing the State. It is a serious cost not merely in the deaths of older people with existing respiratory infections or lung cancer, but also in the cost that will be carried over into the next century when children, encouraged by tobacco sponsorship, start smoking at the age of 12 years or 14 years. They then become addicted to tobacco and in 20, 30, 40 years time, long after we have left this Chamber, they will be imposing a burden and cost on the State. This is because they too will have developed chest diseases and respiratory ailments. The cost is ongoing, far greater than the cost to the State if we attempt to move an amendment that will phase out sponsorship of sport by tobacco companies by the year 1995.

Honourable members ought to think about the heritage and burden of health care, hospitalisation and drugs. We should consider some palliative care for those people suffering from tobacco-related illnesses, namely, heart disease, foetal abnormality brought on by women smoking in pregnancy and low birth weight babies. Perhaps those women became addicted when they were aged 13 years or 14 years. That is one of the biggest dangers now. Older people are stopping smoking yet young people are smoking at an earlier age. That will be an ongoing cost to the State and the Minister should take that into account. It is a matter of great regret that the present Attorney General is not still the Minister for Health because I am quite certain that if he were we would not be debating this particular amendment with such ferocity. However, we have no alternative. We have to fight for this amendment.

The Hon. D. F. Moppett: Boring repetition.

The Hon. ELISABETH KIRKBY: The whole crux of the bill depends on this amendment. By interjection the Hon. D. F. Moppett complained about boring repetition. I do not care whether any honourable member believes I am being boring or repetitious on this matter. It is too important to be ignored and if it must be stressed repeatedly so that at least the message gets through to some people, well then so be it. As I said in my

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contribution to the second reading debate we are talking about the life and death of hundreds of older people and thousands of children in the community. I do not mind being boring and repetitious about that.

Reverend the Hon. F. J. NILE [11.46]: During the present debate we have received assurances that the State and Federal cancer councils and the National Heart Foundation have made a commitment that, as from this moment, they will make direct contact with the other States to ensure that, if this amendment is passed, the other States will come on line with New South Wales. In other words, this State will provide a lead and those bodies will campaign in Victoria, South Australia, Western Australia, and the Australian Capital Territory so that New South Wales is not disadvantaged. They support uniform legislation. Also, I have been advised that the Federal Government has announced tonight, because of this debate, that it is now planning to introduce within two years legislation to phase out all tobacco sports sponsorship within Australia as part of a national unified policy. The Government would be unaware of that.

It is important that the harmonisation of European countries by 1995 indicates that restrictions on tobacco advertising will tend towards precision. By 1993 in the United Kingdom, Germany and France brand name advertising will not be permitted at grand prix events. This is certainly relevant to the future of the Eastern Creek Raceway. We will take up the commitment that the Leader of the Opposition has made. We will support his amendment - and I assume the Australian Democrats will campaign strongly and influence the other States - on the basis that if there are no signs of some uniform policy operating in Australia within six months, we will support the reintroduction of the amendment proposed by the Government, certainly in the light of events in the other States. It is vital that we have a unified policy. It would be tragic, if after passing the amendment tonight, the Victorian Premier spoke on radio or television tomorrow saying that because of this it would scoop the pools and hold all these events in Victoria. That is the Government's concern. The Leader of the Opposition does not directly control all the other States, but if the Opposition is sincere it should seek a unified national policy. If after six months there is no sign of that happening, the Call to Australia group will support resubmission of this proposed amendment by the Government.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [11.50]: I appreciate the sincerity of Reverend the Hon. F. J. Nile in attempting to arrive at a solution to the dilemma that faces him. He is being most responsible in trying to deal with the problem. I think he has offered a way out of the dilemma. I would recommend to him - and I am sure he will accept what I say in good faith - that the

legislation be amended tonight to enshrine his six months sunset clause within the bill. If within six months from the proclamation of the proposed legislation the other States have not fallen into line, the amendment will lapse and the original bill will be reverted to. That would put pressure on the other States and would test the integrity and capacity of honourable members opposite. The proposal by Reverend the Hon. F. J. Nile would put the acid on the other States and would provide a six months time scale so that this State would not be adversely affected in respect of its access to national or international events. That measure would solve the problem faced by Reverend the Hon. F. J. Nile and would go a long way towards solving the dilemma of the Government in this regard. That is the offer.

Reverend the Hon. F. J. NILE [11.51]: I said, in relation to the remarks of the Leader of the Opposition, that within six months the other States should make a commitment, but it is another matter whether the other States could physically pass legislation within six months.

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The Hon. E. P. Pickering: They obviously can do that if they wish to; they can enact gun laws within that time.

Reverend the Hon. F. J. NILE: By 1st June next year?

The Hon. E. P. Pickering: Yes, by 1st June next year.

Reverend the Hon. F. J. NILE: I am prepared to accept that.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [11.52]: In order to facilitate those who might want to draft what is required, the Committee might proceed to consider another clause and return to consider this clause after the appropriate drafting has been carried out by our officers.

The CHAIRMAN: Order! The Minister for Police and Emergency Services has suggested that the Committee move from the proposed amendment to consider the next proposed amendment to allow the parliamentary draftsman to redraft the amendment. Is there any objection to that course being followed?

The Hon. M. R. EGAN (Leader of the Opposition) [11.53]: Might it not be more suitable for the convenience of all honourable members if the Committee were to adjourn for that purpose?

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [11.54]: It is a matter for the Government to decide. The answer is no.

The CHAIRMAN: Order! The Leader of the Government has suggested that the Committee move on to consider the next proposed amendment, if there is no objection to that course. There being no objection, the Committee will consider the next amendment.

Part 3

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [11.55]: I move:

Pages 9-17, Part 3. Omit the Part (clauses 13-26), insert instead:

PART 3 - TOBACCO ADVERTISING PROHIBITION COMMITTEE

Tobacco Advertising Prohibition Committee

13. (1) The Tobacco Advertising Prohibition Committee is established.

(2) The Committee is to consist of 3 persons appointed by the Minister, of whom:

- (a) 1 is to be appointed as Chairperson;
- (b) 1 is to be appointed on the nomination of the Director-General of the Department of Health;
- (c) 1 is to be appointed on the nomination of the Chairman of the Board of the Tobacco Institute.

(3) Schedule 1 has effect with respect to the members and meetings of the Committee.

Functions of the Committee

14. (1) The Tobacco Advertising Prohibition Committee is to prepare and submit to the Minister a code which provides for the regular and progressive stages in accordance with which advertisements to which section 5 applies should be removed or obscured and sponsorships to which section 8 applies should be terminated.

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(2) The code is to provide for the removing or obscuring of advertisements and the termination of sponsorships by 26 September 1995.

(3) The Committee's initial advice concerning the provisions of the code is to be given within 3 months after the commencement of this section.

(4) The Committee has such other advisory functions as the Minister may determine.

Responsibility of the Minister

15. (1) The Minister is required to recommend to the Governor the making of regulations which will ensure:

- (a) the removal or obscuring of advertisements to which section 5 applies; and
- (b) the termination of sponsorships to which section 8 applies, by regular and progressive stages.

(2) The Minister, in making any recommendation under this section, must consider any code submitted and any advice given by the Tobacco Advertising Prohibition Committee.

(3) This section does not apply to an advertisement or sponsorship which is the subject of an exemption under section 12.

Provision of assistance to the Committee

16. For the purpose of the exercise of its functions, the Director-General of the Department of Health is to provide the Tobacco Advertising Prohibition Committee with such assistance as it may reasonably require.

This part is consequential upon amendments Nos 5, 6 and 7, which have been passed by the Committee which related to the establishment of the health foundation. The arguments I offered in support of those amendments apply equally to this proposed amendment. It is proposed that, following the deletion of that part, a new part be inserted, to which I have

already adverted in debate, for the establishment of a tobacco advertising prohibition committee, which will be made up of three persons. The committee will have the function of establishing codes relating to regular and progressive stages in accordance with which advertisements and sponsorships will be dealt with under the legislation. One of the interesting features of the bill is proposed clause 15 which will impose upon me a mandatory responsibility to prepare regulations in accordance with the recommendations of the code, and to place those before the Governor, and a requirement on the committee to provide initial advice within three months. This provision is designed to ensure facilitation of the work of the committee. The bill also proposes that assistance should be given to that committee to enable it to perform its functions. The Committee effectively has endorsed these proposals by supporting other provisions in the bill. I commend the amendment to the Committee.

The Hon. M. R. EGAN (Leader of the Opposition) [11.56]: The Opposition opposes the amendment because it believes that our own amendment No. 20, which seeks to establish a tobacco advertisements reduction committee, is a better approach. The Opposition proposes the orderly phasing out of cigarette advertisements over almost four years and the setting of targets for reductions over that period. The Opposition amendment provides for the removal after July 1992 of advertisements placed or displayed in contravention of the Act, for removal by order of a magistrate, for empowering various officers to remove advertisements, for associated penalties and related provisions. I foreshadow that the Opposition will be opposing Government amendment No. 24 and will be moving its own amendment No. 20.

The Hon. ELISABETH KIRKBY [11.57]: I place on record that it would not be possible for the Australian Democrats to support the amendment moved by the Minister for Health and Community Services because I believe that a committee as small as three, in particular a committee that included a representative of the Tobacco Institute, could not have effected any reasonable or workable methods of prohibition of advertising. I believe that a larger committee such as the one suggested by the Leader of the

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Opposition, in particular in view of the fact that the composition of a committee may be significantly changed by choice of members, would be able to act more objectively and independently than a committee of the composition proposed by the Government. Therefore, I wish to place on record that the Australian Democrats will be supporting the amendment foreshadowed by the Leader of the Opposition.

Reverend the Hon. F. J. NILE [11.58]: The Call to Australia group shares some of the concerns expressed by the Hon. Elisabeth Kirkby. The Opposition amendment seeks to include on the committee representatives from the Outdoor Advertising Association of Australia, which has expressed concern about the proposed phasing out of advertisements. Would it be possible for the Government to include a representative of that association on the committee? The proposed tobacco advertising prohibition committee will have three members, or is five, an odd number, preferred?

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.1 a.m.], by leave: I move:

That the amendment be amended by omitting clause 13(2) and inserting in lieu thereof the words.

(2) The Committee is to consist of 5 persons appointed by the Minister, of whom:

(a) 1 is to be appointed as Chairperson;

(b) 2 are to be appointed on the nomination of the Director-General of the Department of Health;

(c) 1 is to be appointed on the nomination of the Chairman of the Board of the Tobacco Institute;

(d) 1 is to be a person nominated by the Chief Executive Officer of the Outdoor Advertising Association of Australia.

The Hon. Elisabeth Kirkby: You cannot have a representative from the Tobacco Institute on the committee.

The Hon. E. P. Pickering: We must have that expertise.

[Interruption from gallery]

The CHAIRMAN: Order! I ask those persons in the public gallery to maintain order.

The Hon. ANN SYMONDS [12.3 a.m.]: I place on record my rejection of the proposal by the Minister for Health and Community Services. I will not repeat the argument I put forward in defence of the Health Promotion Foundation, but the present amendment is in stark contrast to the composition and aims of that foundation. That is sufficient to condemn the amendment in itself. I remind honourable members that the original amendment moved by the Government reflected the composition of the voluntary tobacco code operatives. That was a similar arrangement and was singularly inept and incapable of doing anything that would benefit the control of the tobacco companies operating in this State. That was one of the issues about which the committee made strong recommendations at the time. I support the amendment foreshadowed by my colleague the Leader of the Opposition.

Amendment of amendment agreed to.

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Amendment as amended agreed to.

Part as amended agreed to.

Part 4

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.6 a.m.]: I move:

Page 17. Before clause 27 as printed, insert:

Removal of certain advertisements

26.(1) This section applies to a tobacco advertisement:

- (a) if the advertisement was placed or displayed in contravention of this Act or the regulations; or
- (b) after 26 September 1995 or such other date as may be prescribed by the regulations either generally or in a particular case or class of cases, whether or not the advertisement was placed or displayed in contravention of this Act or the regulations.

(2) If a tobacco advertisement is situated in a public place or on any premises from which it can be seen from a public place, a Local Court constituted by a Magistrate sitting alone may order:

(a) that the advertisement be removed or obscured by an authorised officer; and

(b) if any person has been convicted of an offence against this Act or the regulations relating to the placing or displaying of the advertisement, that the person pay the reasonable costs incurred by the authorised officer in removing or obscuring the advertisement.

(3) Subsection (2) does not apply to an advertisement that is displayed inside a shop or other retail outlet where tobacco products are offered or exposed for sale and that complies with the regulations.

(4) An authorised officer does not commit a civil wrong and is not liable for damages for anything done or omitted to be done while removing or obscuring a tobacco advertisement with reasonable care under the authority of such an order.

(5) Any tobacco advertisement in the form of an article that is removed in accordance with such an order is taken to be the property of such person as is specified in the order.

(6) If any costs are payable under such an order, they may be recovered in a court of competent jurisdiction as a debt due to the Crown or a council, as the case requires.

(7) This section does not apply to a tobacco advertisement while it may be lawfully displayed in accordance with an exemption provided by this Act or the regulations.

Power of entry

27.(1) An authorised officer may enter any premises to remove or obscure a tobacco advertisement under the authority of an order made by a local court.

(2) This section does not allow the entry of any premises or part of premises used as a dwelling.

Intimidation or obstruction of authorised officer

28. A person must not in any way intimidate or obstruct an authorised officer who is removing or obscuring a tobacco advertisement under the authority of an order made by a Local Court or who is attempting to do so.

Maximum penalty:

50 penalty units for a first offence; or

100 penalty units for a second or subsequent offence.

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The amendment will insert three new clauses relating to the removal of certain advertisements, a power of entry and intimidation or obstruction of authorised officers.

The Hon. M. R. EGAN (Leader of the Opposition) [12.8 a.m.]: I have mentioned to the Minister that our concern relates to proposed subsection 26(3). We are concerned that the section will not affect the cut-off date of 1st July, 1993, to which the Committee has agreed.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.8 a.m.]: I confirm that the date will not be affected by the amendment.

The Hon. M. R. EGAN (Leader of the Opposition) [12.9 a.m.]: If that is so, the Opposition supports the amendment.

Amendment agreed to.

Amendment by the Hon. M. R. Egan agreed to:

Page 18, clause 29. In clause 29(1) as printed, after "Act", insert "or the regulations".

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.10 a.m.]: I move:

Page 18, clause 29. From clause 29 (3) as printed, omit "such an offence", insert instead "an offence against this Act or the regulations".

This provision will ensure that all the procedural requirements relating to offences under the Act will apply equally to breaches of the regulations.

Amendment agreed to.

The Hon. M. R. EGAN (Leader of the Opposition) [12.10 a.m.]: I move:

Page 18, clause 29. After clause 29 (4) as printed, insert:

(5) Proceedings for such an offence may be commenced at any time within 12 months after the date on which the offence is alleged to have been committed.

(6) Proceedings against a person for an offence against this Act relating to the placing or displaying of a tobacco advertisement:

(a) must not be commenced unless an authorised officer has given to the person a notice in writing to the effect that proceedings may be commenced after the period of 30 days after the notice is given if the tobacco advertisement has not been removed or adequately obscured; and

(b) must not be commenced if the tobacco advertisement was removed or adequately obscured during that period and has not been reinstated at any time before commencement of the proceedings.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.11 a.m.]: I move:

Page 18, clause 29. That the amendment be amended by the omission of subclause (6).

Subclause (6) will permit an offending advertisement to continue to be displayed for up to 30 days without prosecution. Furthermore, as currently drafted, the clause is unclear and, arguably, may create a loophole that would enable a circular procedure of redisplay and warning notice every 30 days without the ability to prosecute. The Government's

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amendment does not include such a provision. Normal administrative procedures pertaining to prosecution will continue to apply, including the duty to warn prior to action being taken. I can give the Chamber an illustration from my own experience of failure to comply with a notice. The usual defence applied in such a matter is: "Yes, we did comply with the notice. We did

remove the offending material. This is now a different offence". It is almost impossible to prove whether the notice was complied with and subsequently, two or three days later, the signs were redisplayed. By pursuing its amendment to subclause (6) the Opposition would create a defence loophole which it is almost impossible to overcome. The honourable member by his amendment obviously intends to enable a warning to be given to an offender before an action is launched that there will be a prosecution. I can assure the Committee that the officers of the department would give such a warning. The Government would not wish to create a legislative loophole that, in effect, would mean a prosecution would never be successful.

Amendment of amendment agreed to.

Amendment as amended agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.13 a.m.]: I move:

Page 18, clause 30. In clause 30 (1), after "Act", insert "or the regulations".

This provision will ensure that all the procedural requirements relating to offences under the Act will apply equally to breaches of the regulations.

The Hon. M. R. EGAN (Leader of the Opposition) [12.14 a.m.]: The Opposition accepts the amendment.

Amendment agreed to.

Part as amended agreed to.

Part 5

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.14 a.m.]: I move:

Page 20, clause 32. After clause 32 (1), insert:

(2) A regulation made for the purposes of section 5 or 8 is not subject to section 5 of the Subordinate Legislation Act 1989.

The legislation that has been adopted by the Committee provides for the making of advertising codes and for regulations to be made to implement the codes. It would be normal for those regulations to comply with the provisions of the Subordinate Legislation Act. In relation to the development of the codes, the Government would have to carry out the regulatory impact statements and assessments for each of the codes and publish advertisements giving the public an opportunity to make submissions. The Government takes the view that because the codes will be made by the Tobacco Advertising Prohibition Committee, it is more appropriate that the restrictive provisions of the Subordinate Legislation Act do not apply to that specific regulation-making power.

The Hon. R. D. DYER [12.16 a.m.]: The Opposition does not share the
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Government's view on this particular matter. I have served as a member of the Regulation Review Committee of this Parliament. I can assure the Committee that the provision for regulatory impact statements as set out and required by the Subordinate Legislation Act 1989 was not inserted lightly. Among other things, section 5 of that statute requires that before a principal statutory rule is made the responsible Minister is required to ensure that, so far as reasonably practicable, a regulatory impact statement complying with schedule 2 be prepared,

and that must set out the substantive matters proposed to be dealt with by this statutory rule. It is further indicated in that provision that before the statutory rule is made the responsible Minister is required to ensure that various steps are carried out, including the publication of a notice in the *Government Gazette* and a daily newspaper circulating throughout New South Wales among other things stating the objects of the proposed statutory rule, advising where a copy of the regulatory impact statement may be obtained or inspected and inviting comments and submissions within a specified time, but not less than 21 days from the publication of the notice.

Perhaps most importantly, provision is made that consultation is to take place with appropriate representatives of consumers, the public, relevant interest groups and any sector of industry or commerce likely to be affected by the proposed statutory rule. Finally it is provided that all the comments and submissions received are to be appropriately considered. In enacting this legislation, Parliament had the intention that this was to be a standard, invariable procedure to be followed regarding the making of a principal statutory rule. The Minister has referred to the regulatory codes proposed to be made by way of subordinate legislation to the measure before the Committee when it becomes an Act of Parliament. I cannot see any merit in the argument the Minister is advancing that there should be an abandonment of the steps set out in the Subordinate Legislation Act 1989. That legislation is intended to be observed across the board. If from time to time this Legislature makes exceptions to what is intended to be an across-the-board rule, the Subordinate Legislation Act 1989 will become a joke. It has far too often been the case in the past under all governments that subordinate legislation has grown in a topsy-turvy way, virtually going out of control. It is important that the Legislature asserts and maintains its control over legislation and that we do not subcontract, as it were, regulations outside the immediate purview of this Parliament. The Opposition is firmly opposed to what the Government intends to do by this amendment. We strongly object to what the Government has proposed.

The Hon. ELISABETH KIRKBY [12.20 a.m.]: I place on the record that the Australian Democrats fully support the views of the Opposition, as expressed by the Hon. R. D. Dyer. Therefore it is not possible for us to support the amendment moved by the Government.

Amendment negatived.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.22 a.m.]: I move:

Page 20. After clause 32 as printed, insert:

Continuation of voluntary agreement

33. The agreement dated 14th April 1989 made between the Minister for Health of the Government of New South Wales and Phillip Morris (Aust.) Limited, Rothmans of Pall Mall (Aust.) Limited, W. D. and H. O. Wills (Aust.) Limited and R. J. Reynolds Tobacco (Aust.) Inc. in relation to the marketing of tobacco products continues to apply to the extent to which it is not inconsistent

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with this Act or the regulations.

I indicate the Government's reason for that amendment. As honourable members are aware, a voluntary agreement exists which provides for certain restrictions as to the placement of certain billboards and other signs. Under the legislative framework that has now been adopted, all those agreements that are in place will be allowed to continue. In this amendment we are seeking to make certain that the restrictions that apply under that voluntary code will continue to apply until such time as they are replaced by regulations, as we would not want a situation where this legislation might be seen to eliminate that voluntary code. Some of the billboards

which currently are restricted from being placed near schools and similar places could be relocated. This mechanism will ensure in a statutory way that that code stays in place.

The Hon. M. R. EGAN (Leader of the Opposition) [12.24 a.m.]: The Opposition accepts the amendment.

Amendment agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.24 a.m.]: I move:

Page 20, clause 33. From clause 33(1), omit:

"concerning:

- (a) the operation of this Act;
- (b) the operation of the Foundation; and
- (c) the need for this Act to continue in operation."

insert instead "concerning the operation of this Act."

This amendment removes the need for a review the necessity for the Act's continued operation and makes a consequential amendment to the deletion of the Health Promotion Foundation. I commend the amendment to the Committee.

The Hon. M. R. EGAN (Leader of the Opposition) [12.25 a.m.]: This clause of the bill would overcome the difficulty which Reverend the Hon. F. J. Nile has referred to. Clause 33 of the bill provides that within a period of 12 months, commencing on the third anniversary of the appointed day, the Minister must cause an investigation and review to be conducted and a report prepared concerning the operation of the Act. The clause goes on to talk about the operation of the foundation and the need for this Act to continue in operation. The Government is seeking to amend that clause so that it will simply mean that within the period of 12 months, commencing on the third anniversary of the appointed day, the Minister must cause an investigation and review to be conducted concerning the operation of this Act. Subclause (2) provides that the Minister must cause a copy of the report, referred to in clause (1), to be laid before each House of Parliament as soon as practicable after the completion of that report. If we amend the words "Within a period of 12 months commencing on the third anniversary of the appointed day" to a sooner date - say, within 18 months of the anniversary of the appointed day - that may provide a mechanism for the Act to come back to the Parliament to be reconsidered in view of what has been achieved in Commonwealth and State spheres.

The Hon. E. P. Pickering: This is nonsense.

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The Hon. M. R. EGAN: Why is it nonsense? It is a perfect mechanism. It is the mechanism which Reverend the Hon. F. J. Nile put in his own bill, but the Minister now says it is nonsense.

The Hon. E. P. Pickering: It is not a mechanism for bringing the Act before the Parliament.

The Hon. M. R. EGAN: The Minister must cause a copy of the report to be laid before each House. It calls for a review of the Act. Therefore it is an opening for the Minister to bring

the legislation back to the Parliament if the Minister so wants. If the conditions that Reverend the Hon. F. J. Nile has set have not been met, surely this Government, if it is still in office, will bring the legislation back for review by the Parliament. I can assure the House that, if we are in government, as we will be -

The Hon. E. P. Pickering: Ha, ha!

The Hon. M. R. EGAN: The Minister laughed before the last election too. I was at the tallyroom when an ashen-faced Minister for three hours did not have a clue about what was happening. He should not carry on with all this rodomontade. We have seen it before, and we have seen the election results. That could be the way out of the dilemma. I foreshadow that, if the Government's amendment is carried, I will move a further amendment to omit the words "of 12 months commencing on the third anniversary of the appointed day" and will seek to replace those words with "within 18 months of the appointed day".

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [12.29 a.m.]: Obviously the Opposition is now concerned about the suggestion I made to the House by way of compromise to Reverend the Hon. F. J. Nile regarding an earlier clause. The Opposition now seeks to weasel out of the impact of that by suggesting that under this clause the Act can come back before this House. The clause does not provide for that at all. It sensibly provides for a review of the Act after 12 months. It provides also that a copy of the report of the review will come before both Houses of Parliament where it can be debated. There is no way in the world that such a provision forces any government to bring the Act before the House, irrespective of which government is in power. My earlier suggestion, which Reverend the Hon. F. J. Nile graciously accepted, allowed for a mechanism within the Act so that if the other States and Territories do not act, clearly pressure will be put on them to perform. The mechanism suggested by the Opposition is wishy-washy and will lead to no action whatsoever. The comments of the Leader of the Opposition have been exposed for what they are. The clause is a procedural one which provides for no more or no less than a proper review and a report to Parliament.

The Hon. ELISABETH KIRKBY [12.31 a.m.]: Despite what the Leader of the Government has said, if Parliament is obliged by clause 33 to review the Act and if the investigation and review is conducted and the report prepared, as stated in the clause, whether or not it is obligatory for the Government to bring the Act back before the Parliament, such a review will give the Government a clear idea of what portions of the Act may need to be amended. Therefore the Government will be perfectly able to prepare suitable amendments to implement the recommendations, if any, in the report. That will be a valuable way of using the report because it will not be left on a shelf gathering dust. It will be used as a mechanism to introduce necessary amendments. Because the Act will be the subject of an investigation, reasons will obviously be given for any amendments the Government may see fit to introduce. Frequently that is not the

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case. Frequently amending legislation is introduced and members are not aware until the debate takes place of the reasons for those amendments. If amendments are based on a report written after an investigation has taken place, one will have a much clearer idea of why amendments are being brought forward. Despite the explanation given by the Leader of the Government, I do not see why the clause cannot be used in the way suggested by the Leader of the Opposition.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.33 a.m.]: I point out that the amendment which has been moved by the Government is partly a procedural amendment because the reference to a foundation has been deleted, and the operations of the foundation will not need to be reviewed. The amendment will further secure the future of the legislation because the bill proposes a review of whether there is a need for the Act to continue to operate. The Government proposes the deletion of the words on the

basis that one must be entitled to assume that the Act should continue to operate. The amendment is beneficial.

The Hon. M. R. Egan: What amendment?

The Hon. J. P. HANNAFORD: Our amendment.

The Hon. M. R. Egan: Including the proposed sunset clause?

The Hon. E. P. Pickering: No.

The TEMPORARY CHAIRMAN (The Hon. Beryl Evans): Order! Amendment 32 has been moved.

The Hon. J. P. HANNAFORD: Paragraphs (b) and (c) are being deleted.

The Hon. M. R. EGAN (Leader of the Opposition) [12.34 a.m.]: I concede that the deletion of paragraph (b) is procedural. The deletion of paragraph (c) is contrary to the argument put by the Minister to Reverend the Hon. F. J. Nile only half an hour ago. The Minister was talking about some sort of sunset clause.

The Hon. E. P. Pickering: For a particular clause, not the whole bill.

The Hon. M. R. EGAN: Where is the sunset clause?

The Hon. E. P. Pickering: We are drawing it up. We will give it to you.

The Hon. M. R. EGAN: This is a lovely situation!

The Hon. J. P. Hannaford: You gave leave to do it.

The Hon. M. R. EGAN: I also suggested that we should adjourn and the Minister said it was the prerogative of the Minister to move the adjournment. I point out to the Minister that it was only with the leave of the Opposition that this highly unusual procedure of skipping a provision in the bill -

The Hon. E. P. Pickering: We had to get some drafting done.

The Hon. M. R. EGAN: Precisely, and the proper course would have been to adjourn. If we are now dealing with -

The Hon. Dr B. P. V. Pezzutti: The Committee can do what it likes.

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The Hon. M. R. EGAN: It can, but had the Opposition objected, it would have had to adjourn. The Minister cannot skip clauses and then say, "We have still got to draft the amendment". Let us bear in mind that if this place is to function in an orderly fashion, common sense and co-operation is needed from both sides, which the Opposition has given. We are now approaching the end of the bill. We are dealing with a portion of the bill which involves a review of the need for the Act to continue in operation. That is the same as a sunset clause, and the Government is saying we should not have the benefit of the sunset clause it is providing for -

The Hon. E. P. Pickering: For a clause, not the whole Act.

The Hon. M. R. EGAN: This is a review of the whole Act.

The Hon. E. P. Pickering: Yes.

The Hon. M. R. EGAN: And I am saying we cannot effectively deal with a clause involving a review of the whole Act if we are not yet aware of the Government's suggestion for a review of the essential part of the Act.

The Hon. E. P. Pickering: You are aware because I put to the House -

The Hon. M. R. EGAN: No, we are not aware of it. We want to see the words. When will we have this piece of paper?

The Hon. E. P. Pickering: The concepts involved were put to the House sufficiently for Reverend the Hon. F. J. Nile to indicate he was willing to accept them.

The Hon. M. R. EGAN: There is a great difference between the concepts and the legislation.

The Hon. E. P. Pickering: It is a matter of composing some words, you know that.

The Hon. M. R. EGAN: I move:

That consideration of clause 33 be deferred until the Opposition has seen the Government's redrafted clause.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [12.37 a.m.]: The Government agrees with that. There is no problem about that, if that is what the Leader of the Opposition wishes to do.

Motion agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.38 a.m.]: I move the following amendment:

Page 20, clause 34. Omit the clause.

This amendment seeks to delete a schedule of amendments to other Acts which were to be made pursuant to the establishment of the Health Promotion Foundation. Therefore the amendment is consequential on the amendments which deleted reference to foundation, and the schedule is not necessary.

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The Hon. M. R. EGAN (Leader of the Opposition) [12.39 a.m.]: The Opposition supports the amendment.

Amendment agreed to.

Schedule 1

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.42 a.m.]: I move:

Pages 21, 22, Schedule 1. Omit the Schedule (clauses 1-7), insert instead:

SCHEDULE 1

(Sec. 13 (3))

PROVISIONS RELATING TO THE TOBACCO ADVERTISING PROHIBITION COMMITTEE

Nominations

1.(1) A nomination of a member of the Committee must:

- (a) be submitted in writing to the Minister at the request of the Minister; and
- (b) be in respect of a person who is prepared to be a member.

(2) If a person does not submit a nomination within 30 days after the making of the relevant request, the Minister may appoint a person to be the member concerned to represent the interests of the person or body in default until the relevant nomination is submitted.

Term of office

2. A member has such term of office, not exceeding 4 years, as may be specified by the Minister in the instrument appointing the member.

Quorum

3. Two members constitute a quorum for a meeting of the Committee.

Presiding member

4.(1) The Chairperson is to preside at each meeting of the Committee at which the Chairperson is present.

(2) In the absence of the Chairperson from a meeting of the Committee, the members present are to select from among their number a member to preside at the meeting.

Decisions of the Committee

5.(1) A decision supported by the votes of the majority of the members present and voting at a meeting of the Committee is the decision of the Committee.

(2) Each member present at a meeting of the Committee is entitled to one vote on a matter arising for determination at the meeting.

Calling of first meeting

6. The Minister is to call the first meeting of the Committee in such manner as the Minister thinks fit.

Procedure

7. The Committee is to decide its own procedure for the conduct of its meetings, except as provided by this Schedule.

I seek leave of the Committee to amend the document as circulated so that under the subheading "quorum" the quorum is increased from two members to three members. This

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is consistent with the increase in the number of members of that committee, as adopted by this Committee. The schedule as proposed by the Government merely formally puts in place the mechanisms for the operation of the committee which are necessary to allow it to operate properly.

Reverend the Hon. F. J. NILE [12.43 a.m.]: We support the amendment.

Amendment agreed to.

Schedule as amended agreed to.

The Hon. J. P. HANNAFORD (Minister for Health and Community Services) [12.43 a.m.]: I move:

Page 23, Schedule 2. Omit the Schedule.

This is a consequential amendment on the deletion of the reference to the Health Promotion Foundation.

The Hon. M. R. EGAN (Leader of the Opposition) [12.44 a.m.]: The Opposition supports the amendment.

Amendment agreed to.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [12.47 a.m.]: To enable Parliamentary Counsel to advise on the drafting of the proposed legislation, I suggest that the Committee adjourn until the ringing of a long bell. I expect that will take about five minutes.

[The Chairman left the chair at 12.47 a.m. The Committee resumed at 12.55 a.m.]

Postponed Part 2

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [12.55 a.m.]: I seek leave to withdraw my previous amendment to clause 12 with a view to moving an alternative amendment.

Leave granted.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [12.55 a.m.]: I move:

That the amendment be amended by the addition of a new subsection (6):

(6) However, subsection (5) does not have effect unless there is legislation in force in all States, the Northern Territory and the Australian Capital Territory, by 1st June 1992, which has the effect of totally banning by no later than 26th September 1995, all sponsorship of:

(a) any sporting, racing or arts event or function; or

(b) any series of sporting, racing or arts events or functions,

of national or international significance, by a manufacturer or distributor of tobacco products.

I suspect that the date 26th September, 1995, should have read 1st November, 1995, for which I apologise. I seek leave to change the date.

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Leave granted.

Motion by the Hon E. P. Pickering agreed to:

That the amendment be amended by deleting "26th September 1995" and inserting in lieu thereof "1st November 1995".

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [12.56 a.m.]: I believe that my amended amendment is in accordance with the suggestion I made to Reverend the Hon. F. J. Nile earlier and which he graciously accepted. This amendment represents a milestone in the search for uniformity throughout the States and in the promotion of good health among young people throughout the country. I commend my amendment.

The Hon. M. R. EGAN (Leader of the Opposition) [12.58 a.m.]: I doubt that I have ever seen a provision in any bill as ludicrous as this amendment. The Government is saying that from 1st November, 1995, there will be no exemptions to the ban on tobacco sponsorship for sporting or cultural events, provided that by 1st June next year every other State, including the Northern Territory, follows suit.

The Hon. E. P. Pickering: That is not true. The Leader of the Opposition is forgetting subclause (4). He should at least be honest in this debate. He is forgetting the impact of subclause (4) in his statement.

The Hon. M. R. EGAN: I have not forgotten subclause (4) of clause 12. It merely provides that a Minister who is in the pockets of the tobacco lobby, and is so persuaded, will continue the exemption. The tobacco lobby will then have another four years to buy its way into favour and ruin the health of young people in our community. The Committee has dealt with that measure. Now it is dealing with the Minister's proposed amendment to the Opposition's circulated amendment number 12. The Government's amendment provides for a cut-off date for exemptions from the banning of tobacco sponsorship from 1995, provided that all other States follow suit. That is like introducing legislation to ban abortions being performed in private clinics in New South Wales, provided that all the other States follow suit in six month's time. That is absolutely ridiculous. No one would do that. Yet that is exactly what the Government proposes. In other words, the Government is determined at all costs to ensure that for ever and a day all the major sporting events in this State will be sponsored by tobacco companies. That is the sincerity exhibited by the Government: for ever and a day the rugby league grand final will be sponsored by Winfield, and the children of New South Wales will suffer.

Reverend the Hon. F. J. NILE [1.2 a.m.]: I admit that the proposed amendment is unique. Many people, both inside and outside the Parliament, have said that New South Wales should provide the lead. This amendment will be, as it were, an electric shock to jolt other States to show whether they are serious in their commitment, in the way that New South Wales is committed to this legislation. We will have to wait and see what happens. As a private member I introduced this bill in September and it has been debated within three months. Surely other State governments can do the same, if they have the nerve and if they resist the lobbyists. This measure will test how genuine everyone is throughout Australia.

The Hon. R. S. L. JONES [1.4 a.m.]: The Government has shown itself to be insincere. Unfortunately it has been conned by Winfield. Every member of this House

knows that it is impossible for governments in the Australian Capital Territory, the Northern Territory and Queensland to pass legislation within six months. One or two of them might do so, but all of them will not. I would bet \$1 million that this time frame will not be met by other States, and that the Government's amendment will come into force in six months time. It is physically impossible for all States to have their legislation in place within six months. This is a mickey mouse amendment.

The Hon. ELISABETH KIRKBY [1.5 a.m.]: I realise that Reverend the Hon. F. J. Nile believes in the sincerity of the Government in moving this amendment. However, I should like him to consider the time frame forced upon him. We are at the end of the parliamentary year, as are other State parliaments. In about three weeks this Parliament will rise for the Christmas recess, and other parliaments will do the same. No State Parliament will then sit until the end of February, and three of the six months will have passed.

Reverend the Hon. F. J. Nile: Negotiations can proceed between now and February.

The Hon. ELISABETH KIRKBY: It would be unrealistic to expect that at the end of the parliamentary year, with Christmas, New Year, and later the Easter break to come, meaningful negotiations will take place. It would be possible to meet the six months time frame if it were not for these holiday breaks. I suggest that Reverend the Hon. F. J. Nile should discuss this measure with the Leader of the Opposition and the Government, not to change the intent of the amendment but to allow more time for other States to negotiate, prepare legislation, and introduce it. To allow for what has to be done it would be advisable to stipulate 1st August, 1992, rather than 1st June, 1992. A few minutes ago the Leader of the Government said that other States have agreed to gun law changes. That did not happen in six months. Those changes resulted not only from the work of a committee of this Parliament but also from an awareness of public opinion that surfaced only after three terrible massacres. As a result, people in other States sought changes and their parliamentary representatives were willing to advocate serious changes. However, that is not a true analogy. The Minister knows that he resisted moves by other governments, both at the Federal and State level, to change gun laws. In the past, his State counterparts were very much more ready than he to change the gun laws.

The Hon. E. P. Pickering: That is not so.

The Hon. ELISABETH KIRKBY: At last year's meeting of Police Ministers the Hon. E. P. Pickering was the only Minister to resist change. To seek not to change the amendment is to seek not to increase the time available for necessary negotiation to be conducted. If that is not allowed, and if the time frame is maintained, the work of Reverend the Hon. F. J. Nile in preparing the bill and consulting with medical authorities and anti-smoking groups will have been for nothing. There will be a continuation of sponsorship -

[*Interruption*]

The CHAIRMAN: Order! I ask honourable members to make their conversations less audible. Hansard are experiencing difficulty hearing the Hon. Elisabeth Kirkby.

The Hon. ELISABETH KIRKBY: Attempts to ban tobacco sponsorship after

1995 will have failed. I urge all honourable members to request the Government to agree to allow a longer period for negotiation.

Reverend the Hon. F. J. NILE [1.10 a.m.]: This is a live issue. It has been debated for some time in all States. One cannot say that the first time they became aware of the subject was in this debate tonight. Each State is on notice about its sincerity. I have been advised that because the Liberal and National parties have control in the upper Houses of some Parliaments

they could effectively block legislation. But the principle is that State governments will pass legislation in the lower Houses.

The Hon. J. R. Johnson: Those parties have a majority in every State upper House with the exception of South Australia, where the Australian Democrats hold the balance.

Reverend the Hon. F. J. NILE: The upper Houses will review the legislation. Tonight the Federal Government announced a further option: it could co-ordinate the prohibition of tobacco sponsorship nationally within six months, to take effect by November 1995. A number of options are available. I am concerned about banning tobacco sponsorship across Australia. If this amendment will help to bring that about, so be it.

The Hon. M. R. EGAN (Leader of the Opposition) [1.12 a.m.]: Reverend the Hon. F. J. Nile referred to one of the flaws in this amendment moved by the Government in a desperate bid to bolster the cause of the tobacco industry in New South Wales. If this amendment is accepted, next week Government members will approach their Liberal Party-National Party colleagues in all other State Parliaments to say: "Hang on. Let's protect our multimillion dollar campaign donations. Make sure if this legislation is introduced in your Parliament, that it is knocked back. We want the millions of dollars. We do not care about the kids who are hooked on smoking because of tobacco sponsorship". That is what this Government is about. This is the most ludicrous amendment I have seen in my 10 years as a member of Parliament.

The Hon. E. P. Pickering: It was your idea.

The Hon. M. R. EGAN: It was not. Reverend the Hon. F. J. Nile said that if the amendment is accepted we will see whether the other States are serious. I say to Reverend the Hon. F. J. Nile and to every member of this Chamber that we will see on this vote whether Reverend the Hon. F. J. Nile and other members of this Chamber are serious. From the indications thus far it seems that Reverend the Hon. F. J. Nile is not serious at all.

Question - That the amendment of the amendment be agreed to - put.

The Committee divided.

Ayes, 19

Mr Bull
Mrs Chadwick
Mr Coleman
Mrs Evans
Mrs Forsythe
Dr Goldsmith
Mr Hannaford

Mr Jobling
Mr Moppett
Mr Mutch
Mrs Nile
Revd F. J. Nile
Dr Pezzutti
Mr Pickering

Mr Ryan
Mr Samios
Mr Webster

Tellers,
Miss Gardiner
Mrs Sham-Ho

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Noes, 19

Dr Burgmann
Ms Burnswoods
Mr Dyer
Mr Egan
Mr Enderbury
Mrs Isaksen
Mr Johnson

Mr Kaldis
Miss Kirkby
Mrs Kite
Mr Macdonald
Mr Obeid
Mr O'Grady
Mr Shaw

Mrs Symonds
Mr Vaughan
Mrs Walker

Tellers,
Mr Jones
Mr Manson

Pair

Mr Rowland Smith

Mrs Arena

The CHAIRMAN: Order! The numbers being equal, I give my casting vote with the ayes and declare the question to be resolved in the affirmative.

Amendment of amendment agreed to.

Amendment as amended agreed to.

Part as amended agreed to.

Postponed part 5

The CHAIRMAN: Order! The Minister has moved Government amendment No. 32 as circulated. The question is, That the amendment be agreed to.

Amendment agreed to.

Part as amended agreed to.

Bill reported from Committee with amendments and report adopted.

SPECIAL ADJOURNMENT

Motion by the Hon. E. P. Pickering agreed to:

That this House at its rising today do adjourn until Tuesday, 3rd December, 1991, at 2.30 p.m., unless the President, or if the President be unable to act on account of illness or other cause, the Chairman of Committees shall, prior to that date, by communication addressed to each member of the House, fix an alternative day and/or hour of meeting.

ADJOURNMENT

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [1.29 a.m.]: I move:

That this House do now adjourn.

MINISTER FOR POLICE AND EMERGENCY SERVICES ADMINISTRATION

The Hon. P. F. O'GRADY [1.28 a.m.]: I have attempted to elicit from the Minister for Police and Emergency Services some information in recent days, but I have
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been met only with offensive, personal attacks. The history of this Minister's reign over the police shows that anyone who dares criticise is attacked, ridiculed or ignored.

[Interruption]

The PRESIDENT: Order! I cannot hear the honourable member.

The Hon. P. F. O'GRADY: Witness, for instance, his response immediately after the Brennan shooting. It seems that this Minister is happy to hand over political responsibility for his portfolio to the police commissioner. In answer to a question from me yesterday, the Minister proved he does not want to know what goes on in the Police Service. He does not want to know whether any of the police who shot David Gundy or Darren Brennan are in the new State protection group. He seems to think it does not matter. He does not have a clue whether that unit operates within the same procedures and instructions as those of the tactical response group and special weapons and operations section - the ones that proved so fatal in the past and which were the subject of a special Ombudsman's report to this Parliament. For all we know the State protection group does not know by what procedures it is supposed to abide. I shall inform the Minister of two of the SPG members. One is Senior Sergeant Dawson, the SWOS officer who killed David Gundy. Another is Sergeant Brazel - he was the subject of his very own Ombudsman's report. Commissioner Lauer responded to that report in May 1989 by stating that Brazel had been transferred.

In October 1990 the Minister told the House, in answer to a question from me, that he was taking part in special weapons and operations section activities. Now he has been totally rehabilitated, right back to the State protection group. How many other police who were in the Brennan and the Gundy tragedies are also on the SPG? What has happened between those tragic events and now? The public must be reassured that the police are competent to hold those positions. I am sure most people would find this a legitimate question. But if we dare to ask what has been going on in the Police Service we are branded anti-police. We are virtually told we do not have any right to know. What has happened to the departmental charges recommended against the police involved in the Brennan shooting, and why have none been laid in the Gundy killing? The Commissioner of Police has advice on the matter from the Crown Solicitor's office. Are these advices, which are written by senior counsel, to be sat on, like the

Minister for Police tends to do with his reports from the Ombudsman? Public accountability under this Minister is a farce. Just when will the public know what is going on? One wonders if the police even bother to tell this Minister anything. Now that he knows they have the legal advice, he should order the Commissioner of Police to act.

The Minister does not even have the guts to order the commissioner to hand over to the Ombudsman the report the commissioner is supposed to have made about the tactical response group and special weapons and operations section procedures. Do not tell me these are no longer relevant because, as I have stated, they are still in use by the State protection group. On guns, the Minister did nothing after the Strathfield massacre. It was left to his Commissioner of Police, who was forced to take the political upper hand by announcing a moratorium on the issuing of gun licences. Last week I asked the Minister whether the so-called task force to investigate the massive rise in police complaints was another high-level police whitewash. He could not answer. Instead, all he could think of talking about was domestic violence - an important issue but one that had nothing to do with the question. Then he tried to wash away the whole issue by asserting that public complaints were mostly trivial. In his Claytons answer he also misled this House by stating that "the actual level of crime has fallen dramatically". I

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challenge the Minister to show us what that broad assertion is based on. It does not match the figures from the Bureau of Crime Statistics. Is the Minister now resorting to fairy tales to cover up for having no idea what is going on in his portfolio?

In the same answer, he failed to recognise the irony of having Col Cole now investigating public complaints, himself lambasted for his appalling investigation during the Blackburn affair. Recently I asked about the conditions in which prisoners are kept at the Sydney Police Centre. Again the attack turned on me - this despite the Ombudsman making this known publicly and in newspaper reports on the issue appearing throughout the year. The Minister sits back and lets top police attack the Ombudsman to try to wrestle from him his powers to oversight police investigations into misconduct. This is a political issue but the commissioner has the running on it. Why does not the Minister take the lead and tell the commissioner that the Ombudsman is here to stay and to start co-operating? Tell him that the public has no confidence in police investigating themselves, that police who act properly and diligently have nothing to fear. Further, why does not the Minister order the Commissioner of Police to hand over the long-awaited report that the police were supposed to have done on SWOS and TRG procedures. The SPG is operating under those same inadequate procedures. My concerns relate to an inept Minister for Police who fails to face up to his responsibilities and who gives the very real impression that he believes that if he sits back, head down, the disasters will go away. He is giving a new meaning to the conspiracy of silence.

SHELLHARBOUR MUNICIPAL COUNCIL COASTAL POLICIES

The Hon. R. S. L. JONES [1.34 a.m.]: I again have occasion to raise in this House the peculiar behaviour of the Labor-controlled Shellharbour Municipal Council in making a joke of Labor policies on preservation of coastal lands. Strangely this flouting of Labor policies seems to have the concurrence of the Leader of the parliamentary Labor Party. As Minister for Environment and Planning he approved rezoning of 288 hectares of land in Shellharbour municipality as residential, including beach land, wetlands, a golf course and two playing fields. In the last State elections Labor's policy on coastal development specifically excluded a proposed Shellharbour marina, which involved a residential canal development and destruction of wetlands and part of a beach. This fact speaks volumes about the sincerity of the Labor Party's commitment to protection of the environment. In the recent Shellharbour council elections two candidates who opposed the marina were elected to council, whilst two others received 19.5 per cent and 21 per cent of the vote in their wards against both Labor and conservative Independent tickets. These results show that local opposition to the marina has the support of a substantial section of the residents. Nevertheless, the Labor majority on the

council are determined to proceed with this environmentally indefensible proposition no matter what the cost may be. It is not surprising that, in this situation they find that even the mild measures of coastal protection contained in the New South Wales Liberal Party-National Party coalition policies are too onerous for them.

In a minute submitted to council on 8th October the town planner was confident that the Minister for Planning had the power under section 101 of the Environmental Planning and Assessment Act to override any objections aimed at preventing the elimination of wetlands, construction of the harbour and marina, artificial waterway and canals. However, he was concerned that full application of the Government's coastal policy would impose onerous burdens on landowners, particularly in areas located in the middle of intensively developed urban regions. He asked that the council ask for the Shellharbour municipality to be exempted from the Government's coastal lands policy. Council agreed and has made application accordingly. That all sounds very reasonable,

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but there is one peculiar omission from the report. Not all the land proposed for development within one kilometre from the high water mark is contained in existing urban development. Also, a substantial area adjoins the Killalea State Recreation Area south of Shellharbour between Bass Point and the Minnamurra River. One might well ask why the town planner's report did not contain any reference to this area. It is difficult to resist the conclusion that this was deliberately omitted from the report because the council intends to use the area, which it owns, for prime residential development so that it can raise funds to pay for the white elephant of a boat harbour for luxury yachts.

The omission is all the more strange when one realises that a local tourism study commissioned by Shellharbour council has reported that the National Parks and Wildlife Service intends to develop a 150 to 200 van caravan park, but with no permanent sites, and a campsite near the Killalea lagoon, which would appear to be an excellent development. Apparently Shellharbour council does not wish to develop similar recreation facilities for its low income residents, but wishes to encourage luxury land development for those who can afford luxury prices. I request the appropriate Minister, before he approves the request of Shellharbour council to be exempted from coastal land policies, to ask the council what exactly it intends to do with the land that it owns and which adjoins the Killalea State Recreation area.

LEGAL AID FUNDING

The Hon. ELISABETH KIRKBY [1.38 a.m.]: I bring to the attention of honourable members that legal aid in New South Wales, which is a fundamental right, is now at risk. When the New South Wales Government announced budget cuts of \$2.9 million on 31st July, the Legal Aid Commission was already underfunded, unlike the Office of the Director of Public Prosecutions whose empire is growing. However, the budget cut of \$2.9 million brought with it a consequent cut of about \$4 million in funding from the Commonwealth - the major co-funder. That is intolerable. Legal aid in New South Wales is a partnership between the legal profession, solicitors and barristers who already massively subsidise the system. The burden falls on the small firms of solicitors and a minority of barristers who will regularly perform legal aid work at reduced rates. Those lawyers subscribe to the philosophy of legal aid and the right to counsel. In a time of recession and unemployment the demands upon the services of legal aid are increasing. Resources and funds should be increased rather than reduced.

Important cases of family law and environmental issues are being refused legal aid. Legal aid offices are closed. The stunt of using the solicitors' trust fund income is a one-off thing, not to be repeated, to meet existing deficiencies only. Increasing and legitimate demands are made upon the services of legal aid. These essential services will be reduced and eroded further by the actions of the Premier and the Attorney General in this State in reducing funding. The slow payment of lawyers, now admitted to be between 90 and 120 days,

is a symptom of an increasing problem. Right to counsel is a fundamental civil liberty. The New South Wales Bar Association and the Law Society of New South Wales must take the fight to the Government. As a member of the New South Wales Council for Civil Liberties I bring this matter to the attention of the House. It will become an increasing problem. Many cases are brought to my attention by people who have been refused legal aid. This is leading to a situation in New South Wales where people cannot get justice unless they are wealthy.

The Hon. E. P. Pickering: Or very poor.

The Hon. ELISABETH KIRKBY: I agree, unless they are very poor. It is something that no civilised State should tolerate.

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LIVERPOOL F5 EXPRESSWAY TOLL PLAZA

The Hon. J. F. RYAN [1.39 a.m.]: I draw the attention of honourable members to the irresponsible actions of the Liverpool City Council in wasting more than \$130,000 of its ratepayers' funds on launching legal action against the proposal of the Roads and Traffic Authority to fund the construction of the F5 Expressway by making it a tollway. Today a demonstration was conducted outside the Parliament, led by the Mayor of Liverpool, Mark Latham. The demonstration was not well supported. Barely a dozen people stood outside the gates of Parliament House. The legal action launched by the Liverpool council alleges that the toll plaza, which is being constructed at Moorebank to facilitate the collection of the toll, will cause excessive levels of noise and air pollution. This allegation is baseless, and every member of the council knows it. In June 1991 the Roads and Traffic Authority published details of the toll plaza and invited public comment on it. A model of the proposals for the toll plaza was constructed and placed on public display. An extensive level of public consultation was carried out, which included a number of public meetings. At the same time, the Liverpool City Council commissioned engineering consultants Mitchell McCotter to prepare a response to the proposal of the Roads and Traffic Authority to build the toll plaza.

I was present at one of those public meetings and it was apparent from comments made by Labor aldermen present that they expected their consultants Mitchell McCotter to make an independent assessment of the proposals of the Roads and Traffic Authority. They also expected that their consultant's report would be highly critical of the environmental effects of the toll plaza in terms of air and noise pollution. A special meeting of the Liverpool City Council was convened for the 23rd July to consider the report from their independent consultant. It must have come as a great shock to the Labor members of the Liverpool City Council that their own consultant's report concluded independently that the toll plaza would not cause environmental problems. The findings of the consultant's report reveal that:

It is apparent that, with suitable design, there would not be a further degradation of the environment associated with . . . the proposed toll plaza.

The detail of the consultant's report shows that air pollution levels on the site of the tollway will be lower than the ambient levels that might be expected in the general vicinity of a highway or a freeway and that noise levels would be two to three decibels below the levels that the Roads and Traffic Authority predicted if that section of the expressway were to be constructed without the toll plaza. In light of the findings of the Liverpool City Council's own consultant that the toll plaza would reduce air pollution at the site and that it would be quieter than a normal freeway, I am astonished that the Liverpool City Council decided to take the matter to court. The only reason it is continuing with this futile course of action, which it has been estimated will cost ratepayers at least \$110,000, or possibly more, is to pursue a politically motivated campaign against the Greiner Government. As if this waste of money on legal expenses were not enough, the Labor-controlled council has also allocated a further \$20,000 towards a public

relations campaign against the tollway. It is obvious from the cartoons and comments of the council's public relations material that its campaign is motivated by party political considerations. This waste of funds should be condemned. The Roads and Traffic Authority will have to spend state taxpayers' funds in legal fees to defend its proposals. It is also possible that if the actions of the council are found by the Land and Environment Court to be vexatious and frivolous, the State Government's legal costs will be awarded against Liverpool council. This will be a further waste of ratepayers' funds. If the F5 Expressway is ever to be built this century, it will have to be funded as a

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tollway. The Australian Labor Party cannot honour its promise to provide the \$300 million that will be required to pay for the road out of general revenue of the State Government.

I urge the Labor members of Liverpool council to drop the campaign, to drop the legal action and to stop wasting ratepayers' money.

Motion agreed to.

**House adjourned at 1.44 a.m., Thursday,
until Tuesday, 3rd December, 1991, 2.30 p.m.**