

Legislative Council

Thursday, 13 October 1983

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

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. J. M. Brown, the following petition bearing the signatures of 21 persons was received, read, and ordered to lie upon the Table of the House—

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

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

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

(See paper No. 325.)

ELECTORAL

Referendum: Petition

On motions by the Hon. Garry Kelly, the following petition bearing the signatures of 206 persons was received, read, and ordered to lie upon the Table of the House—

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

We the undersigned electors of Western Australia desire that the State Electoral System be reformed so as to incorporate the principle of 'one person-one vote-one value'.

We specifically request the reform of the Legislative Council of Western Australia to achieve:

1. A reduction in the number of Legislative Councillors from 34 to 22.
2. The retirement of half of the Members of the Legislative Council at each general election (ie. simultaneous elections).

3. The election of Legislative Councillors according to a system of proportional representation such as currently operates in Senate elections.

And that the above reforms be decided by the people voting at a referendum.

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

(See paper No. 326.)

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. John Williams, the following petition bearing the signatures of 19 persons was received, read, and ordered to lie upon the Table of the House—

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

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

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

(See paper No. 327.)

The PRESIDENT: I ask honourable members to cease audible conversation. There are enough things for the Chair to be taking notice of at this stage of the proceedings without being distracted by a multitude of extraneous conversations. I ask honourable members to refrain.

HEALTH: TOBACCO

Advertising: Petition

On motion by the Hon. Graham Edwards, the following petition bearing the signatures of 36 persons was received, read, and ordered to lie upon the Table of the House—

TO:

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

We, the undersigned are school teachers and we believe that education programmes

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

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

(See paper No. 328.)

ELECTORAL

Referendum: Petition

On motions by the Hon. Mark Nevill, the following petition bearing the signatures of 42 persons was received, read, and ordered to lie upon the Table of the House—

TO:

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

We the undersigned electors of Western Australia desire that the State Electoral System be reformed so as to incorporate the principle of 'one person-one vote-one value'.

We specifically request the reform of the Legislative Council of Western Australia to achieve:

1. A reduction in the number of Legislative Councillors from 34 to 22.
2. The retirement of half of the Members of the Legislative Council at each general election (ie. simultaneous elections)
3. The election of Legislative Councillors according to a system of proportional representation such as currently operates in Senate elections.

And that the above reforms be decided by the people voting at a referendum.

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

(See paper No. 329.)

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. P. G. Pandal, the following petition bearing the signatures of seven persons was received, read, and ordered to lie upon the Table of the House—

TO:

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

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

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

(See paper No. 330.)

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. W. G. Atkinson, the following petition bearing the signatures of four persons was received, read, and ordered to lie upon the Table of the House—

TO:

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

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

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

(See paper No. 331.)

HEALTH: TOBACCO

Advertising: Petition

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

TO:

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

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

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

(See paper No. 332.)

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. Garry Kelly, the following petition bearing the signatures of 15 persons was received, read, and ordered to lie upon the Table of the House—

TO:

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

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

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

(See paper No. 333.)

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. D. J. Wordsworth, the following petition bearing the signatures of five persons was received, read, and ordered to lie upon the Table of the House—

TO:

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

We, the undersigned are school teachers and we believe that education programmes alone are ineffective in discouraging children from smoking and only by combining education with legislation to ban tobacco adver-

tising can we expect that the uptake of smoking by children will be significantly reduced.

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

(See paper No. 334.)

QUESTIONS

Questions were taken at this stage.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [2.50 p.m.]: I move, without notice—

That the House take note of Tabled Paper 324 (Estimates of Revenue and Expenditure and related papers).

For the benefit of our new members, this motion represents a fairly recent innovation by the Legislative Council by which means we are enabled to examine and debate at length the Budget papers associated with the Appropriation Bills currently before the Legislative Assembly.

Hon. I. G. Medcalf: May I have a copy of the tabled paper?

Hon. J. M. BERINSON: I am sorry, copies are not available. They have been made available only to me.

Before this procedure was adopted, debate on the Budget was confined to the short period available to this House when the Appropriation Bills were received. That was usually on the last sitting day of the session.

In his Budget Speech, the Premier and Treasurer outlined in detail the Budget strategy of the Government and the financial initiatives which are proposed in 1983-84. It is not my intention to cover that ground again in detail and I would refer members to the printed speech contained in the financial statement which accompanies the estimates.

At the same time it has been recognised that, in February this year the Labor Party sought and received a mandate for its comprehensive election policies. This Budget represents an important step in the introduction of the Government programmes that the public have endorsed.

In framing the Budget for 1983-84, the Government was acutely aware that a fresh approach was required to protect and generate employment. The vulnerability of the Western Aus-

italian economy to external influences, and the social disruption resulting from the recession provide compelling evidence of the need for Government to set new economic and social goals.

Accordingly, and in response to that need, this Government's first Budget places heavy emphasis on measures to generate economic activity, stimulate employment, and assist the disadvantaged of the community. At the same time, the Government is mindful that it would be inappropriate to relax control on public sector spending, any increase in which must ultimately be met by the taxpayer. Sound, safe, financial management and prudent, responsible budgeting will be the cornerstone on which we will govern.

Our aim has been to address the pressing problems facing the community while ensuring that a firm foundation is built for further economic and social development. In order to develop a co-ordinated and integrated Budget strategy, the Government has had regard for the resources available to both the Consolidated Revenue Fund and the capital works programme.

The main features of the Budget and the associated capital works programmes are as follows—

- A start to greater public sector participation in the development of our natural resources to ensure that the interests of all Western Australians are safeguarded;

- the channelling of significant additional funds into the employment-generating areas of housing, road construction, and tourism;

- a number of initiatives, including payroll tax concessions, to assist the development of small businesses in Western Australia;

- the setting of a framework aimed at ensuring that the State benefits from the introduction of high technology and, in particular, is in a position to attract high technology industries with rapid growth prospects; and

- additional assistance to the poor and disadvantaged within our community.

Turning to the Consolidated Revenue Fund which we are addressing today, estimated expenditure amounts to \$2 658.9 million, an increase of \$319.8 million on actual expenditure last year.

For the purpose of this exercise I will do no more than mention some of the special features of the allocations. Further details are set out in the Budget speech and Ministers will provide additional information when the appropriations are dealt with in Committee in another place.

Highlights of the Budget include initiatives which signal an increased entrepreneurial role in

resource development. The measures are aimed at securing greater financial independence for Western Australia and greater benefits for our citizens from the development of State assets.

There has already been considerable publicity about our participation in the Argyle diamond mines joint venture and our plans for the creation of a Western Australian development corporation. It is not my intention to deal at length with those matters now, other than to say that, as a first step, the Government has moved to implement its stated policy on the diamond mining industry, which is to seek an equity in the industry and to work towards a marketing and valuation system to ensure market value is obtained for diamonds recovered.

A further aim is the establishment of a cutting and polishing industry in Western Australia. To this end, the Government has arranged to buy Northern Mining Corporation which has a five per cent interest in the joint venture and, importantly, the right to market its share of the diamonds independently.

The purchase has been made possible by an advance of \$50 million from the joint venture group representing partial pre-payment of future royalties. The arrangement has been structured to ensure no net loss of future revenues to the Government, as dividends from Northern Mining are expected to offset the temporary reduction in royalties during the period the advance is recouped. After repayment of the advance, total revenue from diamonds accruing to the Government will be greater than would be obtained under the present royalty arrangements.

Provision has been made in the Budget for receipt of the \$50 million advance to Consolidated Revenue and for the appropriation of this sum for the purpose of acquiring Northern Mining Corporation and to meet other expenditures associated with the Government's involvement in the venture.

No charge will be made against the taxpayer arising from the purchase or in meeting our obligations under the joint venture arrangements. There will, however, be substantial future benefits to Western Australians.

Another highlight is measures which will assist small business, which include the following initiatives—

- Payroll tax concessions: The basic annual payroll tax exemption level is to be increased by a substantial 28 per cent to \$160 000, thereby freeing 1 100 smaller employers from liability for the tax;

rebating payroll tax paid on the wages and allowances of all first-year apprentices;

a lift in the provision of grants and subsidies to industry to \$680 000, a level almost three times that of expenditure last year; and

the creation of a small business development corporation and the introduction of a small business loans guarantee scheme to improve the access of small business to the development finance which they need to expand or improve their operations.

A further initiative is moves to ensure that the State is in a position to attract high technology industries with fast growth potential.

In addition to capital expenditure of \$3.3 million on a Western Australian science and technology Park at Bentley, \$313 000 has been included in the Budget for the establishment of a technology directorate responsible for developing and co-ordinating Government policy relating to technological development.

Apart from the initiatives just outlined, a number of other allocations emphasise the central theme of the Budget, the bolstering of economic activity and the stimulation of employment. I proceed to give a few brief examples—

An allocation of \$7.6 million for the Department of Tourism—an increase of almost 36 per cent. The provision for advertising and promotion has been lifted from \$1 million to \$2.5 million in a determined effort by the Government to take better advantage of the exciting prospects tourism offers for economic development and growth and for employment creation. On this point there is no need to remind members of the enormous implications of *Australia II's* win at Newport and the need for the State to fully capitalise on that victory.

The creation of a \$3 million employment strategy fund within the allocation for the Department of Employment and Administrative services. The fund will facilitate access to the Commonwealth's community employment programme under agreed matching arrangements which increase the potential funding available to \$10 million.

Incentives to stimulate the training and employment of apprentices in the face of subdued economic conditions which have had an adverse effect on the capacity of industry to engage new apprentices and to retain them during the course of their training.

In addition to the payroll tax concessions the Government is setting aside \$204 000 to encourage group apprentice training schemes which have the potential for providing greater training and employment opportunities for apprentices in selected industries.

Living-away-from-home allowances are also to be increased to apprentices who undergo training at colleges remote from their normal place of employment.

Provision of \$350 000 has been made to allow an intake of 100 young persons under the Commonwealth special youth employment programme.

Deserving of particular mention is the fact that the major traditional areas of State expenditure have not been ignored. In the field of education, an allocation of \$623.4 million has been made to the Education Department, an increase of \$61.6 million. The allocation will enable the employment of an additional 345 staff, mainly in the area of secondary education.

Provision has been made also to enable the strength of the Police Force to be increased by 100 officers.

So far as health care services are concerned, the Government's commitment to an efficient hospital and health care service for all Western Australians is illustrated by the fact that over 25 per cent of the Budget is devoted to this area after allowance is made for hospital revenue. Gross operating expenditure on hospitals is estimated at \$565.8 million, an increase of \$49.1 million on 1982-83.

The provision for the Public Health Department includes a \$2 million allocation to a trust fund to conduct the most wide-ranging antismoking campaign ever conducted in this State.

In keeping with our commitment to support matters of particular concern to women, there is an allocation of \$988 000 to support women's refuges. This will allow for two new refuges as well as increasing funding levels to existing refuges.

An increase of 26.1 per cent in the allocation to the Department of Consumer Affairs signifies this Government's commitment to provide a more comprehensive and effective approach in dealing with consumer inquiries. The allocation this year is to be \$2.6 million.

Finally on the expenditure side, the Government, in framing this Budget, has been mindful of its obligations and commitments to aid the disadvantaged of our community. The \$6.5 million in-

crease in the allocation to the Department for Community Welfare includes significant increases in aid to indigent persons. It accommodates also the utility consumption subsidy scheme which reduces the impact of increased State charges on disadvantaged people, higher subsidy payments for children in foster and residential care, increased assistance in respect of the operation of Clontarf and Castledare, and an allocation of \$159 500 to address the pressing needs of homeless young persons.

We have also introduced a water consumption concession to assist eligible pensioners in country areas.

Revenue raising initiatives are detailed in the Budget speech and will be the subject of separate legislation and debate.

In this regard our goal in framing the financial programme, was to impinge as lightly as possible on the taxpayer consistent with our overriding aim of responsibly balancing the Budget. Nevertheless, the Government was faced with an unprecedented \$274 million first-run deficit on the basis of departmental bids. It became obvious in framing the Budget that, in the absence of revenue raising initiatives and despite severe pruning of departmental expenditure, we would be unable to responsibly implement the urgent policy reforms endorsed by the public at the last election without severe and unacceptable disruption to important ongoing programmes.

The Government decided therefore that selected increases in taxes and charges were required in 1983-84 and in framing these increases, was conscious of the need to minimise the impact on the general taxpayer and to ensure that, as far as possible, the moves will not inhibit economic recovery.

In summary, the major increases are as follows—

Stamp duty increases to generally bring our rates more into line with those in the other States.

The basic scale of duty applying to conveyances is to be increased from 1 November 1983 and full details will be provided when the legislation is introduced. However, the scale has been structured to limit the increase to a maximum of \$125 on properties valued up to \$50 000 with the highest increases applying to properties valued between \$100 000 and \$500 000.

Other proposed increases in stamp duty are—

A lift in the rate on mortgages and fixed securities from 15c per \$100 to 25c per \$100

of the amount secured, with consequent changes to the duty on indefinite term securities.

An increase in rate on motor vehicle registrations and transfers, which is below that in any other State, from \$1.50 per \$100 to \$3.00 per \$100.

The introduction of a stamp duty on life assurance. Western Australia is the only State that does not have such a stamp duty and it is proposed to levy a duty of 5c per \$100 for sums assured of between \$100 and \$2 000 and 10c per \$100 for the excess of the sum assured over \$2 000 from 1 November 1983. In the case of temporary or term insurance, a duty of 5 per cent of the first year's premium will be payable.

The Government has decided to move in line with New South Wales, Victoria and South Australia and introduce a financial institutions duty. Further details are set out in the Budget speech.

A lift of one percentage point in the turnover tax applying to off-course investments with the Totalisator Agency Board.

Apart from the above measures the Government is to increase motor drivers' licences from \$11 to \$15 per annum, with a discounted rate of \$40 to apply for three-year renewals.

Other revenue initiatives include holding to a maximum of \$6 million the funds allocated to sports and culture from the proceeds of instant money lottery sales and the requirement of the Perth Mint to pay 50 per cent of its profits to Consolidated Revenue. In addition, as has been the practice in the past as part of the budgetary process, departmental fees and charges have been reviewed and a number are to be increased so that they provide a return which more closely approximates the cost of providing the service.

In summary, revenue from all sources is expected to increase by \$334 million or 14.4 per cent. However, \$50 million of this arises from the arrangements previously outlined with the Argyle Diamond Mines Joint Venturers. A further \$17 million results from accounting changes consequent upon hospital revenue being replaced by a compensation payment by the Commonwealth to ensure Western Australia's public hospital system is not financially disadvantaged by the introduction of Medicare.

Excluding these special items, estimated revenue is up by \$267.0 million or 11.5 per cent and estimated expenditure by \$252.8 million or 10.8 per cent.

In conclusion, apart from breaking new ground in the area of resource development, this Budget concentrates on encouraging higher levels of economic activity and the stimulation of employment. Moreover, it is not only a Budget with heavy emphasis on job creation but one which recognises the need to assist the disadvantaged. It is a Budget which has been framed in difficult times to provide a positive economic stimulus and a framework for economic recovery. Moreover, the Budget is a responsible one—it is balanced.

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

BILLS (3): INTRODUCTION AND FIRST READING

1. Business Names Amendment Bill.
2. Limited Partnerships Amendment Bill.
3. Bills of Sale Amendment Bill.

Bills introduced, on motions by the Hon. J. M. Berinson (Attorney General), and read a first time.

The PRESIDENT: Order! I have already asked members once today to cease their continual audible conversations while the business of the House is being conducted. It is difficult enough to keep pace with what is happening without being sidetracked by dozens of other conversations.

TOBACCO (PROMOTION AND SALE) BILL

Receipt and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [3.13 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to repeal the Sale of Tobacco Act 1916-1964, prohibit the publication of material designed to induce smoking or the purchase of tobacco products, and strengthen the laws relating to the sale of such products to juveniles. It prohibits the offering of a free sample of a tobacco product to any person for the purpose of inducing, or promoting, the use of a tobacco product, except to persons associated with the tobacco industry or its distribution system.

Retailers will still be able to advertise brand names of cigarettes or other tobacco products at or near the point of sale, but they will be limited under this legislation in the number, wording, and size of such signs.

The Bill embodies substantial financial penalties for those convicted of an offence against the Act, and makes it clear that there is a continuing daily penalty for persons convicted of a continuing offence. It makes it clear also that it is the decision-makers who are guilty of the offence if they caused or took part in that offence, even though they might not be solely or directly concerned.

It will be an offence for anyone to publish a statement or implication to the effect that a sporting, cultural, or recreational event was, is, or is to be sponsored, financed, or promoted in any way by a tobacco manufacturer. Similarly, the Bill prohibits such a statement or implication for a scholarship, prize, or reward for human endeavour that is funded by a tobacco manufacturer.

At the same time nothing in this Bill prevents a tobacco manufacturer sponsoring a sporting or cultural event; it simply prevents that sponsor from advertising the fact.

It is pointed out that State legislation cannot override the Commonwealth's Broadcasting and Television Act which means, in effect, that we cannot prevent broadcasting permitted under that Act. Therefore, the passage of this legislation will not prevent the broadcast of sporting or cultural events which are televised in other States or overseas and transmitted to Western Australia.

With the repeal of the Sale of Tobacco Act 1916-1964, this Bill reduces the age limit at which it is illegal to sell tobacco to a minor from 18 to 16 years. This limit has been reduced to make this provision consistent with similar legislation in every other Australian State. The penalty for the sale of tobacco products to minors is updated from 40 shillings applying under the Sale of Tobacco Act to a more meaningful maximum of \$200.

The Bill makes it an offence for any person under the age of 16 to purchase cigarettes from a vending machine, as it does for anyone to purchase tobacco for sale to a person under 16 years of age. It requires the tobacco retailer to exhibit a notice advising potential customers that the sale or supply of tobacco products to minors is prohibited, and warning of the penalty for such an offence; and for similar notices to be displayed on the front of cigarette-vending machines.

The Government appreciates that tobacco retailers will need time to adjust to the new legislation. The Bill, therefore, contains a clause whereby certain provisions will not come into operation until 90 days after the date of assent, thereby giving vendors sufficient time to arrange for the printing and placing of warning signs at the point of retail sale. Furthermore, 12 months'

grace will be allowed after the date of assent before the provisions prohibiting advertising come into operation.

This Bill is presented in the knowledge that authoritative medical bodies unanimously recommend such legislation, and that it is supported by the great majority of the Western Australian public. It removes that double standard of ethics by which people are warned of the dangers of smoking, but are still subjected to the massive and aggressive promotion of tobacco products.

It is an important Bill because it deals directly with children, the health of our community, and with personal freedom.

An estimated 40 000 Western Australian children under the age of 16 have already taken up smoking. Of these, 8 000 began during the first eight months of this year; and by next year, 10 000 more will have commenced smoking at the rate of 23 cigarettes a day.

A recent independent survey of public opinion on the matter of a ban on the advertising of tobacco products showed that—

Ninety-four per cent of Western Australians do not want children to start smoking;

sixty-one per cent believe that cigarette advertising influences children to smoke; and

ninety-one per cent believe children are influenced by sport, sporting identities, and what they see at sporting events.

Another more recent survey showed that no fewer than sixty-nine per cent of people agree that all cigarette and tobacco advertising should be banned. That weight of public opinion assumes even heavier proportions when I add that only three per cent "strongly disagree" with the banning of tobacco advertising.

The will of the Western Australian people is abundantly clear. The only course of action of any Government laying claim to a social conscience is equally clear.

Seventeen countries have already banned cigarette advertising and no doubt more will certainly follow. It is not a question of whether we shall ban tobacco promotion, but when we shall ban it. This Government is saying: The time is now.

Members know only too well that tobacco smoking is the greatest single preventable cause of ill health and premature death in Western Australia today. The Commonwealth Department of Health estimates that smoking-related diseases—coronary heart disease, lung cancer, chronic bronchitis and emphysema, to name but a

few—account for the death of 16 000 Australians every year.

In Western Australia it is estimated that more than 1 200 people die of smoking-related diseases every year—on average, four people every day.

Research by a leading Western Australian medical scientist working in the field of newborn children and their disabilities, shows that smoking by expectant mothers adversely affects their unborn children. This relationship between maternal smoking and reduced birthweight has been shown, clearly and consistently in world-wide studies. Prevention is the solution to this problem.

Members would, of course, be aware that the diseases and health problems I have referred to are not the only ones caused by cigarette smoking. They will recall that they recently received a letter signed by 17 professors of the Faculty of Medicine at the University of Western Australia. Those eminent men pointed out that because of the smoking factor in the cause of so many diseases—vascular diseases and others which they listed at length—they felt compelled to put their names, for the first time together, to a letter on what they regarded as an extraordinarily important public health issue.

On the broader stage, their alarm is shared by the World Health Organisation, the International Union Against Cancer, the International Union Against Tuberculosis, the United States Surgeon-General, the Royal College of Physicians of London, the British Medical Association, the Royal Australian College of Physicians, and the Australian Medical Association. Indeed there is no health authority, no medical faculty, and no medical association anywhere in the world which denies the overwhelming scientific evidence of health damage caused by smoking.

The great paradox about smoking is that, although it represents a huge health problem, it is a problem which can be prevented. In this regard the Government has adopted a long-term strategy to combat the social consequences of tobacco addiction.

Two million dollars a year is to be spent on a comprehensive programme of education about tobacco and the harmful potential of the product. This programme will be directed mainly towards the young people in our schools, but it is clear that these preventive measures cannot possibly succeed while our children continue to be exposed to aggressive tobacco advertising.

Predictably, the tobacco industry in Australia, which last year spent an estimated \$80 million advertising and promoting its products, argues that a ban on the advertising of these products will not

be effective. In reality, the industry is well aware of just how effective a ban would be. If it were not, it would not be opposing it so desperately.

The tobacco industry argues that the introduction of a ban on the advertising of its products would constitute an infringement of freedom. Freedom is something we all cherish; but when freedoms conflict, our community must choose the greater good. It is a simple question of balance.

The greatest limitation of freedom is when the actions of one person or group threaten the freedom of the majority. In this case, we must therefore compare the freedom of the tobacco industry to advertise with the freedom of our children to grow up free from the pressures to smoke.

We must compare the freedom of the tobacco manufacturer to promote a known cause of disease, disability, and premature death with the freedom of our society to implement sensible measures to protect our public health. What we want most of all is freedom for our children—this legislation provides it.

The issue of tobacco industry sponsorship of sport, and how this would be affected by this legislation, has been the subject of much emotive and misleading tobacco industry propaganda.

For some time now, it has been illegal to advertise cigarettes directly on television. Clearly the tobacco industry has used sport to circumvent these regulations, and circumvent its own undertakings which restrain it from advertising directly in this way. It has used sport to project cigarette brand advertising to huge television audiences; and it has used sport to promote the sale of a lethal product by associating cigarettes with the glamour and approval of sport and its heroes as perceived by young people, particularly school children. What the industry contributes to sport is minimal—a mere \$500 000 or so per year in this State.

It has been claimed that the future of Western Australian sport will be in jeopardy if this Bill is passed. That, quite simply, is not true. It is true, however, that this Government is greatly concerned about the future of sport in this State, and that it does intend to make sure that sporting bodies are not seriously disadvantaged by this ban.

The Government is confident that, if tobacco sponsorship is lost to sport, alternative sponsors will be found. However, if this should prove not to be the case, the Government is prepared to consider sympathetically on its merits any individual application for assistance.

In conclusion, it is stressed that this Bill is not an extreme measure, but a reasoned response based on international experience and embodying the recommendations of the world's leading medical authorities. Above all, it looks to the protection of children from exposure to the advertising and promotion of a product that can only cause them harm.

World-wide, the tobacco industry is progressively losing its licence to advertise, as Governments, expressing the will of the people, appreciate more and more the human and national costs of smoking, and the need for action.

Through this Bill, we have an opportunity to write a new chapter in the history of public health in this country, and I commend the legislation to the House.

Debate adjourned, on motion by the Hon. John Williams.

RACING AND TROTTING: HONORARY ROYAL COMMISSION

Report: Motion

Debate resumed from 11 October.

HON. H. W. GAYFER (Central) [3.28 p.m.]: First, I thank the Minister for Mines, who was in charge of the House the other night, for delaying progress of this debate. I have expected to receive a petition from people in my district and surrounding areas, but even now it is still, regrettably, forthcoming and this debate is continuing to beat the receipt of that petition.

The question before the House really is in two parts. The first is, "That the House takes note of the report of the Honorary Royal Commission appointed to report upon racing and trotting"; the second is, "That the House requests the Government to take immediate action in order to restrain the WATC or the WATA from any action aimed at so-called rationalisation until a firm decision has been made by the Government on the recommendations contained in the report of the Honorary Royal Commission". In order to consider the salient points of that report we must remember not to discuss the matter, as could easily be done, in generalities. We must dissect the report as it has been written and as it would have applied had the Government taken note of it.

I will quote now from *Hansard* of Wednesday, 21 April 1982 where the Hon. N. E. Baxter moved in the Legislative Council—

- (1) That a Select Committee of the Legislative Council be appointed to inquire as to the suitability of the present laws re-

lating to Racing and Trotting in Western Australia, particularly:—

- (a) whether the allocation of surplus TAB monies of 80 per cent each to the club and the Association and 20 per cent each to Country Clubs, as provided in the Totalisator Agency Betting Board Act 1960-1970, and originally based on stakes paid, is a fair and justifiable allocation, or should the percentage be based on TAB investments engendered by each section;
- (b) whether the *ad hoc* financial assistance rendered by the WATC and the WATA to Country Clubs in each sport is equitable and indicative of progress and financial stability in Country Racing and Trotting;
- (c) whether control of horse racing as provided for in the present laws is satisfactory; and
- (d) in event of the laws and *ad hoc* financial assistance being considered suitable or unsuitable in any respect, what changes, if any, should be made in the laws.

It is history that Mr Baxter moved that motion and it was agreed to by the House. The House appointed the Hon. Graham MacKinnon and the Hon. Fred McKenzie, two very dour Scotsmen, which I thought rather significant at the time, to serve on the committee and ascertain what they felt was right or wrong in the industry. That Select Committee later became an Honorary Royal Commission and produced the report referred to in the motion before the House. Evidence was given by 74 witnesses, and 1116 pages of transcript was taken. Of the 36 meetings held, 20 were held as a Select Committee. A comprehensive study and comparison was also made by the commission in regard to racing in the Eastern States. It is unnecessary for me to reiterate the contents of the report, but I will refer to some salient points which refer to the second part of the question before the House. I quote the history of the Racing Restriction Act from page 13 of the transcript—

An Act for the restriction of horse racing and trotting which restricts the number of race meetings both for thoroughbred and standardbred (trotting) horses that can be conducted in the metropolitan area. Provides an interpretation of the metropolitan area for the purposes of the Act and also provides

that no horse race shall be held without licence of the WA Turf Club, and no trotting race shall be held without licence of the WA Trotting Association, in any other part of Western Australia.

Of course, this is one bone of contention in racing generally in Western Australia. I quote from page 15 of the transcript giving the definition of the Totalisator Agency Board Betting Act—

An Act to constitute a Totalisator Agency Board and to authorise, regulate and control betting off a racecourse on totalisators through the board and betting with the board and for incidental and other purposes.

I quote the title of the Racecourse Development Act 1976 as follows—

An Act to establish a Racecourse Development Trust and to make provision for a Racecourse Development Trust Fund for the purposes of assisting country racing clubs in improving facilities provided by those clubs and for incidental and other purposes.

I quote from page 17 of the transcript. Referring to the Racing Restriction Act 1917-1973, the commission pointed out that—

The provision of administration services and staff, race subsidies and other assistance to provincial and country clubs by the WA Turf Club is purely a voluntary, even if necessary, form of fostering country racing, and it is only in recent times that the clubs have received from the WA Turf Club a copy of a Budget drawn up showing the estimated expenditure on country clubs assistance.

The amounts shown in the estimates appear not to be subject to check or audit by anyone in authority, and their validity was questioned by some witnesses.

It is interesting to note that on page 19 appears the following comment—

As from 1979 the WA Turf Club decided to decrease the number of race meetings held by the provincial clubs at Northam, York, Toodyay, Beverley and Narrogin by a total of eleven and conduct that number of mid-week meetings in the metropolitan area, bringing the total meetings there to 71 out of the 76 provided for by the Act.

This is the first question that causes me to view with some alarm the actions of the Western Australian Turf Club. When one considers its actions in deleting racing dates from country clubs in order to gain midweek racing in the metropolitan area, it causes one great concern. Nothing is surer than that that is the motive behind the move. I

have been reading the racing report delivered to the Department of Youth and Recreation in Victoria. It is very interesting to note that in item 6 (3) on page 29 appears a reference to race meetings in Victorian country and metropolitan areas. It says that Victorian meetings will be increased by 12 to 96 making an average per metropolitan club of 24 race meetings a year. On present indications, the WA Turf Club has increased its present level to 76 meetings a year, which is an average of 38 per course. Its present average number of meetings is 75 which gives an average of 37½ meetings per course. It is very interesting to note the Victorian situation because it is totally different from that of Western Australia. I quote as follows—

The Board considers that any further move to increase the total to 104 (two meetings per week) could prove too great a disadvantage to the country). An assurance has been received from the V.R.C. that all Wednesday Cup dates will be retained in Group 1 country clubs.

On page 21 of the report the WA Turf Club's submission indicated—

The major barrier to any further increase in metropolitan race dates is the Racing Restriction Act which permits a total of 76 metropolitan meetings plus a further five charity meetings on the approval of the Chief Secretary in any one calendar year. In 1982 the WATC will conduct 76 meetings including eleven regular mid-weeks, four mid-weeks taken over from Northam Race Club because of that Club's inability to run them, and one charity meeting.

The recommendations on page 25 state—

Your Commission recommends that:—

- (1) the Racing Restriction Act be amended to include provisions that will place onus and responsibility on the WA Turf Club and WA Trotting Association to provide specific assistance to country TAB meeting clubs and country non-TAB meeting clubs;
- (2) there be amendments to the WA Turf Club Act necessary to give statutory recognition to the presently constituted provincial and country racing associations;
- (3) there shall be a dates and programs committee formed by equal number of delegates from the WA Turf Club and the proposed Country Racing Council to resolve racing dates and programs within certain safeguards for the country;

- (4) there be amendments to provide that the WA Turf Club will consult with the proposed Country Racing Council on any matter which is deemed by the country TAB and non-TAB meeting racing clubs to directly affect the financial viability, status or existence of a country club;

To date I have dealt with those sections of the report relating to race dates and controls. In order to submit my argument for the adoption of these recommendations and the implications they have for the country areas, I have to deal with the comments made in respect of the TAB on page 36. The Commission said under the heading "Totalisator Agency Board Betting Act 1960-1973"—

There is a need to provide a more equitable method of distribution of TAB surplus funds to the WA Turf Club and the racing clubs registered with it conducting races outside the metropolitan area, as well as the WA Trotting Association, the Fremantle Trotting Club, and the trotting clubs registered with the association conducting races outside the metropolitan area.

The report is far more comprehensive than that; it does not deal just with the two sections relating to racing dates and finance as quoted by me, and there are many recommendations that call for, and I quote again from the motion before the House, "a firm decision by the Government". Certainly, the report is so revealing that the House must take note of its contents.

The sections I have dealt with give rise to the second part of the motion before the House, which is that the House requests the Government to take immediate action in order to restrain the WATC from any action aimed at so-called rationalisation. Regrettably, the commission according to Mr McKenzie's interjection during the Hon. Graham MacKinnon's introduction of the motion, did not study the matter of rationalisation. After this report hit the Press however, the WATC embarked without reference to the provincial and country clubs, on a strategy of so-called rationalisation that brought almost total fear for the future of those clubs among racegoers, shires, electors and country folk generally.

In my immediate area, the impetus was to phase out Beverley and Toodyay from the country and provincial circuit. This was done in a move to beat any recommendations that may or may not have been adopted by the Government following the recommendations of the Commission. It caused Mr McKenzie, a member of this House and of the Commission, to make certain observa-

tions and I quote from *The West Australian* of 18 August, in which he is reputed to have said, and I have not heard him deny it—

"It is up to the State Government and the Minister for Administrative Services, Mr Parker, to provide protection for the country clubs," said Mr MacKinnon.

"They play an important role in the recreation of rural areas and provide an outlet for the lesser horses and small-time owners to take part in the sport".

"Phasing out of country clubs would only place more pressure on city courses which already operate to near capacity and would be detrimental to plans for decentralisation."

Mr MacKinnon said the effect of decentralisation was a central issue which needed to be investigated.

I am sorry, I am quoting Mr MacKinnon and not Mr McKenzie.

Hon. Fred McKenzie: That is better; you had me worried for a while.

Hon. H. W. GAYFER: The same article states the Chairman of the WATC, Sir Ernest Lee-Steere, announced the proposal to phase out Toodyay and Beverley race clubs and promote further amalgamation in the response to the report. It continues—

The WATC says that the proposal is particularly geared towards the commission's recommendation that country clubs should receive a greater share of TAB allocations to help them remain viable and pay greater stake money.

Sitting suspended from 3.45 to 4.00 p.m.

Hon. H. W. GAYFER: I see nowhere in the report, that the move for rationalisation was ever contemplated by the Honorary Royal Commission. In fact, rationalisation was not considered by any of the people who were interviewed by the commission. The indecent haste with which the axe fell on the provincial clubs is in sharp contrast with the moneys that had been allocated, say, to the Beverley Race Club from the Racecourse Development Trust over the last four or five years. The details of the allocations from the fund to the club are as follows—

	\$
1976-77 Roofing of public area	15 000
1979 Track railing and extensions to toilets	10 000
1980 Materials for new horse stalls, etc.	2 301

1982 Extensions to the bookmaker and public bar facilities, 50 new horse stalls	\$ 18 000
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I am drawing attention to those figures as it would appear at that stage there was no indication that the Beverley racecourse would cease to be a provincial one according to the amount of money being put into it from that fund alone.

Immediately upon the release of the report of the Honorary Royal Commission, the WA Turf Club announced its proposed rationalisation programme. This caused great consternation. The decision was made without any consultation with the country segment of the industry or, come to that, without any consultation with any other segment of the racing industry. It caused pandemonium, not only in country racing circles, but in country areas generally.

The shires and the electors began to look at their investments. Shopkeepers wondered about the tourist trade generally. Trainers and owners began to worry about their future in the sport. Race clubs and committees did not know what to do with the dictatorial WATC that was hell-bent, by one means or another, on weaning racing from the country to the metropolitan area.

The impact is very severe in the Avon Valley where York is the oldest country racecourse in WA, and the second oldest in Australia. Such was the fury of the unconsulted country committees that representations were made to the Government. Petitions were and are still being collected and many meetings were called and demanded of the WATC. Not the least of the commotion was caused by Lady Jessica Lee Steere who pranced up and down Toodyay complaining about the horrifying prospect of Toodyay—the hometown of the Lee Steeres—suffering from the decision of the WATC which is chaired by her husband.

What really caused the sudden change of direction on the part of the WATC is not known. However, on 28 September this article appeared in *The West Australian*—

The Toodyay and Beverley Race Clubs have been saved and Toodyay will continue as a provincial track in the eastern districts but Beverley will—

I emphasise the word "will". To continue—

—become a member of the Great Southern Racing Association.

It is believed that this decision was made by the committee of the WATC at a meeting held during that week. As a matter of fact, this decision was made at a meeting which was held the previous Tuesday. Mr Campbell, the Secretary of the

WATC, rang the Beverley Race Club on the Friday and said that the matter was a *fait accompli* and that the inclusion of the Beverley Race Club into the great southern racing circuit had been leaked already to the Press even though the clubs had never been consulted.

Meanwhile, the Mt. Barker club gained a reprieve. It appears that, of all the injured clubs in the main racing sector, the only one to continue to suffer will be Beverley—the club that was relegated to the Great Southern Racing Association.

That sort of reasoning is plainly stupid; it was an impractical solution. The proposal that the WATC offered the Beverley club is nothing short of impossible—it will be impossible to make it work. Beverley is 250 miles to the north of Albany, and 220 miles north of Mt. Barker; yet it is to be included in that racing circuit. This seems absurd when York is only 20 miles from Beverley, Northam is 40 miles away, Toodyay is 60 miles distant, and Perth is 80 miles away. The whole situation is quite ridiculous.

The removal of the Beverley club from the provincial circuit is tantamount to closing that race track. Colleagues, this is not on. I do not believe that the intent of the Racing Restriction Act 1917-1973, or the intent of this report, were ever to cut out the established country racing centres to satisfy centralisation in the metropolitan area. Rather, I think the intent was to the contrary. This would be in line with the improvement in trotting practices referred to on page 19 of the report of the Honorary Royal Commission, where it states—

—the WA Trotting Association Act does provide for a country clubs benefit fund and also, in statutory by-laws the main object of the association shall be to foster and extend the sport of trotting throughout Western Australia and also regulate and control that sport wherever carried on in the State.

Those words could well be included in future legislation to control the operations of the WATC. To this end, political and certainly Government intervention is a must. This report is the vehicle by which action must be taken to give everyone interested in racing a fair go, and I include those who have huge investments in the industry. The commission went on to talk about ministerial involvement, and it said—

Your Commission is aware that very few Ministers responsible, in the past, for racing in Western Australia, have been involved to any degree in racing and trotting, nor have they been race followers and therefore lacked a general knowledge of the industries.

In what is almost the final recommendation, on page 71, the commission stated—

Your Commission recommends that—

- (1) A Racing Advisory Committee comprising a Chairman and two other members appointed by the Governor be set up.
- (2) The Committee meet in discussion with controlling bodies and maintain constant liaison with clubs and other racing industry groups and organisations.
- (3) The Committee will advise the Minister on racing matters generally and in the following particular functions which will become its prime responsibilities.

Then on page 72 the commission referred to the several separate functions that it believed such a committee should contribute to.

I have represented the Avon Valley, both as an MLA and as an MLC for several years. During my time in Parliament I have been an ardent supporter of all country racing in the Avon Valley. Therefore, I can only urge the House to support this motion moved by the Hon. G. C. MacKinnon.

HON. W. G. ATKINSON (Central) [4.12 p.m.]: As Mr Gayfer's fellow member for Central Province, I would like to state my views on this matter. I feel very strongly about the high-handed and dictatorial attitude taken by the WATC after the release of the report of the Honorary Royal Commission. It appears that the recommendation to amend the allocation of funds from an 80:20 basis to a 60:40 basis has really stirred up the WATC. It seems to be the motivation for the decision.

This matter was first brought to my attention by the Toodyay Race Club. When representatives of that club heard that I was in town for another meeting, I was approached to meet with its officials. The thing that stirred the Toodyay Race Club into taking action was a letter it received from the WATC dated 15 July 1983. In part it reads—

It has been decided that in the context of this Club's response to the Minister on the report of the Honorary Royal Commission, the racing in your area should be conducted on a combined-Club basis, operating at the Northam and York Racecourses. It is envisaged that the courses at Toodyay and Beverley, would be phased out.

That is pretty drastic action with which to confront the club. Following that letter, a series of Press articles appeared suggesting that these clubs should be phased out. Under the heading, "Amalgamation is the answer" in *The West Aus-*

tralian of Friday, 29 July, 1983, the following appeared—

Midweek city meetings have become so successful this year that often the betting turnover figures are double those of a corresponding meeting in the country.

That is an example of city interests trying to override country interests in regard to TAB turnover. Another article headed "Toodyay, Beverley will get the chop" appeared in the same newspaper on the same date. It stated—

THE TOODYAY and Beverley race clubs will be phased out under a proposed WA Turf Club scheme for the rationalisation of country racing in this State.

Then in the *Sunday Independent* of 27 July 1983 an article appeared which referred to the same amalgamation plan. It was headed "Turf club's winner", and stated—

The number of metropolitan race meetings would increase significantly under the proposed rearrangements which would also generate additional government revenue and additional industry revenue for distribution to all clubs.

The Hon. Mick Gayfer has already mentioned the article headed, "Lady Jess on Warpath" which appeared in *The Western Mail* of 13 July 1983 and reads, in part, as follows—

"If public protesters can stop the building of the Franklin Dam, surely we can do something for Toodyay," she said, "I think all country race clubs should be allowed to operate."

It goes on to say—

The plans have been described as body blows to the Toodyay and Beverley shire councils, both of which have considerable financial interests through loans to the clubs.

In conclusion it says—

Local charities involved in catering at race meetings raised about \$12,000 a year.

The Toodyay club owed about \$105,000 to the council.

In *The West Australian* of 11 August 1983 an article appeared under the heading "The axe should fall on country tracks" which stressed that betting turnover would be boosted. In *The West Australian* of 12 August a further article appeared under the heading "Fielders say less clubs" which indicates that even the bookmakers are getting in on the act.

In the *Daily News* of 18 August 1983 under the heading "Changes depend on Government action"

an article appeared which reads, in part, as follows—

The WA Turf Club have denied suggestions they intend to close large numbers of country racing clubs.

In a statement released today by the chief executive Ray Campbell, the club said it believed the thoroughbred racing industry had a responsibility to provide an amenity and entertainment to the public throughout the State—and they failed to see how this could be achieved by closing large numbers of country clubs.

It can be seen the WA Turf Club has at last taken notice of some of the comments which have been made.

One of the newspaper articles referred to the amount which was owed by racing clubs to shire councils. I received a letter from the Shire of Beverley in relation to this matter which read, in part, as follows—

Council views with deep concern the Turf Club's proposal and does lodge the strongest possible objection against such action being implemented.

It went on to say—

The Beverley Race Club provides a tremendous sporting and recreation facility to this community and to racegoers throughout the State generally. The Beverley Track is of a very high standard and this is acknowledged by racegoers, especially Owners, Trainers and Jockeys. Over the years the Club has spent many thousands of dollars in establishing and continually upgrading their facilities and in the last twelve months has completed new concrete horse stalls and extensive extensions to their covered bar and betting area.

Further on, the letter continued—

Council has financed the Club in the building of the majority of its facilities, including the magnificent grandstand and at the time of writing the Club's outstanding debt to Council, in the form of selfsupporting loans, amount to \$44,672.

The Hon. Mick Gayfer mentioned the WATC has suggested that the Beverley club join in the great southern round, which is a region far removed from the club's geographic base in the eastern districts' racing circuit of Toodyay, Northam, York, and Beverley.

Once again, the WA Turf Club is trying to dictate to country areas and pre-empt the Government's decision on this matter.

The Western Australian Sports Federation issued a Press release, paragraph 2.0 of which is titled "Terms of Reference", which reads, in part, as follows—

As was pointed out in the Federation's submission to this Inquiry (Baxter, paragraph 8 and 9) such selective terms can only confirm a pre-determined view and ignore the wider social and economic issues.

The next sentence really worries me. It says—

This view was also espoused by the present Chief Secretary and Attorney General, Mr. J. M. Berinson.

I just wonder how fair the Government's hearing will be.

Considerable debate has taken place on the motion, therefore, my remarks shall be brief. The Council should be well aware now of the real dangers to racing in country areas of this State.

I implore the Council to support the motion.

HON. G. C. MacKINNON (South-West) [4.20 p.m.]: I thank members for their support of the motion. I take it that, on behalf of the Government, Mr McKenzie has put forward the points it feels it is necessary to mention.

Members have contributed a great deal to the debate and I thank them for their thoughtful and careful contributions. I am sorry the Hon. Norman Baxter was not here to move the motion, as I am sure he would have done, because I am one of his great admirers. He certainly disproved the myth that we need to have young men in places like this, because at over 70 years of age he was still working a great deal harder than many fellows half his age.

I noticed in a great number of the comments made and in the notes I have seen of the Minister's reaction to this matter the oft recurring statements, "The WA Turf Club says..." or "The Turf Club believes..." or "The Turf Club advises..."

If you, Sir, read the Baxter commission's report you will see it is clear the commission felt strongly that it is time the industry started to have a say. The committee believed the racing and trotting fraternities ought to have more say and the dictatorial, paternalistic attitude of the WA Turf Club and the WA Trotting Association should be changed.

I have already mentioned the dictatorial attitude of those bodies was so noticeable that an extraordinary amount of evidence was taken in camera by the committee. The reason for that was people were afraid of reprisals. Some people made no secret of that, such was their fear of the totally

paternalistic attitude of the WA Turf Club and the WA Trotting Association—and that was particularly the case in respect of the Turf Club.

I agree it is necessary to have a firm committee to control racing. There is no doubt about that. However, a firm committee could quite easily administer the range of WA Turf Club activities. I was very pleased members took up that point.

Mr McKenzie was a member of the committee and, during the course of his remarks in the debate, he said some of the country clubs were rather weak. Perhaps he momentarily forgot that one of the recommendations of the committee was that country clubs should have more money, and, therefore, become stronger. It was recommended also that country clubs should have more representation and more say as to what was happening in the industry as a whole. If that occurred, automatically greater consultation would take place when changes were to be made and we would not have the sort of confrontation which occurs now.

It is a pity the Hon. Bob Hawke is not here, because this surely would be up his alley. He seeks to stop confrontation and encourage consultation, although he would go even a little further so that decisions are made by consensus—and that is a good thing, too.

When Sir Ernest Lee-Steere made the announcement at the committee meeting in relation to the Toodyay and Beverley race clubs, there was an automatic knee-jerk reaction on the part of everyone in the country, including Sir Ernest's wife, Lady Jessica. A confrontationist attitude was generated towards stopping any move to close any of the country race clubs.

Mr Wordsworth or Mr Knight pointed out the involvement of the local shire in the Mt. Barker club and the money the shire had spent in that area. The Hon. Mick Gayfer and the Hon. Mr Atkinson mentioned the money spent in this area in the Avon Valley.

One of the problems is that nobody in Australia is accustomed to racing horses on a well-prepared, winter, non-grass track. This is done in other parts of the world, but in Australia horses are usually raced on a sand track when not on grass and the sand tends to be thrown up under the horses' hooves. I understand experiments are being conducted with a bark and chip track in the metropolitan area which could be rather successful. The Hon. Bill Stretch had to attend to urgent Parliamentary business in his electorate, but had he had the opportunity, he would have referred to the Collie Race Club which local members are

trying to resurrect in order that it may function as a winter club in that area.

Pinjarra and Bunbury, two very successful provincial clubs, race on grass in the summer and no racing occurs in the wintertime in that area. The winter circuit is in the eastern districts, that is, York, Northam, Beverley and Toodyay. The people in Collie are working towards winter racing on a bark and chip track.

The Hon. Jim Brown, loyal to the nth degree, is pointing out to me that Kalgoorlie races in the summer also. The committee put a great deal of time into trying to devise methods whereby Kalgoorlie could obtain a better crack of the whip over the whole range of racing.

I hope sincerely that the Minister has looked at the matters we have brought forward and that no precipitate action will be taken.

In conclusion, I point out some of the major recommendations of our report were that the paternalistic attitude adopted years ago in this area should cease, that more consultation should occur, and that organisational methods should be set up whereby everybody has a fair and proper say on this matter. One of the aspects which might arise from that is the fear of reprisal from "Big Brother"—I do not mean the Government in this case; I mean the head committee—will no longer exist.

One of the propositions of the Baxter committee was that, as a matter of course, money should flow more freely so that the people in provincial areas—that is, Kalgoorlie, the eastern districts, and the south-west—are not afraid to have their say and to buck "Big Brother" because they fear they might not receive adequate funds.

I am aware you, Sir, are keenly interested in another aspect in which, in your opinion, the committee is all-powerful and comment has been made about that. A warning has been issued that this matter should be looked at, and I refer to the appeals position. I was alarmed when I read some reports in the newspapers about what looked like precipitate action being taken which could forestall the recommendations made by the committee to Mr Parker. A number of members in this excellent House of Review approached me about the matter and asked me whether the problem could be highlighted. As you, Sir, are aware, our Standing Orders are designed to enable these matters to be aired and, acting on your advice and that of your Clerks, I moved this motion in order to give those interested in the issue the opportunity to put forward their views. They have done that most forcibly, cogently, intelligently, and, I hope sincerely, most persuasively.

Question put and passed.

House adjourned at 4.30 p.m.

QUESTIONS ON NOTICE

496. *This question was further postponed.*

PASTORAL INDUSTRY

Leases: Kimberley

511. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Is the Government planning to allow excisions from pastoral leases in the Kimberley?
- (2) If so—
 - (a) to whom are the excisions to be granted; and
 - (b) under what form of title are they to be granted?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

- (1) It is presumed that the member is referring to excisions from pastoral leases for Aboriginal purposes, although land can be surrendered or resumed for a variety of purposes under the Land Act.

Negotiations have recently occurred with pastoral lessees to enable the surrender or excision of land applied for by Aboriginal communities.

- (2) (a) Agreement has been reached in the following cases:
 - (i) Ngumpan Group (Christmas Creek Station);
 - (ii) Muladja Group (Go Go Station);
 - (iii) Yiyili Group (Louisa Downs Station);
 - (iv) Djugerari Group (Cherrabun Station);
 - (v) Rugan Group (Dunham River and Bow River Stations);
- (b) it is intended that the surrendered or excised land would be reserved under the Land Act for use and benefit of Aborigines.

PASTORAL INDUSTRY

Leases: Title

516. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

Is the Government considering the granting of—

- (a) perpetual leasehold title; or
 - (b) freehold title,
- over existing pastoral leases?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

- (a) and (b) The matter of land tenure in pastoral areas is under consideration. Any change in existing tenures would require legislative amendment.

PASTORAL INDUSTRY

Leases: Aboriginal Lands Trust

518. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Which pastoral leases are currently held by the Aboriginal Lands Trust?
- (2) Are the rules governing access to these leases the same as for other leases?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

- (1) Pastoral Lease 3114/425, Glen Hill Station;
Pastoral Lease 3114/860, Pippingara;
Pastoral Lease 3114/953, Dunham River;
Pastoral Lease 3114/1103, Walaguna;
Pastoral Lease 3114/1106, Lake Gregory;
Pastoral Lease 3114/1105, Billiluna.

In addition the Aboriginal Lands Trust, by virtue of its shareholding in Noonkanbah Pastoral Company Pty. Limited and Waratea Pty. Ltd., holds an interest in the leases over Noonkanbah and Waratea Stations.

- (2) Yes.

519. *This question was postponed.*

HOUSING

Rental: Inspection of Premises

520. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

- (1) Are prospective State Housing Commission tenants permitted to view premises which have been allocated to them before they sign a tenancy agreement and pay rent in advance?

- (4) If not, why not?

Hon. PETER DOWDING replied:

- (1) Yes.

- (2) Answered by (1).

521 and 522. *These questions were postponed.*

HOUSING

Rental: Unsatisfactory Accommodation

523. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

If a prospective State Housing Commission tenant refuses to accept accommodation offered to him on the grounds that he considers the accommodation to be unsatisfactory, is he automatically removed from the Housing Commission's waiting list?

Hon. PETER DOWDING replied:

The applicant's reasons for refusal of an offer of accommodation are always taken into consideration before a decision is made as to whether the applicant has received a valid offer.

If the offer is considered not to be valid then a further offer without any penalty is made.

On the other hand, if the offer is considered to be valid then the applicant is put back on the waiting list with a delay of at least six months, depending upon the waiting period.

UNIONS

Elections: Rigged

524. Hon. NEIL OLIVER, to the Minister for Industrial Relations:

I refer to the article on page 3 of *The West Australian* of 21 September 1983 concerning allegations that two trade union elections were rigged after postal ballots had been tampered with, and the undertaking given by the Leader of the

House on the adjournment debate of 21 September, can he now advise—

- (1) Which unions were involved in these allegations?

- (2) Is either or both these unions affiliated with the Australian Labor Party?

- (3) Have any charges been laid against either or both of the unions and/or individuals as a result of these allegations?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

- (1) to (3) As this matter is Federal in nature, my inquiries are incomplete. However, at the appropriate time I will advise the House accordingly.

HOUSING

Rental: Evictions

525. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

- (1) Is the Minister aware that State Housing Commission tenants in the Kwinana area, who were given accommodation several years ago under relaxed eligibility criteria, are now being evicted?

- (2) If so, will the Minister—

- (a) provide names and addresses of those tenants being evicted; and

- (b) provide reasons why these tenants are being evicted?

Hon. PETER DOWDING replied:

This is a matter which has already been raised with the Minister by the member for Cockburn, and he advises the member here, as he has already advised the member for Cockburn—

- (1) Some letters were sent out in error by the regional officer without authority and these decisions have been withdrawn.

- (2) (a) and (b) Answered by (1).

Hon. N. F. Moore: I hope he tells the people involved.

STATE FORESTS: PINE

Planting: Programme

526. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

When does the Minister expect the committee, under the chairmanship of Dr Manea, with reference to pine planting, to report?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

It is expected that a preliminary report will be available by March 1984.

HEALTH: TOBACCO

Advertising: Grants

527. Hon. P. H. WELLS, to the Attorney General representing the Minister for Health:

- (1) Will the Minister advise if the Australian Council on Smoking and Health, or any of the listed council representative organisations appearing on page 17 of the *Stirling Times* of Tuesday, 11 October 1983, have or are to receive a grant from the Government in 1983 for antismoking advertisements?
- (2) What are the details of each grant?
- (3) What amount of these grants were for antismoking media advertisements in—
 - (a) local community papers;
 - (b) other papers;
 - (c) radio; and
 - (d) television?

Hon. J. M. BERINSON replied:

- (1) Neither the Australian Council on Smoking and Health, nor any other of the listed organisations, has or is to receive such a grant.
- (2) and (3) Not applicable.

TOURISM

Caravan Parks and Camping Areas: Shannon River Basin

528. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Who will run the caravan and camping area proposed for the former Shannon townsite?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

It will initially be maintained by the Forests Department.

HEALTH: TOBACCO

Minors: Prosecutions

529. Hon. P. H. WELLS, to the Attorney General representing the Minister for Health:

In each of the last five years—

- (1) How many incidents involving the sale of tobacco products to minors were reported to the department?
- (2) How many of these cases resulted in a departmental officer visiting the offending vendor?
- (3) In how many of these cases was the vendor charged?
- (4) How many incidents of minors, giving tobacco to their peers or younger children, were reported to the department?
- (5) What action was taken by the department in cases where minors were reported for violating laws relating to tobacco products?

Hon. J. M. BERINSON replied:

- (1) to (5) Until July 1983, the enforcement of the Sale of Tobacco Act was the responsibility of the Chief Secretary. This question should, therefore, be referred to the Attorney General.

530 and 531. *These questions were postponed.*

TOWN PLANNING

Headworks Charges

532. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Planning:

- (1) Is the Town Planning Board, through its statutory powers, assisting the Metropolitan Water Authority to acquire headworks contributions as a condition of approval for further subdivision of allotments in developed areas where the utilities water and/or sewerage and/or drainage already exist?
- (2) Has the Town Planning Board ever consulted with the Metropolitan Water Authority regarding what conditions should be applied in respect to applications for further subdivision in developed areas where utilities water and/or sewerage and/or drainage already exist?

- (3) If the answer to (1) is "Yes", are the Town Planning Board's statutory powers still being enforced to assist the Metropolitan Water Authority in these circumstances?
- (4) If the answer to (1) is "Yes", will the Minister seek Crown Law opinion as to the validity of the use of such statutory powers in favour of another public instrumentality?
- (5) If the answer to (1) is "No", did such a policy previously exist, and if so, when was this policy discontinued, and for what reason?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

- (1) I am aware that question 462 of Wednesday, 19 November 1980 raised similar points. Certain changes have occurred since that time with the effect that the Town Planning Board now uses the following condition—

Certification from the relevant water authority that arrangements have been made with that body so that a connection to an adequate water/sewerage service will be available to all lots proposed by (this) subdivision.

Whether the arrangements referred to in that condition involve a headworks contribution, will depend entirely on the nature of the requirements of the relevant authority.

- (2) Yes.
- (3) Answered by (1).
- (4) The condition quoted in answer to question (1) was prepared as a result of advice from the Crown Law Department.
- (5) Not applicable.

RECREATION

Walking Tracks: Shannon River Basin

533. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Will the Minister table the plans for new walking tracks in the Shannon Basin referred to in question 373 of Wednesday, 14 September 1983?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

Plans of proposed walking tracks in the immediate vicinity of the former Shannon townsite will be tabled as soon as they are available in a presentable form.

Plans of a more extensive system of walking tracks are still in preparation.

534 and 535. *These questions were postponed.*

STATE EMERGENCY SERVICE

Protective Clothing

536. Hon. P. H. WELLS, to the Minister for Mines representing the Minister for Police and Emergency Services:

In relation to the \$130/\$140 given in answer to question 485 of Tuesday, 11 October 1983, as the cost to provide a volunteer of the State Emergency Service with protective clothing, would the Minister please itemise the items that make up the figure?

Hon. PETER DOWDING replied:

Cap/sunbuster	3.00
Cap/safety	9.00
Overalls—SES	31.50
Boots—high leg	30.00
Jackets—wet weather (if available)	35.00
Trousers—wet weather (if available)	21.00
Badges50
Web-belt	3.00
Water canteen and carrier	7.00
	<hr/>
	\$140.00

LAND

Pine Planting

537. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

When is it expected the pilot study into leasing land for pine planting will be completed?

Hon. J. M. Berinson (for Hon. D. K. DANS) replied:

By 31 December, 1983.

QUESTION WITHOUT NOTICE

HEALTH: TOBACCO

Minors: Prosecutions

131. Hon. P. H. WELLS, to the Attorney General:

In connection with question 529, obviously after the question was referred to him the Minister for Health did not have the courtesy to refer the question to the Attorney General so that he could provide an answer to the House. Will the Attorney provide an answer at the next sitting of the House?

Hon. J. M. BERINSON replied:

I regret to advise the member, and the House, that not only was the question

originally misdirected to the Minister for Health, but also the Minister for Health has mistakenly redirected it to the Attorney General.

Hon. P. H. Wells: Do you say the Government doesn't know what the Government is doing?

Hon. J. M. BERINSON: That part of the duties of the former Chief Secretary are now, I hope, within the authority of the Minister for Employment and Administrative Services, and I will be perfectly happy to forward the question to him for his response.

