HOUSE OF ASSEMBLY

Wednesday 1 June 1983

The SPEAKER (Hon. T.M. McRae) took the Chair at 11.45 a.m. and read prayers.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard:*

SANDBAGS

In reply to **Mr PETERSON** (19 April).

The Hon. G.F. KENEALLY: I agree with the suggestion that it would be advantageous if councils were to hold stocks of bags for use when flooding occurs. However, the decision to hold stocks of bags for mitigation of flood damage is one which would be made by individual councils. A small supply of bags is held at S.E.S. Headquarters, but on the day of the flooding they were quickly exhausted. The Army provided the Police Department with several thousand bags and, in addition, arrangements were made for commercial sources at Royal Park and Kent Town, which had ample supplies, to remain open to satisfy emergency demands. All persons who contacted S.E.S. Headquarters regarding the availability of bags were advised of these sources of supply.

PUBLIC TRANSPORT FARES

In reply to the **Hon. D.C. BROWN** (19 April).

The Hon. R.K. ABBOTT: There has been no over-run in expenditure within the State Transport Authority, but there has been a short-fall in receipts that has resulted in the net cost of providing services exceeding Budget estimates by $2 348 000 and this position is summarised as follows:

	$'000
Shortfall in:	
Traffic receipts	998
Interest receivable	1 361
Other receipts	81
	2 440
Less Savings Expected	92
	$2 348

Therefore the deficit is now likely to be $73 454 000. The $73 454 000 includes the amount provided from the round-sum allowance to cover salary and wage increases and other cost increases beyond the control of the authority. This allowance was not included in the $58 900 000 referred to by the honourable member.

EYRE PENINSULA TOURISM

In reply to **Mr MAX BROWN** (29 March).

The Hon. G.F. KENEALLY: The Director of Tourism has advised that he cannot withdraw the existing brochure or delay a reprint of 20 000 brochures because, if he did so, the department's travel centres and other outlets for the information could be left without stock before an update is completed. The tourist officer employed by the Whyalla corporation has publicly acknowledged that the errors will not affect the level of visitation to Whyalla. As soon as it is practicable, the Department of Tourism will issue an updated Eyre Peninsula brochure that will be set out in a more exciting format, and the honourable member can rest assured that its contents will be meticulously checked.

JULIA FARR CENTRE

In reply to **Mr BECKER** (5 May).

The Hon. G.F. KENEALLY: The Minister of Health sought and has received an urgent written report on the incident involving the display of a poster on the eighth floor, East Block, Julia Farr Centre.

The Minister is dissatisfied with the general approach that was taken in the matter, and regrets the circumstances under which the poster was displayed. He believes that the incident points to the need for additional specialist medical advice at the centre. In fact the need for additional specialist input at the centre is a matter that the Committee of Inquiry into Hospital Services in South Australia, chaired by Dr Sidney Sax, will examine and submit recommendations upon to the Government. In the meantime, staff of the centre have been advised that notices should not be posted without the prior approval of the Chief Executive Officer, Mr David Coombe.

UNSWORN STATEMENTS

In reply to the **Hon. D.C. WOTTON** (20 April).

The Hon. G.F. KENEALLY: The Commissioner of Police has provided the Government with advice recommending the abolition of the right of a defendant to make an unsworn statement. The Commissioner's advice was noted and considered along with many other submissions on the same subject prior to the introduction of the Government Bill dealing with the unsworn statement.

NEWLAND PARK KINDERGARTEN

In reply to the **Hon. D.C. BROWN** (7 May).

The Hon. LYNN ARNOLD: I understand that, while I was in Canberra at the recent Australian Education Council meeting, the Hon. Mr Brown raised the issue of staffing at Newland Park Kindergarten. Mr Brown is obviously confused over several basic considerations in relation to the staffing and operation of union kindergartens. Actual enrolments at Newland Park as at 11 May 1983 are:

5-year-olds	17
4-year-olds	56
3-year-olds	29

However, only 4-year-old, and in some circumstances 5-year-old children, are used in the calculation of staffing entitlements. Certainly a case exists for the restoration of the half-time aide position removed in 1982, but available funding as determined by the Budget brought down by the previous Government precludes this. The Kindergarten Union does take special enrolments into account when calculating enrolments for staffing allocation. In fact, they may be 'loaded' according to the severity of the handicap involved.

The position lost in 1982 was a half-day aide. It is quite wrong to suggest that in consequence 'only two people are looking after 55 children plus 17 children, two of whom are special enrolments'. Newland Park Kindergarten, as a full-day centre, has two half-day sessional groups of children. In the morning three paid staff would be in charge of the group, and in the afternoon there would be two staff. Group size would be roughly half that envisaged by Mr Brown. In

addition to the paid staff, the Director of the centre is able to call on parent help and help from Kindergarten Union advisory staff should the need arise. The kind of emergency staffing situation suggested by Mr Brown is simply based on wrong assumptions.

Some 20 children will leave the kindergarten for school at the end of term 1, and the staffing ratios will once more be only marginally too high. Under these circumstances, Newland Park can still not be regarded as a priority need situation for extra staffing.

Children under age 4 simply do not count at present for staffing purposes. This is a policy adhered to by both the present and immediate past Governments. There is, however, a specially funded programme that provides additional staffing for centres and children in disadvantaged circumstances. Newland Park has not seen fit to apply for funding under this programme.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. J.C. Bannon)—

Pursuant to Statute—

I. Adelaide Festival Centre—Report 1981-82.

By the Hon. J.D. Wright, for the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Pursuant to Statute—

Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—

I. Proposed development at hundred of Yatala.

II. Proposed development at Upper Sturt Primary School.

III. Proposed development at Millbrook Primary School.

IV. Proposed erection of a residence at Salt Creek for the Ranger at the Coorong National Park.

V. Proposed erection of a dwellinghouse on River Murray Commission land adjacent to Mundoo Barrage.

By the Minister of Mines and Energy (Hon. R.G. Payne)—

Pursuant to Statute—

I. Department of Mines and Energy—Report 1981-82.

QUESTION TIME

The SPEAKER: I am advised that questions to the Minister of Education will be taken by the Premier.

ELECTION REPORT

Mr OLSEN: Can the Premier say what action the Government intends to take following a report by the Electoral Commissioner, Mr Becker, on the conduct of the recent State election? Early this year my colleague in another place Mr Griffin wrote to the Electoral Commissioner about possible breaches of the Electoral Act and some practices that were possibly in breach of the spirit of the Act. As a result, the commissioner replied to my colleague in a letter dated 23 March, a copy of which the commissioner also forwarded to the Attorney-General. The commissioner's reply indicated that he had referred to the Crown Solicitor two matters raised by the Hon. Mr Griffin.

These related to alleged intimidation by A.L.P. helpers at the Modbury Heights polling booth and a function at the Highbury Hotel on 29 October attended by the Premier, the Attorney-General, the member for Newland, and the A.L.P. candidate for Todd. In relation to the allegation of intimidation, Mr Griffin provided the commissioner with a statement by a witness. His report to Mr Becker continued:

Union organisers were present at the Modbury Heights polling booth, namely, Mr Paul Antrobus (all day), Mr Noel Treharne, and a Mr Hall (both in the afternoon). They surrounded electors as they walked towards the booth, handing the electors five or six A.L.P. how-to-vote cards at a time, endeavouring to prevent other Parties' helpers from offering them how-to-vote cards. At Modbury Heights booth Antrobus was in and out of the polling booth all of the time.

Members interjecting:

The SPEAKER: Order! I regard this question as very serious indeed.

Mr OLSEN: The report continues:

He was using standover tactics to the Presiding Officer, acting as though he owned the place, shouting at the Returning Officer. Antrobus, who was the School Council secretary, ordered one of the Liberal Party helpers to remove Liberal Party signs from the school grounds even though they were more than the required distance from the booth. The matter was resolved by referring it to the President of the school council who lived nearby. At Modbury West, the A.L.P. scrutineer created real difficulties for the Presiding Officer, speaking loudly and generally adopting an overbearing attitude.

In relation to the function at the Highbury Hotel, Mr Griffin stated that it was the subject of an invitation by the A.L.P. to various electors of Todd and Newland, and that those who attended were provided with drinks and savouries for which they did not pay.

He proposed to the Electoral Commissioner that in examining this particular matter, those sections of the Act relating to bribery and undue influence and those relating to illegal practices appeared to require some updating and clarification.

In his reply to Mr Griffin, the Electoral Commissioner has revealed that, in relation to the allegations of intimidation, the Crown Solicitor is of the view that no breach of the Electoral Act occurred. In his opinion, the conduct proscribed by section 149 is conduct intended to interfere directly with the elector's right freely to cast a vote, and the act of preventing a canvasser from handing a how-to-vote card to an elector is an event too far removed from the actual casting of the vote. The Electoral Commissioner's report then states:

Nevertheless, this type of activity is undesirable and I shall be raising the matter in my report to the Attorney-General on the conduct of the elections. I also intend to raise this and other matters with the political Parties and incorporate a section in the candidate's handbook of activities which, whilst not necessarily unlawful, should be discouraged.

In relation to the function at the Highbury Hotel, the commissioner reported as follows:

The second matter concerning the function at the Highbury Hotel was of greater concern to me as I felt the election in Newland on the face of the evidence could well have been declared null and void by a Court of Disputed Returns. The Crown Solicitor—

Members interjecting:

The SPEAKER: Order! I ask the honourable gentleman to resume his seat. I regard his question as very serious indeed, and I warn all honourable members on both sides of the House that on this occasion there will be no warnings given. The honourable the Leader.

Mr OLSEN: The report continues:

The Crown Solicitor feels that although there is little doubt that the function itself was held with the view to influencing the votes of electors, it would have to be established that the supplying of refreshments was made with the view to influencing the votes of electors. In view of the difficulty this presents, he does not recommend prosecution. Whilst I accept the Crown Solicitor's view, the situation is still of concern to me. I have no reason to believe that the function in question was a lavish affair. However, it does strike me that were it so the same opinion could be given. Again, this is a matter I shall raise with the Attorney with the view to obtaining clarification of the provisions of section 147.

The commissioner's reply to Mr Griffin dealt with a number of other matters arising out of the conduct of the election. As I have indicated, it was dated 23 March, but I have not raised this matter until now to give the Government sufficient time to determine what action it intends to take as a result of the commissioner's report.

The Hon. J.C. BANNON: I am not aware of the specific report the Leader refers to, and I will refer his question—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —to the Attorney-General to get a report from him. The Leader in explaining his question purports to take a holier than thou attitude, and suggests that he did not raise this matter for some time because he was waiting to see what happened. It is really quite scurrilous the way in which he has done this. We are all aware of allegations that are made in the heat of election campaigns and the aftermath. Also, members ought to recall, as a reminder of these sorts of allegations, the findings in relation to the Norwood by-election, the result of which was overturned by a Court of Disputed Returns in 1979-80, and some of the scurrilous practices of the Liberal Party in relation to that.

If these matters occurred in the way and for the sort of purposes that are alleged, I do not condone them, but I think it is pretty scurrilous to read into the record names of people and allegations made about them by people who may well has been strongly politically motivated and, therefore, have a malicious purpose concerning a matter that has not been tested by courts or in other ways, and get them into the public purview in this way.

I hope that the Opposition will not persist with this sort of tactic. I will obtain a report.

JOB LOSSES

Mr HAMILTON: Will the Premier say how the Government has responded to the recent announcement by G.M.H. that it intends to reduce its work force by 1 500 at Woodville by 1985? Will the Government assure the House and the people in the Woodville region that people will not be left high and dry while G.M.H., the major employer in the area, cuts back its operations?

The Hon. J.C. BANNON: I am aware of the interest that the member for Albert Park has directly in Woodville, as has the member for Price. Indeed, on a couple of occasions I have received those gentlemen with their constituents, people who are interested in local government, and employees to discuss the problems of the motor vehicle industry. We all know about the grave situation in relation to G.M.H., which employs about 6 000 of its work force in South Australia. The company has announced a plan whereby that work force will be substantially reduced over the next 2½ years. We are told that there will be some increase of employment at the Elizabeth plant, but that that will occur at the expense of the Woodville plant.

The Woodville plant has been operating for many years; in fact, its tradition in vehicle building goes back to the coaching days. It was in the 1930s that General Motors combined with Holdens to produce cars. That has been a very important work site, and obviously the plant has been an economic generator in an area of Adelaide that is suffering very profoundly at present because of the impact of the manufacturing recession and the collapse of jobs. Obviously, it is of concern that a plant of such significance will reduce its numbers to about 600 by 1986, leaving a residual work force at that site. It is also of profound psychological significance, and that should be considered when one looks at the economic remedies.

Our response has been four-pronged. In fact, we have arranged a meeting with various interested parties that will be attended by Senator Button, the Federal Minister who is in charge of the overall vehicle industry protection policy and who has been very concerned about this situation. Senator Button has had long discussions with the G.M.H. management. That meeting will be held on Wednesday 8 June, and we are working towards clarifying the long-term plans for the G.M.H. Woodville operation and the future of the motor vehicle industry as a whole.

We are also establishing a task force to prepare recommendations on the future of the industry generally in South Australia. There is a lot of expertise within the Department of State Development, industry organisations (such as F.A.P.M.), and the union movement, and we hope to mobilise that expertise to ensure that the national policies in relation to the motor vehicle industry that are established will make sure that the industry remains a significant employer and maintains a significant component of its operations in South Australia.

Later this month there will be a conference of industry Ministers in Perth, which I will attend as the responsible South Australian Minister, and which will be attended by Senator Button and my colleagues from other States, in particular from Victoria (which is the other State most affected by this action). We hope to initiate a special discussion on a national basis about the way in which we can tackle the problems that are caused by the downturn. A lot of work has been done in considering alternatives in terms of sourcing activities, which currently are being undertaken at Woodville but which vary from in-house to out-of-house sourcing and therefore should be carried out in South Australia to ensure that there is minimum employment displacement.

There are also alternatives which could look at the existing plant and possible other uses, other types of products that could be made. Of course, whether that is possible will depend a lot on the attitude and the willingness of the management to be involved. However, we will be taking that up on a systematic basis.

In addition, we will conduct a survey in the Woodville region to assess the impact of the various cut-backs on local employment and small businesses, to identify how local manufacturers can continue to operate by picking up functions arising out of Woodville (a matter referred to earlier), and home in on the particular problems being experienced by small businesses.

Again, the honourable member and his colleagues in the area have been very concerned about that matter and have raised that with me. We have general information gathered from Australia-wide studies which indicates quite alarming trends in terms of the survival of small businesses. However, we have to make sure that we examine them specifically in that region and the impact in that region to try to devise a strategy which will do something about it.

Woodville people will get every assistance from the Government as, indeed, do people living in any area which suffers major economic dislocation. I have been on record previously as saying that we very readily respond to natural disasters, such as bush fires, floods and so on, and assistance measures are put in place. Far too often we tend to forget the fact that the closure of a major firm or the shedding of large numbers of jobs in a short time in a particular area represents a disaster of natural disaster proportions. Equally, we should devote energies and resources to doing something about it. That is the way in which we are viewing this problem, and over the next few months we will be attempting

to minimise and, where possible, alter the impact of the decisions that are being made.

URANIUM MARKETS

The Hon. E.R. GOLDSWORTHY: Is the Minister of Mines and Energy aware of the latest report by the company NEUXCO in relation to projections on uranium markets and, if so, will he take steps to see that the South Australian Government reviews its decision to stop uranium mining at Honeymoon and Beverley?

A report in yesterday's *Australian* quotes predictions from NUEXCO on the likelihood of consumption of uranium in the United States outrunning domestic supply. It is estimated that consumption next year will reach 13 793 tonnes and production there will be only 5 445 tonnes. On this basis, it is expected that existing stockpiles will disappear by 1988, and the United States will become a major net importer of uranium. The report in the *Australian* states:

> This is good news for Australia's potential producers, assuming they are allowed to produce.

I think that the significance of these projections is two-fold for South Australia. First, they are made by a company on whose estimates the Minister of Mines and Energy has relied fairly heavily. In fact, on 2 June last year the Minister described NUEXCO as 'the world's principal uranium brokerage and market monitoring company'. That was in the context when the then Opposition (now Government) relied heavily on the inadequacies of uranium markets to try to defeat the Roxby Downs Indenture Bill. We all know that subsequently the Premier relied heavily on the Labor Party's predictions on uranium markets to throw cold water on any uranium developments other than Roxby Downs, now that that has become acceptable to it.

I assume that the opinion of NUEXCO will give the Minister cause to reconsider the statement he made in the House on 22 March in an attempt to justify the Government's decision on the Honeymoon and Beverley mines. As I say, he leaned very heavily and the Premier has, I suggest, leaned very heavily—

The SPEAKER: Order! The Deputy Leader of the Opposition is leaning very heavily on debate at the moment, and I would ask him to refrain from doing so.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker. I am sorry if I gave the appearance of debating. I was stating facts.

The SPEAKER: In fact, I rule that you were debating and it will cease.

The Hon. E.R. GOLDSWORTHY: The second fact that I would like to put before the House (the second point of significance in NUEXCO'S projections) is that it suggests that markets will be available at the time these two mines come into full production. The mines, as a result of the project and pilot plant operation, would be in limited production, but would be in full production when these markets became available.

This is reinforced, of course, by the announcements from Japan and France that by 1985 France will be generating half of its total generating capacity from nuclear reactors and Japan will be generating half by the turn of the century. On the basis of NUEXCO'S projections and the continuing development of nuclear power capacity in many countries, I ask the Minister whether he will be prepared, in the light of this new information in relation to markets, to review the Government's decision to close Honeymoon and Beverley.

The Hon. R.G. PAYNE: I suppose that the first part of any answer that one ought to give the Deputy Leader is that one needs to be careful of him when he is presenting himself as being most disarming. It is not a characteristic of the honourable member that we are familiar with. Therefore, one needs to look with care and caution at what is being put forward in the question.

The SPEAKER: Order! The Minister must not reflect on the Deputy Leader.

The Hon. R.G. PAYNE: I certainly would not attempt to do that. I was just drawing to members' attention a characteristic of his which we seldom see. It surprises me, initially, to find that the former Minister of Mines and Energy now seems to agree that NUEXCO has some standing in the matter in relation to markets. It was not a position that he seemed to be able to adopt last year on the occasion to which he referred in explaining his question. I well remember on that occasion the remarks which I made and which he quoted. I would not swear that I remember every word, but I recall pointing out to the House on that occasion that it was the world's largest uranium brokerage firm and that it seemed to me that it had some knowledge and insight in relation to market trends for uranium. I do not believe that I said that they were the only people who knew anything about markets; the former Minister did not attempt to say that I said that.

I have not seen the latest report to which he refers, although I have seen some NUEXCO information this year. The former Minister is saying that NUEXCO portrays a certain trend in the market scene and he attempts to ally that to the Honeymoon and Beverley situations. He conveniently ignored the actual situation which exists in Australia in relation to the marketing of uranium, that is, that the Federal Government is in control of that situation, issues licences for that purpose, and has made a certain judgment in relation to projects which ought to proceed.

The Hon. E.R. Goldsworthy: You issue the licences. You turned down the licence for the mine.

The Hon. R.G. PAYNE: I am very glad that I received that interjection from the former Minister because it is correct to say that the Minister in this State issues the licence or otherwise in that matter. Therefore, I am sure that the former Minister would agree with me that the Minister in this State, in discharging his responsibilities correctly in the matter, would have to have regard to the information of which I reminded him, that is, that it is the Federal Government which actually takes care of the export requirements.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: So, in answer to the former Minister, I will examine the report to which he has referred and take it into account with the other information that I am constantly receiving and reviewing, which attempts to portray what will be the world uranium market scene for the next decade or so. I point out to the honourable member that I have had a recent personal visit from a representative of Phelps Dodge in the United States who pointed out information somewhat analogous to the information that he suggests NUEXCO has come up with. However, it was not exactly the same and it differed considerably in some respects as to when the market would reach the point to which he has referred.

I am very pleased to be able to tell the former Minister that I am attempting to take into account such things as the marketability of a commodity, a stance that the former Minister apparently did not adopt when he occupied the office of Minister, as was indicated to us last year.

POLICE COMMISSIONER

Mr GREGORY: Since the decision of the Police Commissioner, Mr Giles, to relinquish his position as the head of the South Australian Police Force—

Mr BAKER: On a point of order, Mr Speaker, to whom is the honourable member addressing his question?

The SPEAKER: As I understood it, to the Chief Secretary.

Mr Mathwin: He never said a word.

Mr GREGORY: —there have been some suggestions that Mr Giles did so because of some disagreements with you or with the Government.

The Hon. W.E. Chapman: Who is the question addressed to?

The SPEAKER: Order! The question is to the Chief Secretary.

The Hon. W.E. Chapman: We've assumed that, Mr Speaker.

The SPEAKER: Order! I have ruled that I heard the question directed to the Chief Secretary.

Mr GREGORY: With your leave, Sir, and the concurrence of the House—

Mr Mathwin interjecting:

The SPEAKER: Order! The honourable member for Glenelg will definitely come to order.

Mr GREGORY: —I seek leave to explain the question. Having followed this matter closely, I read the statement of the Commissioner that was published on page 1 of the *Advertiser* of Wednesday 25 May, which seemed to make it perfectly plain that the Commissioner's decision was entirely for personal reasons. However, on three subsequent occasions suggestions have been made to the contrary that politics was involved.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, I see that the Press Secretary to the Premier has been in the press gallery. I understand that that is in contravention of Standing Orders.

The SPEAKER: To which Standing Order is the honourable gentleman referring?

The Hon. E.R. GOLDSWORTHY: My understanding is that the press galleries are not open—

Members interjecting:

The SPEAKER: Order! There will be order while I consider the point of order.

The Hon. E.R. GOLDSWORTHY: My understanding is that the press galleries of this House are not open to members of the staff of Ministers or their press secretaries.

The SPEAKER: I have just taken some advice as to what the practice has been in the past. I am not in a position to be aware of who is in the press galleries up above and behind me. However, the Deputy Leader has said that a certain person is up there, and I see the member for Victoria grinning his approval, so I suggest that that must be right. However, there is no point of order: it is purely a matter of practice. If the practice that is being indulged in upsets the honourable gentleman, he should write to me. I will then see that the matter is investigated, and I will give him an answer in that way.

Mr GREGORY: On the first occasion when Mr Steele Hall—

Members interjecting:

The SPEAKER: Order! We want to hear the end of this question, please!

Mr Becker: It is a long time coming.

Mr GREGORY: Perhaps the honourable member will be embarrassed by the answer. Just listen. The first occasion was when Mr Steele Hall made allegations in the House of Representatives under Parliamentary privilege, and in the *News* of Thursday 26 May there is an extensive quote of what he said in respect of the resignation of Mr Giles, although he also conceded that Mr Giles had said that he was not leaving his job because of his relations with the Government. Then on the Channel 7 newscast on Friday 27 May the Leader of the Opposition made some comments, as follows:

One is the random breath testing programme during the Easter period where it was set up by the Police Department and a request came from the Minister of Transport to in fact downgrade that R.B.T. programme.

The other aspect is implementation of a complaints body against the Police Department. There was lack of consultation with the department there and that was indicated clearly by comments made by the Police Department, and the third example is the migrant interpreter service where the Police Department was not consulted or advised of the Government's action in advance.

I refer also to the anonymous political commentator, *Onlooker*, who made comment in the *Sunday Mail* of Sunday 29 May this year. Does the Chief Secretary agree that, when the Police Commissioner (Mr Giles) explains that he is retiring, he should be believed?

Mr Gunn: He just happens to have a reply prepared.

The SPEAKER: Order!

The Hon. G.F. KENEALLY: Yes, there have been many suggestions that the Police Commissioner retired because of disagreements with the Government. I am deeply concerned that some members of the Liberal Party are trying to embroil the Police Commissioner in political controversy. One can only wonder about their motives. Last week Mr Steele Hall attacked the Police Commissioner by saying that the reasons given by Mr Giles for his retirement were false and that he had resigned because of disagreements with the Government. Mr Hall went even further and suggested that the State Government had forced his retirement.

In responding to that outrageous and totally inaccurate statement, I paid a tribute to the Leader of the Opposition and local members of the Liberal Party who had not, at that time, added their voices to such attacks upon the Commissioner. However, on Friday night last, when I was in Sydney at a Tourism Ministers' Council and Mr Giles was in Darwin at a Police Ministers' Council, the Leader of the Opposition revealed his opinion of the man he appointed to the important position of Police Commissioner, in a statement he made on Channel 7. Then, on Sunday, *Onlooker* threw in his oar in an article in the *Sunday Mail*. I believe, as does the Government, that Mr Giles should have been allowed to retire in dignity, rather than suffer the deliberate, but unsuccessful, attempts by Liberal members to besmirch his good reputation.

The Hon. Jennifer Adamson interjecting:

The Hon. G.F. KENEALLY: Because it is very important. After all, he has given 43 years of outstanding service to the South Australian Police Force and retires the most highly decorated and most highly respected police officer in Australia.

Mr Mathwin: Why did you lean on him?

The Hon. G.F. KENEALLY: There is—

The SPEAKER: Order! I warn the member for Glenelg. It appears from the Notice Paper that this could be the last day of sitting, so I would be unhappy if I had to name the member for Glenelg. However, the way he is going, he is asking for it.

The Hon. G.F. KENEALLY: The member for Glenelg interjected and asked why did the Government lean on the Police Commissioner, and that is the very reason that I am making this reply today.

The Hon. W.E. Chapman: Did they lean on him?

The Hon. G.F. KENEALLY: The member for Alexandra adds his voice to that of the member for Glenelg: that is an example of the very reason that I have felt it absolutely essential that I make a statement to the House—so that the attacks already made on the Police Commissioner will not continue. I intend to give the House a record of what took place, so that members can understand exactly what transpired, to make the situation clear, and to ensure that these attacks on the Police Commissioner will cease.

Members interjecting:

The SPEAKER: Order!

The Hon. G. F. KENEALLY: Last Monday (23 May), Mr Giles advised me that he was relinquishing the position of Police Commissioner and retiring from the Police Force. He provided me with a memo headed 'Strictly confidential', advising me of his decision. Twenty-four hours later, I spoke to Mr Giles about his decision. As a mark of respect to a man who had given such splendid service to the South Australian community, and in recognition of the seriousness of the decision he had made, I drove to his office, rather than the normal procedure of having him come to the Minister's office for such a discussion.

During our discussion I asked Mr Giles to reconsider his decision, but unfortunately he felt unable to do so. He gave me his approval to make public any part of the confidential minute that I felt necessary. I subsequently asked him to write me a letter in the same terms as the minute, but not marked 'Strictly confidential', so that it could be made public without the suggestion that I had broken a confidence. That letter reads as follows:

Dear Mr Keneally,

In confirmation of our earlier discussions it is with sincere regret that I advise having taken a decision to relinquish my appointment as Commissioner of Police and to retire from the force with effect 30 June 1983.

As you are aware this decision has been arrived at after careful deliberation and with appropriate professional advice. There is, in fact, no single reason but rather a combination of several factors which when taken together, present retirement as the most prudent course for me to adopt.

The reasons which have motivated me in this decision are entirely personal ones. I therefore do not intend to make them known publicly.

I appreciate the announcement of my retirement at this time will give rise to speculation by the news media and others. Consequently, I place on record the fact that the decision has in no way whatever been engendered by any disagreement between you, as Minister for Police, or your Government and myself. Indeed, I have appreciated greatly the amicable relationship that has prevailed since your appointment as Chief Secretary.

As the Commissioner of Police has given me permission to read from his minute marked 'Strictly confidential', I will read the opening paragraph to the House so that members can know that the furphy about retire, resign or relinquish is exactly that—

Members interjecting:

The Hon. G.F. KENEALLY: It is couched in the same terms, and I will read it for the benefit of the House, if members wish.

The Hon. H. Allison interjecting:

The Hon. G.F. KENEALLY: The honourable member can read it if he likes. The minute is directed to the Chief Secretary, and the first paragraph states:

It is with sincere regret that I advise having taken a decision to relinquish my appointment as Commissioner of Police and to retire from the force with effect 30 June 1983.

That is the second letter that some people have found so sinister. There is nothing sinister about it at all. The Commissioner of Police has taken the decision based on personal reasons. I do not question those reasons, and I do not think that any member of this House has any right to do so.

The Leader of the Opposition claims that the Commissioner of Police resigned because of some alleged difference of opinion about random breath tests, about the committee that had been established and about the Migrant Interpreter Service. Those allegations are absurd and an insult to that man. The Leader of the Opposition at the time of the Police Commissioner's appointment described him as being a tough man, and he is. Anyone who knows Mr Giles would support that. Indeed, Mr Giles was honoured by his colleagues in Darwin on Friday night, by the Australian Police Commissioners and the Australian Police Ministers. In responding to that honour he pointed out that some people were trying to suggest that there were some political motives involved or that there were disagreements with the Government that forced his retirement.

He pointed out to them, as they knew him, that he was not the sort of man to react in such a way to any disagreement with the Government and, for anyone to suggest that he would, is an insult to him. If the Leader of the Opposition has any proof to the contrary, then he is privy to information to which I am not. For my part I accept the word of Mr Giles.

BUS SERVICES

The Hon. D.C. BROWN: Will the Minister of Transport confirm whether the State Transport Authority is considering substantial reductions in the frequency of peak and off-peak bus services? Will he make a detailed statement to clarify the considerable uncertainty that now exists on S.T.A. finances, including the blow-out in the deficit, and the likelihood of large increases in fares? I refer to a letter that I have received (the author shall remain nameless, for obvious reasons)—

The Hon. T.H. Hemmings: Why?

The Hon. D.C. BROWN: This is the—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. BROWN: The letter states:

I refer to information passed to me by a senior manager of the State Transport Authority that there would be drastic cuts in peak-hour bus services, in particular, and at other off-peak times. Naturally, as a regular peak-hour user and payer of public transport on the Glen Osmond route 15 along Portrush Road, which I am assured, along with routes 13 to Stonyfell, 13B to Burnside and 14 to Beaumont, are some of the routes involved in these cutbacks. I am concerned about the level of service or lack of service that the S.T.A. will be providing to me and other regular public transport users from that date:

The letter goes on with a little more detail. I do not know whether the claim in that letter is correct, but I ask the Minister to clarify the situation urgently because, if such cutbacks are about to occur, the public and Parliament should know about it.

This morning the Minister answered my earlier question about the deficit of the State Transport Authority. He has now indicated in a written reply that that deficit has blown out from $58 900 000 to $73 450 000. That very considerable blow-out is made up partly of $2 440 000 due to a shortfall in receipts and partly of increases in salaries paid from the round-sum allowances. I am very concerned to see the size of that budget blow-out, as I am sure is the whole House.

Mr Whitten: You're commenting now.

The SPEAKER: Order!

The Hon. D.C. BROWN: For those reasons, in addition to public speculation, which is now rife, that there are to be large increases in public transport rates, I ask the Minister to give this House and the public a very detailed statement on the finances of the State Transport Authority and an indication whether services are to be cut and fares are to be increased.

The Hon. R.K. ABBOTT: The member for Davenport has asked about a number of matters, which I will endeavour to answer. First of all, he talks about uncertainty in the community about certain cuts that may be made by the State Transport Authority. This Government is not on about cutting services of the State Transport Authority, but rather, where financial circumstances permit, it is looking to extending services wherever possible. Should it be necessary to cut one service, that may well be possible if the re-routing of other services can provide that service.

One area which the S.T.A. is currently examining, but on which as yet no decision has been made, concerns the city loop service. Because of the rearrangement of a number of other services, the S.T.A. is suggesting that there is a possibility that that service may be reduced as it is doubling the service on that particular route. However, I want to make clear to the House that no decision at all has been taken on that proposal, which has been submitted to me for my decision, and I understand that there is no urgency about that matter at present.

The Government is looking to extending services where possible, and within a few weeks I hope to be in the position to announce quite major changes within the Salisbury area. The authority is continuing to review services on a daily basis, and the services within the expanding Salisbury area will be changed significantly and wider services provided. Surveys are being conducted in the expanding southern region of Adelaide, and the possibility is being examined of introducing a bus interchange in the Mitcham Hills area similar to that which I hope to be able to announce for the Salisbury area within a few weeks. The honourable member also asked about the financial blow-out of the S.T.A. I provided those figures to him yesterday, and they appeared in *Hansard* today.

I do not think that the budget blow-out existing today is any different from the financial situation facing the State Transport Authority in the past. No public transport system that I know of anywhere in the world runs at a profit. The authority will no doubt be looking at the whole fare structure to ascertain whether more revenue can be gained in an attempt to counter its current deficit.

Mr Becker: Do you support—

The SPEAKER: Order!

The Hon. R.K. ABBOTT: As I have said previously, in answer to a similar question, no proposal to increase fares is before me at the moment. The authority will obviously need to look at this situation, and I imagine that it is working on it at the moment.

The Hon. D.C. Brown: What about the fare increases?

The Hon. R.K. ABBOTT: I have just said that there is no proposal before me to increase fares, but there is obviously a need for the authority to look at a new fare structure, and when that comes about (provided there are no leaks, as there have been on a number of other matters) I shall be pleased to make an announcement to the House.

VIDEO MOVIE RATINGS

Mr MAX BROWN: Will the Minister of Community Welfare, representing the Attorney-General, raise with the Attorney the possibility of requiring distributors to have a film classification stamped on the home video movies they dispense? Also, will he ask his colleague to examine penalties in respect of, first, films not bearing such classification and, secondly, hiring R-rated films to minors? I have received complaints from mothers of children under the age of 18 years that their children are bringing home unclassified video films whose suitability for family-type viewing is questionable. I understand that Warner Brothers has a large slice of the video market, and it appears that that organisation is the worst offender regarding the non-classification of these films. I would appreciate an examination being made of the current position regarding home video film hire.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and the interest he has shown in this matter. I have received complaints from distributors of video tapes in my district who are also confused about the legal requirement regarding the sale of classified material. In fact, they have also had difficulties with distributors' classifications of material that they have been selling. I shall be pleased to refer the honourable member's question to the Attorney-General and obtain a report for him.

AMOEBIC MENINGITIS

Mr GUNN: Will the Premier say why the Minister of Health has failed to advice local communities that amoebic meningitis organisms have been found in northern township water supplies and, in view of the sentiments expressed by the Labor Party when in Opposition that the public should be informed on this matter, will he seek the immediate resignation of the Minister of Health? I understand that the Minister of Health was advised of this situation and that his advice was sought. I refer the Premier to an article which appeared in the *Advertiser* on 23 February 1981, under the heading 'Two should resign over water: Bannon', as follows:

> Mr Bannon said the Opposition held documents showing the organism responsible for amoebic meningitis had been isolated twice in Yorke Peninsula's water supply early in 1980 and in some northern places as recently as the end of December. 'Yet again the public were not informed,' he said.

In the *News* on 11 February 1981 the member for Whyalla was quoted as follows:

> The member for Whyalla, Mr Max Brown, said the Government was 'playing Russian roulette' with the people of the Iron Triangle.

In the *News* on 3 May 1982 an article quoting the then Deputy Leader of the Opposition, Mr Wright, under the heading 'Call for killer virus facts', stated:

> The State Government should tell the public when and where meningitis amoeba had been found in South Australian water, the Deputy Opposition Leader, Mr Wright, said today. Mr Wright said he was not 'scaremongering' but felt that occasions on which the deadly amoeba had been detected in local water supplies were not adequately publicised.

Under the heading 'Amoebic warning system slammed' the *Sunday Mail* on 18 April 1982, again quoting the then Deputy Leader, stated:

> The deadly organism which causes amoebic meningitis was found 12 times in South Australian water supplies in early summer.
>
> The Deputy Labor Leader, Mr Jack Wright, has criticised the Government for not publicly telling parents so they could warn their children of the possible dangers.

I have many other quotes with which I am sure the Premier and other members of the then Opposition are fully aware. Two of the cases to which I have referred occurred in my district, and I understand that the other case occurred in the southern part of the State.

The Hon. J.C. BANNON: I thank the honourable member for reminding us, or those of us who have forgotten (I know the former Ministers of Health and Water Resources have not) of that whole dreadful business particularly in 1981 in relation to the way in which the programme was cut back, and then numerous other denials were made as to what had or had not been discovered, and so on. I certainly stand by the statements that were made at that time about this issue. I will refer the issue to my colleague in another place for a report.

The Hon. B.C. Eastick: Ask him whether he told people to keep it quiet.

The SPEAKER: Order! The honourable member for Light knows better than that.

SCHOOL OF TOURISM

Mr WHITTEN: Will the Minister of Tourism consider the suggestion of the South Australian Tourist and Hospitality Industry Training Committee that a national school

of tourism be established in Adelaide instead of in Cairns or Townsville as proposed by the Federal Minister for Sport, Recreation and Tourism? If the Minister agrees with the committee's suggestion, will he then make representations to the Federal Minister?

The Hon. Jennifer Adamson interjecting:

The SPEAKER: Order! Will the member for Coles come to order.

Mr WHITTEN: Recently, I received correspondence from the South Australian Tourist and Hospitality Industry Training Committee in which it states that it welcomes the proposal of the Federal Minister to establish a national school of tourism, but questions the suggestion that the school be established in Queensland.

The Minister might be aware that there are many reasons why Adelaide would be a better location for such a school than either Cairns or Townsville. The industry training committee claims that Adelaide is a far more suitable location for geographical, philosophical, and practical reasons. It refers to Adelaide's unrivalled infrastructure of colleges of advanced education, the Institute of Technology and two major universities, coupled with an extensive network of technical and further education facilities, that makes it an ideal location for a national school of tourism.

The SPEAKER: On this occasion I have no hesitation in calling on the Chief Secretary.

The Hon. G.F. KENEALLY: Thank you, Sir. As Minister of Tourism and as Chief Secretary—

The Hon. Jennifer Adamson interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: I thank the honourable member for raising this matter once again in this House. He would know that, almost immediately after the Federal Minister made the statement that he was going to establish a school of tourism in Queensland in either Townsville or Cairns, I contacted him from South Australia.

The Hon. Jennifer Adamson: After I asked a question about it!

The Hon. G.F. KENEALLY: No: apparently I heard the Federal Minister at the same time as did the shadow Minister who raised this matter in the House. The Premier advised her that submissions had already been made. I agree with the suggestion of the South Australian Tourist and Hospitality Industry Training Committee that if a school of tourism is to be established anywhere at all in Australia it should be established in South Australia, because suitable infrastructure already exists in this State.

Regency Park is turning out graduates in the hospitality industry who are widely sought by the industry throughout Australia. One unfortunate aspect of our school at Regency Park is that we tend to lose some of the graduates to other States because of the high quality of their performance.

We are already, in a sense, providing a school of tourism for all of Australia, but it is a national responsibility. It would be inappropriate to build a school in northern Queensland where no infrastructure exists, because South Australia is centrally located to provide an appropriate school for tourism for all Australians. People in Western Australia would find it difficult to attend a school of tourism in Queensland: they would probably find it difficult to come to Adelaide, but not as difficult as it would be to go to Queensland, as the cost would be quite considerable. I suggest to the member for Hanson that there are considerations in costs of travel for students at such schools.

I was unable to discuss this matter with the Federal Minister, Mr Brown, when I spoke to him at the Ministers' conference in Sydney on Friday. He will be in Adelaide to speak to a business persons luncheon on 18 June, and I have asked him whether he can spend additional time here in order to meet with representatives of the tourism industry in South Australia. While he is here I will raise, amongst other things, the prospect of having a school of tourism—

The Hon. Jennifer Adamson: I thought you said that you had already sent a submission?

The Hon. G.F. KENEALLY: I have sent a submission and I have discussed it with him, but I will discuss it with him again when he is in Adelaide. The honourable shadow Minister might believe that writing a letter is sufficient: I believe that once one has written a letter then one should take every opportunity to follow it up, and that is what I am doing. I see now that she appreciates the tactics I am using. I will be discussing this matter with the Federal Minister—

Members interjecting:

The SPEAKER: Order! The honourable Minister will resume his seat. This is all very well for this debate, but it is quite contrary to Standing Orders. It may be pleasant and a tactic that each Party likes for the Minister and shadow Minister to conduct a small discussion across the floor, and then for a bunch of supporters in the background to sound like something out of the *New Price is Right* to give an appropriate background, but it is contrary to Standing Orders and will cease.

The Hon. G.F. KENEALLY: On 18 June I will be reinforcing my previous submissions to the Federal Minister.

SMALL BUSINESSES

The SPEAKER: I have pleasure in calling on the honourable member for Bragg to ask his first question in the House, and I hope that the House will show him the proper courtesy.

Mr INGERSON: What action will the Minister of Housing take to protect small businesses from large rent increases, and the refusal of independent arbitration of rent disputes by the South Australian Housing Trust? Recently, I have been approached by many small businessmen who have been long-term tenants of the trust and was told that their rents have been significantly increased by up to 150 per cent and that they have been unable to obtain satisfaction in their dealings with the managing agent for the trust. They claim that they are in the untenable position of having to accept large increases in rents with no recourse.

The Hon. T.H. HEMMINGS: It is with much pleasure that I answer the first question from the honourable member for Bragg.

The Hon. W.E. Chapman: What a pity it's not your first answer since you have been Minister!

The SPEAKER: Order! I would like the reply to the question to be heard with the same courtesy as was shown for the question.

The Hon. T.H. HEMMINGS: Thank you, Mr Speaker. I am sure that the member for Bragg will learn to ignore the member for Alexandra. Cabinet has discussed this matter. I agree with the member for Bragg that there is a real problem in that some developers are increasing the rents for small businessmen, even in the Elizabeth town centre, in the district of the member for Elizabeth. I am sure that the member for Bragg will soon be delighted with the response from the Government.

WATER FILTRATION

Ms LENEHAN: Can the Minister of Water Resources outline the future of the Happy Valley filtration plant and other State water resource projects that have been affected recently by the Federal Government's mini Budget? I noticed

an assurance in the press recently by the Minister that the Happy Valley filtration plant will go ahead despite Federal Budget cuts. However, will the Minister continue to seek Federal assistance, and how will the schedules for these projects be affected in future?

The Hon. J.W. SLATER: I am pleased to say that the Happy Valley filtration plant will proceed but, because of the Federal Government's decision in the mini Budget, it will proceed at a reduced rate. The proposed bicentennial water programme was conceived just before the recent Federal election, and if one were cynical enough, one could believe that it might have been an election gimmick. That was not accepted by the incoming Federal Labor Government, which suffered the same problems and the same consequences that this Government suffered because of the previous Administration.

Members interjecting:

The Hon. J.W. SLATER: For the benefit of those on the other side who jeer, the national water resources programme is still in place, the Happy Valley project will proceed, along with the Morgan-Whyalla filtration plant, and other projects that were in the pipeline at that time. The reduced rate of progress of the Happy Valley filtration plant does not please me or the Government, because we believe that the people of Adelaide are entitled to good filtered water, and it is essential that they have that facility.

The Hon. P.B. Arnold: What about the northern towns?

The Hon. J.W. SLATER: I will come to that point if the member for Chaffey will be patient. The Happy Valley filtration plant will be the biggest plant in the whole of the Adelaide metropolitan water supply project, which will be fairly extensive. Some projects have been completed, and another will come on stream soon. The Happy Valley filtration plant will be constructed, and it will serve 450 000 people, or 40 per cent, of the population of the Adelaide metropolitan area. Also, construction of the Morgan-Whyalla plant will continue, and it is envisaged at this stage that that plant will be completed in 1987. As well, the Little Para water filtration plant will be commissioned on schedule in 1984, and the Torrens River flood mitigation scheme and the Noora salinity control scheme will also be completed.

I will certainly make further representations to the Federal Government concerning the national water resources programme, because if one reads closely the comments of the Federal Treasurer, Paul Keating, in his statement in the mini Budget it is obvious that the Federal Government realised the situation in regard to South Australia. I will discuss the matter with the Federal Government, but I assure the member for Mawson that construction of the Happy Valley plant will continue, unfortunately at a reduced rate, and it is scheduled to be completed by 1988.

[Sitting suspended from 12.50 to 2 p.m.]

PRESS GALLERIES

The SPEAKER: Before calling on the Premier, I want to clarify one point of confusion that arose this morning from a point of order from the Deputy Leader concerning the press galleries. The situation is purely an administrative one. As far as I am concerned the press galleries are allocated to the various press agencies and are used by them according to the administrative rules of this House and the full-time working journalists make use of that facility. However, that does not prevent Ministerial officers or press secretaries from entering those galleries from time to time to distribute material or other information, but it should be made quite clear that the time that they occupy in the galleries will be necessarily brief and an eye will be kept on the matter from time to time. The honourable Premier.

CASINO ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer: I move:

That Standing Orders be so far suspended as to enable the introduction forthwith and passage of the Bill through all stages without delay.

Motion carried.

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Casino Act, 1983. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

It amends section 25 of the Act which prohibits the possession or control of poker machines either in the premises of the licensed casino or elsewhere. The effect of the amendment is to limit the prohibition to the premises of the licensed casino only. While the principal Act has only recently been passed by the Parliament and was dealt with as a private member's measure, the Government is introducing this amendment because it does not believe that it was the intention of Parliament to put individuals who possess a poker machine at risk of a $20 000 penalty.

This measure in no way changes the major provisions of the principal Act. It simply deals with a problem that has become apparent since the principal Act was passed. Clauses 1 and 2 are formal. Clause 3 amends section 25 of the principal Act that the prohibition against possession of poker machines will apply in the premises of a casino but will not apply anywhere else. The effect of this will be to have poker machines outside casinos regulated under the existing law which is in force under the Lottery and Gaming Act. No change is proposed in that legislation as part of this measure.

Mr MATHWIN secured the adjournment of the debate.

At 2.5 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

JOINT SELECT COMMITTEE ON THE ADMINISTRATION OF PARLIAMENT

Consideration of the Legislative Council's resolution.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That the House concur with the resolution of the Legislative Council contained in message No. 75 for the appointment of a Joint Select Committee on the Administration of Parliament, that the House be represented by four members, of whom two shall form a quorum necessary to be present at all sittings of the committee and that members of the joint committee to represent the House of Assembly be the Speaker, the Deputy Premier, the Hon. B.C. Eastick and Mr G.M. Gunn.

This motion seeks to establish a joint committee of inquiry into the reform of the machinery for running the services of this Parliament. This was the subject of a report last year but there was within the staff and members considerable dissatisfaction over the means adopted to investigate the needs of Parliament in this respect. It was seen by many as an attempt to impose an executive inspired solution on the Parliament.

The proper way in the Government's view to proceed with this matter is to have a select committee of both

Houses with even Party representation, so that Parliamentarians can assess the need and recommend solutions.

It may be that the final deliberations of this report will have to await the conclusions of the committee which I trust will be set up to inquire into the reform of the law, practice and procedures of Parliament. There may be complications for Parliament's administration in its recommendations. However, there is no reason why it cannot commence its deliberations and I would expect close liaison to be maintained between both committees.

The Hon. B.C. EASTICK (Light): I am quite prepared to second the motion. I welcome the opportunity of supporting the action that the Government has taken to carry out the recommendations of the excellent report that was prepared 18 months ago. At one stage it appeared as if the work of the committee, which comprised you, Mr Speaker, the Hon. Mr Sumner in another place, the Hon. Mr Griffin in another place, the Deputy Chairman of the Public Service Board, the President of another place and, on occasions, the Clerks of the two Houses, might falter.

The decision taken was one of necessity following an overview of the deficiencies and difficulties that existed within the employment aspects of the Parliament and within a number of other areas of administration. Regrettably, there were those who sought rather mischievously, I suggest, to denigrate the work of the committee and to suggest that there was an attempt by one House to usurp the role of the other and, indeed, to take away the responsibility of members of one place from that which was their responsibility and in other ways to impinge the activities of one House upon the other.

Whilst the Hon. Mr Foster, who is no longer with the Parliament, asserted certain of these statements and was aided and abetted on occasions by the Hon. Mr Bruce and also by the Hon. Mr Milne, I believe that on reflection and when they have the opportunity of seeing the work to be undertaken by the select committee, they will resile from the position they took on that occasion which was an unreal and most unfortunate one, as you, I believe, Mr Speaker, would appreciate. There is an absolute need, if the Parliamentary system is going to function properly, on certain matters for there to be a totally bipartisan, non-Party political attitude, and I believe that the work which was undertaken in the compilation of the previous report making full use of the expertise and the advice available to that committee from the Public Service Board (acting as an agent and not as the Public Service Board) and also taking advice and expert witness from many members of the staff of this place in all of its disciplines was a historic event.

I believe that the committee which is to be set up by this motion will be most beneficial. I would suggest that whilst we are providing for a procedure whereby the Chairman of the committee will have the opportunity of both a deliberative and a casting vote I would certainly hope there will be no occasion on which that vote will be exercised, because it is important, if the benefits that can flow from this review are to come to fruition successfully, that the decisions taken will be on the basis of consensus and on the basis of a recognition of the importance of a correct procedure for people of all political persuasions.

I strongly recommend the suspension that we are to consider in due course because it is obviously necessary to make such a provision. Notwithstanding that, I trust that it is a procedural action that will not be necessary during the deliberations of the committee or of the other committee that we are to consider shortly, because to get to a position that such a vote was cast would lead to ultimate chaos when the procedures so determined were sought to be put into practice in the Parliamentary system.

The Opposition supports the motion wholeheartedly. I look forward to the deliberations taking as long as necessary: they should not be necessarily constrained by a time limit. If the need arises for interim reports to be submitted, that should be done to allow for the partial implementation of decisions taken, and an extension of time should be allowed for the consideration of those issues requiring additional time to be tied up and put into a satisfactory form. The time for major discussion of this matter will be during the debate when the report is received.

Motion carried.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That Joint Standing Order No. 6 be so far suspended as to entitle the Chairman of the Joint Select Committee on the Administration of Parliament to a vote on every question, but when the votes are equal he shall also have a casting vote.

Motion carried.

JOINT SELECT COMMITTEE ON PARLIAMENTARY LAW, PRACTICE AND PROCEDURES

Consideration of the Legislative Council's resolution.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That the House agree to the resolution of the Legislative Council containing message No. 78 for the appointment of a joint select committee on the law, practice and procedures of Parliament, with the following amendment: to strike out 'six' and insert 'seven'.

This resolution from the Legislative Council is self-explanatory and the issues in it have been fully canvassed. Nonetheless, I believe it is important for this House to be aware of some of those issues. The initiative for the establishment of the select committee is based on a belief by the Government in the importance of Parliament in the Westminster system. The Westminster system of Parliamentary Government is based on the supremacy of Parliament and acknowledges that Parliament is the peak of the political process. The Executive or the Cabinet of the Westminster system is drawn directly from the Parliament and remains part of it as well as remaining responsible to it.

It is necessary that the community elected representatives who sit in the Parliament be given the opportunity to scrutinise Government legislation. This proposal is designed to establish a mechanism by which elected representatives can become involved in a more extensive scrutiny of the operations and decisions of the Government, as well as in an exploration of many of the major social issues that are facing our community. It is important to bear in mind the esteem with which Parliament is held. There is a low opinion in the community about the institution of Parliament and about Parliamentarians themselves. The recent Morgan Gallup poll published in the *Bulletin* of 10 May 1983 ranks State politicians above journalists, estate agents and car salesmen. Doctors, dentists, bank managers, policemen and lawyers have double the rating for honesty and integrity. And that position has not changed much in seven years.

In a strongly worded plea the Chairman of the Australian Law Reform Commission (His Honour Mr Justice Kirby) said in an address in Sydney on 19 April that Parliament and Parliamentarians must revitalise the institution of Parliament or else the very structures of our democracy are at stake. I quote from the speech of Mr Justice Kirby, as follows:

Public and expert disilussionment with the Parliament is a serious disease which we should seek to check . . . other branches of Government—the Cabinet, the Prime Minister (he was talking

about the Federal Parliament), the Public Service and the Judiciary are the elite elements in our form of Government whatever Party is in office. Only the Parliament with its diversity of members grafts on to our system the variety of talented views which partly reflect the mass of the people. We should all be concerned, he said, 'to arrest the declining fortunes of the institution which reflects our diverse democracy'.

Further on in his speech Mr Justice Kirby says:

If Parliament is to be resuscitated it must search for new and improved mechanisms which will secure agreement where that is appropriate and refine and identify differences where choices must be made.

The resolution recognises these sentiments. It was words very similar to these that were expressed in the policy statement outlined in the last election. The policy announced in 1982 included the following:

Parliament should be made a more effective instrument for discussion and debate on community issues and for the scrutiny of Government action. The reputation of politicians is low because people are fed up with the political bickering and points scoring which occurs in Parliament. Mechanisms should be developed to assist the promotion of agreement and consensus . . .

The resolution proposes that a joint select committee of both Houses review the way in which Parliamentarians will be able to more effectively use the institution of which they are an integral part. There is no doubt that members will wish to look at the Commonwealth Parliament procedures for committees and indeed at the more recently established Joint House Committees of the Victorian Parliament. The Victorian Joint House Committees were established by legislation in 1982. The five committees have definite charters and the Executive, through the Minister, has a direct responsibility to consider the recommendations of the committees and report to Parliament on the action the Government plans to take.

The motion gives particular reference to the establishment of three committees: first, on law reform, secondly, a committee to look at the functions of statutory authorities, and, thirdly, to look at Budget Estimates. The debate in the other place raised the possibility of whether a specific mentioning of these three committees would restrict the activities of the committee in any way. It is not the intention of the Government that the committee's deliberations be confined to these three matters but it is certainly the intention that these three matters receive particular attention because of the importance that Parliament has in relation to each of them. A law reform committee is entirely appropriate as it is as a result of Parliamentary action that any law reform takes place.

It is important that Parliamentarians, as the community representatives, be involved in the process of reforming the law in order that it keeps in step with community expectations. Similarly, Parliament has a responsibility in respect of statutory authorities. Parliament establishes statutory authorities, determining their functions and the limit of their powers and responsibilities. It is necessary, therefore, that the institution of Parliament is aware of their activities and is able to change them to keep them in tune with community expectations and community desires. If, at any time, it is necessary to terminate them, there would be a procedure by which the Parliament could review their activities and recommend a termination of the functions.

The Budget is the most important policy document that the Government produces. It is necessary for the Estimates Committees which have operated in this Parliament to be examined and, where possible, improved. There is considerable interest in the work of the Estimates Committees, and while a number of reservations have been expressed about Estimates Committee debates, it is a time when Parliamentarians and the community have the opportunity of examining in fairly precise detail the directions that a Government is taking in the development of its programmes. The reference to the three committees is a recognition of the importance that these three areas have to Parliament, but the proposed joint committee will not be restrained from examining other options.

The remainder of the issues dealt with in paragraphs *(c)* to *(f)* of the motion refer to some of the more particular machinery matters about the operations of Parliament, and the ways in which individual members of Parliament can have greater access to information and greater scrutiny over the activities of Ministers and departments. They are also designed to ensure that there is a wide canvassing of opinion of the most effective use of Parliamentary time and Ministers' time, to ensure that the process is productive, and that members of Parliament are able to carry out scrutinising and inquiry activities at a time when their faculties can best be utilised.

In moving for the motion in the other place my colleague, the Attorney-General (Hon. C.J. Sumner) indicated that it was part of a package of proposals of constitutional elections and Parliamentary reform, which the Government considered part of its mandate. It is the Government's intention, as another part of that package, to introduce a Bill in the August Budget session of this year, for fixed terms of the House of Assembly and for the removing of the Legislative Council's power to block Supply or Appropriation for the ordinary services of Government.

The Government remains committed to a policy of fixed terms of Parliament, and consequential removal of the power of the Council to reject Supply and prevent a Government from completing its fixed term. The issues surrounding fixed terms have been debated for some time, and a recent opinion poll indicated that 80 per cent of South Australians are in favour of fixed three year terms. The remaining element of the package relates to the actual administration organisational framework, and supply of services and staff to Parliament. The Government proposes to tackle this issue in a separate joint select committee which will be the subject of consideration in this House later today. There was warm commendation and approval of this proposal put forward by the Government in the Council for a revision and reform of Parliamentary procedures, and a desire was expressed across Party lines that it will bear fruit, and ensure a more effective operating of Parliament as an institution and I commend it to the House.

The Hon. B.C. EASTICK (Light): I second the motion and again offer the support of the Opposition. The Opposition would have sought (and did, in fact) in another place to vary slightly the terminology contained within the motion. However, it does not alter the thrust or the fact that the joint select committee can be the master of its own destiny during the course of the discussions. Indeed, I believe that the House would welcome any interim report or suggestion which might be forthcoming from the joint select committee at a later stage, that some variation from the original theme might be considered.

That is not seeking to pre-empt the discussions which will take place but recognising, I believe, that, in a matter which is as broad as the matter encompassed by this motion, there may well be, after some preliminary discussions, a perceived need to alter course or to give attention to other matters.

I think that it is necessary to point out that it will be a very cumbersome select committee. The Opposition was quite happy to accept, in the first instance, either five or six members from both Houses. Subsequently, we find that there are to be seven members from both Houses, which makes a joint select committee of 14 persons: a big committee under any circumstances. However, it is also possible that a great deal of committee or subcommittee work may be

undertaken by various groups, the final decisions being made by the full committee. Again, that is something which is in the hands of the select committee when it commences its course of deliberation.

Certainly, the matters are of moment to the future well-being of the Westminster Parliamentary system in this State. The Opposition would not be offering the opportunity or support of change for change sake. The Opposition will be adopting an attitude that, if there is a demonstrable purpose to change, and if in the construction of the procedure or the changes which will be recommended by the joint standing committee based on fact and the acceptance of a workability or practicability, then that support will be forthcoming.

Again, I would trust (as I suggested earlier) that it will be a committee which will look very objectively at the whole workload which will be placed before it, and that there will be an attempt at genuine consensus, not of Party political point-scoring or of decisions taken by majority votes, the Government of the day using its majority of one because, as I indicated earlier, that would be disastrous for the eventual well-being of the decisions which we hope will be forthcoming from the committee now being set up.

I know that there are other members who have a brief contribution to make to this debate at this point. However, I reiterate that the Opposition approaches this committee with the same stance as it applied to the previous one. It recognises that it has a bigger task than had the previous one, which already has a blueprint to work upon. In this case, it has an opportunity to draw on a number of the papers which have been delivered to the Australian Constitutional Convention which, in some measure, point up difficulties which might exist so far as this State Parliament is concerned.

There is also the experience gained over a number of years from the Public Works Committee (a joint House committee), the Public Accounts Committee, and select committees that have been held from time to time. Certainly, there have been a number of quite significant contributions by members in another place, and I highlight the Hon. Mr DeGaris and the Hon. Mr Sumner (the Attorney-General) as people who, over a period of time, have contributed to backgrounding which is the forerunner of the motion we are now considering. Whilst members will not necessarily accept everything said by either one or other of those two gentlemen, and others who have joined in the debate, at least there is that background from which we can start. I look forward with a great deal of interest as a participant in the select committee to what will be, I trust, to the lasting benefit of the South Australian Parliamentary system both in this House and in another place.

Mr BECKER (Hanson): Whilst welcoming the opportunity for the select committee to be appointed, of course I am very mindful of the role of the Public Accounts Committee, and would be very concerned if I thought that that role would be affected in any way. If there is any committee which has demonstrated its value to the Parliament and to the taxpayers, I am sure that all members would agree that it has been the Public Accounts Committee; yet, it took many decades to have the motion for the establishment of that committee to be passed through both Houses. I think that this Chamber can be proud of the record and the performance of the members who have served on that committee.

I welcome this opportunity to form a committee because it will give us a chance to look not only at what has happened at the Commonwealth level but certainly at what has occurred in the Victorian Parliament as well. However, I am not convinced that the alterations in either of those Parliaments are ideal, or that what has happened in the United States is what we seek. There have been some alterations to the Westminster system as well in regard to legislative committees.

Each Parliament, whether in this country or overseas, has been gradually working towards an improved system of accountability involving a greater role of members of Parliament. We should all welcome the opportunity for members of Parliament to contribute to such a committee. While I was in California in May 1981, I obtained from the Legislature there a book entitled *The California Legislature* written by Joseph Allan Beek. On page 82 reference is made to the committee system as follows:

> Just as we refer our medical, mechanical, architectural, legal and other problems of everyday life to those whom we believe to be qualified to deal with them, so do the Houses of the Legislature refer proposed enactments to groups of members known to be interested in the various subjects with which legislation deals. Few members elected to the Legislature are so versatile as to be intimately conversant with half of the different classes of measures that are dealt with each session. On the other hand, each member is likely to be possessed of more than ordinary knowledge of some subjects. In order that all may benefit by the experience and special training of each of their fellows, the Houses are divided into groups, called committees, which are depended upon to study and report upon such Bills as are assigned to them.
>
> In selecting members for appointment to the several committees an attempt is made to ascertain their qualifications and interests in order that each will be placed where he can serve to the best advantage. The personal preference of the members is one of the first things considered by those charged with the responsibility of appointing committees but there are many factors other than the member's choice to be considered. No member should be appointed to two committees which meet at the same time, and because a member may frequently ask for two or three committees which meet at the same time, two of the choices eliminate themselves for this reason alone. Then again there may be 25 members or even more all asking for appointment to a committee which consists of only 11 members, so out of 25, 14 are going to be disappointed. Also, the service of older members, who have demonstrated their capacity to work on certain committees, must be recognised, as well as special aptitudes or capacities. For example, an individual who has served as a health officer for a number of years seems the logical one to appoint on a committee on public health. A member who has once been a superintendent of banks belongs on the committee on banking. Lawyers have always been appointed to judiciary committees, and it would have been a mistake not to have the counsel of a successful and highly respected labor leader in the committee on labor.
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> Once selected, and a schedule of meetings agreed upon, the committees get down to the business of considering Bills.

Whilst that appears to be the best example of how a committee system should operate (it even details the suitability of persons appointed to committees), it is rare to find in the Australian Parliamentary system the appointment of individuals who have expertise in an area relevant to matters to be considered by the committee. For instance, it does not seem to be the policy in most Parliaments or political Parties to appoint to a committee on legal matters a person with legal knowledge or to appoint to a health committee a person experienced in health matters. They always seem to appoint the opposite.

I also believe that we need a Legislature analyst, and I have been saying this for some time. That links up with the formation of a previous committee, but we should consider setting up within the structure of Parliament a system enabling members of Parlilament to be able to obtain greater assistance and advice. This would eliminate a lot of time as far as questioning in Parliament is concerned; it could even eliminate the need for placing Questions on Notice. I think that this would provide for more help and opportunity for open government, more so than has ever been demonstrated before. In the annual report of the Legislative Analyst Office of the State of California for 1979-80 the staff activities are outlined as follows:

> The seven principal functions of the office are to:
>
> 1. analyse the Governor's Budget,
> 2. analyse all Bills heard by the two fiscal committees,

3. respond to inquiries from members of the Legislature,
4. prepare reports on budget and fiscal issues,
5. analyse proposed changes to the approved budget programme submitted under Control Section 28 of the Budget Act,
6. prepare joint estimates with the Department of Finance on the State and local fiscal effects of proposed initiatives, and
7. analyse ballot measures.

Budget analysis is described as follows:

The principal report of the Legislative Analyst Office is the *Analysis of the Budget Bill,* which is prepared in December and January of each year and is printed and distributed in February. This document is used by staff of the Analyst's office and the Legislature during hearings on the budget conducted by subcommittees of the two fiscal committees between February and May each year.

That would appear to be one of the best methods of handling our own State Budget, that is, to have a committee to assist in analysing the Budget and to help members understand the various financial lines and programmes. The former member for Mitcham (Mr Millhouse) was a critic of our Budget Estimates system, as were many members of the previous Opposition. I felt that the previous Opposition was quite lazy in the way that it attacked the Budgets brought down during the past three years. The other aspect is that the committee would enable analysis of legislation. I believe that all legislation brought before Parliament should be costed. We should have a financial impact statement as to the cost effectiveness of any new legislative programmes. All these matters should be addressed.

As was pointed out by the member for Light, one would not be able to put a finishing date on the committee's deliberations. No doubt the committee would bring down an interim report from time to time. I believe that a tremendous amount of work could be undertaken by this means, and this proposal offers a great challenge to those members who want to see some change and who believe in open government and agree that the time has arrived for accountability of this House.

Mr LEWIS (Mallee): It is not my intention to delay the business of the House. I have never made a secret of the interest that I have in the way that Parliament operates and the way in which members in this place have come into increasing disrepute over the past two or three decades as a result of the way in which the proceedings of this place are often reported. Whether or not that is a reputation that we deserve is questionable. Nonetheless, on occasions, the old saying often applies, namely, where there is smoke there is fire.

My view is that often the way in which proceedings of Parliament are reported has more to do with the the career prospects of the journalist making the report, whether by way of the electronic or print media, than it has to do with the truth of the matter and a balanced view of any contentious matter. All too often we find that there is agreement between members of Parliament, regardless of their political affiliations, but that no-one is interested in communicating that information to members of the general public in a way that will enable them to understand that contention is not the name of the game. The propositions under discussion will go some distance towards ensuring that, without restricting the capacity of debate in the House, contentious matters will be able to be resolved in greater measure and in ways that will expedite the operation of both Chambers of Parliament, but this Chamber in particular.

I want to make some remarks about these fundamental assumptions made in the procedures to be considered. One of these assumptions is that there should be Ministers in both Chambers, although I do not happen to share that view. Another fundamental assumption, consequent upon that, is that at certain times Ministers should appear before either Chamber to answer questions from members in that Chamber. Of course, that would be unnecessary in the event that there were no Ministers in the Upper House. The Lower House would have all the Ministers, and the Parliament itself would then only need to provide time in the Upper House for Ministers to appear to answer questions which may be asked of them by members in that place. There are other matters relating to the manner in which the membership of the Upper House is determined by the electorate and the length of term which those members serve.

I believe that, in the event that Ministers were to be removed from that Chamber and were all to be appointed from the Lower House, the Assembly, as the House of Government, would be seen as being more capable of making an objective assessment of matters. If journalists were unable to make up their minds about matters of importance they could at least listen to debates in the other place and understand more clearly the differences in the issues at stake. They would not simply sit back and say, 'It's just one Party scoring points off another', which is all too often the trite fashion with which they treat the reporting of Parliamentary debates.

I further believe that, if Ministers were removed from the Legislative Council, it would ensure that political Parties, no longer needing to focus on that Chamber since it was not essential to the formation of Government, would then have to apply their attention to the methods used to preselect candidates for the Lower House, with the full Ministry having to be drawn from those candidates. The kind of sinecure posts that we now see being created in the Lower House, especially by the Labor Party, would therefore become a thing of the past, as the Party would have to renovate the fashion in which it determines its preselection. I think it would serve the best interests of politics in this country were the Labor Party to do that.

That is not a gratuitous insult but rather an honest appraisal of the way in which the Labor Party presently fails to preselect its candidates in a democratic fashion. Those members of the Party living in the electorates for which the Party endorses its candidates have very little, if any, effective say at all in deciding who they ought to be. The pressure upon the Party to select candidates capable of Ministerial rank and other high office in the Assembly would then be greater, and it would be less likely that we would see so many speeches being read by members of Parliament, as is the current practice, even though when challenged the members concerned claim they are using copious notes.

I will leave other matters uncanvassed, in the belief that the opportunity to comment on them will be made available to me if, as, and when this measure passes. It is a matter of enduring concern to me, as it has been for a decade or more, that Parliament itself, if it is to be restored to its proper place in the eyes of the community, must address these and other questions, and must do so quickly. Otherwise, the general public's respect for the Parliament will dissipate to the extent that even greater numbers than at present will simply refuse to report to the polls and will refuse to participate in the democratic process because of the contempt they feel for us and for the institution of which we are members.

Motion carried.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That in the event of a joint committee being appointed this House be represented on the committee by seven members of whom four shall form a quorum necessary to be present at all sittings of the committee, and that members of the joint committee who represent the House of Assembly shall be Messrs Becker, D.C. Brown, Eastick, Groom, and Klunder, Ms Lenehan, and Mr Trainer.

Motion carried.

The Hon. G.J. CRAFTER: I move:

That Joint Standing Order No. 6 be so far suspended as to entitle the Chairman of the Joint Select Committee on the Law, Practice and Procedures of Parliament to a vote on every question, but when the votes are equal he shall also have a casting vote.

Motion carried.

LIBRARY COMMITTEE

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the members in this House appointed to the Library Committee have leave to sit on that committee during the sittings of the House.

Motion carried.

MARALINGA TJARUTJA LAND RIGHTS BILL

Adjourned debate on second reading.

(Continued from 11 May. Page 1479.)

Mr OLSEN (Leader of the Opposition): As a result of this legislation, 16 per cent of the whole area of South Australia will be under the effective control of about 4 000 people—under a form of control which allows less than 1 per cent of our population to deny the other 99 per cent of South Australians access to an area of our State 2½ times the size of Tasmania, two-thirds the size of Victoria and larger than England. I am, of course, linking this Bill with the Pitjantjatjara legislation passed by this Parliament in 1981. In the case of this legislation, although the Minister in his second reading explanation did not refer to this, I understand that it proposes to confer rights to a community of about 300 people, over an area of more than 52 000 square kilometres, or 5 per cent of the total area of the State.

In referring to the end result of both pieces of land rights legislation, I intend to canvass the questions: has the Government gone too far with this Bill, and should we now be drawing the lines on any further land rights claims? In doing so, I believe it is necessary, first, to recognise that there is no single definition of the term 'land rights' which has universal acceptance. There are many variations on the basic theme of giving lands to those who claim traditional ownership of them. These variations involve a consideration of issues such as the extent to which constraints are imposed on alienation of lands once they have been granted, the degree of access to the lands for those who are not the traditional owners, and whether or not Aborigines should be placed in a position to control lands to a much greater extent than other landholders in the State.

The fact that the other land owned by Aborigines outside the land rights concept is held and used according to the ordinary laws of the State and the Commonwealth is another consideration. This is, therefore, a complex matter that requires close and detailed consideration by members. In his explanation of this Bill, the Minister suggested that it is a proper and logical extension of the land rights granted to the Pitjantjatjara. This explanation was, however, simplistic. It overlooked much of the history of this matter and at least some of the implications of extending land ownership in this way.

The granting of land rights has become an emotional issue. No-one denies the need for our predominantly white society to take action to remedy and make up for almost 200 years of neglect of Aboriginal culture and conditions. Unfortunately, there has been a tendency for some to claim a monopoly on wisdom and conscience and to assert that those who do not agree with their remedies have only one motive: to deny to Aborigines. Dogma of this kind cannot resolve this issue. It has not in the past and it will not now.

A consideration of the recent history of granting rights to Aborigines in South Australia shows that through patience, understanding, and a willingness to consider other points of view, we have reached the stage of having legislation that specifically recognises the rights of Aborigines and, in the case of the Pitjantjatjara Act, is tailored to suite the special circumstances of the former north west reserve. This is because the land rights debate in South Australia during the past 20 years has been conducted on the basis of how rather than whether land rights should be granted. In this, the Liberal Party is proud to have played a constructive and significant role.

It was a Liberal Government in 1962 which appointed South Australia's first Minister with specific responsibility for Aboriginal affairs, Sir Glen Pearson. He introduced legislation to abolish all restrictions and restraints as citizens on Aborigines and persons of Aboriginal blood. The legislation also appointed an Aboriginal Affairs Board and, in very succinct terms, the first report of that board, for the year 1962-63, highlighted the complexity of the task ahead, a complexity which, to a large extent, still exists. The board said:

> In order to appreciate the need for special legislation for the benefit of Aborigines, it is necessary to realise that there are many Aborigines and persons of Aboriginal descent living throughout a wide area of the State under widely different conditions, from spear-carrying nomadic people living under tribal conditions to those occupying trust homes in country towns and in the metropolitan area of Adelaide under exactly the same working and living conditions as their non-Aboriginal neighbours.

This situation has in the past placed, and continues to place, special responsibilities on members of this House who must consider both the needs of the community, which is the subject of this legislation, and the views of all other South Australians. The need to balance these different interests was addressed by this House in 1966 in legislation to establish the Aboriginal Lands Trust, and more recently to give land rights to the Pitjantjatjara.

As one of the moving forces behind both these pieces of legislation, Mr Dunstan deserves significant credit, and the former Premier (Mr Tonkin) recognised this when he said, at the handing over of the land title to the Pitjantjatjara traditional owners in November 1981, that Mr Dunstan had been responsible for the 'kindling of interest of the people and politicians of South Australia in the lot of the Pitjantjatjara.'

In many respects, both these Bills have been pioneering and, as such, have required continuing review to ensure that the intentions of this Parliament have been carried out in the actual implementation of the legislation. The Aboriginal Lands Trust legislation was introduced 17 years ago. The Pitjantjatjara land rights legislation received assent less than two years ago. Events in the intervening period bear very much on the reasons why this House is now considering this legislation, and it is to those events that I now turn.

When Mr Dunstan introduced the Aboriginal Lands Trust legislation, he contemplated that the North-West Reserve, over which the Pitjantjatjara now hold title, would be controlled by the trust. Liberal Party members, however, moved amendments to specifically exclude the north west reserve from the provisions of that legislation. The reasons for doing so were explained in the report of the select committee of the Legislative Council which inquired into the Bill. Evidence had been given to the committee that there were important differences because of tribal relations between Aborigines in the North-West Reserve and other Aborigines

in South Australia. These differences existed because the north west reserve had been created in 1921 specifically to protect the remaining tribal people in Central Australia. To do so, extensive controls were imposed over the reserve, including limited public access, to ensure that it was distinguished from other parts of South Australia. Accordingly, the 1966 Upper House committee recommended amendments to the legislation, subsequently accepted by Parliament, which gave the Pitjantjatjara the right to decide whether or not they should have separate land rights legislation. Subsequent events confirmed the foresight of the Liberal Party members at that time, because the Pitjantjatjara did indeed seek their own separate legislation. In doing so in the latter part of the 1970s, the Pitjantjatjara continued to emphasise their own special circumstances. Their request for separate legislation was put formally to Mr Dunstan at a meeting in Adelaide on 14 February 1977. At that meeting, the legal representative for the Pitjantjatjara (Mr Toyne) explained why the Yalata people had decided not to join the Pitjantjatjara council and why the Pitjantjatjara sought consideration as a separate case. Mr Toyne said (and I quote from a transcript of that meeting):

> The points that need to be clearly outlined to you this morning are that these men feel a separateness in relation to their country, not so much their geographical isolation but their cultural integrity. They would argue, I think, that you would find with the Yalata men that they are not in that position any longer.

The report of the Pitjantjatjara land rights working party, which Mr Dunstan subsequently appointed to inquire into the claims of the Pitjantjatjara, also commented on the differences between the situation in the north west and that of the Yalata people. Pages 60-61 of that report states:

> Although as far as can be ascertained the unallotted Crown lands and the defence reserve (Maralinga) are not of great cultural importance to living Aboriginals, people now living at Yalata retain ownership of and interest in sites known as Wayakula and Te; Te to the north-west of the Maralinga village. There would undoubtedly be many other sites of significance which anthropological investigation would reveal. However, evidence collected to date suggests the absence of any living totemic increase sites; that is, those sites which may be considered to rank highest in importance and sacredness in Pitjantjatjara culture. It would appear that Aboriginals moved through rather than lived in the Great Victoria Desert en route between the Tomkinson-Mann-Musgrave mountain areas in the north, and the areas around Ooldea in the south.

The report went on to point out that the most important area culturally appeared to be contained in the Unnamed Conservation Park, which the Bill before the House does not propose to undedicate. Differences between the Pitjantjatjara Aborigines of the North-West and other Aborigines have also been referred to by Dr H.C. Coombs, who is pre-eminent amongst Australians in his respect and affection for the Aboriginal people. In his book, *Kulinma,* Dr Coombs explains the situation as follows:

> These Central Australian communities speak a common language (or closely related dialects) and share a substantially similar religious and ceremonial tradition. They occupy sparsely a substantial area of the arid lands of the centre which spread through the northern parts of South Australia, the eastern zone of Western Australia, and the southern region of the Northern Territory. They are a remarkably mobile people and move freely through the territory. To them, it seems ludicrous that land which they consider theirs should, by the accident of white political history, be vested in three separate lands trusts established by three separate Parliaments. The communities have combined to establish a single lands trust for the whole area, to appoint to it traditional leaders chosen by the council, and to vest the whole area in that trust with an instrument of title which would be held within Pitjantjatjara territory.

I believe all this information clearly demonstrates that the people of the Yalata community are far less tribal than their northern counterparts. I have put this information before the House as necessary background to the actions of former State Governments in relation to the land which is the subject of this Bill. It clearly shows and justifies a difference between action to give land rights to the Pitjantjatjara in the north west, and attitudes to claims for land rights over other areas of the State.

In his second reading explanation, the Minister said that the former Premier (Mr Tonkin) had hailed the Pitjantjatjara land rights legislation as 'a model for other places dealing with ownership and control of land by indigenous minorities'. He inferred that the former Government regarded the Pitjantjatjara legislation as a precedent for other land rights legislation in South Australia. The facts show otherwise—both those historical facts I have related to the House about reasons for the special Pitjantjatjara legislation, and the fact that, when he handed over land title to the Pitjantjatjara in 1981, Mr Tonkin made it clear that this legislation was not a precedent. I quote the words of the former Premier from the *Advertiser* of 5 November 1981, as follows:

> In other parts of South Australia which were of interest to other Aboriginal groups, it is just not possible to grant the same land rights to Aboriginal groups in the way we have been able to grant land rights to the Pitjantjatjara. Europeans have continued to occupy the land for a long time, in some cases for more than 100 years, and it is regarded as belonging to the whole South Australian community.

That statement makes it clear that the present Minister is in error in stating that the former Government regarded the Pitjantjatjara legislation as a precedent for further land rights claims and legislation.

At the same time, the former Government did not recognise that, as far back as 1962, Sir Thomas Playford had given a commitment that land would be returned to the Yalata people who had been displaced by the atomic bomb tests in the west of our State in the 1950s. The former Government, as Mr Dunstan had done before, believed that this land should be vested in the Aboriginal Lands Trust, for long-term lease to incorporated Aboriginal communities associated with the area. The formal Cabinet decision decreeing this was first made in July 1972.

Delays in its implementation unfortunately were caused by a number of factors. Initially, they resulted from protracted negotiations with the Commonwealth to define the lands in question. Finalisation of the Pitjantjatjara land rights legislation caused further delays. At all times, however, the Lands Trust acted and spoke on the assumption that it would be the body in which the lands were vested. I refer, for example, to the trust's annual report to Parliament for the year 1978-79, which states in part:

> Firm undertakings have been given by the Government to the trust that it will proceed to the transfer of title to all unallocated Crown lands in the former Maralinga prohibited area to the trust in the next session of Parliament, and this will then enable the trust to long lease that land to the rightful Aboriginal owners as it undertook to do when it was first advised of the intended transfer of title in 1972.

The trust's latest report to Parliament, tabled by the present Minister only two months ago, again put the view that the trust should control those lands. In doing so, the trust referred to further delays in finalising this matter because of differences with the former Government relating to the operation of the mining and petroleum acts over the lands.

As a result of further negotiation on this matter just before the recent State election, the former Government had in effect reached agreement with the Yalata people on the terms of a proclamation which would have vested these lands in the Lands Trust and provided a basis for the operation of the mining and petroleum Acts. In fact, a draft proclamation was drawn up by the Aboriginal Legal Rights Service to give effect to an agreement between the former Minister of Aboriginal Affairs and the Yalata community.

The Minister made no reference to this fact in his speech, nor did he explain why, in just a few months in office, he has reversed a decision of 10 years standing (a decision

taken by a former Labor Government) to vest these lands in the trust. While I do not question the Minister's motives in dealing with the general question of land rights. I do not believe that he has considered all the implications of this particular decision.

South Australia is now developing a very fragmented approach to the control of Aboriginal lands. First, we appointed the lands trust, and there has been no significant criticism of the manner in which that body has exercised its responsibilities over the past 17 years. A special land-owning body was then created for the Pitjantjatjara for reasons which I have explained. However, now the Minister is proposing the appointment of a third land-owning body without giving the House any detailed reasons or justification.

I point out two major problems that this fragmented approach will cause. Both the Pitjantjatjara legislation and this Bill give some very significant powers to the traditional owners in regard to access to their lands. The Opposition is already aware of cases in which South Australians have been denied access to the Pitjantjatjara lands for no apparent good reason. If this also occurs in the Maralinga lands, or if there is any inconsistency in approach to access between the two land-owning bodies, this will provoke great hostility from other South Australians who still believe that they have some legitimate rights of entry to these lands, or to pass through them.

Secondly, there will be further impediments to mineral and petroleum exploration in this state. The House is already aware of problems which have developed in interpretation and application of the Pitjantjatjara legislation. We are now appointing another body to control another prospective area of the State that may impose different conditions on companies seeking exploration rights. The end result can only be further confusion and further delays in assessing the resource potential of our State.

I have noted that in relation to the mining provisions of this legislation, the Government has accepted that the Aborigines should not have an absolute right of veto over access to the lands for exploration and mining. This is an endorsement of the realistic approach which the Tonkin Government adopted, despite the significant pressures placed upon it to accept the policy of the Dunstan Government on this issue. However, because the Pitjantjatjara legislation is not working in the manner in which it was proposed at the time it was agreed in 1980, I believe the select committee should give further consideration to the mining provisions in this Bill, particularly as they relate to compensation for any disturbance at the exploration stage.

It is the clear recollection of those responsible for Government involvement in the negotiations with the Pitjantjatjara, that the Pitjantjatjara representatives indicated they would not seek significant compensation for disturbance at the exploration stage. The Bill, therefore, did not deal with this matter specifically. However, in negotiations with Hematite on access for oil and gas exploration on their lands, the Pitjantjatjara claimed about $4 000 000 in compensation and as a result, Hematite has not proceeded with its work.

I believe these problems have arisen with the Pitjantjatjara legislation and are likely under this Bill because of the very aggressive methods which have been used by some advisers to achieve what they consider to be the best form of land rights. They have, I believe, involved themselves in some activities which, in the long term, could be prejudicial to the people they are trying to help.

They have sought to impose their own standards on people who have evolved traditions and views over untold ages. In doing so, I believe they have overlooked some of the variations I mentioned earlier in interpretations of what the granting of land rights means. There are real difficulties in translating the views of the Aborigines into our laws and ensuring co-existence of those views when the lands and the Aborigines concerned are also part of a broader South Australian community.

While a resolution of these difficulties has caused confusion and delays in the granting of rights to the Yalata people, I emphasise that the Opposition believes these lands should be returned to these people for their use.

However the Opposition also believes that this can best be achieved though the existing provisions of the lands trust legislation. The trust gives ample reason for this view in its latest annual report. It states, with some justifiable pride:

> The trust generally finds complete Aboriginal acceptance of the correctness of its policy in granting the longest possible term of lease over land, with repeated rights of renewal and at no cost to Aboriginal communities, so that these may enjoy undisturbed occupation of their traditional lands for as long as they wish to do so, and that having granted such inalienable title the trust does not thereafter seek to interfere or have any voice in the manner in which each particular community exercises its own control, management or utilisation of the land or its assets.

The Minister has not disputed this view, nor has he said why the trust should not be responsible for the lands sought by the Yalata community. This would allow the owners all the protections and rights they seek.

In the absence of any adequate justification for proceeding in the way the Government proposes, the Opposition believes this Bill must be amended so that it conforms to what has been the intention of successive State Governments and the lands trust since 1972, and the wishes of the Yalata community for much of that time. The Opposition also believes the Government must make a clear statement that there will be no further grants of large areas of land for the control of Aboriginal groups beyond the level of control which would otherwise be exercised by landowners according to the ordinary laws of the State and Commonwealth. The Government has a responsibility to act in the interests of all South Australians.

This has meant, in the case of the Aborigines, the acceptance of some positive discrimination to protect them and their ownership of lands from exploitation. However, we must seek to balance this against the benefits which can flow to all South Australians, including the Aborigines, if the land is available upon reasonable terms for an income-producing purpose. It is all part of South Australia, and one group of South Australians cannot be isolated from the rest of our community. This Parliament must ensure that it continues to recognise and support the legitimate activities of all sections of the community who are complying with the laws relating to their activities and who seek to preserve and improve the social and economic future of South Australians. To grant excessive privileges to the Aboriginal members of the community over and above those available to other members of the community, except with regard to the Pitjantjatjara lands and the Maralinga lands, would be a repudiation of this responsibility. This statement is made not merely because, in other areas, the tribal association with specific tracts of land has long since ceased. It is also made because there is a limit to which this generation and future generations can be required to atone for the so-called sins of our forebears. I said at the beginning of this speech that we have to remedy some of those past wrongs and we have and are doing so. However, that can be no justification for totally transferring and alienating huge tracts of land which are being or which could be used for purposes essential to the maintenance and development of our whole community. We must not go too far. The line has to be drawn somewhere.

In summary, I believe that in some important respects this Bill does go too far. I have referred to the need to vest these lands in the lands trust, rather than in a separate body.

I also detailed other matters which need to be scrutinised in the select committee stage, and because similar amendments to the mining provisions of the Pitjantjatjara Bill are proposed, I would ask the Government to defer further consideration of that Bill until this select committee has reported. In dealing with this matter at length, I have been concerned to make our policy clear, and to ensure that whatever measure this Parliament finally adopts, it is workable and properly balances the interests of all South Australians.

The Opposition's policy has regard to the interests of present and future generations of all South Australians and to the preservation and protection of our Aboriginal heritage. It also seeks to enable groups that continue their tribal existence to maintain that existence on terms that protect their way of life as much as that is possible in view of all the extraneous influences and pressures on them from our society. This matter is one of great concern and we have considered our position very carefully. I trust that our approach will find support within this House and the community at large.

The Hon. E.R. GOLDSWORTHY (Kavel): I would like to make a few comments before the Bill presumably goes to a select committee. One concerns the principal aim of the Bill to vest the Maralinga land in an Aboriginal group under the same terms and conditions as were granted to the Pitjantjatjara. I believe that that is ill advised, and the Leader of the Opposition has given the reasons for such a view. Opposition members are certainly not arguing the basic premise that land should be transferred for the benefit of those Aboriginal people. Nonetheless, it had been understood until recent days that land should be transferred to the Aboriginal Lands Trust and, indeed, agreement had been reached by the then Minister of Aboriginal Affairs (Hon. Peter Arnold) with the Yalata community, and the legal representative charged with handling the matter had gone off to draft a proclamation. That was done and, but for the advent of last year's State election, I do not doubt that that would have been enacted.

However, if certain people come along and offer something more generous, it is only human nature that such an offer will be accepted. When the Labor Party, as in the case of the present Minister, says, 'We will hand you over more and give you terms and conditions being sought especially by one group that is advising the committee,' common sense dictates that—

The Hon. G.J. Crafter: When did I say that?

The Hon. E.R. GOLDSWORTHY: I said that an election promise of the State Labor Party last year was that the land would be transferred under precisely the same terms and conditions as the Pitjantjatjara land was transferred.

The Hon. G.J. Crafter: You said I said it.

The Hon. E.R. GOLDSWORTHY: I said that it was said. I said that the Labor Party offered to hand over the land under the same terms and conditions as the Pitjantjatjara land was handed over. One group was pressing for that, and the Labor Party acceded to that request. If certain people see such an offer as more advantageous, they will agree to it despite the merits of the arguments that have been well canvassed by the Leader. For these reasons, I disagree with the basic thrust of the way in which this land is sought to be transferred.

Two matters concerning the workings of the Pitjantjatjara land rights legislation concern me. The major one is not addressed by this Bill, which is in substantially the same form as the Pitjantjatjara land rights legislation, and re-enacts what I consider to be certain mistakes which have been shown up in the working of the previous legislation. I have a clear recollection, as have all the Government negotiators who attended one of the negotiating sessions in Alice Springs, as to what would be reasonable payment for dislocation. On that occasion it was agreed that there would be no substantial front-end payments in respect of exploration, although there were to be payments in respect of disturbance of the land. In other words, if the land was disturbed, it would be put right physically. However, there was no demand for substantial front-end payments in relation to exploration activities. As Minister of Mines at the time, I had a specific responsibility relating to the discovery and development of the resources of this State. I am not the only one with this clear recollection.

Since the passage of the Pitjantjatjara lands legislation, excessive demands have been made (certainly excessive in view of the company concerned) in relation to the exploration for hydro-carbons in the Pitjantjatjara area, some of which had been explored previously when it was an Aboriginal reserve but demands were made in respect of a $30 000 000 exploration programme over a number of years. Indeed, substantial front-end payments were demanded before the Hematite company could get on with the job, but the company would not agree. Indeed, such payments had not been made anywhere else in Australia, so the company would not agree to make such a payment in relation to the exploration for hydro-carbons, which are vitally required in South Australia and could do enormous good for the whole community including the Aboriginal community.

I do not for a moment believe that the previous legislation is working out in the way it was intended to work out by all parties at the time of the negotiations leading up to the passage of the Bill. These Bills do not address that question at all. The only provision in the amendments to the Pitjantjatjara Land Rights Bill (which, I understand, is included in this Maralinga Bill) is that, some more independence is given to the Aboriginal groups in terms of their ability to claim legal costs incurred during negotiations.

As Minister, I agreed that certain legal costs were reasonable in relation to those negotiations. However, that central problem of what occurs in relation to entering the land for the purposes of exploration is not addressed, and I believe that that is the central problem which needs to be addressed. The former Government would not resile from the principle that minerals anywhere in South Australia reside with the Crown. Certainly, that is a principle from which I and the Opposition will not resile, because any mineral wealth below the surface which is developed in South Australia and any royalties accrue to the whole of the population of this State, to the Crown: that means the population at large.

I believe that any force or activity (and they can be small groups) which unduly inhibits the discovery and the development of those resources is a matter of serious concern to everyone in this State, particularly at a time when one realises that there are a large number of disadvantaged people in this State, besides our Aboriginal brethren. I freely acknowledge that they are a disadvantaged group. However, I believe that anything that has happened in this exploration programme (where, as I say, $30 000 000 had been negotiated by the Department of Mines, and with me as Minister) has been inhibited unreasonably. I also firmly believe that it is in contravention of the verbal understanding we all had at one of our latter negotiating sessions at Alice Springs, and that is a source of great regret to me. I should certainly like to see that central question addressed as a result of any select committee deliberations.

The other problem, which is probably as equally vexatious to the citizens of this State, is the question of entry to the land. I know that in all of these cases there are claims and counter-claims. I know that claims were made that permission to enter these lands is not withheld unduly.

I do not believe that the access provisions of the Bill are working in the way envisaged by those who were negotiating.

One of my constituents from Nuriootpa came to see me this year. He wished to take an annual holiday with his wife across these lands, to Port Hedland eventually and go across country to Western Australia. He contacted the Department of Aboriginal Affairs to ask what he had to do, because he knew that there were certain requirements before he could get to Port Hedland. On 16 December 1982 he wrote to the Director of the Department of Aboriginal Affairs seeking advice as to requirements to enter certain areas of Australia which may have Aboriginal settlers. Those were the terms of his letter and he outlined where he wanted to go. The letter states:

I would be pleased if you could advise me as to whether there are any restrictions or permits required to enter any of the areas and, if so, to whom must I contact . . .

He received a reply from the Department of Aboriginal Affairs in Adelaide. That reply states:

Dear Mr X,

You must write direct to the Pitjantjatjara Council and the Western Australian Aboriginal Lands Trust for permission to visit the areas you mentioned in your letter. Both bodies will require details of the purpose and duration of your proposed visit, also dates of planned visits and names of members of the party. You should also mention whether photographs will be taken, and the purpose to which they will be put.

He duly put in his application to the Pitjantjatjara Council and the Western Australian group outlining where he wanted to go. He anticipated taking some photographs simply as a record of his trip. In due course the reply came back. It states:

Dear Sir,

re: Application for Permit to travel through Pitjantjatjara Freehold Lands.

Thank you for your letter.

This organisation deals with the South Australian communities involved in your proposed trip. The communities have been consulted about your application to travel through the freehold lands.

I have to inform you that your application has not been approved.

Yours sincerely,

Helen McCann, Secretary

No reason was given. I understand that that is the only refusal that has occurred. My constituent is at a loss. Is that part of South Australia for ever locked up? Will he not be able to travel across country to get to Port Hedland with his wife and maybe two friends? From my conversations with him I am quite convinced that he meant no harm. He simply wanted to travel through that part of South Australia to eventually get to Port Hedland on his annual vacation. As we all know, a number of people enjoy travelling in the outback of this great country. In my view, it is absurd to have that enormous amount of land in South Australia locked up from people who simply want to pass through it. As somebody said, it is easier to get into Russia than to get into this part of Australia, if that is the case. That has been said and I know of other instances. It is not working out in the way envisaged certainly by me as one of the principal negotiators of the former Government.

If there was some ceremony of significance in part of the lands it might be understandable (and Lord help us: it is an enormous stretch of land and there are more than 1 500 people). One can go for miles and miles and not see a soul. One sees them in their various communities in the Pitjantjatjara land. However, to suggest that someone is refused permission to go through that land because he is a tourist going to Port Hedland is not a substantial or sufficient reason to give a flat 'No' with no reason, in my view. That is the way that it appears to be working out.

Therefore, I complain on two scores. First, I do not for a moment believe that it was contemplated that large front-end payments would be made for exploration of this land. It is to the enormous disadvantage of every South Australian (including the Aborigines, if that is the case), and it is simply being used as a bargaining point to set precedents which I believe are dangerous. Secondly, I do not believe that it is reasonable that permission be withheld, certainly in the case of my constituent of whom I am well aware, as he came to see me and I have the correspondence. If that is the way that Aboriginal land rights will work out in South Australia, I am very disappointed.

The Minister and his Government have a responsibility to develop the resources in this State, to protect the culture and the ways of life of these people. It can be done quite simply: if people know when ceremonies are to be held or where sites of significance are, they can tell people where they are. However, to suggest that people cannot pass through those lands is ludicrous, quite frankly.

As I say, the Opposition would not resile from that basic principle regarding any mineral wealth in this State, wherever it be (it certainly does not apply to minerals found on my property or other members' property). There are no ground rules anywhere else in this State like this. Those minerals and that wealth belong to the people of this State: the Crown.

We would not resile from that. Any provisions in a Bill which prohibit the reasonable discovery, exploitation and development of land to the benefit of the whole community, are bad. We had many rounds during the negotiations about mining provisions to see that the development is not unduly and capriciously frustrated. Here we are with the first application: $30 000 000 is a very significant exploration effort to find a vital commodity for this State (oil and gas). It has been frustrated by what I believe is unreasonable behaviour because the Bill was deficient because we took, as agreed, a certain pattern of behaviour.

I think that the Minister himself would concede that it is possible in some circumstances to manipulate these Aboriginal people. From my own contact with them, they were a dignified, calm and very appealing group of people. As I went further into the far west corner of the State, it became readily apparent to me that they needed help, particularly the youngsters. I finished up at Mount Davies in the very north west of the State and I thought that those kids need more help than they are getting at the moment, certainly in terms of housing and health, because they are in limbo. They are not basically tribal, they are not fundamentally tribal, but they are certainly not westernised. They are getting the worst of both worlds in my judgment.

They need help, but they will not be helped by giving the people who advise them political power to frustrate the reasonable expectations of other groups within the community who have legitimate interests. I would not like my comments to be construed as being anti-Aboriginal. I am certainly not in that position. I believe that they are a disadvantaged group and that they need help, although I believe that some of the advisers who are assisting them are doing a lot of damage, and they are certainly damaging the rest of the South Australian community. I say again that I am not satisfied with the Maralinga legislation.

I am not satisfied with one aspect of the Pitjantjatjara legislation, because it is not working out in the way in which it was envisaged to operate. Let us face it, it is easy to get up and say that we should give people what they want; that is the easy way out. However, the Pitjantjatjara legislation was the result of a fully negotiated agreement with give and take on both sides, and the State Government did not set out to disadvantage that group but to vest land rights in those people involved with a reasonable balance between the legitimate rights and aspirations of the whole of the South Australian community.

I am not satisfied with the proposed amendment to the Pitjantjatjara Land Rights Bill, nor am I satisfied with the

Maralinga Land Rights Bill. I believe that reasonable agreement had been reached, but it has been changed at the eleventh hour, in this case by some advisers in the Labor Party. I am prepared to let the legislation go to a select committee, but I will not agree with these Bills in their present form.

The Hon. H. ALLISON (Mount Gambier): I support the passage of this Bill through the second reading and then to a select committee. I commend the Minister for his decision to defer consideration of the Pitjantjatjara land rights legislation until the Bill presently before the House has been considered by a select committee which will report back to the House of Assembly. As a prospective member of the select committee I feel that it would be inappropriate for me to express in any detail those areas of concern that I have in regard to the legislation. There are quite a few matters about which I am concerned, but I will refer briefly to only a few of them, which relate not only to this Bill but also to the proposed amendments to the Pitjantjatjara legislation and also to the manner in which that Act has been operating. I also take this opportunity to express my support for the comments made by the Leader of the Opposition who related the historical and contemporary facts with great accuracy, also setting out the Opposition's attitude not only to the Bill but also to the Pitjantjatjara amendments. I feel that the Deputy Leader justified his approach in a very reasonable manner.

May I say, too, that my own interest in Aboriginal affairs has not been a fleeting one. I first took an interest in 1955 when I arrived in Australia and made this a part of some of my early educational studies. I was in great admiration of the work performed by Dr Charles Duguid at Ernabella, that establishment which he brought into being in the early 1930s—I believe that it was in 1935. It was quite obvious from Dr Duguid's study and from subsequent studies that the Aboriginal people of Australia have a very complex system and that they have long had a complex system of communication in language, and in music, and that they are a thoughtful, compassionate, and very intelligent group of people, and also that their government and legal structures are similarly complex. Dr Duguid's earlier works included *No Dying Race,* but a more recent publication by one of the Hartley C.A.E. lecturers, *The Last of the Narrindjeri* (referring to the Murray River tribes) would indicate to any reader of that publication that the government structure, the loose Parliament of the tribes along the Murray River with an elected leader, quite clearly demonstrates that the people were well able to govern themselves in a complex manner across the tribal systems.

Further, it has long been known that Aborigines are capable of very complex instruction and learning since a great many of them are multi-lingual, being able to communicate across tribal boundaries, when the adjacent tribal languages were not necessarily closely allied to the language spoken by any one individual tribe. In fact, there are some very great differences between tribal languages, as well as a great number of similarities. Aborigines who were taken from Australia to Europe were found to assimilate language instruction very readily. They travelled to Great Britain and to Europe and quickly picked up the European and English languages.

So, there is no question about the degree of intelligence of the Aboriginal people. They need no patronising. Probably one of the factors that has militated against swift passage of land rights legislation, until the Liberal Party introduced and passed the Pitjantjatjara legislation during the last session of the previous Parliament, has been the lack of modern sophistication, and probably the impression that was given to the world generally about Aborigines by none other than Charles Darwin, who classed the Aborigines very loosely and very inaccurately with a very low form of culture, almost a subculture of the human species. I believe that the precise reference that he made was that they were very closely allied to the Tierra del Fuego inhabitants in South America, whom he also regarded as being a very low form of the human species. He completely misjudged the situation and set a pattern of misunderstanding for the next 200 years.

I believe that contemporary Governments are doing all that they can to redress that misunderstanding, but at the same time, contemporary Governments and the European residents of Australia should not accept automatically the blame for what has occurred over the past 200 years. That would be a most unwise action to take. We should do all that we can to redress the situation, but we should not blame ourselves for what happened in centuries gone by.

The late Sir Thomas Playford committed the Liberal Government of the day to handing over the North-West reserve to the Pitjantjatjara people. He did that in the late 1940s, and it was a very significant commitment. Subsequently, when the Maralinga people were displaced when the atomic bomb explosions were taking place on their homelands, he pledged that he would return them ultimately to their homelands. However, he did not clearly define the areas which would subsequently be handed back to them. It was unfortunate that the Maralinga people scattered to Western Australia, to Ooldea and to Yalata, where the greatest concentration of Maralinga people has occurred in recent years. Historically, the Dunstan Government, and then later the Tonkin Government, conceived and then initiated and passed legislation handing over land to the Pitjantjatjara people in the far North-West. The work carried out under my own Ministry of Aboriginal Affairs and that of the Hon. Peter Arnold, who took over that portfolio in the latter stages of the Tonkin Government, has now come to fruition by being introduced into the House of Assembly in amended form.

This legislation now means that 16 to 17 per cent of South Australia will have been ceded to a very small minority of South Australians under conditions in many ways much more favourable than those enjoyed by other South Australians. There is absolute protection of the land for generations handed down to posterity in that the estate in fee simple is inalienable; it cannot be sold now or in the future by any individual or collectively by the Pitjantjatjara people, and similarly by the Maralinga people should this legislation be enacted. The exclusive rights include the right to veto not only mineral exploration which the Deputy Leader referred to but also to rights of access, and amendments which are being introduced in the Pitjantjatjara legislation and included in the Maralinga legislation are in some ways very punitive.

The select committee, of which I was a member and which sat I believe for over 20 sessions before the Maralinga land rights legislation was enacted, was told quite unequivocally by the Anangu Pitjantjatjara representatives that their refusals of applications for access to the lands would not be made frivolously, and yet I believe that some of the refusals to applications to travel over the Pitjantjatjara land, and therefore potentially over the Maralinga lands, have been frivolously based. If they have not been frivolously based, they have not been justified. There has simply been a bald statement 'Your application has been refused'. When one considers the potential damage that a group of Holdfast Bay Rotarians might have inflicted upon the Aborigines and upon the land, the mind really boggles at the straightout refusal, and the refusal to give any justification for the turning down of that application. That was some months ago when that group was refused the right to travel. I have been informed that individuals, Government workers and others, have been refused similarly, without any justification

being given for that refusal, and that really does fly in the face of the reassurances that the select committee on the Pitjantjatjara land rights legislation was given.

There was also the question of prior compensation, and both in the Pitjantjatjara legislation and in the negotiations for the Maralinga legislation we did have what was virtually an agreed Bill ready to be introduced into the House last September. The Hon. Peter Arnold was more responsible for those negotiations than I, but I know that he was in direct negotiation with the Yalata people, with the Aboriginal Lands Trust, and with the Aboriginal Legal Rights Association, and the Bill was, I believe, ready to be introduced into the House with a number of agreements which have been reversed in the legislation before us.

I have some fears based on the manner in which the Anangu Pitjantjatjara lands rights legislation has been operating over the past few months. I would point out to the House that the misuse of land rights, and the legislation that we have provided through this House, does have the potential for throwing the black iron curtain around those lands, not only in South Australia but in the Northern Territory and the Western Australian areas which are still subject to land rights consideration. A massive area of Australia would be subject to control, not from within South Australia, but from Alice Springs where the land rights organisation has its headquarters. Misuse of lands rights legislation has the ability to create a divided and antagonistic society. Misuse has the potential to deprive the Australian society of strategically necessary products, such as those referred to by the Deputy Leader: coal, oil, other materials essential to our lifestyle and from which the Aborigines themselves have undoubtedly benefited over the decades.

The point I would also like to make is that in the almost europhic state which lands right proponents found themselves in following the granting of land rights to the Pitjantjatjara people we, all of us, had to bear in mind that the granting of land rights is not the immediate panacea of all Aboriginal ills—far from it. Present indications are that substantial independent income for Aborigines is still a very long way off. The majority of Aborigines in my experience where I have met them in their homelands have been unsophisticated people, kind hearted, warm, generous with a keen sense of humour, and living a simple lifestyle.

We acknowledge that in the past they may have been patronised to some extent by a succession of Governments dating back a couple of hundred years. If they have been patronised over the past two centuries there is equally the chance that these simple, unsophisticated, if intelligent, people can equally not be patronised but can be manipulated by others once control passes from Government hands and is placed more in the hands of those people who will be administering land rights legislation, not necessarily Aboriginal people, but all of those who have developed a keen interest in Aboriginal affairs and who are assisting them in their negotiations. As I say, there is equally the chance that we will move from their being patronised to their being manipulated, and that is something I am quite sure all members in this House would seek to avoid.

The Maralinga people have expressed a very keen desire to return to the Maralinga area. I warmly sympathise with them in that desire. I have visited the area. I thought it was one of the more beautiful parts of this State, almost an oasis in the midst of a very arid, almost barren, region but it certainly is a delightful spot. They have expressed their keen desire to return to Maralinga but the opportunity to return with the granting of land rights offers no secure and sheltered lifestyle. In the main, that area is remote, it is climatically extremely severe; the land is inhospitable, and it will demand massive support systems at considerable cost if those Maralinga people's dream of progress and self-sufficiency are to be realised.

So, the passing of land rights legislation is certainly no letting off the hook for any Government which enacts that legislation. Government aid will be needed for a very long term, and substantial additional Government aid, if those dreams of moving from Yalata to a more homeland situation are to be realised. Another point I would have to make is that if there is to be massive development taking place across those homelands (with the consent of the Aborigines, of course) then I am not sure that the Minister himself and his Cabinet have left themselves any room at all for manoeuvre in the provision of infrastructures. Look at the Roxby Downs legislation for example, the Roxby Downs indenture, where the State Government assumed responsibility for an operation, and it was a relatively small proportion of infrastructure when one considers the amount which might have been demanded by the developing companies, but even that small proportion of infra-structure would involve finance to provide roads, rail, power, water, schools, hospitals, homes; and that bill would be massive. It can only be provided again at great cost to the Government, at great cost ultimately to the taxpayer, and I do not believe that the Minister has thought through all of the implications behind his changes to the current Anangu Pitjantjatjara land rights legislation when he brought in the amendments to that legislation, and included those amendments largely in the Bill currently being considered, that is, the Maralinga Tjarutja Land Rights Bill.

I am quite sure that there are massive financial implications which could lead the Government and the taxpayer into great trouble should present legislation not be reconsidered and further amended. Also interesting is the Ministerial objection to the Aboriginal Lands Trust being the owner of the lands with the right to sublet to the Maralinga people. As previous speakers—the Leader and the Deputy Leader—have pointed out, we had an agreed Bill ready to present to the House which gave the control of this massive area to the Aboriginal Lands Trust, which would have held it in trust for all Aborigines in South Australia. I shall be interested to receive representations during the select committee and to understand more fully the rationale behind that change of approach.

I am quite sure, too, that the people in the far west, who would have to divert from the far west around to the eastern border of the Maralinga lands in order to gain access to the unnamed conservation park—a massive detour—will be raising some objection. For example, I fear for the people of Cook (in the Far West, as all members will know), and those people whose lifestyle is already very difficult will now find life even more difficult, because if they enter the Maralinga Tjarutja lands for their weekend picnics and recreational activities they will be trespassers. The boundary is very close to the Cook township, and in the legislation proposed in the middle of last year we made special provision to provide an arc of land into which the Cook people could quite readily move for those picnics and recreational activities without having to obtain prior permission from the Maralinga people or the Aboriginal Lands Trust. It seems that those people have been carrying out those activities without let or hindrance for a considerable time, and to suddenly stop them with no justifiable reason does not seem fair. I believe that that matter, too, should be reconsidered.

The Liberal Government Bill, which was ready for presentation by the Hon. Peter Arnold, was a balanced Bill, and the opinions of the Yalata people, the Maralinga people, the Aboriginal Lands Trust, Aboriginal legal aid and other interest parties had been considered. That Bill was designed to strongly represent the interests of not only the Aboriginal people but also the rest of the population of South Australia.

I believe that it is encumbent on the Government and on members of the select committee to ensure that this Bill, when it finally is presented and enacted, grants lands, as long promised to the Maralinga people, in a manner which fairly represents the long-term needs of all South Australians.

We are granting this massive area of South Australia to a group of relatively unsophisticated people by Western standards. That is not a criticism of them. It may be that in the longer term they are the natural survivors and that we are the ones heading towards extinction because of our super-sophistication. In the meantime, we have the proposition that these people will return to their homelands (this is one of their main desires) and will wish to manage this area, and there is the possibility that they will also be in a position to handle quite massive sums of money.

I suggest that the last thing these people wish to do is regress, because the Aboriginal people, wherever they may be situated in Australia, have made consistent, firm and long-term demands upon Western Governments for better communications, better education, better health and better roads. They are not a group of people who wish to regress entirely; they still wish to take full advantage of the best that the Western system can offer. If these people are thrown upon their own resources, without first of all being educated into the management and administration of those resources, I believe that we will be selling them short.

In case any member of the House thinks that this is a relatively recent plea from me, I say that that is utter nonsense. I am repeating a plea that was made to the South Australian Government not in the 1980s but in the 1880s by members of the Narrindjeri tribe on the Murray River, the Aboriginal people at Point McLeay. They made it quite clear to the religious people, who were looking after them at the time, and to the Government of the day that what they wanted was not to be educated in the ways of Aborigines, not to be taught their own native practices and languages (they had managed very well, they said, for some 30 000 years before the whites came along), but to be educated into Western communication—English, mathematics and business administration principles.

What we should be doing commensurate with this Bill is to ensure that we educate these people into the very aspects of modern civilisation and administration into which they have been asking to be educated for over 100 years and which unfortunately a long succession of Governments have neglected. I hope that the points made on this side will receive deep and careful consideration by the select committee and that further considered amendments will be made to this legislation. I have great pleasure in supporting the introduction of this Bill into the House. It is a long-standing promise that was made by a previous Liberal Government Leader, Sir Thomas Playford, and it is long overdue. I support the legislation into the select committee stage.

Mr GUNN (Eyre): I am pleased to have the opportunity of speaking on this measure, as the area in question is situated within my electorate and is an area that I know probably as well as any member in this House. Having been involved with the community at Yalata ever since I have been a member of Parliament, I am fully aware of the history and the undertakings that have been given in relation to this land. As members would be aware, I was greatly involved with the Pitjantjatjara land legislation and made a number of comments on that issue. I think it is unfortunate that we are considering a measure of this nature at this time without having had an opportunity to examine how the Pitjantjatjara legislation is operating.

From the outset, I have been concerned about the genuine welfare of the Aborigines in South Australia generally. The more contact and involvement I have had with them, the more concern I have felt for them. One only has to go to those areas in the north west of South Australia to see the conditions under which these people are living and the involvement of people who represent Aborigines, and in many cases people would be absolutely horrified to see exactly what is taking place there. Unfortunately, very few people in South Australia have had an opportunity to see this or are even aware of the situation in that part of the State. I go so far as to say that if the majority of members of the community were aware they would be horrified at the conditions that exist, and they would also be horrified at some of the actions of the people who purport to represent the Aborigines.

As members of this House, we are some of the privileged few who are allowed to enter the area. I challenge anyone to visit the area and then say that he is not concerned about the conditions, about how the people have been manipulated and about what the long-term effects will be. It is my understanding that the Yalata community was shifted from Ooldea and the surrounding areas by Mr Hans Gaden, a constituent of mine who lives in Ceduna. About 468 Aborigines were shifted, of whom 67 were Kokatha, and the rest were Pitjantjatjara people.

The majority was associated with the Australian Inland Mission that was situated at Ooldea, because it had the only permanent supply of water in the area. The remaining few were scattered and took some time to round up. It would appear from the information given to me that the existing water supply at Ooldea would be adequate if extra bores and wells were sunk. It would also appear that there was little permanent occupation by Aboriginal people of other areas owing to the lack of permanent supplies of water, and there appeared to be a lack of native fauna suitable for use by Aborigines.

In considering this matter, we have also to consider the legislation passed by the previous Parliament, and we should look closely at what is taking place in other parts of Australia. The Deputy Leader of the Opposition, who in the last Parliament had the responsibility for mining, has said much about mining in this area. I was involved in discussions which took place at Ernabella in relation to the request that will be made for front-end payments. It is interesting to note that the green paper on Aboriginal Land Rights in New South Wales, issued on 22 December 1982 by the Hon. Frank Walker, Q.C., M.P., the Minister of Aboriginal Affairs, states at page 43:

> Nothing in or done under this Act operates to abridge or control the prerogative rights and powers of the Crown with respect to gold mines and silver mines or affects the operation of any Act vesting in the Crown the ownership of coal or petroleum.

That statement was made by the gentleman who has set himself up to be the Premier (but for how much longer I do not know), a modern thinker, the man who is going to transform New South Wales into some haven which will be the enlightened State. That is the type of legislation that he put before the New South Wales Parliament. I entirely agree with the comment of the Deputy Leader of the Opposition that it is wrong in principle to hand over the minerals of this State to any one person or any one group. The right to exploit minerals in South Australia should be vested in the Crown, and the permission to operate any mining tenement should be vested in the Minister. In that way the Minister would be answerable to Parliament. It is wrong in principle and in practice to hand over those rights which do not apply to my knowledge to any other person and which should not apply to Aborigines. That does not mean to say that they should not be consulted or interfered with unduly or that mining companies should have the right to run over the top of them or to disrupt their way of life, but

in the final analysis of the situation, where it is considered to be in the interests of the people of this State, in my judgment the Parliament should not hand over those powers.

I am concerned about this legislation, and I hope that the select committee will examine constructively the problems which exist in connection with this legislation. I am concerned about how this legislation will affect my constituents who live at Cook. As I read the legislation, it appears as though they will be restricted from going out to areas which they traditionally use for recreational purposes. I do not know how many members have been to Cook, but those who have will know that there are very few places nearby to which residents of Cook can go for recreation. There are only one or two spots about 35 to 40 kilometres north of the railway line where these people can go. It would be absolutely wrong if those people living in that part of the State were forbidden to go there without a permit. They should not be put in a position of being at the behest or the whim of a European adviser. Let us not kid ourselves: we are really handing the authority over to a group of European advisers. What has disturbed me in my involvement with the Pitjantjatjara legislation is that if I want to speak to someone about a permit I have to travel to Alice Springs, and often when I get there I find only two or three Aborigines, the rest of the people in the office being Europeans.

It was my understanding that under that legislation the particular organisation had to be incorporated under the South Australian Companies Act and had to have an office in South Australia, but to my knowledge that has not been done. That is nearly as bad as having the Community Welfare Department operating out of Alice Springs to service these areas. I could say more about that but it would not be appropriate at this time; I am sure I would be ruled out of order.

The Hon. G.J. Crafter: It doesn't happen now.

Mr GUNN: No, certain action was taken to rectify the matter. To my knowledge, two roads traverse the area in question: one goes to the southern part of the conservation park, and the other one goes up to the eastern section of the park and ends up somewhere near Marla Bore. It would be quite wrong if the public of South Australia were denied the right to use those tracks. We are talking about 16 per cent of South Australia. We are saying that it is not possible to enter without a permit an area from the Northern Territory border to within five kilometres of the railway line.

I have grave reservations about people getting permits, because of what has happened under the Pitjantjatjara legislation. For example, I had a constitutent who was a member of the Police Force. He and his wife and family enjoyed driving around the countryside, and they certainly were not people likely to disturb or interfere with people or to break the law. He wanted to drive through these areas to Western Australia, but his request for a permit was denied, and no reason for the refusal was given. He had shown an interest in the area, and fortunately for him he managed to be shifted to a location where he could enter those areas in the course of his duties, but his wife and family were not allowed to do so.

Another example involves the Hon. Martin Cameron and me: we were approached by a minister of religion who was having great difficulty in getting a permit to enter the Pitjantjatjara land to speak and minister to the members of his parish. The advisers refused to give him a permit, and we had to have a discussion with the adviser and make clear to him that we were perturbed about the matter. As a matter of principle, it is wrong that a person who was appointed by a wellknown religion to carry out duties on behalf of the church had difficulty in getting into the area.

Another example of difficulties in obtaining a permit involves a constitutent, a schoolteacher at Indulkana for many years, who was a law-abiding citizen and did nothing wrong, having left the Education Department in order to start a family. Her husband and the community adviser had a difference of opinion over a course of action (some powerlines had been knocked down by machinery), and because of that she and her husband received the following notice:

Alice Springs
30 August 1982

Your permit to enter and remain on Pitjantjatjara freehold land is hereby revoked. This means if either of you enter any part of the Pitjantjatjara freehold land without a fresh permit you will be acting in breach of section 19 (1) of Pitjantjatjara Land Rights Act and be liable to a penalty of $2 000 and $500 for every day during which you remain on the land after unlawful entry.

Anangu Pitjantjatjaraku

That person, after leaving her employment with the Education Department, was requested by the Principal of that school to be available as relieving staff. As I understand the legislation, the moment she is contacted by the Principal, she becomes a public servant again and has every right to enter these lands. Yet a person acting arrogantly in sending this sort of instruction could put the fear of the Lord into the person receiving it. No wonder people are concerned about the legislation. I intervened on the lady's behalf, and I believe that certain people were embarrassed by my doing so. However, that sort of thing should not take place.

One of the vexed issues which the select committee will have to consider is the right of entry. There should be a better arrangement for obtaining permission to enter these areas so that law-abiding people who have no criminal record can pass through them during certain periods of the year. It is all very well to pass laws, but Parliament must be aware of their effect. Unless we are careful, it will not be long before most citizens in this State will not tolerate having 16 per cent of South Australia locked up in such a way that they are denied access to it because most people, if told that they cannot go there, will want to do so.

The rabbit trappers who operate out of Cook have been doing so for a some years and should be able to continue because they are doing not harm but good by providing employment and getting rid of vermin. I do not know whether the pest authority controls these areas, but it is an offence in many other areas of the State not to kill rabbits or to have them destroyed. What will happen to these people? Surely they should not be prevented, on the whim of an adviser, from killing vermin in this area.

I have received a request from certain communities in the north-west of this State concerning the upgrading of their roads. The Highways Commissioner will not spend money upgrading roads in this area, and I understood that the Pitjantjatjara Council was looking at the idea of having some of its roads upgraded. Indeed, Mr Toyne indicated to me that the council was considering a proposition in this regard. Mr Toyne and I do not have many discussions, but I am happy to talk to him at any time, even though the passage of the Pitjantjatjara land rights legislation did not get me or the Liberal Party even one vote: all we got was criticism, because many of the people advising the Aborigines are political activists on the extreme left of the political spectrum, and they are using the legislation as a means whereby they can extend their influence over these Aboriginal communities. I have nothing to lose if I make harsh comments about certain people: indeed, I can only gain by it. I do not want to cause undue ill feeling in the community, because I am concerned about the welfare of Aborigines. However, we should not close these rights in view of the

discussions initiated, I understand, by the Pitjantjatjara people in the north of the State.

This measure has a long history, and Parliament has an obligation to implement the undertaking given to these people by Sir Thomas Playford and Sir Glen Pearson, both of whom I knew as honourable men who had the interests of the Aborigines at heart. I heard Sir Thomas Playford tell some interesting stories about his visits to the north-west of the State in 1935 or 1936, and I hope that someone has recorded them because many people would be interested in them.

From my earliest negotiations with the people at Yalata, they made clear that they were happy to have land transfered to the Aboriginal Lands Trust, and I have a letter, dated 19 December 1976 and headed 'Yalata Community Incorporated', to the Secretary, Aboriginal Lands Trust. On page 5 of that letter appears the following statement:

> Our word from the Coffin Hill meeting (29/9/76) has not changed. We want the title to that area marked on the map to be held by the Aboriginal Lands Trust and then to be released to the proper owners. We ask the Lands Trust to please take up the matter on our behalf.

Then there appear the fingerprints of seven members of the Yalata community (Tommy Gibson, Jack Cox, Jack Baker, Jack Windlass, Tommy Queanor, Harry Willard and Bobby James). Then there appears a statement, signed by C. Cook (Chairman), as follows:

> This word was asked for by the men. I have translated this letter to them. This is what they want. I witnessed the marks above.

That is an authentic document. I have had many discussions with members of these communities and they have made clear their views. I have a copy of a letter from the Aboriginal Lands Trust, dated 10 July 1979, to the Ministers of Planning and of Community Welfare, as follows:

> I wish to advise that I have today been informed by the Yalata people that they are concerned that during their meeting with the Minister of Community Welfare at Yalata last week the Minister informed them that it was the intention of the Government to consult with Mr. Philip Toyne to ascertain if he was agreeable to the Government's proposal to transfer the Maralinga lands to the Aboriginal Lands Trust. This statement by the Minister has caused much concern to the Yalata people, who want to know what has the Maralinga land question to do with Mr Philip Toyne. As was agreed at my meeting with the Ministers for Planning and Community Welfare on 29 June 1979, I have made no public statement on the outcome of the meeting or of the Minister's undertaking to seek Cabinet approval for confirmation of the earlier Cabinet decision of 1972 to transfer to the trust the whole of the Maralinga lands. However, in view of the concern now expressed by the Yalata people and the doubts which have been raised in their minds, I would now seek your earliest advice of Cabinet's confirmation of the 1972 decision.

That letter is signed by Garnet Wilson (Chairman). I have other documents which time will not permit me to read into *Hansard*. During the period of the previous Government a concerted attempt was made to discredit a man who had given many years of loyal service to the people of Yalata, Mr Barry Lindner, who had been honoured by the Queen some years previously. I have known Mr Lindner ever since I became a member of Parliament. Some of these people set out to personally vilify him by means of untrue allegations, especially the Aboriginal Legal Rights Movement, which wrote a letter to Mr Lindner and others saying that he was not wanted by the Yalata community.

When I heard this, I called at Yalata, as the local member of Parliament, and met with the council. Council members wanted to see only me and did not wish to have any other European advisers present. I discussed with the council certain matters including a police presence at Yalata, and then I asked what was the position in respect of Mr Lindner. They said that they were pleased to see him and that he could go there at any time. Obviously, the advisers did not want his influence. He knew the Aborigines and had been with them for 17 years; he had gone out into the bush with them; he had not breached their confidence; he had undertaken lengthy excursions into the Unnamed Conservation Park; he had a great respect for them; and he knew more about them than did the advisers, most of whom have little confidence in themselves, are wary, and do not wish people to go into the area. They do everything to keep people away. Mr Lindner had done nothing, to my knowledge, to deserve the sort of treatment they were giving him. He was also subjected to scurrilous attacks in left-wing journals. On an occasion when I was at Yalata, Mr Lindner arrived and he was welcomed with open arms.

In my judgment, these scoundrels who were attacking him (Mr Hiskey) and writing these letters were not reflecting the true will of the people at Yalata. I have been going there for over 14 years. That situation was also reflected to me and Arthur White during the discussions leading up to the Pitjantjatjara legislation when there was a dispute whether the opal areas should be handed over. We went to Mintabie and had a discussion with a council there, and put the matter of wanting to get rid of miners to the Chairman of the Maralinga council. He said, 'Don't worry about that. It is only the white fellows who want to get rid of them.' That certainly made me firm on on the situation.

I mention these matters because I believe that it is important. We can all make jolly good fellows of ourselves and say how right it is to give the Aboriginal people their rights. I do not object to being reasonable but it is foolish for us to run away from the difficulties and problems which exist now and which will exist in future. The Minister has been to the north west: he is a reasonable person and he must appreciate the problems there. The real thing that concerns the Aboriginals, not only in these areas but also in other areas where there are significant Aboriginal populations, is what will be done in the long term with all the young Aborigines who are growing up. We are heading for a very difficult situation because, unfortunately, most of them have nothing to do and get into trouble. One cannot blame them for that, but we have a real problem. The problem of petrol sniffing (about which the Minister knows) and other problems are of great concern to me, because we have an area in the north west different from the Maralinga land. The land in the north west has the potential for considerable cattle enterprise, and I was advised that it could probably run up to 50 000 head of cattle.

It is a most attractive part of South Australia for tourism and for the running of cattle. Unfortunately, to my knowledge the land at Maralinga has little or no commercial grazing potential. Significant mineral deposits could be found there and, if that is the case, there could be some financial benefit. However, I raise this question: what will the Aboriginal community do with this land when it gets it, because a few people camped there but water had to be carried 100 kilometres from Yalata by truck and trailer.

I understand that Mr Lindner looked at one or two sites where there could be a possibility of finding suitable supplies of water. However, it would be impossible for the Aboriginal community to live on most of that Maralinga land without great expense because there is no water there. Obviously, they have not lived there in the past except perhaps in the winter time and camped by a few holes in a small section of that land.

The select committee will have to do much work. I believe that it should visit Maralinga and go to the north west to the Pitjantjatjara land to see how it operates. I believe that it should look at some of those areas, because I am concerned about some of the things which the Aboriginal people in the north west have come under, the way in which they have been manipulated, and that their long-term interests have not been put to the fore.

At Amata, if one sees 12-year-old and 13-year-old people walking around with bits of wire around their necks supporting Coke cans full of petrol and sniffing them, one would be concerned. I believe that what is required in those areas is people with experience who have lived in that area (and who are not drop-outs from European society), and who understand Aboriginal people, how to look after them, manage equipment and plant, and how to operate those commercial operations.

In an area in which I know there was quite a sensible and practical person running the thing efficiently, he had a difference with the advisers. When he went on holidays he received a notice to say that he was fired. When he came back there, the Aboriginal people did not agree. I do not believe that they even knew about it and he got his job back. I believe that some people may disagree with what I have said today, but these things have to be said.

I am sorry that most people in this State cannot be taken to these areas and shown what is taking place, as they would then have a better appreciation of what has to be done there. I believe that money is not the only answer. There have to be people with experience and dedication, and it is absolutely essential that we face reality and use common sense and that Parliament gives very careful consideration before it passes legislation that will be on the Statute Books for a long time. Parliament should not make a decision which would cause trouble and which will not have long-term benefits to the people in this area. In closing, I believe that we are taking the right decision to give ownership back to these people. I do not object, but I object to a number of provisions about how it has been done. To hand over 16 per cent of the land to one small group of people and block access to the rest of the community will not be tolerated. We have to do something about that.

The Hon. G.J. Crafter interjecting:

Mr GUNN: It was 57 000 square kilometres. It is pretty close when one puts both areas together. The Minister has been there and he knows the situation. I support the second reading. I look forward to the appointment of a select committee, and I hope that it will be objective and sit down and resolve these problems.

Mr MEIER (Goyder): This is my first opportunity to debate a matter concerning Aboriginal land rights, but it is a matter which I have followed with some interest over the years and which has caused me considerable concern. I believe very strongly that if the Bill is passed it will not be in the best interest of all Aboriginals concerned. I emphasise 'all Aboriginals'. I am not necessarily referring to the leaders of extremist elements which are promoting the land rights issue because I do not believe that they are representing what the average Aboriginal wishes to have presented to the Australian community.

The first disturbing point concerns the entry into the land that would be set aside for these people. As stated in the Bill, we note that all traditional owners shall have unrestricted rights of access to the land. However, a person, not being a traditional owner, who enters the land vested in Maralinga Tjarutja without the permission of Maralinga Tjarutja is guilty of an offence and liable to a penalty not exceeding the maximum provided by subclause (2) which indicates some $2 000 plus $500 each day during which the person remains on the land.

As one who is living in a State that I regard as a free State and a country that I regard as a free country, I believe that this is a gross misconstruction of freedom, and that it is taking away the freedom of millions of other people. In regard to this type of legislation, what are we heading for? Personally, I do not know, but I know what exists in other parts of the world. We know that some countries have specific boundaries around their territories which are almost impossible to pass: we can think of the U.S.S.R., of China, and there are other countries as well.

The general feeling among people in Australia is that these borders should be pulled down so that access can be increased, yet here we are in South Australia endeavouring to put up a new barrier, to put up what has been described by the member for Mount Gambier as a black iron curtain. I can only regard this as a retrograde step. Why should we be endeavouring to create a new boundary within South Australia? A boundary with the provision for a $2 000 fine if one crosses it will only lead to greater antagonism between people, be they black, white or any other colour.

If one looks at the matter a little more closely one finds that any application must be in writing, be lodged with the council, and must state the purpose for which the applicant seeks to enter the land and the period for which the applicant seeks to be on the land. I really think that it would probably be easier for a South Australian to go to New Zealand or to New Guinea than to go into a prohibited area or the area set aside for the Maralinga Tjarutja people. It seems incomprehensible that we should create such a boundary.

It also worries me that with the setting up of separate areas we are offering the opportunity to specific groups (and I am thinking of extremist groups) to take control of such an area, and for outsiders to have very little, if any, influence in endeavouring to change that situation. This is a worrying prospect, so why put forward such an option? I do not want to raise fears or a scare within the community, but it seems to me that at some time in the future, maybe 10 to 30 years time, a particular group of people in control of such an area could ask members of foreign countries to come in and help them with certain aspects.

In the extreme case it could even involve the importation of military weapons or other items for whatever reasons that might apply. Is this something that we in South Australia want to put forward as a possible option that could occur in the distant future (I would hope that it would be in the distant future). In fact, I believe that this legislation makes South Africa and its apartheid system look something like a Utopia. In simple terms, the concept of an independent nation is not out of the question.

Other speakers have mentioned mining operations on the lands, which matter they dealt with very adequately. I personally believe that the restrictions provided for in the Bill are ridiculously restrictive. One then comes back to the question of why land rights are required at all. There are various arguments on that matter, but a strong argument would seem to be that Aborigines need to go back to their tribal culture and their traditional way of life.

If this is so, I believe that it is quite appropriate to take note of a white person who grew up as part of an Aboriginal community from his youth days. I refer to the late Professor T.G.H. Strehlow, who was recognised as Australia's leading authority on Aboriginal culture, law and languages. He was regarded as a friend of the Aborigines. He was very conversant with the Aranda tribe and with its language. In fact, he translated the New Testament into the Aranda language, thereby preserving that language for all time. Professor Strehlow, in one of his articles made the following comment:

> Hence I have found, during my own seventy years of life, plenty of black folk in Central Australia who, despite their own critical opinions of white settlers generally (whom some of them hated with a truly racist hatred), insisted on telling me that the coming of the whites had not been wholly a disaster for the indigenous people.

At this stage, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PAY-ROLL TAX ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 2, after line 29—Insert the following paragraph:

(ab) by inserting in subsection (1) after paragraph *(ca)* the following paragraph:

(cb) by the Family Planning Association Of South Australia Incorporated;'.

Consideration in Committee.

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment be agreed to.

I am not sure whether this matter was canvassed during the proceedings in this House, but the matter was certainly canvassed in the Upper House, where it received support. The Family Planning Association of South Australia has not been defined as a health centre in terms of the definition, yet the functions it has been performing are in fact identical to the sort of activity of health centres that were subject to the legislation so this amendment has been made. It is a logical move.

The Hon. B.C. EASTICK: As this is a reasonable concession, the Opposition accepts the proposal.

Motion carried.

SUPERANNUATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

INDUSTRIAL SAFETY, HEALTH AND WELFARE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SURVEYORS ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 3, line 35 (clause 14)—Leave out 'five' and insert 'one'.

Consideration in Committee.

The Hon. D.J. HOPGOOD: I move:

That the amendment be agreed to.

This matter was first raised in this Chamber when the member for Chaffey suggested a fine of $5 000, but this has now been amended to $1 000.

The Hon. P.B. ARNOLD: Originally, I suggested that this amount was much too high, and it seems that the other House has accepted my suggestion.

Motion carried.

SECOND-HAND MOTOR VEHICLES BILL

Returned from the Legislative Council without amendment.

CO-OPERATIVES BILL

Returned from the Legislative Council without amendment.

REAL PROPERTY ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment, with the following suggested amendment:

4. The following section is inserted in Part XVIII of the principal Act after Section 200:

201. (1) There shall be a fund kept at the Treasury entitled 'Real Property Act Assurance Fund'.

(2) The Assurance Fund shall have credited to it—

(a) any amounts which the Treasurer may from time to time assign to the Assurance Fund for the purposes of this Part;

(b) the moneys paid by way of assurance levy by virtue of the regulations; and

(c) any interest that may from time to time accrue in respect of moneys credited to the Fund.

(2a) Moneys standing to the credit of the Fund shall be used solely for the purposes of this Part.

(3) The regulations may—

(a) prescribe an assurance levy not exceeding the amount of two dollars per instrument to be paid in addition to the fees, or particular classes of fees, payable in relation to the registration of any, or all, of the following instruments:

(i) transfers on the sale of land under Part X;

(ii) leases and surrenders of leases under Part XI;

(iii) mortgages and discharges of mortgage under Part XII; and

(b) exempt prescribed persons, or persons of a prescribed class, from payment of the assurance levy.

(4) The Registrar-General shall keep a separate account of all moneys received by him by way of assurance levy.

(5) The regulations prescribing an assurance levy under this section shall expire on the thirty-first day of December, 1988 and thereafter an assurance levy shall not be payable by virtue of this Part.'

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's suggested amendment be disagreed to.

The effect of inserting these amendments in lieu of the proposed sections would be to require:

(1) Treasury to establish a separate interest-bearing trust account.

(2) Moneys credited to this fund via the levy to be tied specifically to this purpose thereby restricting Government use of unspent funds in that account for other purposes.

(3) Treasury will be obliged to credit interest accrued on moneys in the fund to the fund account thereby further restricting the use of the interest component for other Government purposes.

At present the assurance fund is not a separate identifiable fund held at Treasury. All moneys received and compensation payments made, in the past, have been processed through the Consolidated Account. What the Government proposes is that Treasury should be requested to keep separate accounting but not physically separate funds. The approach put forward by the Hon. Mr Griffin in another place effectively quarantines the funds raised from the levy, and is unacceptable for that reason.

The Treasury has advised the Government that the approach that it prefers is the one that is being taken by the Government with this measure. It is consistent with the past practice and affords the opportunity for funds raised by the levy to be used for other purposes when not required to meet claims.

The Hon. Mr Griffin's proposals did not make provision for the consolidated account to recover from the fund in subsequent years any contribution the Treasurer was called upon to make subject to section 201 (2) *(a)* of the Bill. The Hon. Mr Griffin's proposals provided for the Treasurer to underwrite the fund in the event of a large claim but no means whereby that amount could be recovered in advance from subsequent contributions to the fund.

The Hon. H. ALLISON: When I saw these amendments, I expressed some pleasure that quite a number of issues which I had raised in debate yesterday had been considered in another place and had now been the subject of amendments which had not only answered those questions but which had built them into the Statutes. However, I must express disappointment that the Minister has seen fit to reject these amendments. It appears that this levy, if the amendments are not accepted, will be perpetuated and that the sunset clause, which was a provision for discontinuing the levy in 1988, will not apply. The sunset clause was quite a valid clause to have introduced into the legislation because by the Minister's own admission yesterday (and I am speaking from memory) $90 000 per annum was to have accrued from the transfers alone which would take place in South Australia. There is potential, I believe, over the next five years for this account to accrue well over $1 000 000 and, therefore, for the fund to be self perpetuating based on the present number of claims being made against it. It would be an amount which would permanently offset claims to be made against the Government in the event of any misdemeanour.

I am disappointed that the Minister is suggesting that the recommendations be rejected. It would require an account to be kept separately which is quite a valid consideration, bearing in mind that the previous account was lost into general revenue way back in the 1950s. Had that not been the case, this legislation would not have been necessary and there would have been enough money in the fund already for any actions to have been taken and for moneys to have been drawn from that very substantial fund. However, that money was taken into general revenue and this legislation is necessary.

The amendments are sensible. They limit the use of fund receipts to the present Act rather than have them paid into general revenue. They are to be used solely for this part; they limit the levy to $2; they define an instrument (and these were questions about which I asked the Minister yesterday.) I regard the amendments as very soundly based and sensible and it is with some regret that I hear the Minister oppose them.

The Committee divided on the amendment:

Ayes (21)—Mr Abbott, Mrs Appleby, Messrs Lynn Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Hopgood, Keneally, Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten and Wright.

Noes (19)—Mrs Adamson, Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda and Wotton.

Pairs—Ayes—Messrs Groom, Hamilton and Hemmings. Noes—Messrs Evans, Gunn and Wilson.

Majority of 2 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the suggested amendment renders the Bill unworkable.

HIGHWAYS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MARALINGA TJARUTJA LAND RIGHTS BILL

Adjourned debate on second reading (resumed on motion).

(Continued from 11 May. Page 1480.)

Mr MEIER (Goyder): In continuing, I point out three main factors mentioned by Professor Strehlow. The first is that white people had not only augmented, but actually replaced most of the indigenous foods. I hoped that we would not take any issue with that point because we here as Europeans have certainly diverged from our eating habits. I for one enjoy an Asian style meal on occasions. It would not worry me if I ate Asian style food all of the time. Why should there have to be any reversion to the traditional way of eating? The coming of the white settlers has done away with the period of starvation in a land prone to droughts.

We are seeing again that white intervention into Australia in fact brought relief to a population in the outback that had, at times, experienced great hardship in periods of drought. We here in South Australia have experienced a period of drought in the last 12 months and we know the amount of discussion that has occurred in this House about relief to drought victims. It would appear that there is nothing retrograde in what the white settlers did in that respect. The third point is that the white authorities have broken down the geographical barriers between the land and local groups.

For the very first time in Aboriginal history black people could wander around freely in Australia without any danger of being killed when they crossed any sacrosanct group borders. In other word, borders were disappearing and it was a positive move from the point of view that fewer people were being murdered. Yet, we are discussing a Bill that will reintroduce boundaries. That will surely create new divisions and new ill-feeling not only between Aborigines but also between whites and Aborigines and possibly other coloured people as well. Therefore, it can only be a retrograde step to try and establish boundaries that disappeared a long time ago. Professor Strehlow goes on to say:

'Nor will the exploits of the many new hypocritical (and false) culture experts, professional admirers of Aboriginal art and civilisation, money-hungry lawers, red-hot activists, and so on, help Australians to arrive at any just solutions of the near-insoluble "Aboriginal problems" of the present.'

Mr Deputy Speaker, could I draw your attention to the time? I notice that I have 10 minutes left but I do not believe I have been speaking for more than 10 minutes yet when I sought leave to continue my remarks I had 20 minutes left.

The DEPUTY SPEAKER: There has been an alteration in the clock, so the Chair will give the honourable member the benefit of any doubt that he might have about the time left to him.

Mr MEIER: The professor then said that if the future is to be redressed at all, certainly there may need to be some consideraton given to what White Australia needs to do today in the way of helpful co-operation and certainly see that injustices of the past are corrected as much as possible. He also said that certainly if money is to go to a specific area then it must go to the real victims, the people who have actually suffered as a result of possible white abuse and it must not go to the stirrers, the activists, and the self-appointed (or Government-appointed) 'experts', 'advisers' and 'spokesmen' for the Aborigines.

The DEPUTY SPEAKER: Order! There is far too much audible conversation going on while the honourable member is speaking.

Mr MEIER: I really believe that it is the exclusive group, the minority few, the top small percentage that is getting all the benefits from money that is going to supposedly the Aboriginal cause today and these are the people who are able to have security of job, to have their material possessions, their nice new motor cars and their nice houses, but the average Aboriginal is not gaining any benefit from the changes in land legislation that have occurred in the past. I

therefore say that we should learn from our brief history in land rights that this type of Bill is not going to help the cause of the Aborigines. In this regard Professor Strehlow says:

> And there are plenty of Aborigines in this country who are sane thinkers and realise that all Australians,—

we should emphasise 'all Australians'—

> black and white, have a common destiny. The trouble is that they are rarely listened to by our Governments.

Why should we try to segregate people in this country? Why should we not make laws for all Australians? Why should some Australians be restricted from moving into certain areas and others are not so restricted? In that direction I refer to the supposed privileges that Parliamentarians have. I do not see why we should be allowed to enter these restricted areas as is proposed in the Bill. I believe people should be treated equally and it surprises me that a supposedly socialist oriented Government is bringing in legislation which seems to be anti-socialist in its concept because it is giving an advantage to the few and not to the many.

Another person who has written about the land rights issue and about the Aboriginal cause is Professor Blainey. In his book entitled *Triumph of the Nomads* he makes various points which I believe bear repetition. He said:

> The conclusion seems inescapable: over a long span of time millions of newborn Aboriginals must have been deliberately killed by their mother or father. Infanticide was almost certainly the strongest check on the increase of the population of Aboriginals.

In quoting this I am referring to some of the traditions that existed and I will tie up the relationship to the current situation. He continues:

> . . . Heartless pressures were also at work. Thus in some favoured regions of Australia the old were usually given the poorer scraps as food and—for blankets—the tattered animal skins . . .

So there was a fairly harsh law in early Aboriginal society. He also said:

> The effect of epidemics on Aboriginal population is not easy to assess. The effect of some epidemics, moreover, was probably compounded by the reprisals which they incited. Aboriginals believed that a fatal disease was the result of a plot of an enemy, and that the enemy therefore must be punished. The plague that followed the river settlements about the 1820s, for instance, was seen not as the result of a virus but rather a malicious spell cast by hostile tribes from the upper rivers . . . The devastation of a plague was increased not only by the widespread belief in sorcery but also by the avenging expeditions which were set in motion after the plague had passed; ultimately the groups which had suffered from the plague felt strong enough to retaliate against the originators of the plague.

There was often violent death by spearing and clubbing. One might ask what relevance this has to this particular debate. I refer now to some work published by a journalist, Mr John Larkins, in the Melbourne *Herald*. He had been looking at the Yuendumu Aboriginal group in the Northern Territory which comprise 1 000 Aborigines of the Wailbri tribe together with some of the Pintubi tribe. He saw many examples of traditional culture being observed by Aborigines who were to all intents and purposes living in a modern society. However, in this particular reserve a frightening list of things were happening. The list is taken from a hospital log which shows the patients who were treated. The entry comes from 21 June and I think the year was 1973. The log is as follows:

> Freddie Dixon, spear wound to leg, scalp lacerations.
> Paddy Jabanunga, spear wound to left shoulder and lower arm (evacuated by Flying Doctor).
> Frank Jakemarra Nelson, deep scalp lacerations, ragged spear wound to leg.
> Larry Jambidgimba, deep scalp laceration, needed suturing.
> Johnny Wayne, welts on back, hit with nulla nulla.
> Henry Kennedy, small scalp laceration.
> Joe Jambidjimba, spear wound to leg . . .

In other words, today in an area that has been handed back to the Aborigines we find that they are being injured in much the same way as they were being injured about 100 years ago. Since the white man arrived the Aborigines have not had to fear possible spearings and possible killings. They have had some sort of normality and security of life. Yet I believe that, following the introduction of this Bill, if the Aborigines go back to their traditional ways (and it seems that that is to be encouraged) such things will reoccur. Are we to be responsible for this sort of happening?

Apparently, there has been a movement among many Aborigines to return to traditional medicines and to reject the medicines of the white man. There may be nothing wrong with that. After all, Chinese acupuncture is now proclaimed throughout the world, as are several traditional medicines. According to the Melbourne *Age*, certain investigations were made concerning the movement back to Aboriginal lifestyle which looked at disease and illness. The newspaper report states:

> The situation is getting more serious as the confidence in white man's medicine is undermined.

Lindsay Murdoch, the author, stated the following:

> Rubbing the foul-smelling Karrinyarra grass with rabbit's brains and cooking it can make a good chest rub for babies with colds.

That sounds like a real cure, something that we could learn from the Aborigines, but the report continues:

> First of all, rabbits were introduced to Australia by the white 'invaders'. They might have produced a welcome supply of food to the Aborigines, but rabbits' brains could not have been part of ancestral medicine 'developed over the centuries', because there were no rabbits.

So how could it possibly be claimed that this is an ancient Aboriginal cure? Obviously, it is a fake. The report continues:

> The cures include eating small pieces of the raw liver of a wild or feral cat. Some techniques developed with the wild cat were later adapted for use with rabbits.

Again, cats were introduced by the white man, yet these cures are being advanced as ancient Aboriginal cures going back centuries. The report continues:

> The raw liver of a feral fox is mashed and rubbed on a sick person's body and fresh rabbit's urine is put on cuts, sores and ringworm.

The fox was also introduced by the white man. The report continues:

> For other illnesses, like common gut aches, it is more common for them to use their traditional treatment. Often in the case of a gut ache, it would be cutting the top off a termite hill, mixing it with water, boiling it and drinking it.

Again, however, it is pointed out that the Aborigines did not know how to boil water before the white man showed them how to, in the appropriate utensils, so how could that be an ancient Aboriginal cure? The report continues:

> Another cure for scabies is 'crushing and soaking twigs in blood from a goanna's nose'. No doubt it would be easy enough to find the twigs but to catch enough goannas and cut off their noses to get sufficient blood to soak the twigs must keep the Aboriginal doctors busy, and apparently goannas are not sacred in this part of Aboriginal land.

Many of these cures have been invented not by the Aboriginal but by the white man. That is blatantly obvious because the ingredients for such cures were not here before the coming of the white man.

Mrs Appleby: Neither were the diseases.

Mr MEIER: When diseases occurred among Aborigines, the blame was usually attributed to evil spirits and instituted by another tribe, so that tribe was attacked when the sick Aborigines were well enough to attack it. Some Aborigines suffered specific illness and diseases never before seen by the white man, and such diseases were known to wipe out thousands of people. However, I do not deny that the white man introduced diseases into Australia. Indeed, we still have strict quarantine exercised in many areas to prevent the white man's diseases from entering this country.

I have dealt basically with traditions held by Aborigines. If Aborigines are encouraged to go back to those traditions, it will be a retrograde step that most of them would not

want. Indeed, some of their white artivist leaders say that that is what the Aborigines want, but in saying that whom do those white people represent? I believe that they represent their own self-interest: they want a secure position, a secure job. They will be happy earning good money and living the good life: they could not care less what happens to the Aborigines. I am disturbed by the following report that appeared in the *Bulletin* of 1 July 1981:

> The Church of the Friendly People in Devonshire Street, Sydney, was the location for Australia's first National Liberation Conference. It brought together local supporters of the I.R.A., the P.L.O. and the anti-South African Pan African Congress with representatives of Aboriginal Land Rights Organisation. . .the conference. . .passed resolutions calling on all Commonwealth Governments to assist Aboriginal Lands Rights claims. . . .

Yet, that organisation backs the I.R.A. and the P.L.O.! Do we want such organisations encouraging our Aborigines? Look at the mess such organisations have created overseas. Many Aborigines are being hoodwinked by a small group in our society. They are being brainwashed into accepting a scheme that will bring them nothing but disaster in the long run. I appeal to all members to be clear on what they are being asked to vote on and to foresee the effect of this legislation on the future of Australia and the future of all mankind.

Mr LEWIS (Mallee): The contributions made in this debate by members on this side have provided considerable evidence as to the reasons why we are concerned about this legislation and the effects that it will have. That evidence has been quoted from authoritative sources, and members may direct their attention in future, as may readers of *Hansard,* to those speeches without the need for me to bore them with a repetition of that evidence. I merely place on record my concern about the effects of this measure on the developing Aboriginal in our society in which he is compelled to grow up and live in a way that will enable him to make a realistic appraisal of the world about him. Too much of this type of legislation tends to tug forelocks and gaze at navels to the extent that members of Parliament and the public at large have been made to feel that they have done something for which they should feel guilty of an offence against humanity. What happened yesterday has already transpired: yesterday has gone for ever. As each day goes by there are imperceptible but nonetheless definite changes.

With the march of history the difference may be hardly perceptible from day to day. However, over a decade or more it is clear: such is the nature of society. It is like the state of nature: dynamic, in constant change. If we honestly acknowledge that that is so, it is impossible for us to turn back the clock and imagine that attempting to do so (especially in the way this measure and these specific directives envisage), is only to compound the earlier felony of the way in which people were dispossessed without knowing the Aboriginal people of Australia, why they were being dispossessed and how they were being dispossessed.

They would have been dispossessed regardless of whether it had been done by my ancestors or the ancestors and relations of any human being in this country at present, white skinned or not. That was inevitable. I want to ensure that members of this place and the public at large understand those points in proper perspective, and I want to illustrate the stupidity of some of the propositions before us now and some of the concerns we hear expressed in the broader community.

One can do that by asking this House the very simple question: where are the sacred sites of the people who inhabited this country more than 12 000 years ago (or a period at about which the last ice age ended); where are the artifacts; where is their culture in any way preserved? It is clear to anybody who has made a study of the pre-history of human occupation of this continent that the race of Aboriginals, as we know them, are very recent migrants in the history of man. Twelve thousand years is not a long time, and the current race of Aboriginals were certainly not here 30 000 years ago.

Archeological evidence of the skeletal forms uncovered at Roonka, Lake Mungo and other sites around this continent clearly indicates that the Aboriginals who possessed this land until 200 years ago were neither homogeneous nor the original settlers of the *homo sapiens* species. In view of the fact that evidence clearly indicates that that is so, I do not personally feel that I have in any way perpetrated an injustice which needs to be redressed in any sense. As I am attempting to point out (and as I am sure honourable members will recognise), it is inevitable that change will occur, and if a society, an organised group of human beings in isolation for some thousands or even hundreds of years, falls behind the march of progress in technological development of the rest of the species, they will invariably and inevitably be overtaken by that march of history and other living members of the species.

That is not to say that I am in any sense a fascist: I am not. I would quite vehemently reject any claim or assertion and demonstrate, if the need ever arose for me to do so, the inconsistency of that assertion by the record of my involvement with services to other cultures and peoples not only within this country but more particularly and more extensively overseas. That being so, I mean no mischief to any other individual regardless of his skin colour (in fact, I wish them well). Nonetheless, it is imperative that those who live on this earth today recognise that we must live in peace and harmony with other living human beings, and that it is utterly repulsive to consider that the way to solve a problem is to resort to violence where the might of the situation determines what shall be done. Might is not necessarily right.

For us to pretend that some individual or group of individuals within a Parliament has the numbers on a particular day in a particular year to do a particular thing does not necessarily make that thing right, morally just, sociologically appropriate or economically sensible. Indeed, I suggest that much of the thrust of the legislation before us fails to recognise those parameters. By so doing, we are paying lip service to feelings of guilt that are unwarranted, and doing a serious injury to the development, ultimate integration, and acceptance by all Australians of the necessity for us to live in a pluralist society, each tolerating the existence of the other, governed by a common Parliament and a common Constitution which is concerned to ensure the welfare of the majority, subject to the needs of a minority and the rights of that minority.

Therefore, I believe that, unless the Government of the day can come to terms with that perception of the direction in which the society of man is going as it relates to this measure, then this Government will have on its head the responsibility for the stupidity it perpetrates on the community today and until it can be rectified. It will never be wholly rectified if the mistake is made now. However, at least whenever an attempt is made to rectify it, it will be from that point forward that the effect will be taken. It is not fair, just or sensible for us to say that we are not racist and yet set about establishing different rights and principles for one group of people within our society merely because of their skin colour, and that is exactly what we are doing.

We are denying the rest of the people of Australia, regardless of their skin colour (if it is not black and of Aboriginal descent in whole or in part), access to the wealth which would normally accrue to them in the form of the minerals, for instance, which may not yet have been discovered within those lands. We are denying them geographical access to

part of the country for which they pay taxes to ensure its territorial integrity, and finance the defence forces and the alliances necessary to do that. That is why I rise on this occasion to express my concern about what I consider to be the apartheid aspects of this legislation, and I urge all members to consider the plea put to them by the member for Goyder and other members on this side as it relates to those principles.

The Hon. P.B. ARNOLD (Chaffey): I would not attempt to suggest to this House that I am in any way an expert on Aboriginal culture or the Aboriginal people as a race. However, I had the responsibility for Aboriginal affairs in South Australia for a short time. The Minister would be well aware of my attitude on this subject. Certainly, as far as the Pitjantjatjara land rights legislation is concerned, that was arrived at after long discussions and negotiations between the Aboriginal people, the former Labor Government and then the Liberal Government which actually introduced the legislation and passed it. The land grant to the Pitjantjatjara people in relation to Pitjantjatjara lands carries my signature, as Minister of Lands.

I believe that the opportunity has not been given to determine the pitfalls that the legislation contains. There is no doubt that most legislation of a far-reaching nature contains pitfalls that are only revealed over a period of time. We have found (and I think that the present Minister would have to agree) that some of the aspects of the Pitjantjatjara legislation (in particular, access to the land for mineral exploration and development) have so far not worked out as was originally envisaged. I can only say that my discussions and negotiations with the Aboriginal people themselves have certainly been on a very realistic basis.

I have lived in the country all my life. Although I would not consider myself an expert on Aboriginal cultures, I have lived in association with them all my life. I have found discussions and negotiations that I have had with Aborigines to be very worth while and meaningful. The problem that developed in relation to negotiations certainly did not concern the Aboriginal people themselves: it involved people who put themselves up as their advisers. In many instances I do not believe that those advisers are necessarily acting in the best interests of the Aboriginal people at all times. I had discussions with the Yalata people in the Ooldea area prior to putting forward in this House the proposals that the land should be vested in the Aboriginal Lands Trust and that an appropriate proclamation should be made at the same time which safeguarded the Aboriginal people, as well as proclamations in relation to the mining and petroleum legislation.

The Minister would well remember that this subject arose on 28 September 1982 during the proceedings of Estimates Committee B. At that time the matter of Liberal Government policy was raised by the honourable member who is now Minister of Aboriginal Affairs. I endeavoured to indicate to Estimates Committee B the attitude of the Liberal Government and why the Government was proposing to vest the subject land in the Aboriginal Lands Trust. I also indicated that the then Government had reached agreement with the Aboriginal people to the extent that the Aboriginal adviser to the Yalata people had prepared a draft proclamation after discussion with me, which was acceptable to the then Liberal Government and which had been submitted to the Yalata people.

Unfortunately, that draft proclamation was torpedoed. I do not believe that it was any fault of Mr Hiskey that that occurred: rather, it was due to the efforts of others in the community. However, it was certainly not those in the Yalata Aboriginal community who caused the problem involving that draft proclamation. Had that been accepted, the transfer of the Maralinga lands to the Aboriginal Lands Trust would have proceeded forthwith. Unfortunately, although I was keen to see that happen, that was not to be the case.

A number of problems have arisen as far as the Pitjantjatjara lands are concerned. Other members on this side of the House have indicated to the House some of the problems that occurred in relation to access. While I was Minister of Aboriginal Affairs, one of the metropolitan Rotary Clubs approached me about the possibility of being able to go into the Musgrave Ranges. This particular Rotary Club makes an annual trip into the Far North and spends about a week to 10 days touring the outback of South Australia. I suggested to the Rotary Club that it should write to the Pitjantjatjara Council and seek formal approval to enable those in the clubs to make their inspection tour of the Far North. However, they were surprised (and certainly I was surprised) at the response that the club received: it was not granted approval to go into the Musgrave Ranges. I think one would have to readily agree that if it is considered that a Rotary Club is not a responsible body that could be expected to behave properly, one would wonder who on earth would be likely to receive an entry permit from the Pitjantjatjara Council. I think that that occurrence is a clear indication of where the legislation has broken down.

I think it was suggested by the Deputy Leader that in reality it is much more difficult for Australians to enter the Pitjantjatjara lands than to gain access to the Soviet Union. That is an absurd situation. I believe that the Aboriginal people themselves would not object to people going into that area, so long as they are responsible people. As I have said, if a Rotary Club is not considered to be a responsible body of people, I do not know where we would find one. I consider that that is one of the biggest problems in relation to the present legislation. We have not resolved that problem as far as the Pitjantjatjara land is concerned, and yet this Bill tends to be perpetrating that problem.

I would have preferred to see the land being made available and handed over to the Aborigines through the Aboriginal Lands Trust on a freehold title. I believe that it is a great pity that the proclamation that was prepared in good faith by Mr Hiskey was torpedoed somewhere along the line. I had a pretty good idea as to where it was torpedoed, but I have no actual proof. Certainly, the draft proclamation that was presented to me by Mr Hiskey was acceptable to the former Liberal Government: it was a very honest attempt to try to meet the requirements of the Aboriginal people and the requirements of all the people of South Australia which at that time were being governed by the former Liberal Government.

I will certainly support this Bill at the second reading. I will watch with a great deal of interest the evidence that will be presented to the select committee. I believe that, as a result of the experience and knowledge that has been gained from the implementation of the Pitjantjatjara Land Rights Act, a great deal of evidence will be forthcoming from many sections of the community. I will be interested to see the attitude adopted by the select committee and the report that ultimately will be brought before this Chamber.

The Hon. G.J. CRAFTER (Minister of Aboriginal Affairs): I thank members for their contributions to this debate. It is an important matter, and I appreciate the amount of interest that has been shown in this measure, although it is of some disappointment to me to hear some of the comments that have been made in the House this afternoon. I also appreciate the support of the Opposition for establishing a select committee on this matter, and I suggest that many of the concerns that members have raised will be attended to in that select committee process.

At times, when I was listening to the debate this afternoon, I thought that it related to 1 June 1983. The contribution that the Leader of the Opposition made is a most significant one indeed, because it embodies a dramatic turn of policy by the Liberal Party in this State. It shows (and I suggest that the community will judge this as time goes by) a dramatic change in the attitude that we saw adopted by the former Premier (Mr Tonkin), and the now Leader of the Opposition with respect to land rights. I quote from the Leader of the Opposition's speech that he made in this House a few hours ago. He posed this question:

Has the Government gone too far with this Bill and should we now be drawing the lines on any further land rights claim?

This Bill is based on the Liberal Party's own legislation: legislation which conveyed to the people prior to the last election, with the Liberal Party proudly claiming that it had achieved this for the people of South Australia.

The Hon. P.B. Arnold: But still recognising that there are problems.

The Hon. G.J. CRAFTER: I accept many of the reservations that people have, even about the land rights model itself. We are in a period of evolution. As the honourable member who has just spoken said, we should give this legislation some time, see how it pans out and see what it can achieve over a period. We have only had this legislation proclaimed for less than two years, and this is a dramatic turn-around for these semi-tribal people. We are hearing today harsh criticisms of the legislation from the Opposition. I think that members opposite should reflect very seriously on what has been stated today. I just cannot agree with some of the sentiments they expressed, and I am not sure whether some members who have contributed to the debate have in fact understood this legislation and followed its history over the years.

Some members painted this as a communist plot. I suggest that they should address their own members who formulated this legislation and the processes of consultation and established the select committee, and the like. We have established in this State a degree of consensus about Aboriginal affairs matters, and land rights in particular, and I think that we have been held up as an example to other States, which unfortunately do not have a political consensus on this fundamental issue.

We have seen, as the member for Mallee might have suggested in his speech, that this can be a very divisive issue in the community. We have not had that in South Australia. We have had a good deal of consensus and unanimity on this important matter, and I gave considerable credit to the former Government for what it did in this regard. I think that it took some very bold steps and achieved legislation that could not been achieved elsewhere in this country. That is why I find the contribution by the Leader of the Opposition very disappointing and devastating to all of those in the community who are fighting for justice, equality and the rights of the most dispossessed, oppressed and disadvantaged group in the whole of our Australian society: the Aborigines. Whatever test one uses to define poverty and disadvantage, it exists in that community. We can see only too well by looking at our prison population how many Aborigines there are compared with the number of Aborigines in the population at large—it is appalling. The Aboriginal infant mortality rate is shocking. All these issues indicators are—

Mr Baker: They have to be tackled, and that can't be done by—

The DEPUTY SPEAKER: Order!

The Hon. G.J. CRAFTER: I suggest to the honourable member that the land rights movement in this country is based on a premise that it is land, the ownership of land and the stability of those communities on which will be based the strength, the future growth and the identity of the Aboriginal people who wish to live in that way in this country.

Members interjecting:

The Hon. G.J. CRAFTER: I am pleased to see that the former Minister (the member for Chaffey) has in fact given some explanation to the House and has mentioned that the negotiations carried out by the former Government broke down.

The Hon. P.B. Arnold: They were torpedoed.

The Hon. G.J. CRAFTER: Torpedoed, or however one likes to explain it, they broke down. In fact, I received very strong representations from the community, when briefly I was the shadow Minister of Aboriginal Affairs, asking me to make representations to the honourable member. I put a lot of questions on notice, which were never answered, trying to ascertain what in fact did happen, what the views of the community were and the precise nature of that consultation process that went on which eventually broke down.

I am pleased to see that the honourable member has told the House of his experience as Minister with Mr Hiskey, because I think his role has been somewhat maligned. He played a very ethical role in this matter and was taking instructions from his clients. He endeavoured to reach a compromise in this situation. His compromise was acceptable to the Government; in fact, he drafted that proclamation on instructions from people involved in the Government side of those negotiations (if I can put that in general terms), and he took them to his clients, who eventually rejected them. He was doing what a solicitor should do in that situation. The honourable member might like to place some connotations on that, but I think it should be said that the role that Mr Hiskey played and that of the Aboriginal Legal Rights Movement was an ethical one in that situation.

When I became Minister I said that I would consult the communities involved, and the Aboriginal Lands Trust came to my office and said of this legislation, 'You must go to those people and talk to them and find out what it is that they want themselves.' I did so; I went to Ooldea and met those people. Those people had been meeting for several days. I had had a number of discussions with some people from that community and the legal adviser but I insisted that I should hear from the elders themselves. As a result of that meeting at which members of the Aboriginal Lands Trust were present (I insisted that they be there at that meeting and involved in the discussions), I was told that they wanted to receive the title of that land on the same basis as the northern Pitjantjatjara people had received title to their land.

Mr Baker: They didn't have the same relationship to the land as they have in this case.

The Hon. G.J. CRAFTER: I am telling the member for Mitcham my experience. I had discussions about this matter with members of the Aboriginal Lands Trust. They have advised me that they concur with the local community, and as recently as the late 1970s they had written to the then Government saying that they treated the transfer of the Maralinga lands to the traditional owners as a matter of importance and whether it went to the Aborignal Lands Trust at that time or by means of some other vesting method was not of paramount importance to them. What was of importance was that these lands were vested in the traditional owners.

I went along with the history in this sense: that that was clearly what these people wanted; it was something that the Aboriginal Lands Trust had considered very deeply and it threw no barrier in the way of that; in fact, it offered to support the elders in their endeavour to have the land transferred to them on the basis that they requested. Apart

from that, it is the same method as that used by the previous Government in its model for land rights legislation.

The Leader of the Opposition has taken great pains to distinguish the northern Pitjantjatjara from the southern Pitjantjatjara, and I believe that the division is one of our making; it is the white man's line which has been drawn there. In fact, events of history have divided those people in many ways. However, they do speak the one language, they do have kinmanship between those tribal groups, and I believe that the interests of the Opposition have been fuelled by this artificial division. I do not believe that that is the reason why the Government has suggested that a different model should be taken in respect of this land grant. The Opposition rather has other motives for wanting to weaken substantially the way in which that land grant would come about.

I suppose that time will tell as to an analysis of what the Leader has said. It was indicative that the second speaker on this Bill was the former Minister of Minerals and Energy. Throughout the speeches this afternoon there has been a preponderence of concern for the mining industry in respect of this legislation. We all want to see that this State develops and takes advantage of its natural resources. That is of importance to the whole State, but we must also take account of the rights already invested in a group of people, and this legislation tries to vest similar rights in the same tribal grouping of people in another part of the State.

It is early days to say how the legislation is working. Regarding the comments about the intransigence of the Pitjantjatjara people in respect of exploration rights, I have had discussions with the mining industry and the Minister of Mines and Energy, and it should be pointed out that the mining company involved had the right to go to arbitration with a view to resolving this matter, but it has chosen not to do so. It is not true to say that the company has not wanted to make a monetary contribution: it made a monetary offer for the exploration rights to the land.

However, there is vast difference between what was offered and what was asked for, and I would have thought that arbitration would be the appropriate procedure and that a precedent could be established so that we could get on with the job. There was no intransigence on the part of the Aborigines on the matter of entering on to the land: indeed, a 40-page settled agreement provided for access to the land and the work to be done on it. Therefore, it was merely the amount of payment that was at issue.

I hope that we can resolve some of these issues without having to come in as a ham-fisted Government and bring down heavy legislation to grant all the rights to one side or the other. I hope that we can get the parties together to resolve this sort of difference in the overall interests of the community. I believe that it was a great tragedy that the previous Administration, in its approach to Aboriginal affairs, always ended up in a confrontationist situation. The first series of deputations I have had, as Minister of Aboriginal Affairs, seemed to be with warring parties, but once they were brought around the table the light shone through. I believe that that is the way we should be working to resolve these issues. I hope that the process in this instance will lead to machinery that will be used to work out how this legislation can be made to work in the interests of the community generally. It is too important to end up as a Party-political or factional issue. Indeed, I will work to avoid its becoming that sort of issue.

One section of the speech of the Leader of the Opposition gives rise to considerable concern. True, members opposite this afternoon have advanced the concerns of the white community in this State, and across the State there is much suspicion about land rights for Aborigines. We hear much about conferring on people something that they do not have themselves, about giving people the opportunity to have riches that they would not otherwise have had. The fact is, however, that so few people have talked about, for example, the meaning of the word 'Tjarutja', which is contained in this legislation, and even the use of that word in the debate is significant. The Leader of the Opposition referred to access, and we have heard isolated examples of access being refused. Obviously, some of these instances have a long history behind them and some may be instances of unreasonable denials of access. The Leader of the Opposition said:

> The Opposition is already aware of cases in which South Australians have been denied access to the Pitjantjatjara lands for no apparent good reason. If this also occurs in the Maralinga lands, or if there is any inconsistency in approach to access between the two land-owing bodies, this will provoke great hostility from other South Australians who still believe that they have some legitimate rights of entry to these lands, or to pass through them.

So, when it comes to white people's rights we are told that there should be a similarity between the north Pitjantjatjara land and the south Pitjantjatjara land, but when it comes to black people's rights, members opposite want a different form of land grant. That merely indicates the hypocrisy of members opposite and takes us back to the days of the Liberal and Country League and its policies. It is interesting to note that most of the members opposite who spoke have been rural members.

The Hon. P.B. Arnold: Have you lived in the country?

The Hon. G.J. CRAFTER: Yes. The Deputy Leader of the Opposition had some rules and regulations governing access over his rural property as to who could go over it.

Members interjecting:

The DEPUTY SPEAKER: Order! The Chair has been lenient with interjectors, but it does not intend to allow members to keep on interjecting and literally making another second reading speech. I ask members to cease interjecting and the Minister to stop answering interjections.

The Hon. G.J. CRAFTER: I shall take on board the legitimate comments and criticism advanced by members so that they may be considered by the select committee, the appointment of which I ask members to support in the motion to be moved following this debate.

[Sitting suspended from 6 to 7.30 p.m.]

Bill read a second time and referred to a select committee, pursuant to Joint Standing Order No. 2, consisting of Messrs Allison, Crafter, Gregory, Gunn and Plunkett; the committee to have power to send for persons, papers and records and to adjourn from place to place; the committee to report on the first day of the next session and have leave to sit during the recess.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 1734.)

Mr PETERSON (Semaphore): Continuing from last night, as I said, there are two major areas of concern to me in the Bill. One concern is the power under this legislation to force a spouse of a member, whether male or female, to declare his or her interests. At the moment in this State Mrs Tiddy is looking after the rights of women, yet here we have legislation which takes away rights from women as such and which forces them to declare interests. In this day and age it is quite common for women to be career persons in their own right. Many women follow a career, even members of Parliament. As I say, it seems a little hard to envisage

how one can force those women's partners, if they happen to be married, or the partners happen to be associated with a member of Parliament, to declare their interests. I do not see the relevance of that, or vice versa, if it is the wife of a member of Parliament, how you force her to declare her interests under this legislation. As I say, it is somewhat of an anomaly when you have a Commissioner for Equal Rights for Women.

The comment has been made that surely the person, whether the partner is male or female, would not do anything to endanger the career of the member of Parliament. That could be true. It is quite possible that some action may be taken by the partner to do just that.

Mr Hamilton: There could be a falling out.

Mr PETERSON: Even in the closest of families, falling outs do occur. It could be that during such a time you do not receive the correct information about the interests of the partner. Secrets are kept, even between married people. I do not think I have any secrets from my wife and I am sure most members do not have any secrets from their partners, but there are relationships where there are secrets. I do not see how, under this legislation, you are going to force those people to tell you what their interests are, especially where their partners have a career in their own right.

The other point that concerns me greatly is that when people are not necessarily married, but living together (and as I say, it does not worry me that people choose to live that way, because this is the 1980s) they are not bound by the same conditions as a person who, as it states in the legislation, has lived with a putative spouse, which I understand is a matter of living together for some five years or more. That seems to me to be an anomaly, because I can see the ties that bind in a *de facto* relationship can be quite as binding and the effect would be the same and as influential as in a married relationship.

Mr Ashenden: Even more influential.

Mr PETERSON: If it is a relationship that perhaps the people involved do not want known, it could be more influential, as the honourable member says. The thrust of the whole Bill seems to be to point out any corruption that may occur in the sense that it may influence the decision of the member of Parliament. Just looking at the *News* tonight, it seems to me that the Bill is incomplete. I am disappointed with the Bill. I would have expected a more complete and much stronger Bill from the Attorney-General, because, as I have said before, I believe the principle is good and right. I think as members of Parliament we have a responsibility to be, as much as we can, above suspicion, but looking at the *News* tonight, there is an article about the offering of bribes. Let us be quite frank about it. If a person in this Parliament is going to be bought or influenced, that person is certainly not going to do it in an obvious way that is going to be detected. That person is not going to take a certain amount of money and put it where it is going to be discovered. Apart from having to pay tax on it, it is going to be very obvious. It is going to be done in a round-about way.

In the *Advertiser* this morning there are reports about drug corruption. As far as I am aware, and I feel confident about this, so far in this State there has not been any corruption in politics, but it may be that we have been lucky and the legislation we have dealt with has not put us in a situation where outside influences have been put upon us, but as I say, it is quite clear, even from the newspaper tonight, that there are situations where corruption does occur and where attempts are made to influence people. The allegation has been made that a Premier of a State of Australia tried to influence a decision of a court. We cannot say that any money changed hands in that case; there is no allegation of that and I have no way of knowing, but it is just as corrupt—

Mrs Adamson: More corrupt.

Mr PETERSON: Can I make my own speech? That situation is more corrupt than a situation where somebody makes a small financial consideration or a major financial consideration—it is corrupt. If it is the possibility of corruption that we are looking at, surely the Bill should be wider than it is. It is quite possible that the Bill has been put forward in a watered down form to try and get it through as an initial step to a much wider piece of legislation later on. I can see the logic in that. I can see that, if a very heavy and wide-ranging Bill was introduced at the moment, there would be a lot of resistance from some members of Parliament. As I say, if it is to indicate corruption in our State members of Parliament, I do not believe it goes anywhere near that.

If a member here was going to accept some financial consideration, that member would put it in a place where it could not be traced. One need not be a Rhodes scholar to work out that a member does not necessarily have to take it in some form which can be traced. As I say, that worries me. The Bill does have a lot of holes, more holes than a colander, I think the term is. If, for instance, somebody wanted to bribe me, there is no reason why that person could not pay money to a second party so that the second party would get the consideration. For instance, I could buy a new car and get it at half price. Who would know who paid? There is absolutely no way of knowing. I heard a comment about laundering money and casinos. However, I will ignore it because—

The SPEAKER: I trust that the honourable member will, because he does not need any assistance with his speech.

Mr PETERSON: Thank you for your protection, Sir. While driving to the city today to attend Parliament, I happened to hear a Mr Bob Bottom on the radio. I think that he is a wellknown person involved in the investigation of crime and corruption in this country.

Mr Mathwin: An authority.

Mr PETERSON: Yes, he is a wellknown and noted authority. I do not know what radio station it was and I cannot even remember who the interviewer was. However, the point he was making was that many people in other professions (although he did mention politicians) make millions of dollars out of corruption and, obviously, that corruption is working without the law. He mentioned politicians, and one must assume that that means the influence has been applied in States of Australia to make sure that legislation was not put out in a form that could be most effective, or perhaps cause some effect upon Government bodies so that they were not able to operate correctly.

Mr Mathwin: It happened with poker machines.

The SPEAKER: Order! The member for Glenelg will definitely come to order.

Mr PETERSON: As I said, the case he put was very lucid and I respect the man's opinion. I have had the pleasure of personally meeting the man and listening to him on a select committee which it was my pleasure to serve. I believe that the man knows what he is talking about. He indicates that there is corruption and ways of people being, shall we say, influenced, and the ill-gotten gains from that influence being applied without any way of tracing it. The forms of evasion of detection are there, and that is one of the problems in the situation we have, but the principle of this legislation is good. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CASINO ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 1790.)

The SPEAKER: Before the member for Glenelg commences, I want to point out that the scope of this debate is much more limited than in the debate of a few weeks ago. It is a firm practice of this House that debate on the second reading of a Bill is primarily concerned with the principle of a measure, and the methods of attaining its objects. As I understand it, the principle of this measure is to change the conditions under which poker machines may be used or owned for private use. It does not cover any other area of the operations of a casino in this State or elsewhere, and I rule that all members must confine their remarks accordingly.

Mr MATHWIN (Glenelg): This debate has been brought on as a complete surprise. One was given to understand that this Bill was to come after the last Bill was dealt with, according to the way the Notice Paper is written. We were given about three seconds notice that this Bill would be brought on. Of course, that is very similar to the operations of the Government in relation to the Bill to which I am not allowed to refer.

Mr Gregory: You said last Sunday you were going to do this.

The SPEAKER: Order! The member for Glenelg has the floor.

Mr MATHWIN: Last Sunday I spoke in the electorate of the member for Mawson on her behalf as well as everybody else's—

Mr Gregory: I was there.

Mr MATHWIN:— because the member for Mawson was not there. Nevertheless, tempted as I may be to oppose this Bill completely—

Ms Lenehan: You should have been in your own electorate.

Mr MATHWIN: You could have gone there and voiced your Government's opinion on the matter.

The SPEAKER: Order! The honourable member will resume his seat and there will be quiet in the House. I have given a firm ruling as to what are the limitations of this debate, and I intend to uphold that ruling. The honourable member for Glenelg.

Mr MATHWIN: Tempted as I may be to oppose this Bill, which amends the casino legislation which was recently passed on a conscience vote in this House (previously lost similarly on a conscience vote in this House last August), one now realises quite obviously why this matter was brought in so quickly. Nevertheless, being brought in quickly as it was, it means that within a matter of days the Government has seen fit to amend a private member's Bill in the name of the Government itself. Therefore, in the panic to get the Bill through before a certain report was tabled—

The SPEAKER: Order! I call the honourable member to order for the first time. I am being drastically over-lenient. However, I will again read out my ruling, and I assure all members on both sides of the House that if this ruling is not adhered to, it will be strictly enforced.

I read it out again. The scope of the debate is much more limited than in the debate of a few weeks ago. It is a firm practice of this House that debate on the second reading of a Bill is primarily concerned with the principle of a measure, and the methods of attaining its objects. As I understand it, the principle of this measure is to change the conditions under which poker machines may be owned for private use. It does not cover any other area of the operations of a casino in this State or elsewhere, and I rule that all honourable members must confine their remarks accordingly. Having given that ruling, I now treat the member for Glenelg as having been fully warned twice.

Mr MATHWIN: Mr Speaker, thank you for the biased way in which you have put that situation.

The SPEAKER: Order! I hope that I did not hear the member for Glenelg correctly. I thought that he said 'the biased way' I have put this ruling. I am not sure whether I heard him say that. I give him the opportunity to withdraw or explain.

Mr MATHWIN: As a matter of explaining the situation, I did say that it was a biased opinion.

The SPEAKER: Order! I name the member for Glenelg.

Mr MATHWIN: I was about to—

The SPEAKER: Order! I name the honourable member for Glenelg.

Mr MATHWIN: —apologise for saying so, which you asked me to do. What more do you want? You asked me the question.

The SPEAKER: Order! The honourable member has the right to be heard in explanation or apology. I will listen to him and listen to him carefully.

Mr MATHWIN: The situation is this: when you brought me to order, you asked me whether that was what I said. If I have to be honest, I must admit that that is what I said. But, at the same time you intimated to me that you expected me to apologise for saying it, which I was about to do. But, first of all—

The SPEAKER: Order!

Mr MATHWIN: You asked me whether I said it. That was a question to me. It was not right for me to tell a lie. I had to tell the truth. Therefore, I had to admit to you that I said it. You then directed that I apologise. I was about to do that, but you did not give me the opportunity.

The SPEAKER: Order! I will show one further step of tolerance. If the honourable member withdraws the remarks which he now admits he made and unconditionally apologises to the Chair, I will call him again.

Mr MATHWIN: I unconditionally withdraw the remark which I said in the heat of the moment. In no way did I wish to reflect on your situation, Sir.

The SPEAKER: I call on the honourable member for Glenelg.

Mr MATHWIN: The Premier, when introducing this Bill in the House, stated, in part, that, while the principal Act was only recently passed by the Parliament and dealt with as a private member's Bill, the Government introduced the amendment because it did not believe that it was the intention of Parliament to put the individual who possessed poker machines at risk of a $20 000 penalty. The Premier also said:

> This measure in no way changes the major provisions of the principal Act.

Of course, I believe that is a pity, but nevertheless that is what the Premier said. He continued:

> It simply deals with the problem that has become apparent since the principal Act was passed.

He then explained the provisions of the Bill which amend section 25 of the principal Act, which provides.

> No person shall have a poker machine in his possession or control either in the premises of a licensed casino or elsewhere.

The fine for that offence would be $20 000. It is quite obvious that it is the Government's intention to change that and deal only with a casino. This Bill deals only with that one area, namely, the premises of a licensed casino. The position would revert to that set out in section 59a of the 1980 Lottery and Gaming Act, from which I read to explain the present situation (which the Premier did not do), as follows:

> The Government may by regulation declare any machine, article or thing to be an instrument of unlawful gaming. For the purposes

of this Act a declaration may be made under subsection (1), notwithstanding that the machine, article or thing is not specifically designed for gaming.

That means that we now revert to the previous situation. People who own poker machines will say that they are governed by regulation, not by an Act. That can be changed simply and easily by any Government.

It is different from bringing in an Act. A regulation, as all honourable members know, needs to go before the Subordinate Legislation Committee, which collects evidence for or against a regulation. It must lay in the House for 14 sitting days before becoming law, although the Government of the day can gazette that regulation on the day that it is introduced. The Government can continue to act in that way. I will read what the *Gazette* says about that matter:

These regulations may be cited as the 'Instruments of unlawful gaming regulations 1981'.

That relates to regulations under the Lottery and Gaming Act, 1936-1980. These regulations were gazetted at the Executive Council office, Adelaide, 2 July 1981. The schedule to the regulations reads:

The machines, commonly known as 'poker machine', 'one armed bandit' or 'fruit machine', or any other machines substantially similar to those machines by whatever name they are known.

That is the definition in the regulations relating to the matter that the Government has put before us today. One can look at the Lottery and Gaming Act itself to check on that matter. Section 61 of the Act provides:

No person shall be guilty of unlawful gaming.

That means that anyone who has a poker machine is allowed to buy it and put it in his house but is not allowed to insert any coin, instrument or other device to make it work. That is forbidden. Persons are liable under the law if they use that machine at all either for their own private purposes or if their friends use it. This problem has arisen because a number of people own these poker machines, which they have bought, in some cases, as long ago as 15 years or more ago, and have found that they have operated them quite illegally by putting in coins and working them.

The meeting, which I was invited to attend and about which I informed the member in whose district it was, namely, Mawson, was attended by a couple of hundred people. A number of them objected to what was contained in the Bill, especially the $20 000 penalty for anyone who owned or used such a machine. Many people had bought them for fun to install in a rumpus room or bar area. Indeed, one person who spoke at the meeting said he had bought it specifically to teach his young people that the machines were a dead loss, and that one could not win on them. He believed it was one way of bringing to his children's attention that it was quite useless ever becoming involved with those machines in the community.

He believed that he was doing a good job as far as his children were concerned. I had no reason to doubt that. I can see the benefit in the way that that case was put forward. There were other people there who owned machines—one person owned three machines. Of course, they were upset about the position in which they were placed. The member for Semaphore and I both agreed that the situation was not right and that it ought to be altered. We have some objection to retrospective legislation, particularly in this case, having regard to the fact that those people have had the machines for some time. The member for Semaphore was of the opinion that if the Government did not do something about the matter he would introduce a Bill, and I indicated that I would second it. No doubt the Government has now had to move rather quickly to do something about the matter.

Estimates are difficult to obtain, but I suppose that we could make a 'guesstimate' that well over 5 000 of these machines are around in the community. Some say that between 5 000 and 8 000 people have these machines in their homes. People were very angry about the situation. I believe that most of them were not using those machines for any sort of profit but that they were simply in their own homes for entertainment purposes. I had to agree with the matters that were put before us at that meeting.

The definition provided for these machines surprises me. There was an argument contained in the report from Victoria about what they should be called. In Australia they are generally known as slot machines, which would have a wider scope than the definition 'poker machine'. The argument in the report brought down by Mr Connor, Q.C., was that the terminology in any legislation should be 'slot machines'. With the situation as it exists now, I wonder whether the Government ought to consider that argument, in an attempt to make the legislation correct and proper. I understand that that term is used widely within Australia and in America.

The Hon. J.W. Slater interjecting:

The SPEAKER: Order! The Minister of Recreation and Sport is out of order.

Mr MATHWIN: At the moment the Government is maintaining the *status quo*. In regard to the effects of the existing legislation, I wonder about the impact of the Lottery and Gaming Act. If we are dealing only with this matter as it applies to casinos, it could well mean that we would be providing open slather for people within the community to use these machines for purposes with which we do not agree, namely, gambling of some form or another. We know that over a period of years a number of clubs, including sporting clubs, have conducted gaming nights and the like, to raise money for charity or sporting organisations. I would hate to think that to a certain extent we were legalising this gambling. As I have indicated, the current provisions allow people to buy and keep the machines, although at law they are not allowed to use them: they never have been. However, I do not know whether people who have them have known that that is the case and that they have been breaking the law. A number of people admitted that they have been using them with their friends.

Mr Peterson: And will continue to do so.

The SPEAKER: Order!

Mr MATHWIN: As my colleague the member for Semaphore says, no doubt they will continue to use them. We are improving the situation to an extent, but we are not solving the problem at all. People will be able to buy the machines and put them into their homes, as has been the case for many years. The Act was amended in 1980 to give some further definition. Of course, that still did not settle the situation, and neither will this measure do so. In fact, my worry is that we may well be in a worse position than we are in at present.

As to keeping faith with the people with whom the member for Semaphore and I talked on Sunday, I will go along with the situation, and I indicated that as far as I am concerned we should not have retrospective legislation. However, I am not happy with the situation because we are not solving the problem. We may be creating an even greater problem. Over the years poker machines have created many problems. I think that the committee on which you, Sir, and I, together with some other members served was strongly of the view that we should not encourage this sort of business within South Australia, because of its effects which we heard so much about.

I contacted the Parliamentary Counsel in the hope of finding a way to rectify the situation so that people who have these machines can retain them. My desire ultimately would be to provide that no-one else be allowed to purchase these machines: therefore, those people who have them would be able to keep them if they wished. They could run the risk of breaking the law if they so desired, but to

encourage people by providing that the present situation continue indefinitely would be quite wrong. I have studied the legislation, but it appears that the Bill deals only with poker machines in casinos. I have taken advice on this situation, and cannot see any way in which the provision can be amended. The only way to rectify the situation would be to stop people from purchasing any more machines. The Lottery and Gaming Act would have to be amended. At this stage the situation relies only on a regulation. Members who have been in this place for some time would realise that governing by regulation is extremely dangerous. I think everyone would agree that the formulation of a regulation to rectify this matter would be dangerous. At the moment we are relying mainly on this hair-breadth regulation.

I will support the Bill unless there is any other way in which the matter can be rectified. I support it reluctantly, because I gave my word that I would try to do something about protecting those people (5 000 or more in this State) who have privately-owned poker machines. I think it is fair enough that they should be allowed to keep them, whether it be as some sort of ornament or for whatever purpose. It should be made quite clear to members of the public that, whether or not they have had a machine for a long time, the fact remains that if they play those machines at all they are liable to incur a fine. What would happen then is that those machines would have to stand in the corner and collect dust, and that would be the only way that people could keep them. I reluctantly support this Bill.

Ms LENEHAN (Mawson): I support the Bill. In so doing I wish to set the record straight in respect of some of the comments made by the member for Glenelg. As to my involvement in this issue, he stated that I had not attended a meeting in my electorate on Sunday morning, and intimated that somehow I was remiss in my duty and that he had had to represent me. I make it very clear that I was not informed about that meeting until the preceding Friday and that I already had a prior commitment, which was a very important commitment, and one which I felt I could not cancel at the last minute. That was the reason why—

Mr BAKER: I take a point of order. Is this a grievance debate?

The SPEAKER: There is no point of order.

Ms LENEHAN: I was unable to attend that meeting, for very sound reasons. For the record, I have had discussions with Mr McMerrick whom members of this House would know as being one of the people leading the discussions about this Bill. I have had discussions with him on three separate occasions and, as my Parliamentary colleagues would attest, I have very strongly argued that we should be differentiating between the private personal ownership of a poker machine and the inclusion of poker machines within the premises of a licensed casino. I have made very strong representations to various colleagues that we should support an amendment that would in fact restrict a $20 000 fine to the inclusion of poker machines in the premises of a licensed casino.

I take strong exception to the inference drawn that somehow I have not been involved in this issue although the meeting took place in my electorate and that I was not there because I was not interested. Mr McMerrick would also attest to the fact that I have done my homework on this issue, and I certainly support this amendment to the Act.

Mr PETERSON (Semaphore): I am pleased to see this amendment and to know that some sense has come about regarding this legislation. It is an odd thing that we should provide a $20 000 fine in respect of a casino if it installs poker machines. Surely, with the investment that a casino operator would make, he would not risk his operation by installing poker machines. The effect of this amendment is to relieve the pressure upon private poker machine owners, and for that reason I support the amendment.

As has been said previously, this Bill does not solve the problem of private poker machine ownership in this State. It has reverted to the position where a poker machine owner may own the machine but not play it. That does not solve the problem at all. The original legislation involved a conscience vote, as I assume this Bill does. I am sure that there will be support for it because of the effect upon private machine owners.

I expressed concern during the original debate about the effect of the penalty upon private poker machine owners and, as the member for Glenelg has said, I attended a meeting on Sunday at the McLaren Vale hotel. I apologise to the member for Mawson for not informing her earlier. To be honest, I did not have too much time to inform her, and I apologise personally to her for going into her electorate without informing her, which I think is courtesy that members should observe. There were about 200 to 300 people at that meeting who were extremely concerned about the effect of the legislation and who I am sure will be very happy about this amendment. The problem is that we have now reverted to the situation where a private person with a poker machine can have it hanging on the wall but cannot use it.

From my investigations, there are seven police officers in this State who police the Lottery and Gaming Act. There is no way that they can effectively police this measure if any Government (although I do not believe that any Government in power in this State would do this) instructed the Police Force to impound poker machines and fine these people even $200.

Members interjecting:

Mr PETERSON: We are amending that part of the legislation now. I do not believe that any Government would do that. We may find the situation arising where people will consciously break the law because the Government of the day (and the previous Government introduced the same Bill) does not have the courage to solve this problem. This problem has to be solved one way or the other. One option is to ban poker machines totally in the State, which I do not think any Government will be game enough to do, or we can look at the current poker machine ownership in the State and try to do something about it.

As was said previously, it is the Lottery and Gaming Act that controls poker machine ownership, and that is where the amendments must be made. I cannot see why private poker machine ownership has been covered under the original casino legislation. To me, it is totally out of context. It may be possible in this Bill to remedy the situation by inserting a provision along the following lines:

> Notwithstanding any other Act, it shall not be an offence to play a poker machine in other than a public place, that is, a private dwelling, as long as there is no financial gain to the owner or the user of the machine.

I think that we have to look seriously at inserting an amendment in this form.

There must also be some controls placed upon poker machines in this State. I personally believe that they are insidious things, and I will fight with all of my breath and energy to keep them out of the general community. We have received very strong poker machine lobbying in this State from licensed clubs. They fought very hard to have them introduced when they made their submissions before the select committee. They submitted a thick volume of case records and evidence to support poker machines. However, I do not like poker machines in the community, and I will fight that.

I think that the people who have bought them should continue to have them. It was legal to buy them, and indeed they are still being advertised in the newspapers in this State. The people who have bought them in good faith should be protected. There may be a need for a register of poker machines currently owned by private people in this State, but owners should be allowed to use them as long as there is no gain. If they do not register them, or if they buy a new machine, they will be liable to a substantial penalty.

I cannot see anyone not registering a machine if he has one, if a substantial penalty is imposed. I believe from the meeting I attended recently that all the people there had not used their poker machines for personal financial gain. We have all heard stories of clubs that have poker machines, not necessarily on their own premises, but on private property where members play them, and the proceeds from the use of those machines go to the club. There is no way of stopping that happening. However, many people have bought these machines in good faith. I would not allow another poker machine to be sold in this State, but I believe that people who have them have the right of protection. I do not believe, however, that people should be able to make money from them.

I support the Bill because it brings some sanity back into the original legislation. It is anomalous that a person who bought a machine in good faith should be able to use it one day and on the next day be fined $20 000 for merely having it at home in the living room. One of the organisers of the meeting I attended approached members of Parliament, and some members said that they had not realised that the clause was in the original Bill. However, I believe that such a statement is ridiculous. Indeed, it is frightening when we consider that some members out of a total of only 47 did not realise that the Bill contained a clause on which they had voted.

Mr Mathwin: Did you support the clause?

Mr PETERSON: Yes. I raised certain questions in debate and I was supported by very few members. However, I did see that there was no chance of an amendment being carried at that stage. That clause was put in the original Bill merely as a smoke screen. Indeed, it was in my original Bill for discussion and later it was in the Bill introduced by the Hon. Michael Wilson. It was retained in this year's Bill, which was very similar to that introduced by Mr Wilson. It was included purely to placate the anti-poker machine people throughout the State and to ensure that the Bill passed. Everyone was aware that it was in the Bill, even though some members may have ignored it. Certain points were raised in the debate on the original legislation and these have been recorded in *Hansard*. I asked about people receiving compensation for the poker machines they owned, but I received no answer. I asked what such people were supposed to do with their machines and I also asked questions about the rights of such people, but I got nowhere. The member for Albert Park supported me in some of my comments.

This amendment does not really solve the problem. If we do not do something constructive about the poker machines that are in the community now, there will be another move from the poker machine lobby, and I need not remind members that the representative of that lobby is a strong personality whose income is geared to the number of poker machines he sells (that is in evidence to the select committee), so he is interested in selling more.

Many clubs in the community believe that the poker machine is the panacea to their problems and that their coffers will be overflowing once they get such machines, but I believe that the advent of poker machines would mean that the bigger clubs would grow and that many of the smaller clubs would go out of existence. Earlier today I gave notice of motion to introduce an amendment and I am not the least annoyed that my notice of motion is null and void as a result of the introduction of this Bill. Unless we protect the people we achieve nothing. The Government, whether Labor or Liberal, must say whether it is legal or not to have a poker machine in the home and whether or not such people are allowed to use their machine. I will consider introducing legislation later to cover the points to which I have referred.

Mr ASHENDEN (Todd): I support the Bill, which repeals a provision, in the legislation recently passed by Parliament, in respect of poker machines being held by private persons in their own home. The member for Semaphore explained clearly the reasons for supporting the Bill that is now before members. However, I make clear that my support for this Bill does not necessarily indicate my support for poker machines *per se*. The member for Semaphore dealt with vital aspects in respect of poker machines. Although, when first introduced into Sydney clubs, they were considered to be a major revenue raiser for those clubs, today even some of the major league clubs in Sydney are facing extremely difficult financial times. In other words, because of the proliferation of poker machines in New South Wales clubs, the original value of those machines to the clubs that had them has very much disappeared and only the large clubs or those having some other form of financial drawcard are finding their machines profitable.

The Bill before the House corrects a major mistake in the original legislation recently passed by this Parliament. Many members on this side during the day and the night on which this legislation was considered pointed out repeatedly (and I was one of those members) that the Bill had been introduced and proceeded with, with indecent haste. The House was forced to consider a private member's Bill in Government time, something that was unique.

The DEPUTY SPEAKER: Order! The honourable member is getting off the Bill.

Mr ASHENDEN: Thank you, Mr Deputy Speaker. This Bill is before the House at present merely because the Government failed to listen to points raised by members on this side in relation to poker machines, and I remember that the points we made were strongly supported by the member for Semaphore. Had the Government not forced the earlier Bill through the House so quickly, some of those mistakes might have been corrected. Indeed, I believe that the original Bill contained more mistakes than just this mistake. The mistake corrected by this Bill is a major anomaly, but there are other anomalies and I hope that, as time goes by and before the first casino operates in South Australia, other amendments will be introduced to solve the problems existing in the Casino Act.

We have before us a Bill that should not have been necessary: however, it is here. Certainly, as a conscience issue I will support the Bill. I make this point because I and many other members on this side made clear when the original legislation was before us that the provision now being amended was totally unfair. Previously, the ownership of poker machines in private homes was legal. Any person living in South Australia was able to have a poker machine in his or her home without breaking the law in any way. Then suddenly legislation was introduced to provide that people who previously abided by the law would be subject to a fine of $20 000, which was grossly iniquitous.

The Bill before the House will return the ownership of poker machines to the *status quo*. The member for Albert Park may shake his head and say what he likes, but prior to this legislation being introduced any person could have a poker machine in the home without being liable to prosecution, because the ownership of a poker machine was

perfectly legal. Suddenly, however, such people found that the poker machine that was legal on one day would attract a fine of up to $20 000 on the next.

The intent of the legislation was to prohibit the use of poker machines in either a casino or a sporting club for profit or gain. Many members on this side of the House pointed out that the way the Bill was written was such that the clause now being amended was Draconian, because not only was that clause going to prohibit the use of machines in clubs and/or casinos, but at the same time it was going to make the ownership of those machines by private individuals illegal and make those individuals subject to a fine of $20 000. That was a point that many members on this side of the House tried to convince the Government at that time was wrong. Therefore, I reiterate that I support the Bill which is before the House, because undoubtedly, had the original clause remained, many owners of poker machines in South Australia would have been seriously disadvantaged.

As members of this House know, I opposed the legislation in relation to the establishment of a casino in South Australia. I therefore do not want my remarks interpreted tonight as meaning that I support poker machines and their use *per se* in South Australia. I support the Bill which is before the House, because if this Bill is not passed, many innocent people in South Australia who purchased poker machines quite legally would suddenly find themselves criminals and subject to an extremely heavy fine. It is because of that that I want to explain when the vote is taken as to why it is that, although I opposed the legislation in relation to casinos, I will be supporting this Bill, because it does remove a major anomaly and will still allow the private ownership of poker machines; and for those machines to be held in private homes by individuals as was the case prior to legislation which now allows casinos to operate in South Australia.

Mr EVANS (Fisher): I am not going to support the amendment, because I believe it is a farce. I am of the view that most people who own poker machines in South Australia are not aware of the regulation which came in in 1981 and which was brought in under section 59 *(a)* of the Act. That regulation, which became operative on 2 July 1981, states:

1. The machines commonly known as 'Poker Machine', 'One Armed Bandit' or 'Fruit Machine' or any other machines substantially similar to those machines by whatever name they are known.

2. The machines commonly known as 'In Line Bingo Machine', 'Bingo Machine', 'In Line Machine' or 'Galaxy' or any other machines substantially similar to those machines by whatever name they are known.

The regulation stated that such a machine would be declared an unlawful machine. Therefore, they would be used for unlawful gain if they were used by the individual. When I went last Sunday to open a small functon in my area, a constituent of the member of the Deputy Leader of the Opposition approached me and made the point that he wanted the clause in the Casino Bill amended so that he could keep his poker machine. I asked him what was the good of that and whether he wanted to keep it as an ornament because it is not very attractive. I told him that when the lights are switched on, it costs money in electricity. He said that when his family came home from whatever event they had been to, be it the hotel, races, or shopping, they have 20 cent pieces and they put them through the machine until they are all lost or if they strike the jackpot, they play it through again and, when they have lost all their cash, that is their piggy bank at Christmas time and they end up with a substantial amount of money for the family to spend on that or perhaps on a rainy day which may come along in the meantime.

When I asked him, 'Do you realise you are breaking the law according to the regulation under a section of the Act?' he said, 'No, there are thousands of people doing it', so the vast majority of people who own poker machines in this State, and there would be some in your electorate, Mr Deputy Speaker, as there are in mine and other members here, believed it was quite lawful, as it was until 1981, to own a poker machine and to play it in private, as long as it was not done to make profit from others. That was suddenly made unlawful, so if we amend the Casino Act now to allow people to own them, what are we doing? It is of no benefit to those people to make representations to members, because the people who have been making representations to members believe that they quite legally could go on using the machines if the Casino Act was amended.

It is nothing but a sham. In practice it means nothing, except that we may be encouraging people to break the law more openly. To suggest that people own a poker machine in their homes and do not use them is a farce. It is ludicrous. To suggest that they take them down to the scrap heap and throw them away when they have paid cash for them is also ludicrous. To suggest that they can sell them interstate, where they are operated legally, when they have been made obsolescent by other machines, also is ludicrous.

People are going to argue that they are bad. The odds on the poker machine are no different to the roulette wheel or the other dice games that are played in a casino. In fact, if a Government wants to make regulations for them, the odds can be improved to those normally obtained through a poker machine but the odds on a roulette wheel are 37 or 36 to 1, whatever it may be. It cannot be varied very much, unless the Government wants to make regulations to cover that, also, so what we are doing here by taking out the word 'elsewhere' and just banning them as far as the Casino Act is concerned within casinos? That is a sham. Everyone knows it is a sham. The Government hopes that, by getting this matter some publicity in the press, everybody who owns a poker machine will suddenly believe that by law they can start playing the machines again in private and it is lawful, and the vast majority of people who own those machines and play them in their private homes believe it is lawful.

If we take out the word 'elsewhere', that is all we are attempting to do. The Leader for many years of the Labor Party in this House, the Hon. Don Dunstan, was a great advocate in this House and elsewhere that if you do something in private and it does not affect others, you should be allowed to do it. He thumped that in this House for years. It was accepted by the community. Changes to the laws were accepted. If a family wish to have a poker machine, a gambling device, or if they wish to play cards for money amongst themselves, or if they want to play Monopoly with real money, is that an unlawful game? Are they doing any harm to the rest of society? Members will ask how do you police it. Could I ask the question: how do we now police the other gambling laws of the State?

How do we police it if a football club decides to run a gambling night using roulette wheels, crown and anchor, under and over, whatever? They take the risk of getting knocked off, to use their terminology, and it could be expensive. I know in one case where I was a member of a club and held a position in the club when it made such an error. Luckily for me I did not belong to the committee which made the error. There are many others here who have been involved or have knowledge of clubs or been members of clubs that have conducted such events. The law is there to be implemented if the authorities catch them running those particular events. The same would apply with a poker machine in a private home. If we look at the Act, we will

find that under section 56, the Lottery and Gaming Act provides:

No person shall, for fee, commission, or reward, share, or interest—

(a) carry on any sweepstakes; or

(b) pay, deposit, or receive any money or valuable thing for or in respect of any such sweepstakes; or

(b) give or receive any card, ticket, paper, document, or other thing relating to or in connection with any such sweepstakes.

Penalty—Two hundred dollars.

There is a law which says that every Melbourne Cup sweepstake in the State is illegal. Yet, they are conducted within Parliament House amongst members and the staff outside the Chambers. It is unlawful. However, it is conducted right throughout the State in nearly every section of the community, even by those who talked against poker machines. It is deliberately flouting the law. However, it is an accepted practice because it is done in a very casual and open sort of way once a year. In relation to the Adelaide Cup it is done twice a year; three times a year for the Christmas Handicap; four times a year for the Great Eastern Steeplechase, and five times a year for the foot race at the Bay.

Let us be honest: we say, 'How can it be policed if it is done in a private home?' It is done by the same method as it is policed in other aspects of the law in relation to gambling. I think that, as Parliamentarians, if we cannot agree or formulate an amendment to the Casino Act something along the lines of 'notwithstanding any other law it should be quite acceptable for individuals to own and operate poker machines in private amongst their own families' (and I hope that we can and that somebody is looking at it now), then we should stand up and say quite openly, regardless of whether some members oppose poker machines (as members on this side may), that there is nothing wrong with the practice.

It is a different thing to the practice of the throwing of a dice or the spinning of a wheel. However, the State has accepted that by vote of this Parliament (upon which I do not reflect). So, if the Parliament accepted that it is fair practice to use a different method of gambling which is no different to a poker machine, why do not we say that people can own poker machines for private purposes?

The Hon. R.G. Payne interjecting:

Mr EVANS: For the Minister's benefit I will state it again. I said that, now that we have accepted a casino in this State where there is gambling by the spinning of a wheel or the throwing of a dice, impulse action gambling, where the odds of winning are no different or can be no better than a poker machine (depending where one sets the winning point), this Parliament has voted for the practice in a public place. I am now suggesting that the regulation brought in by the previous Government to which I belonged should no longer stand where that related to a person using that machine in a private place for a private purpose amongst a private family. That is the argument I am using. I hope that the Minister of Sport and Recreation now understands the point I am making.

In relation to the regulations of 1981, we talked about banning particular types of machines, including in-line bingo machines, fruit machines, and the like. Other machines are used in the community today not for the purposes for which they were put there, such as beer ticket machines and bingo machines, where people are supposed to take goods to the value of the winnings and not take money. It is quite open right throughtout the State. Those machines operate in hotels, shops, clubs and whatever. A person might say, 'I have won $20. I do not want to take goods. Can I take it in cash?' In many cases, the operator of the establishment will say, 'Yes, here it is.' Therefore, the operator loses the profit on the goods sold but has the goodwill of handing over the cash in lieu thereof. It is not much different from a poker machine except that the prizes are lower. If a charitable body operates the machine, the charitable body gets that profit.

If we want to go further about how these machines are not dissimilar to poker machines, there are what we call 'Mickey Mouse clubs' operating in hotels. These clubs are supposed to be social clubs, and they might have five or more of these machines. They are very similar to poker machines, and these machines operate legally. The social clubs operate legally. If they show a substantial profit at the end of the year or halfway through the year, the publican is quite happy if the social club puts on a dinner, a picnic or barbecue somewhere, and the hotel reaps the benefit of the profit of the liquor or food sold and the increased clientele because of the money that is handed out. It is not always members of the social club who get the benefit of those so-called machines, which are really poker machines. They are not the only ones who make a contribution. Other members of the community put their money into those machines but do not get the benefit of going to the picnic or the dinner.

In that case, profit from this form of poker machine (if you like) does not go to the people who made the contribution. Very often the people who put in money miss out. Therefore, I am not very happy with the amendment because I believe that it is a farce. If one looks at the Lottery and Gaming Act, the Government can declare any game unlawful, and if anybody plays that unlawful game he is liable to a penalty up to $200. I am asking the Government to say, 'Look, the people who own poker machines at the moment according to the Casino Act and the Lottery and Gaming Act regulations cannot own or play them.'

An honourable member: They can own them.

Mr EVANS: No. Under the Casino Act and the Lottery and Gaming Act regulations, they cannot own and operate them. If we amend the Casino Act, we are saying that they can own them but cannot operate them. I believe that until 2 July 1981 they could operate them legally.

What are we achieving by attempting to do what the Government is doing here? We are achieving nothing. I am really asking the Premier or his Minister to say, 'We know that it is a farce. We know that it is only a soft-pedalling to please some people, and make them believe that they can still keep their poker machines and operate them.' Why do not we say that we are prepared to amend the Lottery and Gaming Act, and take it back to where it was where people could use them in private? Members of the Labor Party have been great advocates that what one does in private should be one's own business, as long as one does not harm other people. I think that that is a good principle. Why should the rest of the community be worried about what one does in private? If we believe that, why do not we allow a person to own a poker machine and use it in private? As I said, that was a practice which operated until 1981. What are we trying to hide?

Some people will say, 'We do not like poker machines *per se*. They are bad news. We should totally bar them from the community.' Fruit machines, in-line bingo machines, beer ticket machines, and so on, are no different at all. The member for Semaphore said that many clubs believed that if poker machines were legalised for public use it would solve their problems. That is true. They do believe that if we legalise poker machines that will solve their problems. The member for Semaphore also said that it would crush the small clubs, the big clubs would crush the small clubs, and yet he voted for a casino. I do not reflect on him for doing that, but if a big club could crush a small club because poker machines were legalised, what will happen to big and small clubs when legalised gambling takes place in a casino? That will have an adverse effect on all clubs. That was said

in a previous debate, and I say it again because I believe it is true.

I also said in a debate roughly two years ago that, if we are to have a casino, I believe that those who support poker machines have every right to fight the cause more strongly. There is no argument against having poker machines in clubs if the Government has control of them and if we are going to have a casino. The principle is the same. I do not support either one, personally, but, if we are going to have a casino operated by a private operator (a decision made and accepted by Parliament), what is wrong with community bodies having the right to use poker machines?

We are banning ownership of them to private individuals. Should we not be going the other way and considering the clubs which are dependent on community support and which are trying to survive under the present laws relating to drink driving and all of the other laws that apply? If they put money into a poker machine instead of alcohol, people are not likely to be intoxicated. They will not be as big a menace on the road. The money still has to go back to a community organisation to help support junior sport, charitable institutions or whatever other organisation there may be. If one accepts the principle of a casino and of impulse action gambling, Parliament is being hypocritical if it does not accept the other argument. I say that, even though I have been an opponent of both forms all along the way.

Finally, I do not support the amendment, not because I believe people should not be able to own poker machines who already have them or others who want to acquire them; that is not my point. I am doing it on principle. It is nothing but a farce to suggest that we are going to change the law to allow people to own them.

An honourable member: This is repetitious.

Mr EVANS: So is the whole debate repetitious; there is no doubt about it. I have made the point several times that the law has been changed to allow a casino and that form of gambling. I ask the Government to make a commitment and to accept that people who own a private machine which they want to use in private, and not interfering with anyone else, may do so. That should not be unlawful. I oppose the Bill as it presently stands.

The DEPUTY SPEAKER: The Speaker previously made a very strong ruling concerning this debate, and it is the opinion of the Chair that the previous speaker went dangerously close to opening up a whole debate on a proposal to amend the Lottery and Gaming Act in relation to coin-operated machines. The Chair does not intend to allow that line of debate to continue. I hope that future speakers in this debate will come back to the actual amendment, that is, in regard to the operation of a poker machine in a casino.

Mr LEWIS (Mallee): Before beginning my remarks, I ask for clarification of your attitude to the remarks made by the member for Mawson.

The DEPUTY SPEAKER: The Chair has made a point on what it believed the previous speaker was speaking about. It has nothing to do with what the member for Mawson said or did or anything else.

Mr LEWIS: With your indulgence, Mr Deputy Speaker, I understand that it would be quite competent for me to refer to other meetings around the country which have been held to discuss the legalisation of poker machines or penalties relating to the use of them illegally.

The DEPUTY SPEAKER: The Chair did not intend to stop the honourable member from referring to anything, so long as it has something to do with the Bill before us.

Mr LEWIS: Thank you very much, Mr Deputy Speaker. I am amazed—

The DEPUTY SPEAKER: That has not anything to do with the Bill, either.

Mr LEWIS: —that the Premier had the gall to introduce this measure with the haste that he has considering—

Members interjecting:

Mr LEWIS: I have to include points of order in my argument. I thought I had 30 minutes, but I have only 29.

The DEPUTY SPEAKER: The honourable member for Mallee must speak to the Bill.

Mr LEWIS: I was trying to do that, and I wish to continue doing so. I refer to the fashion in which the measure arrived here, as it was only yesterday that the principal Act was given assent. I refer to clauses 1 and 3 of this Bill, and section 1 of the principal Act, the Casino Act, 1983. The ink is not even dry and the wax on the seal is still soft.

The Hon. J.C. Bannon interjecting:

Mr LEWIS: It is just in time, is it not? That is the kind of Premier we have, really. I have come to recognise the difficulty I have in defending the Premier and his integrity when people, referring to this and similar matters, question the nature of the relationship between his progenitors. I am concerned in the first instance to trace the history of the terminology in this Bill by referring to its origins. We must first consult the Lottery and Gaming Act, 1936-1975, and look at section 61, which points out that no person shall be guilty of unlawful gaming. The penalty is $200. Subsection (2) of section 61 provides:

> No person shall play any unlawful game.

The penalty is again $200. That is the authority by which I understand the Act gets its original form. We need also to refer to an amendment to that Act. That amending Act was passed by this House in 1980. Section 6 refers to section 59a (1), which was to be inserted in that original Act:

> The Governor may by regulation declare any machine article or thing, to be an instrument of unlawful gaming.

Section 59a further provides:

> (2) For the purposes of this Act, a declaration may be made under subsection (1) notwithstanding that the machine, article or thing is not specifically designed for gaming.
>
> (3) For the purposes of this Act, the playing of or with any machine, article or thing declared under subsection (1) to be an instrument of unlawful gaming shall be deemed to constitute the playing of an unlawful game, whether or not any person derives or is intended to derive any money or thing as a result of the playing.

So much for what was provided in 1980. In the Bill before the House, clause 3 refers to section 25 of the Casino Act, to which assent was given yesterday. I wonder whether assent was given before or after notice was given to the House of what was to happen today. Under Part V, Miscellaneous, we find a provision as follows:

> 24. No person shall have a poker machine in his possession or control (either in the premises of the licensed casino or elsewhere). Penalty: Twenty thousand dollars.

The definition of a poker machine is given earlier in the Casino Act, as follows:

> 'poker machine' means a device designed or adapted for the purpose of gambling, the operation of which depends on the insertion of a coin or other token—

it does not have to be a coin—

> (but does not include a device of a kind excluded by regulation from the ambit of this definition).

The regulations clearly define poker machines as being all those devices that on chance may align facets of a cylinder that rotate freely in relation to other cylinders on the same axis. When they line up in a particular way a prize is paid; according to the fashion in which they line up the prize is determined.

We have then an understanding of the background of where we are at present. If we pass this Bill, as has been pointed out by speakers preceding me, we will be returning the law to the condition which prevailed prior to the passing of the Casino Act, even though that Act has not been

proclaimed; it has been assented to, but it has not been proclaimed. Therefore, the law as it stands in this State at present provides that it is not an offence to own such a machine, but an offence to play with it. The Government of the day believes that it can allay the fears of the public by this inane proposition to amend the Casino Act. The Casino Act was quite clear in the way in which it envisaged the approach concerning a citizen's right to own a poker machine—they were simply outlawed, and there was a penalty of $20 000 attached to that.

That provision was placed in the principal Act, not only on this last occasion, but on the occasion when a Bill came before Parliament previously. It was done on the clear understanding and in compliance with a request of certain members of this House that poker machines in no circumstances were to be legalised, and in every circumstance made illegal. Assurances were given to Parliament and to the public by the former Chairman of the select committee of the previous Parliament that even though it was not unlawful to own poker machines in South Australia, it would become unlawful. It had been possible to own them and possess them but it was not lawfully possible to use them or play with them, whether they used plastic chips, the currency of the country, or other metal tokens. It did not matter: it was lawful to own a machine, but not to play with it.

That was always an improper, unrealistic, unjust and unfair set of circumstances. That position was clarified by the passing of the Casino Act in recent days. Now the people who own poker machines have kicked up a fuss in response to the agitation of the poker machine lobby (the manufacturers, Mr Vibert and his boys, who flog this stuff around the country). This poker machine lobby responded to the agitation by the people who stand to profit from selling more poker machines in South Australia and to the agitation about getting the law changed so that they will not be forced to sell them, and by doing so undercut the market of Mr Vibert and his manufacturers interstate. That was why this agitation occurred in the first instance: Mr Vibert did not want the market flooded with second-hand machines from South Australia because it would undercut the price that he could expect to receive for his new machines interstate. Therefore, he agitated for and got the desired public reaction. In doing so, he got the people who owned these machines to agitate to get the Premier to introduce this Bill, so that once again the law would become ambiguous and unclear.

I would bet a penny to a fig, if I was a betting man, that the Premier has no intention whatever of enforcing this law. In fact, a policeman in my electorate told me about a poker machine which is presently being used for commercial gain on public premises where open gambling goes on: he is not even supposed to acknowledge its presence, and he is to turn a blind eye. That is the attitude of the Government to the operation of poker machines in South Australia, even though it is illegal; it does not want strife. That situation is appalling. I believe that, given the nature of the whole exercise, it might not be a bad idea if the Premier, in the course of his reply to the second reading debate, explained how well and how much he was impressed or otherwise by his visit to Genting Highlands Casino last year and whether or not he enjoyed it.

The DEPUTY SPEAKER: Order! The Chair hopes that the Premier does not intend to give us a description of his visit to a casino, because it has nothing to do with the Bill.

Mr LEWIS: It has everything to do with poker machines. Perhaps the Premier can refer to the hospitality that he enjoyed at the Genting Highlands, in Malaysia.

The Hon. J.C. Bannon: Where?

The DEPUTY SPEAKER: Order!

Mr LEWIS: In the Genting Highlands, in Malaysia.

The Hon. J.C. Bannon: I have never been there.

Mr LEWIS: The other thing that we need to do is—

An honourable member: He is running around in circles chasing dingoes.

The DEPUTY SPEAKER: Order! This line of interjections is out of order.

Mr LEWIS: I would have thought so. Thank you, Mr Deputy Speaker. I want to ensure that, when members in this place come to vote on this measure, they understand exactly what they are doing; that is, that they are not making it possible for members of the general public who presently own poker machines to use them lawfully, that they will be outside the law, and that the penalties provided in the original Lottery and Gaming Act and in the amended Lottery and Gaming Act will be applied. If members do not understand that, and if the Premier does not make that plain to them and does not give them, the Parliament, a commitment that he believes that the law as it stands ought to be enforced, then he is quite unworthy of his office.

The DEPUTY SPEAKER: Order! The line of debate being pursued by the honourable member for Mallee is out of order. The Premier has no right, nor would I expect him, to answer such an allegation under this Bill.

Mr LEWIS: It is quite legitimate for the Government of the day to pass laws—

The DEPUTY SPEAKER: Order! The honourable member for Mallee will come back to the Bill.

Mr LEWIS: I come back to the consequence of the passing of clause 3 of this Bill, along with all other clauses, to the extent that it would mean that people who own poker machines will be unable to operate them. I believe that the Government should give an undertaking, that being the case, as to whether it will prosecute those people and apply the penalty or, alternatively, regularise the Act, make lawful what is presently unlawful, and come clean.

I believe that the Premier and the Government which disclaimed any credit or association with the previous Bill and who have hastily brought in this Bill amending the Act expected that they would be able to hoodwink the public who own poker machines into thinking that it is now legitimate to use them. Even though the machines may be used within the privacy of their own homes or in a friend's home, people would be committing an offence. I believe that the law should be enforced or that it ought to be amended if it is not to be enforced. We are too often the subject of ridicule and contempt in the broader community because of the stupidity of the law. This Bill seeks to make yet another law which will again bring us, as members of this place, and the entire institution of Parliament into disrepute.

I suspect that the Premier realises he has got the numbers to do what he proposes to do, that might will be right, and that he does not really give a fig about the principle that I have just enunciated. I am disgusted that that should be the case. I am appalled that the undertakings that were given in relation to this matter are now to be broken, and in due course I guess we can expect in a *de facto* way, if not a *de jure* way, that we will have poker machines in South Australia legalised. This is the first step in that general direction and I would not be at all surprised to find them in school canteens in 10 years time.

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That the sittings of the House be extended beyond 10 p.m.

Motion carried.

The DEPUTY SPEAKER: If the Premier speaks he closes the debate.

The Hon. J.C. BANNON (Premier and Treasurer): I think this debate has gone on long enough, and I think the points have been made—

The Hon. JENNIFER ADAMSON: On a point of order, Sir, as I came in the door to register my name to speak in this debate, believing that the member for Mallee had—

The Hon. J.C. Bannon: The honourable member was supposed to be in the Chamber.

The SPEAKER: Order! There is no point of order. The Chair has a list of names of members who wish to speak in this debate. It called on the member for Mitcham, it called on the Minister of Recreation and Sport, it called on the member for Flinders, and it called on the member for Goyder. None of those members are in here, and the name of the member for Coles was not on the list. There is no point of order.

Mr ASHENDEN: On a point of order, can I ask whether you, Mr Deputy Speaker, indicated to the House that if the Premier speaks he closes the debate?

The DEPUTY SPEAKER: That is correct.

The Hon. J.C. BANNON: I believe that the member for Coles will have an opportunity in committee (her name was not on the list) to raise any points she wishes to raise (as will other members) that might be relevant. It is not as though she is being denied of some fundamental or overriding right. This is a very simple amendment which relates to one specific area of the clause, and if the honourable member has an aspect she wants to raise then let her raise it in Committee. The fact is that you, Mr Deputy Speaker, pointed out that there was a list of speakers. I rose in my place when no others had been called. You, Mr Deputy Speaker, pointed out that in speaking I would close this part of the debate, and then we could move into Committee.

I want to be brief, so that I do not unduly hold up the House because I think the issues are simple and have been well canvassed. Of course there is a difference of opinion among members of the House as to how this matter should be handled. The facts are, whatever the member for Semaphore says, that there are a number of people (and I would include myself in those) who were not aware that the clause that was passed in the Casino Bill by this House was to have the Draconian effect that quickly became apparent. When Parliament is faced with a practical problem like that I think that Parliament must move quickly to correct the situation, but I do not think that we should go beyond simply correcting that situation. If there is to be any fundamental change in the law regarding poker machines, their possession and use, then that ought to be debated fully and properly in the normal course of events, and I do not think that that should be the subject of this debate. I resist the remarks made by the member for Fisher in respect to this matter. It is not a farce. We are moving to correct an anomaly; to correct it immediately and in the short term, to mean that the law will be as it has applied since 1981. If people who have owned poker machines during and after that period were not aware of the law as it stood, that is unfortunate; however, that was the law at the time we debated the Casino Bill.

In finally deciding on that Bill, we made a very Draconian provision and even the member for Glenelg, who strongly opposed (and at some great length) the Casino Bill, concedes in this debate (and I thank him for that) that an anomaly has been created and that we ought to correct it. I would be surprised if that honourable member and a number of others, (and including myself), want to go further than simply correcting that situation here and now. If there are further problems in relation to the possession of poker machines and their use, that will have to be solved by appropriate submission being made by those groups who are concerned during the course of any measure that may be introduced, whether it be a Government or private members' measure at some time in the future and fully debated in this place. This is not what we are on about at this moment. I reassure the member for Mallee that all we are doing is ensuring that that problem created in one clause by the Casino Bill will be cleared up, and that the law will then be in the state that it has been since 1981, since in fact the previous Parliament made some changes which have been in force since that time. It is as simple as that.

The debate on the original Casino Bill was on principle and certain arguments required canvassing, but we have had that debate and this evening we are only tidying up a matter so that a presumably large group in the community will not be in imminent jeopardy of a very Draconian penalty. I do not believe that that was the intention of members in passing the original Bill. It was certainly not my intention. If anything more is to be done in this area, the Lottery and Gaming Act is the appropriate legislation to cover that matter and this aspect can be considered when that legislation is before the House.

The House divided on the second reading:

Ayes (32)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, P.B. Arnold, Ashenden, Baker, Bannon (teller), M.J. Brown, Crafter, Duncan, Eastick, Ferguson, Goldsworthy, Gregory, Gunn, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mathwin, Mayes, Olsen, Oswald, Payne, Peterson, Rodda, Slater, Trainer, Whitten, Wotton, and Wright.

Noes (7)—Mrs Adamson, Messrs Allison, Blacker, Evans, Ingerson, Lewis (teller), and Meier.

Majority of 25 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—'Short title.'

The Hon. JENNIFER ADAMSON: I have very grave reservations about this clause which I did not express on the second reading. I had intended to put my name on the Speaker's list, but I delayed doing so until I had resolved in my mind what was the correct thing to do in respect of the vote. I entered the Chamber to find the Deputy Speaker on his feet and therefore I could not—

The CHAIRMAN: Order! This places the Chair in an awkward position. This clause deals only with the short title and, if the honourable member wishes to speak to the clause, she has only a limited area in which to speak. If she wishes to make an explanation, the procedures of the House are open to her at another time.

The Hon. JENNIFER ADAMSON: I appreciate that, Mr Chairman. However, I wanted to take the first opportunity that presented itself to explain my reasons for not speaking in the second reading debate. Because of the limited nature of the clause, I can only say that I regret that we are required to debate this clause at all because of the circumstances, and I wish to defer to clause 3 my opposition—

The CHAIRMAN: Order! The Chair appreciates the honourable member's position, but she is completely out of order in the way she is debating the matter under this clause.

Mr LEWIS: Will the Premier say when the Casino Act, 1983, was assented to?

The Hon. J.C. BANNON: Last Thursday, but the legislation has not yet been proclaimed.

Clause passed.

Clause 2 passed.

Clause 3—'Possession of poker machines in casino.'

The CHAIRMAN: There are two amendments before the Chair.

Mr EVANS: I move the first part of my amendment as a test, if that is acceptable. I do not wish to go back over the first amendment; I have spoken to it in the second reading debate. I move:

Page 1 —Leave out all words in the clause after 'amended' in line 13 and insert—

(a) by striking out the passage '(either in the premises of the licensed casino or elsewhere)' and substituting the passage 'either in the premises of the licensed casino or in any other public place';

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections.

The next part is a separate amendment in itself. What I am doing is seeking to make it lawful for people to own poker machines and to use them in a private place. That means that the public cannot make use of them, but if people want to use them in a family environment they can do so. Despite a regulation which received very little publicity (most people who owned poker machines did not realise it existed), that practice has been continuing.

The CHAIRMAN: Before calling any other speaker, the Chair feels it ought to bring to the attention of the member for Eyre that he in fact should also move his amendment now so that the Chair is in the situation where, if a vote is taken, the member for Eyre will not miss out on moving his amendment. This is simply to safeguard the situation as far as the member for Eyre is concerned.

Mr GUNN: I move:

Page 1—Leave out all words in the clause after 'amended' in line 13 and insert—

by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) It shall be a defence to a charge for an offence under subsection (1) for the defendant to prove that he had the poker machine to which the charge relates in his possession or control in South Australia on the first day of June, 1983.

The purpose of the amendment is that it will allow people who currently own a poker machine to keep it, but it will prevent them, after today, from purchasing a poker machine or using one. The use of poker machines is covered by regulation under another Act and therefore, in my view, that is not really a matter for debate at this stage: we are dealing only with the actual right to own a poker machine and not operate one. I believe that there was probably a mistake or oversight at the time that the casino legislation was passed.

Let me make it very clear that I do not personally approve of poker machines and I believe that, unless we put this amendment in place, a situation will be created whereby people will be encouraged (and we know the sort of people involved in the poker machine lobby) through various ways to purchase poker machines, so that in a couple of years time there will be so many poker machines the community that they will come along and say, 'There are 10 000, 20 000, 30 000 poker machines; you have no alternative but to make it legal to have poker machines in the clubs.' I do not believe that Parliament should take that course of action and it is my view that, unless my amendment is successful, I shall have to oppose the third reading.

The CHAIRMAN: It should be pointed out at this stage that the Chair has allowed the member for Fisher to move the first amendment in his name and the member for Eyre his amendment in his name simply to safeguard both members. The position is that both amendments are before the Committee at this stage.

Mr PETERSON: We can speak to both?

The CHAIRMAN: Yes.

Mr PETERSON: I could not agree to the member for Fisher's amendment. It places no restriction at all upon poker machines in the community. In my opinion, it actually opens the floodgates. There is nothing in it about existing poker machines in private homes. It merely provides that it is not unlawful to use a poker machine in a private place and, in my opinion, that would mean the poker machine lobby would be coming over the border tomorrow morning and we would soon see poker machines throughout the community in great numbers.

The whole purpose of everything I have said in this debate is to protect the rights of the people who currently have the machines. I think that is all we can do in this situation. In that regard I think the amendment moved by the member for Eyre is much closer to the point, because it defines a date at which the machine was owned. I do foresee problems as to how this will be defined. The only time when it is possible to define whether or not a person has broken the law is when he is brought before a judge. It still seems to me that somewhere along the line we need to know what is there now so that it can be recorded. I take the thrust of the amendment by the member for Eyre, and I am, more likely to support that amendment, but the problem is that there is no way of knowing now how many poker machines there are or how they can be controlled.

We have been talking about corruption and graft in debates on other matters in this House. There is no doubt that receipts and bills of sale could be forged. Why could not somebody say, 'I bought this interstate last year and did not bring it over here until now'? That is the problem I see with these amendments. I believe that the member for Eyre has put forward a more acceptable amendment, which I would support, but we still do not have any starting point for any of these amendments and we do not know who has poker machines now and how many are here. I cannot see how we can get away with these amendments without some form of registration, but I take the direction of the member for Eyre's amendment and we will see what the debate brings out.

The Hon. JENNIFER ADAMSON: I oppose the amendment moved by the member for Fisher and support the amendment moved by the member for Eyre. The amending Bill which has just been debated has troubled me greatly on two grounds. The first is that I am strongly opposed to any retrospective legislation which affects people who, until the date of the passage of the legislation, were operating within the law and who now find themselves outside the law by virtue of new legislation. To me that is an unpalatable thing for any legislator to do, and I did not want to be a party to anything like that. On the other hand, I am very much opposed to the proliferation of poker machines. If one looks at the reality of the situation, there are an estimated 5 000 poker machines in South Australia but presumably that can only be guesswork.

The Hon. J.W. Slater: There are 5 000 to 8 000.

The Hon. JENNIFER ADAMSON: Whether it be 5 000 or 8 000, the precise number if unknown. I find it extraordinary that somewhere between 200 and 300 individuals who own poker machines but who presumably had no common association prior to the passage of this legislation, can suddenly get together and become a very effective lobby with the Government. When I say that, I am suggesting that someone has had very strong motivation to co-ordinate these people into the effective lobby which they have become. Previous speakers on this Bill have indicated that there are very powerful forces moving to ensure that State Parliaments respond to pressure for the legalisation of poker machines, and the debacle (which I think is the best word to describe what has occurred in this instance) has provided those people with a priceless and unforeseen opportunity to present their case very effectively to people like me who are violently opposed to poker machines but who recognise the absolute inequity of penalising people who have legally possessed those machines to date. That is the first point.

The second point is that it is stretching credulity much too far to expect people to believe that more than 5,000 people in South Australia have poker machines purely as ornaments in their houses. Therefore, we must conclude

that the law, as it presently stands, is being broken by some if not the greater majority of people who own those machines.

Equally, it is almost impossible for Governments to enforce the law as it presently stands. My difficulty with the clause to which the amendments have been moved is that, if that clause were passed, I could foresee 10 000 poker machines in South Australia this time next year and 20 000 the year after, and the year after that I can foresee very forceful arguments put to the Government that poker machines are now so prevalent that we have a significant section of the population not being able to use a piece of equipment which they own. Obviously, we would have 10,000 or even 20,000 people constituting a very effective lobbying group with any Government, and there would be enormous pressure (I venture to say irresistible pressure) for the Government to legalise poker machines.

So, after much soul searching, I conclude that I could not support clause 3, which is the principal clause of the Bill, to which amendments are now being moved, because I could not in future live with the fact that on this occasion I may have been party to a move which was the thin end of the wedge in legalising poker machines in South Australia. I think that that is an important point to make, because there has to be an overwhelming reason for me to accept a piece of retrospective legislation. I believe that the member for Eyre's amendment overcomes the difficulty for me, and I think that it probably overcomes (although not entirely) the difficulty for a number of members in the House.

I believe that the people who have the machines should not be penalised. Equally, I feel very strongly that no further machines should be purchased in South Australia. I believe that the member for Eyre's amendment goes a long way (I will not say all the way) towards achieving that goal. As the member for Semaphore pointed out, because the situation is virtually impossible to police, we will never be in a position to keep proper control of these machines.

At the same time, the member for Eyre's amendment, making it 'a defence to a charge for an offence under subsection (1) for the defendant to prove that he had the poker machine to which the charge relates in his possession or control in South Australia on 1 June 1983,' ensures that those people already in possession of poker machines will not be outside the law as a result of the passage of this Bill. Simultaneously, the Government will have achieved its objective in preventing the proliferation of poker machines. I am inclined to think that a more effective legislative move would be the prohibition of the sale of poker machines in this State. To me, that is probably the only way that we can effectively stop—

Members interjecting:

The Hon. JENNIFER ADAMSON: Then we are involved in the Constitution—free trade between States. It is an extraordinarily difficult conundrum. It is a very difficult legislative question. Again, it is being dealt with in the dying hours of the session when, frankly, many members have not had time to try to resolve the situation to their own satisfaction. I admit that I do not find this amendment of the member for Eyre ideal. However, I believe that it is infinitely better than clause 3 as it stands and, therefore, I support it.

The Hon. J.W. SLATER: I cannot support either the amendment moved by the member for Fisher or that moved by the member for Eyre. I am sure that the definition in section 3 of the Casino Bill was not intended to present a problem for persons who currently own poker machines in their homes. A number of people have referred to figures on how many poker machines there might be in South Australia. Perhaps I move in the wrong circles, but I have never seen one in South Australia at all. What we are trying to do is correct a possible anomaly or a mistake that was made in the casino legislation a few weeks ago. Rather than 'elsewhere', that legislation should have said 'or any other public place'. That would have cleared the difficulty we have had in the last few weeks involving people who own poker machines but who also, no doubt, were not aware of the amendment to the Lottery and Gaming Act in 1981.

The reason for the amendment in 1981 was explained by the then Minister of Recreation and Sport (Hon. Michael Wilson), when a number of amendments to the Lottery and Gaming Act came in at the same time. The Minister said:

> Although it was the introduction of the 'In-line Bingo' machine—

a machine produced by the Bally Corporation of America, and a couple of those machines came into South Australia and were brought to the attention of the Minister—

> that primarily gave rise to this proposal, any other type of machine that is either specifically designed for gaming purposes or lends itself to that use may also be declared under this proposed provision. Again, this would have the effect of making it an offence to play the machine in any way, thereby obviating the need to prove that any person was deriving any money or thing as a result. It is the Government's intention to declare in-line bingo machines and poker machines to be instruments of unlawful gaming.

Every member in this Chamber, including me, supported that. As a matter of fact, I endeavoured to move an amendment and my amendment was not necessarily concerned only with poker machines and in-line bingo but also with other types of amusement machines, as I believe that some control needed to be exercised over a number of machines in one particular place.

That amendment was not successful. But none of us at that time was aware of the full effect of the legislation we were considering. We would still not be aware if it had not been for the fact that the casino legislation contained clause 25. We are all very wise in retrospect. It presents a dilemma. I think we need to pass the clause as it is at present to obviate the problem of a $20 000 fine for a person owning a machine. That is too Draconian. We can consider in future what action can be taken under the Lottery and Gaming Act with regard to those machines. I am prepared as the Minister whose jurisdiction encompasses the Lottery and Gaming Act to give that consideration.

In passing, I mention that I am not a supporter of poker machines. I think they are insidious. But, I certainly do believe that if people are allowed to purchase them and have them in their homes for private use we should not be able to prosecute them for that. Presently we can because of the 1981 amendment. I support the clause; I oppose the amendments. I believe if we wanted to redress the situation the appropriate place to do so is in the Lottery and Gaming Act.

Mr BAKER: In dealing with the clause and the various amendments I again bring to the attention of the House a number of anomalies that have already been brought to its attention. It is useful to consider what we have done. We hope it does not happen again. I have said that on at least two occasions since I have been here. We should improve the way we operate in this House. These ill-considered measures should not be passed by this House. This is just another instance of a legislative programme that has gone awfully wrong.

It worries me that in the Casino Bill as passed by this Parliament recently we had this provision we are now debating. In fact, I asked for it to be deleted when we went into Committee. Anyone who wishes to read that can do so. I knew what the effect was. First, it was inconsistent with the Casino Bill. Secondly, it was an iniquitious situation for the large number of people who own this machinery.

I make this point clearly. We have made a law and we have suddenly said it is no good; we will change it, before it is enacted. If one is in a court of law where law is set by

precedent one finds by taking it away one has set a new precedent. I would like to see the headlines tomorrow, 'No longer a $20 000 fine' or 'Poker machines are now legal.' That will be the press reaction if we proceed with this measure.

I have just heard from the Minister of Recreation and Sport, who said, 'I am willing to look at this situation.' I walked to the Parliamentary Counsel's office and said, 'We have got ourselves in a mess; how do we get ourselves out of it?' We tried to look at the amendment we could put through which would not be inconsistent with the Lottery and Gaming Act, and which would fulfil the need of the Casino Bill to be an entity to itself and not cast reflections on other Acts, which this one certainly does. I believe we have made another mistake. We have to fix it up, which we are here to do. But, it is about time that we got our legislative act together and did not look like fools to everybody concerned.

We have two amendments. Obviously, I cannot support the amendment of the honourable member for Fisher. It almost says that if one has a poker machine in one's own house one can get all one's friends in to use it. It places no restriction on the use of that machine: if one has it there, one can use it.

Secondly, I could not legislatively support the amendment of my colleague, the member for Eyre, because in fact we have a Casino Bill before us. We do not have amendments to the Lottery and Gaming Act. But, I intend to support this amendment because it will mean that if it does pass the Government will have to take some action. It is simply not good enough for the Minister to say, 'We will consider it in a few months time.' We have set a precedent. We have told the people there is a $20 000 fine and now we say there is no fine. It is about time this Government came clean. We wanted an undertaking that we would fix up—

Mr Mathwin: It is $200 under the Lottery and Gaming Act—

Mr BAKER: It reverts to the original situation which is that one has possession and one gets $200 for use. I am not going to talk about old legislation. I do not think that is satisfactory in today's circumstances.

The Hon. J.W. Slater: We will not debate that—

Mr Mathwin: It was private members' legislation brought in by your Government.

Mr BAKER: I will ignore those interjections. The principle we are talking about here is that the existing legislation under the Lottery and Gaming Act is inadequate, as has been pointed out today. The Casino Bill is also inadequate. We are trying to fix it up. We have had no undertaking by this Government that it will do anything about the Lottery and Gaming Act or do anything about the proliferation of the private poker machines and the way they operate. Some do not operate in the way that I know at least two do because they are used in a private home for private purposes for a bit of fun. But, there are poker machines around South Australia used on gambling for the raising of revenue. Unless the Government gives a firm undertaking that it is going to get some consistency in this legislation and that it will do something about the private poker machine legislation, I am forced to say that the amendment moved by my colleague the member for Eyre, although legislatively inconsistent, is the only amendment I can support.

The CHAIRMAN: Before calling on the member for Fisher, again I point out to the Committee that some speakers are straying from the amendment before the Chair. Unfortunately, we are in a position where the Lottery and Gaming Act has the coverage with respect to what some members are talking about. I ask honourable members not to stray on that line of discussion.

Mr EVANS: I want to clear up one or two points. I refer to the list of amendments that I distributed. If I am successful in the first part, I shall then go on with the second part, because it is the answer to some of the points raised. The second amendment would be:

> Notwithstanding any Act or law to the contrary it is not unlawful for the person who has the possession or control of a poker machine or the members of his family who normally reside with him to use the machine in a private place.

We could then go on from there. In the first part of the amendment I would be making it lawful for the person to own the machine, but only members of his or her family who normally reside in the household could use that machine.

That takes away the possibility of people inviting their friends to use it, or people from other avenues, or from using it for some other means of raising money, such as a school or church group. It makes it quite clear that it can only be used by the family. I cannot support the member for Eyre's amendment, because we are really saying if one owns a poker machine now one can go on owning it. Because of regulations under the Lottery and Gaming Act one cannot use it, nor can one sell it, or give it to anyone else.

It is an unfair law that says that if one owns such a machine one can go on owning it, but one cannot sell it to anyone else or use it. I believe my amendment is fair. It allows people to use a machine in private for their own family use. I believe members will see the benefit of my amendment. The second part of the amendment distributed would be modified to include 'immediate family and people who reside in the home'.

Mr BLACKER: In speaking to this clause I point out the situation that I found myself in. I checked the speaking order and found that there were three speakers before me, but while I was consulting with the member for Coles in the corridor all of a sudden the second reading of the Bill was completed. It was my mistake for taking for granted that all the other members would speak. This clause is the operative clause and is the one that concerns me. I believe that this is allowing the poker machine lobby to get a foot in the door. To that end I intend to oppose this measure. I was concerned about the member for Fisher's amendment to clause 3, although I take on board the explanation that he has now given. Most members would agree that even though machines are owned and operated within private premises, on many occasions they can be used as a revenue-raising method for not only the individual but also for sporting and charitable organisations. It is an area that cannot be policed and certainly cannot be controlled and allows for the further proliferation of poker machines.

Furthermore, it has been suggested that there may be 5 000 to 10 000 machines in South Australia. I do not know what the price of these machines is, but I believe that they can cost between $500 and many thousands of dollars. If the cost of each machine averaged $1 000, we would be talking about $10 000 000 worth of machines in South Australia. I do not believe that that is on: it is not a realistic figure. Personally, I do not know anyone who actually owns a machine. On that basis, I think that the figure is grossly exaggerated. I think it has been used by the poker machine lobby to put forward its point of view. Further, it has been suggested that there has been an oversight in the drafting of this legislation. This is the second Bill of this type and I do not believe that an oversight has occurred. We did not get the lobby before. In the past, Premier Dunstan was most adamant in his opposition to poker machines, and I think it is a well-known fact that most members of Parliament are opposed to them.

Therefore, I do not believe that the provision contained in clause 25 in the Bill was totally unknown to the com-

munity. Now we have a reaction to it, a very powerful lobby action that has developed almost overnight. I agree with the member for Coles' comment that this indicates that there is something more powerful behind the scenes than what supposedly affects a number of individuals who have a machine for their own private use. It seems rather strange that in a matter of a few days such a powerful lobby could develop. The implication of that is that there is some organisation behind it. Accordingly, that certainly raises doubts and fears in my mind that we are dealing with something more than just casual ownership of machines used for private pleasure.

The Hon. JENNIFER ADAMSON: I want to put some questions to the Premier relating both to the clause and to the amendments moved. I have a series of questions, and I do not want to put them hastily: I will be happy to rise on more than one occasion. Does the Premier see a dilemma in hundreds, if not thousands, of people owning equipment which they cannot use lawfully? Does the Premier agree that a significant proportion of poker machines in private ownership are being used unlawfully? As a matter of policy, does the Premier believe that the use of poker machines should be unlawful in private and, if so, what measures does he propose to take to overcome the situation which has evolved? I acknowledge that the Minister of Recreation and Sport said that amendment to the Lottery and Gaming Act would be considered by the Government.

Mr Mathwin: He only said that they would be considered.

The Hon. JENNIFER ADAMSON: Yes. I hope that the Premier can be more specific and positive, as the head of Government, on a matter of important policy which has exercised the minds and worried many of us very much indeed. I believe that we are entitled to know during this Committee stage of the debate what the Government has in mind in regard to an effort to overcome what is developing, I believe, into an intolerable situation with fairly grave social implications. The member for Flinders has just said that he can hardly credit that there are thousands of poker machines, although this is purely guesswork in regard to estimating the number. I for one have never seen a poker machine in South Australia, and neither has the Premier, the Minister or many other members: yet, somehow or other hundreds of people can get together at very short notice and organise a meeting to lobby the Government and be very effective in that lobby. To me that means that there is a significant proportion of poker machines in South Australia and that they are not simply being used for decoration and ornamentation in people's homes. It indicates that they are being used unlawfully. This Bill does nothing to overcome that situation. In directing these questions to the Leader of the Government, I want to know, as a matter of policy, what the Government proposes to do about the matter.

The Hon. J.C. BANNON: I will respond to the honourable member's questions, but I make the initial point that, as the member for Mitcham has quite correctly pointed out, these questions and the issue raised are not the subject of the Bill or the amendments. The Bill involved was the Casino Bill: one clause of that Bill dealt with poker machines. The intention of the amending legislation is to confine the dealing with poker machines in the Casino Act to those as they relate to a casino, to make it quite clear that in any casino we will not have poker machines. That is what the amending Bill provides for. The way in which the Casino Bill was passed extended that provision to the question of poker machines outside of casinos in private or other possession. In doing that, I believe that it was the wrong vehicle for dealing with that question.

The correct vehicle for that matter should be the Lottery and Gaming Act where already there is a proscription, introduced in 1981, concerning the use of poker machines. Therefore, in regard to the discussion of poker machines, their future, and policy, that should surely be done in the context of the Lottery and Gaming Act. Is there a dilemma? Yes, I believe that a dilemma has been raised, as it were, surrounding the realisation of some people who presumably have these machines in their possession. These poker machines have nothing to do with a casino but were going to be subjected to the penalty involving an extremely high fine, a fine set at that level in relation to a casino operation and a casino operator. That was a matter that had to be cleared up. Many members agreed that this had to be done, including the member for Glenelg, who very strongly opposed the Casino Bill. However, he realised that something had to be done in this regard. The dilemma has been raised, but it is not the proper subject of this legislation. That is why I oppose the amendments that have been moved. I oppose the member for Fisher's amendment because, again, by dealing with poker machines in a casino and extending that to encompass poker machines outside of a casino virtually licenses people to have them in their homes and to do what they like with them.

I do not know that that is desirable. I have not thought too closely about it and the Government certainly has not got a policy on it at this stage. My information is that that is an undesirable thing but I certainly would not support an amendment that seeks to import that into this Bill. I can understand the motives behind the amendment moved by the member for Eyre and again in other circumstances that would be quite a sensible amendment. I know what he is seeking to do.

I suggest that this Bill is not the vehicle whereby we can discourage the purchase of poker machines. The fact is that they are available for sale. Whether people are foolish enough to buy them, knowing that the law at the moment prohibits them from using them, is something they have to make a judgement about. I agree that it does cause real problems and in a sense to market the machine in a circumstance where the law as it presently stands makes the use of them a penalty, is quite irresponsible. People buying them are wasting their money in one sense as the law stands. Again, that question will have to be addressed but it will not be addressed and it should not be addressed in the context of this Casino Bill. That is the reason why I oppose the amendment by the member for Eyre. I know what he is aiming to do, and I understand the position that he is seeking to overcome, but I do not think by trying to do it in this context he will achieve anything.

That brings me to the specific question that the honourable member asks. I have acknowledged that there is a dilemma. Of course that is plain for us to see and that is one we will have to grapple with. As it is a conscience issue, it is not a matter for the Government as such, but community attitudes have to be imported by individual members. Are there a significant proportion being used or played? My answer is that I do not know. I have not seen any of these machines. I am told that they do exist. Clearly, people turning up at the meeting last Sunday seemed to indicate that some of them would have those machines. I do not know how many, if it is a significant number and if the law is being broken. Therefore, I cannot really extrapolate on that or answer any of the other questions about policies.

The only policy that the Government is espousing at the moment is that it accepts the law as it stands and is not seeking to change that in the context of this debate. It will review that law based on the submissions that obviously have to be made on both sides, but the overall policy is one that will not support the use of poker machines for gambling in this State. That is my strongly held personal view and I know that it is shared by a number of my

colleagues—not all, but a number of them. There will be nothing emanating from this Government about the legalisation of poker machines for the purposes of gambling, but obviously there are problems that have to be addressed. Let us not do it in this context; let us clean up the issue of poker machines in the casinos. The intention is that the casino can have the various games of chance that are defined but not poker machines, and if they do the operators will cop not only a $20 000 penalty but they will run the risk of losing their licence. That is what the Casino Bill is intended to do and that is what this amendment makes quite clear.

Mr MEIER: I too would like to explain why I did not speak at the second reading stage. The House had given permission for members of the Library Committee to be in committee and unfortunately the mechanism was not available to tell me that I had to speak then or miss out on my turn. I take this opportunity to speak at the Committee stage.

I was interested to hear what the Premier had to say and I can see clearly what he has indicated that it is to deal with poker machines in the casino only. However, it certainly concerns me that we do not allow a loophole to exist. In other words, if the headline is that poker machines are allowable now, I hope that tomorrow people do not go ahead and start buying them. I sympathise with the views expressed by the member for Coles. The biggest problem I see is within clause 25 and that is in regard to the figure of $20 000. I say that because I compare that $20 000 fine with fines for other offences. Very briefly, I point out to members that if a person carries an offensive weapon he is only subject to a $100 fine. A person is not to manufacture, prepare, sell, distribute, supply or otherwise deal in any prescribed drug. That person will suffer a $2 000 fine—a long way off $20 000. Any person who is in or on any premises or part of any premises for an unlawful purpose may be fined $100, and any person who prints, publishes or sells any indecent material, and is found guilty, would be subject to a $2 000 fine and I cannot see, therefore, relating this to the $20 000 fine, the equation between the two. For that reason I have to seriously consider whether to support the amendment or not.

In the final analysis I felt that support of the Government amendment is going to further open up the possibility for people to think that it will be all right to own a poker machine. I really feel that action has to be taken now rather than waiting for a couple of months which would happen if we did not consider one of the amendments.

I do not agree with the amendment by the member for Fisher, but I do see a lot of sense at this stage in the amendment of the member for Eyre. I recognised that it is not dealing directly with the Casino Bill but I feel that it would stop the inflow of more machines and would be giving a clear warning to people that one would not be advised to have a poker machine in the State of South Australia. For that reason, I will support the amendment by the member for Eyre.

Mr RODDA: As a member of the select committee, I know that we were subjected to very heavy propositioning from the casino lobbyists of New South Wales. They were so intent on their desire that they came back a second time and tabled plenty of data, including films. I do not think that this will be the last time that we will hear of them. We have heard figures of 20 000 or more of these poker machines and I do not know who is going to count them. That was the reason for the strong propositioning that the select committee had, and there is reference in the forefront of that committee's report to the recrimination and pressures that the committee was subjected to during that hearing. They had one desire—to superimpose the poker machines on the casino issue.

I can appreciate the concern by the Government for the $20 000 fine. I do not suppose that any court would impose the maximum fine. We are not about to test what is to be prescribed by the court but, in view of the decision that we took in that report, I am of the view that the poker machines are out. That gives me a great deal of worry but I do appreciate the problem that the Premier is confronted with; however, I felt that I had to say that as being a member of the committee.

Mr PETERSON: The Minister of Recreation and Sport and the Premier have said this is step one. I can see the logic of that and I accept that this Bill is probably the wrong place in which to put the correcting mechanism. The thing that worries me about the two amendments from the Opposition, is that there is nothing in them about the prevention of gambling. I realise that that is a different Bill but if we are going to tackle one problem we are going to have to do it properly

I am concerned whether we can do it in the two Acts applying to this type of gambling: namely, the Casino Act and the Lottery and Gaming Act. My research indicates that 3 000 machines were sold through the three official retailers in this State, and possibly as many as that were brought to South Australia after purchase in another State. The Licensing Squad comprises only seven officers to combat S.P. bookmaking and the illegal use of poker machines throughout the State. I do not want to see poker machines being sold in South Australia, but the people who have already bought them should be protected. Conversely, the people who have them have a responsibility to prepare a case in respect of the conditions under which they may own such machines. Mr Vibert has been mentioned but, if we do not have a registration system, Mr Vibert will have three truckloads here every week, and that sort of traffic cannot be policed by a Licensing Squad of only seven officers. Will the Premier consider the proposal put forward by the committee formed at the meeting I attended last Sunday? If he will do so, I will support the original amendment.

The Hon. J.C. BANNON: Of course, we will have to review this matter. What is being revealed is a problem that has been largely hidden: namely, that the 1981 amendment to the legislation has not dealt with the problem effectively. The attempt to solve the problem will be made in the context of an overall commitment that we do not wish to see poker machines established in this State.

Mr MATHWIN: Clause 3 does not go far enough. We are faced with the problem of people buying more poker machines. In this regard, we are talking about a big organisation. I understand that there are 45 519 poker machines in New South Wales.

The CHAIRMAN: Order! The Chair has allowed this debate to get far wider than it should be. The Chair has tried to point out to the Committee several times that the amendment deals simply with poker machines in a casino, yet members are debating a section of the Lottery and Gaming Act. I ask members to return to the clause.

Mr MATHWIN: Thank you, Mr Chairman, but if you are suggesting that we cannot debate the matter of people being able to purchase poker machines now, I suggest that you should have ruled the amendment of the member for Eyre out of order because that is what it deals with. There is a powerful lobby engaged in the sale of poker machines and that lobby, having low ideals, gets down to the basic facts of life. In section 4 of the recently enacted Casino Act, the definition of 'poker machine' is stated as follows:

'poker machine' means a device designed or adapted for the purpose of gambling, the operation of which depends on the

insertion of a coin or other token (but does not include a device of a kind excluded by regulation from the ambit of this definition):

Will the Premier say what type of device will be excluded by the regulations to be drafted in accordance with the Act?

The Hon. J.C. BANNON: I cannot see the relevance of the honourable member's question to the amendment before the Chair. The definition of 'poker machine' in the section he has quoted is not before the Committee. The section to which he referred defines 'poker machine' just as I imagine the relevant section of the Lottery and Gaming Act does. Anything we do with the clause before the Committee will not affect that definition. Under the Casino Act, the supervising authority must be established and put the Act into operation.

Presumably, that would be part of the regulations, but all I can say is that there has now been a series of rulings on what is or is not a poker machine in terms of strict parlance, and the type of machine, and that definition is served well under the Lottery and Gaming Act. I think it has just been imported here and there is no intention of changing that in terms of this clause.

Mr EVANS: The intention of my amendment is that the Government proposition of allowing people to own poker machines would become law other than in a casino, and where a person owned or controlled a poker machine, any persons belonging to his family and residing in the premises where the machine was located would be entitled to use the machine for private purposes. My amendment is simply that, and takes the law back to where it was before we started talking about introducing casino legislation into Parliament last year.

Mr Mathwin: That means they can entertain people with the poker machine?

Mr EVANS: I will explain again: only members of the family of the person who owns or controls the machine, and those members of the family must reside in that home; in other words, I am restricting it to a strictly private operation within the home. That is what my amendment will be if this part and the second part go through, but I cannot move the second part now. I do not believe that we as a Parliament should interfere with activities of people, as long as they are restricted to the family who resides in that home. I ask that my amendment be supported.

The CHAIRMAN: The Chair pointed out at the beginning that there are in fact two amendments before it. It is desirable to ensure that the movers of both amendments are safeguarded, so it is intended that the Chair will be putting the part of both amendments that states:

Leave out all words in the clause after 'amended' in line 13 and insert.

If that amendment is agreed to, then the Chair will put the remainder of each member's amendment in turn. However, if this part of the amendment is defeated, neither amendment may be further proceeded with. I hope the Chair has made that position quite clear, because it does not want any disagreement with its ruling.

The question before the Chair is the common part of the two amendments moved, one by the member for Fisher and one by the member for Eyre:

Leave out the words in the clause after 'amended' in line 13 and insert.

The Committee divided on the amendments:

Ayes (15)—Mrs Adamson, Messrs Allison, Ashenden, Baker, Becker, Blacker, Eastick, Evans (teller), Goldsworthy, Gunn, Ingerson, Mathwin, Meier, Oswald, and Wotton.

Noes (25)— Mr Abbott, Mrs Appleby, Messrs Lynn Arnold, P.B. Arnold, Bannon (teller), Crafter, Duncan, Ferguson, Gregory, Hamilton, Hopgood, Keneally, Klunder, Ms Lenehan, Messrs Lewis, McRae, Mayes, Olsen, Payne, Peterson, Rodda, Slater, Trainer, Whitten, and Wright.

Majority of 10 for the Noes.

Amendments thus negatived.

The CHAIRMAN: As pointed out previously, it is the intention of the Chair now not to proceed with the amendment that was before it. The question is that clause 3 be agreed to.

Mr LEWIS: The Committee understands there is no hope of rectifying the anomalous situation which would have existed in relation to poker machines in South Australia. If this clause is agreed to, and if finally this Bill passes, then it is removing entirely what we were told we were cleaning up once and for all as a provision. Even though people will be able to own machines on which poker as a game of chance, can be played, they will be unable to use them. The Premier knows that. He admitted in the course of his second reading explanation—

The CHAIRMAN: Order! The Chair has to call the member for Mallee to order. We are now really in a tight situation, because this clause simply deals with a poker machine in a casino, nothing else. The Chair wishes the member for Mallee to come back to the clause, which is very limited.

Mr LEWIS: Why the hell was the clause ever introduced?

The CHAIRMAN: Order! If the honourable member wishes to speak to this clause, he will speak to the clause and nothing else.

Mr LEWIS: Then this clause, as it stands, removes the clear-cut provisions in the Casino Act, which outlawed not only the operation of a poker machine but also ownership, and continues the ambiguous position which existed previously. When the previous legislation was passed, I was quite aware of what was being passed, whereas the Premier has admitted that he was not: he did not understand it. In the course of his second reading explanation, he admitted that he was not aware that section 25 of the Act, as it now stands, was there. I was saying that all the time we were debating that measure and no-one took any notice, least of all the Premier it seems, in spite of my attempts to get him to do so. Since it is necessary for us to ensure that our remarks are entirely relevant to the situation which will prevail if this clause and this Bill pass, I suggest that it is quite appropriate for us to consider exactly what will happen if the measure passes compared to what will happen if it does not. If the clause and the Bill are defeated, everybody will know where they stand. This is the operative clause in the Bill.

No-one will know how many of these machines will be bought and owned. I am disgusted with the way in which this Bill was brought in as was the Casino Bill with such haste without consideration of the consequences. Everybody in the community thinks that, by passing this Bill, he will own his poker machine legally and can use it. However, that is not the true position and the Premier knows it.

The Committee divided on the clause:

Ayes (27)—Mr Abbott, Mrs Appleby, Messrs P.B. Arnold, Ashenden, Baker, Bannon (teller), Becker, Crafter, Duncan, Gunn, Hamilton, Hopgood, Ingerson, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Olsen, Oswald, Payne, Peterson, Rodda, Slater, Trainer, Whitten, and Wright.

Noes (13)—Mrs Adamson, Messrs Allison, Lynn Arnold, Blacker, Eastick, Evans, Ferguson, Goldsworthy, Gregory, Lewis (teller), Mathwin, Meier, and Wotton.

Majority of 14 for the Ayes.

Clause thus passed.

Title passed.

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That this Bill be now read a third time.

The Hon. JENNIFER ADAMSON (Coles): I have been in this Parliament for nearly six years and I have never seen a worse mess or more incompetent handling of legislation than I have seen in this Parliament tonight and in the events that led up to the debate on this Bill. I find myself placed in the incredibly difficult situation of having to choose between what I consider to be two great evils. One is voting in favour of legislation that makes an offence retrospective. The other is voting in favour of a measure which I believe will lead to a proliferaton of poker machines in South Australia and to their ultimate legalisation. I have to choose between those two evils. In this circumstance, and out of protest at the Government's mishandling of this matter, I am choosing to oppose the Bill. But I want it to go on record that I am very concerned about those people who, if my vote should be amongst the majority, will be adversely affected by that.

An honourable member: You are being consistent.

The Hon. JENNIFER ADAMSON: I am being consistent, but it troubles me greatly that I should ever cast a vote that means that people who have previously been in good standing with the law could by my vote be in bad standing with the law. I think that is absolutely wrong. I emphasise that the Government deserves the greatest censure for the way it has mishandled this matter. I believe most strongly that the events that led up to the use of the Government's numbers to ensure the passage of the original Bill in what I understand was unprecedented ruthlessness in requiring the House to sit for the length of time that it did is in some way linked with enormous pressures that are being brought to bear on the Government, and that it will continue.

The DEUTY SPEAKER: Order! The honourable member is drawing away from the third reading.

The Hon. JENNIFER ADAMSON: I believe all these matters are very strongly related and that will become clear in the passage of time. With regret, for the reasons I have stated, I will oppose the third reading of this Bill. I can only say that I think the Government should get to work very quickly to clean up what I regard as one of the most serious legislative messes that it has perpetrated on the people of South Australia.

Mr EVANS (Fisher): I oppose the third reading. I believe it is a mess, as the member for Coles has said. I believe it would be ridiculous if this law did become operative. I refer to the original Casino Bill, plus the amendment before us now. It is in the Government's hands whether the Casino Bill becomes operative. It is not essential that this Bill before us passes tonight. It does not have to pass tonight. Even if it does, until it is assented to and the Government proclaims the original Act and the new one, this has no effect on the people who own poker machines. It is up to the Government whether it is concerned about those people.

The passing of this Bill at the third reading stage has nothing to do with the issue, if the Government wishes to protect those people. I ask people not to be hoodwinked by the argument that people could be fined $20 000 if this does not pass the third reading. It is in the Government's hands, because the Act has not been proclaimed. Until the original Act is operative, people will not commit an offence by owning a poker machine, even if this particular amendment to the Act does not pass. I oppose the amendment on that basis.

Mr LEWIS (Mallee): In supporting the remarks of the members for Coles and Fisher at the third reading stage I further point out to the House that it is within the Government's province to determine whether or not anyone suffers unduly. I oppose the third reading. Honourable members should be aware that under the present clause the $20 000 penalty provided is not a mandatory fine. That is the upper limit. A court could impose as low a fine as $5 for simply owning a poker machine in the event that the Act as it now stands remains.

For that reason, more than any other, members of this place ought to oppose the third reading and enable this Parliament at the earliest possible stage, if the Government wishes, to draft a Bill which clearly defines the place, if any, for poker machines in this State, and not to do it in the way in which it is proposing to do it under this measure. I urge members to oppose the third reading.

The House divided on the third reading:

Ayes (28)—Messrs Abbott and Allison, Mrs Appleby, Messrs P.B. Arnold, Ashenden, Baker, Bannon (teller), Becker, M.J. Brown, Duncan, Gunn, Hamilton, Hopgood, Ingerson, Keneally, and Klunder, Ms Lenehan, Messrs Mathwin, Mayes, Olsen, Oswald, Payne, Peterson, Rodda, Slater, Trainer, Whitten, and Wright.

Noes (12)—Mrs Adamson, Messrs Lynn Arnold, Blacker, Crafter, Eastick, Evans (teller), Ferguson, Goldsworthy, Gregory, Lewis, Meier, and Wotton.

Majority of 16 for the Ayes.

Third reading thus carried.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1813.)

Mr PETERSON (Semaphore): For the third time, I will try to finish my comments on this Bill. The first matter that concerns me is how it is proposed to force a spouse or a partner to declare his or her interests. As I have mentioned, Ms Tiddy, who is against sexual discrimination, is employed to look after the interests of women, yet here we have a piece of legislation forcing women, or men, to declare their interests or their sources of income. There are many career women in the community today who make their own way in financial terms separate from their husbands. I do not know how that provision will be enforced. The other aspect that concerns me involves those who live in a *de facto* relationship who will not be bound by the same conditions as are persons who are legally wed. This legislation really does not go far enough. I agree with the principle of it, but if we are to be dinkum about knowing what politicians are doing let us do it properly and get all the information and not just scratch the surface.

There are many ways in which a person could be financially influenced which could not be traced. I have no training at law, but a little training in accountancy, and off the top of my head I can think of a few ways of dealing with any finance that I might receive so that no-one would know about it, not that I would accept any financial consideration in an attempt to influence my opinion.

There are many ways in which a person could be influenced. Today's newspapers refer to two cases. The Federal Leader of the Australian Democrats demonstrated that large sums of money are being offered to politicians to influence their vote. Surely professional lobbyists prepared to give their money would not do so in traceable forms. If such a thing were to occur money would be given in a form which was not traceable. I have been impressed by the fact that several speakers have already declared their interests under the definitions in the Bill. I cannot see any problem with members putting forward that information. I am sure that if the Speaker requested that information it would be given, anyhow. I certainly have no fear of doing so.

There does not seem to be any real point to this legislation. It almost seems to be a cosmetic piece of legislation to satisfy some area of the community which thinks that it is necessary. I am disappointed that this legislation has come from the Attorney-General. I would think that if it is going to be done let it be done properly. It has been suggested to me by some people that this is a stepping-stone, a starting

point. That is true: I realise that it might be very difficult to force through wide-ranging legislation in the first instance. However, this does not even touch the edges. I feel very reluctant to support the Bill. If such a thing is to be done, let us do it properly: if legislation is valid it should get through. If it is not supported by members of this Parliament they must justify to their electors and to the public why they do not support it. There does not seem to be any reluctance to provide information. I support the tenet of the Bill, but I cannot accept the legislation proposed because it just does not prove anything. For example, trust funds can be set up in other people's names in which to place money.

However, I do not want to stop the debate on this matter, and I will certainly wait and see what happens during the later stages of the debate. I do not intend to vote against the Bill at this stage, and I will be interested to hear what other speakers have to say, to ascertain, in the spirit of true debate, whether I can be convinced that there is some validity in the legislation.

The Hon. JENNIFER ADAMSON (Coles): When the Bill was introduced I referred to a speech that I made on a previous Bill introduced by the former Attorney-General, the Hon. Peter Duncan. My speech appears on page 2256 of *Hansard* of 15 March 1978. At that time I said I believed that the Bill was not only unjust but that it was futile. I also said that I did not believe that there was any way in which I could force my husband and my children to comply with it. I also said that the disclosure of members' interests, which I support, should be restricted to members only, and that the Registrar of members' interests should be an officer of the Parliament and not, as is proposed, a register which will be open to the public. I believe that that aspect of this legislation is quite wrong.

I will go through the Bill clause by clause and explain my attitude to it. Clause 2 defines the family of a member as meaning the spouse of the member and a child of the member who is under the age of 18 yrs and who normally resides with the member. I object to the spouses and children of members coming within the ambit of this legislation. I will explain the reasons why. I think that it is a quite unwarranted intrusion into the private lives of the families of members of Parliament to require them to disclose their financial interests to the general public and that, in effect, is what this Bill does. I believe that it is quite wrong and I feel most uneasy about it in relation to my own family—not that there is any pecuniary interest which could not quite legitimately be disclosed without any disgrace to anyone. In my own case, my sole source of income is my Parliamentary salary, the family allowance which I receive in respect of one of my three children and, I suppose, although it would not be classified under this Bill, my housekeeping allowance. That is it.

I notice that that has not varied from when I spoke in 1978. The amount went up for a period of three years whilst the Liberal Party was in Government and I was a Minister, but it has since gone down. The actual source of income has not varied. Just as I object to the inclusion of the spouse and child of the member, I object equally to the inclusion of the spouse as a putative spouse within the meaning of the Family Relationships Act. I make it clear that I will not support any amendment designed to draw into the ambit of this Bill any person with whom a member of Parliament may be having a personal or sexual relationship. Just as it is thoroughly offensive to me to have the law intrude into the private financial affairs of the families of Members of Parliament, it is equally, and if not more, offensive to me to have the law intrude into the sexual affairs of Members of Parliament or indeed anyone else.

Clause 4 of the Bill refers to the return which has to be made by the member in a prescribed form and containing the following information. The member has to submit:

> Where a member required to submit the return or a member of his family received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit;

In practical terms, that means that I have to reveal the income source of the financial benefits which my husband receives. He objects to that, I object to that, and I cannot see the reason for it.

At the same time, under clause 4 (2) *(b)* my husband is required to advise me of his directorships, if he should hold them, in any company or other body, corporate or unincorporate, during the return period and give me the name of the company or other body so that I can submit this as part of my return to be placed on the register and to be placed as a matter of public record. I believe that that is an unwarranted intrusion into my family's privacy and I object to it.

Cl 4(2)(c) requires me to state:

> The source of any contribution made in cash or in kind of or above the amount or value of five hundred dollars (other than any contribution by the State or any public statutory corporation constituted under the law of the State or by a person related by blood or marriage) to any travel beyond the limits of South Australia undertaken by the member or a member of the family during the return period;

The practical effect of that is that if my husband or a member's spouse travels interstate on company business, and with air fares the way they are it is not in the least difficult to run up an account of more than $500 for a simple interstate trip, then that has to be submitted to the Registrar.

I suggest that in many cases that information would be commercially confidential and should not be revealed in the manner that is proposed in this Bill. It could well happen that a member of this Parliament could be married to a management consultant who is required to travel overseas for clients on commercially confidential issues. If that information is legally required to be submitted to the Registrar as part of the member's return, it is quite possible that that information could be pieced together by competitors, used to draw conclusions (correct or otherwise) as to the activities of the member's spouse and used in ways which I do not believe this legislation envisages but would in fact occur. Though, if such a thing did occur, and this legislation makes it quite open that it should, then I think there could be adverse effects on the business of a spouse.

Who would want to deal commercially with a person whose every movement around Australia and internationally was going to be placed on a register of public interest? I ask members to consider that point. Who would want to deal with the spouse of a member of Parliament on a confidential matter if they know that the travel undertaken by that person in pursuit of his or her activities on behalf of the client is going to be revealed on a register of public interest? I believe that that is wrong. It has been ill considered and I certainly urge the Minister to take account of what I am saying in that regard, although I stress that what I am saying in that regard simply highlights a whole series of provisions in this Bill which I think are unjust, unworkable and futile. Clause 4 (2) *(d)* states that the return is required to include:

> Particulars (including the name of the donor) of any gift of or above the amount or value of five hundred dollars received by the member or a member of his family during the return period from a person other than a person related by blood or marriage;

I take that to mean that if a friend of mine leaves me a bequest of, say, $1 000, I have to publish not only the amount of that bequest and the fact that I received it but the name of the person who left it to me. I really feel that

that is quite outrageous. There may well be people who wish to leave bequests to members of Parliament who certainly do not want that knowledge made public in the way that would occur under this legislation. Who can blame them? I think that the gross intrusion into the private affairs of members of Parliament and their families that is inherent in the provisions of this Bill should really give us cause to think as to what is the purpose of this legislation.

One could be tempted to ask whether its inherent purpose is to deter people from becoming members of Parliament. There is something quite odious in the long arm of the law intruding into my private affairs and those of my family. To me, that is something that I think should not be countenanced in a civilised society that is able, by democratic methods, to select the people whom it wishes to elect to Parliament and who have every opportunity to make a judgment on the honour and integrity of those people prior to election at regular periods every three years.

I do not think that the people of South Australia want the law poking and prying into their bedrooms and bank accounts and then publishing the information on a register, as is proposed by the Bill. I believe that the normal democratic processes of media scrutiny, Parliamentary scrutiny and electoral testing that are inherent in the Westminster system should be sufficient to ensure that the honour of members and their proper appreciation of the way in which they conduct themselves in this place in deciding on matters in which they may have a vested interest (and that need not necessarily be a pecuniary interest: a vested interest that involves power and influence may be much stronger in its motivation to stray from the path of integrity than a financial interest) is maintained.

Clause 4(2)(e) provides that an ordinary return shall be in the prescribed form and shall contain the following information:

(e) where the member or a member of his family has had the use of any real property during the whole or a substantial part of the return period otherwise than by virtue of an interest disclosed under subsection (3)(d) and the person conferring the right to use the property is not related by blood or marriage—the name and address of that person:

Again, I believe that that is an unwarranted intrusion into the private lives of members and of their families. Clause 4 (7) provides:

(7) Nothing in this section shall be taken to prevent a member from disclosing the information required by this section in such a way that no distinction is made between information relating to himself personally and information relating to members of his family.

That does not protect a member from some of the effects I have outlined in relation to the foregoing provision. For example, there is no way in which I could disguise my husband's source of income or his travelling expenses by attempting to blur the return so that such income or expenses would appear to be mine merely by including them in my own return. There is no way, technically, that I can do that, so what appears to be a protection in clause 4(7), and may in fact act as a protection in the case of family trusts, is in fact barely a fragment of protection and does no effective good at all.

As the member for Semaphore said, members of Parliament who are not living in a formal matrimonial relationship do not have the same requirements placed on them in respect of their partners as do members living in a formal matrimonial relationship. If my husband and I were divorced, these provisions would not apply to him. If my husband were not my husband but I was living with him, these provisions would not apply to him. I will not in any circumstances support amendments that draw into the ambit of the Bill people who are not married to members of Parliament but may be living with them. That is unacceptable to me. Nevertheless, the circumstances highlight the fact that members living in a normal matrimonial relationship must observe certain requirements which, if this Bill is passed, will be odious to them, whereas members not living in what is considered to be a proper family relationship will not be bound by those requirements.

I consider that to be yet another blow (if that is not too strong a word to use) against the institution of marriage, on the Statutes. In this respect, over the last decade the Statutes of South Australia have dealt indirectly several blows to the institution of marriage and, if the Bill is passed in its present form, further blows will be dealt and married people will be penalised. That troubles me. At the same time I do not want to draw into the ambit of the Bill in the name of so-called equity of treatment people living with members of Parliament but not married to them.

Clause 5 of the Bill deals with the publication of the register and provides that each Registrar shall maintain a register of members' interests and shall cause to be entered in the register all information furnished to him pursuant to this Act. It is further provided that a Registrar shall, at the request of any member of the public, permit him to inspect the register maintained by him and to take a copy of any of its contents. That, to me, represents a gross intrusion into the privacy of members. If we must have a register of the pecuniary interests of members (that is, of members only and not of their families), what is wrong with lodging that register with an officer of the Parliament, and with the whole Parliament being satisfied that the interests of members are known to that officer?

I do not see that it is the business of any Tom, Dick or Harry who walks down North Terrace, knocks on the door of Parliament House and says, 'I want to find out what Jennifer Adamson's husband has by way of directorships or associations; what is his source of income; whether anyone has left him any money during the last year; whether her son has been given a gift of over $500; and whether he has travelled interstate at someone else's cost over the past 12 months.' Surely that is no-one else's business other than mine, as the wife and mother of the people concerned, and I resent bitterly any attempt by the Government to pry into my family life even though, if the situation occurred where, as a result of searching my conscience, I could see that some activity of my husband was in some way related to a responsibility of mine as a member of the House and to legislation on which I had a vote, I would not hesitate to declare it. Possibly if there was doubt in my mind, I would discuss with the Presiding Officer whether I should declare the matter. In this regard, I consider that every member should err on the side of caution and declare anything that could possibly be construed as being influential in the pecuniary sense in respect of that member's vote. Clause 6 of the Bill is nonsense. It provides:

6. (1) A person shall not publish whether in Parliament or outside Parliament—

(a) any information derived from the register or a statement prepared pursuant to section 6 unless that information constitutes a fair and accurate summary of the information contained in the Register or statement and is published in the public interest;

Who will decide what is fair and accurate? If the Minister in charge of the Bill can answer that question (and I do not believe that he can), is the question of whether or not the summary is fair and accurate to be decided after the event, that is, after publication, as it must be? After all, we all know that redress for a member of Parliament who has had an unfair and inaccurate publication of his or her interests (and we all know the political reality of this is very limited indeed), when the mud has been thrown, some sticks. All the legal and parliamentary redress and the retraction in the newspapers do not undo the damage done in the first

place by the publication. Although I concede that the intention of clause 6 is laudable, I do not believe that the clause is workable. The same applies to clause 6 (1) (b), which provides:

(6) (1) A person shall not publish whether in Parliament or outside Parliament—

(b) any comment on the fact set forth in the Register or statement unless that comment is fair and published in the public interest and without malice.

If someone can tell me how the media is going to make a judgment of what is with malice or without malice and how we are going to endorse or disagree with the judgment, then I will be very interested, because I think that would take the wisdom of Solomon, and I know that such wisdom does not exist. It is a question of debate and always will be, and the person who is on the rough end of this will feel the damage of it and will never get appropriate redress.

In summary, I believe that, whilst it is appropriate and proper for a member of Parliament to declare pecuniary interests, to have those interests recorded in a register which is accessible to the officers of Parliament, it is quite inappropriate for the law to intrude into the private and financial affairs of members of Parliament.

I wish to conclude by referring to statements which sum up my attitude to this Bill, and I suppose that is most succinctly put by saying that no law can contain a dishonest person; no law is needed to contain an honest person, and the attempts at demonstrating honour and integrity on the part of Members of Parliament, as embodied in this Bill, in my opinion fail miserably. Alexander Solzhenitsyn addressed the subject very well indeed when he gave what is known now as the Harvard address, delivered at Harvard University, when he was awarded an honorary degree of Doctor of Letters in June 1978. I commend that address to all members of Parliament, because it is a deeply philosophical address that should stir the conscience and idealism of us all. It is published on page 4 of *Quadrant*, September 1978, and Solzhenitsyn says:

Western society has given itself the organisation best suited to its purposes, based, I would say, on the letter of the law. The limits of human rights and righteousness are determined by a system of laws; such limits are very broad. People in the West have acquired considerable skill in using, interpreting and manipulating law, even though laws tend to be too complicated for an average person to understand without the help of an expert. Any conflict is solved according to the letter of the law and this is considered to be the supreme solution. If one is right from a legal point of view, nothing more is required, nobody may mention that one could still not be entirely right, and urge self-restraint, a willingness to renounce such legal rights, sacrifice and selfless risk: it would sound simply absurd.

Perhaps it sounds absurd for me to stand here and say that, if members of Parliament are not honourable, no law can make them so and, if members of Parliament are honourable, no law is required to make them so, but, nevertheless, I believe that that is the case and, for that reason, I really believe that this Bill is superfluous and will achieve nothing. Solzhenitsyn goes on to say:

One almost never sees voluntary self-restraint. Everybody operates at the extreme limit of those legal frames.

He continues:

I have spent all my life under a communist regime and I will tell you that a society without any objective legal scale is a terrible one indeed. But a society with no other scale but the legal one is not quite worthy of man either. A society which is based on the letter of the law and never reaches any higher is taking very scarce advantage of the high level of human possibilities.

That, I think, is what is going on in this Parliament. Later in this speech Solzhenitsyn says:

Life organised legalistically has shown its inability to defend itself against the corrosion of evil.

I agree. If this Bill is passed we will be adding yet another legalistic organisation imposed on members of Parliament. If members of Parliament abide by that, they will no doubt consider that they have done all that is necessary in terms of recognising and declaring their interests. They will very likely feel themselves excused from going deeper and searching their consciences as to what they should in all honesty declare when it comes to legislation. Very often that will not involve financial matters; it will be matters of other influence, notably of power and achievement and promotion, and possible gain after leaving this place. Finally, there is one further comment which is appropriate to this Bill. Solzhenitsyn says:

We may witness shameless intrusion on the privacy of well-known people under the slogan: 'everyone is entitled to know everything.' But this is a false slogan, characteristic of a false era: people also have the right not to know, and it is a much more valuable one. The right not to have their divine souls stuffed with gossip, nonsense, vain talk. A person who works and leads a meaningful life does not need this excessive burdening flow of information.

I feel very disturbed indeed about this Bill. I feel so strongly that up until now the system has operated well. I do not believe that anyone is aware of any evidence of financial corruption among members of Parliament in South Australia. I do not say there has not been moral corruption. I think at times cynicism of the worst order has been exercised, and no doubt will continue to be exercised. I do not think we need this law. I do not see any appropriate way of amending it. The whole problem is a conundrum that cannot be solved by law. It can be solved only by the electorate at large examining members of Parliament, scrutinising candidates, properly exercising their judgment when they vote and thus contributing to what should be a Parliament of members whose integrity and honesty is held in high esteem by the whole community.

Mr GREGORY (Florey): I support this Bill, for a very good reason. I believe that when people accept nomination for Parliament, seek office, and gain it they have an obligation to disclose to the public just what their interests are or whether they were influenced by those interests, so that the public is aware of that when voting for them. We have heard tonight and yesterday some peculiar reasons being put forward as to why the Bill should be opposed because it did not go far enough. But when one looks at income, that is where one derives one's money. I think it is disgraceful that members of Parliament, because of their office and possibly when they are Ministers, accept directorships and shares in companies. It is not beyond the Australian experience for members of Parliament to receive bundles of shares from companies that have been favourably treated by those members of Parliament and by Governments. Quite frankly when challenged about it their attitude was 'So what? We are people in business and we are having a bit of it.' That is the attitude of members of the same Party as those sitting opposite. If those interests are declared at least people know where we stand.

When it comes to free travel and accommodation a very real declaration needs to be made. People ought to know whether members of Parliament are being duchessed by the owner of a company that manufactures poker machines by being taken for a holiday somewhere, first class, and placed in hotels on the basis that it will not cost anything, with the company picking up the bill. Of course, people are entitled to know that. If it is necessary to declare that, it will just not happen, but it has happened in the past. Then we had to listen to a suggestion that problems would affect children of people who disclosed those interests. Clause 8 of Part IV makes it quite clear. Whilst one is required to make disclosures, one is not required to disclose the actual amount. If any member has seen a register of interests of Victorian members of Parliament, it would hardly encourage

somebody to embark on a kidnapping scheme, as somebody has fancifully suggested. I do not think that it will do that.

Another proposal put tonight was that we should have a register and that nobody should see it. If that is the case, why bother having a register? One might as well not have it at all. The whole concept of this Bill is to avoid corruption, and to place people like us in a position where other people can see exactly what we own and what we are receiving beyond our Parliamentary salaries. I think that it is very important to know that. I was amazed last night when listening to the reasons for opposition to this Bill. What really amazed me the most was the sexual connotation raised by the members for Mallee and Todd in relation to a *de facto* relationship. All I can conclude from that is that members opposite are more interested in what happens on top of the bed than what is kept underneath it.

Another member complained that he might have to list all his land holdings. I would have thought that perhaps members on that side of the House would be proud to list a long list of land holdings because it would show that they had been able to succeed very well in a capitalist world. I could understand others on that side not having a list at all, because they might be classed as a failure.

Mr Blacker: You have already misinterpreted what I was saying last night. It proves the very point I was making.

Mr GREGORY: That just shows why the honourable member does not want to do it: because he does not want to be open to scrutiny. He wants to hide what he has or has not got.

The SPEAKER: Order!

Mr GREGORY: I do not see any reason why he should not.

Mr Blacker: You are giving an improper motive.

Members interjecting:

The SPEAKER: Order!

Mr GREGORY: That illustrates the point that members opposite are ashamed or afraid to list their interests.

Members interjecting:

The SPEAKER: Order!

Mr BLACKER: I rise on a point of order. I take very strong exception to the imputation made. Last night I listed my personal assets before this Chamber and they have already been misinterpreted. The very point that I was making has been expounded in this Chamber tonight.

The SPEAKER: There is no strict point of order. Nonetheless, I will ask for a withdrawal of any improper motive. In other words, I am asking the member for Florey to withdraw any suggestion of an improper motive against the member for Flinders.

Mr GREGORY: I was referring to some members and, if the member for Flinders feels that he is included in that, then I will withdraw that remark.

The SPEAKER: I do not think that that is acceptable. I think that that is unfair to the Chair. I would ask the member for Florey to withdraw any suggestion of improper motive against the member for Flinders, and leave it at that.

Mr GREGORY: I will withdraw it. However, I was also congratulating the member for Flinders on being able to have a long list of entitlements and interests. I do not see why anybody should be ashamed of that. It is the desire to hide it which concerns me and, as I say, I am astounded that, as representatives of capitalists, they should want to hide their success. I would have thought that they would have been proud.

Last night some accusations were made about members on this side having to sign a pledge as members of the Australian Labor Party. At least one thing is very well known about being members of the Australian Labor Party: we were elected to come here. We have a platform which is readily available to the public, and I am surprised that the member for Eyre did not buy one. It only costs $2, which is cheaper than buying a rule book, and the rule book he had last night was a current one. I know where to get one when I am in this House and I need it. However, the State platform states very clearly where we are, unlike the members opposite. They have their State conferences and council meetings but they do not have to carry it out. Consequently, the public of South Australia does not know where they are or what they are doing.

Mr Ashenden: What does that have to do with it?

Mr GREGORY: It has a lot to do with this declaration of interests, because last night the member for Eyre made a great song and dance about members on this side having to sign a pledge.

Members interjecting:

Mr GREGORY: I am proud of the fact that I have been able to participate in the forums. We sign that pledge, we know what we are doing, and the public knows what we are doing. That is why we have spent a lot of time on this side of the House in the last few years.

Members interjecting:

The SPEAKER: Order!

Mr GREGORY: The real issue is what influence can be brought to bear on members of Parliament because of their associations, and because of gifts and gratuities that may be made to them. Having to put these on a register, and that register being available to the public, will mean that those pressures will not be placed on politicians. What is more, having that register open to the public will remove a lot of conjecture about what pressures can be and are placed on members. As I said earlier, I support the Bill and I hope that it is carried in all stages.

The Hon. H. ALLISON (Mount Gambier): I, too, rise to support this legislation. I have very little criticism to make of it. Indeed, I think that that would apply to the majority of members on this side, with exceptions, and those exceptions lie within certain clauses. Generally, this measure is supplementary to existing Standing Orders of Parliament and the Constitution Act of South Australia. On page 66, Standing Order 214 states:

> No member shall be entitled to vote in any division upon a question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed.

At page 119, Standing Order 376 states:

> No member shall sit on a select committee who shall be personally interested in the inquiry before such committee.

The Standing Orders are certainly complemented by the Constitution Act of South Australia. If members care to address themselves to the Constitution Act, they would find that in Part II, section 45 is particularly relevant. Sections 49 to 54a inclusive also deal extensively with the issues before us in this piece of legislation. Therefore, if anyone thinks that the matter is not already very adequately addressed in existing legislation, then I suggest that they have recourse to those documents and those pieces of legislation, and set the record straight for themselves.

In 1975 the Riordan Committee reported to the Federal Government that a register of pecuniary interests should be available and should be controlled by the President and/or the Speaker of either one of the two Federal Houses. They also recommended that the public generally should be permitted to have access to information, but not on the broad public scale that is recommended in the legislation we have before us. The Riordan Committee members recommended that there should be a much more restricted access and that members of the public should be required to establish their *bona fides,* their reasons for wishing to have access to the information, to the satisfaction of the President or the

Speaker. I believe that that single recommendation from the Riordan Committee Report reflects the objections that most of the members on this side of the House have expressed.

None of us has any real objection to contributing information, such as that which is required, to one of the Clerks (either the Clerk of the House of Assembly or the Clerk of the Legislative Council) and for those responsible officers to hold that information in confidentiality, to be released to people who may establish their *bona fide* reason for wanting to have that information. That is really the nub of the argument from those on this side of the House, namely, that our private affairs or those of our immediate families should not be publicly disclosed, for general scrutiny and possible irresponsible publication.

The Hamer Government in Victoria introduced legislation some time ago that has worked reasonably well. Another area of contention lies in the fact that this legislation is obviously of a most discriminatory nature. I would simply ask members on both sides of the House to consider whether Parliamentarians in fact are more liable to corruption than, say members of the Judiciary, who have extremely influential positions and whose private affairs may influence them in some cases to arrive at other than proper decisions. There are many public officers, civil servants, and public servants. Cabinet Ministers might be considered on a different plane from back-benchers, so that even within Parliament there is room for some discrimination.

Obviously, a Cabinet Minister would have far more opportunity for making responsible decisions than would a back-bencher, yet they are rarely dealt with on the same footing within this legislation. In regard to officers in the Public Service, the Auditor-General, the Police Commissioner and the Ombudsman, for example, are people who sit in judgment and who have access to a wide range of information. They are people who, it could be argued, may be adversely influenced. Local government officers are not considered, and I refer to local government elected members, aldermen and councillors. Further, there are officers appointed to statutory authorities.

The member for Florey, who was so keen to have this legislation introduced and passed in the House, must surely feel that this legislation would apply equally to senior trade union officials, such as the gentleman in Victoria who was subjected to very close scrutiny during the last 12 months. I am quite sure that the honourable member's argument would apply equally well to trade union officials. All of those people should be subject to public scrutiny for exactly the same reasons that Parliamentarians are being asked to make their private financial details available for public scrutiny.

I do not intend to move any amendment to the Bill, but I must draw the attention of members of the House to the anomalies contained within it. All the people to whom I referred could have interests which have a bearing on decisions that they would take, very often decisions that they would take in isolation as individuals, whereas our decisions made in Parliament are taken under the broad glare of public scrutiny with the television cameras, the radio, and the press. Of course, decisions are made extremely public by the subsequent publication of *Hansard* which is perpetually available. The affairs of those people should be just as public as those of members of Parliament. Another point, of course, in their favour is that these senior, and very often junior, public officials have employment which is more entrenched and more secure than that of elected members of Parliament.

The disclosure of the interests of members of the family is certainly an intrusion on their personal privacy which is to be deplored. The member for Coles spoke more than adequately on that subject. This Bill is discriminatory and may well be viewed as a cynical political ploy unless its scope is widened to protect public interests much more effectively. I think that several members on this side of the House pointed out that while this legislation has received a lot of publicity it is nevertheless little more than token legislation. The opposition from those on this side of the House relates to the few specific clauses to which we take extreme objection. However, generally we acknowledge that the legislation is necessary. If the public is really to be protected, as the Government says it should be, there are a great number of things that should be included in the legislation that would be far more pertinent and relevant to public protection than simply a statement of financial interests.

I believe that full public disclosure is neither necessary nor desirable. The previous Bill introduced into the House by the former Liberal Government was adequate, although the Bill did not pass through both Houses; it lapsed in the Upper House. As the member for Eyre has pointed out, a number of women in Australia have publicly aired their grievances to the present Prime Minister because they are afraid that the enactment of similar legislation at Federal level will endanger not only them but their children. One of the wives, whose name was not given by the member for Eyre, in fact told the Prime Minister that she was afraid that as a result of public disclosure of her and her husband's financial affairs their children would be in danger of being kidnapped. While Australia is essentially a very law abiding community by world standards, let us not ignore the fact that in Europe a number of senior and wealthy business men and their children have been kidnapped. In some cases they have been killed before the ransom or other successful police action could be taken.

We must balance the private interests of a member and his or her family with the need for the public to be informed when necessary. Complete public exposure of the private lives of members is a gross intrusion and could militate against very capable persons even being considered for preselection as members of Parliament. Lord only knows, we need people in this place of very high public standing and repute. We cannot afford in this place, the highest court in South Australia (as the Federal Government is the highest court in the land) to be deprived of top class people who might be deterred from seeking pre-selection because of legislation such as this which would throw their private affairs under public scrutiny quite unnecessarily. As I said, the Parliament of South Australia has a Constitution that protects the public interest. There are Standing Orders of both Houses of Parliament, that vary only slightly, which also protect the public interest.

The member for Florey derided two members on this side of the House who raised the matter of sexual relationships, referring not only to spouses but to putative spouses. Putative spouses are defined quite clearly in the Family Relationships Act. Whether or not members believe that such matters should be included, let me point out that a wide range of people in high political and public office have been subject to threat and blackmail as a consequence of a relationship other than a marriage relationship.

[Midnight]

As members on this side have pointed out, that includes homosexual, lesbian, *de facto* and other relationships. Whether or not we like to have such matters aired in a public place such as this, nevertheless the political and public history and evidence which has been before us even over the last five to 10 years are quite clear enough in suggesting that people can be under threat and can be a far

greater public risk as a result of such liaisons, and a far greater public risk than as a result of any financial involvements. There is a greater threat to the public than members opposite would have us believe.

The primary term which says that any income source that the member has or expects to have is rather a ridiculous inclusion. I do not think members would mind retrospective information, but for a member to speculate as to his future source of income over the period of the next 12 months is an unfair inclusion. This would particularly apply in the case of very successful business people whose predicted disclosure of success may militate against their having commercial success.

As the member for Coles pointed out, anyone having public or open access to such information might be able to speculate as to the reasons behind that success and take an unfair competitive advantage against that person. It might be only in a minority of cases where that would apply, but it would certainly be an unfair intrusion upon their lives and would be akin to commercial espionage condoned by Parliamentary Statute. I think that the intention is good but the Bill is quite inadequate. If the Bill really intends to protect the public, it should include far more personages and it should include far more situations than it does. It is a token piece of legislation, and many more factors than the purely pecuriary interests which may influence decisions should be included.

Token legislation such as this does not address the real problems and this is a badly drawn and discriminatory Bill. It deals with the financial minutiae of a member's life. There are far too many petty inclusions while more important things are omitted, and many of these aspects of the Bill have no real effect upon a member's decision. It does represent a gross intrusion upon a member and his family's private life, and while I support the Bill to the second reading I will certainly give careful consideration and support to a number of amendments which have already been signalled by my interested colleagues on this side of the House.

Mr MATHWIN (Glenelg): I have no objection to the registering of my interests in relation to this Bill. In local government, it is the proper thing for a person involved in any debate before the Chamber to withdraw and take no part in that debate if he has a personal interest in it. One is taken on face value on that matter anyway. If the main basis of introducing this legislation by the Government is to stop bribery and corruption, I think the Government is failing in that attempt, because it is legislating to embrace the member's family (that is, the spouse and any children under the age of 18 years). That does not seem fair, as has been pointed out by a number of speakers during the debate, where, for instance we have a society now in which numerous people live together in a *de facto* relationship. If those people happen to be members of Parliament, it would be fair if the partner of a *de facto* relationship was included in this net of legislation, as members of Parliament are exposed to areas where they can be blackmailed or charged with having interests in certain legislation.

In the Minister's second reading explanation, he said that the Labor Government believes that members of Parliament are trustees of public confidence and should disclose their financial and other interests in order to demonstrate both to their colleagues and to the electorate at large that they have not been or will be influenced in the execution of their duties by consideration of private or personal gain. It is obvious what the Government is getting at, and I do not entirely disagree with that. It would be only right that this should occur, and the matter ought to be covered. However, the Government has gone further not only by covering members of Parliament but also by taking into consideration the spouse and the children. As I said earlier, I agree with other members that this legislation should include all partners of members of Parliament: that is only fair. To suggest that a *de facto* partner would have less interest in the deliberations or actions of the other partner who is a member is quite wrong. It is not a matter of prying into a member's private affairs if that member is having a relationship with another person: it is a matter of being fair generally in the context of the Bill.

Clause 2 provides that unless the contrary intention appears 'family' in relation to a member means a spouse of the member. Apart from my argument I have put in relation to a spouse and a partner, who will force that person to disclose information? What power has a Parliamentarian to force a husband or wife to give information to the Registrar? I wonder what will happen if some of the spouses of Parliamentarians refuse to give such information? Who will be at fault? Will the member lose his seat, or will he be defrocked or banned from Parliament (whatever term one likes to use) because his partner will not disclose the information? I believe that the powers of a husband or wife over his or her spouse would be more evident than would be the case in a *de facto* relationship.

Therefore, that situation needs rectifying. What is the position if I had a person living with me who offered me $10 a week to help with the housekeeping and for the privilege of living in my home? Would I have to declare that in the register? Of course, some members might choose a partner who would be willing to pay much more than $10 a week towards the upkeep of the home. Surely that is a poor situation: it makes fish of one and flesh of the other.

Clause 4 of the Bill deals with the contents of the return to be made by the member, and it is provided that a primary return shall be in the prescribed form and contain the following information:

> *(a)* a statement of any income source that the member required to submit the return of a member of his family has or expects to have in the period of twelve months after the date of the primary return;
>
> *(b)* the name of any company or other body, corporate or unincorporate, in which the member or a member of his family holds any office whether as director or otherwise;
>
> and
>
> *(c)* the information required by subsection (3).

Although clause 2 provides that 'spouse' includes a putative spouse within the meaning of the Family Relationships Act, 1975, surely a *de facto* partner should be included in the definition because more pressure would probably be exerted on a member by a *de facto* partner than by a wife or husband. The member for Coles dealt very well indeed with certain clauses in the Bill and I support her arguments. Clause 5 (2) provides:

> (2) A registrar shall, at the request of any member of the public, permit him to inspect the register maintained by him and to take a copy of any of its contents.

Such a provision is completely wrong, because it would enable any person to come into Parliament House and not only to read the register but to take a copy of an entry. I do not see why the Government has included that provision in the Bill. Clause 6 (1) provides:

> (1) A person shall not publish wehether in Parliament or outside Parliament:
>
> *(a)* any information derived from the register or a statement prepared pursuant to section 6 unless that information constitutes a fair and accurate summary of the information contained in the register or statement and is published in the public interest;

Of course, that is rubbish. That could be used wilfully against a member of either House of Parliament. That is quite wrong, and I cannot support it. The member for Coles asked who will make the assessment. Once it is done, it is done, and any rectification afterwards is pretty worthless.

Clause 6 (1) *(b)* refers to any comment on the facts set forth in the register or statement in these terms: 'unless that comment is fair and published in the public interest and without malice'. That could be used by political opponents, an endorsed candidate or a candidate who stands against a member in any district. Those people can use this information on the street. Yet a member of Parliament will not be able to obtain information on the situation of a candidate.

This is one sided and the provisions can be abused. Members know as well as I know that, if anyone is abused, it is members of Parliament. Some people take every opportunity they can. People will be given opportunities: anyone can walk in off the street for no reason at all and breeze through the register. There is not enough protection for members of Parliament.

Clause 7 (1) states that any person who wilfully contravenes, or fails to comply with, any of the provisions of this Act (other than section 7) shall be guilty of an offence and liable to a penalty not exceeding $5 000. Does that mean that, where a member requests a wife, child or husband to supply information to the Registrar, if a person refuses to do so that person is liable for the penalty? Or, is the member responsible and liable for a penalty not exceeding $5 000? I would like the Minister to answer these questions, because they are serious, and I hope that he will throw some light on the matters canvassed. There will be no damage done to me in my filling in the register, but I am concerned about the one-sided situation. It is unfair in many aspects.

STATUTE LAW REVISION BILL

Received from the Legislative Council and read a first time.

WORKERS COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

A number of cases have arisen recently in which the present rules governing the competence and compellability of spouses to give evidence in criminal proceedings have proved to be seriously inadequate. In the context of the law of evidence, competence refers to the principles upon which a court decides whether a person ought to be allowed to give evidence in a certain case. Compellability refers to the principles upon which a court decides whether a person ought to be compelled to give evidence in a particular case.

Under the present provisions of the Evidence Act, in relation to criminal proceedings, the situation is as follows:

- Spouse witnesses are competent for the defence but the spouse of the accused shall not be called except on application of the accused.
- Spouse witnesses are competent for the prosecution for a wide range of offences. These cover most offences involving violent or immoral conduct against the wife or children of the accused and proceedings by a wife for the protection of her property and also a series of maintenance offences. In addition the common law, which provides that a spouse is competent to testify when the accused is charged with inflicting 'personal injury' on his or her spouse, applies.
- Spouse witnesses are compellable for the accused only as regards the age or relationship of any child of the husband or wife and where the spouse is charged with specific statutory offences.
- Spouse witnesses are compellable for the prosecution to the same extent as they are for the accused.

The basis for the common law rule that one spouse could not be a witness for or against the other was that husband and wife were considered as one and the same person in law. Today, the justification for, at least, some degree of non-compellability of a spouse as a witness for the prosecution is put in terms of preserving the marital relationship. The community has an interest in the preservation of stable marital relationships.

Giving evidence against the other spouse could be a cause of serious harm to that relationship. It is also argued that the State is not justified in imposing on husbands and wives the extreme hardship of giving evidence against each other contrary to the (in the words of the New South Wales Law Reform Commission) 'promptings of affection and marital duty, and with the likelihood, in many cases, of bringing upon themselves disastrous social and economic consequences.'

Whatever the reason for the rules, they are anomalous and create real difficulties. A spouse who would be a competent witness to give evidence for the prosecution where the charge is, for example, rape of a child is not competent to give evidence where the charge is murder. It is an unjustifiable restriction on the civil liberty of a spouse to prevent him or her from giving evidence in a court of law where he or she is willing to do so, solely on the basis of his or her marital relationship with the accused. Tasmania and South Australia are the only States in which a spouse is not a competent witness in all instances.

In both Victoria and Queensland one spouse is a compellable witness for the accused. The report of a committee headed by the Honourable Justice Mitchell recommended that this should be the law in South Australia. As the committee pointed out, should the spouse be unwilling to give evidence, he or she is unlikely to be called by the accused.

No jurisdiction in Australia has made a spouse a compellable witness for the prosecution in all cases. In most States or Territories a spouse is compellable as a witness by the prosecution only in relation to trials for specific offences or in relation to specific issues. This approach is open to a number of criticisms:

(a) the choice of offences must always be somewhat arbitrary;

(b) the name of an offence may not be a good indication of the seriousness of the offence;

(c) this approach does not allow consideration to be given to—

(i) whether the evidence of the spouse will be of real importance in the reaching of a correct verdict;

(ii) whether a marital relationship of value exists between the accused and his or her spouse, and if it does, whether it is likely to be disrupted if the spouse is

called as a witness for the prosecution; and

(iii) whether in all the circumstances (personal, social and economic) of the spouse, and having regard to the sentence likely to result from conviction, it would be unduly harsh to compel the spouse to give evidence for the prosecution.

In Victoria an alternative approach has been taken. Spouses are compellable in all cases for all the parties, but the court has the power to exempt a spouse from giving evidence for the prosecution having regard to matters listed in the legislation. This approach overcomes the criticisms outlined above of the specific offence approach. The amendments contained in this measure are similar to the Victorian approach. The measure applies not only to spouses but to other categories of relative collectively referred to as close relative, including parent and child as well as spouse. The term spouse includes a putative spouse within the meaning assigned to that expression in the Family Relationships Act. The arguments in favour of limiting the compellability of spouses apply equally to *de facto* relationships.

The measure provides that a close relative of an accused person is competent and compellable to give evidence for the accused and is competent and compellable to give evidence for the defence except where an exemption is granted. Where a close relative is a prospective witness for the prosecution in any proceedings, he or she may apply for an exemption. An exemption may be granted where the court considers that, if the close relative were to give evidence against the accused, there would be risk of serious harm to the relationship or the prospective witness and that, considering the nature of the offence and the importance of the evidence, there is insufficient justification for exposing the prospective witness to the risk of such harm.

Clauses 1 and 2 are formal. Clause 3 provides for amendments to section 18 of the principal Act which are consequential on the provisions of clause 4 of the Bill. Clause 4 repeals section 21 of the principal Act and substitutes new section 21 which contains the main objects of the measure. Subclause (1) states the general principle that a close relative of a person charged with an offence is competent and compellable to give evidence for the defence and, subject to this clause, competent and compellable to give evidence for the prosecution. Under subclause (2) a close relative of an accused person who is a prospective witness in any proceedings related to the charge against the person (including proceedings for the grant, revocation or variation of bail, or an appeal at which fresh evidence is to be taken) may apply to the court for an exemption from the obligation to give evidence against the accused.

Subclause (3) provides that where a court to which an application is made under subclause (2) considers that if the person making the application were to give evidence or evidence of a particular kind against the accused there would be a substantial risk of serious harm to the relationship between the person and the accused or of serious harm of a material, emotional or psychological nature to the person, and that having regard to the nature and gravity of the alleged offence and the importance to the proceedings of the evidence of the person, there is insufficient justification for exposing the person to that risk, the court may exempt the person, wholly or in part, from the obligation to give evidence against the accused in the proceedings. Subclause (4) provides that, where a court is constituted of a judge and jury, an application for an exemption under this clause shall be heard and determined in the absence of the jury, and the fact that a person has applied for or been granted or refused an exemption shall not be made the subject of any question put to a witness in the presence of the jury or of any comment to the jury by counsel or the presiding judge.

Under subclause (5) the presiding judge in proceedings in which a close relative of an accused person is called as a witness for the prosecution shall satisfy himself that the prospective witness is aware of his right to apply for an exemption. Subclause (6) preserves the right of a jointly accused relative to decline to give evidence. Subclause (7) contains definitions of 'close relative' and 'spouse'. A 'close relative' of an accused person means spouse, parent or child. 'Spouse' includes a putative spouse as defined under the Family Relationships Act, 1975. Clause 5 repeals the third schedule of the principal Act. This schedule sets out the Acts which contained the specific offences in relation to which a spouse was competent for the prosecution (and in some circumstances, compellable).

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's suggested amendment to which the Legislative Council had disagreed.

The House of Assembly agreed to a conference, to be held in the House of Assembly conference room at 1.45 p.m. on 2 June, at which it would be represented by Messrs Ashenden and Crafter, Ms Lenehan, and Messrs Mathwin and Mayes.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) BILL

Second read debate resumed.

The Hon. PETER DUNCAN (Elizabeth): I do not intend to delay the House for very long. In fact, I did not intend to speak on this Bill this evening, but on reflection I thought that this may well be the last time that there is debate in the Parliament on this measure. As it is nearly 10 years since I first introduced a piece of legislation of this type to the Parliament as a private member, long before I became a Minister (and I then introduced similar legislation while I was a Minister on two occasions, and now finally we may be seeing the measure adopted by the Parliament), I believed that this was a historical moment and that I should say something in the debate.

Mr Mathwin: We have progressed, though very slowly.

The Hon. PETER DUNCAN: Again, that just seems to indicate that I am about 10 years ahead of my time. Nonetheless, having looked at this measure very carefully, I think that it will prove to be an effective and workable measure which will serve the Parliament well in this quite difficult and rather vexed area. I am aware of the issues raised by many members opposite in the last day or so. Although they did not speak so much in philosophical terms, from their point of view they really deal with particular aspects of the underlying philosophy of this legislation.

There is no doubt that this legislation will be seen by some people as imposing quite serious hardships upon them. I have some sympathy at least for some of those views. There is no doubt that it is a very serious breach of the civil rights of a spouse of a member of Parliament to be required to publicly declare the assets and sources of income which that person has. Whilst I recognise that (I do not run away from that), I say that (and this is the basis of the

legislation) it would be completely useless and totally ineffective not to have such a provision in legislation of this sort. As I say, I have no doubt that it is a serious breach of the civil rights of spouses of members of Parliament. However, it is an unfortunate fact that, if this legislation is desirable and necessary, it is my belief that infringement of the civil rights of our respective spouses has to take place for the legislation to be effective.

I have listened to members opposite, and I think that they are suffering from a capitalist cringe over this matter. There seems to be (and it seems to me that there always has been in this debate) some degree of fear amongst Liberal Party members that the Australian Labor Party was promoting this measure because we felt we would get some sort of political mileage out of it. Certainly, their colleagues did it in Victoria only because the Labor Party had introduced a much tougher and sterner measure as a private member's Bill.

The Hon. Jennifer Adamson: Mr Hamer's Government hopped on the band waggon.

The Hon. PETER DUNCAN: No doubt, he did, and I accept that. He saw the band waggon and the inevitable loss of the Victorian election steamrolling towards him. He certainly wanted to do what it could to avoid that. It felt that this measure was at least taking some of the sting out of the Opposition attack. As we all know, it did not turn out to be the case.

Returning to the point I was making, I believe that many members opposite will get a surprise when the score is finally put on the board, pleasant or otherwise. I think that it might merely demonstrate to some of them that there was no intention on the part of members on this side to cause any specific political embarrassment to the Liberal Party or its members. We on this side simply believe that, as guardians, as it were, of the political processes of this State, we should all stand before the public as much as possible with clean financial hands.

Mr Blacker: So you support my amendment?

The Hon. PETER DUNCAN: I will have something to say about that amendment in a moment. The only way that a judgment can be made about whether or not we have clean hands in our dealings with the affairs of this Parliament is when the information upon which that judgment is to be made is made available publicly. That has been the lynchpin of the difference between the Parties over the past 10 years. We have always maintained the need for a public disclosure. The Liberal Party has always maintained that the disclosures should simply be to the Clerk of the Parliament. Finally, I understand that the Government's view 10 years later is to prevail.

The Hon. Jennifer Adamson: It is very similar.

The Hon. PETER DUNCAN: It is remarkably similar, yes. I can assure the honourable member that I am standing here taking all the kudos and credit that I can. I hope that I am not out of order when I refer to amendments yet to be moved.

The DEPUTY SPEAKER: The honourable member certainly is out of order.

The Hon. PETER DUNCAN: I accept that, Sir. It would save you the trouble of calling me later in the debate. However, in the light of the fact that you have pointed that out, I will leave that matter and conclude by simply saying that I look forward to the register's being prepared, the Bill's becoming law, and this Bill contributing to the process of the people of South Australia having greater confidence in their members of Parliament than possibly is the case at present.

Bill read a second time.

In Committee.

Clause 1 passed.

The CHAIRMAN: Over a period of time the Chair has taken the amendments first, which does not disallow a member of the Committee from speaking to the clause afterwards. However, it has been the practice to take the proposed amendment first and the Chair intends to do that now.

Clause 2—'Interpretation.'

The Hon. G.J. CRAFTER I move:

Page 1, line 26—After 'profession' insert 'business'.

By way of explanation, I say that this is really a drafting amendment which makes a change that is consequential upon an amendment passed in another place, adding 'business' to the definition of 'income source'. As I say, it is of a drafting nature only.

The Hon. JENNIFER ADAMSON: I do not have any opposition to that technical amendment. However, I would like to question the Minister. Is this the appropriate time to do that?

The CHAIRMAN: Order! The Chair pointed out, in accepting the amendment, that it does not prevent members speaking to the clause.

The Hon. JENNIFER ADAMSON: I would like to ask the Minister whether he accepts the validity of the argument that, when one is speaking of families, a parent can be as influential or more influential in respect of a person's pecuniary interests than either a spouse or a child. The Minister and the members of the Committee would know that, whilst I support the concept of the declaration of a member's interest, I oppose the suggestion that the law should investigate and expose the interests of members of a member of Parliament's family. However, if the law is to do that there seems to me to be a great inconsistency in requiring that spouses and children provide information while ignoring parents.

I can envisage a situation where a single member of Parliament could be in a situation where he or she is reliant to a very large degree for a style of living on his or her parent, where such a parent may hold a considerable amount of funds in trust for a son or a daughter, and where that parent's influence on the financial arrangements of the family could be potentially much greater on the son or daughter than the influence of a husband, wife or child. If one accepts that this is so then one would have to accept that logically and consistently fathers and mothers should be included in this definition. As I have said, I oppose the whole concept of family involvement, but I raise this concept to demonstrate what I believe to be the inconsistent nature of the Bill and the possibility of translating its principle into effective legislative form. I shall be interested to hear what the Minister believes to be the case in relation to the relevance of pecuniary interests of a member of Parliament's parents.

The Hon. G.J. CRAFTER: It is obvious that the honourable member opposes the concepts of the Bill and that she is attempting to seek some justification for that opposition. The rationale for the inclusion of members of a family, as defined in clause 2, is to include the immediate family, those who are in some sort of very close relationship (children under the age of 18 years and a spouse), whereas the extended family and the position of parents is a more remote one. It is true that in some circumstances considerable influence could be brought to bear on a member of a family by a parent, although one could go right through this Bill and look for the unusual situation, or a situation which meets the arguments that the honourable member is proposing in her opposition to this legislation.

The Bill deals with that area of human relationships, and one cannot predict what will happen in that area. The approach taken in this legislation is similar to that which has been taken in similar jurisdictions: it may not cover all

of the circumstances that may be desirable, but it is an attempt, one which the Government believes to be a most accurate attempt, to provide in the Bill provision for circumstances as they are perceived. I would think that it is a much more acceptable practice to include only such members of the family as has been included in the definition. In regard to the parents, one can envisage the difficulties involved in the case of a parent who lives overseas or interstate or who is infirm in some way, or any other situation that may occur. For those reasons I would suggest that the definition included in the Bill is the most accurate that can be obtained.

Mr BLACKER: At this stage can I speak to an amendment that I have before the Chair?

The CHAIRMAN: No. The Chair has put before the Committee the fact that it has been the practice that, where there are several amendments, the Chair has asked the individual members concerned to move amendments in the order that they occur as far as a clause is concerned. We are now dealing with the Minister of Community Welfare's amendment, although that does not prevent any member of the Committee from speaking to the clause. After the Minister's amendment is dealt with, the member for Flinders will be able to move his amendment.

Mr LEWIS: Given the nature of the definitions contained in this clause, I ask whether the Minister is aware that, if the provisions of the Bill as they stand at present were to become law, the only woman in Parliament who would have to disclose any interest in the regard to the affairs of a spouse would be the member for Coles.

The Hon. G.J. CRAFTER: I do not know what the affairs are of members of this House or any other House. I do not pretend to know that. I do not want to predict that at all, so I cannot comment on the question raised by the honourable member.

Amendment carried.

Mr BLACKER: I move:

Page 2, after line 6—Insert new definition as follows:

'publish' means communicate by any means whatsoever.

I propose this amendment on the basis that it gives further explanation and definition of the meaning of the word 'publish' mentioned in clause 16, in subclauses (1), (2) and (3). I sought advice on this matter, and I believe that in common law the interpretation that I have suggested in this amendment would in most cases be referred to as such. I believe that inserting it in the interpretations in the definitions contained in the Bill would provide beyond doubt what is meant by the word 'publish'. More importantly, should that word be redefined by a court at a later time then its intent will be spelt out in the Bill. I think the amendment is self explanatory. It is a precautionary measure, designed to place beyond doubt the meaning of the word 'publish', whether referring to the print media, the electronic media, or a conversation between two or more people.

The Hon. G.J. CRAFTER: For the reasons alluded to by the member for Flinders, the Government does not accept this amendment because in fact it does not take the law any further. The honourable member is correct in saying that 'public' does have a meaning in common law, and it is not considered necessary for the Bill to contain a definition of a word which has an acceptable legal meaning. I understand the situation which concerns the honourable member as he has explained it to me, and I believe that that is covered in the definition in the Bill as it currently stands. At common law 'publication' may be in a permanent or durable form or in a spoken or other transient form. It is not necessary for the matter to be communicated to the public at large or indeed to any substantial portion of the publication—to at least one person other than the member is sufficient to bring into being that definition.

Mr BLACKER: I am disappointed that the Minister has not seen fit to accept this. I acknowledge the point that he has raised about the common law, but in many cases that point is not further explained until such time as it reaches the court. My reason for attempting to have this amendment included in the Bill is that any person so inclined could check the present Act to see whether in fact he could exploit the register and, seeing the word 'publish' without taking it further or seeking legal advice, could think that it means only the print or electronic media, and he may then embark on a smear campaign either by telephone or by personal conversation. If on the other hand an explanation were inserted with the Bill, he would take one look at it and see that it meant communication by any means whatever and would certainly revise his thoughts if he had had that ulterior motive in mind. I acknowledge that there is some repetition in terms of other Acts but in terms of interpretation of this Act by the man in the street who may not have ready access to a person of legal backing, it would be a very worthwhile provision to have included in the Bill.

The Hon. G.J. CRAFTER: I accept the sincerity of the honourable member's concern in this matter and suggest that the appropriate way of dealing with it may perhaps be not to include it in the Bill as such but to include it on an instruction sheet simply written for people when they seek information from the register about members' interests, so that any person who does obtain that information may also at that time know the restriction on its use. That could be written quite simply by way of definition or expansion to the definition in the Bill.

Mr BLACKER: I take the Minister's point further, and I thank him for acknowledging that there is merit in the suggestion. If the Minister, acknowledges, that it should be included in print in a supplementary information sheet to be given to any inquirer, surely it would be equally advisable to have it included in the Act so that it is beyond any misinterpretation. The Minister has suggested that it should be put in an information sheet: why not put it in the Act, as could be easily done on this occasion, and therefore eliminate any further confusion that may occur?

Mr EVANS: At the same time, the Minister might like to explain whether there is an obligation on the inquirer to positively identify himself when seeking information. I believe that that is critical, because an inquirer may seek information, hand it on to someone else, and disappear into the mist, not being able to be traced. That person might even put out a pamphlet that scurrilously attacks an individual. I am concerned that there may be no obligation on the inquirer to positively identify himself by some method before he is given the information.

We should be concerned about this point. To my knowledge and from my reading of the Bill, that point has not been covered. I am sure that the Minister will recognise that it would be a serious weakness if that aspect was not covered, and he might like to answer this question when he answers the question raised by the member for Flinders.

The Hon. G.J. CRAFTER: In answer to the member for Flinders, I point out that the definition is precise at law, it is unambiguous and clear, and for that reason it would not seem fit to add further explanation in the Bill. I would think that the point raised by the member for Fisher may well be covered in regulations regarding how the Registrar handles inquiries from the public. At that time we could consider whether a person should sign something, should leave his name and address, and so on. Members of the public have the right to obtain this information, and that is the matter addressed in the Bill.

Mr EVANS: I do not want to delay the Committee, but I require a stronger guarantee from the Minister that he believes there is a need for people to identify themselves so

that they can be traced. As the Minister will have the responsibility for finally approving regulations before they go to Cabinet, I ask that he ensure that the regulations provide that a person must positively identify himself by some method other than by leaving a name and an address. There must be more positive identification. Bill Bloggs or Joe Blow may seek information, and that is it. I ask the Minister for an assurance that a machinery measure will be provided in the regulations whereby, if necessary, an individual who seeks information can be traced in the future.

The Hon. G.J. CRAFTER: I am not quite sure what evil the honourable member is trying to chase down a burrow: 100 people could seek information on any one day, they may all give their name and address, and they may all take away similar information. How on earth the source of that information will be traced, I am not sure. I certainly cannot give an undertaking of the nature sought by the honourable member, but I will bring this matter to the attention of the Attorney, who is responsible for this measure in Government, and I will raise with him the issues brought forward tonight and the honourable member's concern (which is probably a concern of other members) in regard to the regulation-making process. Of course, those regulations will come before the House in due course.

Mr LEWIS: I am disturbed at the disclosures that the Minister has just made. I understood that the definitions in clause 2 ought to include definitions which relate to people who produce the register and how, and that that could be the ambit of the regulations. It makes me wonder just how many additional things can be done by regulation that are not even contained in the purview of this Bill if it becomes an Act. In no place in this Bill have we contemplated that the citizen (although it may be somebody from a foreign embassy) has to identify themself when presenting himself to the Registrar. What other things can be done by regulation that are not provided for in the Bill?

The Hon. G.J. CRAFTER: I am not surprised to hear that the honourable member is disturbed. There is a regulation-making power contained in clause 8 of this Bill. I envisage that the way in which the public will obtain information pursuant to the exemption to which we are referring may well allow for some formality. A person might have to fill out a form prescribed in the regulations in order to obtain such information. There are implications here under copyright laws, and the like, I would have thought, so I do not see the great problems that the honourable member envisages in this matter. I have not perused the regulations existing in Victorian legislation, for instance, but I imagine that some formal processes have to be undertaken before one obtains this information.

Mr BLACKER: I take up the point relating to my proposed amendment. The Minister indicated that because my amendment is covered by the common law it is not necessary to put an interpretation in the Bill. However, I think one would find that many of the interpretations contained in the Bill would likewise fit that category. I do not disagree with the interpretations in the Bill, but I believe that it would be equally beneficial if the amendment were included. As a result of a question asked on 1 June an explanation appeared in today's *Advertiser* about the misinterpretation of the electoral laws. It is headed 'Election could have been declared void', and it is that word 'could' and the lack of definition of the Electoral Act that are important. In this case, in relation to the Electoral Act, the matter did not get to the court. It is all rather airy-fairy, because it hinges on somebody's interpretation somewhere along the line. What I propose to do is remove any possible doubt by making the definition quite specific and, therefore, making the application of the Bill quite specific in its real effect.

Mr MEIER: I was disturbed to hear the Minister say in answer to a previous question that he imagines that some formal process has to be undertaken before a member of the public can view the register. It disturbs me that we are on to clause 2 of this Bill and that matters are still not sorted out properly. We had a classic example of that with a Bill on which we spent three hours this afternoon. At this hour of the morning, and with things not sorted out properly, I question why we are going on with this Bill. I think further research of the clauses should be undertaken so that we are putting through something that appears to be fraught with provisions that are not fully protective of members interests.

The Committee divided on the amendment:

Ayes (19)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker (teller), Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Peterson, Rodda, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs Lynn Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Chapman and Wilson. Noes—Messrs Groom and Hemmings.

Majority of 1 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

REAL PROPERTY ACT AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference.

ADJOURNMENT

At 1.7 a.m. the House adjourned until Thursday 2 June at 11.45 a.m.