HOUSE OF ASSEMBLY

Thursday 19 March 1992

The SPEAKER (Hon. N.T. Peterson) took the Chair at 10.30 a.m. and read prayers.

TRAFFIC INFRINGEMENT NOTICES

Mr GUNN (Eyre) I move:

That the regulations under the Summary Offences Act 1953 relating to traffic infringement notices, obscuring numberplates, made on 13 February and laid on the table of this House on 18 February 1992, be disallowed.

The purpose of this motion is to bring to the attention of the House the difficulties that have been inflicted upon the long-suffering community by the Government's decision to use the Police Department as an arm of the South Australian Treasury. Normally law-abiding citizens are being issued with infringement notices when, in my judgment, a caution or warning should be given. I have no problems with the Police Department's giving people tickets if they are irresponsible, endangering the community, vandalising the roads or doing a range of things.

However, in my judgment, too many people are being issued with infringement notices for alleged offences that are of a minor or trifling nature. Cases have been brought to my attention where people are being inflicted with these sorts of notices, and that in my view brings the police into conflict with the community. The more infringement notices issued, the more conflict there will be, and respect for the police in the community will be lessened. That is not only unfortunate but most unwise. In a democracy the police should be regarded as the friend of the law-abiding community. It should not be their aim to issue as many infringement notices as possible. I say to the Minister that I want the following questions answered:

1. Has the Government instructed the Police Department to issue as many infringement notices as possible?
2. Is it the aim of the administration of the Police Department to issue as many infringement notices as possible?
3. In the orders which are issued to the police operational section, who counsels the police officers on whether they should issue a ticket or give a warning?

The hallmark of a decent society is that those who administer the law use a bit of commonsense. The law is never meant to be enforced in a harsh or unreasonable manner, but in my judgment it is indeed being enforced in a harsh and unreasonable manner. I do not intend to vote for on-the-spot fines again. I believe the whole concept and purpose of issuing on-the-spot fines has been abused, over-used and inflicted upon the community. This Parliament passed on-the-spot fines legislation to stop the court system becoming cluttered up, so that democracy could take place and so that justice could be effected in a reasonable time.

It was never envisaged that virtually every person stopped for a minor traffic offence would get a ticket, and that is what is taking place. I do not believe that the average person in the Police Department wants to be engaged in that exercise, but I can give to the House details of two or three recent cases that have been brought to my attention. A vehicle driven by a lady from Quorn was photographed by a speed camera in Adelaide. She received an infringement notice which allegedly had the wrong address on it. She was upset and after contacting the police she was told, 'We will issue you with a new notice.' A case of that nature was brought to the attention of the *Advertiser* this week. In my judgment, that is not good enough. It clearly indicates that there is in place a program to issue as many infringement notices as possible, acting as the agent of the State Treasury. The individual made a mistake and committed a minor breach, the Police Department made a mistake, and that should be the end of it. The person should not be told, 'Well, ignore that one, we will send you another one.' What if there is a fault with the new ticket? That is not democracy or commonsense: that is just ripping money off people.

There is another case which, in my judgment, is worse. A 16-year-old person on Eyre Peninsula went out for the evening with a number of friends. The friends consumed a considerable amount of alcohol. She had not had anything to drink, so she did the responsible thing and drove them home or to their next location. She was stopped by the police and told that there was something wrong with the numberplate on the motor vehicle. She was asked to submit to a breathalyser, and she was in order. She was asked for her driver's licence and said that she did not have it with her. She was asked her age and was told that she was supposed to be driving with P plates. Well, this is quite a scenario, but it resulted in that person, who was doing the right thing to prevent people affected by alcohol driving motor vehicles, losing her licence for six months—and she lives on a farm, so how does she get around—and being fined $128. That is nonsense. I have made some inquiries, and I want to know who issued the instructions that this sort of activity should occur. I want the Minister to table in this Parliament the police handbook. I know what is in it, and the public are entitled to know what is in it. I have a lot more to say on this subject.

In an attempt to highlight it, there is another regulation currently before this Parliament that I may seek to disallow. I do not countenance or support people altering their numberplates, but use this occasion as a vehicle to highlight my concerns and the concerns of the public about the ongoing controversy in relation to the excessive over-use of on-the-spot fines.

I wonder whether those who decide to issue these blasted things have considered their effect on the family. It is about time they sat down and rationally looked at this matter and realised that in difficult economic times people cannot afford to pay excessively high on-the-spot fines which they are given for minor infringements. Also, I want to know what happens when a person goes to the police and says that they cannot afford to pay the fine and asks for extra time to pay. I want a very clear answer in the Parliament from the Minister about that. I know the answer, and I know the concern and heartbreak it is causing.

I intend to pursue this matter with great vigour during the budget Estimates Committee, and I look forward to the answers that senior administrators of the Police Department and the Minister will then provide to this Parliament. It is the Parliament, obviously on the advice of the senior law officer of this State, which passed this legislation, and it has the power to amend it. If this revenue raising exercise continues, I predict that Parliament will have no alternative but to modify the legislation initially and, eventually, to remove this authority from the police, because it has been over-used.

I do not believe that the issuing of traffic infringement notices on a range of matters has prevented an increase in the road toll. I do not believe that it is in the long-term interests of anyone in this State for the Police Department to be used as agents for the Treasury. At budget time I will want to know whether discussions have taken place on the likely effects of this legislation, and whether the Police Department has discussed its policy in relation to this matter. I would like a briefing on that policy, and I would like

laid on the table of this House the instructions that are given in relation to whether a person is issued an on-the-spot fine or given a caution or warning.

I have never believed that it should be the role of the Police Department to issue as many of these fines as possible. I believe that there will be a breakdown in the relationship, which previously has been good, between the Police Department and the community because of this. Every time a law-abiding citizen—and that is the overwhelming majority of the community—is issued one of these fines and considers it unreasonable, that person no longer wants anything more to do with the police. I refer again to the person on Eyre Peninsula whom I mentioned earlier. Her family had never transgressed in their lives, and they will in future not cooperate with the police—make no mistake about that—no matter what happens. The poor lady at Quorn will have no more to do with the police; and so it goes on.

I could say a lot more about this matter, but I will not labour the point. I believe that the most important thing a person can have when administering anything, whether that be in government or in private enterprise, is commonsense, and I want to see some commonsense apply in this and other matters. I have given only brief details of some of the cases I have. I wanted to ensure that it was brought to the attention of the Government and to the attention of those who administer these dreadful schemes. However, I give fair warning that I intend to pursue these matters at great length, because I believe in justice, commonsense and a fair go.

I do not believe that people should be victimised. I do not believe that policing should verge on harassment. I do not believe that the police should be agents of the State Taxation Department, and I believe that there should be community cooperation, understanding, a little bit of commonsense and compassion. As my colleague points out, at this time last year we had 40 deaths on the road; this year we have had 48. I wish to conclude my remarks at this stage, but let me say that, unless I get a sensible response from the Government, I will have no alternative but to pursue the matter with great vigour.

If people living in the outlying parts of the State lose their driver's licence, they have a double penalty inflicted on them. With no public transport there is no opportunity to participate in sport without great inconvenience. Surely, no-one but a fool would want to continue with that. The other thing that annoys me in relation to the case on Eyre Peninsula is that, when this person said he wanted to appeal, the court system was all blocked up. There is no legal aid lawyer for this person, so he will probably lose his licence for three months because of the court system. In my view, the suspension should be suspended, and I call upon the Registrar of Motor Vehicles to lift the suspension in the interim. That is how bad it is, and police officers issuing these things ought to take that into account.

I have tried to be reasonable and moderate in my comments today, but I will not sit by in this House and see this sort of thing take place. There is much more I could say and, if I do not receive a satisfactory response, I will use the next regulation to pursue the matter with a great deal more vigour. I call upon the Minister to answer the matters I have raised. I am happy to make myself available to have discussions and briefings with the police. I have raised this matter out of my concern and that of the community in a responsible manner, and that is the role of a member of Parliament. I commend the motion.

The Hon. J.P. TRAINER (Walsh): Quite honestly, I am not sure what the honourable member is going on about here and whether he is using the correct forum of the House in which to do it. For much of what I heard then, the honourable member seemed to be complaining about the policy of traffic infringement notices even existing. In other words, he objected to the general concept of traffic infringement notices—which members of the Opposition themselves had something to do with when they were in Government. If that is the case, I am not quite sure whether it is appropriate that the honourable member should seize upon a particular regulation that is of great value to the police and seek to have it knocked out.

On the other hand, if what he is trying to do is draw to the attention of the House what he believes to be specific injustices or inappropriate applications of traffic infringement notices, that could well be aired in a grievance debate rather than, as I said, trying to knock out a regulation that has been recommended for support by the House. If his problems are with the enforcement of traffic infringement notices, he could well take up these matters directly with the Commissioner of Police to ensure that they are appropriately enforced.

I should remind the House exactly what regulation we are talking about here. The motion before the House states as follows:

That the regulations under the Summary Offences Act 1953 relating to traffic infringement notices, obscuring numberplates, made on 13 February and laid on the table of this House on 18 February 1992, be disallowed.

In order to air his grievance regarding the application of traffic infringement notices in general, the honourable member is seeking to strike out a proposal we have before us to make sure that the police are not handicapped in dealing with people who are prepared to flout the law. What he is indirectly doing—and so much for the Opposition's law and order policy—is seeking to encourage people to flout the law by covering their numberplates. Let me cite the report to the Joint Committee on Subordinate Legislation which was tabled before the House and which is entitled 'Regulations under the Motor Vehicles Act 1959 and Regulations under the Summary Offences Act 1953'. It states:

The Commissioner of Police has reported a number of motor vehicles which have had numberplates obscured specifically to avoid detection by photographic detection equipment.

Two devices are mainly being used to evade photographic detection. The first is a metal plate which projects at right angles to the numberplate and obscures part of the numberplate from any angle other than a right angle. The second method is in the form of a plastic cover which is placed over the numberplate. The figures on the numberplate are distinct when viewed at right angles but distorted when viewed at an angle.

These devices are effective and are able to be purchased at some auto accessory outlets. Consequently, any widespread use will reduce the effectiveness of the speed camera program.

It is necessary to amend the regulations under the Motor Vehicles Act 1959 and the Summary Offences Act 1953 to, first, make it an offence to display a numberplate obscured by a device to avoid detection and, secondly, to include an expiation fee for a breach of the amended legislation.

There is at present no traffic infringement notice applicable and it is considered desirable that breaches of the regulation be dealt with using the TIN system. Cabinet has approved the amendments effective from the date of gazettal and Parliamentary Counsel has issued a certificate of validity.

The report was signed by the Registrar of Motor Vehicles. That is the regulation which the honourable member opposite is seeking to have disallowed. That is a facility to be made available to the police which the honourable member opposite seeks to take away from them. He is seeking to handicap the police in their dealing with motorists who are prepared to flout authority by speeding or going through red lights and trying to avoid detection by obscuring their numberplate.

If the honourable member opposite has some problem with traffic infringement notices in general, perhaps he can deal with it by way of a grievance debate or some other forum of the House, but I ask members to not remove this regulation from the police, who are trying to maintain law and order and to reduce the road toll. I oppose the motion.

Mr S.G. EVANS (Davenport): I support the motion, because I believe there is a concern in the community, and the member for Eyre referred to that concern. It is not a matter of someone covering up a numberplate: if this regulation does not pass and if all motorists put little reflectors on their car so that a camera cannot photograph the number, the police will have to use radar to apprehend the driver. The motorist will be stopped and will know about the booking.

The bad aspect of the cameras is that they are situated on straight sections of road, such as on Shepherds Hill Road—and I was caught a little while ago on the steepest, straightest portion of road, and I think I was booked at 68 or 69 km/h, just over the limit. I have got to the point where I can virtually find the cameras, because they have to be hidden behind something, usually a car, and similar cars are used. So once people know what the cars are, they are looking to their left-hand side most of the time, except when there is a median strip; for example, on the South-East Freeway, the cameras are situated on the strip. Drivers' attention is distracted and they are not driving 100 per cent responsibly.

On many of our main roads, the speed limit of 60 km/h is too slow for the modern vehicle. Either we change the type of vehicle that is produced or we increase the speed limit. Modern vehicles have better brakes than ever before, better steering and better visibility, and we are supposed to have better roads. However, the limit has remained the same on the major roads. The Government objects to motorists installing these little plates so the numberplate cannot be filmed because that reduces revenue. It has nothing to do with people abiding by the law because, if the Government wanted to, it could purchase more radar units.

Mr Holloway interjecting:

Mr S.G. EVANS: The member for Mitchell laughs.

The Hon. J.P. Trainer: Attacking the Police Force!

Mr S.G. EVANS: It is not attacking the Police Force. All I am saying is that the Government has agreed to a method of apprehension when a person who is travelling just over the limit has no idea that they have been booked, and they could be booked three times on the same day. Six weeks later motorists may get a bill, ask for a photograph, and find it is not even their vehicle. Then they have to go through all the arguments. If motorists are stopped on the day 200 metres down the road, having committed an offence and been caught by a radar unit, they know that they have gone; the police know it is their vehicle and it is all above board.

We have reached the point where there is hatred of the Police Force for becoming tax collectors. I object to this system not because I believe that people should break the law but because we have a method of apprehending speeding motorists by means of radar units. That system is not used because it involves more personnel. In other words, it costs more to ensure that people abide by the law, and the Government does not get as much revenue in the tax treasury. There is no other reason for it. If a car is not being driven by the owner, the police then have to go through a whole rigmarole to prove who was driving it.

I want to raise one other related issue. I believe that when the police apprehend anyone for speeding they should ask why they were doing so. I know of a young woman, with three children under the age of seven, who had the children properly strapped in the car but who was stopped because she was not wearing a seat belt. When she was caught, the eldest of the children said, 'Mummy, you are now a criminal', while the police were talking to her. Those were the words used. The child was upset and crying. I point out that the young woman was expecting for the fourth time. She was not asked why she was not wearing a seat belt. She was apprehended and a notice was issued. The parent was not prepared to say in front of the children, two of whom were old enough to understand, that another member of the family was expected. At a later stage she would have done, but at that stage it was not her desire. In particular, when put in that position, she did not want to say so in those circumstances.

Mr Hamilton interjecting:

Mr S.G. EVANS: That is interesting. The member for Albert Park says that she should have got out of the car and told them. Many people would be embarrassed in those circumstances. This young woman had an upset child, the police were talking, she had never before been apprehended and she was scared—petrified. Not everybody has the confidence that politicians or others in society appear to have. In those circumstances, ordinary people are petrified. I find that unacceptable. If a person is responsible enough to have three children strapped in, one might ask, 'Why were you not strapped in?' and give her an opportunity to explain. I hope that that person will write in and will not be charged the maximum. I hope that she will get some consideration in the circumstances.

If everybody put reflectors on their numberplates and if we did away with the cameras, we would still be able to apprehend speeding motorists with the use of radar. It is just as effective and it is fairer to the motorist. The person who is driving the vehicle is stopped at the time, the police know the vehicle and they know who is driving it, because they can ask for production of the driving licence as proof. If the driver has not got his driving licence, that is another problem for him. That will be seen to be fair and there will be less hatred of the Police Force. The police set up their cameras on the freeway at Bridgewater at the bottom of the dip, just north of the on-ramp heading south. I did not get caught; I knew they were there, because people give indications. All we are doing is making people drive along watching—those who are alert—because they know the camera will be sited behind a bus shelter, a car parked on the kerb or a bush. They are alert to it. It merely causes people to drive with one eye on the road and one eye on the lookout for coppers.

An honourable member interjecting:

Mr S.G. EVANS: The honourable member is laughing. I do it all the time, because I know that if I am sitting on the limit—

Mr Hamilton: Watch the speedo.

Mr S.G. EVANS: The honourable member says 'Watch the speedo.' Some of our roads such as the Anzac Highway are built to take speeds of 70 km/h, and to have a speed limit of 60 km/h on those roads is ludicrous. We all know that. I support the motion because I think we are destroying the reputation of, and respect for, our Police Force when there is another way of doing it.

The Hon. T.H. HEMMINGS (Napier): I am quite shocked. What seemed to be an innocent motion for disallowance has now developed into a full-blown tirade against the Police Force in its attempt to stop people speeding, committing offences against the Road Traffic Act and, more

particularly, committing the criminal offence of obscuring a numberplate. We heard about everything but the obscuring of numberplates from the last speaker. He frankly admitted that he has been caught speeding, and then he went on to talk about the diabolical things that the Police Force does to catch innocent people who speed inadvertently. 'It is not their fault,' says the honourable member—it is the fault of the police for hiding behind bushes and hoardings and doing all those other awful things that stop him and his fellow criminals on the road who are breaking the law. From a Party that is supposed to represent law and order in our dear State I am hearing some rather awkward messages to the effect that its members do not like our Police Force.

I maintain that anyone who speeds or commits an offence against the Road Traffic Act whilst in charge of a vehicle deserves everything that he or she gets. Any person who goes out of their way to obscure their numberplate in order to beat the cameras deserves that and more. But the member for Eyre gave some weak excuse about a constituent who came crawling to him because they felt that they had been dealt with badly. We then had the member for Davenport who, even worse, defends every person who exceeds the speed limit or goes against the Road Traffic Act saying that it is not their fault, that it is the fault of the police. The next minute he will say that 500 metres before a radar trap there should be a six foot hoarding saying 'Radar trap 500 metres ahead' to give motorists fair warning. That is what the Opposition is really saying.

Whilst what I am saying might be being said in a flippant way, there is one thing of which we should all be aware. The penalties are set for those people who break the law. If you do not break the law, our Police Force will not hinder you. In relation to those who break the law, we have nothing but admiration for what the Police Force does in its attempt to keep our roads free from the carnage that unfortunately occurs far too often because of speed.

Mr Ferguson: We have the best Police Force in Australia.

The Hon. T.H. HEMMINGS: My colleague the member for Henley Beach says that we have the best Police Force in Australia. I have no problem with that sentiment, and I am sure that when he enters the debate he will expand on that aspect, even though you, Sir, are looking at the motion and shaking your head, saying that he will have a bit of difficulty doing that.

The member for Walsh has gone right through the regulations. This regulation was brought into being because the Commissioner of Police rightly reported to the Parliament that a number of motor vehicles had their numberplates obscured specifically to avoid detection. It was not just a bit of mud splattered on the back of the old tractor; it had been done specifically.

Then the Commissioner—quite rightly—explained the methods that were being used. One of the methods was a metal plate which projects at right angles to the numberplate, obscuring part of the numberplate from any angle other than a right angle. The other method, which increased the sale of Gladwrap, involves putting transparent plastic over the top of the numberplate. They were deliberate attempts to break the law. Nothing sinister! The Commissioner of Police was not looking at his coffers and saying, 'You know, we're a bit short of dollars; we want some more money to come in.' No order went out from the Minister of Emergency Services to the Commissioner of Police saying, 'Let's have some more traffic infringement notices issued.' It is purely and simply a matter of detecting two devices that are obscuring numberplates in a deliberate attempt to evade the law.

Two members opposite have spoken. The member for Eyre talked about specific complaints that came from his constituents. He did not argue with the Commissioner or the Minister, as one would normally do when one feels that a constituent has a case. Rather, he wanted to get rid of the regulation completely. The member for Davenport then related the methods that the Police Force uses in its attempts to maintain the law on our roads.

I noticed that, when I stood up to take the call, the members for Mount Gambier and Custance were jumping like mad and were ready to have a go. I notice now that the member for Mount Gambier is scribbling furiously, so I expect that we will have another attempt by members opposite to denigrate our Police Force, and that is just not on. I said earlier (and I know that you, Mr Speaker, were listening) that, if one breaks the law, one cops the fine. If people feel that they have been dealt a raw deal, they can address that through the legal processes which are available. However, they cannot come in the back way and try to get rid of the regulations. That is a bit unfair.

Members opposite cannot stand up and profess to belong to a law and order Party—the Party that wants to put children away for 15 years and cut off their hands at the same time. However, their respectable friends come and bleat in their ear because they have bought something to obscure numberplates and they expect a different deal. However, the rule for one is the same as the rule for another: if one breaks the law, one cops it.

Mr VENNING (Custance): I rise to support my colleague the member for Eyre. The speech just made by the member for Napier completely misses the point. I totally agree: anyone who deliberately defaces their numberplate to avoid the law needs to be pinged. I agree that those little plastic devices taped on the numberplate are obvious and that the offenders should be prosecuted. However, innocent, law-abiding people are being warned and fined for devices such as tow bars, which have been on vehicles for many years. The old law provided that a numberplate should be visible four metres directly behind the car. Many people, including me, had their tow bar so constructed that it rose above the numberplate, with a device above so that the numberplate could be seen from behind the car.

I have a vehicle with a numberplate fitted onto the bumper bar. All Government vehicles have the same numberplate low in the bumper bar. It can be seen behind the car. Under the new Act, it cannot be seen from the side and is apparently obscured. One has only to go down to the boat ramp at any beach or caravan park in South Australia to see people, after removing a towed vehicle—caravan, boat or whatever—in many cases removing their tow bar from the vehicle. We see various devices such as bicycle racks put onto the tow bar to obscure the numberplate. These people can be warned. When you see a tow bar obviously constructed so that the numberplate can be seen from behind the vehicle when it is bolted on, it is unjust for that person to be warned and sometimes fined for deliberately obscuring the numberplate. The law of this place, quite candidly, is wrong.

I agree with the member for Napier that, if attempts have been deliberately taken to obscure the number plate, action should be taken. However, in many cases the tow bars were manufactured many years ago. They are not an intention to flout the law but to obey the law as it was then. Many people are getting very annoyed. I have had many complaints about this. As soon as people take off their towed vehicle they have to find a spanner and spend 15 minutes removing the tow bar from the vehicle. It is quite unjust.

Police in my area—and they are my friends—say that they are getting a bad name because they are out there pushing the law to this degree. They are not tax collectors but upholders of the law.

Mr S.G. Evans interjecting:

Mr VENNING: That is right—they can do it any other way. I have not had a speeding fine for over 25 years, so I do not want to hear that coming from the member for Napier. It is 25 years since I was apprehended for speeding. I am not out there to do anything other than obey the law.

It is a bad law and I would like to see that part of it adjusted so that a person with a tow bar so fitted to a vehicle with a low numberplate has a reasonable chance of not being prosecuted. I support my colleague the member for Eyre.

Mr FERGUSON (Henley Beach): I congratulate the member for Custance because at least he referred to the proposition in front of us, unlike the two previous speakers from the Opposition who took the opportunity to use this debate as a vehicle to denigrate the police. I was appalled. I had not intended entering this debate, but I have been appalled at the attacks on our police. A motor vehicle is a dangerous weapon. It is just as dangerous as a loaded gun and one has only to look at the statistics available on a yearly basis to find that more people are killed by motor vehicles than by firearms. A motor vehicle is an absolutely deadly weapon.

Mr Oswald: It's the driver.

Mr FERGUSON: Exactly; it is the fault of the driver and not the motor car. That is what this motion is all about: it is trying to ensure that we do something about the carnage on our roads. It is a very serious subject. I am surprised that members of the Opposition are trying to ensure that those people who obscure their numberplates and break the law get away with it.

The Liberal Party prides itself on its law and order policies and, in the 10 years that I have been in this place, hardly a day has gone by when I have not heard members opposite mention law and order. This is an opportunity for them to uphold law and order, but they are trying to do away with the laws. The member for Custance said that certain tow bars are so designed to obscure the number plate and, technically, break the law. The member for Custance is probably one of the richest men to enter State Parliament. He is not short of a cent or two and he is quite capable of having a tow bar designed that does not break the law.

We have heard from the member for Custance about the workshop on his huge property. He has enormous facilities and he has lots of people working for him. There is no reason why he cannot get a workman to redesign a tow bar in such a way that it does not break the law. However, I hope that the safety factors in his workshop have improved since the last time he told us about the activities there. From the description he gave to the House, it was not a very safe place to work. So I hope things have improved. I do not consider that a person who puts on a tow bar and so obscures the number plate can use that as an excuse for breaking the law. That is also no reason for Parliament to disallow these regulations. I cannot see the logic in the argument that, because a tow bar which is designed to obscure a number plate cannot be used, we should toss out the regulations. That is quite wrong.

We are trying to make our roads safer. That is what these regulations are all about. If we followed the logic of the three previous Opposition speakers, we would turn this State into Mad Max country, where you could do whatever you liked to other motorists provided you got your own way. It is ridiculous to suggest that people should be allowed to obscure their numberplates so that they cannot be booked for speeding offences. That is the proposition put forward by members opposite. I cannot understand the logic of it. We all know that the greatest cause of death—

Members interjecting:

The SPEAKER: Order! The member for Custance is being very disruptive. I warn him about his behaviour. He is also not in his correct place.

Mr FERGUSON: Thank you, Sir, I am pleased to see the firm way in which you are bringing decorum to this place.

The SPEAKER: Order! I also remind the honourable member to make his remarks relevant to this debate.

Mr FERGUSON: In the main, two things about this debate have upset me. The first is that the Opposition is trying to assist the law breakers, by making sure that they are allowed to obscure their numberplates legally. The second is the attack that has been made on the methods of the police. If one thinks about it, one will see that there are probably no reasons why any tactics should not be used by the police in order to stop people speeding on our roads. We know that one of the greatest causes of death in South Australia is road accidents. Fortunately, the number of people who are dying on our roads is being reduced, and I pay tribute to the police for the fact that the numbers are going down.

The Hon. H. Allison interjecting:

Mr FERGUSON: The member for Mount Gambier interjects and says, 'Not this year'. He knows and I know that, as far as the road statistics are concerned, the graph never goes up consistently; it goes up and down and up and down and it may well be that, by the time of the completion of our statistics for the current year, we will be down again.

Every time we introduce a law and order issue in his Parliament, we get tacit support from members of the other side and then, by way of questions and by way of their own grievance debates, they continue to grizzle about those people who have been caught by the police and who are receiving infringement notices. I strongly believe that every person who breaks the law, particularly on the roads, should be fined and, if we could introduce a system to make sure that every time somebody sped on the roads they were fined, we would cut the road toll immeasurably. Nobody could measure how far we could cut the road toll if we were able to introduce that sort of system.

To be absolutely responsible, this Parliament must make sure that it brings down laws that are a sufficient deterrent to make sure that we do not get those mad people who are going out on the roads and creating the sort of accident rate that South Australia has. I have been extremely surprised to hear the member for Custance and other members opposite support a proposition that would destroy law and order on our roads. I believe it is time Opposition members had another think about this and, if they have specific instances where their own constituents—

The SPEAKER: Order! The honourable member's time has expired.

Mr OSWALD (Morphett): I would like to contribute to this debate for a few minutes. This legislation will pass, and I think there has been enough nonsense espoused on the Government side of the House this morning for me to make a few statements. First, this Party of which I am a member is the law and order Party in this State. We seek to uphold the law, and we have always sought to uphold it, but Oppositions sometimes have only a few measures by

which to use the parliamentary forum to make a point. Rural producers have a very good point, and that is that they have difficulty with the regulations as regards drawbars on certain vehicles. However, all members have acknowledged in the debate, and I acknowledge in the debate, that it is an offence, and we will continue to uphold the fact that it is an offence to obscure numberplates. Because it is an offence to obscure numberplates, we will endeavour to ensure that people do not do so, and this legislation will pass. The mechanism must exist in this Chamber to allow members who represent constituents to come here today without being accused of being anti law and order and say to the Government and through the Government to the police that, if drawbars are causing a difficulty, there should be a warning mechanism to give the rural producers an opportunity to fix the problem.

It is a nonsense for anyone on the Government side to claim that we do not support the regulation. The regulation will go through. We will not tolerate people putting devices on numberplates so that the police cannot detect them. The Government will get its regulation, but it must accept the fact that the mechanisms of the Parliament are so limited that members are obliged to take an opportunity such as this to put on the record their concern about the difficulty that the police are having with the draw bars which, because they are mounted in a certain way, obscure numberplates. The police now have an opportunity to give people a warning to have the problem fixed. It is not a question, as Government members have tried to claim, that we are anti law and order. That is nonsense. The Liberal Party is the law and order Party in this State and we all know it.

Mr HAMILTON secured the adjournment of the debate.

SELECT COMMITTEE ON BUSHFIRE PROTECTION AND SUPPRESSION MEASURES

The Hon. T.H. HEMMINGS (Napier): I move:

That Mr G.M. Gunn and Mr I.P. Lewis be appointed to the select committee in place of the Hons Ted Chapman and E.R. Goldsworthy.

Motion carried.

GREYHOUND RACING CONTROL BOARD RULES

Adjourned debate on motion of Hon. B.C. Eastick:

That the Greyhound Racing Control Board rules under the Racing Act 1976, made on 28 November 1991 and laid on the table of this House on 11 February 1992, be disallowed.

(Continued from 26 February. Page 3081.)

The Hon. T.H. HEMMINGS (Napier): I will be brief and try to finish my remarks before 11.30 this morning. I fully understand the reasoning that prompted the member for Light to move his disallowance motion. In his speech he referred to having spoken to senior officers of the Department of Recreation and Sport and said that he had, in effect, received some assurances. I have been advised by the department that the board has withdrawn instructions and rules applying to fingerprinting and photographs, and I understand that everyone within the industry is now completely happy with that decision.

The House should be aware that the rules referred to by the member for Light provide that the board shall adopt administration procedures to license trainers and owners, and it was the procedures which were not covered in the rules and which were causing concern to those participants. I need not go through those concerns because the honourable member fully explained them in his speech last week.

I would like to congratulate the Minister on facilitating an easy resolution to this problem. The matter was addressed by the Greyhound Board and accepted by everyone concerned. That is what it is all about—ensuring that these regulations are interpreted in a reasonable manner so that they can work for the benefit of not only this Parliament and the board but also, and more importantly, the industry. I have been advised that no problem now exists in the minds of people involved in the industry. As the rules no longer cover the administration procedures, in the view of the board and the Minister the rules are satisfactory. As I said, only the administration procedures were causing the concern. They have now been remedied and I am sure the member for Light will be satisfied with the outcome.

Mr S.G. EVANS secured the adjournment of the debate.

WHEAT

Mr BLACKER (Flinders): I move:

That this House calls on the Federal Government to immediately provide a system of guaranteed minimum price to wheat growers to ensure that viable acreages of wheat are sown in the coming season: and further, this House notes with concern the severe consequences of not planting a crop of economic viability and the effects this will have on—

(a) the farmers' equity in land ownership;
(b) the rollover funds within the banking infrastructure;
(c) balance of trade figures and export earnings; and
(d) Federal, State and Local Governments' taxing ability.

As the House will recognise, this motion is very similar—in fact almost identical—to the motion I moved just 12 months ago. I moved the motion at that time when this subject was receiving consideration and a Federal Government economic statement was imminent. We were trying to impress upon the Federal Government the need for a guaranteed minimum price to ensure that the acreages would be sown.

At that time estimated wheat returns were in the vicinity of $105 a tonne, the cost of production exceeded $135 a tonne, depending on the location of the farm, and there were many calls from various sections of the community for a guaranteed minimum price of $150 (or more) a tonne. The House supported me on that resolution. However, I deliberately did not mention a figure during that debate. The figure per tonne was quite deliberately left out because of the number of factors involved in the price setting mechanism.

There were indications, even at that time—I think the debate occurred on 7 March—that if all other factors fell into place, as it appeared they would, the price would exceed $150 a tonne. We now know that we are looking at a figure in the vicinity of $185 per tonne, and perhaps even more. I know that many wheatgrowers have already been paid $177 a tonne ex-terminal port price, with an estimated 10 per cent to come in on top of that. The mechanism for setting the guaranteed minimum price needs to be a formula structure and a means by which farmers can have some confidence in the future but, more particularly, so that that confidence can be shared by the financial institutions.

I recently had discussions with a rural counsellor about the budget projections of many farmers. I was to learn that all banks vary considerably in their estimate of return for the coming season's wheat. The price ranges from $75 a tonne to $145 a tonne. Something is drastically wrong when financial institutions use such a broad range of figures for a tonne of wheat. A tonne of wheat is a tonne of wheat,

and that is all there is to it. There must be a reasonable way to estimate the price of that within a narrower range than $75 to $145.

One could always argue—and the banks have a good argument—that the estimate of return per acre in that particular locality is much more variable. I can accept that argument, but I cannot accept that the financial institutions, with all their economic advisers, their so-called best advice in the world, their accountants and all the traditions that go with it, should come up with estimates within such a broad range.

Last season the Eyre Peninsula (and we can say this for the whole of the State with some minor exceptions) had a very good season. However, almost all that money went to banks. Practically none of that money, which was a result of the good year, went towards parts replacement, infrastructure improvements, water improvements or general farming improvements. Fortunately, some of it went into machinery firms, and those that were fortunate were able to pick up sales of a few items of equipment. However, the basic problem has been that that money has gone into banks to pay off interest rates. So, this is the uncertainty that presently faces us. The industry now says that we should have an estimated return of $150 to $160 per tonne, and I believe that that price is a reasonable estimate for the coming season. I believe it is appropriate that financial institutions should discount that figure in their estimates but certainly not to discount it to $75 per tonne, which at least one bank has done.

In last year's debate, Government members supported me quite strongly on this, and I thank them for that. I note that circumstances have changed slightly, and my biggest concern is that, at the present time, the Federal Minister is ruling out any thought of guaranteed minimum price. However, he is being opposed by just about every rural industry sector in the nation. I note that the United Farmers and Stockowners is looking for a guaranteed minimum price; the National Farmers Federation and the New South Wales farmers' organisation have set down a percentage of a guaranteed minimum price, and the Federal Opposition has also given its support for a guaranteed minimum price—not as a means of price maintenance, but as a means of price stability. It is not intended that a guaranteed minimum price should be a means of jacking up the price of grain but, more to the point, of equalising the fluctuations that occur from year to year. Farmers are looking for some stability and to give back confidence to the banking infrastructure.

Wheat farmers are struggling to convince the banks to finance for the new season's planting. I know of some people who have no capital debts but who are still required to fill out quite elaborate budgeting figures, and one might well ask why. Are the banks becoming involved in farming management practices? I know that they are. I know for an absolute fact that some of my constituents lost money last year because the banks failed to provide the carry-on finance to allow the crops to be planted at the most opportune time. The funds were ultimately provided to the farmers, but I know of one farmer who could not plant 2 000 acres because the funding came too late in the season for him to get his fuel and super.

I believe that that is almost actionable, where that farmer has a very just claim against the bank for dangling him on a string until late May when all his neighbours' crops were in. With the strong winds early in the growing season, all the farmers who had sown their crops in due time did not have wind damage, but those who were held back because of finances did suffer wind damage and, as a consequence, lower yields.

If we had a pre-season commitment by the Federal Government for an underwriting scheme, it would return confidence to the wheat growers. If we could return to the stability of a continuing underwriting arrangement, which was dropped in 1989, it would give confidence to the growers and banking institutions and provide stability for the overall market. If the price of wheat were to remain at its current level, an underwriting scheme would cost the Federal Government absolutely nothing, yet it would boost the nation's export earnings by millions of dollars.

I think that that message was made clear last year when the Western Australian Premier, Carmen Lawrence, very boldly announced that the Western Australian Government would provide a guaranteed minimum price for wheat at State expense. That gave confidence to the farmers and the industry, and did not cost the Western Australian Government a cent. That move boosted support for the Labor Government in Western Australia, because it was seen to be supporting the farming community in its hour of need. If there were such an underwriting commitment for next season's crop it would encourage growers and their financiers to plant the crop and maintain the acreage and would provide the turnover and export earnings that this State so desperately needs.

I will now quote what this State's Minister of Agriculture said last year, and I think that these statements still stand. He said:

> However, the issue is: who is to take the risk? Who is to bear the risk? If there is no GNP, farmers would bear 100 per cent of that risk when, in fact, it is in the national interest that that risk be shared... However, certainly, if we leave it to the open marketplace—which is a grossly distorted marketplace thanks to the subsidies of Europe and the United States of America—the figures that they will receive will be much less than the cost of production. As I have said, farmers will then simply not plant crops in many cases.

I guess that that is the biggest fear we have. With one of the financial institutions, for instance, allowing only $75 a tonne on this coming season's crop, needless to say no-one can prepare a balanced budget on that figure, but another financial institution allows $145 a tonne, and on that amount people can pay the cost of production. The banks are playing around and juggling the figures to suit themselves rather than to suit the needs of the industry and their clients.

I now turn to the transcript of an interview which took place on the *Country Hour* program on 6 February with Mr Bruce Crossing, the Chairman of the New South Wales Wheat Committee. The reporter commented that the price signals now looked much more attractive, the drought had broken and the banks were willing to finance the crop, and asked Mr Crossing whether this made the package less critical (and he was talking here about the guaranteed minimum price). Mr Crossing said that the drought had not broken (here he was referring, in the main, to western New South Wales) and explained his comments. He stated:

> The northern hemisphere harvest is going to come in March, April, May, June...

Of course, this can affect what the crop price will be in the coming year. He then talks about the banks and says:

> That is the risk factor and that is why we are trying to get underwriting. As for the comment about the banks, some banks are saying yes, they are quite prepared to lend to good clients. There are a lot of cases where they have said to the client that you are in too risky a position; that we cannot afford to extend any further risk to you and, therefore, to give you any increased borrowing on the chance there might be a high price on wheat.

The underlying theme of what I am saying is that we need the confidence of the financiers and the farmers.

The Hon. LYNN ARNOLD (Minister of Agriculture): The motion moved by the member for Flinders has many commendable points, and I would have great difficulty in arguing against many of the points made by the honourable member in his speech. The honourable member has quite succinctly addressed the issues that need to be looked at in terms of the wheat industry in this country. However, I have difficulty in fully supporting the motion, for reasons that I will outline. I understand that an amendment may be moved later in the debate on this matter, and I will be looking very closely at that to determine the final position.

The difficulty I have is that the guaranteed minimum price the honourable member is talking about seems to me to be a reversion to the situation that applied before 1989, in other words, an ongoing safety net in the legislation. There were many sound reasons for that ongoing safety net to have been taken out of the legislation, and in the longer term, to the extent that we are able to get onto a more level playing field, it is not in the interests of the industry to have such an ongoing safety net.

My support last year for what I would prefer to call a base price scheme for wheat as opposed to a guaranteed minimum price, although I guess that is a question of semantics, is really in response to the medium-term corruption of the international market places that we see as a result of the Export Enhancement Scheme of the United States and the Common Agricultural Policy of the European Community. At such time as those are got rid of, I believe there would be no need to have and, in fact, damage would be done by having, an ongoing safety net in the form of legislated minimum pricing.

Another issue we must take into account this year, which is somewhat different from last year, although it is almost too early to say what its impact will be, is the announcement made during the One Nation statement made by the Prime Minister in respect of easing up carry-on finance for the rural sector. I was very much in support of a base price scheme last year, and the South Australian Government pushed it very aggressively in the national arena but was let down by the fact that only one other State supported us. That is why we failed in the Federal arena.

Not only did we have the Federal Government against us but all the other State Governments bar one were against such a scheme, so we did not have a chance. Putting that aside, the reason why we supported a base price scheme being put in place was for the very reason of making sure that money was flowing to plant the crops. We believe that the evidence showed that it was a sensible economic decision to plant crops last year, even on the very negative estimates of the Australian Wheat Board itself at the onset of last year. Of course, as we well know, those were very pessimistic projections that were not found to be true. In fact, they were significantly under-estimating the returns that are now likely.

Our argument was that, in terms of the marginal cost of production, it still made sense for a farmer on Eyre Peninsula, for example, to plant a crop because, in planting a crop, while he would not make a profit to cover interest on his fixed capital expenditure, he would at least cover all his marginal costs of production and make some contribution to the interest servicing cost of the debt burden he faced. So, to paraphrase a phrase that was used in this House a couple of days ago, they would in fact be going backwards less slowly.

However, if banks were not prepared to provide the carry-on finance, the question became entirely academic. If there was no money to buy the seed, fertiliser or fuel, the farmer would say, 'Yes, I quite agree with you, the figures are there; it makes sense for me to plant, even though I will not make an overall profit out of it, but I do not have the cash.' I agree with what the member for Flinders said, that it is bizarre that banks should have such different interpretations as to what a tonne of wheat could be assessed at in the returns.

The figures used by the various banks last year varied very widely indeed, and that was creating extra instability in the situation. Last year we faced the spectre of large hectarages of land in South Australia remaining unplanted because the cash would not flow. To avoid that situation, it seemed to me that the best thing we could do was to say to the financial institutions, of whom I have been as critical as Simon Crean and others for the way they performed, 'If you cannot get your act together as to what you think farmers will get from their wheat, at least we will put in a base line so you know that is something you can factor into their business plans and accordingly determine the extent to which you can provide carry-on finance.' I know that Carmen Lawrence did that in Western Australia at the State level, but all our legal advice was that it was not legally possible, and I have told the Western Australian Minister of Agriculture that on a number of occasions.

We understood that, at the very least, she required a joint resolution of both Houses of the Federal Parliament to allow this matter to be legal. Fortunately, she got out of the situation because the price that finally was returned was in excess of the price they set. It was a gamble that they took, and sometimes gambles can go horribly wrong. She would have had a difficult time explaining to her farmers why she could not honour her commitment, if our advice was correct.

As the lead speaker on the Government side with respect to this motion, and in opposition to it in its current form but not in an amended form, I am very keen to see that this matter is further debated so we can arrive at something with which this House will actually agree in a bipartisan sense. We will try to give a message to the rural sector and, more importantly, the financial sector, to get that money moving this year, and hopefully more quickly than was the case last year. Last year when the Premier and I visited rural communities—and I know that the members for Flinders and Custance (and others) certainly would have been hearing it from their constituents—we had the dispiriting situation of coming across the pent-up frustration of people who knew they had work to do, land to plough, seed and harvest, yet were not able to do it because the money was not there. It was a very bleak time indeed. The fact that things were moving so late in the piece as well was of no help.

Whilst the package that we offered has not been enormously successful in its take-up, the reason that it came as late as it did is that we were waiting for Federal Government action which was far too late, and in the finality our scheme therefore did not have the major take-up that we hoped it might have had. Nevertheless, we were still the very first State Government to move on putting State funds into a carry-on finance scheme for farmers, and we stand by that. This year, when the Federal Government has improved the funding levels for that, we still stand by that. I know that some points have been made publicly about whether this State is supporting it, but we very firmly support our participation in the Part B scheme on rural assistance and the Part A scheme on this matter.

We really must see what the outcome of the Prime Minister's statement on carry-on finance has in getting the banks moving. If the banks still stall, and if the money does not get rolling as a result of what I think is a very good

announcement in the *One Nation* statement, I would want to say that we would have to re-visit a base price scheme if necessary. At the meeting of the Australian and New Zealand Agriculture Ministers, Simon Crean repeated precisely that point, and I take his opposition as expressed at the ABARE National Outlook Conference not to be a fixed position but at least somewhere along the road.

South Australia has the good fortune that climate and circumstances mean that we have more time than farmers in New South Wales. I know that their time is up now, because their plantings are earlier than ours in South Australia. From the point of view of what happens in South Australia, we have more time to see whether the banks get their act moving. It is incumbent upon this Parliament, upon me as Minister, upon the UF&S and upon others to keep those links open with banks to see what is happening. We will be doing that with the regular contact that we maintain with the financial institutions and the UF&S.

I want to make some other points on this matter. It was good to see the outcome this year of the prices that were received compared with the predictions at the start. As members will know, the Australian Wheat Board is anticipating a net pool return for 1991-92 before charges of $170 per tonne ASW 10 per cent protein against $125 per tonne last year. For 12 per cent protein the figure gets up to $180 per tonne and for 14 per cent protein an impressive $245 per tonne. Another point that needs to be made is that we do not want to lose sight of the need for farmers constantly to be addressing the protein question. Now the returns seem to be proving much better than they were even as recently as two years ago. I know that a number of farmers are doing that.

Mr Venning: We want more money for research.

The Hon. LYNN ARNOLD: In terms of farmers being able to take advantage of the higher protein wheats and the returns that they offer, they need to know more about how to plant and get that protein out of it in the conditions that they deal with. Research is one part of it. I guess extension is clearly the other part of it. Obviously, those questions would have to be looked at.

I think it would probably be useful if I gave the House the information that I have been given on what has been predicted this year. At the 1992 National Agricultural Resources and Outlook Conference, ABARE made forecasts on the likely net pool return for Australian wheat. As members will know, last year we had widely varying forecasts. The reason is that we do not know how much will be produced. Last year's outcome was better than expected for two reasons: first, because international production was down; and, secondly, because domestic production was down—but not in South Australia. We had our third best year on record. The hectarage planted was not much down in the finality last year. Nevertheless, if world production had been different the whole ball game would have resulted in a different scenario. That means that we have to estimate the coming season's figures on the same kinds of scenarios of a high, average or low level of world production.

The estimates are that, with world production being at a high level, the net pool return would be as low as $117 per tonne, in other words, even lower than was predicted at the start of last year. That would mean an estimated farm gate price in South Australia, for example, of only $96 per tonne. If the world production is average, we are looking at $152 per tonne, with a farm gate price in South Australia of $131. If world production is low, that will increase demand and net pool return will be $193 per tonne, with a farm gate price in South Australia of $172. That will depend on a number of factors. One point that the department continues to make to me—and I think there is a case here—is that, even at an estimated low level of world production, there is still benefit in planting a crop.

Mr Blacker: High.

The Hon. LYNN ARNOLD: I am sorry—high. The honourable member is quite correct. Taking the example of Upper Eyre Peninsula, the variable cost—the marginal cost of production, so to speak—of growing wheat is about $65 per hectare. If we add 20 per cent to cover interest plus an allowance for risk, it could be argued that a farmer should consider growing wheat in the short term if the farm gate return exceeds only $78 per hectare. I have a table that shows what the wheat growers' margin per hectare on the Upper Eyre Peninsula would be at varying yields for varying farm gate price returns. The table is purely statistical, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Example of wheat gross margin ($/ha) Upper Eyre Peninsula

Av. Yield t/ha	Farm Gate Price ($/tonne)		
	172	131	96
0.25	−35	−45	−54
0.5	8	−13	−30
0.75	51	20	-6
1.0	94	53	18

The Hon. LYNN ARNOLD: Given ABARE's forecast of average pool returns for wheat in 1992-93, according to this table, this would translate to an average farm gate price of about $131 per tonne. A yield of only .6 of a tonne per hectare would be necessary to cover the variable costs that I have estimated. On an average yield on Eyre Peninsula of just over one tonne per hectare, the gross margin for wheat would be about $53 per hectare. So, it can be seen that it is still in the best interests of farmers to plant wheat if the cash can be made available. Of course, that takes us back to the question of getting carry-on finance moving—the issue that I think is at the nub of the problem. We need to make sure that any response, Federal or State, picks up that question rather than any other side issue. Finally, I will estimate what ABARE said about the effects on Australian farmers of the export enhancement policy scheme of the United States. ABARE estimates that that scheme rips out of Australian farmers between $US150 million and $US238 million, which is an outrage.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr VENNING secured the adjournment of the debate.

COAT OF ARMS

The Hon. D.C. WOTTON (Heysen): I move:

That this House condemns the Attorney-General for his implementation of Government policy to replace the royal coat of arms in the Supreme Court with the State coat of arms recognising that the justices of the Supreme Court are the Queen's justices and calls on the Premier to immediately take action to reverse this policy.

This matter was brought to my attention as a result of articles in the *Advertiser* and, I believe, in the evening paper some little time ago. I was concerned about what I read at that time, but I am more concerned about information that has been provided to me since. I received a deputation from constituents who had been associated with the South Australian Embroiderers' Guild. These people had been involved in producing brightly coloured embroidered hangings depicting a coat of arms for the opening of the law courts

in Victoria Square. A lot of work went into the preparation of these hangings, and these people were very concerned about the set of circumstances arising from a decision of the Attorney-General.

At the time of the opening of the courts in Victoria Square, the Attorney-General praised the guild members for the exellence of their work which, he said, well deserved to be displayed in the new building. He also expressed the Government's gratitude for the fact that the guild produced the embroideries without payment. Thousands of hours of work went into the making of the embroideries and the guild was approached by the judges to see whether they could reproduce the monarch's coat of arms that is always displayed in courtrooms, usually in the form of a painted moulding.

Obviously, I was keen to take up the representation that I had received from my constituents, and I am concerned for them about what has happened. I understand that since that time these people, members of the South Australian Embroiderers' Guild, have been given an assurance that these hangings will be on show in the building. As I said, although I was concerned when I received that representation, that is only part of my concern regarding this whole issue. In a move labelled 'creeping republicanism' by one of the State's most prominent jurists, the Government is replacing the royal coat of arms, traditionally affixed to the courtroom wall behind the presiding judge, with the South Australian coat of arms, featuring the piping shrike.

Justice Robin Millhouse of the South Australian Supreme Court is one of those who has opposed the move, raising the issue of under whose name the law of the land is dispensed—the Queen's or the State's. Justice Millhouse has been unsuccessful in his repeated approaches to the Attorney-General to have the royal crest featured in his jurisdiction, either in the hearing room over which he presides or in his private chambers. The Government has adopted a policy of replacing the royal coat of arms with that of the State where possible, with plaques coming down in the courtrooms that undergo refurbishment or relocation.

Justice Millhouse has released a series of letters which show an apparent gap between the Government and the South Australian judiciary. I find the Government's attitude in this matter quite remarkable. I hope that, by the time I have completed my contribution today, it may reconsider this situation and may, with the Premier, place some pressure on the Attorney-General to reverse the decision that has been made.

I refer to correspondence that has been written between Justice Millhouse and the Attorney-General, and particularly to two of those letters, because they have been made public. The first letter, dated 2 December 1991, is addressed to the honourable Justice Millhouse from the Attorney-General. It states:

> The Government considers that it is inappropriate for one judge to decide to display the royal coat of arms either in chambers or the courtroom.
>
> Also, the Government considers that only the South Australian coat of arms should be displayed similarly to the use of the Australian coat of arms in Federal courts.
>
> Australia is an independent nation and, since the Australia Act came into operation, it no longer has colonial status. Accordingly, the Government decided as its policy that the South Australian coat of arms should be used.
>
> As the Government does not intend to alter the policy, I see no point in continuing this correspondence.

The following day, Justice Millhouse replied to the Attorney-General in the following way:

> I remind you that the Queen is Queen of Australia and it is because she is Queen of Australia that the royal coat of arms should be displayed in her courts. I remind you particularly of section 7 of the Australia Act.
>
> I regard the policy of the Government on this matter as just one more example of creeping republicanism.

I support the sentiments expressed in that letter. I have been interested in the way that this matter has been raised by members of the community in letters to the Editor. I will refer to one letter that appeared in the *Advertiser* of 24 February. It states:

> It seems to me that the law of the land is dispensed by our courts in the name of Her Majesty the Queen who is also the Queen of Australia since 1974.
>
> Significantly, whilst some Acts are binding upon the Crown, every Act is assented to and proclaimed by the Governor in the name and on behalf of the Queen.
>
> Every Act bears upon its front page the royal coat of arms. The Australia Act 1986, paragraph 8, still displays the requirement for validation of an Act of the Parliament of a State by the Governor of the State.
>
> Paragraph 5 of the Australia Act 1986 is superscribed by the bold face statement that the Commonwealth Constitution, Constitution Act and Statute of Westminster (are) not affected.
>
> I strongly suspect that many people believe as I do, that justices of the Supreme Court are the Queens justices, their appointment being approved by the State Governor acting for the Queen.
>
> The entire situation warrants a public explanation by State Attorney-General, Mr Sumner. In particular, the people have a right to be given an explanation as to why the changes involved were not put to the people as section 128 of the Constitution requires. Answers please, Mr Sumner.
>
> Justice Millhouse of the Supreme Court deserves full public support for his stance on this sinister issue. Was a Cabinet decision involved? If not, by whom was it made?

They are, I believe, some of the questions that need to be answered in this issue. I have received a lot of correspondence from people who are concerned about this matter and have met a number of them. I received a letter from a Mr Codd of Glenelg, a constituent of my colleague the member for Morphett. I know that my colleague has received correspondence and, in fact, discussed the matter with Mr Codd and is very supportive of the point of view that Mr Codd has put forward. He has brought a lot of material to my attention on this matter. Some of it involves some of the matters to which I will now refer because Mr Codd has indicated the following:

> Whatever may be the case in the long distant future, Queen Elizabeth II is Queen of Australia and, as the States are part of Australia, Queen of each State. There are innumerable proofs of that, to wit, the Constitution Acts of the Commonwealth and of each State and numerous other statutes including the Australia Act 1986, and it will be seen that she is part of our three tiered system of parliamentary Government. So, we are a constitutional monarchy with each tier having its own privileges, immunities and powers. These latter may be defined (and that means altered) by any Act, with this important proviso. I quote the section in toto:
>
> > Constitution Act 1934; Privileges of Parliament: the Parliament may, by any Act, define the privileges, immunities and powers to be held, enjoyed and exercised by the Legislative Council and House of Assembly and by the members thereof respectively. Provided that no such privileges, immunities or powers shall exceed those held, enjoyed or exercised on the twenty-fourth day of October 1856 by the House of Commons or the members thereof.

This gentleman also refers to the fact that by historical conventions extending over centuries, which have required the force of customary law, the monarch is the fountainhead and source of justice. The courts here are the Queen's courts for the reason that the monarch is above politics. So, her courts and the law are above politics—in other words, they are independent of the Government. Justice is the Queen's justice. The judges are Her Majesty's judges and Queen's Counsel Her Majesty's counsel learned in the law. The judicial system has, for centuries, been removed from Government control just as the judges who cannot be removed other than by the monarch (and then only with the redress of both Houses of Parliament) are themselves independent from Government control.

On 27 February, at the opening of the Magistrates Court at Port Adelaide, the Attorney-General had what I and others see as the hyprocisy to refer to the independence of the Judiciary as one of the fundamental cornerstones of our democratic society, and needs to be seen as such. Yet, with one fell swoop, he is attempting to destroy that independence. The one and only thing that guarantees that independence is the royal authority.

Debate adjourned.

HILLCREST HOSPITAL

Adjourned debate on motion of Dr Armitage:

That this House, in the absence of specific information concerning the community support services which will be provided following the closure of Hillcrest Hospital, calls on the Government to halt further devolution of Hillcrest Hospital services until the adequate provision in the western suburbs of—

(a) a community psychiatric treatment team;
(b) increased day facilities;
(c) an industrial therapy workshop program;
(d) increased accommodation; and
(e) a drop-in centre for psychiatric patients in the community.

(Continued from 20 February. Page 2990.)

Mr McKEE (Gilles): I oppose this motion. The honourable member has described an integrated system of care for people with mental illness, which is the absolute focus of the proposed reorganisation of mental health services. The aim of developing a comprehensive range of community based services is the motivating force behind the decision to shift resources from hospital based care to community care. But as I have said in this House before, we are not repeating the mistakes of other countries or other States by closing or reducing psychiatric hospital beds to achieve these changes. Rather, we are moving acute care to general hospitals, where services can be provided in a less stigmatised, less restrictive environment. Wards will be established at Lyell McEwin and The Queen Elizabeth Hosptial. In the south of Adelaide, it is possible for beds to be added to the Repatriation Hospital, Flinders Medical Centre or Noarlunga Hospital, and, indeed, all three hospitals have expressed strong interest. That decision will not be made until the needs of the southern area have been carefully considered.

Accessible, acceptable acute inpatient care is an important element of a comprehensive system of care and must be integrated with community based services. Transfer of beds from Hillcrest Hospital is the crucial rate limiting step in releasing resources to develop community services. Staff who currently work in the western area of Adelaide have already met to consider the needs of that area and to determine the priorities for the development of community services. They believe that the first priority should be the establishment of a mobile assertive treatment team, intensively following up the chronic group of clients who have problems with medication, who often have few survival skills and who make up a large proportion of the so-called 'revolving door' population who have repeated episodes of short hospitalisation. Other services, such as emergency teams and a range of rehabilitation services, will then follow. Groups of staff are meeting to reach agreement on the ways in which these services will operate. A number of planning groups which include staff and consumers are already being formed.

As members will be aware, under the Commonwealth/State Disability Agreement the responsibility for employment and related training programs will be transferred to the Commonwealth. Officers of the South Australian Health Commission and staff of the South Australian Mental Health Service are currently collaborating with Commonwealth officers to assess current work related programs in mental health services and to develop a range of training and supported employment programs which will be suitable for people with psychiatric disability. This range of programs will then link with living skills, recreational and other rehabilitation programs. The services which will be provided are absolutely critical to the survival of people with severe and chronic mental illness, the vast majority of whom live in the community. Consumers and professionals are agreed on the range of help which should be available in each area of South Australia.

The type of help for the mentally ill described by the honourable member is urgently needed, and that is exactly why this project is proceeding as quickly as good planning will allow. The honourable member's proposal to defer the changes to Hillcrest would immediately and directly prevent the very outcomes he claims to seek. We are implementing a program which will ensure that all our current patients retain a bed and all the other help they currently have offered to them. At the same time, more than 300 staff will be available to provide more flexible, accessible services, just as the honourable member describes.

Not only is this being achieved within existing resources, but we may also make some overall savings which can be applied to other current health priorities. It is an excellent example of health service management, and I cannot imagine whose interests are being served by this motion. If the honourable member were to seek the views of consumer groups, or of the many beleaguered community agencies who have waited patiently for these changes, he would soon find out that he is out of step with the interests that are driving and should be driving our mental health services. I oppose the motion.

Dr ARMITAGE (Adelaide): Unfortunately, once again we are hearing from the minions of the Government that something will be done to sweep the problem under the table. The fact of life is that people in the western suburbs at the moment are having a dastardly life if they are psychiatrically ill, and many of the people are already there, that is, without one extra person going there from Hillcrest. People in the western suburbs at the moment have none of these facilities at all. They are in hostels, which often leave them out of the hostel at 9.00 a.m. and do not have them back until 4 p.m. There is nothing for them to do, so they stay in the streets, walking around aimlessly with nothing to do and no care—no nothing. If we do not provide those services for the patients who are already there, let alone the extra patients who will be dumped because there will not be the facilities at Hillcrest, the situation will get even worse.

The fact is that I have consulted all these people whom the honourable member mentions, and they are desperate for these services now. They do not want promises that in the future something might just happen. The consumers, the people treating them, and the community nurses indicate that the need has not just arisen: it has been there for ages. It has been ignored for a long time and, again, it will clearly be swept under the table.

The sort of thing that I fear is what is happening in small towns in the Murray-Mallee at the moment. That is, patients have been discharged, deinstitutionalised, normalised—whatever we want to call it—into small towns in the Murray-Mallee area. These towns have no doctor, no community health nurse, no visiting psychiatric services and no community psychiatric services; they have absolutely no

facilities whatsoever, and that is where these patients are going at present.

We have already seen what will happen with the wards; in Hillcrest the wards have already been investigated by the Department of Correctional Services to be used for fine defaulters, so plans are under way, and there is no opportunity for all this lovely discussion. If there is a sudden efflux of patients from Hillcrest Hospital what will happen is that the people who can least defend themselves will be put out onto the streets, with no facilities. It is appalling that a Government that has a responsibility to look after people who cannot look after themselves would take this unconscionable action. I am amazed that the member in whose electorate Hillcrest stands would take this action.

The people who are to be the innocent victims deserve better from the Government; they deserve all these facilities. The people who are already out on the streets deserve these facilities. The innocent victims who will be affected by the too brisk devolution and deinstitutionalisation—which, as the honourable member knows only too well, I am in favour of, provided the facilities are there—will be the ones who suffer. Once again, for the good of the people whom we as members of Parliament are charged to represent, I urge support for this motion.

Motion negatived.

HILLS TRANSPORT SERVICES

Adjourned debate on motion of Hon. D.C. Wotton:

That this House condemns the Minister of Transport regarding the planned removal of essential STA services in the Adelaide Hills and calls on the Minister, as a matter of urgency, to say what alternative forms of transport will be introduced to ensure that adequate services are provided in the area.

(Continued from 20 February. Page 2990.)

The Hon. T.H. HEMMINGS (Napier): I was astounded when the member for Heysen moved this motion on 20 February. The motion condemns the Minister of Transport regarding the planned removal of essential STA services in the Adelaide Hills and calls on the Minister, as a matter of urgency, to say what alternative forms of transport will be introduced to ensure that adequate services are provided in the area. How did the member for Heysen support his motion? If members look at *Hansard*, they will see that his contribution covered one and seven-eighths of a page. Members can see that half a page is his speech and then, true to form, the remainder of his contribution is made up of a quoted letter.

The member for Heysen did not even have the intelligence or ability to research his subject on his own and come forward and put a rational argument why he wants to condemn the Minister of Transport and wants the Minister to provide an alternative method of transport for people in the Hills. The member for Heysen had to rely on a letter from a headmaster and he droned on and on about the motion. He then urged members to support his motion. However, I did a little research and I would like to think there are some Opposition members prepared to sit and listen.

It is obvious that there is another leadership spill going on, as no-one from the Opposition is prepared to sit in the Chamber. Obviously, the member for Victoria is quitting three weeks earlier than normal and going back to the farm. A day or two before he moved his motion, the member for Heysen exposed his ignorance when he responded to an interjection in Parliament. If you respond to an interjection, make sure that you have your facts right: if not, shut up.

On 18 February, when we were still talking about Hills transport, *Hansard* indicates what happened, as follows:

An honourable member: Remember Choats?

The Hon. D.C. WOTTON: Yes, I well remember Choats. That firm would still be running an efficient and much better service than we have experienced under the STA had it been allowed to do so. But no, it was pushed out of business by the Government that is in place at this time. It provided an excellent service, and it would still be providing that excellent service had it not been forced out by a Labor Government.

That did not ring true to me and I did a bit of checking. Choats was never forced out by a Labor Government. The offer to acquire companies was limited to those on the plains and Choats was not included in the list of companies submitted by the Bus Proprietors Association. It was only on returning from overseas that the owner of Choats begged and pleaded with the then Minister of Transport (Hon. Geoff Virgo) for his company to be included.

That is proof yet again that the member for Heysen does not know what he is talking about. As to the bus services that are currently operating in the Hills area, route numbers 164, 165 and 166 service the city to Aldgate, via Mount Barker Road; we have the 193, city to Stirling, via Upper Sturt Road; the 820, city to Aldgate, via Greenhill Road; and the 822, Stirling-Aldgate, via Heathfield. Those services cater for about 3 500 passenger boardings on an average week day, with the 164, the 165 and the 166 Mount Barker Road services accounting for more than 70 per cent of those passengers, that is, 2 500 passengers.

Those services—the 164, 165 and 166—will remain. Why? Because they are well patronised. The remaining services (820, 193 and 828), involving approximately 1 000 boardings per week, are being closed. Why are they being closed? Because they are costing taxpayers an extraordinary amount of money. However, if the member for Heysen—if he can take his mind off the leadership spill and listen—wants the subsidy to remain, he must put forward a better argument than the fact that there are 1 000 passenger boardings weekly.

If we do close those services, of those 1 000 passenger boardings, 300 will be able to use alternative services. So, we are talking about 700 passenger boardings at the moment not being able to use existing STA services. However, the Minister has already told the House and the South Australian community that he has asked for registrations of interest from private sector organisations that may wish to take up the offer of providing those Hills services. By the way, very few have actually picked up that offer. So much for private enterprise.

Let us look at the subsidy provided by the taxpayers—your constituents at Semaphore, Mr Speaker, my constituents in Napier and the people who live at Whyalla or anywhere else that is not being serviced by the STA. The average annual subsidy per weekday passenger is $292, compared with the metropolitan average of $140 per week-day bus passenger boarding. So, already the STA subsidy for a Hills user is more than double that for a person living in the metropolitan area.

On the three Hills services proposed for withdrawal, the subsidy is $372. The member for Heysen and those people who have the luxury of living in the Hills—most of whom are on fairly high incomes and who usually put forward selfish reasons for opposing anything this Government wants to do in the Hills area—still want that community to receive a very handsome subsidy of $372 per passenger boarding, over two and a half times more than the subsidy for a metropolitan passenger.

The Hon. D.C. Wotton interjecting:

The Hon. T.H. HEMMINGS: The member for Heysen asks whether if I went to live in the Hills I would complain. I have news for the honourable member: I am going to live

in the Hills when I retire from this lunatic asylum. When I do go to live in the Hills—

The SPEAKER: Order! The Chair finds the honourable member's comments degrading to the Parliament and out of order. I ask him to withdraw.

The Hon. T.H. HEMMINGS: Sorry, Sir, I got carried away. I was just thinking of members opposite, who should be in a lunatic asylum. I am not talking about the institution. I apologise. I am going to live in the Hills. I will pick out a nice little spot and I will make sure it is right in the heart of the member for Heysen's new electorate. However, when I do, I will not mind paying the full price that the private operator is demanding to transport me and my dearly beloved wife from wherever we are living to Adelaide, because that is the cost of living outside the metropolitan area. I am quite prepared to pay that. It seems that the member for Heysen wants a $372 subsidy for his pampered constituents, while mine, who live in the metropolitan area and who in the main are disadvantaged, must accept a subsidy of $140. It is just not on.

Look at the subsidy we pay for the Mount Barker Passenger Service. The taxpayers pay a subsidy of $1.022 million for the operation of the Stirling Hills service and 63 per cent of that subsidy goes to the Mount Barker Passenger Service. Yet, the member for Heysen is asking the Minister for an even greater subsidy to be paid to those private operators when they move into that area. The honourable member is being downright greedy, as usual. He should realise that this Government cannot continue to subsidise those services that are not being used in the Hills. It is about time he and those people who are putting pressure on him realised that.

Mr S.G. EVANS (Davenport): I support the motion. Any member on the Government side who suggests that people who live in the Hills and who do not have private transport are not entitled to subsidised public transport is, I believe, either a fool or has double standards.

An honourable member: Or both.

Mr S.G. EVANS: Well, it could be both. This State pays $130 million a year for public transport mainly in the metropolitan area—$130 million! And the member for Napier stands up in this place and suggests that people who live in the Hills—and I suppose he also means other parts of the State—who are students or pensioners are not entitled to a subsidy. I do not think the honourable member has any sense of fairness when he makes that sort of statement. The Mount Barker Passenger Service is privately operated, taking pensioners to the city and students to schools, and so it has been suggested that a reasonable fare for those people cannot be provided by way of a subsidy from the Government to the taxpayer, when all around the metropolitan area public transport is subsidised to the extent of $130 million.

We had in the Hills an effective, private enterprise public service, and the member for Napier and his colleagues—and maybe some of them were around before him—may remember that the Hon. Mr Virgo, when he was Minister, took those buses off the road and took over the service. He paid them a miserable sum and said, 'You're out.'

The Hon. T.H. Hemmings: They demanded that.

Mr S.G. EVANS: They demanded it? What hogwash! Choats Bus Service was one of the best in this State, and there were many others like it. The Hon. Mr Virgo and the Labor Government at the time wanted to socialise everything and then could not manage anything, and that is where it began. They moved in the STA and built a big bus depot between Bridgewater and Aldgate, right in the water catchment area, even though they had told other people that they could not build. The Government ignored advice that land was available outside that area and spent all that money on a massive bus depot. The private bus operators had had a private arrangement that the bus drivers clean and refuel the buses and carry out minor check-ups such as greasing, and then the socialists took it over.

It was then determined that a certain person had to refuel, clean, drive and check-in the buses, and then they wondered why it became expensive. In all the years the private services operated, going back to the old Packard vehicles operating in 1932, the only accident they ever had, involving the Mount Barker bus, occurred just below the Eagle on the Hill. The driver had the skill to run up a bank where it bridged, and the bus did not roll over. That driver should have been praised for his skills. That was the only accident that happened.

An honourable member: What year was that?

Mr S.G. EVANS: I cannot tell you the year; it was just before the service was taken over, in about 1974.

The Hon. M.D. Rann: And nobody was injured?

Mr S.G. EVANS: Nobody was injured. The STA has been just as effective with its safety record. I am not attacking its safety record, but I am attacking its cost. All that the member for Heysen and I are asking is that the people in the Hills be given the opportunity to retain current services, or even to have current services improved, and that taxpayers' money be used to help those who are disadvantaged or cannot use transport because they are under age. Their families should not have to pay full tote odds when the rest of the metropolitan area has a $130 million subsidy. The honourable member spoke about a $1.02 million subsidy for private operators, with 63 per cent going to the Mount Barker bus operator.

The Hon. T.H. Hemmings: That is fact.

Mr S.G. EVANS: It is fact, Sir, with an intention by the honourable member to fiddle with the real story. He will not admit that his electorate has a greater subsidy per person than do the Hills electorates. One needs to think about the benefits of having more people travelling on buses through the Hills, especially in winter months. The roads are crowded and the freeway is gradually becoming overburdened. We need to encourage more people to travel on public transport.

The Hon. D.C. Wotton: There was another accident on the freeway this morning.

Mr S.G. EVANS: Yes, again the freeway was blocked because of an accident. I know that if electorates in the Hills were marginal there would be no worries, that we would have either STA buses or subsidised private enterprise buses. As an example of how lucrative it is to be a private bus operator in the Hills and of how people are striving to get into the industry, when the Government asked for expressions of interest for the service it received one tender.

The Hon. D.C. Wotton: Because it was for everything that the STA didn't want.

Mr S.G. EVANS: That is exactly right. The only routes put out were those that the STA did not want. The people on Upper Sturt Road and those living in other parts of the member for Heysen's electorate need a public transport system. The passenger rail service to Bridgewater was removed, and now the only way people can travel from Stirling to Mitcham Hills, if they do not have their own vehicle, is by bus, and that is down Upper Sturt Road. There is no other road through unless one uses a circuitous route. The STA has been upgrading the permanent way of one track between Belair and Mitcham—one track only. Over the past two years Australian National has lowered

the base of the tunnels to make the tunnels higher so that large containers can pass through them.

Recently the Federal Government announced that it would construct a standard gauge line from Melbourne to Adelaide—and I agree with that—but I suggest what will happen is that AN will take over the other track out of town and have a loop at Mitcham so that the passenger service can pass at Mitcham. There is a risk, though, that even the service to Belair will be cut out and it will terminate at Blackwood, using Blackwood as an interchange. I do not object to that if there is a good bus service pick-up to deliver to that point. However, people in the Hills are being used as tools in a political game because they happen to live in an electorate which in the past has voted for a conservative or Liberal Government, and that is unfair. On this occasion they will vote even more strongly that way.

Mr HOLLOWAY (Mitchell): I join with my colleague the member for Napier in opposing this motion. First, I should like to set out again what the situation is. In the Stirling Hills there are about 3 500 passenger boardings on an average weekday, of which more than 70 per cent, that is 2 500 passengers, are involved in the main services to Mount Barker that will remain. That is the most important point. What we are talking about in this motion is a number of bus services on less important routes that involve about 1 000 passenger boardings per weekday. They are the services that are proposed to be closed. Those services are the most heavily subsidised bus services run by the STA. I guess it is not surprising that that should be so, given the large distances involved with people scattered throughout those areas of the Hills.

The measures announced by the Minister of Transport do not, of course, apply until later this year, and it needs to be stated that the Minister of Transport has already called for expressions of interest for alternative services in those areas from private bus operators. If these services are as important and if there is as much demand for them as members opposite tell us, let the private sector come in and provide those services.

Another point that needs to be made about these cuts is that of the 1 000 weekday boardings that are affected, it is expected that about 300 would be able to be catered for by other services provided by the State Transport Authority. Again, the dimensions of the problem members opposite are trying to give us are somewhat exaggerated. The member for Davenport a few moments ago mentioned the Bridgewater rail service as part of the argument. For some time many years ago I lived at Bridgewater, and I well recall on a number of occasions being the only person on that train. The train used to have three carriages. A number of services were provided at night and at different times I travelled on all of them, and I was regularly the only person on the Bridgewater train. I have no reason to believe that it would be any different if that train were running today.

Mr Quirke: They'd have no-one on it now: you don't live there!

Mr HOLLOWAY: That's right. As the member for Playford points out, since I no longer live there no-one at all would be using it. It used to take over an hour for trains to get up there, and there was simply no demand for it and the cost of subsidising that service was massive. That is the point to remember when talking about the provision of bus services in this State. If we are to provide a basic public transport system for the benefit of people in this State, it has to be operated within reasonable economic bounds. We cannot provide a service at all times to absolutely everyone who might need it. It is the Minister's job to assess where the demand is and to make the decisions accordingly as to where the money that is available should be provided in the best interests of the people of this State.

While I am talking about the general economic context I should like to talk about a related matter. Whilst members of the Opposition are very happy to call for us to spend money and subsidise many services, I was interested to read the following in the Mount Barker *Courier* of 11 March, under the headline 'Libs confirm $2 million bushfire promise':

> Liberal Party Leader (Dale Baker) has confirmed his promise of $2 million to be wiped off Stirling council's bushfire debt on gaining Government at the next election.

What a totally blatant piece of pork-barrelling by members opposite! $2 million to be provided to a council in the Hills to help it with its debts, which arose as a result of its negligence some years ago. That is really what members opposite are on about—pork-barrelling in some of the best catered for areas and the most expensive real estate in this State. They believe in serving them at the expense of the community at large. Here we have a promise of $2 million to be spent to help a very wealthy council, involving some of the most expensive properties in the State. They are to have this hand-out while, presumably, the rest of the people suffer.

This is all from an Opposition that is continually lecturing members on this side of the House as to how we should be cutting Government expenditure, yet $2 million to the Stirling area is no problem to members opposite. Here we have it again. They are prepared to subsidise bus services that cost more than services to almost anywhere else in the State. I will quote some of those costs. The average annual subsidy for a weekday passenger is $292 in these areas compared with the metropolitan average of $140 for weekday passenger boarding—a massive subsidy. On the three Hills services proposed to be withdrawn, the subsidy is $372, which is over 2.5 times more than for a metropolitan passenger. That is what members opposite are saying we should be retaining. They say we should continue to provide massive subsidies for services that are very poorly patronised, yet at the same time they talk about throwing in another $2 million to this area to help wipe out debts that were a result of the council's incompetence some years ago. I think that is absolutely appalling.

Many areas in this State need proper bus services, and I believe that the Minister of Transport is quite correct in carefully analysing all the expenditure within the State Transport Authority to see that the newer areas of the State are properly serviced by public transport. We should be supporting the Minister in his endeavours to do that, rather than, as members opposite are doing, continually carping at everything the Minister is doing.

I will conclude by again saying we should reject the motion of the member for Heysen. The Minister does not deserve condemnation for seeking to provide a more efficient public transport system in the Adelaide area. The second part of the motion is also incorrect in that the Minister is looking at alternative forms of transport to provide services to areas that are currently not catered for. I reject the motion.

The Hon. D.C. WOTTON (Heysen): I reject the contributions made in this debate by the members for Napier and Mitchell. What absolute rubbish! I will have a great deal of delight in putting before the local Hills people the contributions made by these two members. This issue has developed, particularly as a result of the Minister's contri-

bution yesterday in answer to a question, into a debate between the STA and the private sector.

The fact is that the STA has determined that it will give to the private sector the routes that it does not want. It has kept all the good stuff, all the buses going up and down the freeway. There is no suggestion whatever that it might hand over those routes to the private sector. The STA has been prepared to give to the private sector only the routes that it knows are not viable and that the STA would not want to continue. It has not given a tinker's curse about the people who will be affected. I hope that the member for Napier one day comes to live in the Hills—I hope it is not in my electorate—because he will see just how disadvantaged those people are. He would change his tune once he lived there.

The members for Napier and for Mitchell have talked about the need for subsidisation of these services. We do need some subsidisation in regard to those two services, but consider all the other areas in the Hills that miss out. Consider the massive subsidy that goes into providing people in the metropolitan area with filtered water, for example. Hundreds of millions of dollars go into that subsidy.

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker.

The SPEAKER: Order! The member for Heysen will resume his seat. The member for Napier.

The Hon. T.H. HEMMINGS: My point of order is that this motion has nothing at all to do with water subsidy.

The SPEAKER: The point of order is not upheld. The debate has been ranging over Government expenditure across the spectrum. I will allow the debate to continue as long as the honourable member draws his remarks back to the subject.

The Hon. D.C. WOTTON: Thank you, Mr Speaker. There is every reason for subsidy to be provided by the Government to assist the people who live in the Hills. If we were talking about people who lived in marginal or Labor-held seats, we would not have this problem they would be provided with the service. The fact that the State is broke would not matter; that would not come into it. They would get the service.

The member for Mitchell referred to the Opposition as pork barrelling and in particular to the fact that a Liberal Government would provide $2 million to the people in the Stirling district to help them to overcome the problems resulting from the Ash Wednesday bushfire. I am proud that a Liberal Government will do that. The people of the Stirling district will not be impressed when I give to the local media the comments made by the member for Mitchell. He has indicated that he used to live in Bridgewater. He then went on to say that it is one of the wealthiest councils in the State. What rubbish! If he lived in Bridgewater, he would know that there is as much concern on the part of families who live in that area as in any other area in South Australia. I suggest that there is as much concern there as in his own electorate.

After all, it was the Labor Government that forced the Stirling council into the situation where eventually the people of Stirling are being forced to pay $14 million as a result of the incompetence of the Bannon Labor Government and particularly of the Minister in another place (Hon. Anne Levy). I urge members to support this motion for the sake of those people in the Hills who are being, and will continue to be, seriously disadvantaged as a result of the decisions that have been made by the Minister of Transport and the Bannon Government.

The House divided on the motion:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (22)—Messrs Lynn Arnold, Atkinson, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Quirke, Rann (teller) and Trainer.

Pair—Aye—Mr S.G. Evans. No—Mr Bannon.

Majority of 1 for the Noes.

Motion thus negatived.

[Sitting suspended from 1.2 p.m. to 2 p.m.]

PETITIONS: GAMING MACHINES

Petitions signed by 456 residents of South Australia requesting that the House urge the Government not to introduce gaming machines into hotels and clubs were presented by Messrs P.B. Arnold, Brindal, Crafter, Eastick, Hamilton Meier, and Ms Lenehan.

Petitions received.

PETITION: PUBLISHING STANDARDS

A petition signed by 29 residents of South Australia requesting that the House urge the Government to stop reduced standards being created by publishers of certain magazines and posters debasing women was presented by Mr Brindal.

Petition received.

PETITIONS: JUVENILE OFFENDERS

A petition signed by 2 734 residents of South Australia requesting that the House urge the Government to increase penalties for juvenile offenders was presented by Mr De Laine.

Petition received.

A petition signed by 514 residents of South Australia requesting that the House urge the Government to lower the age to 16 years, at which a person is treated as an adult in criminal matters was presented by Mr De Laine.

Petition received.

PETITION: SHACKS

A petition signed by 74 residents of South Australia requesting that the House urge the Government to allow the shacks at the Marion Bay foreshore to remain was presented by Mr Meier.

Petition received.

QUESTION TIME

GAMING MACHINES

Mr D.S. BAKER (Leader of the Opposition): When did the Premier become aware that Mr Jim Stitt was acting as a political lobbyist for interests seeking the introduction of poker machines into clubs and hotels in South Australia?

The Hon. J.C. BANNON: The question asked by the Leader refers to allegations that have been made concerning the Hon. Barbara Wiese, Minister of Tourism.

Mr D.S. BAKER: Answer the question.

The SPEAKER: Order!

The Hon. J.C. BANNON: You do the honourable thing and resign instead of just threatening it.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The Chair considers that some very significant questions will be asked this afternoon, and this House will hear them with proper decorum and allow answers to be given. The honourable Premier.

The Hon. J.C. BANNON: This matter has been raised on ABC radio. The Minister is preparing a full statement on the matter and, as I understand, will be delivering it in another place. When that statement has been delivered and when I have had a chance to consider it, I may be in a position to make further statements on the matter, but until then I am not prepared to comment.

Members interjecting:

The SPEAKER: Order! The Chair has already given a general warning. I ask members to take notice of that warning.

ALFREDA REHABILITATION CENTRE

Mr HAMILTON (Albert Park): Will the Minister of Health advise the House of the future of the Alfreda Rehabilitation Centre at Royal Park? Will it be able to continue to provide occupational and vocational programs to workers in the western suburbs? The Minister of Labour recently advised the House that last year one in eight workers had been injured at work. The relevance of my question is obvious.

The Hon. D.J. HOPGOOD: I am sure that the honourable member will be very pleased to know, as will other members, that I am announcing right here a $4 million redevelopment of the Alfreda Rehabilitation Centre on the Old Port Road at Royal Park. The redevelopment should be completed by early next year. As the honourable member knows, the centre does provide these very important services to injured workers in the western suburbs. The centre has a high rehabilitation rate. It is a contracted rehabilitation provider to WorkCover and Comcare, and the redevelopment is being entered into to allow for the treatment of a greater number of clients. In fact, Alfreda is an offshoot of the rehabilitation activities at the Queen Elizabeth Hospital and helps, of course, to supplement a very broad range of services which that hospital provides to the western suburbs.

As to the way in which the money will be spent, a new two-storey building will be built for client services and medical, vocational, social work and advice services on the existing site, and also to secure undercover parking. The extensions to the existing pool building and rehabilitation workshops will create a single complex for physiotherapy, physical education and occupational therapy. A number of small buildings on the site will be demolished to accomodate the new facility. The existing historic Alfreda House will be renovated to maintain its original character and will be used as an educational and staff facility. I can certainly give the honourable member the assurance that the important work which Alfreda has done in recent years, in fact quite unique work, even in Australian terms, will be continued, expanded and intensified.

GAMING MACHINES

Mr S.J. BAKER (Deputy Leader of the Opposition): We would appreciate an answer to the last question, but I will ask another question. Did the Minister of Consumer Affairs follow the practice that the Premier has set down for declaring a private interest when legislation to introduce poker machines was before Cabinet and, if not, what action does the Premier intend to take? In a Ministerial statement to this House on 24 March 1988 the Premier said:

> It is normal practice that a Minister will declare his/her private interests on any item under Cabinet discussion. It is also a decision for Cabinet as to whether this precludes the Minister from taking further part in the discussion.

The Hon. J.C. BANNON: I am not aware of the Minister's making a specific declaration to Cabinet in this matter, but I make the point, which I think has been lost in relation to this legislation generally, that the legislation is not the normal type of Government Bill or business legislation requiring the normal type of consideration. Let me remind members of the course of events leading up to the point of introduction of the legislation which is listed for debate later today. It arose as a result of a private member's motion moved by the member for Davenport which was debated in private members' time, which was supported by a large number of members of the House on a conscience basis, which was amended in the course of that debate and which was an expression of the opinion of the House of Assembly.

Following the passing of that motion—which was a very strong expression of opinion on both sides by members individually exercising their conscience on this matter—the Government announced that we would be prepared to pick up the recommendation of the House of Assembly and that we would prepare legislation. In fact, it was a two-stage process: an options paper would be prepared for discussion on the matter and, having considered that, a Bill would be prepared and Government time would be provided to consider it. In fact, that is the status of the legislation that we will consider later today. Government time has been provided, and the Government has produced a Bill.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: But every member of Parliament, including every member sitting on the front bench with me, has a right to vote or approach the legislation as they think fit. Cabinet was not being asked to decide the detailed position that it would take on the matter, and that has been made abundantly clear. The Minister of Finance had the responsibility for preparing a measure that Cabinet approved for introduction. It is a fact that my colleague the Deputy Premier does not support the Bill, and will be indicating that accordingly. I will be seeking amendments to the Bill. A number of other of my colleagues will have different positions. I repeat that in that situation Cabinet was not making a decision on the detail of the Bill.

Mr D.S. Baker: Don't joke!

The SPEAKER: Order! The Leader is out of order.

The Hon. J.C. BANNON: The Leader is showing why he will be replaced soon, why he will have to step down. He does not understand the forms or procedures of this House. He was the one who jumped in and enthusiastically supported the concept of a Bill. As I understand it, he welcomed the Government's making Government time available for it. It would have been quite open for the member for Davenport—

Mr D.S. Baker interjecting:

The Hon. J.C. BANNON: Well, Mr Speaker, I am not getting paid off. That is an outrageous statement both in its innuendo and its implication—and this from the member

who told us that he thought the pecuniary interest statement of this Parliament, the procedure which we have laid down and, incidentally, which I understand the Minister has observed in this case, was, in his words, a load of rubbish. He said publicly that he would be prepared to pay the five grand and they can go jump in the lake. He said, 'I am not prepared to declare my total assets and total wealth. If that is involved, I will pay the $5 000 and keep it to myself. It is my business.'

This is the man who is interjecting on me about the proprieties of pecuniary interests of another member. What a disgrace! His colleagues know very well it is a disgrace. Look at their faces; you can see that they understand what is going on. That is his attitude to pecuniary interest. Well, that is not mine, and I would expect any Minister and any member of my Government to behave with propriety. The Minister will be making a statement indicating exactly what she said.

I have explained what decision Cabinet made and the basis of it. That has considerable significance in terms of what specific declaration a Cabinet would require. As to Parliament, that is a matter that refers back to the pecuniary interests statement that the Leader of the Opposition thinks they are a load of rubbish and refuses to comply. In fact, he structures it in a way that it is impossible to understand what he owns. Yet he interjects on me as if there is some sort of impropriety going on. I suggest that he who wants to cast stones should make quite certain that he has his own act perfectly in order. I intend to assess what the Minister has said and do it properly. I hope that the Opposition does so, as well.

Members interjecting:

The SPEAKER: Order! There is continual noise coming from the Opposition. I have issued a general warning and I will issue specific warnings from now on. The honourable member for Napier.

ABORIGINAL COMMUNITY COLLEGE

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Aboriginal Affairs inform the House of the latest developments in the industrial dispute concerning the Aboriginal Community College at Port Adelaide? Yesterday the member for Morphett informed the House that a dispute had resulted in a picket being mounted outside that college.

The Hon. M.D. RANN: Yesterday in a grievance debate, the member for Morphett raised details of an industrial dispute affecting the Aboriginal Community College. The House deserves some explanation of the events that have been occurring there. The Aboriginal Community College is an independent entity, an Aboriginal community controlled educational institution, funded by both State and Commonwealth Governments to offer a variety of education and training programs to Aboriginal people. The Royal Commission into Aboriginal Deaths in Custody recommended (recommendation 298) that Governments support such Aboriginal controlled institutions because of their vital role in ensuring that Aboriginal people have access to educational opportunities. The college is run by an all-Aboriginal college council, which is broadly representative of the Aboriginal community.

The dispute as I understand it is between the college council and management and its staff and their representative, the South Australian Institute of Teachers. I am advised that the council in 1990 made the decision to 'Aboriginalise' its staff, that is, to employ Aboriginal people on its staff wherever suitably qualified Aboriginal people were available. I understand that, at that stage, the institute supported this principle.

As part of this, contracts of employment up to 31 January 1993 were offered to all staff. On 13 March 1992, three staff were dismissed for not signing their contracts with the college. On Tuesday, the Industrial Commission ordered the reinstatement of the sacked employees, pending the hearing of an award application and the issue of contracts offered to staff. I have been advised that the employees have been reinstated, that all pickets have been lifted, and I understand that the college now is operating normally. The matter of an award covering the employees will be heard in the South Australian Industrial Commission in the next few weeks.

I cannot comment on the actions of Chris Larkin, who was mentioned by the member for Morphett. He is a Commonwealth public servant and he is Assistant Director of Aboriginal Programs with the Federal Department of Employment, Education and Training. Certainly, I also do not intend to comment on the principal. That is a matter for the elected college council to consider. I support the concept of an Aboriginal controlled education institution and do not see it as my role to interfere in their choice of principal. Indeed, that would be gross interference. The Aboriginal community itself can make these decisions through its proper mechanisms.

GAMING MACHINES

Mr MATTHEW (Bright): Does the Premier believe that the Minister of Consumer Affairs has acted with complete propriety in her role in moves for the introduction of poker machines in South Australia? Ms Wiese has ministerial responsibility for the Liquor Licensing Commissioner and the Casino Supervisory Authority. The Government proposes that both agencies will have important roles in the introduction of poker machines in South Australia. The Minister has admitted that she had a role in the preparation of the legislation. She has publicly stated her strong support for it.

Documents in my possession show that Ms Wiese owns, with Mr Jim Stitt, a Perth based company, Nadine Pty Ltd. Nadine Pty Ltd owns a house at Semaphore in which the Minister and Mr Stitt live. Records of financial transactions I have show that Nadine Pty Ltd has received payments from International Business Development Pty Ltd and Au-Sea Network Management Pty Ltd—both also Perth based companies in which Mr Stitt holds directorships. International Business Development Pty Ltd has an association with casino and gaming consultants, International Casino Services Pty Ltd.

Another document in my possession states that through this association, clients can obtain 'assistance with the enabling legislation' and 'political assistance where necessary' in relation to casino and gaming matters. Other documents in my possession show that Au-Sea Network Management has been used as a conduit for money to Nadine Pty Ltd paid for lobbying activities Mr Stitt has undertaken on behalf of interests seeking the introduction of poker machines in South Australia.

The Hon. J.C. BANNON: The honourable member has recounted the substance of allegations that have been made that the Minister is in the process of answering. I have no evidence of impropriety on the part of the Minister, and nothing I have heard so far would suggest that there was impropriety on the part of the Minister.

Members interjecting:

The Hon. J.C. BANNON: The Minister has not been in the position to exercise direction or control of any kind in relation to the Liquor Licensing Commission or any other matter. The Bill that is before the House was prepared by the Minister of Finance, who was charged with that responsibility, and he is well qualified to do so since, as a private member, he sponsored and successfully steered through the Casino Bill. He has undertaken that responsibility in consequence of the Government's undertaking, following the private member's motion passed in this place, that we would make Government time available and introduce a Bill on which members could then decide their attitude in relation to this matter. Every member of Parliament, including every Minister, is entitled to have their own position on that matter.

Usually in these cases the Government, through the Cabinet, makes a decision which, in turn, is discussed by the Government Party and is binding on all members. It is not binding on all members: in some instances Cabinet may make a decision that is not binding on the other members of the Party. Again, in this instance, it is not binding on the Cabinet. I have already indicated that the Bill that was introduced by the Minister is subject to debate, amendment and vote according to conscience.

I know that at least one of my colleagues will be opposing that Bill. I know that another one—myself—will be proposing or supporting amendments to that Bill, and there are a number of attitudes which all of us will be openly discussing. I am sure that the same will happen in the Legislative Council, and the Minister's views will be well stated and well known. There has been innuendo based on a fabric of rumour mongering which has occurred in another place.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Yes, indeed: it has occurred in another place previously in a quite disgraceful way and relates to a perfectly proper relationship, a declared relationship, between the Minister and her partner. If the Minister was not a woman, or if she and her partner were married, we would not get a quarter of this, and that is a fact. I would hope that the member for Coles, for one, would be sensitive to that because she has been a victim of that sort of thing herself.

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order!

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: The member for Kavel is out of order.

The Hon. J.C. BANNON: I know that there is unequal treatment in this area. The Minister has been prepared to front up to that. She has made public statements. She has accepted interviews to actually confront that sort of rumour and innuendo. I am aware of nothing improper, and I believe that nothing the honourable member has presented will not be able to be responded to by the Minister. Obviously I would like, as I would hope all members would, to look at and consider that response.

Members interjecting:

The SPEAKER: Order! The honourable member for Spence.

GRAFFITI

Mr ATKINSON (Spence): Can the Minister of Education say whether it is now the policy of the Government to require schools to pay for the removal of graffiti from school premises? Last month the new principal of the Croydon High School (Mr Brenton Sibly) complained to me that he had sought to have SACON remove graffiti from buildings at his school and was told that the service was no longer provided unless the graffiti was grossly offensive or the school cared to pay for its removal from its own funds.

The Hon. G.J. CRAFTER: The policy with respect to the removal of graffiti from school property was established a long time ago, and that policy has not changed. Graffiti and other costs arising from damage through vandalism are the responsibility of the Minister of Housing and Construction through SACON. SACON has advised that there is no change in the policy, which as I said has been long established.

In relation to the removal of graffiti, SACON does attend to and remove offensive graffiti from our schools, and that practice is well established. With respect to the general despoiling of property, SACON does not accept that responsibility and has not done so in the past. That can be attended to by the other resources that are available to school communities. Indeed, if we had a system that saw a central agency responding to every instance of this kind, that would be counterproductive to the development of a responsible community within a school and it would diminish the opportunity and measures available to a school to deal with this matter to establish responsible behaviour, ownership and care of public property.

I think that there are very good and sound public policy reasons why this system was established, and I believe that it has served us well. I am sure that the incidence of graffiti and vandalism not only in schools, where it is often very visible, but in many other elements of the life of our community is a matter of concern to all members. It is particularly unfortunate with respect to public property.

Members interjecting:

The SPEAKER: Order!

GAMING MACHINES

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Premier. As Minister responsible for the Lotteries Commission, will he ask all members of the commission whether they have any concerns about the role played by the Minister of Consumer Affairs in moves to introduce poker machines in South Australia, and will he undertake to report back to the House on this matter next Tuesday?

The Hon. J.C. BANNON: I do not believe there is justification for asking members of the Lotteries Commission their views on the Minister. The Lotteries Commission has a position on the legislation which it has conveyed to members, and that is before us for our consideration. So has—

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —the Hotels and Hospitality Association; so has the Licensed Clubs Association; so have the churches in South Australia and a number of other groups. They have a right to have their views considered, and all of us as members of Parliament will in fact consider those views in the course of it. I will not be seeking statements or comments from them on such a matter. I do not believe that there is a case that can be made out for such.

ABORIGINAL SPORT

Mr De LAINE (Price): Can the Minister of Recreation and Sport tell the House what the Government is doing to

assist the development of Aboriginal sport in South Australia?

The Hon. M.K. MAYES: I thank the honourable member for his question because it is one which is of great importance to the community as a whole, and particularly to our Aboriginal community. I want to refer particularly to the establishment of a task force on Aboriginal sport to make recommendations to me as Minister for funding and support for the South Australian Aboriginal Sport and Recreational Association. That task force is looking at that funding basis and also the participation of Aboriginal sportsmen and sportswomen in the South Australian Sports Institute and also the South Australian Recreation Institute.

In a broader sense, it is considering what steps we can take to increase participation throughout the community and to increase opportunities for Aboriginal sportsmen and sportswomen. This relates particularly to junior sport, because that is something on which we have to concentrate. We are looking at it not only from the point of view of metropolitan or regional centres but also with respect to the outer areas of the State, particularly the far north region and places such as Pukatja and Amata, and other places where we must address these needs.

The problems there are in many ways much more difficult in a sense interms of the physical resources of actually getting reasonable facilities for the people to use. To provide a decent turf surface for football, soccer, basketball or netball is very complex and expensive. As a Government and as a community we need to constantly examine ways that we can provide those services and facilities. Once we have provided those facilities, we need to provide constant support for those communities in order to maintain not only interest but enthusiasm and skills in learning how to play those sports.

Then comes the step of actually supporting the competition, particularly between young adults. As they grow into senior ranks, we must maintain opportunities for them to play in larger sporting programs, such as league football or international standard sport, and develop those links. It is a very complex issue and one which requires a great deal of intellect and physical resource. The South Australian Aboriginal Sports and Recreation Association funding has been increased by one-third in the past year to assist the development of those programs. In some ways we are just scratching the surface, and it is something that we have to devote additional resources to and to which I am committed. With the support of this task force, we can look at ways in which we can allocate funding and develop that funding so it provides a sufficient opportunity for Aboriginal communities throughout the State.

Additional funding was provided recently to allow a further opportunity for employment of an Aboriginal person within the Department of Recreation and Sport to provide support for Aboriginal sports programs. It is important to offer development within the Sports Institute and opportunities that exist there for Aboriginal people. So, I say to the honourable member that I am delighted to respond to his question. Working with this task force and with people such as David Rathman will be a difficult and complex task but one which we will have to accept. The challenge is there, and I am sure that in making this statement I am joined by the community in seeking to get far greater penetration of our Aboriginal community at all levels of sport whether it be participation, recreation or within the Sports Institute itself.

WA INC

Mr MATTHEW (Bright): Is the Premier aware of any links between a company co-owned by his Minister of Consumer Affairs with convicted criminals in the WA Inc scandal? Two directors of International Business Development Pty Ltd, which has been involved in lobbying for the introduction of poker machines in South Australia, are Mr Jim Stitt and Mr Kevin Edwards. Last year, Mr Edwards was convicted on charges arising out of the collapse of the Rothwells Bank. He was an accomplice in crimes with Mr Tony Lloyd, another prominent WA Inc figure.

Until 3 February this year, the principal office of Nadine Pty Ltd was 19 Preston Street, Como, Western Australia. This was also the principal business address of International Business Development Pty Ltd and Helix Research Associates, a company co-owned by Edwards and Lloyd. An article in the *West Australian* of 14 November 1990 stated that Edwards and Lloyd were working as consultants to International Business Development Pty Ltd. I am informed that this working relationship still exists today.

The Hon. J.C. BANNON: No, I am not aware of such connections.

WOMEN'S RECREATION WEEK

Mrs HUTCHISON (Stuart): Will the Minister of Recreation and Sport provide the House with details of the aim of Women's Recreation Week, which will be held from 29 March to 5 April 1992?

The Hon. M.K. MAYES: I thank the member for Stuart for her question and her obvious interest in this area. In responding to the honourable member's question, it is important that we look at the focus of Women's Recreation Week and what we are endeavouring to achieve. In a sense, I think we have a challenge in front of us as a Government and as a community to look at where we are going in terms of Women's Recreation Week and what we expect to come from it in the long term. We have an opportunity to examine the options that are available for continuing achievements gained in Women's Recreation Week and actually getting a flow-on through the community so that we continue, if you like, the enthusiasm and the thrust that occurs from having Women's Recreation Week.

As the honourable member has said, Women's Recreation Week will be held from 29 March to 5 April. Programs are available, and it looks like being fairly exciting and enjoyable with the emphasis on bringing the community's attention to the recreational needs and achievements of women in our community. The week is conducted by the Australian Association of Women's Sport and Recreation (SA Branch). Women's Recreation Week has, I believe, become a major event in the South Australian calendar, and similar weeks have been set up in Tasmania, Western Australia and New Zealand in response to what we have achieved in this State.

This will be the fifth annual Women's Recreation Week and I believe it will put in place the things that we have seen since 1988 when we kicked it off. We have some major attractions. For example, Women's Recreation Week in 1991 was a tremendous success with its diverse activities. Over 23 000 women and girls participated during that week in a variety of events. Some 103 events occurred ranging from walking to football, and there were various dinners and seminars to discuss what was happening in the community.

Of course, in 1988 the World Women's 15K was held in Adelaide, and I think that was a great success. We have to look at focussing on what we see coming from this week

and the long-term benefits that we can build into the community to encourage more women, particularly young women, to participate in recreation.

From the point of view of lifestyle, some major achievements and benefits can come from that. I encourage all to participate and to be aware that, from 29 March to 5 April, Women's Recreation Week will be held. I look forward to being a part of that, and I am sure that many thousands of women and girls are looking forward to being involved in it. I hope that some long-term benefits continue to flow from it and that we see a continuation of support for women's sport and recreation in our community.

GAMING MACHINES

Mr MATTHEW (Bright): What knowledge does the Minister of Finance have of the role of International Business Development Pty Ltd and International Casino Services Pty Ltd in moves for the introduction of poker machines in South Australia? In November 1990, Mr Jim Stitt was commissioned by interests representing hotels and licensed clubs in South Australia to develop proposals for the introduction of poker machines in South Australia. I understand the hotels and clubs then approached the Government early in 1991.

I have a document which reveals an association between one of Mr Stitt's companies, International Business Development Pty Ltd and International Casino Services Pty Ltd. That document advises that through this association clients can receive 'assistance with the preparation of the enabling legislation' and 'political assistance where necessary'. The document also gives details of personnel involved in this association. They include Mr Jim Stitt of International Business Development, described in the document as a person 'with an extensive list of State and Federal Government contacts' and Mr Brian McMahon, described as having 'very strong links with Federal and State Labor Governments'.

The Hon. FRANK BLEVINS: To the best of my knowledge, I have not heard of either of those companies until today.

NATIVE PLANT AND ANIMAL PROTECTION

Mr HAMILTON (Albert Park): My question is directed to—

Members interjecting:

The SPEAKER: Order! The Chair cannot hear the question.

Mr HAMILTON: —the Minister for Environment and Planning. Will the Minister advise of recent Government initiatives to protect South Australia's native plants and animals?

An honourable member interjecting:

Mr HAMILTON: I think the honourable member is ill. Recently, the Government launched this strategy document on threatened species and their habitats which will encourage local communities to become involved in programs aimed at eliminating predators such as rabbits and foxes in the Murray-Mallee—how appropriate—and goats in the Flinders Ranges as part of the overall strategy to protect South Australia's native flora and fauna.

The Hon. S.M. LENEHAN: I acknowledge those members of the Opposition who attended the launch of the complete overview of various species within South Australia that are under threat, both flora and fauna. Indeed, it would have to be said that an incredibly comprehensive document was provided. The research and contributions that went into it must be acknowledged not only by me but by this Parliament. Quite considerable progress has been made in this area, and the Government places a priority on the protection of threatened species. A number of programs have been developed, and I would like briefly to outline some of those for the honourable member.

First, a biological survey to provide baseline data for future monitoring of threatened species was undertaken. Also, members might be aware of the reintroduction program, which has seen colonies of brush-tailed bettongs and stick-nest rats being reintroduced onto some of the offshore islands. Of course, the reason for that is that they will be protected from the ravages of some of the introduced feral species, such as cats, foxes, and so on. Other issues include the cultivation of a number of endangered species of plants (that is already under way), the preparation of an inventory of threatened plant species in South Australia and the introduction of the Native Vegetation Act to end broad-scale land clearance in South Australia. While many of us in this Parliament take those initiatives for granted, we still lead the rest of the country in terms of our legislation.

No other State has legislation that comes anywhere near providing the protection for native vegetation that we have in South Australia. By protecting native vegetation, we are ensuring that we promote and indeed provide habitats so that the biodiversity programs can proceed. The introduction of a network of heritage agreements, which now extends to over half the off park native vegetation in the agricultural areas, is an incredibly significant move forward whereby we can ensure the ongoing protection of those areas. As members would be aware, we have now moved to a supportive program in terms of the management of these areas. We have also prepared a kit entitled 'Save the bush from weeds' for use by landowners in agricultural areas.

Finally, members would be aware of the commitment that has received bipartisan support in terms of moving forward to eradicate such things as the rabbit and the fox and indeed looking at the way in which we will deal with stray and feral cats in our community—a complex issue, and again one that I believe has bipartisan support. Members will be hearing more about our cat seminar in the next couple of days.

The other problem is goats. There has been across the community support for the eradication of goats. The South Australian Sporting Shooters Association has been involved in a program of eradication in the Gammon and Flinders Ranges working with private landowners and officers from the National Parks and Wildlife Service. It is important, if we are to seriously look at protecting endangered species, to have a multiplicity of programs. It is not simply about planting trees: it is about eradicating introduced species which have become incredible predators on our native wildlife. I ask members to support these programs whenever they have the opportunity.

GAMING MACHINES

Mr S.J. BAKER: My question is to the Premier. In view of the serious nature of the allegations against the Minister of Consumer Affairs and her statutory role with the Casino Supervisory Authority and the Liquor Licensing Commission, will the Premier agree to suspend any further move to authorise the introduction of poker machines involving the Independent Gaming Corporation as the monitoring authority? Questions asked in the House today suggest a financial link between the Minister, the distribution of poker

machines and lobbying for the Independent Gaming Corporation. Until it has been established whether or not the Minister had a conflict of interests in regard to both these key elements of the Bill, I suggest that debate on these issues is irrelevant.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The Bill has been introduced and is the property of the House. If the honourable member feels that he is in some way constrained from considering it, no doubt he will make that known during the course of the debate. If the majority of his colleagues support him in that, no doubt that view will be accepted. If they do not, the debate will continue. I do not believe that the House is adversely affected by what we have heard to date. It is a matter for members to make up their own mind when they come to the debate.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Mr ATKINSON (Spence): Does the Minister of Education regard the three gradings prescribed for the new South Australian Certificate of Education, namely, 'satisfactory', 'recorded achievement' and 'requirements not met' as helpful indicators of student achievement? What will the Senior Secondary Assessment Board of South Australia do to moderate those gradings between schools so that their application across the State is uniform?

The Hon. G.J. CRAFTER: I thank the honourable member for his most important question, because implicit in it is a great deal of misrepresentation that is abroad in some sectors of our community and, indeed, misunderstanding of the nature of the South Australian Certificate of Education. I would like to clarify that. Implicit in the honourable member's question is that the South Australian Certificate of Education provides for a diminution of rigour and standards in this State. Indeed, the Opposition yesterday was implying that to be so.

Nothing could be further from the truth. At stage two of SACE—year 12 as we now know it—nothing will change with respect to the assessment of student achievement. The three SACE levels will apply, so that units can be counted as one of the 16 or 22 units required, but scores will continue to be recorded as they were on the year 12 certificate on a scale of 20 points and as a grade of A to E.

Members are well aware of the processes that take place now with respect to the counting of student performance at the completion of year 12. Now, for the first time, there is also assessment at year level and the methods of reporting assessment at stage one were arrived at with very considerable consultation and debate during the processes of the Gilding inquiry and reflect a balance of factors to be taken into account at this point in the South Australian Certificate of Education program.

It should be noted that until 1992 there has been no formal accreditation at all and reporting of assessment for certificate purposes at this level of schooling. It should also be noted that many university, training and other courses used a non-graded pass approach to assessment previously. In addition, there are quite strict requirements with respect to the types of subjects that students will now study in years 11 and 12 and, indeed, the number of subjects required to be completed satisfactorily by students in that process.

A substantial amount of effort has been put into stage one moderation, including a formal agreement on assessment principles and practices, agreed to between schools and SSABSA, SSABSA approval of schools' assessment plans, a visit to every school each semester by a SSABSA appointed school support moderator, visits by moderators to a cross-section of classes and inspection of their year's work in December, and collection of examples of teachers' plans and samples of students' assessed work for sharing with other teachers.

These measures, which as I have said have been the subject consultation with school sectors, are designed to ensure that standards across schools are applied consistently, while minimising disruption to schools. In addition, of course, there is beholden on every school its own internal assessment processes, and prudent schools provide comprehensive and appropriate assessment of student performance to students and their parents. So, one can see that there has been a substantial improvement in both assessment and moderation with respect to the implementation of the new South Australian Certificate of Education.

GAMING MACHINES

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Premier confirm that this House received a message from the Governor on 18 February 1992 providing moneys for the operation of poker machines via the Gaming Machines Bill, and does he maintain that this is not a Government Bill?

The SPEAKER: Order! The Chair rules that question out of order.

UNIVERSITY OF ADELAIDE LAND

Mr HERON (Peake): Can the Minister of Employment and Further Education provide the House with details of the use to which the University of Adelaide will put—

The SPEAKER: Order! The Chair cannot hear the question. Will the member for Peake repeat his question?

Mr HERON: Thank you, Mr Speaker. Can the Minister of Employment and Further Education provide the House with details of the use to which the University of Adelaide will put land it owns at Thebarton?

The Hon. M.D. RANN: I thank the honourable member for his interest in this issue. I would certainly want to congratulate the University of Adelaide on its establishment of a research precinct at Thebarton. Adelaide University now has joined a select group, including La Trobe, Monash, Sydney and Macquarie Universities, in establishing research and development parks. The university purchased the 3.3 hectares of land at Thebarton in 1990, using funds generally donated to it over many years. The site has a Torrens River frontage, adjoins the brewery, and is opposite the Entertainment Centre. It is particularly pleasing that the university now has a presence in the western surburbs, and I commend it for its commitment to strengthening community as well as industry ties.

Following the honourable member's request for information, the university advises me that the Thebarton precinct will serve a number of important functions: it provides a special focus for university links with industry; commercial and industrial tenants are encouraged to participate in cooperative education and teaching company schemes; and it provides contract research to staff and work experience for students. In turn, tenants may have access to university facilities and expertise. Further, a number of university facilities and service activities are located at Thebarton, freeing up valuable space on its crowded North Terrace

university site. A range of research activities are being located at Thebarton involving project research and teaching of postgraduate students. The university hopes that in the longer term the campus will include student accommodation in the Thebarton area.

The site comprises existing office, manufacturing, laboratory and warehouse buildings. Many have been refurbished and significant site improvements have been made including landscaping, and upgrading of the exteriors of buildings has commenced. I understand that the commercial tenants include two manufacturing companies involved in engineering and materials engineering, the university's spin-off company, Bresatec, involved in biotechnology and ETSA's telecommunications unit. The university has entered an agreement with AMDEL to locate a series of activities on the campus, including environmental services, materials testing and petroleum services.

University activities on site include the Australian Petroleum Cooperative Research Centre and mechanical engineering and physics projects, including a Simulation Studies Centre and the astrophysics Fly's Eye project, which needs no explanation for any member of this House. The commercial returns for the site have ensured that it is already self-funding and the cost of capital improvements will be repaid according to a financial plan over a period of years. The university does not see its commerce and research precinct as being in conflict with either Science Park or Technology Park but, rather, complementing the activities at those sites.

GAMING MACHINES

Mr D.S. BAKER (Leader of the Opposition): In view of the allegations made against the Minister of Consumer Affairs in this Parliament and outside over her alleged conflict of interest, will the Premier suspend her pending a full investigation by an independent legal practitioner with the necessary commercial expertise into the following matters and after discussions with the Leader of the Opposition:

the role of the Minister in moves for the introduction of poker machines in South Australia;

the sources of income of the company, Nadine Pty Ltd, co-owned by Ms Wiese and Mr Jim Stitt;

whether Nadine Pty Ltd has at any time invoiced International Business Development Pty Ltd for professional services and, if so, the nature of those services;

the role of Mr Jim Stitt in moves for the introduction of poker machines in South Australia;

the role of International Business Development Pty Ltd and International Casino Services Pty Ltd in moves for the introduction of poker machines in South Australia, and whether the offer of these two companies of 'assistance with the preparation of the enabling legislation' and 'political assistance where necessary' was used in any way in the drawing up of the Gaming Machines Act 1992;

whether Mr Jim Stitt and any company in which he has an interest stand to make any financial gain from the introduction of poker machines; and

whether, in her role in moves for the introduction of poker machines in South Australia, Ms Wiese has at all times followed the practice for the declaration of the private interests of Ministers announced to this House on 24 March 1988 by the Premier?

The Hon. J.C. BANNON: Some of those questions are relevant questions which I understand the Minister will and is able to address. I think it would be unreasonable to launch investigations or take the sort of action the Leader is suggesting without having a chance to properly consider the matter, which I intend to do.

DIABETES

Mrs HUTCHISON (Stuart): Can the Minister of Health give the House any details of a study into diabetes carried out by the Queen Elizabeth Hospital Diabetes Outreach staff in Port Pirie? Can the Minister also advise whether there will be any follow-up to this study?

The Hon. D.J. HOPGOOD: Diabetes is one of those conditions which is fairly easily controlled provided there is recognition of the problem. That is why these awareness campaigns are very important. Although on a limited population it is always difficult to draw strong conclusions, I think there is enough there to suggest that this campaign has been a success, and certainly we will be endeavouring to follow it up. When these awareness campaigns are around, often the effectiveness is first shown in the GP's surgeries, where people suddenly read material that is handed out and think, 'I have some of those symptoms; perhaps I had better front up to the doctor and see what he has to say.' That is precisely what has happened in Port Pirie. There has been an increased number of reportages of the symptoms in the GP's surgeries, some of which have been identified as being diabetes.

The interesting thing is that there has also been a reduction in hospital admissions, suggesting there has been greater control outside of the hospital of the condition and of the disease. This is precisely the result that was being aimed for and one which should be maintained as much as possible. So, I think we can say that the program has already been a success. The grant was from the National Health Promotion Program. It has been completed, but we are applying for a further grant to extend the study to other country areas. As funds become available, I certainly hope we will be able to do that.

PORT LINCOLN HOSPITAL

Mr BLACKER (Flinders): Can the Minister of Health advise the House whether the building program for the redevelopment of the Port Lincoln Hospital is proceeding in accordance with the program explained to this House previously and, if not, when is it expected that the project will be completed?

The Hon. D.J. HOPGOOD: I am very keen to move on with the Port Lincoln project, but I will have to get the specific details of the program for the honourable member and I will report on them next week.

BOOKMAKERS LICENSING BOARD

Mr ATKINSON (Spence): Will the Minister of Recreation and Sport permit the Bookmakers Licensing Board to force bookmakers over the age of 60 out of horse racing or harness racing by insisting that bookmakers bet on only one code? On 19 December, the Secretary of the Bookmakers Licensing Board (Mr P.J. Morrissey) wrote to all bookmakers. He observed that 60 per cent of all bookmakers were more than 60 years old and added that, as bookmakers aged, they became less aggressive in their setting of odds. He went on to write:

With a view to creating opportunities for younger persons, the board is giving consideration to a proposal to restrict bookmakers to betting on either horse racing or harness racing.

The Hon. M.K. MAYES: I thank the honourable member for his question and his ongoing interest in the industry. He is well known for his support of bookmakers. I am not speaking of his personal support—that is something for him to speak on—but his advocacy of the need for bookmakers in our industry which has been a unique part of the Australian racing scene since its beginnings.

The member has shown a concern for this issue, and I share with him the concerns that have been expressed. The BLB has confronted the need to continue to keep bookmaking and the industry vital and alive, and I guess it needs to look always at new aspects in order to generate enthusiasm from the punter or investor. The honourable member is correct: he refers to the circular which went out under the signature of the Secretary, Mr Morrissey, dated 19 December—circular No. 25 of 91—headed 'To all Bookmakers'.

The Hon. H. Allison: Weight for age.

The Hon. M.K. MAYES: It is not handicapped here. It depends on the secretary, I guess.

The Hon. H. Allison interjecting:

The Hon. M.K. MAYES: It is a temptation to respond to the interjections, but I will not. I am advised by the Secretary of the board that the first issue it considered involved the age of retirement, a very controversial matter. Many of the more senior members—if I can describe them as that—of the bookmaking fraternity and the league are probably some of the best operators in the sense of the experience they have gained. I understand that that issue has now been dropped from consideration by the BLB.

The concept referred to by the honourable member of issuing a restricted, divisional or sector licence is still under consideration. It is appropriate for me to take on board the honourable member's comments and refer them to the Bookmakers Licensing Board. When the board deliberates as a statutory body and provides me with a recommendation I will certainly take into account the honourable member's concerns and the league's concerns, because I understand that the league has indicated its opposition to that proposal.

At this time I think it is appropriate to allow the statutory organisation, the Bookmakers Licensing Board, to proceed with its deliberations but I certainly understand the honourable member's concerns and I will ensure that they are taken into consideration when the decision on the deliberations is passed to me by the BLB.

GAMING MACHINES

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Premier. I note from the Minister of Tourism's statement that she has admitted to being involved in discussions—

Members interjecting:

The SPEAKER: Order! The question must be put and followed by an explanation; it cannot be debated.

Mr S.J. BAKER: Will the Premier confirm that the Minister has played a peripheral and secondary role as indicated in her statement and that she was, in fact, present at all the discussions that took place?

The Hon. J.C. BANNON: The task of preparing the legislation was given appropriately to the Minister of Finance, and he has had the carriage of it. From time to time, he would have had discussions with a number of his colleagues and others that were appropriate.

An honourable member interjecting:

The Hon. J.C. BANNON: At all times. That would have occurred in the normal course of events, but the Minister of Finance has had responsibility for the Bill not the Minister who is the subject of this question.

GRIEVANCE DEBATE

The SPEAKER: I put the question that the House note grievances.

Mr D.S. BAKER (Leader of the Opposition): I want to clear up two matters, one of which concerns the Premier's getting down into the gutter. What we are talking about this afternoon is whether or not the Minister of Tourism had a conflict of interest with private matters and whether she should have drawn back her chair and not taken part in the debate. It is very simple. The Premier has said that he cannot remember the Minister not taking part in the debate. The Minister herself has said that she did take part in the debate but only on peripheral matters.

It is a very simple fact that the Minister had a conflict of interest. She did not reveal that conflict of interest to the Cabinet. Therefore, I and members on this side of the House believe that she should stand aside from her position. It is an untenable position for a Minister of the Crown to take part in Cabinet debate on a vital matter about which the whole of the public of South Australia is concerned because of the ramifactions it could have on the future of South Australia—and graft and corruption could have been involved in that—knowing that one of those Ministers is sitting in there and that somehow there have been payments into her private account and knowing that her partner was the lobbyist for one of the people involved in the preparation of the Bill.

That is the problem that the Opposition has. Do not worry about the allegations that have been made by the ABC and others. Our problem is whether the Minister had a conflict of interest. If so, she should have stated that quite clearly to the Cabinet and drawn back her chair. That would have been a very reasonable request by every South Australian of a Minister of the Crown, and it is something that the Premier has said happens on many occasions in his Cabinet room. Then we have the Premier getting down into the gutter. He said that at some time in the past—and it was when I first came into this Parliament—I said that declarations of interest were not necessary, that is, declarations of financial involvement in companies. What I said—

Mr Ferguson interjecting:

Mr D.S. BAKER: The member for Henley Beach interjects, and he is part of it, too. It should not be a matter for the South Australian public whether I have 50 shares in BHP, SANTOS or whatever because, as a member of the Opposition, I can in no way influence that company. That is very simple. If I have a controlling interest in a company, of course the public should know. However, if I am a Minister of the Crown, of course that all should be declared for this very reason we are talking about today. What the Premier and the Minister for unemployment has alleged in the past is that there has not been a full declaration of my interests.

I take the Premier up on this matter. If he can show that there is not a full declaration of interests, he should put it on the public record. It is very carefully done: it is done every year, and everything is there for the scrutiny of the South Australian public—as with the Minister of Consumer

Affairs, who has declared her interests, no doubt. I am told that she declared Nadine. That is not what we are on about: the issue is whether the Minister should have withdrawn herself from the Cabinet discussions because of the pecuniary interest that Nadine Pty Ltd received from another company. That is the one point about which we are questioning today.

For the Premier to say that he will not ask the Minister to step aside while investigations into the allegations are made means that he is not interested in a sensible debate on the poker machine legislation that will come before this House later today. That is why we in the Opposition are determined that we should not debate that Bill today until these allegations have been investigated. That is only fair for the Minister against whom the allegations have been made, and it is only fair for the South Australian people. Members of this House, in a conscience issue, are being asked to debate this matter with these allegations hanging around in the public arena. It would be fair and reasonable to do that, and the Premier should accede to our request.

The SPEAKER: Order! The honourable member's time has expired.

The Hon. J.P. TRAINER (Walsh): What a dill! Most people in the community are not too sure whether the honourable member is the Leader of the Opposition. He himself is not even sure whether he is a member of Parliament.

Mr GUNN: On a point of order, Mr Speaker, the member for Walsh has referred to the Leader of the Opposition in an unparliamentary manner—

The Hon. J.P. Trainer: I didn't: I called him a dill.

The SPEAKER: Order!

Mr GUNN: —which does nothing for this institution whatsoever, and it is a reflection upon the honourable member and all members. I ask for a withdrawal.

The SPEAKER: Order! Numerous precedents have been set in this area. If the honourable member takes no offence to the remark personally, the Chair will not uphold the point of order raised by another member.

The Hon. J.P. TRAINER: Conflicts of interest do not concern just Ministers: they concern all members of Parliament. That is why we have the Pecuniary Interests Register— because of the way every member in this Chamber casts their vote. The contribution they make in the course of debate and the influence they exercise in the community because of their standing is related to any pecuniary interests they happen to have. The Leader should know that.

I will cite part of the ministerial statement made by the Hon. Ms Wiese in another House, because I believe that members should be aware of some of the content of that statement. It states:

> At 7 a.m. this morning ABC radio carried a report which has been repeated on subsequent news services alleging impropriety in relation to the video gaming legislation. It is claimed that I, through my relationship with Mr Jim Stitt, have been influenced in my attitude to the gaming machines Bill, and have received financial benefit. I totally reject these claims and any allegation of impropriety in carrying out my ministerial duties.
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> In the financial year 1986-87, Mr Stitt and I purchased a shelf company, Nadine Pty Ltd. There has never been a business relationship between Mr Stitt and me in the sense that we have engaged in any trading business operation. Nadine Pty Ltd was formed on our accountant's advice as the most appropriate means of owning property, namely, a unit in which Mr Stitt lived in Perth, and then when we decided to acquire a house in Adelaide. My interest in these matters has been recorded in the publicly available pecuniary interests statements prepared by me and lodged with the Parliament. Within the past few months shares in a publicly listed company in Western Australia were also acquired in the name of that company.
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> Until December 1991, the company operated two bank accounts, one in Western Australia, the other in South Australia. It has been alleged that there were six transactions showing payments from Mr Stitt's companies to Nadine. I have confirmed with the accountants who have prepared the annual financial statements for the company that each of these payments were loans made on behalf of Mr Stitt in order to meet some expenses. It has been confirmed by the accountants that I received no personal financial benefit from these transfers. I therefore absolutely refute any allegation or imputation of financial impropriety. The money was loaned to meet shortfalls between rental income and the expenses of owning two properties, in particular mortgage payments and repairs and maintenance costs.
>
> Furthermore, of the six payments into Nadine I note that only two were made after the date on which Mr Stitt was engaged by the Hotel and Hospitality Industry Association. The bank account in Western Australia was closed after Mr Stitt closed his business office there and all transactions since that time have been undertaken in South Australia. IBD Public Relations Pty Ltd, of which Mr Stitt is a director, was engaged by the HHIA in November 1990 as a consultant to advise on public relations matters which included video gaming. Mr Nicolls has alleged that Mr Stitt was employed as a political lobbyist and that he has influenced me in my attitudes to the video gaming Bill. Last night, when he interviewed me Mr Nicholls produced a document which he claimed had been obtained from International Casino Services, a company retained by the HHIA to provide advice on gaming machines. The document suggested that International Casino Services would work in association with IBD (one of Mr Stitt's companies) to 'provide assistance in the enabling legislation and political assistance where necessary'. The document has no relevance whatsoever to anything that has happened in South Australia. I had no knowledge of that document but have subsequently learnt that it was prepared for inclusion with a submission to the Victorian Government in relation to its proposed video gaming legislation.
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> My relationship with Mr Stitt and his involvement with the HHIA in this State is no secret either to my colleagues or to many others in the South Australian community. My stance on video gaming legislation is also well known. I support its introduction because of the benefit I believe will accrue to the tourism and hospitality industry, and I also support the general terms of the legislation to be introduced in another place later today. As members would be aware, when Cabinet resolved to introduce gaming machines legislation, it appointed the Minister of Finance to draft the Bill and have carriage of the matter on behalf of the Government.
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> Although I have ministerial responsibility for the administration of the Liquor Licensing Act, I cannot and have not directed the Liquor Licensing Commissioner in the performance of his statutory duties. Since the Liquor Licensing Commissioner has extensive experience and statutory powers to perform under the Casino Act, and the proposed legislation is based on that Act, he has provided advice to the Finance Minister in drafting the legislation. My input has been limited, except on the few occasions the Finance Minister has sought my advice. I have been conscious of the perceived sensitivities involved in this issue. I have been at pains to ensure that there has been no impropriety. My Cabinet colleagues have been aware of my relationship with Mr Stitt at all relevant times. I have deliberately avoided lobbying my Cabinet and Caucus colleagues on the matter. I have confined myself to a peripheral and secondary role in Cabinet discussions on the Bill. I cannot recall participating in the debates in Caucus on the matter.

The SPEAKER: Order! The honourable member's time has expired.

Mr MATTHEW (Bright): Serious questions have been raised today by the ABC and in this Parliament regarding business dealings of Minister Wiese and her companion, Mr Jim Stitt. Serious questions have also been raised about a possible conflict of interest surrounding the drafting of the Gaming Machines Bill. Serious questions have also been raised about money transfers into a business account for Nadine Pty Ltd—a company co-owned by the Minister and her companion, Mr Jim Stitt. Serious questions have further been asked about the involvement of a company co-owned by Minister Wiese and two convicted criminals from WA Inc, Mr Kevin Edwards and Mr Tony Lloyd. International Business Development—co-owned by the Minister's com-

panion, Mr Jim Stitt—has already been the subject of questioning in the Western Australian Parliament.

Two questions remain before us, first, should the Minister have declared an interest and distanced herself from the Casino Bill and, secondly, has the Minister been receiving and/or will she in future receive any financial benefit from the lobbying for and/or the introduction of gaming machines in South Australia? They are indeed two very serious questions that need to be reflected upon by members with the seriousness and the time that this sort of issue demands. It is my belief that two things must occur from here: first, an inquiry should be held, with the Minister stepping aside until investigations into this matter and other associated matters have been completed; secondly, the gaming machines Bill should be withdrawn while the inquiry proceeds.

Parliament cannot, and I hope will not, allow itself to be compromised by allowing debate on the Gaming Machines Bill to continue while these matters remain unresolved. These matters are not raised lightly: they are raised in the interests of the public and they had to be aired in this Parliament. Neither I nor, I would hope, any member in this Parliament would resile from that fact.

A number of other matters also need to be addressed. During Question Time in this House I raised the association between some of the lobbying processes for the gaming Bill and prominent figures within the ALP. Indeed, within the South Australian lobby scene three prominent ALP figures are involved in lobbying. One prominent lobbyist is Mr Mick Young, a well known former member of Federal Parliament, who is lobbying on behalf of Ainsworth Holdings, which is an umbrella company for Aristocrat, one of the companies that provides gaming machines to the Adelaide Casino. It will be seeking to provide gaming machines to the South Australian community if the Bill passes. Another lobbyist involved is Mr Kevin Tinson, a well known figure within the ALP. He is lobbying on behalf of the company International Gaming Technologies (IGT), which also provides video gaming machines to Adelaide Casino and also seeks to provide machines to the community.

An interesting difference between those two groups is that the group for which Mr Young lobbies supports the establishment of an independent gaming authority, while the other group for which Mr Tinson lobbies supports the Lotteries Commission. Interestingly, similar divisions can be found among ALP members and, indeed, many of us have been approached by people from that Party who chose to lobby us to support the Lotteries Commission's proposal and not the Independent Gaming Authority. Clearly, the Labor Party is divided over this issue, and it is erupting internally over it.

The third lobbyist is the one who has received considerable attention today, that is, Mr Jim Stitt, the companion of the Minister. He is the lobbyist who is working on behalf of the Licensed Clubs and Hotel and Hospitality Industry Association of South Australia. He has been lobbying for its proposal, which is the subject of the Bill before us.

Therefore, we have three people associated with the Labor Party lobbying in different directions and playing their own power-play games. We have seen these games manifest themselves through the community in a manner that deserves the close scrutiny of this Parliament. For that reason, I call strongly on this Parliament and the Government to withdraw the Bill and allow debate to proceed no further until the serious issues that have been raised in this Parliament are addressed.

The SPEAKER: Order! The honourable member's time has expired.

Mr HAMILTON (Albert Park): Fair play is one of the things in which I have believed in all of the years that I have been in this Parliament and outside it. Today we have witnessed questions and allegations raised in this Parliament—

An honourable member interjecting:

Mr HAMILTON: That is an interesting comment: 'You can give it but you can't take it.' I could respond to the muddied mind is of the member for Morphett, whose brain, I would suggest is equal to the filth that is in the Patawalonga. If he wants to continue down that path—

Mr OSWALD: I rise on a point of order and ask the member to withdraw.

The SPEAKER: Order! The honourable member will resume his seat. The Chair takes objection to that remark and asks the member for Albert Park to withdraw.

Mr HAMILTON: I withdraw, Sir. We have seen in this Parliament over the years—I am talking about giving and taking—allegations being made against members on this side of the House. Members will recall allegations that were completely unfounded being made against the Attorney-General. Completely unfounded allegations were made against the Minister now sitting on the front bench. We have heard allegations against other Ministers of this Government that were again unfounded. Today we have heard the Opposition calling for a Minister to step aside. It asks questions that are all set out in prepared speeches and questions and then calls on the Minister to vacate her position until an inquiry is held.

I want to read into *Hansard* the remainder of the statement the Minister made in the other House:

> Let me repeat, there is absolutely no truth in the allegations that have been made. And let me document now the utterly reprehensible and scurrilous lengths to which this reporter has gone to support this non-existent story. Over a period of weeks he has defamed me and others in his pursuit of information to make his story stand up
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> When I learned of his behaviour through others I contacted ABC radio to complain most strongly and to demand that, rather than pursuing this sordid and grubby campaign of innuendo and falsehood, he have the decency to confront me with these baseless allegations. Without warning, he phoned me here in Parliament House at a quarter to 11 last night insisting that he had a deadline and he was running with a story this morning, and condescended to give me the opportunity of reply.
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> At 10 minutes to 12 he began a detailed interrogation. This continued for an hour and a half, seeking explicit answers in relation to specific deposits made by Mr Stitt's companies to Nadine Pty Limited from several years ago. Not surprisingly, I was unable to answer such questions without recourse to the relevant accounts. Both I and my legal adviser who was present insisted that I would be happy to answer such inquiries if given a reasonable time to undertake the necessary searches.
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> This was not an opportunity Mr Nicolls saw fit to grant. He insisted he had a deadline to meet. One can only conclude such a deadline was self-imposed. I have this morning instructed my solicitors to write to the ABC seeking a retraction, an unconditional withdrawal and an apology.

We talk about justice. We have heard the Opposition in this Chamber today, and heard an allegation without giving people the opportunity to defend themselves in this Parliament. Parliament has been debased when we accept this denigration of a Minister in an attempt to grab power, without giving the Minister the opportunity to defend herself.

Mr LEWIS: On a point of order, the member for Albert Park has raised the question in my mind as to whether or not he was quoting from a statement made by the Minister in the other place.

The SPEAKER: Order! The Chair would appreciate hearing the point of order.

Mr LEWIS: The point of order is that under Standing Order 120 it is not permissible to quote speeches or remarks made in the other place, yet at the outset of his remarks

the member for Albert Park clearly stated that that was what he was doing.

The SPEAKER: As I understand the situation, the document being read from was a ministerial statement made by a Minister in another place, not a debate in the other House. Standing Order 120 is very clear and states that a member may not refer to any debate in the other House. The Chair considers this to be a ministerial statement and as such it would be a public document and, therefore, not subject to that rule.

Mr Hamilton interjecting:

The SPEAKER: Order!

Mr LEWIS: On a point of clarification, Sir, the honourable member told the House at the commencement of his statement to the House in this grievance debate that it was the statement made by the Minister in the other place.

The SPEAKER: If that is so, the point of order is upheld, and that would mean that the statement made by the Leader of the Opposition is also out of order. I do not believe that is so. I believe that it was a ministerial statement used, in the debate, I believe fairly, by both sides, the Opposition and the Government. The decision stands. The honourable member for Coles.

The Hon. JENNIFER CASHMORE (Coles): After hearing the Premier in Question Time today, I have revised my opinion of this Government. This Government is not, as I thought, immoral: it is amoral. It does not know right from wrong. That was abundantly clear when the Premier responded to sustained questions from the Opposition. In the first instance, the Premier refused to answer a question from the Leader of the Opposition as to when he became aware that Mr Jim Stitt, the partner of the Minister of Tourism—and I am talking about the business partner of the Minister of Tourism, as confirmed by the Minister in her own statement—was acting as a political lobbyist, seeking the introduction of poker machines into hotels and clubs in South Australia.

There was no reason whatsoever why the Premier could not have answered that question. It was not directed at the Minister of Tourism. It had nothing whatever to do with her statement in the Council. It was a question directed to a head of Government on a matter which affected a head of Government and the integrity of the Government. The Premier refused to answer.

In response to a second question, he said that he was not aware of the Minister of Tourism making a specific declaration of interest in a matter before Cabinet, namely, the introduction of a gaming machine Bill. The Minister, in her own statement, acknowledged that she had participated in Cabinet discussions. She claimed to have done so only on what she called a 'peripheral' basis. The fact of the matter is—and it is absolutely undisputed and indisputable—in any Cabinet which has any semblance of integrity, a Minister who has any remote interest in a matter before the Cabinet will declare that interest. If that interest is sufficient, the Minister will withdraw his or her chair. That did not occur. Yet we learn from the member for Bright that the Minister was in fact a partner in a company which was receiving payments on the grounds that that company would provide lobbying and assistant services in relation to Casino and gaming matters.

It seems to me that the undisputed facts—they are not allegations but facts—put before the Parliament, supported and confirmed by the Minister, are that she had an interest. The Minister claimed in her statement to refute any allegation or imputation of financial impropriety. We on this side of the House are concerned not only with financial impropriety but with political impropriety, and we are concerned not only with the political impropriety of the Minister but with the political impropriety of a Premier who finds such actions defensible. The Premier, on radio this morning and in the House this afternoon, claimed that he could see no impropriety. This morning he said that he believed that the Minister had behaved in an ethical fashion. All I can say is that the Premier's understanding of ethics and propriety is very different from the understanding of members on this side of the House of the meaning of those two words.

The Premier was further questioned about the Minister's responsibility for the Casino and for the Liquor Licensing Commission. As a co-owner of Nadine Pty Ltd, she had received payments from companies which were lobbying on behalf of the Australian Hotel and Hospitality Industry Association regarding the introduction of poker machines, yet the Premier could see no impropriety whatsoever. What it amounted to was that, whether or not she performed the function, it is perceived by the public that the Independent Gaming Commission had a paid advocate in Cabinet. Whether that happened or whether it did not happen, that is the perception. There has been no denial of the claim that Nadine received payments and that its associated companies were lobbying on behalf of the Independent Gaming Commission—no denial whatsoever. There is then no possibility of denying that within the Cabinet was an advocate for the Independent Gaming Commission. The conflict of interest there is absolutely undoubted, and it casts at least the suggestion of corruption over the whole scene.

The SPEAKER: Order! The honourable member's time has expired.

Mr QUIRKE (Playford): I was always under the impression that British justice, which we hold dearly in this society, country, State and Parliament, basically held the principle that you were innocent until proven guilty. It also has another fundamental principle—

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: —that the judge, jury and executioner are not the same people. Here this afternoon that principle has been thrown out the window. The other principle of being innocent until proven guilty was also thrown out the window—not by the Prime Minister, as the member for Murray-Mallee wanted to say a moment ago about the flag, a Republic and all the rest of it, not by somebody on this side of the House, but by members opposite.

Members opposite have sought to undermine the very fabric of justice upon which this Parliament, this State, our legal system and our community are based. What is more, in trying to gag the Government Whip and to cut down what was basically an explanation being given to this House, they have shown quite clearly that they are not interested in the truth. They never let something get in the way of a good story or some headlines. They never let something get in the way of creating trouble, mayhem, unrest and, where this matter is concerned, confusion, as was evidenced this afternoon during Question Time. The Opposition is trying to sow confusion in the mind of the community so that a person is found guilty long before any chance of repudiation of allegations, however baseless, has been made.

In the short time available to me this afternoon, a couple of points need to be made. First, I was under the very clear impression that the Bill that will be debated this afternoon is a matter for every member of the House. That it is successful in whatever form and with whatever drafting and

amendments that may take place—and I am looking at some amendments to this Bill myself—

Members interjecting:

The SPEAKER: Order! All members have access to the grievance debate in a formal, not an informal, way. The member for Playford.

Mr QUIRKE: The reality is that this is not a Government Bill. It is a Bill that is being pursued in Government time in accordance with agreement reached in this place some 12 months ago. When and if the Bill is successful in this place, it will go to the other place where some 22 members will then deliberate on the Bill and its clauses and will have an opportunity to move amendments and to support or reject whatever we send to that place. In reality, this is a clear-cut example of the Opposition jumping the gun. The Minister who was being pilloried this afternoon has not yet deliberated on the Bill.

On this side of the House there is a great deal of division on this matter: there are those who support it and those who do not. There are Cabinet Ministers who support it and there are those who do not. There are members on this side of the House who support the Lotteries Commission; there are members such as me who support the Independent Gaming Corporation; and there are members who believe that access to these machines should be more restrictive; and members who believe—

The SPEAKER: Order! The honourable member's time has expired.

JOINT COMMITTEE ON WORKCOVER

The Hon. R.J. GREGORY (Minister of Labour) brought up the report of the joint select committee, together with minutes of proceedings and evidence.

Report received.

The SPEAKER: I shall make a statement on the report which has just been tabled. I understand that a dissenting report has been appended to the report and, as this is a joint committee of Parliament, as the Legislative Council's Standing Orders take precedence and as its Standing Order 405 allows for a dissent to be appended to a report, I must allow that report to stand. However, the House of Assembly's Standing Orders state quite clearly that dissenting or minority reports are not acceptable. I advise the House that, if that occurs in a report of a select committee of the House, I will rule accordingly.

STATE LOTTERIES (SOCCER POOLS AND OTHER) BILL

The Hon. R.J. Gregory, for **the Hon. J.C. BANNON (Treasurer)**, obtained leave and introduced a Bill for an Act to amend the Lotteries Act 1966 and to repeal the Soccer Football Pools Act 1981. Read a first time.

The Hon. R.J. GREGORY: 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

In 1981 the then Minister of Recreation and Sport introduced a Soccer Football Pools Bill to provide for the promotion and operation of soccer football pools in South Australia. One of the aims of the Bill was to provide a source of funds for recreation and sport projects by retaining within South Australia the estimated $1.5 million per annum which was invested in the pools in the United Kingdom or the soccer pools in the eastern States.

The competition was conducted by a company known as Australian Soccer Pools Pty Ltd which at the time had pools operating in all other States except Western Australia. The Lotteries Commission was invited to become involved as a agent of the company in South Australia but declined the opportunity because of its commitment to rival competitions.

By early 1989 Australian Soccer Pools Pty Ltd was in financial trouble and entered into discussions with the various State lottery organisations, which resulted in the orderly transfer to them of the conduct of the game. At that time legal advice was sought on the power of the Lotteries Commission to conduct soccer pools in South Australia. The Crown Solicitor advised that the Commission was not bound by the Soccer Football Pools Act and was empowered by its own legislation to conduct the competition as a sports lottery. This had the particular advantage of ensuring that the net proceeds from soccer pools would continue to be credited to the Recreation and Sport Fund and it was on this basis that the Commission took over responsibility for the game in South Australia.

Under these circumstances there is no point in retaining the Soccer Football Pools Act and this Bill provides for its repeal.

The Recreation and Sport Fund was established by the Soccer Football Pools Act. Provision is included in the Bill for the Fund to continue in existence under the State Lotteries Act.

At present the State Lotteries Act provides for the Commission to conduct a series of lotteries to be known as sports lotteries but there is no requirement that these competitions be related in any way to the outcome of a sporting event. This Bill proposes to define a sports lottery as one the results of which depend on the outcome of a sporting event. the proceeds of any such lottery will be paid automatically to the Recreation and Sport Fund.

In addition provision is made for a category of special lotteries which may be run for the benefit of the Recreation and Sport Fund at the direction of the Treasurer. This will provide a facility for the Government to supplement the Recreation and Sport Fund with the proceeds of a conventional lottery should a special need arise.

One shortcoming of the existing arrangements is that the cost of administering sports lotteries must be met by the Lotteries Commission from moneys which would otherwise be available for the Hospitals Fund. this Bill provides for costs associated with the administration of sports lotteries to be deducted from the proceeds of such lotteries before the net amount is transferred to the Recreation and Sport Fund.

The Lotteries Commission has been obliged to conduct soccer pools as a sports lottery because the percentage of the gross proceeds which is allocated to prizes in soccer pools is less than the statutory 60 per cent required for other Lotteries Commission products. The Commission will have doscretion under the proposed legislation to continue to offer a lower percentage return for sports lotteries and special lotteries. The Treasurer however will have the power to determine the minimum percentage of gross proceeds which must be offered as prizes in all such competitions.

Members will note that there is no longer a formal requirement in the legislation for the Lotteries Commission to consult with the Minister of Recreation and Sport on the planning and promotion of sports lotteries. In practice consultation with the Minister will continue to take place as it has in the past.

The Crown Solicitor considered the question of whether a competition which contains an element of knowledge or skill falls within the definition of a lottery. Notwithstanding the existence of case law which suggests that such a competition does constitute a lottery the Government proposes to amend the definition of a lottery to put the issue beyond doubt.

When the Lotteries Commission was first established provision was made for its banking arrangements to be conducted through an account at Treasury known as the Lotteries Fund. The more common arrangement is for self funding statutory authorities to conduct their banking arrangements outside the Treasury system and this is the practice which the Lotteries Commission has followed for many years. There is therefore no need for the separate account at the Treasury and the Bill removes this requirement.

The Bill proposes to provide the Commission with the authority to carry out such functions as may be assigned to it by or under any Act of Parliament or by the Minister. This is a provision which is now commonly included in legislation relating to statutory authorities and brings the State Lotteries Act into line with that other legislation.

The financial provisions of the present Act do not contemplate accrual accounting and therefore prevent the Commission retaining funds to provide for depreciation or to provide for future costs such as superannuation or long service leave. There is provision in the Bill to enable the Commission to adopt these normal commercial accounting practices.

The Crown Solicitor has pointed out that the Commission has power to employ agents but not to appoint them. He has suggested that this might limit the Commission's power to take action against its agents (for example to sue an agent for a breach of lottery rules) and has recommended that the Commission be given explicit authority to appoint agents who are not employees. The Bill contains the appropriate provision.

The present legislation makes it an offence for a person to deal fraudulently with a ticket in a lottery conducted by the Commission but does not specify whether an agent who participates in Club Keno without paying is dealing fraudulently with a ticket in a lottery. It is therefore proposed that the Act be amended to provide specifically for an offence by agents who without paying operate the Lotteries Commission computer equipment within their agencies for the purpose of participating in games conducted by the Commission.

Under the standard agency agreement the General Manager of the Commission is entitled to conduct enquiries and be shown information relating to the conduct of the Commission's games. Failure on the part of the agent to provide the information requested constitutes a breach of the agreement which may then be terminated. It is not considered desirable that the General Manager rely solely on the provisions of the agency agreement for authority to conduct such enquiries and an amendment to the Act is proposed to make explicit his powers to obtain information to preserve the integrity of the Commission's games.

The present Act prohibits advertising by agents of the Commission. This prohibition is not consistent with contemporary values and should be removed.

Clause 1 is formal.

Clause 2 provides for commencement of the measure.

Clause 3 amends the interpretation provision, section 3. The definition of 'lottery' is altered to expressly state that a game such as a soccer pool that involves an element of knowledge or skill may nevertheless be a lottery.

A 'sports lottery' is defined as any lottery the results of which depend on the outcome of a sporting or recreational activity.

A 'special lottery' is defined as one of a series of lotteries required to be conducted by the Treasurer (currently these lotteries are called 'sports lotteries').

'Net proceeds' of a sports or special lottery is also defined for the purposes of determining the amount to be paid into the Recreation and Sport Fund.

The definition of 'the Lotteries Fund' is altered to reflect an alteration in the account keeping practices provided for later in the Bill. The definition of 'the Recreation and Sport Fund' is also altered to reflect the fact that the Soccer Football Pools Act 1981 under which that fund is currently set up is to be repealed and the Fund continued under the State Lotteries Act.

Clause 4 amends section 13. Section 13 sets out the powers and functions of the Commission. The functions are altered to make it clear that the Commission may appoint agents other than by means of a contract of employment. The Commission is given the additional functions of carrying out such other functions as are assigned to it by the Act or by or under any other Act and of carrying out such other functions as are assigned to it by the Minister.

The clause also empowers the Treasurer to direct the Commission to conduct a series of lotteries in any year to be known as 'special lotteries'. A similar power is currently provided for in section 16a and the lotteries are currently known as 'sports lotteries'.

Clause 5 amends section 16 of the accounting provision. Currently the Lotteries Fund is an account at the Treasury. The amendment provides for the Lotteries Fund to be run as a bank account established by the Commission with the approval of the Treasurer. With the introduction of separate concepts of sports lotteries and special lotteries, the provision enabling money to be taken out of the Lotteries Fund is altered to require the net proceeds of all such lotteries to be paid into the Recreation and Sport Fund. (The provision currently provides that the proceeds of sports lotteries—those lotteries that the Treasurer directs to be conducted, including soccer pools—must be paid into that Fund.) The clause also provides that the Commission may retain in the Lotteries Fund such amounts as are approved by the Treasurer as being reasonably required for future capital, administrative and operating expenses of the Commission.

Clause 6 repeals section 16a which deals with the ability of the Treasurer to require the Commission to conduct a series of lotteries known as 'sports lotteries'. The section is substituted with one that provides that the Recreation and Sport Fund is to continue in existence and that the Minister of Recreation and Sport controls payments out of the fund for supporting and developing recreational and sporting facilities and services. The new clause is necessary because the fund is currently set up under the Soccer Football Pools Act 1981 which is repealed by the Bill.

Clause 7 amends section 17. The section currently deals with the value of prizes to be offered in lotteries other than sports lotteries. Section 16a currently controls the prize value for sports lotteries. The amendment ensures that the provision deals with the value of prizes in all lotteries. It is to be 60 per cent in the case of ordinary lotteries and a percentage determined by the Commission (but not less than a percentage determined by the Treasurer) in the case of lotteries falling within the new concepts of sports lotteries and special lotteries.

Clause 8 amends section 19. A new offence is created—that of entering or participating in a lottery by operating the Commission's computer system without payment of the fee, contravening the rules of the lottery or in any other manner not authorised by the Commission. The maximum penalty is as set out in subsection (4): if the offence is prosecuted summarily—a fine of $2 000 or imprisonment for 1 year; if the offence is prosecuted on information—a fine of $5 000 or imprisonment for 5 years or both.

Subsections (7) and (8) dealing with advertisements of lotteries by agents are deleted.

Subsection (9) is amended to give the General Manager or a person authorised by the General Manager powers to ask questions of agents and others and inspect books etc. equivalent to the powers given to the Auditor-General. The current provision states that a person cannot rely on the privilege against self incrimination. The amended provision states that a person cannot rely on that privilege but if a person objects to answering a question on that basis the answer cannot be used against the person in criminal proceedings, except in proceedings for an offence of refusing to answer or in respect of the falsity of the answer.

Clause 9 is a transitional provision. All money in the Lotteries Fund at the date of commencement of the measure is to be paid directly into the Hospitals Fund.

The *Schedule* repeals the Soccer Football Pools Act 1981.

Mr INGERSON secured the adjournment of the debate.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.H.C. KLUNDER (Minister of Emergency Services) obtained leave and introduced a Bill for an Act to amend the Firearms Act 1977. Read a first time.

The Hon. J.H.C. KLUNDER: 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

The violent and tragic use of firearms in August 1991 in New South Wales and in 1987 in Victoria focused public scrutiny on firearms legislation throughout Australia.

Here in South Australia, the Government undertook to review the effectiveness of controls. The resolutions of the Australian Police Minister's Council and the Premiers Conference, submissions from the Commissioner of Police and other interested parties, such as the promoters of paintball activities have been taken into consideration.

This Bill seeks to bring into effect the resolutions of the Police Minister's Council and Premiers' Conference, together with the recommendations of the Commissioner of Police, paintball operators, and other interested parties, which are not yet embodied in this State's firearms controls. Honourable members should clearly understand that the changes are not an emotional response or knee jerk reaction to the multiple murders which occurred last year.

The objective of this legislation and the Firearms Act Amendment Act 1988 is to prevent, so far as is possible, death and injury as a result of firearms misuse. Honourable members and the community generally should not suffer under the illusion that this legislation will eliminate firearms misuse. The Government makes no exaggerated claims for this legislation and does not

regard it as a panacea. No firearms or criminal legislation can of itself eliminate crime. Nevertheless, it is imperative that appropriate controls exist over access to and use of firearms. This Bill embodies such controls.

In October and November, 1991, the Australian Police Ministers' Council met to discuss the adoption of national uniform minimum standards for firearms controls and agreed to a number of resolutions. At the November 1991 Premier's Conference, the Premiers and Chief Ministers concurred with the resolutions of the Police Ministers' Council and recommended that all necessary administrative and legislative changes should be implemented in all jurisdictions by 1 July 1992.

Of the 19 resolutions agreed to be adopted, some will require multiple legislative changes, others can be more appropriately implemented by regulation and the rest will require no legislative or regulatory change. Amendments have been included embodying the following resolutions:

- confirmation of the existing prohibition on the possession of fully automatic firearms;
- to prohibit, subject to carefully defined exemptions, the sale of military style self-loading centre-fire rifles, and all self-loading centre-file rifles and self-loading shotguns which have a detachable magazine capable of holding more that five rounds;
- confirmation of the existing restriction on the possession of handguns;
- consistent minimum licensing procedures which include issue only to residents of proven identity who have the appropriate qualification, training and genuine reason;
- to limit the sale of ammunition to appropriate licence holders and collectors;
- to ban, other than in the case of government or government authorised users, the possession and use of detachable magazines of more than five rounds capacity for centre-fire self-loading rifles and self-loading shotguns;
- to impose an obligation on sellers and purchasers of firearms to ensure purchasers are appropriately licensed;
- to require the suspension of relevant firearms licences, prohibit the issue or renewal of licences, and require the seizure of firearms in the possession or control of a violent offender or a person against whom a protection order is in effect, and grant police a discretion to seize firearms temporarily where such action is warranted;

While the Government is prepared to limit access to self-loading firearms, we will not make such controls retrospective. Persons who have legally purchased firearms in good faith will not be deprived of their rights to possess and use those particular firearms. Transitional provisions in this Bill, and the Firearms Act Amendment Act 1988, will ensure that those rights are preserved.

For a number of years, promoters of paintball activities have made representations to the government requesting that participants, in paintball activities on properly controlled grounds, should be exempted from the requirement of holding a firearms licence for the possession of a firearm, in the same manner as a person on the grounds of a recognised firearms club. The government believes that properly contolled activities should be permitted in South Australia as they have a popular following in many other countries. The legislation will facilitate the application for recognition and the approval of grounds by paintball operators. Once recognised, paintball operators will benefit from the legislation in respect to persons participating in paintball activities on approved grounds and the sale of paintball ammunition in much the same way as the recognised firearms clubs. The paintball operators support these amendments.

The amendments provide for a police officer to seize a firearm if he or she suspects on reasonable grounds that continued possession of the firearm would be likely to result in undue danger to life or property. The legislation will give the Registrar the power to temporarily suspend the licence of a person who is not a fit and proper person to hold the licence, and the power for a police officer to seize the licence, pending the consideration of cancellation of the licence by the Firearms Consultative Committee.

To ensure the Registrar can give proper consideration to the granting, refusal, temporary suspension and cancellation of licences under this Act, medical practitioners will be required to report to the Registrar cases where they believe it is or would be unsafe for a patient to possess firearms. The amendment protects the practitioner from civil or criminal liability where such report is made.

The Bill enables a licence holder and the Registrar to vary classes, purposes of use and conditions on a licence, setting out the required procedures. In addition, requirements are placed on the Registrar and the licence holder in relation to licences and approval to purchase firearm permits. If a person is aggrieved by a decision of the Registrar, in relation to a licence, permit or grounds of a recognised firearms club or recognised paintball operator, that person may appeal that decision to a Magistrate in chambers.

The Bill includes an amendment which provides that the Crown is not bound by the Act. This amendment arises from a decision of the High Court which raised doubt as to when the Crown is bound by an Act.

The Bill amends the Firearms Act 1977 and the Firearms Act Amendment Act 1988 and it is proposed that it will come into operation on the day on which the Firearms Act Amendment Act 1988 comes into operation.

The Government has taken into consideration the rights of ordinary citizens and shooters, and believes that this Bill will not unduly affect the interests of the legitimate firearms user. The community expect the Government to ensure that only fit and proper persons own firearms, that those persons be held accountale for the use of their firearms, and that there are proper controls over the proliferation of firearms in this State. I commend the Bill to the House.

The Bill amends the Firearms Act 1977 as if the Firearms Act Amendment Act 1988 was in operation.

Clause 1 is formal.

Clause 2 provides for commencement of the measure.

Clause 3 amends the interpretation provision.

Definitions of 'paint-ball firearm', 'paint-ball operator' and 'recognised paint-ball operator' are inserted for the purposes of new provisions relating to paint-ball activities.

A definition of 'restricted firearm' is inserted for the purposes of a new provision limiting the availability of such firearms. The definition allows the regulations to specify the types of firearms that are to be restricted.

The definition of 'silencer' is amended to ensure that it includes devices that comprise part of the firearm as well as devices designed to be attached to a firearm.

The definition of 'special firearms permit' is deleted although the concept of a firearms licence being specially endorsed so as to authorise the possession of a dangerous firearm is retained.

Subsection (5) of the current interpretation provision (as amended in 1988) provides that a person who purchases or sells more than 50 000 rounds of ammunition per year will be taken to be carrying on the business of dealing in ammunition. The amendment provides that this does not apply in relation to a recognised paint-ball operator. This is similar to the exclusion of recognised firearms clubs.

The amendment also inserts provisions to explain what is meant in the Act by references to grounds of a recognised firearms club or recognised paint-ball operator. Any grounds provided or arranged to be provided by the club or operator are to be considered to be grounds of the club or operator.

Clause 4 inserts a new section 5a which provides that the Crown is not bound by the Act.

Clause 5 is an amendment relating to paint-ball activities. Section 11 is amended by providing that a person who uses a paint-ball firearm as part of an organised activity on the grounds of a recognised paint-ball operator is not required to hold a firearms licence.

Clause 6 amends section 12. It requires the Registrar to be satisfied as to the identity, age and address of an applicant for a firearms licence before granting the licence. It enables the Registrar to refuse to grant a firearms licence to a person who is not usually resident in the State.

It also removes the ability of the Registrar to grant a firearms licence authorising possession of a 'dangerous firearm' on the grounds that the firearm is of historical, archaeological or cultural value but the ability of the Registrar to grant such a licence on the grounds that the firearm is required for the purposes of a theatrical production or for some other purpose authorised by the regulations is retained.

Clause 7 amends the administrative processes relating to conditions of firearms licences set out in section 13.

The requirement of reporting to the consultative committee any licence conditions imposed by the Registrar with the agreement of the licence holder is removed.

The Registrar is empowered on his or her own initiative to vary or revoke licence conditions, extend or restrict the classes of firearms to which the licence relates or vary or revoke endorsements on the licence. The current provision (as amended in 1988) only allows this on application by the licensee.

Clause 8 amends section 14 which requires various permits to be obtained in relation to the purchase or sale of firearms. The current provision (as inserted by the 1988 amendment) provides that in the case of an auction of firearms a purchaser does not need a permit although the auctioneer is required to ascertain that the purchaser holds an appropriate firearms licence or is a licensed dealer. The amendment requires the purchaser to seek a

permit approving the purchase retrospectively. If that permit is refused, the amendment provides that the licence will be taken not to authorise the possession of the firearm. New section 31a sets out the steps that must then be taken in relation to the firearm.

The amendment also provides that restricted firearms may only be sold pursuant to permit. The amendment in clause 9 to section 15 provides that such a permit will only be granted if the Registrar is satisfied that special circumstances exist justifying the granting of the permit.

Clause 9 contains amendments to the administrative processes related to permits set out in section 15 and is consequential to the amendments to section 14 contained in clause 8.

Clause 10 alters the conditions to which a dealer's licence is subject, as set out in section 17. The amendment makes it a condition of licence that the dealer must not deal in dangerous firearms and enables the Registrar to impose conditions on the licence with the agreement of the licensee.

Section 17 is further altered to bring the legislation relating to conditions of dealer's licences into line with that relating to conditions of firearms licences.

Clause 11 amends the cancellation of licence process set out in section 20 and introduces a process for suspending a licence.

The current provision (as inserted by the 1988 amendment) provides that one of the grounds for cancellation is if the licensee has committed some act that shows that he or she is not a fit and proper person to hold the licence. The amendment removes the need to point a specific act to establish lack of fitness.

The suspension process is such that the Registrar may suspend a licence pending an investigation as to whether the licence should be cancelled for a period of up to three months or such longer period as the consultative committee allows. The Registrar is also specifically empowered to revoke a suspension.

Clause 12 inserts a new section 20a obliging medical practitioners to report to the Registrar cases where they believe it is or would be unsafe for a patient to have possession of a firearm. The section protects the practitioner from civil or criminal liability where such a report is made.

Clause 13 inserts a new section 21ab. The section requires a person whose licence has been suspended or cancelled to return the licence to the Registrar. It also enables the Registrar to require a licence to be returned so that further endorsements can be made on it.

Clause 14 is an amendment relating to paint-ball activities. Section 21b (as inserted by the 1988 amendment) requires permits for the purchase of ammunition in certain circumstances. The amendment provides that a permit is not required for the acquisition of ammunition by a recognised paint-ball operator for distribution to participants in paint-ball activities. The exemption is similar to that given to recognised firearms clubs.

Clause 15 amends section 21d (as inserted by the 1988 amendment) by adding to the decisions of the Registrar against which an appeal may be taken the following: refusal of an application for a permit authorising the purchase of a firearm at auction, variation of licence conditions, suspension of a licence, refusal to approve the grounds of a recognised firearms club or paint-ball operator and the imposition or variation of conditions imposed on such an approval.

Clause 16 amends section 22 by removing a reference to a special firearms permit and referring instead to a firearms licence that authorises possession of a dangerous firearm.

Clause 17 is an amendment mainly relating to paint-ball activities. Two new sections are inserted. New section 26b provides for the recognition by the Minister of paint-ball operators. The exemptions given in relation to paint-ball activities only apply in relation to operators to whom such recognition has being given. The provision is similar to that relating to recognition of firearms clubs.

Section 26c institutes a system for the approval of the grounds of a recognised club or operator by the Registrar.

Clause 18 amends section 29. This section currently makes it an offence to possess a silencer. The amendment creates an additional offence of possessing a detachable magazine of more than five rounds capacity for a centre-fire self-loading rifle or self-loading shotgun without the written approval of the Minister.

Clause 19 substitutes section 31a (inserted by the 1988 amendment). The current provision allows retention of a firearm for a specified period after cancellation of a licence or registration of a firearm or refusal to renew a licence in order for the firearm to be disposed of. The amendment extends the provision to cover suspension of a licence, refusal to grant a licence (in the case of applications by residents new to the State who have brought firearms with them) and refusal to grant a permit authorising purchase of a firearm at auction. The period for which the firearm may be retained is reduced from two months to one month.

In addition, if a licence is simply suspended provision is made for the former licensee to retain the power of disposition over the firearm if the firearm is stored by a dealer or other authorised person.

Clause 20 amends section 32. The amendment makes it clear that a police officer may seize a firearm if he or she suspects on reasonable grounds that continued possession of the firearm by the person would be likely to result in undue danger to life or property.

The amendment also introduces a power for the police to seize a licence in certain circumstances—where the firearm is seized, the licence is suspended or cancelled, the person possesses the licence for an improper purpose or the police officer suspects on reasonable grounds that the holder is not a fit and proper person to have possession of the licence.

Clause 21 inserts a new section 34aa which governs return of a licence seized under section 32. If the licence is not suspended or cancelled and the associated firearm has not been seized, the licence must be returned within 14 days. If the firearm has been seized, the licence must be returned when the firearm is returned.

Clause 22 amends section 34a which gives the court power to order forfeiture of firearms. The amendment requires the court to make an order under the section if a person is convicted of an offence involving a firearm or if the court forms a view that a party to proceedings is not a fit and proper person to have possession of a firearm. The orders that can be made are expanded to include imposition of licence conditions, suspension of licence and disqualification from holding a licence.

Clause 23 amends the evidentiary provision consequential to the amendments contained in the measure.

Clause 24 amends section 37 consequential to the imposition of a penalty in new section 20a.

Clause 25 amends the regulation-making power set out in section 39.

The amendment makes it clear that the regulations may provide, or empower the Registrar to determine, requirements for the safe keeping of ammunition.

The amendment also enables the regulations to require recognised paint-ball operators to keep records and furnish information to the Registrar (similarly to recognised firearms clubs).

Clause 26 amends the transitional provision. An unnecessary reference to a special firearms permit is deleted. The second amendment relates to the possession of large detachable magazines for self-loading firearms. New section 29 (2) outlaws possession of certain magazines without ministerial approval. The transitional provision allows persons in possession of such magazines as at the introduction to the measure to retain possession if they inform the Minister of that possession together with certain details.

The schedule contains amendments of a statute law revision nature.

Mr INGERSON secured the adjournment of the debate.

INDUSTRIAL RELATIONS (DECLARED ORGANISATIONS) BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Industrial Relations Act (SA) 1972. Read a first time.

The Hon. R.J. GREGORY: 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

Disabled workers in supported employment are currently experiencing a period of substantial change and reform. It is increasingly being recognised that they productively contribute to the economy and have the right to fair and equitable treatment on industrial matters.

The Commonwealth Government strongly supports this development and has directed policy in this area toward providing more opportunities to such workers by encouraging integration into the open work force and a shift away from traditional sheltered workshops. A major feature of the changing environment is that work arrangements for disabled workers in supported employment are diversifying into non-traditional areas involving third parties such as mobile work groups and enclaves within a

host organisation. To aid this process of work force integration the Commonwealth Government is currently developing a national supported wage system which will take into account the abilities and needs of this group of workers.

I am pleased to say that South Australia has been at the forefront of developments in Australia in terms of the practical implementation of progressive policies in this area. A major achievement has been the development of a code of practice which sets down an agreed minimum standard of working conditions excluding matters of remuneration, in an award-type format.

The development of the code was facilitated by the South Australian Department of Labour and was based on consultations with the relevant employer and union bodies. This code is currently being implemented voluntarily by the service providers in the industry.

The challenge now is to modernise the legislative framework so as to facilitate these positive developments.

Broadly speaking the Bill aims to achieve three main objectives. First, to tighten up the coverage of section 89 of the Industrial Relations Act (SA), 1972 in terms of who it is designed to exempt. Secondly, the Bill facilitates the regulation by the State Industrial Commission of employment conditions in workplaces with disabled workers. Thirdly, the Bill will facilitate the achievement of 'enhanced outcomes' as proposed for inclusion in the Federal Disability Services Act 1986.

Turning to the specific details, this Bill proposes amending section 89 to specifically provide for the different types of supported employment arrangements which now exist to be exempt from the usual awards. It recognises the unique circumstances facing these service providers. It will tighten up the definition of a disabled worker for the purposes of this section, to ensure only those who genuinely cannot achieve award wages and who require substantial support are exempt.

The Bill will also provide for the ratifiction of the code of practice by the South Australian Industrial Commission, giving it award status and enabling the ongoing regulation of the employment conditions of these workers in this industry in a manner consistent with standard industrial practice.

Lastly, the Bill will facilitate wage structures consistent with the Commonwealth's 'enhanced outcomes' by providing for the staged implementation of awards incorporating wage schedules.

It is intended however, that at this stage wages clauses will be specifically precluded by regulation, from an award by the commission pending further developments in the National Supported Wage System. It is noted that this system is expected to be finalised by the end of 1992. Wage reform in the supported employment area is an ongoing commitment of this Government and is integral to the 'enhanced outcome' criteria of the Commonwealth Government. As such this issue will continue to be monitored and developments facilitated by the Department of Labour in consultation with the respective parties.

The Bill will thus facilitate Commonwealth policy on disabled worker issues and complement the principles of the Commonwealth Disability Services Act.

The Government indicates that upon development of the National Supported Wage System, it is expected that a further review of the sections of our Act affecting disabled workers will be required. Until that time, however, the proposed Bill suffices in ensuring both disabled workers and their employers obtain the maximum benefit from the positive developments to this point in time.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides for a new section relating to the non-application of awards in certain cases relating to disabled persons. The provision will apply to persons with significant disabilities for whom competitive employment at ordinary rates of pay is unlikely and who are assisted or trained by declared organisations. In such cases awards will not apply, other than where specific application is provided for in the award. The regulations will be able to prescribe matters that cannot be the subject of an award. The declaration of an organisation for the purposes of this provision may be for a specified period, and may be made subject to such conditions as the Governor thinks fit.

Mr INGERSON secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. R.J. GREGORY: 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

There are nine significant issues covered by this Bill.

- Limiting eligibility of stress claims.
- Tightening payment of benefits to claimants pending review.
- Employers making direct payments of income maintenance to claimants.
- A new system of capital loss payments for workers who have been on benefits for more than two years.
- A special levy on exempt employers who fail to retain injured workers in employment.
- The exclusion of superannuation—for the purpose of calculating benefits.
- The exclusion of damage to a motor vehicle from compensation for property damage.
- Costs before review authorities.
- Bringing the mining and quarrying occupational health and safety committee under the control and direction of the Minister of Labour.

The amendments are generally aimed at improving the financial viability of the WorkCover scheme.

The first four changes involve significant variations to the scheme, and are considered necessary in the light of the experience of almost four years of the scheme's operation.

Two of the remaining amendments are necessary to remove liabilities in the scheme which have resulted from judicial interpretations of certain sections of the Act, which have been contrary to the original intention of the Act.

Stress Claims

The issue of stress claims has received much public and media attention. The decision of the Supreme Court in the Rubbert case highlighted the problems that can arise in this area, and provides strong grounds for a change to the legislation. In that particular case, the full bench found, unanimously, in favour of the worker, but the three judges commented in their decisions that the acceptance of the claim was 'curious', 'regrettable' and 'absurd' but 'inescapable' under the law as it stands.

That case involved a worker who was disciplined for a poor work performance. Although the Worker's Compensation Appeal Tribunal and the Supreme Court considered the discipline reasonable in the circumstances, the claim was accepted because it arose from employment.

In relative terms, stress claims are not a major component of the scheme's costs. The number of stress-related claims represents approximately 0.7 per cent of total claims, and their cost is currently 3 per cent of the scheme's total costs but, if present trends continue, are forecast to be 5 per cent.

There is concern that because of the subjective nature of stress claims the scheme is vulnerable in this area and, accordingly, there is a concern that the cost of stress claims could escalate in the future.

Therefore, the amendments seek to exclude claims that arise from reasonable disciplinary or similar action.

The proposed changes require that the alleged work stressors or stressful work situation have contributed to the disability. Furthermore, it is proposed that stress-related illness caused by specified incidents such as discipline, retrenchment, failure to grant a promotion, etc., which are normal incidents of employment, should not be compensable if the employer's actions were reasonable.

Benefits Pending Review

The Act currently states that, where a worker seeks a review of a decision to reduce or discontinue weekly payments, that decision has no effect until the review officer's decision is finalised. In other words, weekly payments generally continue during the review process.

Although the corporation has the right to recover any amounts overpaid, if the review officer subsequently confirms the decision of the corporation, in practice this is extremely difficult, given that the worker, in most cases, would have spent the money on normal living expenses. Furthermore, in the event of recovery by the corporation, it is understood that the worker has no retrospective entitlement to social security benefits for the period subject to recovery.

The result of this is that it may actually encourage applications for review, for the purpose of continuing weekly payments. With the current delays in review largely attributable to the number of applications pending, continuing payments with little real prospect of recovery is a further drain on the fund. However, the rights of the worker must also be considered to prevent undue hardship that may occur if payments were to cease following notice of the decision.

The proposed amendment would provide for the continuation of payments only where the worker applied for a review within one month after receiving notice of the decision. A further limitation in the amendment is that the payments would continue only up to the first hearing by a review officer.

From this point, payments would only continue if the matter is not finalised because of an adjournment, and then only on the basis of an order by the review officer. This should limit adjournments and ensure that the worker makes every effort to resolve the matter at the first hearing, whilst also discouraging the corporation and employers from seeking adjournments, or being unprepared, leading to delays in resolution.

Payment of Income Maintenance by Employers

The Act currently provides that the corporation (or exempt employer) is liable to make all payments of compensation to which a person becomes entitled. The amendment maintains this liability but introduces a compulsion on employers to make direct payments of income maintenance to incapacitated workers unless they are specifically exempted from this requirement.

An employer who seeks an exemption from this requirement, but is denied, may apply to the board of the corporation for a review of the matter.

An employer who does make a direct payment will be entitled to be reimbursed by the corporation. The amendment provides that regulations may set out circumstances in which an employer may also be entitled to interest on the reimbursement.

The advantages sought by this amendment are in terms of reducing the corporation's administrative costs and in assisting the schemes return-to-work focus by reinforcing the direct link between the worker and the employer.

Long-term Payments

This Bill proposes an alternative form of compensation for those workers who have been on benefits for more than two years, whereby the corporation would have the discretion to either continue weekly payments as income replacement, or to pay an amount, or amounts, representing the worker's assessed permanent loss of earning capacity.

The proposal under the new Division IVA (4a) is that the corporation make an assessment of the permanent loss of future earning capacity as a capital loss, to be calculated by reference to the present value of the projected loss of earnings arising from the worker's assessed loss of earning capacity over the worker's remaining notional working life. The corporation could then decide, at its discretion, to pay the lump sum compensation in one payment, or by a series of lump sum instalments. A provision is also proposed that would allow the corporation to make interim assessments of the permanent loss of earnings capacity. For example, the loss could be assessed over a lesser period than the worker's remaining notional working life and paid in a lump sum, or instalments, over that period, with a reassessment of the permanent loss of earning capacity at the expiration of the interim assessment period.

Under this proposed new division, the lump sum compensation payable is for the proportionate loss of a capital asset being the worker's earning capacity. As such, it is understood that the lump sum payments would not be taxable in the hands of the worker. Accordingly, allowance for this has been made in the formula for assessing the loss of earning capacity and in determining the lump sum amounts that are payable to workers.

The Bill also contains consequential provisions in regard to the death of a worker, adjustments that would be made to the benefit payments for any surviving spouse and/or dependants, and to allow a fair and reasonable reduction in the weekly payments to which a worker would be entitled if they suffer a subsequent injury.

Special Levy on Exempt Employers

The current Act empowers the corporation to impose a supplementary levy on employers who are covered under the general scheme if, among other things, they unreasonably fail to provide employment to a disabled worker who has suffered a compensable disability in their employment.

This proposed amendment would allow the corporation to impose a supplementary levy on an exempt employer in the same circumstances.

Exclusion of Superannuation

The proposed amendment is to ensure that contributions to superannuation schemes paid or payable by employers are excluded from the calculation of a worker's average weekly earnings.

This amendment has become necessary following a decision of the Worker's Compensation Appeal Tribunal, where it was determined that superannuation contributions made by the employer formed part of the earnings of the worker.

A regulation was made in November 1990 to make such superannuation contributions a prescribed allowance and were, as a result, excluded from average weekly earnings calculations.

However, there is concern regarding the potential for employers or workers to seek payment or reimbursement of any contributions made to superannuation funds in connection with claims prior to November 1990. The proposed amendment puts beyond doubt that such payments are excluded from the calculation of average weekly earnings retrospectively to the commencement of the scheme. Where such payments have been included in the benefits paid to workers it is proposed that they cease from the date of proclamation but that there be no recovery of payments already made.

Exclusion of Damage to a Motor Vehicle

The Act currently provides for a worker to be compensated for damage to personal effects and tools of trade up to limits prescribed by regulation. The proposed amendment is to ensure that compensation for property damage does not extend to damage of a worker's motor vehicle as a personal effect or tool of trade. It was never the intention of the legislation that a worker would be entitled to such compensation under this provision as it was considered that separate motor vehicle insurance should be purchased, rather than relying on the Workers' Compensation Scheme for such cover.

Costs Before Review Authorities

It was always intended that review authorities would have the power to award costs incurred by parties to proceedings. A recent decision has found that the Act does not contain an express power to award costs, even though it implies such a power by listing the principles to be taken into account in awarding costs. The proposed amendment puts the issue beyond doubt.

Mining and Quarrying Occupational Health and Safety Committee

This amendment simply ensures that the annual report of the committee is presented to Parliament and coincides with the presentation of the annual report of the WorkCover Corporation. In addition, it brings the committee under ministerial control and direction.

Summary

The various amendments contained in this Bill address a range of major issues that are of importance to the long-term financial viability of the WorkCover scheme.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides that any contribution paid or payable by an employer to a superannuation scheme for the benefit of a worker will be disregarded when determining the average weekly earnings of the worker for the purposes of the Act.

Clause 4 relates to the compensability of stress-related conditions.

Clause 5 amends section 34 of the Act to ensure that compensation payable under that provision for property damage does not extend to compensation for damage to a motor vehicle.

Clause 6 amends section 35 of the Act and is related to the proposed new Division that will allow the corporation to make lump sum payments of compensation in respect of loss of future earning capacity. In particular, a worker's entitlement to weekly payments under section 35 in respect of a disability that has been compensated under the new Division will need to be reduced to such extent as is reasonable in view of the payment under that Division.

Clause 7 relates to the continuation of weekly payments pending a review of a decision of the corporation to discontinue or suspend weekly payments under section 36 of the Act. The Act presently provides for the maintenance of weekly payments until the review is completed. The amendment provides that weekly payments will be made until the matter is first brought before a review officer. The review officer will then be able to order that weekly payments be continued on any adjournment of the proceedings where appropriate. Furthermore, the provision will allow payments made under this section to a worker whose application for review is unsuccessful to be set off against future liabilities to pay compensation under the Act.

Clause 8 makes an amendment to section 39 which is consequential on the enactment of new Division IVA of Part IV.

Clause 9 provides for the enactment of a new Division that will enable the corporation to award compensation for loss of future earning capacity in cases where the worker has been incapacitated for work for a period exceeding two years.

The provision sets out the basis upon which the compensation is to be calculated. The corporation will be empowered to make interim assessments of loss, and to pay entitlements in instal-

ments. An award of compensation under this Division will terminate a worker's entitlement to income-maintenance compensation.

Clause 10 makes a consequential amendment to section 44 of the Act to ensure that the compensation payable to the dependants of a worker who dies as the result of a compensable disability does not 'coincide' with a payment of compensation to the worker under new Division IVA of Part IV.

Clause 11 amends section 46 of the Act to establish a scheme whereby the corporation can require an employer to make appropriate payments of compensation on its behalf. The employer will be entitled to reimbursement and, if the regulations so provide in prescribed circumstances, interest. An employer who considers that he or she should not be required to participate in the scheme can apply to the board for a review of the matter.

Clause 12 delegates the powers of the corporation under new Division IVA to exempt employers. However, the corporation will be entitled to direct an exempt employer in relation to the exercise of the employer's discretion as to the payment of compensation under new Division IVA of Part IV.

Clause 13 will empower the corporation to impose a supplementary level on an exempt employer which fails to provide employment to workers in accordance with the requirements of the Act. The provision is similar to existing section 67 (1) *(d)* for non-exempt employers.

Clause 14 is intended to provide expressly that a review authority is empowered to award costs. A recent decision of the Workers Compensation Appeal Tribunal has raised some doubt in this regard. Furthermore, the Act presently provides that only an unrepresented party is entitled to reimbursement of expenses. The amendment will allow any party to claim reimbursement of the costs of the proceedings, subject to limits fixed by the regulations.

Clause 15 relates to the Mining and Quarrying Occupational Health and Safety Committee. The committee's annual report is to be laid before each House of Parliament. Provision is also to be made to ensure that the committee is subject to the control and direction of the Minister.

Clause 16 expressly provides that the amendments relating to the compensability of stress-related disabilities have no restrospective effect.

Mr INGERSON secured the adjournment of the debate.

MFP DEVELOPMENT BILL

In Committee.

(Continued from 18 March. Page 3375.)

Clauses 10 and 11 passed.

New clause 11a—'Environmental impact statement for MFP core site.'

Mr INGERSON: I move:

Page 5, after line 6—Insert new clause as follows:

11a. The corporation must not cause or permit any work that constitutes development within the meaning of the Planning Act 1982 to be commenced within the MFP core site unless the development is of a kind contemplated by proposals for development in relation to which an environmental impact statement has been prepared and officially recognised under division II of part V of that Act.

There has been widespread concern in the community that the environmental impact assessment process needs to be completed before any work should begin on the core site. We have put forward this amendment in the hope that the Government will recognise that. We have heard many groups, ranging from the Conservation Council to the private sector and individuals within the community who have no connection at all with any association, putting forward the argument that any EIS, and in particular the process in which the Government, as the proposer and the Department of Environment and Planning, in looking at the proposal, are involved should go through the specific stages of the planning process.

As the Premier would be aware, early in January we requested that the whole debate be put off until the EIS was made public, and that has been done. From that point of view, there is no argument from this side of the House. However, it is the next and continuing steps about which we are concerned, and that is the principal reason why we have moved this amendment in the hope that the Government will give us an assurance that the total process will be carried out before any work begins on the site.

The Hon. D.C. WOTTON: I support the new clause very strongly indeed. The Opposition has given a commitment that it will leave no stone unturned in a bid to ensure that the environmental concerns are addressed appropriately. As was pointed out in my second reading contribution and in that of other members on this side, and as a result of questioning last evening, there are a number of major environmental concerns that cannot be ignored by the Government in pushing forward with this development. The draft EIS clearly demonstrates the concern of consultants and engineers in a number of areas, for example, the technology to overcome problems such as contaminated soil and saline ground water; the proposed methodology for dealing with the mangroves, which, as we pointed out last night, are integral to the survival of the gulf fishing industry; the treatment of mosquitoes, which form a crucial link in the local food chain; and the emphasis on the incompatability of the local environment with sections of the MFP development.

The Opposition gained very little confidence because of the lack of answers provided to questions asked by members on this side of the House last evening. Time after time, question after question, we received a non-answer from the Premier. I assure the Premier that the community is looking for appropriate answers to be provided. Certainly, the debate so far would give those people who are concerned little confidence—I suggest, no confidence—that the Government was looking at a number of these issues seriously. My major concern is that section 49 of the Planning Act sets out the procedures for environmental impact assessment; the Opposition and I do not believe it is appropriate that any major development proceed on this site until all these procedures have been dealt with and dealt with appropriately.

The procedures involved in the EIS process, as set out in section 49 of the Planning Act are as follows: the proponent prepares a draft EIS, and that has happened. The draft EIS is then placed on public exhibition. We are told that this particular EIS will go on display for the minimum period, namely, six weeks, with the possibility of its being extended to eight weeks if important issues are raised. A minimum period of six weeks is required from the date of publication of the advertisement. All submissions received are then forwarded to the proponents, and the proponents are required to respond to the submissions. The response is normally prepared in the form of a supplement to the draft EIS. Then comes the important part, because it is not just a matter of preparing the EIS.

Whilst recognising that the EIS is a massive document, I am still concerned that there is much material not dealt with in it and many questions not answered. An EIS has been prepared, but that is only a very small part of it, I would suggest, because the important part is the next provision:

An assessment report prepared by the Department of Environment and Planning, is forwarded to the Minister. This report advises the Minister on the adequacy of the documentation for official recognition and on the environmental implications of the project.

Turning to the last provision:

. . . having considered the public submissions and the proponent's response to these together with the assessment report, the Minister then determines what amendments need to be made to the EIS and then signifies in writing to the proponent that the statement is officially recognised.

The Premier will probably say that there is not that requirement for the Crown to consider those provisions under the Act and, indeed, the legislation goes on to provide an exemption to the Crown. When any other private developer or company comes forward with a plan that is recognised or is in the opinion of the Minister for Environment and Planning of major social, economic or environmental importance, that company—the private sector—is required to go through all of those provisions. My argument is that if it is good enough for the private sector to have to do that in respect of developments on a much smaller scale than anything that is proposed here (although there are many questions about what is actually proposed), there is no reason at all why the Government should not have to do the same thing regarding this development.

I suggest that there is even far more reason, because of the environmental uncertainties associated with this development, for the proper provisions set out in section 49 of the Planning Act to be adhered to. I strongly support the amendment and I do so with much support from many sectors of the community. Obviously, I do not have the time to refer to a lot of the material I have, but I would like to bring one document to the notice of the Committee. I refer to the excellent submission from Melissa Nursey-Bray, MFP Consultant for the Conservation Council of South Australia. It is an excellent response to the MFP Adelaide proposal based on consultation with the Conservation Council and contains some 85 pages of questions and matters of concern that are raised. As one of the many documents I have, I believe it expresses the concern of many people in the community. Therefore, I strongly support the amendment moved by my colleague the member for Bragg and I urge the Committee to support it.

The Hon. J.C. BANNON: I oppose the amendment, which is quite unnecessary and, I would suggest, even unreasonable in these circumstances. Just picking up where the honourable member left off: the submission he quotes was one made to the Community Consultation Council before this document and all its accompanying papers were available. The questions that were asked and legitimately raised in that document are all taken account of in here, and that is true of a range of things.

The honourable member airily talks about this great upsurge of community concern and so on, but there is not a site more studied, nor has greater attention been paid to environmental considerations. There has not been greater consultation for any project that I can recall. Incidentally, for anyone whom the honourable member can trot out and say is concerned, there are others who say, 'Let's get on with it for its environmental reasons.'

The Hon. Jennifer Cashmore: Name them.

The Hon. J.C. BANNON: I will. What about the Parks Residents Environmental Action Group, which has members resident at Dry Creek, Wingfield, Mansfield Park, Ottoway and Athol Park who say in the communication that they welcome the multifunction polis development at Gillman on environmental grounds, very significantly? They are concerned about what they call virulent attacks of the Liberal Party and Democrats on it. They offer support on environmental grounds in bringing that about, because:

> We believe the development of a multifunction polis is the most likely way funds will be found to achieve a difficult and costly process.

The EIS process is going through in an orderly fashion. It should be completed before work is commenced on site. Certainly, expressions of interest for creation of land and development of the site ought to be called as soon as possible, and that is why it is urgent that we get this legislation on the books and get the process going, but the EIS processes should be complete before we actually see work taking place on the site.

The Hon. D.C. WOTTON: Does the Premier agree that, if a private developer wished to develop a project and the Minister for Environment and Planning called it in for an environmental impact assessment, the Government would be prepared to suggest to the developer that it need not follow through the provisions set out in the Planning Act before it commenced or even moved towards the development? That is not on.

No-one can do that under the Act, which is why it has been set out in that way. Those provisions have to be followed through before the work can commence and surely it is appropriate with this development, with the uncertainties that are there, that the same provisions apply. They have to apply under the law to the private sector, so why should it not be the case that the Government should follow the same provisions as set out in its own legislation?

The Hon. J.C. BANNON: The guidelines are set by the EIS. Concepts can be developed through an EIS. There have been examples, such as the Patawalonga-Glenelg EIS, where concepts for development have been set up, and work is going ahead on that basis—the exploration of those concepts in association with the EIS. The South Eastern Freeway extension options I understand were a similar concept approach that was taken. There is no violence being done to the system by this particular approach, and I think the amendment is unnecessary.

Mr INGERSON: Will the Premier assure the Committee that all the procedures set out in section 49 of the Planning Act will be adhered to before any work commences on the site?

The Hon. J.C. BANNON: Yes, that is the intention.

The Hon. JENNIFER CASHMORE: I have a question of the Premier and a statement for the Committee. The Premier says that it is quite unnecessary and even unreasonable for the amendment to be accepted on the grounds that everything is all right and that there is nothing inconsistent in either law or practice with what he is proposing. The fact is that what the Premier is proposing to do is inconsistent with the law. He is proposing to give statutory recognition to a project that has not yet been submitted to the full environmental impact assessment procedure.

The Opposition maintains that that is wrong in principle and dangerous in practice. I think that everyone in the House would recognise that no project—certainly not Jubilee Point, which did not proceed on the grounds of its environmental risks and potential damage—in this State has carried with it the same potential environmental risk as this project carries, yet the Premier wants Parliament to give it the green light before it has been submitted to the full scrutiny and rigor of the environmental impact assessment procedure.

During the Committee stage we have heard plenty about some of the problems. One problem which was not mentioned, or if it was mentioned it was mentioned only in passing, was the noise problem. Added to that are the contamination problems, hazardous industries, air quality, mosquitoes, geophysical problems, the risk of flooding, water quality, polluted stormwater, and one could go on.

The Hon. J.C. Bannon interjecting:

The Hon. JENNIFER CASHMORE: By way of response the Premier points to the statement and says, 'It's all in there.' It might all be in there, but the solutions and responses are not in there and the assessment has not occurred. The member for Heysen outlined to the Committee the five processes that are required under law until the Minister for Environment and Planning can recognise that the EIS proc-

ess has been satisfactorily completed. At this stage, one of those processes has been fully undertaken, namely, the proponent has prepared a draft EIS. Of course, the proponent has not only prepared but will also assess the EIS, and many a question has been asked about that, and rightly so.

The second process is occurring: the draft EIS has been placed on public exhibition and interested people have been invited to make written submissions. Only two of the five legal processes which every developer in this State has to observe have been observed by this Government, yet it is asking the Opposition to say, 'It's okay. Go ahead. We know it's all going to be all right in the end. We've got the answers or, if we haven't, we can find them. Innovative technologies will give us the answers to these problems and, therefore, with perfect confidence the Parliament can give this project the green light.'

Well, we do not accept that, Mr Chairman. We cannot accept it and we will not accept it. The fact of the matter is that, when the Premier used The Parks Residents Association's support for the project on environmental grounds as justification for its proceeding, he was being intellectually dishonest. There is nothing that The Parks Residents Association has said that would give any indication of support for its proceeding with this until the full EIS procedure has been completed. I mean no disrespect to The Parks Residents Association in describing its support for the project as important, because it is important, and they have everything—their lives and health—at stake living in that polluted area, and have every reason to want it cleaned up. However, nothing they have said, or at least nothing the Premier used by way of argument, would indicate that they support jumping the gun by by-passing the environmental impact procedure process as outlined in the Bill. It is clearly wrong to do so. It sends heaven knows what signals to private developers.

On those grounds alone—on the grounds of the principle of precept and example—the Premier is saying to everybody, 'Do as we say but not as we do.' Frankly, the Opposition does not believe that that is good enough and we believe the amendment should be supported. Speaking personally, I think that if it is not supported, the Premier has given every indication that he has no faith or confidence whatsoever either in his own assessment procedure or in the ability of the department to pursue its legal obligations quite properly and in accordance with the law. It is unconscionable for the Premier to say that we have to pass this Bill.

What happens, Mr Chairman, if the final EIS assessment says that the MFP cannot proceed on the grounds that it is environmentally unsustainable? Do we then repeal the Act? That is putting the cart before the horse, and I have never heard of a situation where the cart was put before the horse. What the Premier is proposing is wrong and the amendment should be supported.

The Hon. D.C. WOTTON: I recognise that the Premier has given an assurance to this House that development work will not be undertaken on the MFP site at Gillman until all the EIS procedures relating to that site have been completed. I wish to make the same point as my colleague the member for Coles, because the pressure is on the Minister for Environment and Planning, the Premier and all of Cabinet to approve or reject the draft EIS findings in the assessment. The Premier really gives a hollow assurance, as we have no idea what the findings of Cabinet will be. Well, I am pretty sure what they will be because, as the member for Coles says, one of the alternatives would be to have to turn around and repeal legislation, and have a heap of egg on Cabinet's face, and that is not likely to happen.

So, we can presume that this whole exercise is a hollow one, that the EIS has been prepared and that the Government is happy now to sit on that and take it through the procedures, but without any guarantee to the community generally that the matter will be taken seriously. We can understand why there is so much cynicism in the community about this matter when that is the case. I again can only ask the Committee to support the amendment.

Mr GROOM: I support the Premier in relation to this matter. Proposed new clause 11a is nothing more than a device to delay or impede this project.

The Hon. D.C. Wotton: You tell that to the private sector.

Mr GROOM: Just be patient. I want to remind the Opposition, as the alternative Government, how its actions must appear abroad when they are viewed in the context of this development project.

The Hon. Jennifer Cashmore interjecting:

Mr GROOM: I know that the member for Coles has a genuine commitment to environmental issues. To insert this in the MFP Bill is nothing more than a device to impede or retard this development project and must reflect adversely internationally on South Australia. I want to remind the Committee that the Parliamentary Committees Act set up the Environment, Resources and Development Committee, a joint committee of both Houses of Parliament. It comprises six members, and it is not controlled by the Government.

The Environment, Resources and Development Committee is to effectively consider and report on a number of matters: matters concerned with the environment or how the quality of the environment might be protected or improved; any matter concerned with the resources of the State or how they might be better conserved or utilised; any matter concerned with planning, land use or transportation; and any matter concerned with the development of the State. There is adequate supervision by this Parliament through this very powerful standing committee which has been set up by the Government to review the environmental and planning aspects of this project. You do not have to insert in the legislation a device which is nothing more than an impediment to the development of this very vital project for South Australia.

In relation to the environmental issues, they can be addressed quite clearly without the insertion of a clause of this nature. The Opposition, through its membership on the Environment, Resources and Development Committee, has a very powerful role in examining the environmental and planning aspects of this development. There is adequate supervision, and there is no need for an impediment such as will be contained in clause 11a. I just stress that this development is vital to South Australia, and it is important for our international status that the Opposition as an alternative Government is viewed in that light abroad. Of course, in a democracy—

The Hon. D.C. Wotton interjecting:

Mr GROOM: Investors abroad look at the stability, not only of the State but also of the stance taken by the Opposition in relation to development projects, because at all times it is an alternative Government. This would be seen for what it really is: a device to impede this project.

The Hon. J.C. BANNON: The remarks of the member for Hartley make a lot of good, sound commonsense. The only thing I would like to add is that I do find extraordinary the way in which this debate has been couched by members opposite. Both the member for Heysen and the member for Coles were in a Cabinet which decided to push ahead with an enabling Act for one of the most sensitive developments this State has ever had to consider—the Roxby Downs

project—months before an EIS had even been published, much less approved. Both of them were involved in that process. I think the answer is: if it is their project, it is okay; if it is ours, it is not.

The Hon. JENNIFER CASHMORE: The Roxby Downs Indenture was well and truly in the pipeline, planned and sealed with the joint venturers before the Planning Act and the EIS came into effect. I might point out that, in respect of the essential sensitivities of that project, they were related principally to radiation protection and control, and a Bill to ensure that was introduced into this House, as the Premier will well remember. They were the essential sensitivities of that matter, rather than the broader environmental sensitivities to which he refers. That was not part of the law at the time the indenture was introduced.

Members interjecting:

The CHAIRMAN: Order! The Premier and the honourable member for Heysen are out of order.

The Hon. JENNIFER CASHMORE: I will address myself to the remarks of the member for Hartley who describes the amendment as a device to delay or impede the project. I would have thought that a project which was not expected to bring any returns for between 15 and 20 years could have stood a three months or so delay. Would not other members have thought that was reasonable—three months or so out of 20 years? It is a long-term project.

Mr Groom interjecting:

The CHAIRMAN: Order! The member for Hartley is out of order.

The Hon. JENNIFER CASHMORE: It is not as if we have investors beating down our door, saying 'Quick, we can't wait, pass the legislation and we will throw our money at you.' It is not as if there is any sense of urgency whatsoever in that regard. The urgency, so far as the Opposition is concerned, is to ensure that the due process is observed—and it is not being observed. I ask the Committee how the Minister for Environment and Planning can, in all conscience, go to developers in this State and require them to adhere to a law that she and her Government, the Premier's Government, are not prepared to observe? It is a double standard of the most appalling kind.

As for the member for Hartley saying, in a craven fashion, 'How must we appear to investors abroad?' my principal concern and obligation—and the obligation of the member for Hartley—is not to investors abroad but to the constituents whom we represent. It is how we and the way we observe the laws of this State appear to them that concerns me and my colleagues—not how we might appear to some distant international or multi-national corporation or potential investor who, as the Premier said continually last night, we are hoping might invest. It is our obligation to the people we represent, to their health and security, that should be first and foremost in the mind of every member in this Chamber. It is on those grounds that the amendment was moved, and it is on those grounds that the amendment should be supported.

The Hon. J.C. BANNON: That is a lot of nonsense concerning Roxby Downs—quite extraordinary! I thought there was some issue about water supply and the artesian basin and broader issues, which the honourable member has just dismissed with a wave of her hand. She said that the only concern was radiation, and that was dealt with by some other legislation. That is what she said.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: Well, that is the impression she gave because that is how she answered. I repeat: it was their project and it was fine to have that procedure. This is our project, therefore members opposite cannot contemplate it. More importantly, unless we get this legislation through the Parliament, and unless we tell people that there is a project that we are committed to, of course they will not come knocking on our door with investment proposals. Who would do that? In fact, if they had heard some of the things said over the past hour after hour, of cavil and criticism, I guess they would be heading off at a rate of knots. Maybe that is what the member for Coles and the member for Heysen want. That is not what the people of South Australia want.

The Committee divided on the new clause:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker. S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon (teller), Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 12—'Compulsory acquisition of land.'

Mr INGERSON: I move:

Page 5, lines 10 to 13—leave out subclause (2).

I move this amendment because the Opposition believes that this is a special clause that has been inserted by the Premier to enable land to be purchased—in this case, principally from the city council—at a value considerably less than its true worth. We believe that this clause should be removed and that the standard position relating to compulsory acquisition, if it is to occur at all, should take place.

The Hon. J.C. BANNON: We oppose the amendment. The purpose of subclause (2) is to ensure that there is no speculation. It would be untenable for an individual or group to make windfall gains because of the development at Gillman. That is one reason why the MFP proposal for the Gold Coast in Queensland was so unacceptable: it was based around a whole heap of developers making windfall gains. It is a fact that people do not want disruption caused by speculators, and this clause will ensure that that does not happen.

Mr INGERSON: That appears to be a fairly incredible statement because there is only one group of any significance on that site, and that is the Adelaide City Council. If this subclause remains, the Adelaide City Council's land will be valued in accordance with values determined prior to any consideration of an MFP being established on that site but with no consideration at all given to the fact that the council is carrying on the business of dumping the city's waste and looking after it. The Premier smiles, but he would know from the accounts of the Adelaide City Council that a significant contribution to the running of this city comes from profit from the management of the city's waste. That is why we move this amendment. If this clause remains, can the Premier say whether the going concern of the business with which the Adelaide City Council is involved will be considered as part of the negotiations in relation to the valuation of that particular piece of land?

The Hon. J.C. BANNON: I remind the Committee again that any such acquisition is subject to the Land Acquisition Act, which sets out all the criteria so that there is fairness and equity in any such process.

Amendment negatived; clause passed.

Clause 13 passed.

Clause 14—'Composition of corporation.'

Mr INGERSON: I move:

Page 6, after line 3—Insert paragraph as follows:
(da) local government;.

The purpose of this amendment relates to the composition of the corporation, because local government has said through its association, and more particularly through the four councils concerned, that it believes that one representative of local government should be a member of the corporation. In a letter to the Premier—a copy of which I have received—the Salisbury council expressed extreme concern about the lack of consultation in respect of this whole process. The council has mentioned to me on many occasions that, if this corporation is to be seen to have the interests at heart of all parts of the community, local government representation should be part of it.

The Hon. J.C. BANNON: I oppose the amendment, but I do not oppose the concept of local government involvement. In fact, a number of other amendments specifically include local government involvement in response to submissions and discussions that I have had. I have also had regard to this particular aspect raised by local government, and I have given an undertaking that in the structure of the board we will ensure that someone with a background in or knowledge of the local government area will be appointed. However, to have that included in the Bill in this way would create problems for local government and for the person who would be perceived to be a delegate of local government, either generally or of a particular council. The board simply would not work on that basis.

While we are providing a range of expertise, no particular groups or organisations can claim to have a representative in the delegated sense. Therefore, I do not think it would assist legitimate local government concerns and interests in this matter. There are many areas in which local government can, and in fact will, be involved, but this specific reference is unnecessary.

Mr INGERSON: I cannot support the comments of the Premier, because the membership covers urban development, financial management, economic and industrial development, people with management skills in international projects, community development and environmental management. I would have thought that someone with expertise in local government might also have all those other skills. If those skills are important in setting up the board, I would have thought it would be simple to include a person with expertise and with a background in local government. I am a bit disappointed in the Premier's comments.

Amendment negatived.

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

Page 6, lines 15 to 19—Leave out paragraphs *(a)* to *(d)* and insert—
(a) misconduct;
or
(b) incapacity or failure to carry out satisfactorily duties of office.

My amendment relates to the means by which a member can be removed from the corporation. A standard clause is being devised in this respect, and it is felt that the clause, as it is currently written, is perhaps deficient by the fact that, while a number of categories are included, paragraph *(a)*, as worded, is too widely expressed and could, indeed, have unintended consequences. For example, the subclauses could make valid a transaction that was entered into by a person with no authority. So, the insertion of these grounds for removal will ensure that we have a reasonable and consistent scheme. Paragraph *(a)* as it stands will be deleted. That paragraph relates to mental or physical incapacity to carry out duties of office satisfactorily. Paragraph *(b)*—misconduct—becomes paragraph *(a)*, and paragraph *(b)* is reworded, as proposed in the amendment. That paragraph reflects the wording in the SGIC Bill, which is currently before a select committee, and will I think be imported in as a standard procedure in the future.

Amendment carried.

Mr INGERSON: The Government's May 1990 submission to the joint steering committee stated:

Members of the board will be appointed by the State Government, but including representation of Australian and other investing Governments and individuals with special contributions to make in social, economic and environmental areas.

Is it still the intention to have representation from other investing Governments and, if so, what Governments will they be? Have any Governments yet been invited to take up representation?

The Hon. J.C. BANNON: Rather than including investing Governments, the intention would certainly be to try to have some international representation on the board. The exact nature of that still has not been determined and would be the subject of consultation between me and the Commonwealth Minister. The structure of our International Advisory Board gives an indication of the way in which we would approach that matter. It may be that one, possibly two, individuals on the board would be international persons and thus provide that input directly to the corporation.

The Hon. JENNIFER CASHMORE: What preliminary steps have been taken by the Government to appoint members to the MFP Corporation, and has anyone declined an invitation to become a member of the corporation?

The Hon. J.C. BANNON: The corporation has not been established. Discussions have been held over many months about who should be approached and the general composition of the board but, really, until we have the legislation in place, it is difficult to get down to specifics. We have established a steering committee, which is headed by Mr Ross Adler who is, of course, the Chair of the major study group that prepared the first stage assessment report. A number of other South Australians have joined him on that steering group. Some of those persons may well continue as members of the corporation following its establishment, although the basis on which they joined the group has not pre-empted that. In fact, one or two of them have said that, while they are prepared to make the commitment time in this interim phase, they would need to consider whether they could make such a commitment thereafter. So, this matter would need to be discussed by the Commonwealth Minister and me, when we are confident of the legislation passing. In the meantime, we will certainly make some soundings of people to ascertain their possible availability or, indeed, their suggestions as to who may be appropriate members of the board.

The Hon. JENNIFER CASHMORE: The Premier did not answer my question whether anyone had declined an approach at this stage. Perhaps he may bear that in mind when he responds to my next question. This clause requires the State Government to consult with the Commonwealth Government before making appointments to the corporation. Will the Commonwealth Government have any power of veto over appointments to the corporation?

The Hon. J.C. BANNON: As the legislation stands, the Commonwealth would not have a power of veto, provided appropriate and genuine consultation occurred. In practice, I would like to believe—because we are obviously hoping that the board would be drawn Australia-wide—that we would be able to agree on the membership of the board. Originally, in the process of drafting this clause, certain places were reserved for nomination by the Federal Minister. The Federal Minister and I agreed, after looking at that, that it would be far better to have this general requirement

of consultation so that we are jointly selecting a board, rather than the Commonwealth Minister's saying, 'Well, there are two representatives from me, and you choose whoever you like for the rest of it'. That would obviate the national character that we would hope to have on the board, and that is why the clause has been drawn in that way. We have not been in a position to offer places on the corporation. We have certainly talked to a number of people about their possible availability. In some cases, people have not been available. But, as I said, the serious business is about to start in terms of actually selecting individuals and asking them whether they would be interested in being part of the corporation.

The Hon. JENNIFER CASHMORE: Is it anticipated that corporation members will receive a nominal payment to cover expenses or a more substantial payment by way of a fee and, if the latter, can the Premier indicate to the Committee the broad range of fees that he would consider to be appropriate?

The Hon. J.C. BANNON: Yes; it would certainly be envisaged that fees would be payable, as they are for all major statutory corporations. There are scales of fees which are determined or approved by Cabinet on the recommendation of the Commissioner for Public Employment and which in the corporation would fit within those scales but, depending on the requirements that would be made on particular members, there may be variations to those standing fees. For instance, if the role of Chairman, particularly in the interim stage, is to require a considerable time commitment, that will have been provided for. At the moment, we have allowed $50 000 in the operating cost budget for that general area of corporation board support.

Clause as amended passed.

Clauses 15 and 16 passed.

Clause 17—'Immunity of members.'

Mr INGERSON: I move:

Page 7, line 30—Leave out 'an honest act' and insert 'anything done honestly and with reasonable care and diligence'.

This amendment is consequential and is taken up in more detail in relation to a new clause (page 7).

The CHAIRMAN: If the honourable member wishes to canvass other matters that arise later, it may suit the convenience of the Committee to do that on the understanding that subsequent debate is constrained to that extent.

Mr INGERSON: The Opposition has moved these amendments to accommodate the widespread concern in the community about accountability of directors. It is an issue which I am sure all members of the House have had put to them on many occasions. We believe that the directors of this corporation, in principle, should have the same requirements applied to them in terms of honesty, care and diligence of practices and so on as is enshrined in legislation relating to directors of public companies. The proposed amendments recognise that principle and result from widespread concern in the community.

Mr GROOM: I place on record my support for the amendment. At common law, directors of a company have fiduciary duties of good faith and loyalty to the company as well as duties of skill and care. With regards to fiduciary duties, there are high standards and the duties of skill and care have been interpreted somewhat laxly by the courts. As a result, the obligations of directors have been supplemented by the corporation laws, and it picks up the common law obligations, with certain modifications. I consider that persons who hold statutory position should act in a way that reflects the same standards that prevail in the private sector. There have been what appears to be lapses in past years in relation to the office holders of statutory corporations, not only in this State but elsewhere in Australia. The public are demanding a high standard of accountability by holders of public office in statutory corporations.

Mr Lewis interjecting:

Mr GROOM: The honourable member can laugh, but it is a fact that our society does go through changes—changes in emphasis and in needs—and, when lapses are detected, it is quite proper to ensure that those standards reflect the desires of the public. I have no doubt that the public are demanding higher standards of accountability from holders of public office. People are very lucky to serve on statutory corporations: it is a public duty. There are some differences between public authorities and directors of private companies. Some persons hold office by virtue of their *ex officio* status and others do not.

In relation to public authorities, there is no motive for private profit, so there are some differences. In the main, the standards applicable to directors of private companies, which have been incorporated in the honourable member's amendment with some appropriate modifications, are most certainly applicable and should be applied to a statutory corporation of this nature.

The Hon. J.C. BANNON: I agree with what has been said and will support these amendments. The question, of course, is why the provision was not in the original Bill. The reason for that—and this is the qualification I make to my support of the amendment—is that the Government, as I announced last year, intends to bring in a public corporations Bill, which will set out, in considerable detail, duties and responsibilities of directors of enumerated statutory corporations. We believe that the best approach is to have a piece of legislation which effectively consolidates all requirements so that directors of the enumerated statutory corporations are able to refer to that rather than our reproducing that in each and every Act that covers statutory corporations individually. Because we are not in a position to put the detail of that before the House at this stage (and I am anxious for this Bill to go through), I am prepared to accept the wording of the amendment.

There are, of course, a number of issues that need to be considered. It is not just a simple matter of importing the statutory requirements for private sector company directors into the public sector. As the member for Hartley has just mentioned, there are such things as the modification of the profit motive, the direction and control of the Minister, the responsibility of Parliament and all the other aspects that involve public corporations which need to be taken into account in formulating these responsibilities. When this legislation comes into force, it will be more comprehensive, I am presently advised, than the clauses we have before us. As a later Act, and it would probably be appropriate if those provisions subsumed the ones we are about to insert. For the purposes of immediate completeness and because I agree with the sentiments (as I have indicated, the Government will be moving in this area, anyway), I am happy to support the amendment.

Mr INGERSON: I thank the Premier for supporting this move. I recognise his comments in supporting it. An attempt was made to cover as many areas as could be, and need to be, covered at this time. In so doing, we put together all sorts of attitudes and ideas from different Acts to come up with what we believe is the best possible at this stage. I look forward to the changes in the Bill when it is brought before this House. There is no doubt that there is significant concern in the community about public accountability, but we recognise the important points of difference made by the member for Hartley and the Premier.

Amendment carried; clause as amended passed.

Clause 18 passed.

New clause 18a—'Members' duties of honesty, care and diligence, etc.'

Mr INGERSON: I move:

Page 7, after line 36—Insert new clause as follows:

18a. (1) A member of the corporation must at all times act honestly in the performance of the functions of his or her office, whether within or outside the State.

Penalty:

If the contravention was committed with intent to deceive or defraud the corporation, or creditors of the corporation or creditors of any other person or for any other fraudulent purpose—Division 4 fine or division 4 imprisonment, or both.

In any other case—Division 6 fine.

(2) A member of the corporation must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions, whether within or outside the State.

Penalty: Division 6 fine.

(3) A member or a former member of the corporation must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as such a member to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the corporation.

Penalty: Division 4 fine or division 4 imprisonment, or both.

(4) A member of the corporation must not, whether within or outside the State, make improper use of his or her position as a member to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the corporation.

Penalty: Division 4 fine or division 4 imprisonment, or both.

(5) This section has effect in addition to, and not in derogation of, any rule of law relating to the duty or liability of a member of the governing body of a corporation and does not prevent the institution of any civil proceedings in respect of a breach of such a duty or in respect of such a liability.

(6) For the purposes of section 17, a person will not be taken to have acted honestly if the act constituted or involved contravention by the person of subsection (3) or (4) of this section.

I make no further comment, as we have previously addressed this issue.

The Hon. J.C. BANNON: I support it in accordance with the remarks that I made earlier.

New clause inserted.

Clauses 19 and 20 passed.

Clause 21—'Validity of transactions of corporation.'

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

Page 8—

Line 36—Leave out paragraph *(b)*.

Lines 41 and 42—leave out subclause (2) and insert—

(2) This section does not validate a transaction in favour of a party—

(a) who enters into the transaction with actual knowledge of the deficiency or irregularity;

or

(b) who has a connection or relationship with the corporation such that the person ought to know of the deficiency or irregularity.

This amendment is simply a clarification of powers in relation to the validity of transactions of the corporation. We have expanded on the provision under subclause (2), which refers to non-validity of a transaction in favour of a party who enters into a transaction with the corporation with actual notice of the deficiency or irregularity. That is preserved in subclause (2) *(a)* and subclause (2) *(b)* has been added. It is a tightening up of that provision, again reflecting the practice that is being looked at in the current climate.

Amendment carried; clause as amended passed.

Clause 22 passed.

Clause 23—'Functions of the advisory committee.'

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

Page 9, line 10—After 'community' insert 'and local government'.

This is another of those amendments to which I referred where local government is specifically referred to in the Bill. Obviously, I have included this amendment after the consultation that we had with local government authorities.

Amendment carried.

The Hon. D.C. WOTTON: Clauses 22 to 26 all deal with the Community Advisory Committee and I want to ask questions relating to all those clauses. These clauses establish procedures for the MFP Community Advisory Committee, but there appears to be no mechanism for the Parliament to become aware of the deliberations of the committee. Will the committee be required to report to Parliament? What fee is it envisaged will be paid to members of the committee? What opportunity is there for the public to be made aware of the deliberations of the committee, and will it be required to report to Parliament?

The Hon. J.C. BANNON: The advisory committee is established to advise the corporation—that is the body to which it reports. Its relationship is with the corporation and, to the extent that the corporation reports to Parliament, I guess the input of the advisory committee will be gathered up there, but we do not believe there is any justification for a separate reporting process from an advisory committee established to advise the corporation and not Parliament in this matter.

The Hon. D.C. WOTTON: Does the Premier not see any need for that committee to report to Parliament as well?

The Hon. J.C. BANNON: No, I do not think so.

Clause as amended passed.

Clause 24—'Compositon of advisory committee.'

Mr INGERSON: I move:

Page 9, line 16—Leave out 'State Minister' and insert 'Governor on the nomination of the State Minister'.

We believe the committee should be appointed by the Governor on the nomination of the State Minister and, although it is a small amendment, we believe that this is the best way for the appointment to occur.

The Hon. J.C. BANNON: This procedure is too elaborate. We are talking about an advisory committee; true, the committee is secured by statute but to go through the process of an appointment through Executive Council is unnecessary when one looks at the nature of the committee and the body to which it reports.

Amendment negatived.

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

Page 9, after line 22—Insert subparagraph as follows:

(iiia) environmental health;.

It has been suggested that a further category would be appropriately added to the expertise on the advisory committee, that is, in respect of environmental health. That is all the amendment seeks to do.

Amendment carried.

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

Page 9, line 40 and page 10, lines 1 to 4—Leave out paragraphs *(a)* to *(d)* and insert—

(a) misconduct;

or

(b) incapacity or failure to carry out satisfactorily duties of office.

This amendment is consequential on the amendment to clause 14.

Amendment carried; clause as amended passed.

Clause 25—'Procedures of advisory committee.'

The Hon. D.C. WOTTON: I do not accept that the community advisory committee should not be required to report to Parliament. There are many examples, but I refer to the Environment Protection Council, which reports to Parliament.

The Hon. Jennifer Cashmore: It's an advisory committee.

The Hon. D.C. WOTTON: It is purely an advisory committee. If we are fair dinkum about people knowing what

is going on and that sort of thing, I cannot see any harm in that happening. It would provide an opportunity for people to be made aware of what was happening. As it is an advisory committee, the community should have the right to be aware of what advice the Government is receiving. I can say nothing more, other than that I believe it is essential that that should happen.

The Hon. J.C. BANNON: As I explained, the advice is not to the Government but to the corporation.

Clause passed.

Clauses 26 and 27 passed.

Clause 28—'Borrowing.'

Mr INGERSON: I move:

Page 11, after line 3—Insert subclause as follows:

(1a) The Corporation may not borrow an amount that exceeds $5 million unless—

(a) the amount, purposes and terms of the loan have been reported to the Economic and Finance Committee of the Parliament; and

(b) the Economic and Finance Committee has approved the loan and its terms.

This amendment provides that borrowings of the corporation that exceed $5 million should be reported to the Economic and Finance Committee of the Parliament for that committee to approve the loan and its terms. The Industries Development Committee, which has now been replaced by the Economic and Finance Committee, looked at and approved loans that were granted by the Government and, as a consequence of its long-standing role, we believe that because the loans of the corporation will be significant and, I suspect, taken over a long period of time it is reasonable that similar procedures apply to these loans.

New clause 28a concerns the approval of major works as they occur over the next five, 10 or 20 years. The Environment, Resources and Development Committee of this Parliament looks at significant Government projects and puts forward the Government's general capital works program, and we believe that this committee should look at developments in excess of $5 million and make some reference thereof to the Parliament. It has been put to me that this proposed new clause is a significant restriction on the corporation and the Government and would send bad signals to the private sector and anyone else who might want to invest in this project.

The old Public Works Committee had a history of looking at and commenting on projects of this type and, in most instances, because it was a bipartisan committee of the Parliament, improving the development or at least bringing to the attention of the Government of the day the changes or new ideas that might be put into it. It is not unusual for such a recommendation to be part of any major Government work. In this instance the only difference is that the Government has decided—and this is supported by us—that a statutory authority is the best way to develop the MFP concept in this State. In essence, it is still a Government project, and we believe that this Parliament should receive continuing information on the works program that takes place at this site.

One of the major concerns which has been put to me (and which I have about this matter) is that the Parliament has not been kept sufficiently involved in this project and, as we go into the next 20 years, if this concept is to be developed over that time, I think there will be many occasions on which the public and the Parliament will demand more information. If we refer matters to the Environment, Resources and Development Committee as a continuing exercise, I believe that that will be important for the Government and any future Government and, more importantly, the community.

Also, new clause 28b provides that the corporation's operations and the financing of those operations be referred to the Economic and Finance Committee for, first, a report by February on any matter detailing financial transactions in the first part of each year and by August on any matters detailing financial transactions in the second part of the year. In other words, there is to be six monthly reporting to the committee by the corporation. We feel that the corporation can put together a report on a six monthly basis in relation to financial transactions that have been entered into.

The other major issue of this project is its cost. I do not think it is unrealistic for the community and the Parliament, which represents the community, to receive ongoing information in relation to financial matters, such as the money that the Government spends, as well as information on private sector activity.

Mr GROOM: I am opposed to proposed new clause 28a. I believe that to put a restriction on the corporation so that, when borrowings exceed $5 million, it must refer the matter to the Economic and Finance Committee to approve the loan and its terms is quite a draconian restriction on the Government to develop this project. It would be an unnecessary impediment which, in practice, would amount to a substantial delay because, once you impose this duty on the Economic and Finance Committee, it has to investigate it properly.

Any corporation must have that degree of flexibility to be able to finance this project in the way it sees fit and within a minimum timeframe. The honourable member would in effect be asking for a substitution in that the Economic and Finance Committee makes the decisions that the corporation ought to be making in relation to its borrowings.

I think that proposed new clause 28b, to which I have amendments on file, is worthy of consideration by the Parliament. I remind the Committee that the Government itself passed the Parliamentary Committees Act because it was seeking higher standards of parliamentary scrutiny in relation to its expenditure. The Economic and Finance Committee has extremely wide powers and can inquire into, consider and report on any matter concerned with finance or economic development and any matter with regard to the organisation and efficiency structure of any area of public sector operations, and I will not go into them all. This committee has an extremely wide charter and enables better parliamentary scrutiny.

The Parliamentary Committees Act also enables the committee to undertake such other functions as are imposed by the committee under the Parliamentary Committees Act or any other Act, and that would include the MFP Development Bill. I think that amendments of this nature are part of the Economic and Finance Committee's charter. It is a proper matter. It is a step towards higher accountability on the part of Government, and I might add that that higher accountability was introduced by the Government itself in the guise of the Parliamentary Committees Act. So, parliamentary scrutiny will be able to occur as a result of a direction from the House of Assembly. As I indicated, I am prepared to support this new clause, albeit it in a modified form. So that I do not need to debate my amendment when I move it I will outline it now. It seeks to leave out 'inquiry and consideration'. This would simply mean that the corporation's operations would be referred to the Economic and Finance Committee of the Parliament.

That means that the Economic and Finance Committee does not have to effectively act as a substitute for the corporation but, on being referred, the Economic and Finance

Committee will monitor and scrutinise the operations of the corporation. I also do not think that the Economic and Finance Committee should report to the House of Assembly not less frequently than once in every six months. This would really mean that the Economic and Finance Committee would do nothing else, and again I think would adversely reflect on the integrity of the corporation because it is the body charged with the responsibility for seeing the MFP come to fruition.

In these circumstances, I would have thought that an annual report is the normal standard and one that would be adopted. That is why those amendments are in my name. It also means that the deletion of the words 'and the results of its inquiries and deliberations with respect to those matters' must automatically follow. In summary, it is proper that the Economic and Finance Committee has a monitoring role in relation to this project. As a result, the amendment with those modifications has my support.

The Hon. J.C. BANNON: In relation to both the amendment to clause 28 and to new clause 28a, I agree completely with what the member for Hartley has said. I think he has expressed it well and succinctly. I really have not much more to add, except to say that to have clauses like this in the legislation would make it extremely difficult to convince any investor of the way in which the project could go ahead. In relation to clause 28b, my view would be that in fact the Economic and Finance Committee is of course able to inquire as part of its brief into the operations of the corporation, but the view has been urged both in this amendment and by the member for Hartley that it would be appropriate for that to be actually incorporated in the legislation in view of the significance of this particular project.

In other words, rather than leaving it to a motion of the committee to exercise the powers that it quite clearly has, by the insertion of the requirement in the legislation, it makes it quite clear that whatever other matters it is attending to, whatever its other workload is, the committee has an obligation in this area and the corporation in turn must present reports accordingly. Again, my feeling on that is that, perhaps after a period of operation, the committee might not feel it is useful for it to have such a detailed consideration of this area of Government as opposed to the many others with which it will obviously be concerned, but it is obliged to do so if we incorporate this in the legislation.

However, I do not believe that it is unreasonable. If the feeling as expressed by the amendments moved is that it ought to be somewhere in the measure, I do not object. The form in which it should be inserted is appropriately the one proposed by the member for Hartley. In other words, he has proposed some further amendments, the details of which he has explained. With those further amendments, clause 28b would be acceptable.

The Hon. JENNIFER CASHMORE: I support the amendment. I will speak generally to the aspects of it. The requirement on the corporation, to prevent the corporation from borrowing an amount that exceeds $5 million unless it has been referred to the Economic and Finance Committee of the Parliament and the committee has approved the loan, has a longstanding precedent in this Parliament. The Public Works Standing Committee Act 1927 was passed for the very purpose of ensuring that public money was not misallocated. I urge the Premier to go back to the debates of 1927, particularly the words of the then Treasurer (Hon. R.L. Butler), who said something that is entirely relevant to today's debate. At the time he said:

> Though we have been spending about six million pounds annually during the last five or six years, the increase in our production has been small, and we cannot cavil at investors if they object to investing at the rate of interest returned by South Australian stocks unless we can prove that the money has been well and economically spent for the betterment of the country . . . We say that in future all public works shall be inquired into before they are submitted to this House . . . We have voted blindly at times on certain measures.

Years later, in August 1970, the then Minister of Public Works (Hon. J.D. Corcoran) said that he hoped departments recognised—and this is a corporation, not a department—that they should be:

> . . . very careful in their selection of sites, if this has been a problem in the past. If they realise that it is competent for the Minister at any time to refer any matter to the committee they will take care to see that the right site is selected.

Of course, the Public Works Committee was not concerned only about sites but about construction, infrastructure and costs. The precedent goes back for 70 years. It is one that is very firmly rooted in good management, accountability and the principle that, when public money is being spent, there should be public accountability through the Parliament. I believe that the amendment should be supported on the grounds that there is an unlimited guarantee associated with this corporation. The citizens of South Australia have had more than bitter experience of the results of unlimited guarantees, and we believe that they deserve the protection which is embodied in these amendments.

The Committee divided on the amendment:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon (teller), Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

New clause 28a—'Proposals for major works at MFP core site require approval of Environment, Resources and Development Committee.'

Mr INGERSON: I move:

Page 11, after line 8—Insert new clause as follows:

28a. Where it is estimated that the total amount to be applied for the construction of any public work at the MFP core site out of money provided by the Treasurer will, when all stages of the work are complete, exceed $5 million, no amount may be applied for the actual construction of the work out of money provided by the Treasurer unless—

(a) the nature and purposes of the work and the total amount to be so applied for its construction have been reported to the Environment, Resources and Development Committee of the Parliament;

and

(b) the Environment, Resources and Development Committee has approved the work and the application of money provided by the Treasurer for its construction.

The Committee divided on the new clause:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon (teller), Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Majority of 1 for the Noes.

New clause thus negatived.

New clause 28b—'Reference of corporation's operations to Economic and Finance Committee.'

Mr INGERSON: I move:

Page 11, after line 8—Insert new clause as follows:

28b. (1) The corporation's operations and the financing of those operations are referred to the Economic and Finance Committee of the Parliament for its inquiry and consideration.

(2) The corporation must present reports to the Economic and Finance Committee detailing the operations carried out by the corporation in respect of the MFP core site, and the financing of those operations, as follows:

(a) a report detailing those matters for the first half of each financial year must be presented to the committee on or before the last day of February in that financial year;

(b) a report detailing those matters for the second half of each financial year must be presented to the committee on or before 31 August in the next financial year.

(3) The Economic and Finance Committee must report to the House of Assembly not less frequently than once in every six months on the matters referred to it under this section and the results of its inquiries and deliberations in respect of those matters.

Mr GROOM: I move:

Page 11, after line 8—Amend the amendment proposed by Mr Ingerson to insert new clause 28b as follows:

(a) leave out from subclause (1) of new clause 28b 'for its inquiry and consideration';

(b) leave out from subclause (3) of new clause 28b 'six months' and insert '12 months';

(c) leave out from subclause (3) of new clause 28b 'and the results of its inquiries and deliberations in respect of those matters'.

Amendments carried; new clause as amended inserted.

New clause 28c—'Scrutiny by Estimates Committee.'

Mr S.J. BAKER: I move:

Page 11, after line 8—After new clause 28b insert—

28c. The corporation is subject to annual scrutiny by an Estimates Committee of the Parliament.

I believe it is absolutely imperative that there be scrutiny of the expenditure of the corporation. It cannot be done in retrospect; it must be done in terms of what is being spent as well as what is planned to be spent. The Estimates Committees of this Parliament have, in the past, seen fit to call witnesses from the State Bank and SGIC. We believe that that is appropriate to ensure accountability within the corporation and that the plans of the corporation, at least in financial terms, be made quite apparent.

Mr GROOM: I indicate my opposition. Having accepted the Opposition's amendment in relation to the Economic and Finance Committee, albeit with some modifications, to further subject the corporation to a statutory tie in this way is really quite absurd. The Estimates Committees of Parliament have a monitoring role. This new clause is absolutely unnecessary and is one of those sorts of devices that is nothing more than an impediment to the Bill.

The Hon. J.C. BANNON: I agree with those remarks.

Mr S.J. BAKER: Will the Premier inform the Parliament whether the corporation will come before the Estimates Committees whether or not it exists in a year's time?

The Hon. J.C. BANNON: That is a hypothetical question at this stage. We are talking about whether the statutory requirement should be inserted, and I am saying that the Government opposes that.

Mr S.J. BAKER: There is a budget line that would normally apply under the circumstances. Will the Premier honour that intention of the Parliament so that that budget line can be properly examined in the Estimates Committees?

New clause negatived.

Clause 29—'Accounts and audit.'

The Hon. D.C. WOTTON: Will the Premier say whether the South Australian Government has received from the Commonwealth the $40 million allocation from the Better Cities program announced in the One Nation statement? Are there any ties to the grant of this money, and for what specific purposes will it be used?

The Hon. J.C. BANNON: The answer is 'No, we have not received it yet.' Secondly, those terms, conditions and so on, and the overall program, are still under negotiation with the Commonwealth.

The Hon. D.C. WOTTON: Does the Premier intend to authorise an update to the financial feasibility of the urban development at Gillman? The rate of return of 24 per cent before gearing is marginal. It appears that revenue will be adversely affected by the EIS, as the amount of land which can be developed has been reduced. As the returns are at the lower end of the scale, this shortfall must be met by additional Government contributions if the project is to remain viable. Does the Premier intend to authorise an update for the financial feasibility reporting of the urban development?

The Hon. J.C. BANNON: Those figures are indicative only. Potter Warburg's assessment suggests that, even with the rescaling, this is still in that broad range. It depends a lot on the shape and scope of the development and the densities that are achieved.

Clause passed.

Clause 30 passed.

Clause 31—'Annual report.'

Mr INGERSON: I move:

Page 11, after line 21—Insert subclause as follows:

(1a) The corporation must set out in its report—

(a) all directions given to the corporation by the State Minister; and

(b) details of all functions and powers of the corporation delegated by the corporation (together with details of the delegates and any conditions or limitations attached to the delegations),

during the period to which the report relates.

The explanation is clear.

The Hon. J.C. BANNON: I indicate support for that. We covered this earlier when we were discussing the general question of directions and directions in writing; it is appropriate that they be recorded.

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33—'Regulations.'

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

Page 11, lines 30 to 40 and page 12, lines 1 to 8—Leave out subclauses (2) and (3).

This amendment attends to the amendment that is proposed by the member for Bragg in relation to a new subclause 2a. He has tried to address the issue in one way: I was addressing it in another. This amendment is a result of consultation. We felt that the clause, even though copied from the TDC Act, was probably misleading, unnecessary and redundant. Therefore, it was better to clarify the whole matter by simply deleting it, and that is what is proposed.

Amendment carried.

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

Page 12, lines 11 to 15—Leave out subclauses (5) and (6).

Amendment carried; clause as amended passed.

Schedule 1.

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

Page 13—After the heading—

SCHEDULE 1

insert—

PART A

Amendment carried; schedule as amended passed.

Schedule 2.

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

Page 14—Leave out the heading—

SCHEDULE 2

and insert—

SCHEDULE 1 (continued)

PART B

Amendment carried; schedule as amended passed.

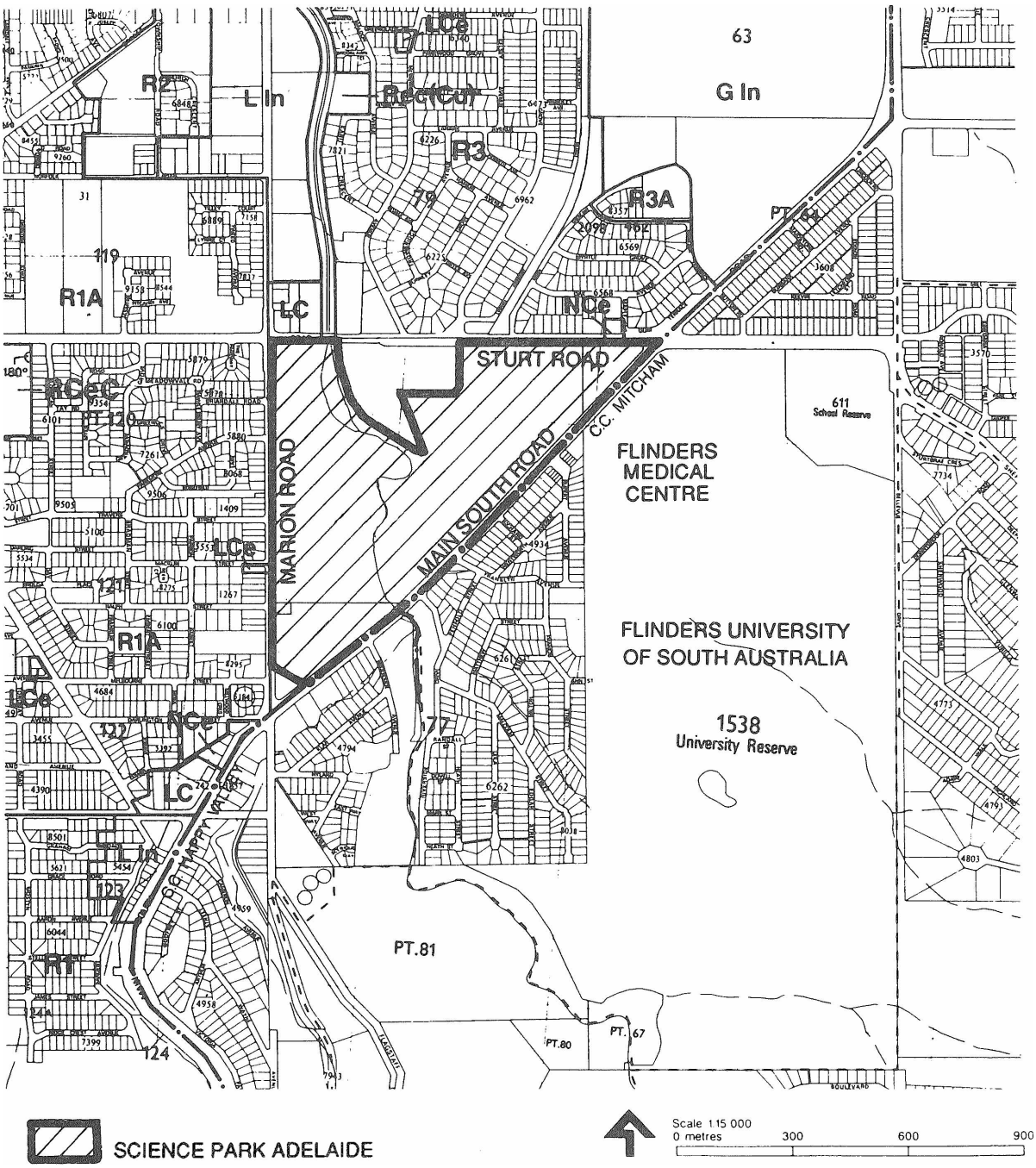
First new schedule:

The Hon. J.C. BANNON: I move to insert the following new schedule after page 15:

SCHEDULE 2

PART A

Plan of Science Park Adelaide



PART B

More particular description of Science Park Adelaide

The land comprised in allotments numbered 61, 62, 63, 64, 65, 66, 67, 68 and 69 on Lands Titles Registration Office Deposited Plan No. 28859.

New schedule inserted.

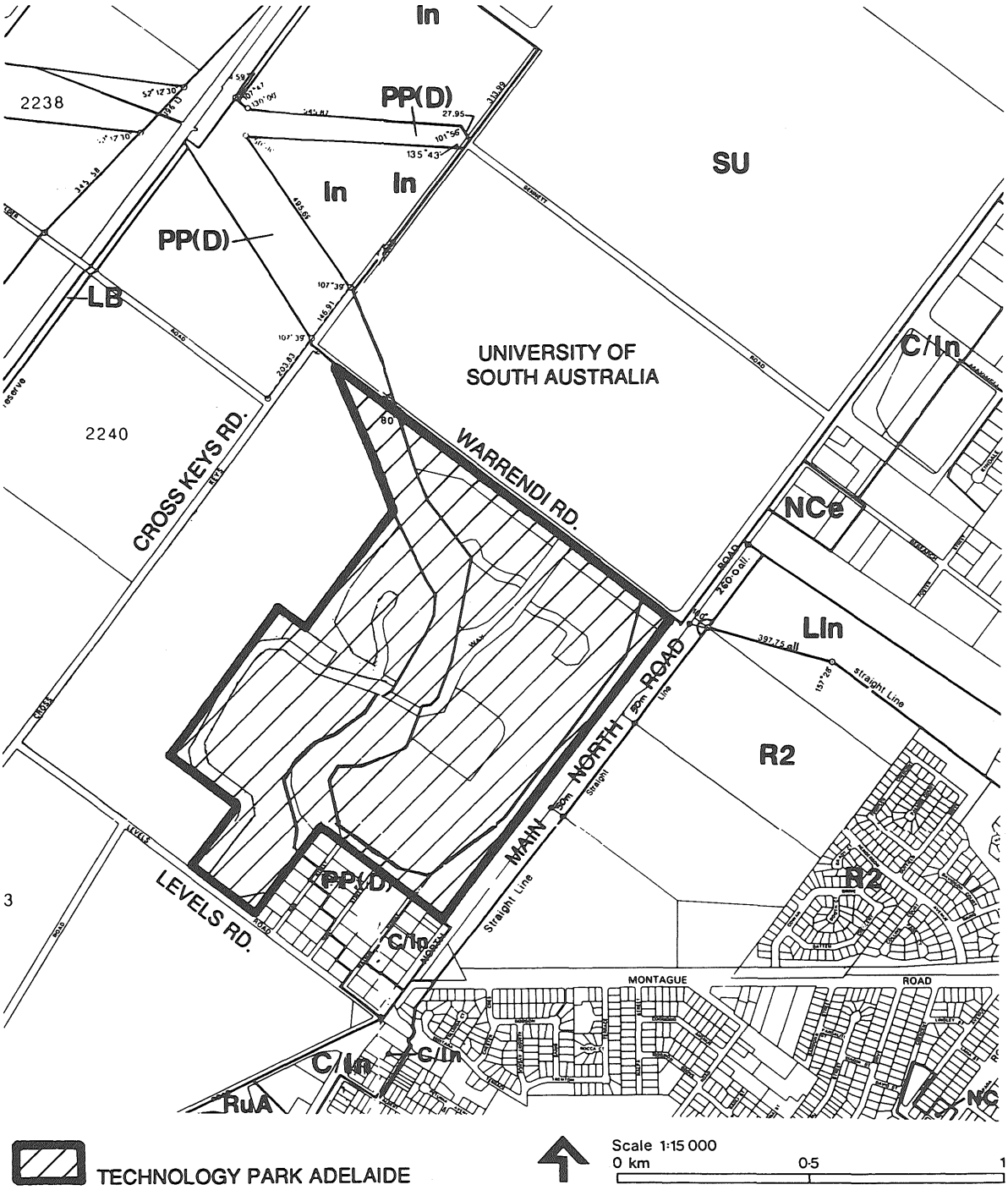
Second new schedule.

The Hon. J.C. BANNON: I move to insert the following new schedule:

SCHEDULE 3

PART A

Plan of Technology Park Adelaide



PART B

More particular description of Technology Park Adelaide

The land comprised in allotments numbered 101 and 104 on Lands Titles Registration Office Filed Plan No. 14368.

New schedule inserted.

Title passed.

Bill read a third time and passed.

GAMING MACHINES BILL

Adjourned debate on second reading.
(Continued from 12 February. Page 2686.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition is outraged by the events of today. It is outraged that this Government should proceed with this legislation, given what has happened in this Parliament. There is a clear indication that this Parliament needs some answers. The Premier did not provide those answers. It is the intention of the Opposition to have this matter adjourned until such time as we have those answers, until the clouds over the Minister and the conduct of this legislation have been lifted. I propose that the debate be adjourned, and I shall do so for the next four hours.

The DEPUTY SPEAKER: Order! As the honourable member has spoken in the debate, he can only seek leave to continue his remarks. He cannot move that the debate be adjourned. If that motion is granted, the debate can be adjourned.

Mr S.J. BAKER: I seek leave to continue my remarks later.

The DEPUTY SPEAKER: Leave is sought. Is leave granted?

Honourable members: No.

The DEPUTY SPEAKER: Leave is refused.

Mr S.J. BAKER: It is obvious to me that this Government has no right to govern this State in view of what we have seen here today. We have a significant Bill before us. We have heard allegations, which have yet to reach fulfilment in terms of whether the Minister has acted improperly. However, the evidence shows quite clearly that a number of quite untoward things have happened. Some serious suggestions have been made that the Minister has intervened improperly in the putting together of this legislation. Serious allegations have been made, and the Parliament has not been provided with information on what transpired prior to this legislation being presented to the Parliament.

Importantly, with all the discussion about corruption relating to poker machines, the Government of this State and the Premier have refused to allow this debate to be adjourned until certain matters have been clarified. I remind members that the Premier refused to answer the first question asked in Question Time today. The Premier was asked when he became aware that Mr Jim Stitt was acting as a political lobbyist for interests seeking the introduction of poker machines into clubs and hotels in South Australia. The Premier refused to answer that question. It was an important question because, as we have seen the evidence unfold, Mr Stitt has unsavoury associates.

Given legislation throughout Australia associated with casinos and poker machines, he would be ruled out from having anything to do with poker machines—their operation, their distribution or whatever—on the information that has been provided to this House today. The Minister has said that the allegations are false. She has prepared a statement in which she rejects these claims and any allegations of impropriety in carrying out her ministerial duties. It is all very well for the Minister to talk about rejection of claims, but we have not had an independent inquiry into the facts associated with that rejection. Importantly, the pivotal point of this legislation is the role of the Independent Gaming Corporation.

People need to be reminded of exactly what problems could prevail if this legislation has been borne out of corruption rather than out of an objective assessment of the best scheme possible. I admit that I was very much in favour of the IGC approach, but nobody in this Parliament in their right mind could possibly approve this legislation before us given the problems that could be created because of the background relating to the Minister under the circumstances.

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: We should not be debating this Bill at all tonight. I do not have to remind members that we have had a very hectic debate on the MFP. We debated until midnight on Tuesday night and to 1.15 a.m. this morning. It is inappropriate to push on with this legislation and, despite our opposition, the Government pushed ahead with this Thursday night sitting because some members want to go away with the select committee next Thursday. That is why we are here. I would have thought that this piece of legislation should be thoroughly debated, as all conscience issues invariably are, in the cold light of day with all the suspicions and allegations associated with the preparation and consideration of this legislation out of the way—with a completely clean slate, so that we can objectively assess the merits of the legislation.

Anyone who wishes to look at the Victorian or Queensland legislation will see that those Acts are very extensive. The one before us is a skeletal Bill, modelled on the casino legislation. Importantly, there are no checks and balances, no description and nothing in the Bill that relates to the IGC, except that it plays a prime role as the chief monitoring authority—the monopolistic monitoring authority—for poker machines. Under those circumstances, I would have thought it was absolutely imperative for anything that could cast a shadow over the IGC to be dispensed with quickly with a proper, independent, legal inquiry. That was proposed today, but it was refused.

Under the circumstances, that leaves the Opposition with no option but to continue to raise that as a key issue. The issue is not the merits of the Bill at all, as that matter has been overshadowed by the events of today. That is not the important issue any more: the important issue is whether the Ministers of this Government have conducted themselves properly and whether they are beyond suspicion. That is the issue today—nothing more and nothing less. It has nothing to do with the legislation. That is the matter that will be canvassed.

It is not simply the problem associated with Mr Stitt, who might have some doubtful colleagues in business: it is a matter of how the Minister has managed her affairs in relation to this Bill. It is a matter of what advice has been proffered to the Minister of Finance and whether he was aware of the relationships that prevailed at the time the legislation was being put together. It is no secret that this legislation took a very long time to reach fruition, and we were aware of the various lobbying groups and the people who wanted to take a particular position on a number of key items.

The first and most important item was who would be the controlling authority. The controlling authority in this case happens to be the Liquor Licensing Commission. The Liquor Licensing Commission model involved the IGC being the monitoring authority and, indeed, a key player in the disposal of machines in this State. The alternative model was put forward by the Lotteries Commission and would allow it to control the conduct, operation and scrutiny of the machines. It believed that it should own all the machines to prevent machine manufacturers dealing with machine operators given reports that had been received here in Australia and overseas on the likelihood of corruption.

It is a sad day for this Parliament, given the circumstances, that the Government intends to push ahead rather than admit it has a problem, admit that action has to be taken, and admit that there is reason to believe that certain actions have been taken that need investigation and, indeed, call a halt to the legislation until those investigations have taken place. I do not intend to allow it, and many members of this Parliament will now feel that they cannot exercise the conscience that they would have exercised previously on the basis that matters of principle are involved, particularly in relation to the role of Ministers in putting together this legislation, matters which must be addressed prior to their making that decision. I do not believe that many members in this Parliament would feel comfortable in going ahead with this piece of legislation. It cannot be debated on its merits. It has no merits while one of the major items in the Bill is the IGC.

Everybody in this Parliament understands it. I do not know why we will be knocking our heads against a brick wall tonight or again next week—for nothing. If anything has hardened the resolve of people who perhaps would have supported the legislation, it is the fact that the Government is too scared to inquire into itself and too scared to look at the matters that have been raised. We do not even have a Premier who can remember whether he discussed or had any knowledge of Mr Stitt's involvement in gaming machines. How weak and pathetic is that? How can a Premier and leader of this State stand up before the Parliament and refuse to answer a question about his relationship with Mr Stitt. More importantly, was he aware that Mr Stitt was involved to the extent that he was involved with the IGC proposal?

It is absolutely unfortunate that some of the merits of the various people involved in this case will be subsumed by the events that have unfolded, particularly the role of the Government in those events. The mud will stick because, if the Government closes the door, it fails to look at the issues that have been raised in this Parliament today. People will know that it is a cover up. The number of people who will wish to see the legislation defeated will increase. The pressure on members to defeat the legislation will increase, and it will do no-one any good to pursue the matter whilst these issues prevail. I now turn to another very simple question that the Premier failed to answer:

> Did the Minister of Public and Consumer Affairs follow the practice the Premier set down for declaring a private interest when legislation to introduce poker machines was before Cabinet and, if not, what action does he intend to take?

Clearly, a simple answer was required and the Premier could have come clean and said, 'The Minister was present at the time. I may not have remembered all her contributions, but she was there and debating the issue at the time.' But he could not do that, because he knows full well that she could be tarred with a brush and that the Premier could be tarred with a brush concerning some form of—

Mr FERGUSON: Mr Speaker, I rise on a point of order in respect of relevance to the debate. The member referred to Question Time earlier this afternoon and is not referring to this debate.

The SPEAKER: The Chair will take note of the point of order. I will listen to the contribution and call the member back to order if he strays.

Mr S.J. BAKER: Thank you, Sir. I would have thought that what I said was highly relevant to this debate. We should not be debating this Bill—no way should we be debating it. We should not be even considering one item in the Bill. If I could speak for five hours on how not to debate it, I would. I seek leave to continue my remarks later.

The SPEAKER: A time limit applies and I do not believe that the honourable member has spoken for 15 minutes.

Mr S.J. BAKER: I accept your ruling, Sir. I will so move again in five minutes.

The SPEAKER: It is a ruling of the Chair—you have to accept it.

Mr S.J. BAKER: I take your point, Sir. Returning to the matter of the Minister in Cabinet, Parliament has a right to know what role the Minister played. Clearly, we have a right to know that the Minister participated in the debate. Whether it be in corporations or other public entities, we have seen repeatedly the question of propriety and conflict of interest arise. It is demanded of all of us, whether we are on a council, board or committee that, if we have an interest in the matter being debated and if that interest is beneficial to us, then that interest should be declared, particularly a monetary interest.

Obviously, the Premier was coy about telling the Parliament whether or not Ms Wiese—the Minister—was even in Cabinet at the time, but we have had that clarified by a statement cobbled together by the Minister in a big hurry. While she admits to having been present, she said she played only a peripheral and secondary role but cannot remember whether or not she debated the legislation.

The SPEAKER: I ask the honourable member to link his remarks to the Bill.

Mr S.J. BAKER: Thank you, Sir. I am not saying that whether the Minister can remember what she said or did not say is overly important, except to the degree that she was required, because of her relationship, to reveal her interest in this subject—an interest that went far beyond that of a Cabinet Minister, an interest that went into areas where there was going to be some monetary reward.

Mr FERGUSON: On a point of order, Mr Speaker, I am struggling to see the relevance of the Deputy Leader's remarks to the Bill.

The SPEAKER: A point of order has been raised. I am looking through the Bill now and I have raised with the Deputy Leader the matter of relevance. I remind the Deputy Leader of the requirement for relevance and ask him to link his remarks to some element in the Bill.

Mr S.J. BAKER: I will, and I refer to clause 23. For all those members who have doubts whether my contribution is relevant, I refer to clause 23, as follows:

> The body corporate known as the Independent Gaming Corporation will, on due application being made and the Commissioner being satisfied as to the matters specified in sections 18 and 20, be granted—
>
> *(a)* a gaming machine dealer's licence;
> and
> *(b)* the gaming machine monitor licence—

the only gaming machine monitor licence—that is pretty important stuff, and it is relevant to the whole debate, as is the fact that they are getting a machine dealer's licence (not a machine operator's licence).

Members interjecting:

Mr S.J. BAKER: Members should read some of the reports that we have seen over the past 20 years about gaming machines, because they say that machines can be subject to corrupt practices and many of the members who will not be voting in favour of these machines will be doing so because they do not want any more criminal activity in this State. Certainly, they do not want corrupt practices.

Members interjecting:

Mr S.J. BAKER: The honourable member interjecting asks whether I am speaking on behalf of my Party. While this happens to be a conscience issue, the other issue that is far more important at this stage is the role of the Minister. Anyone who asks Liberal Opposition members whether they

believe that that is important will get a resounding 'Yes'; it is important and it has to be resolved before we debate the legislation. That is unequivocal.

Mr Ferguson: So much for a conscience vote!

Mr S.J. BAKER: I would have thought that the honourable member had more sense than that because, if it is a conscience vote, for the Minister to do as she has done—

Mr Ferguson interjecting:

Mr S.J. BAKER: I would have thought that the Minister is responsible to this Parliament. Unless the member for Henley Beach has changed the rules, does he suggest that the Minister is not responsible to the Parliament? Is he changing the whole force of democratic requirements in this State? I suggest that he keeps quiet.

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: We wanted to know what action the Premier would take. Obviously he did remember that the Minister had not dragged back her chair. Obviously he did think that there may be some substance to the allegations, and that is why he did not want to answer the question. I can understand why the Premier would want to run 100 miles away from scandal, which he has managed to avoid quite successfully for a long time. But, there is a higher responsibility to the Parliament, and he does not have the guts to front up. When asked what action was to be taken, he did not answer the question. Surely under the circumstances he should have said to the Parliament, 'If there is any impropriety involved in this matter, I will suspend the Minister forthwith.' That is what he should have said.

Mr Ferguson: What does this have to do with the Bill?

Mr S.J. BAKER: It is a very important principle revolving around clause 23 of the Bill which happens to be a very important section of the Bill and essential to its passage. To do away with clause 23 of the Bill would demand a complete rewrite. The Minister has taken so long to bring this version into Parliament that I shudder to think what would happen if he had to bring a very comprehensive Bill into the Parliament. I have seen legislation from Victoria and Queensland, Victoria's legislation was very comprehensive and had 98 pages and 163 clauses. This Bill, implicit in which is the expectation that we must have a lot of faith in the system, has 77 clauses and 31 pages. We do not have significant legislation in terms of all the issues that need to be canvassed. It was my intention to go through all the missing parts of this legislation, presuming that they may have been covered by regulation (although I was not necessarily happy with that).

The IGC is absolutely vital because if it is proven that there has been corruption, fraud or anything else that would have affected the insertion of the IGC into the Act, I suspect that the Parliament would adamantly reject the provisions associated with the IGC. The alternative is for the Lotteries Commission to assume the role of the IGC, and presumably it would then become the controlling authority. That would mean a complete rewrite of the Act and, given that it has taken the Minister almost a year to prepare the last one, we could assume that this would take a similar period. The issue of the Minister's role is absolutely vital, and if members continue to interject, I will tell them how vital it is.

Mr Ferguson interjecting:

Mr S.J. BAKER: The honourable member obviously appreciates my drawing together the threads of the argument and is convinced that the Minister's culpability or otherwise is important for the future of this legislation.

An honourable member interjecting:

Mr S.J. BAKER: On the matters that were raised, the Premier feigned innocence. We know what the Premier has been doing. Discussions on this issue have been going on between him and the Minister for over two weeks now. We know that harsh words have passed between them. It is not as if the Premier does not know. The fact is that the Premier was quite content to hide behind a lack of information, knowledge or understanding, but he knew. We know what has been going on in the corridors.

Mr HAMILTON: On a point of order, Sir, is it parliamentary for members to interject that the Premier lies, as I heard quite clearly from the member for Murray-Mallee? Sir, I would ask that he withdraw that interjection.

The SPEAKER: Interjections are out of order. The Chair did not hear the member for Murray-Mallee.

Mr Ferguson: I did.

The SPEAKER: I am on my feet. I heard the member for Henley Beach, and he is out of order also. If the member for Murray-Mallee did interject, he should withdraw it. The Chair did not pick that up, as many interjections are below the sound level. If the member for Murray-Mallee did imply that a member lied the remark is out of order and should be withdrawn. I call on the member for Murray-Mallee.

Mr LEWIS: Yes, Mr Speaker, I did say that the Premier lied by way of interjection, and I will withdraw that assertion so far as Standing Orders require me to. It does not alter the truth.

The SPEAKER: Order! The member for Murray-Mallee is now clearly out of order. I would ask the honourable member to—

The Hon. H. Allison interjecting:

The SPEAKER: Order!

Mr LEWIS: Unconditionally, Sir.

The SPEAKER: The Deputy Leader.

Mr S.J. BAKER: We know that the Government knew what was going on. We know the corridors were buzzing. We know that there was a cleaning out of offices. We knew that the Minister had a few problems and that the Premier knew about them. For the Premier to feign innocence in this Parliament is typical of the way he has conducted the business of this State over a long period. It does not wash anymore to hide behind that little statement, 'I don't know; I haven't heard.' We do know that he has heard. The problem is that he wanted to make sure he was on firm ground. He did not want to say something that could be refuted by his Minister or later could be to his detriment. That is why the Premier and Treasurer of this State refused to answer those questions.

The SPEAKER: Order! The Deputy Leader has had a fair go. He has had half an hour to make a case. Some leeway has to be given for him to advance an argument in this debate, but the Deputy Leader has had half an hour. I would ask him now to relate his remarks to the Bill.

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

Mr S.J. BAKER: Before the adjournment, I was referring to some of the precursors to this legislation and making reference to the Premier and his feigned ignorance and innocence of all knowledge of some of the events that have preceded this piece of legislation. In the area of gambling, there will always be those who will take advantage of a situation, chasing after the fast buck but, if the Government is party to those processes or, indeed, up to its neck in it, those responsible must be suitably rewarded. In this case, the Minister's name has to be cleared. It is no good for the Premier to say he knew nothing about it, to close the door and not allow a full inquiry to take place.

In terms of the people involved on each side of the debate, I have been astounded at the amount of material provided over a period of time. There are some people who will

benefit out of what has happened today. There are certain people who would love to see the Lotteries Commission become the sole controller of gaming machines in this State. It is no secret that such luminaries as Mick Young and Kevin Tinson, well known to members opposite, will be great beneficiaries if the legislation is changed to allow the Lotteries Commission to prevail over the entry of gaming machines into this State. So, some big stakes are involved here. On the other side of the ledger, leaving the IGC aside, there are people who will go to any lengths at all to secure the contract for the Lotteries Commission because they will gain significant amounts of money. My dealings with the Hotel and Hospitality Industry Association and the Licensed Clubs Association have always been perfectly frank. I have a tremendous regard—

Mr Hamilton: That's a cop out!

Mr S.J. BAKER: No, it is not. We have clearly aimed our darts at the Minister. The member for Albert Park makes the interesting suggestion that this is a cop out. I would ask the honourable member to cast his mind back about his association with his colleagues over a long period. Sometimes it is the friends you think you have who cause you the greatest amount of grief, and he knows that. We cannot change our relatives but we can change our friends if we find that they are undermining us. I have nothing but the highest respect for those people who have been associated with the Hotel and Hospitality Industry Association and the Licensed Clubs Association. One of the great shames about this whole situation is that they will become the innocent victims of what I believe has been a campaign by certain individuals who have a great deal to gain from the IGC's falling over.

No member of this House needs to be reminded that, for those people who can contract or engage certain gaming machine manufacturers, some very large sums are involved. For example, I have been told that the price of a common poker machine varies between $8 000 and $12 000. If we say the average price is $10 000 and if, as an interim measure, there will be 2 000 machines in this State, one does not have to be a genius to know how much money will be tied up in the industry. So, $20 million worth of contracts will be going begging—contracts that can be negotiated by machine manufacturers, and each of them trying to get a slice of the market. We all know that. We know how much money is involved in some of the negotiations. Some very high stakes are involved.

If we consider the lobbyists or the people involved in getting those machines into South Australia, there are some extremely large rewards on the end of it. That has nothing whatsoever to do with the people who are involved from the industry's point of view. I have always sung the praises of the hotel and hospitality industry, or the HIA as it was known before, because it has been a credit to this State, along with its management. The same applies to licensed clubs. I compliment most wholeheartedly Mr Max Beck and Mr Fred Basheer on the wonderful job they have done to promote this State.

That does not detract from the situation we are facing today, in that there is a certain smell associated with people who are contracted to provide particular services, and that has already proved to be the case. We have already demonstrated to this Parliament that Mr Stitt has some very unsavoury friends. If he did not like the company he was keeping, he should have got rid of that company a long time ago. I would bet that the people involved in serious negotiations on behalf of the industry did not know that he was mixed up with conmen like Edwards.

The SPEAKER: Order! The honourable member will be relevant in his comments in this debate.

Mr S.J. BAKER: I hope I am being relevant. In fact, what I am saying has a great deal of relevance to clause 23 of the Bill. People who ask a lobbyist to do a job for them take them on face value. They go out into the market place and find the person who will be the most effective. I do not know what research was done by the industry people concerned—

Mr Hamilton: Did you ask them?

Mr S.J. BAKER: Of course I have not asked them.

The SPEAKER: Order! The honourable member for Albert Park is out of order.

Mr S.J. BAKER: I have never questioned which lobbyists, which people were contracted to sell the story of the Hotel and Hospitality Industry Association or the Licensed Clubs Association, nor have I questioned those people out there selling the merits of the Lotteries Commission proposal. When I became aware in more recent times of some of the individuals involved, I felt that both sets of lobbyists had a great deal to answer for, for a variety of reasons. For better or for worse, those contracts were undertaken and now there will be some casualties because of what I believe is some impropriety on behalf of Mr Jim Stitt and what seems to be some real conflicts of interest as far as the Minister of Tourism is concerned.

So, it is important that, as in the previous debates over the past 20 years that we have been talking about poker machines in this State, the introduction of those machines should be clean and should be perceived by the public to be above reproach and suspicion. With respect to the Lotteries Commission, I know that there is some dirty water under the bridge.

Mr Ingerson: What do you mean 'a bit'?

Mr S.J. BAKER: A bit, right. The people who will gain from this latest debacle have a great deal to answer for also, and it may well be that there will have to be a clean-out of all lobbyists on both sides of the industry before we can actually proceed with this legislation. I do not need to refer members to the myriad of reports. I have read many of them and they keep coming to the same conclusions. People do not want corruption of any type. If they like poker machines, they want to believe that they are getting a fair deal. They want to believe that they are getting a fair shake when they push that button or pull that lever. They want to believe that some of the money is going to a good cause. They want to have fun. The last thing they want to see is any form of rake-off or corruption. They do not want to see that profits are not being distributed as they should be. They do not want any limitation on their capacity to win because some smart alec or some white collar criminal has duped the system and managed to cream off the profits.

It is absolutely vital that the process of preparing and considering the legislation is above board. That has not been the case, as we have heard and seen. It was not my intention to debate this Bill tonight because my clear policy is that it is inappropriate to do so until the Minister's name has been cleared. Along with other members from this side of the House, I went to see the IGC proposal, although it was not called that at that stage. It was a monitoring system. Mr Stitt was not there. We went through the whole process and marvelled at the technology and the accountability that would prevail if that monitoring system were brought into South Australia. I think I can crack systems reasonably well but it seemed to stand up to serious and in-depth analysis. It was a first-class system and I presume that all persons who visited those demonstrations thought that.

That is not to say that the system cannot be beaten because there is always someone who will try to beat the system, but I was impressed with what I saw. What impressed me more than anything was that the industry was willing to get off its butt and do something for itself rather than go to Government, allow a run down of the industry and get a handout. This industry took the lead. It tried to do something for its own people because, like many other industries at the moment, it is suffering badly. I was impressed not only by the capacity and integrity of the people concerned but by the fact that they got off their backside and got on with the job.

I am probably more distressed than members on the other side of the House because I believe they were sold short by stupid people, by a Minister who is the partner of a person whose character is not beyond reproach and whose associations are subject to question. Do not accuse members on this side of the Chamber of playing politics in this game. Do not accuse us of trying to sell out one part of the industry because, although I have my own opinion about the value of poker machines in the current climate, that is not particularly relevant. The relevance is that the legislation before us, irrespective of whether I or anyone else in this place agrees, had to be the best possible, and that means it had to go through the political and governmental processes in an absolutely clean fashion. It could not be affected by political influences. I believe that the IGC proposal had such merit that it could have stood up by itself without the doubtful services of Jim Stitt. However, that is history.

Because it is of major importance, there are a number of aspects in this Bill that should be brought to the attention of Parliament and I intended to be critical of the Government in the way it has handled this legislation. I seek leave to continue my remarks.

The SPEAKER: Order! Is leave granted?

Honourable members: No!

The SPEAKER: Order! Leave is not granted.

Mr S.J. BAKER: I was going to be, so I will now be critical of the Government, having been asked to proceed. Quite frankly, I believe that the Government does not have the capacity to run its own business. Far too few sitting days have been scheduled this year.

Mr Hamilton interjecting:

Mr S.J. BAKER: The member for Albert Park continues to interject with his inane interjections. I did not devise the program. The Liberal Opposition did not devise the sitting program; the Government did. The fact is that too few days were set aside for us to cover the legislation that the Government had in mind. I note that another six Bills were introduced today and there is some exceptionally important legislation before us, and we do not have the time to consider it under the program. That is why we are debating this Bill on Thursday night and next week, which was supposed to be a week off before the last two weeks of sittings. The Government cannot get its act together. It has no concern for the proper scrutiny of the legislation. Next week was belatedly scheduled into the sitting program to allow this money raising venture of Premier Bannon to be debated. Such incompetence—

Mr Hamilton interjecting:

The SPEAKER: Order! I have had to speak to the member for Albert Park several times. I draw his attention to that fact.

Mr HAMILTON: I apologise, Sir.

Mr S.J. BAKER: Such incompetence in relation to the programming of debates in the available time to consider important legislation can only be regarded as an abdication of responsibility by the Government to the Parliament and people of South Australia. There are no excuses for the lack of preparation and it is quite indicative of a Government that is in disarray, a Government that has lost the confidence of the people, and a Government that has been irresponsible in a wide range of areas under its control, particularly financial matters.

It was my intention to examine the Bill on its merits, to canvass the various arguments about the benefits or otherwise of the introduction of poker machines in South Australia and to draw conclusions in relation to the legislation before the House. It is quite clear that no member in this House can support the Bill as it stands. Even if members favour the introduction of poker machines, the legislation is basically flawed in a number of respects that will become clearer in my contribution. Members should remember that the catalyst for this legislation occurred nearly a year ago when a motion moved by Stan Evans passed this Chamber on 4 April 1991. The Government has had more than adequate time to get the legislation right.

The Hon. J.P. TRAINER: I rise on a point of order. Unless the honourable member was quoting from a document, he referred to the member for Davenport as Stan Evans rather than as the member for Davenport.

The SPEAKER: Order! I am sure that the Deputy Leader is well aware of the Standing Order that prevents any reference to members here other than by the electorate that they represent or by the portfolio they hold. I draw the Deputy Leader's attention to that matter and, if he mentioned the member for Davenport in that manner, I ask him to withdraw.

Mr S.J. BAKER: I really meant the member for Davenport, Sir. The Government has had more than adequate time to get the legislation right. It is almost a year since that motion passed, and we are only now considering a Bill.

What is incredible about this situation is that the Government has had two recent examples in Queensland and Victoria from which to draw inspiration. Both those Governments have gone through the process of putting together legislation. I do not know how many members of the House have had the chance to look at the legislation, but I mentioned earlier that the Victorian Gaming Machine Control Act 1991 comprises 98 pages and 163 provisions. The Queensland legislation is equally impressive—

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: —comprising 126 pages. So, there has been adequate notice and example to enable the Minister of Finance and his group of advisers to come up with a watertight piece of legislation that countenances every possibility and provides proper protection. Yet, before us tonight we have a piece of legislation which at best can be described as skeletal. We can only be dismayed that, despite the forewarning associated with this issue, the Police Commissioner, who is a key player in ensuring that individuals or organisations involved in the supply and operation of poker machines are of the appropriate calibre, was not called upon until February to report on the adequacy or otherwise of the legislation.

Perhaps one of the members on the other side can help me out. I would have thought that it was absolutely appropriate to involve the Police Commissioner from the very beginning. Why did not the Police Commissioner come down to look at the International Casino Service, I think it was, to see how good or bad it was? Why did not the Minister of Emergency Services right from the very beginning engage the Police Commissioner as a consultant and as a person who would be responsible for checking out the

calibre of the people involved in this new part of the industry? I wonder about that situation.

As I said, I would like some help from members opposite, because it seems to me that another dirty deal has occurred on the other side. What happened is that the Commissioner was forgotten originally, he came in late and he then dared to bucket the proposal put forward by the Minister. I do not know whether the Minister of Emergency Services has the numbers these days, but I would have thought that, as his position within the Cabinet is very tenuous, he would have bounced the Police Commissioner right out through the gates on day one. It is surprising and absolutely astounding to me that the Police Commissioner has come along after all this legislation has been drafted, after the industry has gone out of its way to prove its credentials, and without the benefit of looking at the machinery, the technology and the checks and balances, and come down with a report saying, 'I don't like this system; I don't want this system; I want to go back to a Government controlled body such as the Lotteries Commission.'

It makes one wonder what is going on within Government at this moment. Some of the basics have not been maintained. I can only assume that we are involved in a little skirmish between various factions within the Labor Party. Leaving the Police Commissioner out of the original deliberations makes me a little worried that it may be one faction versus the rest and they decided to bring in the Police Commissioner at the last moment to dice the hotel and hospitality industry proposal. That certainly could be successful.

As the Opposition's lead speaker in this debate I state clearly that all members of the Opposition have a conscience vote on this issue. It is my intention as the lead speaker to debate the issues that I believe need to be sorted out without in any way reflecting on the validity of personal views held by each and every member of this Parliament. It is a conscience issue. I will lead the debate and leave it up to every member without trying in any way to convince them one way or another on the subject. I will simply critically analyse the legislation before us.

On a matter of conscience, I wonder how many members on the other side as a result of recent events will now find themselves in a very difficult situation. I wonder what 'conscience' means now. What members on the other side should be doing right now is getting hold of their Cabinet and saying, 'We demand an inquiry to clear the air, because this legislation can't proceed properly without that inquiry.' It may well happen that there will be short-term gain. The fact that we are here on a Thursday evening and the fact that the Government is ill-prepared may well mean that the Bill will eventually pass this House, but it has another House to go through and the members of that House and the Minister might be even more dismayed by the events of recent times.

It would be in the best interests of everyone if the air were cleared completely and if that inquiry took place, because without it there are elements of doubt, and those matters of concern could be satisfied very quickly if the Premier of this State had any guts at all. I remind members, although I am sure they do not need reminding, that the issue of poker machines is nothing new. South Australia saw four attempts to introduce a casino into this State. During the debate that surrounded these attempts many of the important issues were canvassed extensively culminating in the successful passage of the Casino Bill in 1983. In fact, 20 years ago Premier Dunstan formalised the proposition that South Australia should have a casino, and during the term of the Tonkin Government propositions were put forward in 1981 and 1982 to establish a casino in this State.

When the Casino Bill was finally passed in 1983, it contained a provision excluding poker machines from the Casino's operations. It was the opinion of the majority at that time that no poker machines be allowed into South Australia. Members should refer to the record, which states quite clearly that there should be no poker machines. There was almost unanimous support for that proposition. Members would remember that Premier Bannon spoke vehemently against the introduction of poker machines and that there was bipartisan support for the fact that the Casino could proceed because there were seen to be some advantages but that poker machines should be disallowed.

For those members who were not present at that time, I commend to them the debates of the 1970s and the 1980s in which they will see quite clearly that, whilst there was a growing acceptance of casinos over a decade, poker machines remained a no-no on the political agenda. I do not need to canvass the reasons as they are self-evident and contained within the reports, but if members really want me to I will go through all the reports over the next two days of sitting. Suffice to say that the debates and the reports are on the record for any member of this House to peruse.

It is fair to say that opposition to poker machines on some of the idealogical grounds that existed previously is less today due to a number of factors. However, a number of other factors have intervened to suggest that the growing warmth for the acceptance of poker machines may be cooling.

I will return to the factors that have changed the minds of people who believed that poker machines were something quite evil. The factors that have changed people's perception of poker machines include: the introduction of poker machines into Queensland and Victoria; the parlous state of our finances due to the financial mismangement of this Government, coupled with the desire of the Government to add a new revenue element to the budget; the general acceptance of the Casino as a source of entertainment and tourism, plus revenue to the State; and the widespread economic difficulties impacting on hotels and clubs to the extent that they are seeking new ways to improve patronage and enhance their financial viability. The back door introduction of video gaming devices into the Casino in 1991, quite contrary to the wishes of the Parliament in 1983, created further anomalies for sections of the hotel, hospitality, entertainment, and sport and recreation industries, which have suffered some loss of revenue since the introduction of the Casino.

There are two key players behind the legislation that we see before us today—or there were two when I wrote this speech and, of course, one or two key players have been added to the list since then. I will talk about the principals, and they are the member for Davenport and the Premier of this State. The member for Davenport's promotion of poker machines was, in many ways, motivated by a sense of outrage about the underhanded way in which the Premier introduced video gaming machines into the Casino against the express wishes of this Parliament. The member for Davenport has been a strong proponent of clubs to gladiatorial proportions—and he has fought and battled for this prosperity over a long period, as all members would recognise.

However, Premier Bannon has managed less nobly: from a position of being vehemently opposed, he was persuaded by the dollar argument that poker machines would be a valuable asset to this State. The sheer hypocrisy of the Premier is breathtaking. This mad grab for money must be

seen as a cynical exercise from a person whose credibility on financial matters is at an all time low and whose personal credibility on matters of principle must be seriously questioned. If we consider the debacle today, that is in spades. The Premier did not have the gumption to answer the questions, because he wanted to see what the Minister's statement contained before he put his foot in it. That is what we had today.

The SPEAKER: Order! I remind the Deputy Leader about the need for relevance and also the Standing Order which relates to repetition. The Chair has heard those comments several times.

Mr S.J. BAKER: In other words, the Premier is willing to do anything to make a buck.

The Hon. J.P. TRAINER: On a point of order, Mr Speaker, to refer to the Premier as someone who is willing to do anything to make a buck is a very serious reflection upon a member of this House. It reflects on the standards of the House as a whole when a member makes that sort of allegation.

The SPEAKER: The Chair does not uphold the point of order. The term is not unparliamentary: I have heard a similar term from members on both sides of this House. I do not like these sorts of terms used in this House, but Standing Orders are not strong enough for me to be able to uphold the point of order.

Mr S.J. BAKER: I seek leave to continue my remarks later.

The SPEAKER: Is leave granted?

Honourable members: No.

The SPEAKER: Leave is not granted.

Mr Hamilton interjecting:

Mr S.J. BAKER: The member for Albert Park must think it a joke. He thinks that the Premier of this State can trample on convention and can close the door and stop important matters being debated. Indeed, the Premier of the State has failed in his responsibilities to this Parliament. Without the Premier's support, we would not be seeing the Bill we have before us today—that is quite clear. As mentioned previously in 1990, the Government sought to introduce video gaming machines into the Casino via regulation on the grounds that these machines involved an element of skill, unlike poker machines. The machines were installed in 1991 following the failure of the disallowance motion. This Bill provides a framework for the introduction, surveillance, security, control and taxing of gaming machines in licensed clubs and hotels.

The Liquor Licensing Commission is vested with the responsibility of administering the Act, whilst the Independent Gaming Corporation is vested as the monitoring authority, as well as being able to operate a gaming machine dealers licence. This proposition has met with stern resistance from a variety of sources, including the Lotteries Commission, the Police Commissioner, the Public Service Association and those who believe that the only way to minimise corruption is to have the total control of poker machines under the Government. That matter will be considered in more detail later in my contribution.

In addressing the Bill, it is important to understand that, for those who have a strong opinion on this subject, the anti's will outnumber the pro's by a significant margin. In relation to the opposition to the introduction of poker machines, a number of arguments have been put forward. These arguments are much the same as those put forward in 1973, 1981, 1982 and 1983. The most consistent opposition has come from church groups who are concerned on the grounds of morality, gambler addiction, increased poverty and, to a lesser extent, corruption. The case has been put strongly over many years that this additional form of gambling increases pressure on individuals and families because these machines will be available in the local hotel or club. People will be inclined to use them, to become addicted to them and to lose money they can so ill afford to lose to the machine, which is so aptly named the one-armed bandit.

Whilst to a certain extent the days of the lever machines have almost passed and the reference 'one-arm' may no longer be appropriate, the issue of banditry still remains. This argument certainly had a good deal of force during the 1970s and the 1980s in that the ready availability of machines allowed all members of the public to have ready access; therefore, the argument was sustained. To a significant proportion of the population, this was seen as providing unnecessary temptation, with significant social problems for those who became reliant on or addicted to the machines.

However, it is fair to say that the gambling forms have expanded exponentially during the 1980s, and there are now many ways in which to lose money. Lotteries and totalisator betting provide but a small proportion of the gambling menu. In fact, traditional lotteries, as such, have disappeared. We now have X Lotto, scratch tickets with very large prices and Club Keno, run by the Lotteries Commission. The TAB has introduced new products, including more meetings, more forms of betting and a wider range of codes, including football and the Grand Prix. The point has been made strongly by many who have been in touch with my office—and I presume with other members of Parliament—that, in these difficult economic times, further pressure on individuals and families to gamble will compound the many problems that we already have.

Whilst moral argument is a matter of personal belief, the issues of addiction and poverty remain to be debated. Unfortunately, no clear evidence exists of which I am aware that suggests that New South Wales, for example, on a per capita basis has a greater number of addicted gamblers than a State such as South Australia, despite the incidence of poker machines in that State for many years. The statistics on poverty have been stated in this House previously. Obviously, with South Australia being at the top of the poverty line, the argument that poker machines are a key element in poverty certainly cannot be sustained.

What can be sustained is that poker machines will take money out of people's pockets. There is a clear expectation that the Government intends these machines to be a money spinner and that the chief beneficiary shall be the Treasury. Varying estimates have been made as to the sums involved, and I understand that the Government is aiming for a revenue intake of at least $50 million a year from this form of gambling.

An honourable member interjecting:

Mr S.J. BAKER: Well, that's what it is aiming for. Church groups, quite rightly, point to the fact that the distribution of players is skewed to lower income groups, and this will lead to greater poverty amongst some, if not a lot, of people. The issue of corruption has been one of the reasons why people have been reluctant to support poker machines in this State; they do not wish to have greater levels of crime.

Others who have a legitimate beef are the charities, which have relied on small lotteries for a significant part of their revenue. Many hotels and clubs in the past have supported charities by selling instant money tickets on their behalf. The advent of poker machines would sound the death knell to this relationship at a time when charities and non-profit organisations are being asked to provide more assistance than ever before.

On the other side of the coin, those people in favour of poker machines point to the fact that the variety and forms of gambling have increased to such an extent that the introduction of poker machines will make little or no difference to gambling addiction. They point to the fact that our eastern neighbours will attract more custom to the detriment of South Australia and they signal that the hotels and clubs are facing financial difficulty and that this would assist, in part, to overcome such difficulty. Finally, proponents would argue that pokies are a relatively cheap form of entertainment and, if it is good enough for the people interstate to have them available, why should South Australians miss out.

It is my intention now to canvass the recent material that I have received on this subject, to debate the merits of the key proposals, to analyse the Bill in relation to other similar legislation and, finally, to indicate where my preference lies. All members have been inundated with submissions from people in the community. I presume that the member for Albert Park has had one or two petitions come through his door and one or two people who have expressed reservations. I am sure that that is true. The member for Albert Park keeps saying that it is a set up.

The SPEAKER: Order! The honourable member will direct his remarks through the Chair.

Mr S.J. BAKER: Yes, Sir. Thousands of signatures on petitions have been received by all members of Parliament—that is a fact. They have been organised by the churches—

Mr Ferguson: By the Liberal Party!

Mr S.J. BAKER: No, they have been organised by the churches. As members would recognise, a number of members on our side of the Parliament are in favour of the legislation before us. We have all received petitions and submissions from people in our constituencies. People have taken the opportunity to put a point of view. The interesting thing is that, the longer this proposal has remained in limbo, the greater has been the opposition mounted.

I can only presume that there is a growing wave of opposition because of the economic circumstances that we face. I would like to read one or two letters into the record from those people who believe that what we may be doing with this legislation is wrong. I refer to a letter from the South Australian Heads of Christian Churches. I have received petitions from a wide variety of churches. The letter was written by the Reverend Neil Michael, Chairman, South Australian Heads of Christian Churches, and it states:

> The South Australian Heads of Christian Churches, representing 11 denominations, unanimously express their deep concern at the proposal to permit the introduction of gaming poker machines to clubs and hotels in this State. We plead with members of Parliament to heed the 1991 call from the First South Australian Conference on Gambling for the South Australian Government to abandon the legislation permitting the introduction of gaming machines into hotels and clubs.
>
> The association of gaming machines with alcohol consumption is a very grave concern for us. These concerns come from welfare bodies well placed to observe at first hand the serious impact of excessive gambling. We request Parliament to set up a select committee into the social effects of gambling. The Premier promised an inquiry in 1983.

He certainly did. We asked questions over a period of time about what happened to that inquiry. Why has the Premier again ducked out of it? Why has the Premier not lived up to his promise? Why has the Premier not done what he undertook to do? The churches are quite right to point out that we still have not had that inquiry. It may provide some sense of relief or it may be a damning indictment of our gambling habits. Unless the inquiry is undertaken, we can only speculate on the probable results. The letter continues:

> We call on the Premier to honour that promise.

It further states:

> A study by the Uniting Church in 1986 and sent to all members of the House of Assembly and the Legislative Council noted amongst other problems related to poker machines and gambling:
>
> 1. Despite the tightest security, the widespread introduction of poker machines is likely to lead to an increase in criminal activity.
>
> 2. The security necessary to attempt to overcome criminal activity would alter the nature of many licensed clubs in South Australia.
>
> 3. An effective licensing authority would require a large amount of resources and would itself be exposed to the possibility of corruption.

The letter goes on:

> Our concern in particular is for families and individuals who are most at risk in the present economic climate. We find it difficult to understand how the Government of this State would permit a situation where devastating long-term social problems would be added to the difficulties already being faced by so many in South Australia.

I now turn to a letter from the Autistic Children's Association (and this is just a small selection from the letters I have received), which states:

> Thank you for the opportunity to comment on the legislation for the introduction of gaming machines. Whilst our major concern is on the impact of these machines on our fund-raising programs, we are also very concerned about their broader impact. There have been enough questions for which no satisfactory answers have been given for us to believe that the Act needs closer and more careful scrutiny.
>
> To establish a multi-million dollar industry which is going to have a serious impact on other industries and the potential for corruption without significant community comment seems to be flirting with danger.

That is just a small excerpt from the letter from the Autistic Children's Association, but it reflects the view of a number of other charitable organisations that have written to me on this subject. I now refer to a letter which I grabbed today and which was passed on to me by the member for Morphett; again, it reflects an element of concern in our community. The letter states:

> I have been a widow now for eight years. During this time I was responsible for raising and educating four of my five children. This, as a widow, was a great hardship to me personally but well worth while as I see them getting responsible jobs for themselves.
>
> The last of my two sons has just finished his apprenticeship and the other is at Underdale College and is yet to get into the work force. I am as a mother concerned that poker machines may be introduced in South Australia. This will make life for people like me, who care what the future holds for our young people, very difficult. Money can only stretch so far and poker machines are not the answer we need. I plead with you as a family man to oppose this move for the sake of our children and grandchildren.

That is a selection of three letters that came from different areas in the community. I will not read all the letters I have received on this subject, because that would prolong the debate. All members have received similar letters, I am sure, as well as the previously mentioned thousands of signatures on petitions that have been put together by the churches.

I would now like to refer to the Police Commissioner's report. I am dealing with those people who are against the proposals and then I will deal with the people who support them. One of the important elements of this Bill, as has already been mentioned, is the extent to which we can establish the integrity of the system. The Police Commissioner in his report, which all members have received (and this would not be known to the public at large), cited a large number of reports that have been written on the subject.

He referred to the South Australian select committee of 1982 to which he as the then Deputy Commissioner gave evidence. It is interesting that as the then Deputy Commissioner he gave evidence in 1982 yet he was not called upon

immediately to look at the merits of the legislation and the machinery that was going to be introduced in this State.

We had the Casino Supervisory Authority hearings in 1983 and the Connor Report on Casinos in Victoria in 1985. I note that Mr Justice Connor reported in the negative but suggested that, if the Government did introduce a casino, it should establish a powerful Government licensing, investigative and auditing authority capable of ensuring, as far as possible, that organised crime elements would be excluded.

There was the Wilcox report on poker machines in Victoria in 1983, the New South Wales Gaming Inquiry in 1985 and the Criminal Justice Commission of Queensland in 1990, (and as that is the most recent report from which we can gather evidence I will quote it later). All the other reports indicate the need for tight, total Government control, it being vital that, if there is to be any departure from that model (of which I am not personally in favour; I have never believed that the Government can do the job best), it must be a well argued case and perceived to be absolutely totally free from outside influence and corruption. The 1990 Queensland report states:

> The report is wide ranging and examines critical issues associated with the manufacture, sale, maintenance and use of gaming machines and the strict Government controls necessary to exclude or at least minimise the risk of involvement of organised crime groups. The report also highlights the ability of current poker and gaming machine principals to bribe and corrupt public officials and potential purchasers as a matter of course.
>
> Particular emphasis is given for the need for strong Government controls over purchasing processes and persons licensed as junket operators, managers, servicing agents, consultants, owners-directors of gaming premises and general gaming supervisory staff.

That provided a background for the Police Commissioner's report to the Minister. The Police Commissioner also states:

> In addition to the concerns expressed in the above reports, there have been instances in this State where family members of organised crime groups attempted to gain employment at the Adelaide Casino. These were identifed during antecedent checking processes which required fingerprinting and photographing of all applicants.

I do not see too many references to that in the Bill. The Commissioner continues:

> The most notable example is contained in *R v Secker ex parte Alvaro*, (1986-87) 44 SASR 60. Numerous other persons with criminal convictions have been similarly identified and excluded. There is nothing to suggest that hotels and clubs will not be equally attractive to criminals.

All that material was on the record prior to the introduction of this Bill, and that is why it dumbfounds me that the processes that have been followed in this case have not been so extensive and conclusive that any part of the Bill can survive the strongest scrutiny, given all the information conveyed in this House over many years. The Commissioner goes on to say:

> Overseas reports reiterate the criminality and organised crime involvement is very difficult to exclude from a poker machine or gaming machine environment unless strict Government controls are introduced as a preliminary measure. New South Wales has grappled with the post-introduction problem due mainly to a mistaken belief that the poker machine industry can be trusted to be self-regulating. Of course it must be emphasised that gaming machines are only present in licensed clubs in that State, not hotels or premises having general facility licences, such as is proposed for South Australia.

In New South Wales hotels with video gaming machines no money is inserted in the machines: it is all done from the counter. The Commissioner continues:

> It is not clear from reading the Bill who will be in control of the Independent Gaming Corporation. Some reported statements suggest it may be controlled in full or in part by the industry. The provisions of the proposed legislation which refer to the Independent Gaming Corporation provide little safeguards and, together with the statements made, suggest self-regulation. This is fraught with danger.

I am sure that that was not the intention of the Minister, and that is why I do not believe that the Minister has done the right thing by the industry, because what he did was introduce a Bill which had no special reference and no clear delineation of the role of the IGC: it was this phantom body stuck in the Bill with an enormous capacity but no checks, balances and controls—no idea of what function it was actually to perform. To that extent, it set the hounds loose, and that led to the sort of material that has come over my and other members' desks—some of it very objective and other material far less objective and aimed more at one or other of the two proponents of the two separate propositions. The Commissioner continues:

> South Australia has a very proud record of eliminating attempts by organised crime groups to infiltrate the Adelaide Casino. This has been achieved by the establishment of the highest standards of applicant vetting in Australia. These standards were identified and recommended by this department in submissions and evidence given prior to the Adelaide Casino opening in December 1985.

What the commission then goes on to do is look at all the problems that have been outlined in the various reports that have been produced over a long time, and suggest a solution. I read the report, which is very comprehensive and constructive.

Mr Atkinson: Which report?

Mr S.J. BAKER: I am talking about the Police Commissioner's report. However, it did not say that the alternative proposal of the Lotteries Commission would create any greater safeguards than those that could have been created if the industry had controlled the situation but been subject to some very stringent rules. I will not outline to the House all the solutions that are proposed, but I will outline the areas that were dealt with. The problems outlined were: corruption of those responsible for regulating the industry by manufacturers or agents; undisclosed criminal interest; criminal associations; money laundering and State/Federal tax evasion; payment of secret commissions; illegal industry; theft or fraud by technicians; inadequate machine security; machine manipulation; fraud, theft, tax evasion from machines; and, fraud or theft on licensed premises. The Police Commissioner then made a bid and said:

> I strongly recommend that any legislation address these concerns by putting in place the mechanisms suggested. Some of them are not put in place by the present Bill although I expect most could be dealt with by regulation.

I am sure that that was the intention of the Minister. The Police Commissioner continued:

> There could be significant resource implications for the Police Department. At present, I have two police officers based at the Liquor Licensing Commission performing liaison duties . . .

This would have to be increased quite considerably. The rest of the report analyses the legislation, outlines where the major deficiencies lie and proposes solutions to those deficiencies. What happened was that the Police Commissioner had read all those reports. In 1982 he had a strong point of view, and he has maintained that point of view because it has been a consistent point of view throughout various authorities in South Australia, interstate and overseas. However, what he did not have was an opportunity to look at an alternative proposal.

Let us be quite frank about this—and I will address this matter later—if anyone has seen the Lotteries Commission operate, there must be a few questions and concerns about its capacity to control this industry properly. We know that there are some scandals in Club Keno which the Lotteries Commission has failed to address. That is a very simple system—the simplest system possible—yet the Lotteries Commission for the past two years, where it has become more and more apparent that rorts are going on in the

system, has failed to react and do something about it. It is not mind-bending technology; it is nothing outstanding—it is just a simple on-line system which could be fixed with a minimum of effort.

Yet the Lotteries Commission has allowed the people in the system to run free and easy. When we are talking about electronic gaming devices, we are talking not about a simple system that drops a few numbers down the line but about a very complex piece of machinery that requires the highest possible technology if it is to be controlled. I will not go into the technology, because I do not understand it myself. All I know is that we need highly trained technicians and people of calibre to run the system, to ensure that the people who have some capacity to get into machines of this nature—hackers and others—cannot in fact prejudice the integrity of those machines.

I have not seen anything from the Lotteries Commission, whose greatest advancement was to provide scratch tickets. I have not seen anything from the Lotteries Commission that would indicate it has either the wit or the will to control this industry. I have not seen anything at all, although in many cases it has provided a good, strong revenue base to the State. I commend the Police Commissioner's report; it is worthwhile reading and should be viewed in the context that the Police Commissioner started with the disadvantage of having no alternative to consider.

I have received a submission from the Public Service Association of South Australia, which has actually referred us to the infamous Oregon report. We have all received a copy of that report by the Department of Justice, Oregon, together with a letter dated 15 October 1991. It is a fairly recent report and probably the most recent one available on this subject. The Public Service Association has taken a stance for obvious reasons on the merits of the proposals in the Bill, based on the fact that, since the Lotteries Commission staff are unionised, they may not have the same control if the monitoring goes to the IGC and the control goes to the Liquor Licensing Commission. Leaving out some of the verbiage, the submission states:

> The IGC will have an effective private monopoly over gaming monitoring—and, as you would know, the public finds private monopolies even more galling than public monopolies.
>
> Little is said of the IGC management structure. Is there any proposed government representation on its board?

Both points are quite valid. It continues:

> Financial scrutiny of the IGC operation seems less than that of the Auditor-General's extremely tight surveillance of the Lotteries Commission.

Again, it shows that the Act has failed to convince anyone that the t's have been crossed and the i's dotted. I have received a submission from the IGT. People should remember that the IGT is in opposition to the IGC, and that the person who prepared this—I am sure it was Mr Tinson—has a particular interest in the outcome of this proposal.

Mr Atkinson interjecting:

Mr S.J. BAKER: I understand that that is correct. How is his court case getting on?

The SPEAKER: Order! Interjections are out of order. Responses across the Chamber are out of order.

Mr S.J. BAKER: The IGT put its oar in the water for obvious gain. It made observations which cannot be taken too seriously, but they are interesting. The submission states:

> The Bill provides that a body called the 'Independent Gaming Corporation' (IGC) be granted the monitoring licence. It stipulates that all machines be connected to this computerised monitoring system. Two things need to be observed—
>
> *(a)* IGC is a joint venture between the clubs and hotels. This means that the clubs and hotels will be monitored by their own association.

Again this problem of accountability was raised. It continues:

> *(b)* the Bill places no requirement or facility for the system to function as an accounting and security surveillance network to be used by the government regulatory authority.
>
> Monitoring is a vague and undefined notion as presented by the Bill.

As I have said, it would be unusual if the IGT had been complimentary towards the Bill, but it had the right to make the same observations that I and a number of others have made, that the Bill did not really do justice to this proposal.

The Criminal Justice Commission of Queensland submitted an extensive report on gaming machine concerns and regulations, dated May 1990, and I am sure that many people in favour of the Lotteries Commission will quote extensively from that report. It deals extensively with money laundering and a variety of other dubious activities. We note that one of the people, by the name of Ainsworth, who may well be supplying machines went through a very chequered career in terms of graft and corruption.

Mr Atkinson: Tell us about it.

Mr S.J. BAKER: It is contained in the report, if the honourable member wishes to read it. If the honourable member would like me to read the whole report—

Mr Atkinson: That would be lovely.

The SPEAKER: Order! Interjections are out of order.

Mr S.J. BAKER: On page 16, the report states:

> The rationale for Government ownership of gaming machines appears to be that the current presumed widespread corruption of club officials through secret commission and other deals by manufacturers and their agents can be avoided. Extreme care would have to be taken that public officials are not compromised or corrupted instead.

What he is really saying is that club officials are just as corruptible as Government officials. Further:

> From a criminal intelligence point of view it is extremely desirable to insulate machine manufacturers and suppliers from the personnel of licensed establishments. The proposal that machines be purchased by the State Government and leased back to clubs has met opposition from the industry on (presumably) commercial grounds. This is beyond the concern of this Commission but some security difficulties can be anticipated in the areas of market attractiveness, rapid changes in technology and maintenance requirements.

That is a very important observation, and I would ask the House to consider it for one moment. What we have with a monopoly is that it controls the whole vitality of the industry. It has no particular interest in the industry but controls the whole industry. This report said, interestingly, that whilst it came down fairly heavily in favour of Government control a few difficulties needed to be overcome. It said that one must look at the elements of market attractiveness, rapid changes in technology and maintenance requirements. We know that the Government is short in all those areas.

I have received a reply to a question on notice relating to how many public servants know what their superannuation entitlements are under the national wage award. It is really a very simple system, requiring dollars and cents put in by the Government, on a credit to that account, with the earnings on that account being calculated and the benefit therefore being quite easily defined. But public servants have not had a result since 1989. That shows how up to date the Government is. It is a simple task to get a computer to add, subtract, divide or multiply, yet the Government, through the Lotteries Commission with its technology, software and computer operators, cannot provide that information. It should not have been tolerated 10 years ago, let alone today. Some people believe that we want to run poker machines. So, if the industry will use poker machines as a

means of attractiveness, there has to be the means by which the vitality of those sorts of instruments can be maintained and the industry's wishes met, not those of the Government which simply are so far behind and so inept. It means that the Government will get its cop but there will not be much left for anyone else because the costs of its incompetence will be extraordinary. I received a memo from the Independent Gaming Corporation Ltd—

Mr Hamilton: It's a dead duck.

Mr S.J. BAKER: If it is a dead duck, I would point to a Minister on his side of the House. The facts sheets supplied by the IGC comprehensively cover all the issues relating to IGC, the Gaming Machines Bill and the philosophy of the industry's position, as follows:

Facts Sheet 1: 'Machine Control'—summarises our position on control and the Bill's endorsement of the Liquor Licensing Commission as the most appropriate Government agency to control and monitor the industry.

Facts Sheet 2: 'Private Enterprise'—puts the hotel/club industry's position on why private enterprise and Government should work together to ensure gaming machines are successful for all participants.

I can supply members with a copy of these facts sheets, although I am sure that they have their own. They continue:

Facts Sheet 3: 'Independent Gaming Corporation'—an overview of IGC make-up and accountability.

Facts Sheet 4: 'What Will IGC Do?'—outlines the role of IGC within the overall context of the Gaming Machines Bill.

Facts Sheet 5: 'Creating An Industry'—the industry view on what components are needed to maximise the benefits that the gaming machine network will bring.

Facts Sheet 6: 'Gaming Machines'—who should decide which machines and why. Clubs and hotels should participate in that decision making process.

Facts Sheet 7: 'The Participants'—what the Bill envisages, what the industry supports and who has what responsibility and who is accountable to whom.

It is a great pity that the merits of that material were not produced in far more extensive form. It is also a pity that the IGC did not get hold of the Minister earlier, shake him and say, 'We want our full role exposed in the Bill so it is there for everyone to see,' not some Mickey Mouse insert that means that it can be interpreted in a wide variety of fashions, some of them not very complimentary.

Further in support of the introduction of gaming machines, I received a letter from the Licensed Clubs Association of South Australia, as follows:

I wish to acknowledge receipt of your correspondence dated 13 February 1992 concerning gaming machines, which was addressed to the President of the Licensed Clubs Association, Mr Max Beck. I wish to advise on behalf of Mr Beck and members of the association's Executive Committee that the copy of the Bill that you kindly provided has been studied in detail and that the Bill in its present format meets the wishes of the licensed clubs industry in South Australia.

I wish that were true. The letter contines:

At the same time the Executive Committee would like to take this opportunity to clarify some misconceptions about the role of the Independent Gaming Corporation. Contrary to what has been published in the press, the Independent Gaming Corporation does not want to control gaming in hotels and clubs. This is the role of the Liquor Licensing Commissioner. The function of the Independent Gaming Corporation, which is a non-profit organisation, is to simply provide the computer monitoring system for clubs and hotels that will have a gaming machine licence.

Our Association is most concerned about allegations of corruption which have been raised in the media, which have no logical basis, and the proposal by Mr Wayne Matthew to call for an investigation by a select committee. Further delays to the introduction of gaming machines in clubs and hotels will decimate an industry which is already subject to stringent government regulation and which will be facing increased competition with the introduction of gaming machines into Victoria.

We believe that the South-East of the State and, in particular, Mount Gambier will experience a substantial loss of revenue as it will not be able to compete with clubs and hotels in Victoria which will soon be able to offer entertainment from gaming machines, subsidised food and liquor and generally better facilities.

I have received a number of letters from a variety of hotels, and I think that the wording is almost the same.

Mr Atkinson interjecting:

Mr S.J. BAKER: No, I have not got one from Timezone. The Opposition received a letter from the Liquor Trades Union supporting the introduction of gaming machines and the role of the IGC. I will not reflect on that, given the question asked about the role of the Minister of Finance in the issue of compulsory unionism. That is another unfortunate aspect of this case that has hit the press. I seek leave to continue my remarks.

The ACTING SPEAKER (Mr Blacker): Order! Is leave granted?

Honourable members: No!

The ACTING SPEAKER: Leave is not granted.

Mr S.J. BAKER: I believe that the issue of charities is important, and I note that the Bill does not make reference to pay outs to any other part of the system. The South Australian Bill is quite different from the legislation that prevails interstate. Members will find that the tourism industry, the sport and recreation industry and the charities and rehabilitation areas benefit from the machinery that applies interstate, yet there is no reference whatsoever in this Bill to anyone or anything except general revenue benefiting. I can understand why the Premier wants to get as much money as possible, given that he has lost somewhere between $2.2 billion and $2.6 billion. I can understand that he has to make up revenue in excess of $200 million a year just on the interest relating to the State Bank fiasco. What I cannot understand is that there is no reference in this Bill to those who should have some benefit under the legislation. I have received a number of letters from concerned charities and I will read a letter from the Australian Red Cross Society to the Premier, as follows:

Over the past two and a half years, the Australian Red Cross Society, South Australian Division, has written to you as Treasurer, to the Minister of Finance, and to politicians in both Houses of Parliament expressing serious concerns on the introduction of on-line Keno and poker machines into hotels and clubs in South Australia. Red Cross has repeatedly been advised over this time that the legitimate interests of charities would be taken into account before the introduction of on-line Keno and poker machines. Interests of charities were not taken into account with regards the introduction of on-line Keno, in spite of assurances, nor have they yet been considered in regard to poker machines.

Further to correspondence from this division, a meeting was requested with the Minister of Finance, but in his letter of 4 June 1991 Mr Blevins stated, 'At this point in time I do not think there is anything to be gained by holding a meeting with you. Red Cross once again requests a meeting to discuss the compensation to relevant charitable organisations for the loss of revenue due to the introduction of poker machines in South Australia.' Red Cross has energetically and strongly proposed in correspondence to yourself and all members of Parliament the need for compensation for lost income from the revenues raised by the Government from these gaming machines.

It is an important issue for a number of charities, and I have a letter from the Australian Kidney Foundation and from one or two other charities on the same subject.

This issue might have been addressed more objectively and constructively had the report that the Premier promised in 1983 come to fruition. It should have been produced for Parliament. It should have been laid on the table so that everybody could judge the merits of the various gaming opportunities in the State and what impact any new opportunities would have on the population. It cannot simply be swept under the rug. It has not been addressed, and the Premier has broken his promise.

I note that in Queensland the split for the clubs is as follows: 85 per cent of the turnover goes to prizes, 3 per cent to the Government machine gaming tax, 1 per cent to

the Government sport and recreation levy and 11 per cent to the clubs. For the hotels, 85 per cent of turnover goes to prizes, 3 per cent to the Government machine gaming tax, 2.5 per cent to the Government sport and recreation levy, 4.5 per cent to the charitable and rehabilitation levy and 5 per cent to the hotels. It is interesting that a number of commitments were made. Whether they were made because of strong lobbying is probably irrelevant. Perhaps the Government decided that it would trade off all the people who believed that they had a case to put to the Minister in terms of lost revenue. I do not know.

What I do know is that an attempt has been made to provide revenue to these sources that would not have been available had that action not been taken. In Victoria, under section 136 of the Gaming Machine Control Act, revenue from poker machines must be allocated as follows: 87 per cent of prizes to players. The remaining 13 per cent of the total amount of wages referred to is the daily net cash balance, and that is distributed as follows: 33⅓ per cent to venue operation, 33⅓ per cent to the Government consolidated fund; and 33⅓ per cent to the gaming operator, namely the TAB or Tattersalls.

In a hotel situation, 25 per cent goes to the venue operator; 8⅓ per cent to the Community Support Fund; 33⅓ per cent to the Government Consolidation Fund; and 33⅓ per cent to the gaming operator, namely, TAB or Tattersalls. The money raised for the Government Consolidation Fund is channelled into the Hospitals and Charities Fund under the Health Services Act and into the Mental Hospitals Fund under the Tattersalls Consultation Act 1958. Money raised through the Community Support Fund is distributed to expenses of the Gaming Commission, research and development, sport and recreation clubs, counselling services, support and assistance for families in crisis, programs for the prevention of compulsive gambling or for the treatment or rehabilitation of persons who are compulsive gamblers and for the promotion of arts and tourism.

Whatever the reason may have been, a commitment was made to the community that the money would not just disappear down the great gurgler called Consolidated Revenue; there would be something to show for it at the end of the day. However, nowhere in this legislation have we found any suggestion that the Government will provide anything except money for its own pocket. The cases that have been presented to us are really quite compelling. I know that local government and some of the recreation and sporting industries have had something to say. The tourism industry has made a grab. The most compelling for me are the charities who are being asked to do more and more with less revenue and declining revenue sources.

Under the circumstances, given the precedents set by the Government's interstate counterparts, I feel that this matter should have been addressed. I am sure that a number of members on the other side of the House would have joined in and supported some of this revenue going to areas of need, because it is revenue that was not previously available. It is not as if we would be cutting into the potential expenditure of the State, but that may be so if we are talking about debt servicing. Importantly, it was a new form of revenue that had the capacity to do some good as well as, in the minds of many people, to do some harm in particular areas.

There could have been a trade-off. It might have salved some consciences and it might have been agreed to for a whole variety of reasons, but it would have done some good, particularly in those areas of great need. I know, for example, that in Victoria a charity can own or lease a gaming machine on which a sign may be placed saying that all proceeds will go to, say, the Heart Foundation or the Kidney Foundation. That may solve the problem for one or two, but it begs the question about a range of others.

The Salvation Army, which is one of the great charities and tireless workers of our time, would not have been party to such a system, but it could certainly do with the revenue and would certainly give it to those in need at the least cost and with maximum benefit.

The Parliamentary Library has supplied me with information on the Community Support Fund in Victoria as follows:

> The Community Support Fund is established in the public account. It is invested by the State Treasury, but not subject to appropriation. The fund is administered by the Minister of Gaming, in the following manner:
>
> *(a)* firstly, for or towards the expenses of the commission, such expenses to be determined by the Minister;
>
> *(b)* secondly, for payment to the Research and Development Fund established under this section, the amount of such payment to be determined by the Minister;
>
> *(c)* thirdly, not less than 70 per cent of the remainder—
>
> (i) for payment to the Minister administering the Sport and Recreation Act 1972 to be spent for the benefit of sport and recreation clubs; and
>
> (ii) for payment to the Minister administering the Community Serives Act 1970 to be applied for or towards the provision of financial counselling services, support and assistance for families in crisis or programs for the prevention of compulsive gambling or for the treatment or rehabilitation of persons who are compulsive gamblers—

a very compelling area that should have been addressed already, and we are still waiting on the report—

> *(d)* fourthly, the balance—
>
> (i) for payment to the Minister administering the Ministry for the Arts Act 1972 to be applied by that Minister for the promotion of the arts; and
>
> (ii) for payment to the Minister administering the Victorian Tourism Commission Act 1982 to be applied for the promotion of tourism.

I read that document to look at the mechanism of that fund because I have had huge difficulty trying to find out, if I inserted an amendment in the legislation, how to get those funds to the charities that would do the most good. None of those propositions provide that mechanism. I certainly would not give it to Foundation South Australia, which seems to spend an extraordinary amount of its budget on its own self-promotion and diminishing amounts on health care in this State.

I refer to the Commissioner for Charitable Purposes and return to some of the models that we have seen in this State where money goes through a particular fund and is not put into Consolidated Revenue. However, the mechanisms are irrelevant unless we have the money. Those are very important items that ought to be considered by this House, but they have not. Mr Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr S.J. BAKER: I will now address some of the principles behind the legislation. I have attempted to objectively assess the various submissions and the various elements of research that have been undertaken over a period. I have not held up the House as I indicated I would at the beginning of this debate because my voice will not last the distance—a fact that will delight all members. My health is at risk under these circumstances, otherwise I guarantee that I would have gone through to 12 o'clock. Members will remember the debate on the Workers Compensation Act in which I did not actually set a record but I think I ran second for the most time spent speaking in this House. My voice is worth far more than that. I think I have plenty of support from my colleagues to ensure that this Bill does not pass

within the time available because, unless the Government comes clean and is willing to address the matter of principle, this Bill will not succeed. This Bill will not succeed until the Government addresses itself to the questions relating to the propriety of the Minister.

An honourable member interjecting:

Mr S.J. BAKER: We will see exactly what outcome it will have on the principle of whether we should proceed with the Bill under the circumstances. That issue can be disposed of quickly if the Premier makes the right decision.

The Hon T.H. Hemmings interjecting:

The ACTING SPEAKER (Mr Blacker): Order!

Mr S.J. BAKER: I have to put up with the innane comments of the member for Napier. If he had some gumption, he would resign from this Parliament, because all he has done is disrupt this Parliament ever since he lost his Ministry. We would be all the better for his resignation. However, we will have to put up with him for a little longer, but perhaps not so long.

In relation to deficiencies in the Bill one which has been mentioned and one to which I paid particular attention is the Independent Gaming Corporation, in relation to what it is and how it should be represented in the legislation before us. I am sure that a great deal of work is being done on that subject at the moment, but it may come to no avail unless, as I mentioned, other matters are properly addressed. Leaving aside the matter of IGC, if we study the Acts of the Queensland and Victorian Parliaments, we will see that many issues are left out of this Bill. Many areas are not represented within this legislation.

I would reference the Victorian Act as perhaps a benchmark of the sorts of items that need to be included in some shape or form. A number of definitions are absent from the Victorian Act; in fact, this Bill does not even have a proper definition of a gaming machine. However, leaving aside that issue, the Victorian Act contains an extensive list of definitions of things such as computer cabinets, electronic monitoring systems, the definition of a game and of a gaming machine, which is more extensive than our own, the gaming machine area, the gaming machine type, the jackpot and the link jackpot, We have a reference in our Bill to link jackpot, with no definition within the Bill. The Victorian Act defines a restricted area, restricted machines and operating venues. Presumably, all these important matters are left to regulation and not included in the Bill because they will come along a little later.

How can legislation which deals with the complexities of electronic computer equipment be left to the judgment of regulation, and why are they not included in the legislation? The Bill does not contain any provision for a manufacturer to sell his machines across the border, whereas the Victorian legislation does have this provision. We have provision in the Bill for the possession of machines for the purposes of research, but we do not have such a reference in the Bill. We do not have anything in our Bill relating to restricted machines with special programs.

We do not have any real reference to the issue of forfeiture, and we do not have a list of objections against machine licenceholders as extensive as those proposed interstate. We do not have any reference to the fingerprinting or updating of applicants, amendment of conditions or updating of licences, unprotected devices, or such things as dress standards, malfunctioning of machines or injunctions to prevent certain activities taking place. We have limited reference to age, little of proof of age and little or no reference to pecuniary interest.

These are all matters that have been canvassed in the interstate legislation, but very few of the matters I have mentioned get a guernsey under our Bill, so we must presume that they will be left to regulation, with no guiding light as to how those regulations will be put into practice or how they will be cobbled together. We have seen an adequate demonstration from the court on how the legislation has been put together, and we are not too pleased. That matter must be addressed.

Finally, I really will pull the plug and not read the reports, as was my original intention, because I am absolutely outraged at what happened in this House today. I will settle for talking for two hours and five minutes. When we consider the matters before us, it is important to understand the context of where we are today. I do not have any feeling or preconception that the gaming machines will be of such horrific consequence to the community that they should be banned. However, having travelled widely overseas and having looked at what is provided—

The Hon T.H. Hemmings interjecting:

Mr S.J. BAKER: Some at the taxpayer's expense. You should read some of my reports. The member for Napier who, by just his very presence in this House, rips off the taxpayer, has little that he can comment upon. If he reads my reports, at least he might find something useful. In the context of where we are today, and that is what I would like to address tonight—

An honourable member interjecting:

Mr S.J. BAKER: It has been a long three days, and I have referred to that previously.

Members interjecting:

The ACTING SPEAKER (Mr Blacker): Order!

Mr S.J. BAKER: In the context of where we are today economically, on balance we should not support the legislation before us. I have spent the past two hours and seven minutes outlining what I believe are the key issues with this legislation. I have canvassed some relevant issues which members on the other side of the House may wish to forget and, if they do, it will be at their own cost. Let us return to the substance of the debate before us. My contention is that, with all the material we have at our disposal, along with the fact that it is no longer of such importance that we restrict gaming machines because we have such a wide variety of gaming and gambling around us, the case still remains that we must look at ourselves as a State and as a nation.

As an aside, I do not necessarily believe, on my brief encounter and examination of the issue, that there will be too many winners under the legislation. In fact, the only winner will be the Government. What appalls me—and I have not mentioned this factor before—is that no percentages are contained in the Bill. I read to the Parliament what has been done interstate. In one State, the percentages were actually put in the legislation, and in the other State they were set by regulation. If any industry is to trust this Government, it really should try to understand the parlous state of our finances and the attempts that will be made by the Government to maximise its revenue from this source.

Anyone who trusts the Government is a little naive. However, if this legislation is to pass, there should be a clear indication of who will be the winners and the losers. We cannot leave it up to the Government to decide, and we must have a clear indication before the Bill is passed. As to today's economic circumstances and who will be the winners and losers, the net gross surplus that comes out of the take and how it is divided up will be particularly important for the hotels, the clubs and everyone else concerned.

We have no indication from the Minister's second reading speech or the Bill about how that will be divvied up. I can guarantee that it will not be divvied in favour of the clubs

and pubs. Further, let us look at what is going to happen in the industry. We know that in Queensland and in Victoria the clubs have been linked up to their systems very early while the hotels have been left lamenting.

That was the product of a number of things, including the level of expertise and the ability to establish the credentials of people and the like. The facts are plain: the clubs were linked up quickly and the pubs were not. In the circumstances, the hotels will be in a deficit situation for some time as a result of this. Even when the system evens out and all those applications are satisfied, how can anyone believe that they will achieve ultimate benefit for one and all.

I perceive that a number of people believe that gaming machines will be the answer to their prayers. They believe that these machines will save them from financial disaster by providing an extra source of revenue, but the result may well be different. I have not yet received any information back from Victoria or Queensland, but the comment has been made that the financial trends of some of those enterprises have not altered because of changed economic circumstances.

Members have to realise that, once everyone has machines, they will have no advantage over any of their other competitors. After a while, all revenues will even out and, when one takes into account what is taken over the bar of a hotel or club and how much profit comes out of that, and when it is traded off against the 20c, 10c, 5c, $1 or $2 inserted in the slot machine, we need to ask whether clubs and pubs will be far better off, slightly better off or maybe worse off because of the cost of the machines.

We do not know these things and I am not making a judgment on them. However, I do not want to see some of our prime tourist attractions in South Australia being sucked into the system and having to line their walls with poker machines because of economic circumstances. As the member for Napier said, I might have visited a number of parts of the world at taxpayers' expense (and some at my expense), but what I found was that the quality of a place was rarely improved through the provision of poker machines—in fact, never improved.

There are not too many cities in the world where all the major hotels and clubs have their walls lined with machines—I cannot think of any outside Australia, except possibly Las Vegas and a few other places in America. Visitors should not be met with an array of gambling devices, and I do not believe that that would add to the calibre and quality of South Australia.

Also, in these harsh economic times I do not believe that we need to have this additional source of gambling. It is only a marginal feeling and perhaps if the machines had been introduced three years ago I might have thought differently. I do not believe that we should string people along and continue to provide more gambling services, because those who can ill afford to will hang on in the hope of a big jackpot.

That is not necessarily a moral issue: it is simply an observation. I do not know that we will have many people gaining out of the system—except the Government. I do not believe that international visitors will be enthralled by the sight of an array of poker machines lining walls to get the coinage from those who would visit this State. On balance, South Australia, if it is different, may be different in a positive fashion compared with establishments interstate.

South Australia has a hell of a lot going for it; if we had a Government that had the guts to make the right decisions and turn its direction to promote some of our assets, that would overcome many of the problems that exist in the hotel and hospitality industry today. That will change only when we get rid of the Government but, until that time, I am yet to be convinced that poker machines will be a net asset to this State. I am not convinced that they will add to the quality of life. From a personal point of view, I do not believe that poker machines will be of great, long-term, economic assistance to the State.

Finally, I go back to the issue that was first raised, that is, the responsibility of the Government. Even if I were disposed towards the introduction of poker machines in South Australia, there would be no way under the circumstances that I could possibly support the Bill until such time as we had a proper accountability of the role of the Minister in the events that have unfolded—in the role of the Minister and her partner in the legislation and the impact of those relationships on the final disposition of the Bill. I oppose the proposition.

Mr HAMILTON (Albert Park): Mr Acting Speaker—

Members interjecting:

The ACTING SPEAKER (Mr Blacker): Order! Is the member for Albert Park the lead speaker?

Mr HAMILTON: No, I am not, Sir. At last—

Members interjecting:

Mr HAMILTON: Be patient. I have listened to a diatribe for 2½ hours, and in the first 30 seconds I am asked whether I am in favour of the Bill. I ask the honourable member to be patient. I had to listen to that drivel and shameful tactics brought on by the Opposition. This is a sad day for the Parliament. It is not something that has just been born out of what allegedly just came up. In my view, this is a tactic that has been employed by the Opposition—a tactic thought through, a tactic, in my view, to denigrate people, to attack the Minister and to attack licensed clubs and the AHA, albeit having two bob each way.

Let me look at some of the tactics that have been employed by the Opposition. I refer to the pre-arranged questions yesterday in Question Time. Let us look at that. I refer to the question by the member for Bright (or the member for not so bright). One of the things I learned when I first came into this place was not to be conned by anyone. One has to think a matter through oneself and, if someone says, 'Kevin, I want you to ask a question', I ask myself why and think it through in order not be snowed.

Mr Ingerson interjecting:

Mr HAMILTON: Well may the member for Bragg laugh. He has been conned, and we know it. My 13 years of experience in this place has taught me a few things. Yesterday, the member for Bright, who thought he was bright but who is as thick as 10 bricks in my opinion, was obviously requested to ask a prepared question headed 'Unionism': he asked:

> Does the Premier endorse an agreement orchestrated—

note the language—

> by his Finance Minister in which the introduction of poker machines will be used to force—

again, note the emotive language—

> employees of hotels and clubs in South Australia to join a union?

He then goes on to add emphasis to how important this issue is:

> I have in my possession—

Big deal! If one reads the whole question one will see that it is very interesting. Talking about the minutes he says:

> Mr Frank Blevins, MP, had encouraged the LCA to form an alliance—

which was a bit different from what he said previously about 'force will be used'. He went on:

I have been approached by club and hotel operators who believe that 'these facts show that the Government is endorsing blackmail—

Blackmail of all things—

in which poker machines will be used to shore up compulsory unionism in South Australia'.

If that is factual, if that is the sort of information he had about blackmail tactics being used, why did the honourable member not have the guts to go to the police with that information? I will tell you why, Sir—because he was conned. In my view, he was set up by his own people to raise these questions. He gives himself away, because he thinks he is so smart. He is not smart. I believe that he is a political fool. I do not believe that he is a total fool, but I believe he is a political fool. Let us look at what he said in the last line of his grievance debate:

I ask all members from both sides to analyse this situation as it unfolds, because there is a lot more to come.

More to come! He was foolishly set up. In my view, he was conned by his own people into asking that question yesterday, and then he built up this scenario.

Let us look at the scenario. The honourable member opposite had his moment of glory in the grievance debate in this House, and then Chris Nicolls from the ABC interviewed the Minister. We then had Question Time today—the tactics. Let us look at the tactics that took place today. We had members attacking those who cannot defend themselves in this place—attacking Mick Young and Kevin Tinson, and they are big enough to defend themselves. These political cowards attacked people out there who they know cannot defend themselves in this place.

Mr Matthew interjecting:

Mr HAMILTON: The honourable member has had a lot to say, and he does not want me to have my say. He wants to attack those people who have no chance to stand up in this place and defend themselves. He makes spurious, outrageous remarks about these people. Clearly, the tactics were designed by the Liberal Party many days, if not weeks, ago. Let us look at it—the pre-arranged Question Time, with questions being asked from right around this Chamber. Questions were written up and asked in the other place. Then we heard for about two hours from the temporary Deputy Leader of the Opposition. It was an appalling attempt to frustrate the Government in its attempt to try to get this Bill through the Parliament. And the honourable member preaches democracy! He is not talking about democracy: he is trying to frustrate the will of the people.

I have no problems with anyone giving a quality contribution but, if you cannot make it in a hour, you will not make it in 2¼ hours, that's for sure. That speech was clearly designed to attack and denigrate, to put people down, and to try to delay this Bill as long as possible. The Deputy Leader called for an inquiry. If it was so important, why was it not done yesterday by the member for Bright, if he had had the guts to do it? He said that he had further information. Well may the honourable member have a sickly grin on his silly face. The reason was that it was a prearranged tactic.

Mr MATTHEW: On a point of order, Mr Acting Speaker, the member for Albert Park was using language that I think could be regarded as being unparliamentary.

The ACTING SPEAKER (Mr Blacker): The words were not unparliamentary. However, I would ask the member for Albert Park to temper his remarks.

Mr HAMILTON: I take note of what you have said, Sir. What I will do is try to give as much as was given to Government members when Opposition members made their contributions. In my view, the reaction of the honourable member opposite typifies a spoilt little kid. He is like Paddy's dog: he dished it up yesterday, but when he cops it back, the first thing he does is to jump up and squeal to the umpire, 'Sir, I can't cop this. I have to take a silly point of order.' That clearly demonstrates what he is all about.

I am not walking away from the issue, as much as the honourable member opposite tries to make me deviate. I come back to the point that, if the matter was so important, and if 'more is yet to come'—an indication that he had this knowledge, this information—why did he not disclose it to this Parliament or the Police Commissioner? He did not disclose the information to the Parliament, and I ask why. It was a tactic and, in my opinion, he was advised by his Party of the tactic it would employ here today.

This is what it was all about—an attack upon an honourable member in the other House, an attempt to denigrate her and, in my opinion, to bring down this Bill. That is what it was all about. In my opinion the object was not to debate the merit of the Bill. If it had been, I would accept that. We would have heard why the Opposition does not like the Bill. There are things in the Bill that I do not like. One of the reasons why I will support this Bill is an undertaking I gave many years ago. When the Casino legislation was being debated—and I did not support the Casino Bill, as most members of this House would know—I gave a clear undertaking that, if ever poker machines were introduced into the Casino, I would support them being introduced into pubs and clubs, and I will be doing that.

Mr Matthew interjecting:

Mr HAMILTON: Listen to that. Really! It is enough to make you want to chuck up, fair dinkum. The Deputy Leader's speech was a filibuster. The prepared speech—

The Hon. T.H. Hemmings: That wasn't prepared.

Mr HAMILTON: My colleague is most—

The SPEAKER: Order! I ask the member for Albert Park to give heed the rule regarding relevance in this debate. He has spent 10 minutes of his 20 minute allocation setting the scene, and I now ask him to make his remarks relevant to the debate.

Mr HAMILTON: I certainly am, Sir. With your guidance I am attempting to rebut the two-hour speech of the Deputy Leader, especially one hour of that debate, and I take the point I have had 10 minutes to rebut some of those statements. Sir, I think it is very important that we place on the record this outrageous attack, given that the opportunity was presented yesterday and the matter was not exposed. If we are to debate this Bill in a proper and logical manner, I raise serious questions about why these matters were not brought before the Parliament yesterday, if they were of so much importance. I listened to the Deputy Leader of the Opposition.

Members interjecting:

Mr HAMILTON: Who knows what could happen in the next few weeks? When he was challenged by members on this side, albeit out of order, he changed tack all over the place. He would not address the issues. In terms of the AHA, he was having two bob each way. The same applied to the licensed clubs—the same sort of rhetoric, but saying nothing. He gave himself and the Liberal Party away, because it is clear to me that the Opposition will not support this Bill. In my view it has no intention of supporting this Bill because of the tactics displayed not only yesterday but again today, with the huffing and puffing, the time wasting and orchestration of Question Time, and then we come to the situation that we had tonight.

The SPEAKER: I also point out to the honourable member for Albert Park that he is becoming repetitious.

Mr HAMILTON: I will not offend you any more, Sir. Let us look at what this Bill is all about. It is to provide for those people in the community who have for many years argued for poker machines in this State. Like many others, I have been lobbied quite extensively over the years, as have you, Sir, and many others before us, and I suspect we will continue to be lobbied in the ensuing days of this legislation. There has been an orchestrated campaign against poker machines. I do not deny anyone their right to lobby against poker machines, provided it is done in a manner which I believe is appropriate. However, I do not believe that that has happened. I do not believe that those people who are sincere would just write to me. I believe that their organisations would come and see me, but they have not done that.

Mr Ferguson interjecting:

Mr HAMILTON: As my colleague interjects, last year both he and I went to New South Wales and the ACT and inspected these licensed clubs. We looked at what they were providing and what those other organisations found. A religious organisation had clubs set up in the ACT. That is its democratic right, but that same organisation opposes this legislation in South Australia. Again, that is its democratic right to do so. I know that the member for Henley Beach will speak for himself in relation to the poker machines and the way in which the licensed clubs and the AHA equivalent handle these machines, but I could not find any fault, although that is not to say that there was none.

We went from the ACT to New South Wales, and were shown around by people over there, and we were looking for indications of corruption. It is fair to say that both the member for Henley Beach and I questioned rigorously the managers of those clubs. We also questioned rigorously the firm involved with the security of those machines. We looked at the silicon chips, the monitoring equipment, computers, etc., and if I had one reservation about those machines, particularly the security equipment, it was not how good they were but the other things that could be done with that equipment. In my view, they could have almost singled out any player belonging to that club and shown how much money he or she spent on a particular machine. When I questioned one of these security people, it was my opinion that that person did not want me to continue with that line of questioning about the detailed information that could be collected from the machines.

I pose the question to the House: what could licensed clubs or the Liquor Licensing Commission, the governing authority in this State, do with security equipment? I am not a computer expert, but I am not a fool either, and I believe that we should be looking very closely—

Mr Matthew: That's a matter of opinion.

Mr HAMILTON: It is not worth—if he wants to rabbit on, let him rabbit on. We should look at what is required in terms of securing these machines. That is what it is all about. We are talking about corruption, etc. The member for Henley Beach and I do have a social conscience. We did look at the other side, the sadder side—those compulsive gamblers. We spoke with people in Sydney, and I believe that the legislation should encompass a provision—and I will not steal my colleague's thunder because I understand that he will be moving an amendment—that a certain percentage of the takings from these machines should be provided to Gamblers Anonymous or a similar organisation. I think it is a very sad day with the shameful and disgusting gutter tactics that I have seen employed in an attempt not to allow this Bill to pass and to try to cut down a Minister.

The SPEAKER: Order! The honourable member's time has expired.

Mr SUCH (Fisher): My contribution will be rather brief. First, I will comment on the events which unfolded today. I believe that the Minister of Tourism should step aside whilst there is a full and independent inquiry looking at her actions to establish whether or not she did act not only unethically but quite inappropriately for a Minister.

With respect to the Bill, obviously there has been much interest in the community, and that is understandable. However, in my electorate, there does not seem to have been much interest, although the member for Davenport and I had an invitation in the local paper for people to contact us to express their opinion one way or the other. My electorate is the largest in the State in terms of the number of electors. They are very intelligent people, with above average occupation and educational levels. However, I have had fewer than 35 responses to my request, from people for and against the proposition. I believe that some of the concerns expressed in the community may have been somewhat exaggerated, and I will come to that in a moment. I believe there are plenty of opportunities for gambling in South Australia. We have the Casino, Keno, horses, dogs, scratchies and raffles—almost everything except two flies. I have no strong feelings one way or another about gambling machines. I have experienced them, used them and seen them on many occasions in my travels to New South Wales. They provide enjoyment for a lot of people, they create jobs and they lead to low cost meals and subsidised entertainment in clubs, as I have witnessed in New South Wales.

I do not believe that the world would end if poker machines were introduced into clubs and hotels in South Australia. I readily acknowledge that there will always be a small percentage of people who go overboard and misuse or abuse a particular facility or activity, but that applies to the whole range of human endeavour. If we applied that logic and banned things because a small percentage of people did the wrong thing, there would not be much left in our society. We would have to ban motor cars, and a lot of other things.

It is absolutely essential that we must protect minors, and I do not resile from that statement. We must minimise opportunities for corruption, which is always a possibility whenever money is involved. However, I believe that the extent and likelihood of corruption has been exaggerated. That is not to say that we should not be mindful of it and take reasonable and sensible measures to ensure that corruption does not occur. Corruption is a possibility in any area of human life.

We should also seek to protect the community from unnecessary intrusion from licensed premises, whether they be clubs or hotels, and that is already the role of the licensing authorities. It is important that clubs and hotels do not see this measure as a panacea or as a goose that will lay a golden egg. I know that some clubs in New South Wales that had poker machines have gone out of existence, not, I might add, through any doing of mine. Irrespective of whether clubs or hotels have poker machines, they must properly and adequately manage their facilities. If this measure succeeds, and I believe it will, clubs and hotels should not be lulled into a false sense of financial security simply by assuming that the machines will be automatic revenue makers for them and that they can let other aspects of their clubs or hotels decline. That is the quickest way for them to go out of business. As I said, a number of clubs in Newcastle are no longer in existence because they were not managed very well.

It is true to say that there are several concerns with the Bill and I am hopeful that it can be improved during Committee. I acknowledge that the liquor licensing laws are not policed as tightly as they should be, so it is imperative that gaming machines are policed appropriately and adequately, particularly in relation to minors being enticed to use them.

I have some concerns about the link game system that is used in New South Wales where amounts of up to $100 000 can be obtained through playing poker machines. The merits of that can be considered. I am not trying to be dogmatic, but I think it creates a serious additional incentive that needs to be looked at carefully. Similarly, I think the multiple play aspect of some machines where five $2 coins are played at one push of a button is excessive. For clubs and hotels, we should look at single play machines that have a 20c limit. I make those observations from my visits to clubs in New South Wales.

There is an issue of basic fairness in this Bill relating to the fact that the casino has these machines, and good luck to it. I do not think they are quite the goldmine the casino management thought they would be and, from my own experience over there, which is not great, they do not pay very well. What is important is that clubs and hotels not be disadvantaged in respect of these machines. It is blatantly unfair that the casino can have them but not the clubs and hotels. There has been a lot of talk about a level playing field in respect of this legislation and it is important that licensed clubs and hotels should be able to have the machines because the casino has them.

It is appropriate for the casino to have machines that accept larger stakes because people go to the casino specifically to gamble and it can maintain very tight entry standards and can strictly regulate the patronage of the casino. I accept that hotels and clubs will have to be very strict, but it will not be as easy for them to maintain entry standards, particularly with respect to controlling minors, as it is for the casino. Accordingly, there is a case for some distinction between the casino and the clubs and hotels in terms of the type of machines, the size of the coinage they accept and whether they accept multiple plays.

The reality is that other States have increasingly accepted or introduced poker machines. To deny our licensed clubs and hotels, particularly those adjacent to the border, is grossly unfair and it will result in a continuation of the practice of people travelling interstate to play poker machines. That is an important factor in areas such as the Riverland and the South-East. If those regions cannot install gaming machines, they will be at a disadvantage.

I will not speak in detail at this stage about amendments, but I believe the Bill needs some tightening up in terms of the proposition as to which organisation should control poker machines. That issue can be addressed. The question of corruption has been overdone and I like to think that South Australia has a proud record of very little corruption, particularly high levels of corruption, in any activity. I trust that we can come up with a scheme that is sensible and practical. As to which structure or organisation should control poker machines, I have an open mind at this stage, but that issue can be addressed more fully in Committee by way of amendment.

I have given a lot of thought to the submissions I received from my residents, albeit few in number, and I have replied to every one of them. This Bill should pass. I am prepared to listen to the debate, to contribute during Committee and to support appropriate amendments to make the legislation workable and more desirable. In the final analysis, I do not believe that I should seek to impose my own moral views on other people in the community. I am not a heavy gambler. I am limited to the occasional raffle and X-lotto ticket from the newsagency and, as I said earlier, I have tried the pokies at the casino a couple of times. I do not feel strongly one way or the other about them. I do not feel it is my duty, weighing up all the pros and cons, to try to impose my moral views on other people.

Given that in my community, after specific invitations for people to respond, I found that only a small number did so, I intend to support this legislation provided that suitable amendments, which are workable and which will minimise corruption and protect minors, are introduced. The events that unfolded today have cast an unfortunate shadow over the Bill, and I would like to see that matter tidied up.

I would like to see the matter of the Minister of Tourism's role and involvement in this matter cleaned up and clarified by an independent investigation so that the merits of this Bill can be looked at objectively and rationally and so that the people of this State can as adults exercise their choice as to whether or not they wish to use gaming machines in clubs and hotels.

Mr FERGUSON (Henley Beach): I congratulate the member for Fisher on his remarks, because he stated concisely in 15 minutes his arguments in favour of gaming machines, in contrast to the two and a half hours of diatribe that we heard from the Deputy Leader, who did not make much sense. My position is quite clear and always has been: I support the introduction of poker machines into clubs and hotels in South Australia. I will expand on that point a little later.

I thought that you, Sir, were extremely patient with other members of the Opposition who spoke on this measure. I want to deal with what I call the sleaze factor. Today, we have heard a very thinly veiled attack on the Hon. Barbara Wiese both in this House and in the other place. When one sits down and examines the evidence that has been put before us on this alleged bribery and corruption issue as far as clubs and pubs are concerned in relation to Mr Stitt's firm, we see that the attack is very thin indeed. Even members of the Opposition have been very careful to use the word 'alleged' when making their remarks. They are not capable of coming out with their own opinion and saying that they believe that this bribery and corruption has actually taken place. I invite any of the members opposite who have spoken today in this House to get out on the front steps of Parliament House and say what they have been saying in coward's castle about the Hon. Barbara Wiese. It has been a very cowardly attack.

I agree with the member for Albert Park who set the scenario as to why this attack occurred at this time. We know that some members of the Opposition are opposed to the introduction of coin operated gaming machines. If that is so, and if in the usual way they put forward a logical case to this Parliament, I would be the last one to criticise them. If they want to take a stand and oppose the introduction of poker machines, this is the place in which to do it. But what have they done? They have orchestrated a very thinly based attack on the Hon. Barbara Wiese and have used that as a smokescreen to try to prevent legislation going through this House. We know that the call for an inquiry is not a genuine one: they want an inquiry to hold up this legislation.

I started getting very worried when the Deputy Leader was speaking, because he kept saying that we, collectively, would not let this legislation through unless we agreed to have an inquiry into the allegations being made by the

Opposition. This House has been told that this is a conscience matter as far as the Liberal Party is concerned. We have been told time and time again in this House that members of the Liberal Party may cross the floor in respect of any issue at any time they feel like it and that that will not be a problem as far as their membership of and their standing in the Liberal Party is concerned. You, Sir, have been in this House longer than I and you know that on very rare occasions have Opposition members been able to exercise their conscience. I sincerely hope that there is no arm twisting as far as the Liberal Party is concerned and that members opposite can vote on this issue according to their conscience, because from the way in which the Deputy Leader spoke earlier today one could assume that quite a bit of heavy work and arm twisting has been done on these people to make sure that they do not have the right to exercise their conscience. I hope that I am wrong.

Now, Sir, that you have given me the licence to rebut the two and a half hours of one of the worst speeches I have ever heard in this House from the Deputy Leader, I will come to the substance of the Bill. I took the opportunity to go with the member for Albert Park on a study tour to look at the operation of clubs in New South Wales and the ACT. I was particularly concerned with allegations that were made before we went away, allegations that have been made since and the various reports that we have seen about the probability and possibility of corruption following the introduction of poker machines.

I went to New South Wales expecting to see some very shady deals as far as coin operated gaming machines are concerned, but I was pleasantly surprised to see that with the new electronic surveillance in operation in that State and in the ACT, in my view it is extremely difficult for there to be any bribery and corruption. I agree with the member for Fisher, who mentioned that management may be a problem in respect of running clubs and, indeed, hotels. Wherever there is a till and wherever there is a manager, there is always the possibility of bribery and corruption—that is natural—and there is always the possibility of bad management. We found that huge losses were being made in some of the clubs and pubs in New South Wales and the ACT.

I agree with the member for Fisher who said that these clubs were not necessarily incurring losses through bribery and corruption but through bad management. In some instances, huge quantities of food were not being consumed and were being thrown out. In nearly every club I went into there was a concession price on liquor—and that is an advantage for club members—but sometimes those concession prices were miscalculated and some very big losses resulted. In fact, one of the football clubs that we visited in the ACT had, at that point, lost $1 million. It was in such a predicament that I personally could not see a way out of it.

One of the advantages of the introduction of coin operated gaming machines is that they provide facilities for the ordinary working class person who in normal circumstances would not be have access to those facilities. I saw some of the best bowling clubs in the world—and I say that advisedly—in New South Wales, where the annual subscription for members is $10 a year—$10 a year for absolutely amazing facilities.

The facilities that were being provided were: cut-price food and liquor and, the ability to enter into sporting facilities, for example, for juveniles. I saw one of the biggest, best-equipped, youth clubs that I have ever seen in Australia, and it is a facility that we are sadly lacking, particularly on the western side of Adelaide. Some of the western areas are blighted, and we need more youth care. I saw one of the best-equipped youth facilities attached to a club in New South Wales that one could ever hope to see anywhere. It provides children with sporting facilities and instructors that one would not and could not find anywhere else. I am sure that my colleague the member for Napier, who also has problems in the northern areas in relation to youth, would be proud of some of those facilities in his area, and I see this as a way of getting hold of some of those facilities for South Australia.

Mr Hamilton: Another tier of government.

Mr FERGUSON: I agree with the member for Albert Park when he says that the clubs in New South Wales are another tier of government. Those clubs provide to their widow members such services as free lawnmowing. These are the sorts of facilities that I would like to see come into South Australia. The argument the Opposition is really putting up is that of bribery and corruption, but I can see no bribery or corruption relating to the management of these machines in the Eastern States. There is a problem with management and I believe that needs to be addressed. However, what I did see were huge benefits that some people, particularly those in the poor areas, were able to receive by the use and introduction of these clubs.

If we do not move now in relation to poker machines, we will lose a huge amount of money to other States. Victoria and New South Wales take many South Australian tourists. Our nearby border areas take many tourists, and hundreds of thousands of dollars of South Australian money already goes interstate. How will we stop the population of a city such as Mount Gambier going to Nelson as soon as the Victorian poker machines are set up if we do not introduce poker machines into South Australia? We will see an exodus of South Australians across the border, particularly those in areas which are near to Victoria. We will lose hundreds of thousands of dollars of revenue if we do not introduce poker machines. This is an opportune time for us to move in this matter.

I refer now to the benefits these machines will produce in the area of tourism. Tourism is one of the greatest multipliers in respect of employment that one can come across. It is a clean, non-polluting industry, and it is an industry which has had much success in recent years. The introduction of coin-operated gaming machines into the tourism industry will provide not only a spin-off in money terms in but also better facilities. We will be able to produce the sort of holiday resorts that we see in other States, particularly those just across the border. This is an opportunity for job creation for South Australia. Jobs will be created with the introduction of poker machines for all those who service them, provide the infrastructure that goes with them. Their introduction will also boost the building industry, because there will have to be a huge upgrading of South Australian pubs and clubs.

With my colleague the member for Albert Park I had the opportunity to look at the way these machines operate in hotels in New South Wales. We looked at the inner suburban areas of New South Wales and we spoke to those who used the machines and to the management involved. We looked at what was happening in the hotel industry. I must admit that the facilities in the hotel industry in New South Wales were nowhere as good as those in South Australia. The hotels in South Australia are far better than those in New South Wales. I have seen those hotels without coin-operated gaming machines and I have been back since, and I have seen a distinct improvement in the drinking conditions of those establishments. Not only that, I believe our hotels deserve to survive.

Not much credit has been given to hotels for the provision of food, lodgings and the ability to find a safe place to socialise from time to time. Hotels ought to remain a feature of our Australian scene and, unless we do something to assist them in the near future, I am afraid many of them will disappear. This would be sad, and I support the introduction of coin-operated gaming machines into hotels, as well as clubs. The establisments in New South Wales were very well run. The machines were kept away from underage children; they were kept out of sight in special rooms from where the children frequent.

In talking to the management and owners of hotels over there, they believe that the inspectors from the New South Wales Government were strict but fair, and they had no complaints about the way they were asked to manage these places. However, the management of these hotels did emphasise how difficult it would be for any bribery or corruption to take place, because of the electronic surveillance now in use with these machines. There are five or six meters on every machine that can give any information that could be required: the number of jackpots, what is the turnover and indeed who opened the machine if it had to be opened. The machines can trace who opened the machine and if something had to be done as far as that machine is concerned.

I looked at an overall monitoring system. An overall monitoring system was in operation in New South Wales that gives amazing information to anyone who wants it. They can tell at any one time how many coins have been put through a particular machine. Every piece of information that one would require as far as monitoring is concerned is available, and what will be set up here if this Bill goes through will be nothing short of excellent. I am not sure who will end up being the authority as far as administration of these machines is concerned but, whoever is the authority with the modern day techniques that are now available for electronic accounting, I cannot see any way in which the sort of problems that have been suggested by members of the other side will arise. I think they should have no fear in supporting this legislation.

I would like to conclude up in the last 60 seconds of this speech by saying that I think it has been terrible the way members of the Opposition have put up the sleaze factor as far as the Hon. Barbara Wiese is concerned. I believe it is a smokescreen—a deliberate campaign—put up in order to try to defeat this measure. I thought they were terrible tactics and I hope that the rest of the members do not take any notice of those tactics and that we are able to get this measure through Parliament.

Mr LEWIS (Murray-Mallee): On that note I can assure the member for Henley Beach that his crocodile tears and the pleadings that he makes will not dissuade other members of this Chamber from drawing attention in the course of this debate to the reason why their concern about the prospect of passing the legislation has been heightened by the disclosures today. Until that has been sorted out, no further move ought to be made by this Parliament to do anything to change the law. In fact, this measure ought to be defeated. If the Government wishes to defend one of its Ministers and if the Minister has nothing to hide, then let her state unequivocally that the company of which she is a director did not benefit and the company in which she is a shareholder did not benefit and cannot be seen to have benefited whatsoever in any way from the proceeds that were paid to her (as she calls him) life companion and, one hopes, in due course, if not husband, then *de facto.*

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker: the statement that the member for Murray-Mallee made in regard to the Hon. Ms Barbara Wiese's companion was a reflection on her. It was also a reflection on him but unfortunately we cannot do anything about that.

The SPEAKER: What was the remark? My attention was elsewhere.

The Hon. T.H. HEMMINGS: It was a derogatory remark in relation to the statement that the Minister made when she was asked in the Upper House about her relationship with Mr Stitt. Her answer was 'a partner in life'. There was a derogatory comment—a play of words—by the honourable member.

The SPEAKER: Unfortunately, the Chair did not hear it, because I was distracted by an honourable member. As there is a point of order and as there is a request for a withdrawal, I ask the member for Murray-Mallee to withdraw the offending remark.

Mr LEWIS: No, Sir. I draw your attention to another point of order: the member for Napier had the gall to refer to me as a pig, and I ask him to withdraw that; I believe that to be unparliamentary.

The SPEAKER: Order! The honourable member will resume his seat. First, we have a point of order and I ask the member for Murray-Mallee to withdraw the offending remark. We will deal with the second point of order later.

Mr LEWIS: On a point of order, Mr Speaker—

The SPEAKER: The Chair has no power to force the member to withdraw. Do you wish to take that other point of order?

Mr LEWIS: Yes, Mr Speaker; I thought I had. May I therefore ask you to direct the member for Napier to withdraw the remark he made about my being a pig?

The SPEAKER: I am dealing with the points of order one at a time. I cannot deal with two.

The Hon. T.H. HEMMINGS: I do withdraw, Sir.

Mr LEWIS: Thank you, Mr Speaker. In all such assertions, the honourable member should recall that it takes one to find one.

Members interjecting:

Mr LEWIS: You might like to go and empty your colostomy—

The SPEAKER: Order! It has been a long couple of days and it is getting late in the evening. I have previously raised with the House the amount of minor interchange across the Chamber, and I draw all members' attention to Standing Orders that disallow this. We are all getting tired and weary and I will take action if it continues. The member for Murray-Mallee.

Mr LEWIS: Thank you, Mr Speaker. I have made the point and I make it again that if and indeed until the honourable member who is a Minister in the other place and who has an interest in this matter (as has been shown today in the course of proceedings in this House) comes clean about that association and assures Parliament that the company of which she is a director and shareholder in no way derived any benefit whatever from the lobby in which the person with whom she is associated is concerned—

An honourable interjecting:

Mr LEWIS: If I did draw attention to the state of the House, given that there is only one member of the Government on the Government benches, it would only waste my time. Let the record show that that is the contempt with which Government members treat the measure when they cannot play games and have to face serious debate on the matter.

The Minister needs to make it plain that this legislation is not tainted and that her association through Nadine Pty

Ltd in no way had any influence whatever on the form or shape that the legislation took. We all need to bear in mind in the substance of this that every individual, indeed society at large, cannot gamble itself to prosperity. No-one can do that, no society can do it and no community can do it.

Regardless of whether the economic fiction of adding value can be demonstrated (and I can demonstrate that), it is only because someone else will give the currency exchanged in the gambling process a value for goods otherwise necessary to sustain life and give it pleasure that it is viable. We cannot live on gambling, but we can and do live on food and other things. Therefore, it is impossible for us, as individuals, as a community of which our State is comprised or as a State at large, to gamble ourselves to prosperity.

Notwithstanding that, and indeed because of it, I say that you need (and it is advice, if anything gratuitously offered no less to the Minister and others) a long spoon to sup with the devil, as she would now realise. I have said in the past that if there was anything I could do to have this kind of gambling device banned in South Australia I would do it, and I have tried that since I have been in this place. However, it has been pointed out to me that the numbers are there for the measure to pass in the same way as the numbers were there to pass the Casino legislation and bring that into life.

I do not know that any of us are any better off, and I am annoyed with the kind of advertising undertaken by the Casino because it gives everyone the impression that it is possible to become wealthy by being a patron of the Casino, as though that were a desirable goal in life, giving the impression not only that it is good luck but also that through their own skill they can become prosperous and wealthy, even if at someone else's expense.

If the Trade Practices Commission were given the power to examine that advertising, I believe it would have to come down saying that it is the sequel because we all know statistically that the odds are stacked against the players and across time the players lose money. They have to pay the wages of the people who work there, meet the cost of the tax that has been levied on the profits of the organisation and meet the cost of providing the facilities there. As a class, it is impossible for players to win.

Acknowledging that I have probably lost the argument, nonetheless I want to put on the record that it is insensitive and irresponsible of me simply to walk away and say nothing about it and not attempt to improve on what the function may be, to minimise damage and to maximise such benefits as there may be for the wider community in any form as it relates to this legislation. These machines, wherever they are located, must be subject to stringent controls and safeguards against criminal fraud, skimming and manipulation. They must not be owned and operated by one person or business.

From my judgment, the so-called profits from their operation must go back to the communities from which they came. This is particularly important in the rural communities that I represent, as the dollars gambled there will come in no small measure from our leisure time and entertainment spending. That will mean that the clubs that presently get their money from their members—the supporters of sporting clubs—will lose that revenue. So, the structure envisaged in this Bill goes some distance towards ensuring that, but it needs to go further.

There are other aspects that are undesirable for this or any other kind of gambling and they warrant mention at this point. By extending the opportunities to gamble, there will be worse consequences for young families, as the money will come from the essential housekeeping, that is, the money for food, shelter and other vital needs. Children or the spouse will be the innocent victims. Gambling will, has and does create broken homes, misery and other problems. It also costs the taxpayer even more money than it generates in the form of the tax upon it.

Whatever profits there are, wherever they are to be found, must be funnelled back into the communities whence they came. They must be channelled back into the sporting bodies and clubs that will otherwise go broke, and to the other community organisations that until now have been able to rely on some of those dollars. All those clubs have suffered since the establishment of the casino; one cannot make more dollars. The people who are presently likely to spend their money on these machines as and when the legislation finds its way into law will be unable, having spent their money on these machines, to spend it in other ways. There will be serious long-term as well as short-term consequences for our health as individuals and as a society, for our physical fitness, social activities and wholesome community values.

Who wants them? Whether we do this survey in New South Wales or here in South Australia—remembering that in New South Wales the machines have been in existence for more than 40 years—it is the young people in New South Wales who have known them all their life who think they are a good idea and who, in the majority, support them. It is the old people who think they are unnecessary—people who have known of them for the best part of their adult life and believe that they are undesirable.

That is more particularly the case here in South Australia. An overwhelming majority of people under the age of 40 want the machines and the opposite is true for people 50 years old or over. There has been a decline in the population of rural areas, and my area is no exception. Young people have left seeking employment opportunities in the wider world. Consequently, I find myself being counselled in this matter by people who are level headed, capable of careful consideration about how they spend every penny and, therefore, strongly opposed to the proposition.

One cannot put an old head on young shoulders. It does not matter whether those young shoulders and the head on them are the trappings of someone living in this State or in New South Wales, the dilemma is still the same. The desire is still there; they want the excitement.

We have to recognise, as has already been said by other speakers, that there are issues relating to the proximity of these kinds of machines at our border. Whereas we do not have them, shortly they will be operating in Victoria, and young people will commute across the border. They will spend their money on this kind of gambling and entertainment rather than what they are spending it on today.

Whatever we say about the morality of it, it will still happen. The one thing that annoys me about it is that, at the time we examined the introduction of these devices called electronic gaming devices in the Casino, the Premier gave us an unequivocal commitment that there would be an examination of the effects of gambling in our community. That was the time to begin doing the research necessary to establish a body of data that would tell us not just how many people come unstuck and become compulsive gamblers but what kind of people—what their socioeconomic and education background is, what their self-esteem is and what their perceptions of life's chances are—so that we can better understand how to counsel people who find themselves in those predicaments before they become hooked and destroy themselves, and become not only a burden to themselves but to the rest of society.

I am annoyed at the Premier—indeed, I am disgusted at the Premier—for having failed to keep that promise to us. Mr Speaker, you heard him say it, and every other member in this House at that time heard him say it, yet nothing has been done in that direction, and it is high time something was done.

In the limited time available to me now, I nonetheless want to pay tribute to the people who have spoken on behalf of the licensed clubs and hotel industry regarding the way in which they have provided for us a summary of the substance of the proposals which, by and large, are incorporated in the body of the legislation. Whether we oppose or support the legn, we ought to look at that, and look at it carefully, because they do give us quite fairly and reasonably an outline of the fashion in which authority will be devolved from this place through the Government, executing the decisions of the Parliament, and the Casino authority on its behalf and, below it, the Liquor Licensing Commission to which there are attached licensed clubs and through which, from another side, comes the Independent Gaming Corporation's computer control, and across all of which the police have the framework for surveillance.

So, in the broad picture, I am not so fussed about that. For those people who seek to have the machines introduced, the fashion in which the case is made compels me to believe that there are some responsible people around. Others have sought to strip away, in pursuit of their own greed, the games that might come to them through their career, if nothing else. The right to control, indeed, to provide the facilities and equipment—facilities in the form of machines and equipment to back them up, computing and so on—disturbs me. I am not satisfied that the community's conscience is at rest on the matter and I am very disturbed more so in consequence of what I have learned today about Nadine Pty Ltd, the Minister's shareholding in it, and the likelihood that it, as a company in which she is a shareholder and director, has benefited from the money that has been paid by interests relating to and interested in the passage or otherwise of this legislation in some form or another.

That is very disturbing indeed and, until I am satisfied on all those points (and I urge every other member to do the same) I will try to have this legislation set aside or defeated, until the community's conscience is at rest. Nothing can be more destructive to us as a community than to find ourselves torn apart because of our uncertainty about the consequences of allowing legislation to come into law when we are anxious that it will do so in consequence of possible criminal acts.

Mr HOLLOWAY secured the adjournment of the debate.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE BILL

Returned from the Legislative Council with amendments.

REAL PROPERTY (SURVEY ACT) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SUBORDINATE LEGISLATION (EXPIRY) AMENDMENT BILL

Received from the Legislative Council and read a first time.

HOUSING LOANS REDEMPTION FUND (USE OF FUND SURPLUSES) AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (SENTENCING) BILL

Received from the Legislative Council and read a first time.

SUMMARY OFFENCES (CHILD PORNOGRAPHY) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

The Hon. FRANK BLEVINS (Minister of Transport): I move:

That the House do now adjourn.

Motion carried.

At 10.33 p.m. the House adjourned until Tuesday 24 March at 2 p.m.