HOUSE OF ASSEMBLY

Tuesday 11 July 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

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

Members interjecting:

The SPEAKER: Order! The House will have some decorum at this stage.

ASSENT TO BILLS

The Governor, by message, intimated his assent to the following bills:

Criminal Law Consolidation (Appeals) Amendment,

Liquor Licensing (Regulated Premises) Amendment,

Motor Vehicles (Miscellaneous) Amendment,

South Australian Health Commission (Administrative Arrangements) Amendment,

Sports Drug Testing,

Young Offenders (Publication of Information) Amendment.

LIBRARY FUNDING

A petition signed by 466 residents of South Australia, requesting that the House ensure that government funding of public libraries is maintained, was presented by Mrs Maywald.

Petition received.

Mr Atkinson interjecting:

The SPEAKER: Order! The Member for Spence will come to order.

Members interjecting:

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard:* Nos 29, 30, 109 and 123.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Human Services (Hon. D.C. Brown)—

Regulations under the following Acts—
- Local Government—Cemetery Variation
- Radiation Protection and Control Act 1982—
  - Summary of Provisions
  - Transport of Radioactive Substances Variation
- Reproductive Technology—Code of Ethical Clinical Practice Variation
- South Australian Health Commission—
  - Cancer Variation
  - Pregnancy Outcome Statistics Variation
  - Private Hospitals Variation
- Sexual Reassignment—Administrative Arrangements Variation
- Public Environmental Health—Waste Control Variation
- Mental Health—Transport of Patients Variation
- Controlled Substances—
  - Drugs of Dependence Variation
  - Pest Control Variation
  - Poisons Variation
  - Research Permits
  - Variation of Interpretation

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

- Casino Act—Variation of Approved Licensing Agreement
- Casino Act—Variation of Approved Licensing Agreement—First Amending Agreement

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

- Criminal Law Consolidation Act—Regulations—Termination of Pregnancy Variation

By the Minister for Local Government (Hon. D.C. Kotz)—

- Local Government Superannuation Scheme—Actuarial Investigation—Report, 30 June 1999.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the report of the committee on regulations made under the Native Vegetation Act 1991 and move:

That the report be received.

Motion carried.

QUESTION TIME

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given the strong bipartisan support for the construction of the Alice Springs to Darwin Railway (which, I must say, the Premier recognised in this House), as well as the agreement reached in parliament two weeks ago that the project would be referred to the Public Works Committee and the Economic and Finance Committee for regular reporting, will the Premier allow the committees to see the contract for building of the railway prior to its signing by the government? On 28 June the Premier said:

> Might I therefore give an unequivocal commitment that. . .matters relating to the construction line might well be canvassed by the Chairman of the AARC and appropriate personnel reporting to the Economic and Finance Committee at a minimum of six monthly intervals. . .

The Premier also stated that the project would be referred to the Public Works Committee. He said:

> I have indicated to the member for Hammond that, as a matter of course, it will be referred to him.

The Hon. J.W. OLSEN (Premier): As I indicated to the House the week before last, I confirm my commitment that the Chairman of the Australasian Rail Corporation will be available, at least on a six monthly basis during the construction phase of the Adelaide-Darwin rail link, to apprise both the Economic and Finance Committee and, if necessary, the Public Works Committee (although I would have thought that it more related to the Economic and Finance Committee of the parliament) and to attend and respond to the status of construction of the contract. The leader would also be aware that I made some statements and commitments to the House in relation to the Public Works Committee.

As it relates to the contract itself, that has not been finalised as of today, and several matters still require negotiation. I maintain and will honour the commitment that I gave to the parliament; the contract that will, hopefully in the next week or 10 days, be signed off will be several metres

high. It has taken 15 or 18 months (I forget exactly how much time) for a bank of accountants and lawyers to go through and prepare the contract. I am not prepared for the delay in start of construction to be afforded pending scrutiny of a contract that is between three governments and a private sector consortium.

I have given assurances to the House about accountability, openness and responsiveness to questions and contracts. I would have thought that making the Chairman available right through the construction period—at least on a six-monthly basis to respond to questions that the leader's members on the Economic and Finance Committee might want to put from time to time—is an indication of goodwill and an indication of wanting to make available to the opposition a response directly to their questions in a parliamentary forum on the proposal. It is simply too far to go to say that a contract of the nature and complexity about which we are talking ought to be first considered prior to contract signing.

I would think that that would take us months to work through. The key point, of course, is to try to start construction of the rail line before the onset of the next wet season. If we do not get contract and financial close in a timely way, the fact is that the wet season will start and hinder the construction time line start. A delay of that nature will create a six month time line delay, which, under the business plan, would mean a lack of return of revenues as part of the return on the capital to be invested by the consortium, which is of the order of $500 million or $600 million. Any delay on return on an investment of that nature, whether it be one, three or six months, involves substantial financial costs and penalties.

For that reason, my offer for availability of key personnel, no less than the Chairman, to the committee, is a gesture of goodwill and should meet the needs of members opposite in scrutinising the project and in having their legitimate questions responded to.

AUSTRALIA WEEK

Mr SCALZI (Hartley): Will the Premier advise the House of the success of the South Australian food and wine companies during Australia Week in London recently?

The Hon. J.W. OLSEN (Premier): I am delighted to report to the House the success of the South Australian companies' presentation in London. South Australia set itself apart from every other state and territory in Australia. Apart from business meetings with my colleagues (Premiers from other states), no other state took a trade mission to the United Kingdom to promote its goods and services. I had the privilege of leading a trade delegation to London, involving a raft of food and wine companies (17), to showcase South Australia. We took the deliberate decision of using the profile and hype of Australia Week to showcase SA produce—a taste of South Australia, if you like.

The South Australian government hosted what one would describe as an Aussie-style barbecue, with Andrew Fielke, Dorinda Hafner and Simon Burr as chefs. That function was attended by approximately 250 UK buyers, food and wine writers, distributors and potential wholesale purchasers of our goods and services. I can report to the House that the barbecue was an outstanding success. I think that an ABC radio journalist, who attended the function for reasons other than reporting the Tasting Australia component, was stunned with the success and presentation and actually broke into Radio Australia with a direct broadcast from the cricket ground based on the success of the companies and the turnout from the UK wholesalers.

For example, wine and food writers from *Decanter* were also present. South Australia, as distinct from every other state, was able to promote its food and beverage products. That is important because that means jobs in both city and rural areas in South Australia. Our trade over the past five years—exports to the United Kingdom—has grown from $246 million to more than $476 million. The wine industry has nearly trebled its exports to the UK in the past five years. The UK is the wine industry's largest external market, topping the US by more than $200 million.

These sort of successes do not happen by accident: they are about building export culture and export focus and a government facilitating a range of small-medium companies, which otherwise would not have the capacity to go into the export markets to present their goods and services. We had purchasers from Sainsbury's and Selfridges come to two sessions with these companies from South Australia indicating what they would require in selling our goods and services to the marketplace in these major warehouses and retail outlets in the United Kingdom. It is about planning ahead, maximising opportunities and building in those future prospects for the state and further investment. As we have mentioned to the House on a number of occasions, our exports rose by 16.7 per cent to the 12-month period ending April. That was up compared to the previous 10-month period. I will put that into context. Over the same period nationally exports rose by 9.7 per cent. So, in those two periods I talk about how we far out-performed other states in Australia.

On a comparison basis, South Australia continues to lead the nation in terms of percentage growth in the value of our overseas exports. That is an extraordinary performance in anybody's book. Our companies and businesses deserve to be congratulated for what is an outstanding effort in going into the export market. In the past, these sorts of performances I have referred to have been consigned to Queensland, New South Wales and Victoria. It was the eastern seaboard that was always the showcase for our exports. That is no longer the case. South Australia now exports to 180 countries. That is the highest number of countries of any state in Australia. We have turned a disadvantage of lack of economies of scale into an advantage. We will continue to promote these products overseas and give support to those companies.

In stark contrast to this—and I have made reference to this previously—the Chairman of the opposition Waste Watch Committee said that I should not go to London. He said that I should step back and give an even break to all the Labor premiers from the eastern seaboard to go and present their case; South Australia would create a vacuum and not turn up. The member for Reynell said it was a waste of time and money going on this trip. Promoting South Australian produce was not a waste of time and money. Lifting our profile in a market worth more than $470 million is not a waste of time and money. This is the same party whose leader writes letters to business people saying that he is pro-business. Here we are assisting small and medium businesses gain access to the marketplace, and what do we get from the opposition? Just carping, criticising, opposing and whingeing. From the opposition we have seen political opportunism—no policies or ideas, just political opportunism.

If the leader thinks I am jet lagged, then so be it; I will be jet lagged, and I will be more than happy at any time to take South Australian small and medium businesses to the markets

overseas, because at the end of the day successfully accessing those markets equals jobs and more private sector investment in South Australia. We have opened up this state for business, private sector business, and facilitated companies, developing this export culture which at the end of the day is jobs.

AUSTRALASIAN POLICE MINISTERS COUNCIL

Mr CONLON (Elder): Why has the Premier cancelled the attendance of the police minister at this week's Australasian Police Ministers Council in Perth, given that the conference will address issues such as strategies to tackle outlaw motor cycle gangs and organised crime, approaches to reducing the rate of imprisonment of indigenous peoples, and national strategies to reduce the supply of heroin and other illicit drugs? The opposition had given the police minister a pair for this important conference. However, all pairs for ministers this week have been cancelled.

Members interjecting:

The Hon. J.W. OLSEN (Premier): No, not at all. I will give you a clear explanation.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. J.W. OLSEN: The leader would be aware that on one occasion at least—if not two occasions—previously in the last sitting week when there has been a disturbance the Leader of the Opposition has withdrawn pairs without notice.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The nub of the question is—and the leader knows this—that without notice pairs have been called off by the opposition. I was not prepared under the circumstances—

The Hon. M.D. RANN: On a point of order, sir, I am happy for the police minister to go to a council and not—

Members interjecting:

The SPEAKER: Order! There is no point of order. I caution members against making points of order that are not really points of order.

The Hon. M.D. Rann: Elton John was a different matter.

The SPEAKER: Order!

SCHOOL FIRES

Mr CONDOUS (Colton): Will the Minister for Education and Children's Services advise the House of losses sustained to school property from arson and outline measures taken to protect our valuable school facilities and resources from these senseless attacks?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Colton for his question, because it is disappointing for all of us to hear that over the weekend two schools have suffered the trauma and loss of arson attacks. Nothing but grief and disappointment results from these senseless and cowardly attacks upon our schools. At least in these latest two attacks we can be thankful that students' resources and teachers' resources, which are often built up over a long period, were not lost. There has been no loss of personal property. However, there was substantial loss of public property, and the citizens of South Australia will have to bear that cost. That is not to mention as well the risks that our Metropolitan Fire service personnel, as well as emergency services personnel, undertake when they fight these fires and the unknown hazards that they might face when they arrive.

This government is committed to reducing these senseless attacks on our public schools and against our public property. To date, a number of measures have been put in place, including day and night patrols, static guards in selected schools, monitored smart alarm systems to detect both fires and intruders, security lighting and closed-circuit television in high risk areas. And there is more. With SchoolWatch, we work with parents, and with TaxiWatch we work with the taxi industry through taxi drivers who may be delivering people home late at night and are cruising past a school.

In addition, there is a $25 000 reward for information leading to the apprehension of an arsonist responsible for these school fires. These measures are biting, and we are having success. Last financial year the cost of arson in our public schools was just over $1 million. The previous year it was just over $2 million, and the year prior to that it was some $3.5 million. So, in two years we have had a $2 million reduction because of many of the measures that we have been putting in place in our public schools, particularly in our high risk schools.

We can achieve even better results, though, with continuing help from our school communities and the community at large. I call on South Australians to join with our schools to help stamp out these irresponsible school fires. It can be done by people who live close to schools looking at movements occurring on school property or hearing noises at night, such as cars on the properties. If they think it is abnormal, they should get in touch with the local police station and inform them that it is happening. It is imperative that our students and teachers can confidently return to our schools after a holiday break and be sure that there have not been acts of vandalism or arson at their local school.

MODBURY HOSPITAL

Ms STEVENS (Elizabeth): Will the Minister for Human Services give an assurance that the Modbury Hospital intensive care unit will not be downgraded and, given the minister's statement to the estimates committee that he found out about the decision to downgrade obstetrics at the Queen Elizabeth hospital only on the day the announcement was made, will the minister ensure that his department and Healthscope do not downgrade this service?

The opposition has a copy of a letter sent to the minister by four surgeons from the Department of General Surgery at Modbury Hospital which says that they have been made aware of a possible downgrading of intensive care from level 2 to level 1. The surgeons say that this would limit the hospital's capacity by reducing cardiovascular or respiratory ventilatory support to a maximum of 24 hours, and would have major implications for general surgery at Modbury Hospital.

The Hon. DEAN BROWN (Minister for Human Services): First, let me give an assurance that my understanding is that the level of emergency procedures carried out at the Modbury Hospital will remain exactly as it is. There is a clinical review currently under way, as the honourable member knows, as I have talked about it in this House, which will report later this year. From my discussions with the department, my understanding, at least at this stage, is that the same level of accident and emergency procedure at Modbury will continue into the future.

ADELAIDE TO DARWIN RAILWAY

The Hon. G.M. GUNN (Stuart): Will the Premier advise the House of the progress being made towards the signing of the Adelaide to Darwin rail contract? I understand that the Premier held discussions with both the Prime Minister and the Northern Territory Chief Minister while in London last week, which indicate that the first stage of the signing of the rail contract, that is, contractual close, should be ready within the next fortnight.

The Hon. J.W. OLSEN (Premier): The honourable member has taken a very close interest in the Adelaide to Darwin rail link. As indicated, I took the opportunity whilst with the other leaders to discuss the contract close and signing as soon as possible and we hope, as I referred to in my answer to the Leader of the Opposition, to do that within the next two weeks. Two or three issues need to be finalised, and I hope that that can be done expeditiously.

The contract finalisation and signing within the next fortnight then paves the way for financial close at about the end of August or early September, with construction starting on the rail line at the same time, starting at both Katherine and Tennant Creek some time in September or early October. The leader has commented in recent times that I need to concentrate on things such as the rail line. Let me assure the leader that I have never done other than to keep my focus on this rail line.

I note that it was this administration with others that was able to bring this contract to a conclusion after 90 years. I well remember Prime Minister Bob Hawke, during an election campaign with then Leader of the Opposition Malcolm Fraser, committing in 1982-83 to the construction of the Adelaide to Darwin rail link when he became Prime Minister. Coincidentally, there was a state labor government at the same time, of which the leader was a key adviser. Nothing happened: nothing was delivered.

The leader is very good at putting out his press releases, and I give him full marks for that. He can pump out press releases, but it is the only productive thing that the leader is able to put out. He cannot put out any policies, ideas or plans. In relation to that criticism from the leader last week, let me say that we have never lost sight of what is important to deliver, and that is the Adelaide to Darwin link. We will deliver it on behalf of South Australians—and it took liberal governments to do it.

A labor government had a decade to do it and was not able to achieve it. What is more, labor had a labor mate in former Premier Neville Wran undertake a report. Bob had made this commitment that he would build the railway line, and the question was how would they get out of this commitment once they had won government. In comes Nifty! Nifty did a bit of a report for them. It was like producing a report with a result you know you are going to have before you have the report.

They said to Nifty, 'You have to come up with a report that shifts it out a few years, past the next couple of elections.' True to his labor mates' requirement, Nifty reported and said, 'This rail link is a good idea but not just yet. We ought to do it a little later.' In other words, it created the environment to shift it out. Despite all that, we have got on with the task and we are going to deliver on this rail link—and I am pleased with the support of the now opposition.

An honourable member interjecting:

The Hon. J.W. OLSEN: The leader! I just wish the leader had shown the same enthusiasm when he was in government advising John Bannon: perhaps we might have got there a decade ago. A little late, but I welcome it; it is very welcome.

I go on to point out that later this week 22 South Australian companies will participate in a trade event in the Northern Territory, which will focus on how these companies can maximise their input into the Adelaide to Darwin rail link. A total of 22 South Australian companies will participate in the delegation, including companies from metropolitan Adelaide, Upper Spencer Gulf and the South-East of South Australia. The companies are involved in steel fabrication, engineering construction, locomotive rolling stock refurbishment, and the supply of goods and services required in the construction phase including food and beverages, and the like, for the camps that will be required over the three years.

The program will include a railway seminar where Al Lovolpe, the construction manager of Asia Pacific Transport Consortium, will address companies on the railway design and construction issues, and a range of speakers will address issues of importance to companies wanting to be involved in the project. This will include occupational health, safety and welfare, joint bidding and training issues. They will visit the port of Darwin where businesses will acquaint themselves with the new port facilities and the potential of that new port. They will also participate in a business matching exercise where a South Australian company and a Northern Territory company might be able to join forces to tender for parts of this contract work. There will be a site visit to Katherine to acquaint businesses with the real life challenges of working in remote locations; indeed, the construction of this railway line will take place in a remote environment.

It is all part of the Partners in Rail initiative and it really is a partnership. Already, something like 720 companies have registered their interest in working with and for and responding to tenders for Partners in Rail. That includes both country areas and city areas of South Australia. Our role and task is to assist them with indications of when tenders will be called, the requirements that will be sought in connection with the companies and how we might best assist small and medium businesses to meet these opportunities so that we can maximise the billion dollars plus expenditure to get as much as we can of that into South Australia to underpin further economic growth within our economy.

GOODS AND SERVICES TAX

Ms WHITE (Taylor): Given that schools in other states have been allocated millions of dollars of additional resources for more clerical staff needed to manage the implementation of the GST, why has the Minister for Education and Children's Services not provided similar assistance to South Australian schools? In New South Wales, over $8.5 million has been allocated already to schools and TAFE colleges to meet additional costs of managing the implementation of the GST; Victorian schools have been allocated an additional $7.5 million in training and SSO hours to handle the GST implementation; and Tasmanian schools received an additional $1.5 million. A media report states that the cost to South Australian schools of implementing the GST will be $4 million a year yet no additional SSO hours have been funded.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): As usual, the member for Taylor is wrong—wrong again. Let me tell the House exactly what has

been provided to our South Australian schools. All schools have undertaken training for the GST and we have provided funds for staff relief for four days per site for schools under 750 enrolments and six days for schools with enrolments greater than 750 students. That includes travel and accommodation, and child minding is also covered in this. This relief time is made up of a half-day for preparation for the people who will be undertaking that professional development and an extra half-day for the staff to use in becoming GST ready.

We have provided schools with various resource and training materials, videos and access to the department's GST web site and the help desk. We have provided training for members on school councils; they have had access to expert taxation consultants in Price Waterhouse Coopers in this training; and an ongoing GST support team will continue operating from 1 July. That GST team will be providing ongoing training to our sites that may be having difficulties. The EDSAS financial team is continuing to work with our school administration people. EDSAS 2000 is the latest model that is being put into place, and that package includes GST, so that is part of the software.

Ms White interjecting:

The SPEAKER: Order, the member for Taylor!

The Hon. M.R. BUCKBY: We have provision for extra sessions with the GST support team for members of school council, and we are continuing to ensure that all questions raised with the help desk are being addressed very promptly.

Ms White interjecting:

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

The Hon. M.R. BUCKBY: The department is spending some $7.2 million on this preparation, of which the training and client relations component is $3.2 million, in order to ensure that we can get through this implementation of the GST. So, the member for Taylor is wrong again, because we have been supplying support to our schools. It is being given by way of training and time off for that training, and that will continue to occur.

Members interjecting:

The SPEAKER: Order!

DUBLIN CATTLE SALEYARDS

Mr MEIER (Goyder): I direct my question to the Deputy Premier, who is also Minister for Regional Development.

Members interjecting:

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

Mr MEIER: Will the minister advise the House on the government's commitment to the proposed cattle saleyards at Dublin, north of Adelaide? Recently I was contacted by a farmer who lives in the Dublin area and who expressed some concerns at any delays that are occurring with the building of the proposed new cattle saleyards and asking me to take up the matter with the Deputy Premier. In today's paper I note on page 22 that, under the general headline of '$3 million aid urged for cattle saleyards', the report states, amongst other things:

> . . . a new selling centre was needed to replace the Gepps Cross yards when they closed in January.

The Hon. R.G. KERIN (Minister for Regional Development): I thank the honourable member for the question and his interest in this matter. This is an opportunity for me to set the record straight on several issues to do with the saleyards. It is one of those issues where a lot of what has been said and printed has not always been correct, and I welcome the opportunity to put that straight. The Dublin saleyards has been a very difficult issue with the age of the Gepps Cross yards and the inappropriateness of cattle and sheep yards being there in the long term. It has been a very difficult issue, with a long history. My office and I have been involved in a range of negotiations. Livestock Markets Limited filed a prospectus to get investment up for the project, and some new investors have come in and built sheep and pig yards at Dublin. However, the cattle are still at Gepps Cross, and that is where the problem really lies. Livestock Markets Limited has a proposal to build cattle yards at Dublin and, despite some of what has been printed and what has been said publicly around the place, the government has had—

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. R.G. KERIN: —a $1 million loan on the table for a long time. That has been misrepresented, and the Hon. Paul Holloway and the Hon. Ian Gilfillan have entered the fray: they have listened to the wrong people and they have also got it wrong.

This is something that has been totally misrepresented for a long time. This government has been committed to those cattle sale yards out there for a long time. Likewise, Livestock Markets Limited is committed to the building of those yards. The ones from whom we are awaiting some commitment are the agents. The agents went away a couple of months ago to put to their senior management what their commitment to those yards would be. That information has not been forthcoming. They are the ones who conduct the business out there; they are the ones who make the money.

The other important issue is that it is the agents who will decide whether auction markets have a future or whether electronic selling will take over. So, in the absence of their commitment (and we have been very patient about that) it is very hard for others to find a way ahead. I think that the agents should be the focus of any producer attention as to a way ahead for those sale yards. However, instead of that, it seems that a few people want to let the agents right off the hook and focus back on government by misrepresenting what we have done. I make a plea to the agents to make their position clear: it is about time that their position on the future of auction markets was made clear to the producers.

One of the other issues is that the big justification for the government putting its hand in the pocket to finance what will basically finish up as a private concern is that they say that the government over many years took many millions of dollars out of the Gepps Cross sale yards. I have gone back over our losses and it appears that, over the last 10 years of operation of Gepps Cross, the government pumped $23 million into keeping the sale yards and the abattoir going—

An honourable member: Is that a year?

The Hon. R.G. KERIN: No, in total: over the 10 year period, $23 million. When we sold Gepps Cross (which is the disposal of an asset as well), it was less than $5 million. That is a subsidy to the cattle and sheep industries of $18 million, which some of these people forget when they talk about how much money we have received and that we should be putting back into building new sale yards.

I call on the *Stock Journal* and others to get it right for a change and to stop creating mischief for the producers out there. The focus should be back to where it belongs—totally on the agents. I call on them to commit and, if they do not

commit, to tell producers why they do not commit and what their ideas for the future are.

MOTOROLA

The Hon. M.D. RANN (Leader of the Opposition): Given that the Premier's office has now had two weeks to find the report, will the Premier now report to this House on the outcome of the Prudential Management Group, commissioned by the Premier to investigate unfinished business from the Cramond inquiry into the Motorola affair, as he promised to do in February last year and again two weeks ago, and will he table a copy of that report in this place?

The Hon. J.W. OLSEN (Premier): A copy of the report has been received by my office. There are seven or eight process related recommendations, and we are working our way through them. I would be happy, when we conclude our deliberations on the seven or eight recommendations, to advise the leader.

Members interjecting:

The SPEAKER: Order!

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence!

Mr Foley interjecting:

The SPEAKER: The member for Hart will come to order. The member for Spence is quite aware why I called him to order. The member for Fisher.

HOSPITALS, IN-PATIENTS

The Hon. R.B. SUCH (Fisher): Thank you, Mr Speaker, I will be able to ask a question very quickly.

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: We just want to make sure that members opposite are listening. Will the Minister for Human Services advise the House on the number of people treated in public hospitals in 1999-2000, and did South Australia meet or exceed the targets set under the Australian Health Care Agreement for the number of patients treated? It is a great question; I am pleased that members opposite waited for it.

Members interjecting:

The SPEAKER: Order! The Minister for Human Services.

Mr Foley interjecting:

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

The Hon. DEAN BROWN (Minister for Human Services): We now have the figures for the year 1999-2000 for the number of patients treated. At least, the figures are based on all of the assessment up to the end of May, and we have every reason to believe that they also reflect the period for June. The figures indicate that in the past year we have treated about 3 170 more patients than we estimated at the beginning of the year in terms of targets, which is over a 1 per cent increase in the number of treatments that we projected earlier in the year. In addition, we have treated 1 800 extra veterans, paid for by the federal government.

If one puts those two figures together one is looking at close on 5 000 people. Over and above the number of in-patients, we undertook 140 000 extra out-patient consultancies in the past financial year compared to the projection, which is almost a 10 per cent higher figure than put down in the budget estimates of 12 months ago. Those figures demonstrate that, again, the Department of Human Services and particularly the public hospitals have performed admirably in the last year under what has been a growing demand. They have treated more patients than anticipated and they have done it very effectively indeed.

One of the benchmarks used around the whole of Australia is the target figures provided by the Australian Health Care Agreement. At the beginning of this past year we were projecting a figure just above that target. It now appears that, for the last year, we will be significantly above the target. We have therefore met the national standard; we have treated more patients, and I think that reflects very well on the public hospital system in South Australia despite the pressure it is under. I must also touch on the fact that the findings of the Senate inquiry are being released in Canberra today. The Senate inquiry, through its Chairman, has indicated that it is now shown that in fact the public hospital system of Australia is under-funded. That inquiry has found that the states and territories have been short-changed by the federal government by $629 million.

An honourable member interjecting:

The Hon. DEAN BROWN: The states and territories have been short-changed by $629 million under the Australian Health Care Agreement for the life of the agreement. I gave evidence to that Senate inquiry in South Australia, and it has been interesting to see that its findings almost match the sort of evidence and the case that I presented on behalf of the South Australian government. Certainly, it has completely vindicated the stance that this state has taken in terms of funding for the public hospital system.

The report of the Senate inquiry clearly lays down the need for the federal government to work in a very cooperative way with the state and territory governments to ensure that the extra funding is provided to take the pressure off the public hospital system around the whole of Australia. I look forward to working with the federal minister and the federal government to ensure that we have that cooperation and that we have the extra funds so that we are able to cope with the extra demand in our public hospital system.

FOI DOCUMENTS

Ms HURLEY (Deputy Leader of the Opposition): Was the Premier informed about a letter from the Ombudsman to the Chief Executive Officer of the Department of Premier and Cabinet which complained that Alex Kennedy had claimed that she had access to freedom of information documents prior to their release, given that she was not a public servant, and what was the response to the Ombudsman's letter?

The opposition has been informed that Ms Kennedy, in a statutory declaration to the Cramond inquiry, denied having prior access to Motorola documents. A spokeswoman for the Premier at that time informed the media that Ms Kennedy had been in the cabinet office to look not at Motorola documents but at documents relating to a media organisation's freedom of information request on another matter.

The Hon. J.W. OLSEN (Premier): The letter related to a letter from the Ombudsman to the chief. I am not aware of the situation; I will check the records.

OLYMPIC TORCH RELAY

The Hon. G.A. INGERSON (Bragg): Will the Minister for Recreation, Sport and Racing advise the House of the

likely economic benefit to South Australia of the Olympic torch relay?

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): As most members would be aware, the Olympic torch has arrived in South Australia aboard the Indian Pacific. Between now and next Tuesday it will be carried by some 800 torch bearers while in South Australia in what is one of the world's most complex and biggest road events. Some 33 towns and regional centres will celebrate the arrival of the torch. To them it brings with it more than just the Olympic spirit: it will certainly represent a mini-economic boom. The early estimates of the economic value of this to those towns, or indeed the state, is around $15 000 per day. That is the direct input. That is significant when one considers that many of the towns through which the Olympic torch will travel are regional centres staging various community events. The sum of $15 000 a day will, indeed, have a significant and direct impact on those communities.

If we add on top of that the indirect impact that all those community events will have, we see that the Olympic torch brings with it not only community spirit but also a certain economic benefit. It is a great opportunity for South Australia to showcase to the rest of the world the various assets of South Australia, whether they be the natural features of the landscape through which the torch will travel or the various personalities who will carry the torch. The torch averages about 143 kilometres a day, travelling some 1 146 kilometres by road and 500 kilometres by air as part of its South Australian journey. Of course, it also travels by train, tram, horseback and kayak during the various stages of the event in South Australia—

The Hon. J. Hall: And O-Bahn.

The Hon. I.F. EVANS: —and O-Bahn, of course, as well.

An honourable member interjecting:

The Hon. I.F. EVANS: Yes, West Lakes. Given that the honourable member's electorate is close to that, they might be aware of that. The arrival of the torch in South Australia is indeed very exciting for the general community, because it presents a once in a lifetime opportunity for many South Australians to be involved in the Olympics.

The first major port of call will be Port Augusta tomorrow at 5 o'clock in the morning, and I am sure that the member for Giles will be interested to know that the township of Cook will be holding a special mini-Olympics to celebrate the arrival of the torch in their part of the world. I know this is of special interest to the member for Unley, a former principal of the Cook school.

Members interjecting:

The Hon. I.F. EVANS: No, that's a former principal of the school. He went to great lengths to help fundraise for its local swimming pool and was well-renowned in the area as a poor man's Kerin Perkins. Of particular interest is the fact that long-time Olympic sports Norman May will also host what it will be a 2½ hour community Olympic event.

An honourable member: Gold, gold, gold!

The Hon. I.F. EVANS: Yes, gold, gold, gold for Cook. That is exactly right. It is important to note that that illustrates the type of event that will be held in a number of communities throughout the state, whether they be Hahndorf, Modbury, Tanunda, Gawler, Glenelg, Prospect or Adelaide or, indeed, Naracoorte, Mount Gambier or Murray Bridge. Of course, there are number of others.

The important thing is that the Olympic torch relay brings the Olympics to the community, and that is an important point that we need to recognise. It really does provide a lot of community spirit. A number of former Olympians will be involved in the carrying of the torch: people such as Dean Lukin, Alex Tobin, Wendy Schaeffer and Jill Rolton will be there, amongst others.

I am sure we are all aware that the significant fact with the Olympic torch is that the combustion system that keeps the torch alight was designed in South Australia at the university, with local firm Fuel and Combustion Technologies. It is a great credit to the company that all the different mechanisms worked, regardless of whether they were involved in the torch's going underwater or underground, or on tram, train, bus, kayak or horseback. The fact that the torch works so well is a testament—

An honourable member: And plane.

The Hon. I.F. EVANS: And plane and into space—to the skills base of the South Australian community. In my local area, where it goes through on Saturday, the number of community events planned is important because it brings a positive spirit to the community. We certainly welcome the Olympic torch to South Australia.

MOBIL REFINERY

Ms THOMPSON (Reynell): My question is directed to the Minister for Education and Children's Services, representing the Minister for Industry and Trade. When will the issue of rates payable by the Mobil refinery at Port Stanvac to the City of Onkaparinga be resolved? In approximately March 1999 Mobil told representatives of the local community that it had been holding discussions with the Department of Industry and Trade in an effort to minimise what it saw as additional costs incurred by operating in South Australia. One of these costs was rates to the City of Onkaparinga, which are determined by an indenture act. Not only Mobil and the council but also local businesses and workers have spoken out about their concerns over the continuing uncertainty on this issue. I note that there is still no indication from the *Notice Paper* that the minister has resolved this issue more than 15 months after Mobil indicated that the issue was urgent.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I am aware that discussions are still continuing with the Onkaparinga council and Mobil and I will get an update for the honourable member.

INTERNET

Mr HAMILTON-SMITH (Waite): My question is directed to the Minister for Government Enterprises. Will he outline to the House the increase in internet access in metropolitan Adelaide and the revitalisation of the city?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for Waite for his question, which is a particularly pertinent one, given some statistics that came out recently indicating that the effects of the information economy are being felt in Adelaide and in fact will be of great benefit. It is with a lot of pleasure that I can report to the House that South Australians in general, and in particular Adelaidians, are connecting to the internet faster than the national average, although we acknowledge there was a low base. With the information economy a whole lot of new yardsticks are needed to measure success in future. One of those measures of success is the home internet connection rate, and South Australia's high internet connection growth rate was almost 65 per cent, which is about 5 per

cent ahead of the national average. In metropolitan Adelaide more than 32 per cent of homes are connected, and this is up from less than 20 per cent the year before.

It is a quite spectacular rise in home internet connection, which is particularly encouraging. It means that the people of South Australia and Adelaide will be able to be participants from their home and place of work or wherever they are connected with the electronic commerce, research and the productivity opportunities, particularly in the case of older people corresponding with grandchildren via emails, digital photographs, and so on.

It does not happen just by accident. As a government we are particularly keen to transform ourselves so that we are able to provide more and more services and information over the internet: that is a key target for us. The Information Economy Policy Office has formulated a range of collaborative programs to further assist individuals and businesses to take advantage of the information economy. When businesses become aware of the growth rate in the internet they will realise that there is a real attraction for them in providing their commercial opportunities on line. Pleasingly it mirrors a more general sense of optimism.

A survey conducted recently by the Capital City Committee found that 73 per cent of business opinion leaders agree that a revitalisation of the city is occurring. The survey also showed three particularly important things: the majority of people believe that the competitive position of metropolitan Adelaide is strengthening; most believe that the linkages between education and business are good and are working; and the overall appearance and image of the city centre is improving. This is vital in a state such as South Australia, where Adelaide clearly plays such an important role.

Adelaide is increasingly becoming a high-tech city with a good quality of life and easy movement. As individual members of parliament, we have all in the past lauded our lifestyle and low cost of living. That is exactly what participants in the information economy are seeking. If we look at what is happening in America, they no longer want the congestion and hubbub of New York; they no longer want the difficulties and dilemmas of San Francisco, and so on.

People are actually making decisions that, rather than live in places like Silicon Valley, they want to live for lifestyle reasons in other cities which are technologically alert but which have better lifestyles, such as Austin. This has occurred so much in America that the airlines have realised this and have a special plane that flies between Austin and Silicon Valley every day, upon which all the people do all their internet work, emails and so on. It is peopled so much by computer boffins that the plane is called the Nerd Bird!

Those are exactly the sorts of opportunities that we can provide if we are a connected city and a connected population in South Australia: the opportunities for us to be dealing internationally via the internet; to be producing some of the best electronic commerce solutions; and to be providing cutting edge code for software such that we are providing some of the best games on computers, and so on. And we regularly win—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: The member for Hart, who happens to be the shadow minister, laughed when I said 'the best games'. I am sure that the member for Hart will have no idea about this, so I will delight in telling him. There is a small company in South Australia that set up about 18 months ago, and in that 18 months it has provided for America a game that was voted the best computer game in America. The company's name is Ratbag Games and the game is called Power Slider.

I am delighted to tell the member for Hart and other members opposite, who categorically refuse to do other than snipe and laugh at the information economy, that six months ago Ratbag Games employed 15 people. When I spoke with the principal about a week ago I was told that it now employs 35 people, and he assured me that it will employ another 20 before the end of this calendar year. Well may the member for Hart laugh at the sorts of figures that see a company that uses all the small and smart things in Adelaide grow from 15 to 35 to 70.

That is an incredible growth rate and is the sort of thing that we as a government will continue to encourage. Along with a number of initiatives such as the Smart Buildings initiative, Networks For You, and so on, we are creating the right environment for the growth of these smart young companies that will derive the benefits of the information age. As I said before, none of it happens by accident: it is a direct result of the government's seeing the potential and working to deliver the future.

WORKPLACE BULLYING

Ms BEDFORD (Florey): My question is directed to the Minister for Government Enterprises. What action has been taken to implement the recommendations of the report (which I believe the minister handed down) on workplace bullying, by the Working Women's Centre, released on 23 February 1998—two years ago—especially with regard to the implementation of legislation under the Occupational Health, Safety and Welfare Act to address those recommendations?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): As the honourable member may or may not know—I cannot remember if she was there when the report was handed down—we indicated at the time bullying is an appalling thing. We certainly do not approve of it in any way. It is categorically not acceptable, be it in the school yard, the workplace or anywhere else. It is not acceptable—and the government does not accept it. However, it is very strongly the view that merely enacting or bringing down a report is not enough, and what will see practices change is agreement between the individuals at the workplace. That is exactly what we have been identifying for the past couple of years. We think these are issues which need to be addressed within the workplace by both employees and employers. Let us make it absolutely clear: if the member is implying that bullying occurs only between employer and employee, she is factually incorrect because often it happens from employee to employee. That is just as unacceptable, no matter at what level.

Our view is very strongly that a number of things can be changed at the workplace. We believe there are definitely ways in which these improvements in behaviour ought to be reflected, for argument's sake, in workplace agreements. We think that would be a perfectly legitimate thing to be factored into any workplace agreement. We know the views of members opposite about workplace agreements. Unfortunately, they think that is not the way to go. We strongly disagree, because this is a perfect example. What is the good of legislation if the individuals do not buy into those particular agreements? That is what workplace agreements are all about. I reiterate that, as a government, we are strongly opposed to any form of bullying in any forum whatsoever and we are

strongly opposed to it in the workplace—as we have identified.

PALLIATIVE CARE

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: It is my privilege, once again, to table the annual report to parliament on palliative care in South Australia. This is the seventh such report and, as foreshadowed last year, is the first presented in the new format of reporting on progress towards implementing the South Australian strategic plan for palliative care from 1998 to the year 2006.

South Australia has established a very strong foundation in palliative care from which progress can readily be made. There is a range of care and services provided across the metropolitan area in hospitals, hospices, residential facilities and homes. In rural South Australia, there are 13 specifically funded palliative care programs across the seven regions. South Australia is regarded as the lead state in palliative care, especially in education and the law. We have also been a national forerunner in the development of palliative care performance indicators. The report is a comprehensive document which includes details on achievements and initiatives in both metropolitan and rural services and programs; it reports against strategic priorities to the year 2001 on a statewide basis; it describes education and training opportunities in palliative care; it identifies issues raised by palliative care providers; it contains a report on the activities of the Palliative Care Council of South Australia; and it includes details on the law surrounding palliative care.

This is a week of particular significance for palliative care: it is National Palliative Care Week. It was my great pleasure yesterday to perform the South Australian launch of National Palliative Care Week, and I congratulate the Palliative Care Council on its role in arranging the week's activities and its ongoing work. The launch was held at the Women's and Children's Hospital for a very specific reason: it was chosen to promote an 'across the ages' awareness of the relevance of palliative care.

Death can occur at any age and from a range of conditions. The need for good palliative care is perhaps most poignantly illustrated when we consider that death and dying are faced by both young children and their families. It is therefore appropriate to highlight a specific initiative taken in recognition of this area with special funding. Funding was provided in 1999 to establish a coordinator of paediatric palliative care based at the Women's and Children's Hospital. This is a best practice initiative aimed at providing consultancy and expertise in the provision of palliative care to seriously ill children throughout the state.

Other services provided include bereavement support, case management of tertiary and community resources for these patients, education of service providers and research. The service has already achieved a very high level of satisfaction, and I pay a tribute to all those involved in establishing the service and in particular the coordinator. Palliative care is not just about the dying person. Palliative care involves families, carers, their friends, communities, service providers, volunteers, educators and the clergy coming together to ensure that dying with dignity takes its rightful place in the health care continuum. I pay tribute to all those who care and show compassion for those who need palliative care services. Now, the challenge is to strengthen palliative care services to meet future demand. I commend the report to the House.

PAGER SERVICE

Mr LEWIS (Hammond): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: Earlier this day Link Telecommunications came to my office with the Government Whip, the member for Goyder. He asked me if I would be kind enough to have my pager disconnected from the Liberal Party's paging service. At the time I was too busy, so I asked the technician to come back later, and he did. I asked him if it would change anything at all in my pager, and he said no. On that pager I had a number of messages that I had saved; they have gone. He misled me, and only a matter of seconds ago I believed that it was done in mischief. It has certainly been a great embarrassment to me. There were 20 messages on that pager, and 11 of them had been saved. I am annoyed that modern technology of this kind has enabled the interference (as I believe it to be) with my privileges.

Mr MEIER (Goyder): I seek leave to make a personal explanation.

Leave granted.

Mr MEIER: Mr Speaker—

Members interjecting:

The SPEAKER: Order, the member for Hart and the member for Elder!

Mr MEIER: The member for Hammond is quite correct in saying that I as Government Whip brought up a representative from Link—

Members interjecting:

Mr MEIER: I am making a personal explanation.

The SPEAKER: The honourable member has been given leave to make a personal explanation.

Mr MEIER: The member for Hammond is quite right in saying that I brought up a representative from Link for him to adjust the member for Hammond's pager so that he no longer received messages through the general paging service from the Liberal Party. Given that the member for Hammond was on the phone at the time I knocked on his door and sought permission for the representative from Link to see him, a representative from the office came out. I asked the person from Link whether it would mean that the messages would be deleted, and he said, 'Yes, that will be the case.' In fact, I indicated that the person there with me should ensure that they were written down. It is certainly unfortunate if there was a misunderstanding. I certainly indicate that there was no intention to do that, and perhaps the question was misunderstood when the member for Hammond asked the representative from Link whether it would make any changes. Obviously, the messages would go.

The SPEAKER: Order! I make the observation from the chair that I do not believe either of these explanations really were personal explanations. Members may like to bear that in mind in the event of this type of matter being raised in future. In the view of the chair it is more a personal matter between the two members concerned.

GRIEVANCE DEBATE

Ms KEY (Hanson): Today I would like to talk about some concerns that have been raised with me about hairdressing apprenticeships. There are many issues associated with the treatment of young people engaged in apprenticeships and traineeships; however, I find that the problems in the hairdressing industry seem to be raised with me more than any other.

I wish to raise a particular case which I find disturbing. This case involves a young woman, who I believe showed great initiative and commitment in pursuing employment. I will call this woman 'Mary' for the sake of confidentiality. She first entered the hairdressing industry through a prevocational training program. This led to employment with a salon with a view to an apprenticeship at a later stage. Unfortunately, however, this apprenticeship did not eventuate, even though she worked very hard throughout the Christmas period for the salon concerned. Their inability to offer her an apprenticeship was made worse because on her departure it was established that she had been underpaid for the term of her employment.

Members interjecting:

The DEPUTY SPEAKER: Order! I remind the cameraman that it is inappropriate to be filming anywhere other than the member who has the floor.

Ms KEY: I hope the clock was stopped then, as it is for Liberal members.

The DEPUTY SPEAKER: Yes.

Ms KEY: Thank you. Mary then had to pursue this amount from her former employers. I note that they paid the outstanding amount once the error was pointed out to them. This was a negative experience for the new young worker.

Mary then managed to find an apprenticeship through another salon. All went well for 18 months until problems between the owners and the second salon made the working environment untenable. The young woman felt that she could no longer work in such an unpleasant environment, so she resigned from that position to take up alternative training as a pharmacy assistant. However, on resigning from the salon she discovered that her superannuation entitlement was underpaid and she had to pursue that payment. The amount was eventually paid out, but this was bad experience number two for this young worker.

After successfully working as a pharmacy assistant for a time, Mary decided that she really did wish to complete her hairdressing apprenticeship and gained a position with another salon to complete her training. On commencing work at a new salon, Mary and another new apprentice engaged at the same time were asked to consider committing to a further contract over and above the contract of training associated with their apprenticeship. As I understand it, this contract asked them to undertake that they would not work in another salon within a certain radius of the one in which they were initially employed if they ever left. It also proposed restrictions on their contact with former clients if they ever left.

This additional contract also stated that they would be fired if they took sick leave exceeding their normal sick leave entitlement in any year, regardless of accruals. This sounds totally unacceptable to me. If sick leave was being abused, then of course the employer would be justified in taking action, but there seemed to be no reason why this requirement was put in place.

The day that Mary signed this other contract was also the day on which she received her first pay from the new salon. This was negative employment experience number three: she was being underpaid yet again. Mary decided that she would not challenge the underpayment at that time, as her earlier negative experiences made her fear that she would never get her trade qualification. Nevertheless she maintained detailed records of her payments in the hope that she might be able to pursue the money later. Unfortunately, this was not the end of it. The young woman found that she was going to have her working hours cut back to 20 hours per week, despite the fact that this contravenes the provisions in the hairdressing and toilet salons award.

The other apprentice then left the salon and for a time Mary was required to work much longer hours than she should have been, quite often unsupervised. She had another experience of underpayment of wages, and it was important for Mary to get workplace services to come in and check the amount that she had been underpaid and also undertake the negotiations with regard to redressing the $1 000 that she had been underpaid.

The employer started to treat Mary very poorly, changing her days off without notice, making rude remarks and basically given her a hard time. This prompted Mary to go to the Apprenticeship and Trainee Management Branch, which facilitated a meeting with the employer. In the end, Mary finished her apprenticeship and left the salon concerned that she had not received the full amount she should have been paid while working there.

Then, to make matters worse, being a good worker Mary was offered a job in another salon but could not take it because of her contract of employment which provided that she could not take a new job within the specified radius, which was about six kilometres of her former salon.

Time expired.

The Hon. G.A. INGERSON (Bragg): When I got up this morning and read the *Australian*, I noticed a very interesting article which was entitled, 'Labor attempts to gag renegade MP'. When I read it, it seemed to be a pretty simple sort of story, until I came to a statement made by Mr Hunter, who said:

> The entitlements that he is given by parliament are to communicate with the people in his own electorate. . . we are talking about his communications and correspondence using taxpayer-funded materials. . .

I thought that I would just ask around the corridor why that statement might be so relevant. Then I found, of course, that perhaps it implicates the member for Spence and that it might implicate the member for Napier and the member for Peake, because I understand that they—

Mr Foley interjecting:

The Hon. G.A. INGERSON: I am not saying that. I understand that these members are also perhaps in the same area, so I just thought that was it. But when I read the article I thought, 'There has to be more to it than this.' When I went to my box today, I was surprised to see a manila folder, and within that manila folder were a couple of letters. I thought that I had better read these letters and find out what it was all about. I have here a letter signed by the member for Ross Smith, Mr Ralph Clarke. The letter states:

> In light of the recent public statements by our state leader—

and I assume that is Mr Rann—

> and other Labor MPs attacking the Liberal Party for denying the right of free speech to Peter Lewis by expelling from their ranks for attacking publicly the actions and policies of his own Liberal government and calling on his leader and current Premier to be

sacked, it is hypocritical for the ALP State Executive to try and muzzle me.

I wondered what it was all about, so I thought I had better read on. When I went back to 6 June, I found the beginning of the story. In a letter written by Mr Hunter, State Secretary, to Mr Clarke it is stated:

I now write to seek clarification from you on two items of correspondence recently brought to my attention. The first is a letter from you, 'An open letter to the electors of Enfield from Ralph Clarke MP' and the second is a leaflet, 'Ralph Clarke MP invites residents of Nailsworth, Broadview and Collinswood'.

It would appear these items are being circulated in some areas and that they are not in your current electorate, but which will be in the new electorate of Enfield. Such circulars may serve to confuse the community in the new electorate of Enfield as they will also be receiving correspondence and circulars from the endorsed Labor candidate. As you are not the ALP endorsed candidate for Enfield, nor the allocated duty MP, I am unclear about the reasons for your activity in these areas.

I wonder why he would be unclear. I supposed that he would have to sit down and write again. So, what has he done? He wrote again, as follows:

Ian, you may believe yourself to be the Gaulieter of the South Australian branch of the ALP; however, let me remind you that we live in a democracy, and some of us even think it is something worth fighting for. Let me make my position abundantly clear—if I want to stand on a street corner and discuss political issues or distribute leaflets to anyone I so choose, that is my right as an Australian citizen and a right that I think you should be willing to uphold.

What a good idea. And guess what—another reply. This time Mr Hunter states:

The ALP State Executive considered the issues raised in my letter to you and resolved to direct you to cease communicating with electors not in the seat of Ross Smith. Clearly you have a responsibility to continue servicing the electorate. . . However, you are not the ALP candidate. . . To communicate to electors who will be in Enfield at the next election and who are currently in the electorates of Adelaide or Price is not your responsibility. The executive is expressly concerned at the confusion that may arise. . .

I wonder what is happening for the member for Peake. I wonder if he is creating any confusion. I wonder if the deputy leader is causing any confusion in the new seat of Light. I wonder if others are causing any confusion. What a lot of hypocrisy! Last week we had the hypocrites on the other side getting stuck into the Liberal Party. And what about old Murray? I forgot about poor old Murray over there—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I am sorry, the member for Price.

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

Mr KOUTSANTONIS: Sir, I rise on a point of order. I refer to standing order 123, which states that members are to be referred to by their names.

The SPEAKER: I uphold the point of order. Members will use electorate names in the chamber.

The Hon. G.A. INGERSON: The member for Price. What about poor old Murray? What will the Labor Party do to the member for Price? Is it not a tragedy? I wonder if he received any letters. The hypocrisy of last week. The difference, of course, is that all this is in writing. What a wonderful business. I wonder if Mr Hunter will survive.

Time expired.

Ms STEVENS (Elizabeth): I would like to add some further comments in relation to the matter of fees that have been levied on consumers of domiciliary care services in our state and the issues surrounding that that were raised last week in this parliament. After I moved my motion on Thursday I returned to my office to receive notes of information that had been provided to my office from the Chair of the Northern/Western Domiciliary Care Consumer Reference Group. He had called my office and advised of the following facts in relation to the events surrounding the collection of fees. He said that domiciliary care sheds are now full (this was as of last Thursday) due to equipment pouring in because people are opting to do without, as they cannot afford the cost. He said that some returns may be genuine but large amounts are due to fees. He also said that the sheds are now required to hire extra staff to clean and log all the returned equipment—and I wonder if they had thought of that. He said that, with respect to the 1800 number listed on the information brochures that was received by clients, there were only four people in the call centre to answer thousands of calls. In fact, he said that those four operators had received 12 000 calls. I suppose that that is a bit of an explanation as to why some people tried all day to get through on that 1800 number and were unsuccessful. The chairman mentioned that, according to the Home and Community Care guidelines, consumer groups must be consulted in relation to the matter of fees, and they were not.

The chairman also brought forward some questions and thoughts on behalf of the reference group, and they are as follows:

[Radio station] 5AA had large numbers of frightened and confused people ring in wanting answers and help. How much will this cost to administer and how much will dom. care make out of the fees? Will it cost more than it is worth?

I wonder whether that had ever been considered. He says:

By all means charge people who can afford the fees, i.e. those who are not on a pension or those who are only temporarily disabled. But consider the long-term disabled and leave them alone. Why was the exercise tried to be rushed—clients were only notified two days before the fees were [originally supposed to be] implemented? Why charge the long-term disabled and force them to fill in a waiver? Who will help people with dementia [fill in their form]?

That was the list of comments that he made.

I thought that I would also make a couple of comments. I noted that, in the minister's response to a question put to him by Labor's leader (Hon. Carolyn Pickles), in the other house last Thursday, the minister said:

There are about 8 000 clients of domiciliary care in the state.

I found that interesting, because my information—direct from domiciliary care—was that they have 20 000 in this state. It is interesting that the minister is apparently unaware of how many clients he has in that service.

The other point I would like to make is that I heard the minister on radio (in fact, I was asked to comment as well) defending the indefensible—defending his department; defending the process; saying that the brochures that had been sent out were perfectly clear; saying that everything was okay; saying that there was no need for panic; and saying that, in fact, it was the opposition that had caused the panic in the first place. I found that absolutely astounding. I think that, if it is quite clear that you have stuffed up, you ought to come clean about that and get on and fix it, instead of going on the radio (and I am sure that he did it on more than one station) and trying, as I said previously, to defend the indefensible and pretend that, in fact, everything is fine. It is not fine, it still is not fine, and my inquiries today to domiciliary care reveal that they are still in mopping up phase, trying

to sort out the mess that has been created and that this will, in fact, keep the staff tied up for quite a few weeks to come.

The Hon. D.C. WOTTON (Heysen): I want to take a few brief moments to talk about an issue that has been of interest to me for a very long time. I was interested to read in the *Weekend Australian* of 3 June, under the heading 'Green, the colour of money', a reference to a new sustainability index. The index was launched last year by the New York index entity in conjunction with independent Swiss asset manager SAM sustainability group. The article is very interesting and suggests that investors are assessing company environmental performances, and managers can no longer ignore the new investment machine. The article states:

> When an arch-conservative like Hugh Morgan acknowledges the need for fund managers to become environmentally savvy, you know a trend towards sustainability is in the making.

All of us, particularly in this state, know of the great work that Hugh Morgan has done and continues to do through WMC. Of course, Hugh Morgan is the Managing Director of that company. It is interesting that the article refers to Hugh Morgan as the 'latest bedfellow' for the Dow Jones sustainability index which, as I say, was launched last year. We are told that the index comprises 225 stocks chosen by a team of 25 researchers from 2 500 corporations worldwide on the basis of their environmental, social and technological performance. It is also interesting to note that Westpac and Monash University have launched a joint initiative to create Australia's first eco-index as a barometer of the share market performance of the more environmentally conscious listed companies.

I was particularly interested to learn that these companies are rated by the Monash University Centre for Environmental Management on such criteria as their environmental strategy, management, operations and products and stakeholder relations. The article refers to the 'green tinge' developing on investment markets which, in the opinion of the writer, John Macleay, will put WMC 'ever more into the spotlight to improve its environmental performance in sensitive areas such as its Roxby Downs uranium mine in South Australia'. Those of us who have had the opportunity to visit Roxby Downs, I am sure, would have been impressed with the environmental procedures carried out at that development.

I had the opportunity, as Minister for the Environment, to visit Roxby Downs on a number of occasions and I was always impressed both by the personnel, who had a responsibility in this area, and by the on-the-ground achievements. Interestingly, the article quotes Hugh Morgan as follows:

> For any publicly listed company such as ours [that, of course, is WMC], it is important that we are exposed to as wide a group of potential investors as possible through financial indices, including the Dow Jones sustainable index.

I suggest that this is a great move: it is a great move for this particular company and it is a great move for industry throughout the world. I am delighted that it has reached this stage because it is all about the identification of social, environmental and technological trends and transforming them into economic strategy. That is something in which I believe very strongly and it is something that I believe the majority of South Australians would want to support. I encourage members of the House to take up this issue of the *Weekend Australian* dated 3 and 4 June, to look at the graphs that are provided and to read in more detail the particular article to which I have referred.

Time expired.

Mr HILL (Kaurna): I would like to refer to the recent media reports about gangs in the southern suburbs and also reflect on some of the problems that gangs have been causing for local residents. My office has received a number of calls in recent days and a few months ago when the activities of gangs reached a high point. In the past couple of days my office has been told of a number of incidents involving gangs of young people in the southern suburbs. For example, I was told that on Saturday night approximately 70 young people in one of the suburbs in the south were very active and making a lot of noise, revving up cars, drinking in the street and causing general chaos and mayhem.

In fact, I understand that the young people involved had attended what is called a 'trash' party, that is, people gatecrash an existing party and then go through the house and trash as much of the property of the owner of the house as they can and then move on somewhere else. In this particular case a very concerned and worried resident telephoned the police. The police took 15 or so minutes to arrive and, I think, confronted by the large number of youths in cars and on foot were unable to do anything, and the young people moved on. My office has also been contacted by people concerned about a current outbreak of graffiti in the southern suburbs. It is clear that a lot of graffiti vandalism is occurring at the moment.

The article in the weekend press referred to a number of organised gangs and, in particular, it referred to one gang called Constantly on Attack. The nature of the press reporting generally was all right but in some ways it sensationalised the issue and romanticised the gang, which is more of a concern. There is no doubt that such gangs are operating in the southern suburbs. I am sure that gangs are also operating in other parts of the state. Certain characteristics of these gangs, I think, are deeply worrying. They tend to be violent, and I have been told of gang members attacking residents and workers with star droppers. I have been told that in some cases gang members have access to other weapons, including guns. They are clearly well organised. They use mobile telephones to let each other know what is going on, to warn of police attendance and to organise particular activities.

These gangs tend to have older leaders—young people in their 20s. Gang leaders are not teenagers or youths but young people in their 20s and they tend to recruit younger people to the gangs. They wear uniforms and have an organised schedule of activities. In many ways I think that these gangs replicate the activities of some of the soccer gangs in the United Kingdom and other gangs in the United States.

Approximately three months ago police in the southern suburbs organised Operation Arch to try to temper the worst excesses of these gangs. The police made a number of arrests, including gang leadership. I understand that in some cases charges are still pending. There was a reduction in the activity but it seems to be re-emerging and it is particularly evident in the amount of graffiti around the place. What sort of response should we, as a community, have in relation to these gangs? Policing is, obviously, very important, and our police need more resources. Unfortunately, in the southern suburbs only two patrols are on duty at any one time and delays of up to an hour can occur, particularly at peak hours.

There are also rumours in the southern suburbs that the Aldinga Police Station is closing, and that would make matters somewhat worse. More police resources are required. I acknowledge the good job that the police do with the available resources. Under-age drinking is clearly a problem and a number of venues (and I can think of a couple) in the

southern suburbs have been selling alcohol to under-age people on a regular basis. I know that the police are aware of these venues and I hope that they are putting in place appropriate measures. There is a prevalence of drugs in some of these gangs, particularly nasty drugs such as amphetamines.

The councils are doing a good job, particularly the Onkaparinga council through its anti-graffiti strategy, but it could do with more state support. There needs to be more youth activities and youth housing, both problems in the southern suburbs. We particularly need a strategy to keep younger people involved in the school process longer. The drop-out rate is very worrying. Kids who drop out of schools and who do not have organised activities are obviously easy targets for some of these older young people who are trying to recruit to their gangs. We need a total local/state government approach to these issues which is organised and coordinated. Certainly, something needs to happen because I know that the residents in the southern suburbs are worried and fearful about what some of these gangs might do to them.

Time expired.

Mr SCALZI (Hartley): Today I wish to bring to the attention of the House the Kiwanis' drive for membership in my area. We have heard much about the problems of youth in some of our suburbs, and the honourable member has just spoken about that. On a positive note, community organisations such as the Kiwanis do a lot of good work to develop leadership and responsibility for young people.

Volunteers are very important in our society. Members would be aware that last year the government had a volunteer summit. The reality is that, no matter which party is in power, how many police you put in the community or what services you provide, you cannot deliver all the services needed by the whole community. Volunteer organisations play a very important role in delivering services, and the government has acknowledged that. I am also doing that today.

Members would be aware that the Kiwanis organisation was founded in 1915, and the organisation has grown to about 9 000 clubs in more than 80 nations. Nearly a third of a million Kiwanis are helping to improve people's lives in every continent from Canada to Colombia, from Austria to Australia, from Tunisia to the Republic of China.

I bring to the attention of the House a drive conducted by the Kiwanis in my area. The Kiwanis organisation is undertaking the building of new clubs in South Australia. We have identified clubs sites in Norwood, Golden Grove, Christies Beach, Mawson Lakes and Victor Harbor. Kiwanis is open to both men and women, and has an emphasis on a project called Young Children: Priority One. It helps with important projects which focus on young people, addressing the needs of children in paediatric trauma, safety, child care, early development, infant health, nutrition and parenting skills. They are important skills, especially given the community fears held by some these days.

The typical Kiwanis club plans various projects each year that focus on the special needs of its community. They include fighting substance abuse; helping the elderly; promoting literacy; supporting youth sports; and other projects involving children or persons in need. Kiwanis also provide leadership opportunities and community services for youth.

A meeting will be held in the Norwood, Payneham and St Peters council area on Wednesday 9 August. The meeting will commence at 7 p.m. in the Payneham Community Centre Hall, Corner of O.G. and Payneham Roads. Two dozen like-minded people are required to establish a new club, and an invitation is extended to the local residents to attend the information evening. Other meetings are being arranged around the metropolitan area. In this area, I commend Greg Anderson and Barbara Zed who are coordinating this meeting. I wish them well, because it is very important that the Kiwanis get off the ground.

I am aware of the Kiwanis' work in Campbelltown, Rostrevor and Athelstone, which districts have been represented in the Lochend project—a very important project in my electorate aimed at restoring the home of the founder of the Campbelltown area. At this stage, it has contributed the equivalent of $3 000 to that area. However, all community clubs such as Rotary, Probus, Lions and other volunteer organisations in our community play an important role. This is not often acknowledged, and without them we could not succeed in the community.

ELECTRICITY (PRICING ORDER AND CROSS-OWNERSHIP) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): 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.

The Electricity (Pricing Order and Cross-Ownership) Amendment Bill amends the *Electricity Act* 1996 in two respects.

First, this Bill varies the electricity pricing order issued on 11 October 1999 under section 35B of the *Electricity Act*.

These amendments to the electricity pricing order, which will not come into effect unless, and until, the relevant provisions of the Bill are passed and brought into operation, are set out in a notice published in the *Gazette* on 28 June 2000 at page 3397.

A copy of this *Gazette* notice has been provided to Honourable Members.

Second, this Bill amends the cross-ownership rules that are contained in Schedule 1 of the *Electricity Act*.

Section 35B(1) of the *Electricity Act* permits the Treasurer to issue an electricity pricing order that regulates prices, conditions relating to prices and price-fixing factors for (among other things):

- the sale and supply of electricity to non-contestable customers;
- subject to the National Electricity Law and the National Electricity Code, network services (eg. services relating to the transmission and distribution of electricity between electricity entities and from electricity entities to customers); and
- other goods and services in the electricity supply industry.

Section 35B(7)(b) provides that an electricity pricing order issued by the Treasurer cannot be varied (except as contemplated by the order) or revoked.

This provision was included to give some certainty to both electricity supply industry participants and their customers at a time of considerable change brought about by the introduction of the National Electricity Market and the privatisation of the State's electricity businesses.

On 11 October 1999 an electricity pricing order was issued pursuant to section 35B(1) of the *Electricity Act.* Among other things this electricity pricing order:

- regulates the price at which electricity can be sold to non-contestable customers;
- regulates the price of certain "monopoly" transmission network services provided by ElectraNet SA (the State-owned electricity transmission business which is to be privatised in the third quarter of this year) and of certain "monopoly" distribution network services provided by ETSA Utilities (the privately-owned partnership which is the lessee of the State's electricity distribution network);
- specifies revenue control methodologies that apply to ElectraNet SA and ETSA Utilities; and

- regulates the alteration of tariffs, the closing of tariffs and the introduction of new tariffs during an initial regulatory period (until 31 December 2002 for transmission and retail and until 30 June 2005 for distribution).

Four material inconsistencies have recently been identified in the electricity pricing order. Three of these inconsistencies relate to the determination of the maximum revenue allowed to be earned by ElectraNet SA and ETSA Utilities and one relates to the regulation of public lighting tariffs.

The first three inconsistencies are contained within complex mathematical formulae.

They are, in fact, unintended consequences of those formulae.

And it has been identified that they mean our electricity pricing order cannot deliver its intent.

These changes are required to allow the electricity pricing order to deliver what was promised and what was intended.

I would like to stress that we are in no way seeking to alter the framework of the electricity pricing order.

We are only seeking to ensure that it operates as originally intended—no more, no less.

I will detail each material inconsistency at length so that the detail of what has occurred, and the unintended consequences of this, are set out fully for the benefit of Parliament.

Also, a small number of inconsistencies of a minor or typographical nature have also been identified. The amendments to the electricity pricing order which are proposed to address these inconsistencies are set out in the notice published in the Gazette on 28 June 2000 at page 3397. In view of section 35B(7)(b) of the *Electricity Act*, legislation is required to enable the electricity pricing order to be amended to address these inconsistencies and the proposed new section 35B(10a)(a), which is to be inserted by clause 2 of the Bill, accordingly provides that the electricity pricing order is varied as proposed in that notice. The four material inconsistencies are described below.

Schedule 4 of the electricity pricing order provides for the maximum tariffs that ElectraNet SA and ETSA Utilities can charge in 2000-01 in relation to regulated transmission and distribution network services. Schedule 7 of that order sets out revenue control formulae that limit the amount of revenue ElectraNet SA and ETSA Utilities can earn from these services in the years following 2000-01. However, whereas the electricity pricing order provides for the maximum tariffs listed in Schedule 4 to be adjusted for inflation during the year ended 31 March 2000, the revenue control formulae included in Schedule 7 do not provide for an equivalent adjustment to the maximum allowed revenue figures for 2000-01. Therefore, by charging the maximum tariffs which are able to be charged for 2000-01 as set out in Schedule 4 of the electricity pricing order, ElectraNet SA and ETSA Utilities will earn more revenue for that year than the maximum allowed revenue specified in Schedule 7. Accordingly, it is proposed to amend the electricity pricing order to remove the inconsistency between Schedules 4 and 7 by including an adjustment for CPI in the maximum allowed revenue for ElectraNet SA and ETSA Utilities for 2000-01 as set out in Schedule 7.

During the bidding process all bidders were provided with detailed information about forecast revenue under the electricity pricing order on a number of occasions, consistent with Schedule 4. This Bill will ensure the electricity pricing order is amended to be consistent with this information provided to bidders.

An inconsistency has also been identified in the calculation of the 'k' correction factors that are used in determining the maximum revenue allowed to be earned by ElectraNet SA and ETSA Utilities. These correction factors are needed because the revenue control formulae in Schedule 7 require the maximum allowed revenue for years after 2000-01 to be set, and the tariffs for the years after 2000-01 to be determined, on the basis of forecasts of electricity demand and consumption. To the extent that these forecasts for a year prove to be inaccurate, an adjustment is made to the maximum allowed revenue in the following year by way of the correction factors. This adjustment takes into account the time value of money, so that any correction is adjusted in real terms and includes allowance for the rate of return that could be earned during the relevant period. However, due to the CPI change component in that adjustment mechanism being expressed as a ratio rather than a percentage change, that adjustment mechanism overstates the correction factors. It is therefore proposed to amend the electricity pricing order to ensure that the adjustment mechanism operates as originally intended. However, it is possible that ETSA Utilities (and, to a lesser extent, ElectraNet SA) may be able to offset some of this reduced revenue by "gaming" the correction factors (ie. under forecasting electricity demand and consumption) so as to take advantage of the inconsistency in the calculation of the "k" correction factors and thereby earn more revenue than was intended by the electricity pricing order. This would be to the detriment of AGL South Australia Pty Ltd.

The third inconsistency relates to the calculation of the maximum allowed revenue for ElectraNet SA for 2002-03. This inconsistency arises because the maximum allowed revenue for ElectraNet SA for 2002-03 is based upon its maximum allowed revenue for 2001-02, which includes an adjustment for the "k" correction factor and an adjustment for the performance incentive scheme that is referable to 2000-01. In other words, as expressed in the electricity pricing order, the adjustment for 2000-01 would be an ongoing adjustment, rather than just a once-off adjustment to the maximum allowed revenue for 2001-02 as was intended. It is therefore proposed to amend the electricity pricing order by excluding the effect of the correction factor and the performance incentive scheme when setting the maximum allowed revenue for ElectraNet SA for 2002-03.

If not corrected, these three inconsistencies might (subject to the possibility of "gaming" referred to above) result in ETSA Utilities and ElectraNet SA having their maximum allowed revenue from regulated services significantly reduced while AGL South Australia Pty Ltd might benefit from a substantial unintended windfall gain. The correction of these inconsistencies will, however, have no impact on non-contestable customers (currently being small customers with energy consumption of less than 160 MWh pa) because the electricity pricing order sets the maximum tariffs that can be charged to them until 1 January 2003.

It also needs to be noted that if these inconsistencies are not corrected then the potential lease proceeds for ElectraNet SA will be reduced significantly.

The fourth of the material inconsistencies that has been identified in the electricity pricing order is in relation to the treatment of public lighting tariffs until 31 December 2002. The electricity pricing order sets out the maximum public lighting tariffs which may be charged by AGL South Australia Pty Ltd until 31 December 2002. AGL South Australia Pty Ltd purchased the State's electricity retail business on 28 January 2000 and so has a monopoly over the sale of electricity to non-contestable customers in South Australia. For these purposes, local councils which purchase electricity for public lighting purposes are classified as non-contestable customers. These maximum public lighting tariffs are "bundled" in the sense that they cover the price of the electricity used for public lighting, the price of the network services associated with the provision of that electricity and a provision/maintenance charge (which is charged by ETSA Utilities to AGL South Australia Pty Ltd) for providing and maintaining the relevant public lighting assets. The electricity pricing order prohibits AGL South Australia Pty Ltd from charging non-contestable customers more for "prescribed retail services" than the relevant bundled tariffs. However, inconsistently with the specified maximum public lighting tariffs, "prescribed retail services" are not defined to include the provision and maintenance of public lighting assets. It is therefore proposed to amend the electricity pricing order so as to remove this inconsistency. Unless corrected AGL South Australia Pty Ltd has the potential for a windfall gain by overcharging councils in the described fashion.

As previously stated, a small number of inconsistencies of a minor or typographical nature have also been identified. The rectification of these inconsistencies will not impact materially on the operation of the electricity pricing order. As with the proposed amendments to the electricity pricing order that I have previously referred to, the notice in the Gazette also amends the electricity pricing order to remove these inconsistencies.

The Bill further requires the Treasurer to send a copy of the amended electricity pricing order to each licensed entity to which the order applies and to ensure that copies of the amended electricity pricing order are available for inspection and purchase by the public. Moreover, it provides that a reference in any document (eg. a contract) to the electricity pricing order is to be construed as a reference to the amended electricity pricing order unless the context otherwise requires.

In addition, the Bill provides the Crown with immunity from any liability (including liability under contract) that the Crown may incur in connection with the variation of the electricity pricing order. For these purposes, the Crown is defined to include Ministers, officers and employees of the Crown, instrumentalities of the Crown and officers and employees of such instrumentalities. However, it does

not include contractors engaged by the Crown or the officers or employees of such contractors.

Finally, the Bill amends the cross-ownership rules that are set out in Schedule 1 of the *Electricity Act*. The purpose of the cross-ownership rules is largely to prevent the reaggregation, until 31 December 2002, of the State's electricity businesses following their privatisation. However, even after this date, any proposed reaggregation of those businesses will continue to be subject to the provisions of the *Trade Practices Act* and the jurisdiction of the Australian Competition and Consumer Commission.

By virtue of the cross-ownership rules, the holder of a licence in relation to one of the State's electricity businesses following its privatisation, or an associate of that holder, is generally prohibited from (among other things) becoming "entitled" to any shares in the holder of a licence issued in relation to another of the privatised electricity businesses. For these purposes, the concept of "entitlement to shares" is stated to be as defined in the Corporations Law. However, earlier this year the Corporations Law was amended to remove the concept of entitlement to shares and to replace it with a similar (but not identical) concept of "relevant interest" in voting shares or securities. Accordingly, the Bill provides that a reference in the cross-ownership rules to the Corporations Law is a reference to the Corporations Law as in force at 19 August 1999. This date is the date on which the *Electricity (Miscellaneous) Amendment Act 1999*, which inserted the cross-ownership rules into the *Electricity Act*, received Royal Assent.

This Bill will further facilitate the privatisation of the State's electricity businesses and I commend it to Members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 35B—Initial electricity pricing order by Treasurer

The amendment provides that the electricity pricing order is to be varied as set out in a notice published in the *Gazette* on 28 June 2000. The Treasurer is required to send a copy of the varied order to each licensed entity to which the order applies and to ensure that copies of the varied order are available for inspection and purchase.

Clause 3: Amendment of Sched. 1—Cross-ownership Rules

The amendment provides that references to the *Corporations Law* in the Schedule are to be read as references to the *Corporations Law* as in force at 19 August 1999, the date of assent of the amendment Bill that inserted the Schedule into the principal Act.

Clause 4: Exclusion of Crown liability in relation to electricity pricing order

This clause excludes any liability on the part of the Crown (including contractual liability) in connection with the variation of the electricity pricing order. 'Crown' is defined so that it includes a Minister of the Crown, an instrumentality of the Crown or an officer or employee of the Crown, but does not include a contractor, or an officer or employee of a contractor, engaged by the Crown.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1592.)

Mr ATKINSON (Spence): This is yet another omnibus bill in the Attorney-General's portfolio. It is as long as usual, but this time it has just a taste of controversy. The bill has 12 principal amendments, one of which the opposition rejects. The bill also provides a good opportunity to add a useful amendment to the Criminal Injuries Compensation Act.

Under the Associations Incorporation Act, the commonwealth's Corporations Law is read into the parent act. Recent changes to the Corporations Law regarding claims against the insurers of deregistered companies are not something that was contemplated by the parent act, so amendments are made to embrace the new provisions.

The second change concerns sentencing of offenders. If a convict is subject to more than one sentence, either the second sentence can be served concurrently with the first sentence or it can be made cumulative on the first sentence. It seems that an adult still serving time for an offence committed as a juvenile cannot have a second sentence for an offence committed as an adult imposed cumulatively on the first sentence. I agree with the government that there does not seem to be any good reason why a second sentence should always be served concurrently in these circumstances.

The third change relates to the government's 'Paying Through the Nose' advertising campaign. Under the new fines regime, some property of a fine defaulter may be seized or sold to satisfy a debt, but it may be argued that the Criminal Law (Sentencing) Act does not permit the conversion of the property to money. This amendment overcomes the argument.

The fourth change is to the crimes at sea legislation. South Australia was first off the mark to enact a uniform Crimes at Sea Act. But, alas, Queensland and the Northern Territory have not yet come to the party and, worse, some small changes have been made by other jurisdictions such as the withdrawal of Norfolk Island from the scheme. Under Martyn Evans' amendments to the Acts Interpretation Act of blessed memory, all acts of parliament assented to but not proclaimed within two years are deemed, after the passage of the two years, to be proclaimed. To avoid the Crimes at Sea Act being proclaimed automatically ahead of the other states and territories, this amendment is before us. The opposition supports the amendment.

The fifth change is about the Environment, Resources and Development Court and the criminal injuries compensation jurisdiction both imposing caps on what lawyers can charge. To avoid lawyers having to pay the GST, this amendment allows lawyers to pass it on to their clients, even though their bill might exceed the caps.

It is most opportune that the government has opened up the Criminal Injuries Compensation Act to a review by parliament. On 19 March 1977 the Hon. George Weatherill asked the Attorney-General why the inadequate and constantly battered Criminal Injuries Compensation Fund was available to three villains who had trespassed in a householder's backyard with a view to stealing his marijuana plants and who had suffered mental shock when the householder shot one of their accomplices dead. I know that the member for Stuart would be very sympathetic to these applicants for criminal injuries compensation!

Mr Clarke: Did George think of that question himself?

Mr ATKINSON: The Hon. George Weatherill asked the question on his own initiative, as he does so many questions. It is always a pleasure to read his contributions in *Hansard*.

Mr Clarke: You said that with a straight face.

Mr ATKINSON: Of course I said it, because it is true, and I want to defend the Hon. George Weatherill from the aspersions that seem to be cast upon him by the member for Ross Smith. The three villains received $2 800 in criminal injuries compensation, each arising out of a March 1995 raid on the Para Hills home of Mr Milan Tomic. Their awards were reduced by 60 per cent from $7 000 by Chief Judge Brebner, but he rejected the Crown argument that the three should not be entitled to any criminal injuries compensation on the grounds that their criminal conduct contributed significantly to the mental shock and subsequent psychological injury they suffered. Section 7(9) of the parent act allows conduct by the alleged victim contributing to the commission of the offence to be taken into account in assessing compensation. Chief Judge Brebner said:

> It's been suggested in at least one case that the circumstances such as the present should lead to a denial of all compensation. On reflection I consider that that would be too hard for the plaintiffs.

It is judgments like these that give the judiciary a bad name with the public. The man or woman in the street could tell Chief Judge Brebner that the Criminal Injuries Compensation Fund's resources are scarce, that the claims on it vastly exceed its capacity to compensate deserving victims and that the fund is for victims of crime and not perpetrators of crime or their accomplices. Chief Judge Brebner's judgment in this case was judicial legislation of the worst kind, namely, an attempt from the bench to reorder the budgetary priorities of the state. Owing to these three villains receiving a payout, and the villains who will subsequently queue for the same, genuine victims whom we shall never be able to identify will not be able to receive compensation or will have their compensation reduced.

In answer to the Hon. George Weatherill's question the Attorney said:

> It is a matter at which I will have a more detailed look. I would be interested to know what the opposition might propose and whether if an amendment was proposed to the act it would support it. If so, I would certainly be pleased to receive any submission from it.

As the opposition spokesman on justice, I indicated to the Attorney and to the public in March 1997 that Labor would support a change to stop villains obtaining criminal injuries compensation arising from their own criminal conduct. That is now more than three years ago. We have had a general election in the interim and still nothing from the Attorney-General. Now is the hour.

I shall be asking the House to divide on this amendment and I am sure the people of Port Augusta will note very carefully how the member for Stuart votes on giving criminal injuries compensation to people who are themselves engaged in criminal conduct. I hope that no member supporting the government will complain when I tell their constituents through the media and via direct mailed reply paid cards that they voted in parliament to continue paying scarce taxpayer funded criminal injuries compensation to criminals arising from criminal conduct.

There are some other non-controversial aspects of the bill that I now wish to run through. They include changes to the Criminal Law (Forensic Procedures) Act, in which we recently agreed that DNA samples could be taken from a person under suspicion of having committed a serious criminal offence. If the suspect were convicted, the samples could be retained and entered on a DNA database. The point before us is: what happens if the suspect is acquitted of the principal offence but convicted on an alternate verdict? The Attorney says the samples should be retained and entered on the database, and I agree with him.

Under the Evidence Act, the Department of Foreign Affairs and Trade diplomatic and consular staff may take affidavits overseas. So, too, can honorary consuls. The Attorney proposes by this bill that this be extended to locally engaged staff at overseas posts and argues that these staff are employed only after stringent security and criminal record checks. For a number of years I worked as the Private Secretary to the Minister for Immigration and our experience is not quite that of the Attorney. Indeed, when I worked for the minister we were often sacking locally engaged staff for taking bribes, discriminating against other locals who had not paid secret commissions and favouring their relatives and mates.

In many countries it is hard to find suitable local staff because many people in the country are on the take. Leaving aside this experience, I object on principle to a person who is not an Australian citizen or an Australian permanent resident and who lives outside the jurisdiction preparing or witnessing affidavits for Australian courts. How do Australian courts move against them for contempt or how does the DPP prosecute them for perverting the course of justice if they bodgie an affidavit? The opposition will be opposing this clause.

The member for Stuart has introduced a private member's bill that requires an authority that has issued an expiation notice to withdraw it if it becomes apparent that the alleged offender did not receive the notice owing to an error by the authority, a failure of the postal system, or if the offender did not receive the notice until the expiation period had expired. I congratulate the member for Stuart on his legislative initiative, although I was a bit surprised today to see him moving a private member's bill knowing very well that there is no time for it to go through any of its stages this week.

I suppose that he will have them very impressed up in Port Augusta that he has moved this private member's bill but they do not know it is not going anywhere and that he himself voted against in the 1980s and 1990s during the Bannon Labor government.

Mr Hanna: He's just a show pony.

Mr ATKINSON: I don't know if the member for Stuart is a show pony: he seems to me more of a draughthorse, really. The Attorney has incorporated—

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: I am tough. Last week it was anti-semitic comments from the member for Stuart. He is telling me that he will make some tough comments back: I will certainly give as good as I get. The Attorney has incorporated the private member's bill in this bill but added the qualification that, if the authority withdraws the notice in these circumstances, it may issue a fresh notice if it is still within one year from the date of committing the alleged offence. I would say that in that joust between the member for Stuart and the Attorney, it is member for Stuart-nil, Attorney-one.

On another topic of the bill, lawyers have long been barred from the small claims jurisdiction of the Magistrates Court, but it has been thought that one exception was that they could appear on interlocutory applications. A District Court ruling has ended that exception, and the bill seeks to restore it. However, the District Court also allows lawyers to appear before it on a review or appeal of a small claims decision. The bill proposes to stop this, in the interest of minimising the costs involved in the small claims jurisdiction. The opposition supports this aspect of the bill.

In 1998 parliament amended the Wills Act, so that a formal will could henceforth be revoked not by a subsequent will but by the words or conduct of the deceased. I said at the time that the amendment was not necessary but that it would do no harm. I was wrong: the amendment was unnecessary and it did harm. The bill seeks to revoke the 1998 amendment.

Last year the government introduced the repeal of the Australia Acts (Request) Act to handle the transition to the republic if the Australian people voted yes at the referendum. It is no doubt the occasion of much sadness to the member for Playford that the referendum was not successful and the Australia Acts (Request) Act is now to be removed from the statute book rather than to hang there in limbo pending a

fresh referendum. I have the authority of the parliamentary Labor Party to say that we support this aspect of the bill.

Finally, the commonwealth has changed its Electoral Act to reduce the time during which nominations may be made for the Senate by one day. The bill amends the state Election of Senators Act accordingly. The opposition will be supporting the second reading of the bill. However, we will be moving, contingently on the second reading, for the committee to have leave to consider a new clause in the bill, and we will be opposing the clause that I indicated we would be opposing about locally engaged staff at overseas legations preparing affidavits for Australian courts. Otherwise, we support the second reading of the bill.

Mr HANNA (Mitchell): There are a number of aspects of this bill that I would like to address briefly, albeit not necessarily in the order in which the clauses appear in the bill. First, I would like to refer briefly to the amendment to the Wills Act, on the subject of the manner by which wills can be revoked. After having become aware last year of the problem that this clause addresses, through the dedicated efforts of members of a committee of the Law Society of South Australia, I wrote to the Attorney-General about the problems that arose from the 1998 amendments and I am pleased to see that in this compendium bill that issue is being addressed.

I refer now to the amendments to the Evidence Act, and simply wish to add my agreement to the comments made by the shadow attorney-general (the member for Spence) in relation to the reliability of staff in overseas offices of the Department of Foreign Affairs. There is a real question about how the reliability of those staff in taking affidavits can ever be properly checked by courts in South Australia.

The amendment to the Associations Incorporation Act, which deals with the winding-up provisions of incorporated associations, gives me an opportunity to express some concern about the way in which the administration of associations is undertaken by some bureaucrats. I refer to a specific situation and trust that members of parliament who hear this will understand the irony in the way that this problem was dealt with.

What happened in relation to the Woodend tavern controversy is that, with the encouragement of at least some aspect of the Hickinbotham Group, a residents' association was purportedly set up by individuals such as Jim Bowe and Christine Hanna (no relation) in the Woodend, that is, Sheidow Park area in the southern suburbs of Adelaide. There was already a Woodend Residents Association, which was incorporated. Because it was going to be difficult to take over that association and express an opinion that purportedly would show the residents of Woodend being in favour of a tavern next to their local primary school, these characters set up the Woodend Area Residents' Association.

It was a bogus association, and today I want to draw the attention of members to how easy it is to set up a bogus association, admittedly with a constitution that conforms with the act, and to use it for political (with a small P) purposes, to cause mischief in a particular area. That is what happened in this case.

When I complained to the Corporate Affairs Commissioner about the way in which this particular association came to be registered, I was met with the response that any mischief that occurred was prior to its being registered. So, when the association was registered, it had not done anything wrong and the principals behind it had not done anything wrong. The fact that the association did nothing after that point gave the commissioner no cause for concern. It was an association which was registered, in simple terms, under false pretences yet that was quite okay, according to the Corporate Affairs Commission's interpretation of the statute.

It is my submission that in such a case it should be open to the Corporate Affairs Commission to readily and speedily deregister an association—if indeed it was registered under those false pretences. Although the amendment in this bill to the Associations Incorporation Act is truly a technicality that is being corrected to keep our legislation in line with commonwealth legislation, I take the opportunity to point out some of the problems with the administration of associations.

I now move on to my final point, which gives me greatest concern and which relates to the changes in the Magistrates Courts Act dealing with minor civil actions. I am very unhappy about the way in which this bill takes minor civil actions. I cannot understand the purported logic of allowing legal representation by right in respect of interlocutory applications in minor civil applications while keeping lawyers out of reviews in the District Court of the same minor civil actions. If we are going to have a principle of keeping down costs and keeping lawyers out of minor civil actions—and that is a principle I support—then the logic would be to keep them out at every stage of the procedure unless the intervention of lawyers in issues of sufficient legal complexity would be of benefit to the court and the litigants.

It seems to me that there is quite a strong argument that you could leave the litigants themselves to deal with interlocutory matters with the beneficence and assistance of the magistrate who deals with the matter but, when it comes to a review in the District Court—which amounts to a rehearing of the matter in many cases before a District Court judge—sometimes because of factual dispute in the magistrates court; sometimes because of legal issues; sometimes because of a combination of both—then the issues can be sufficiently complex to warrant lawyers' intervening as of right. It seems to me entirely the wrong direction to keep lawyers out of the review stage of the process in the District Court, because a good number of those reviews do involve questions of law—possibly complex questions of law. My experience, despite all the lawyer bashing, is that in the great majority of cases having lawyers represent people actually leads to a speedier resolution of the matter. It avoids the waste of court time that takes place on many occasions when people are self-represented, especially if there is to be a lengthy trial or any kind of legal argument. It is partly a question of justice for the particular litigants involved and it is a partly a question of efficient use of the District Court's time.

In respect of the justice of the matter and the opportunity to have a case justly heard from the point of view of the litigants, I point out that in many cases that are minor civil actions the average citizen is up against a representative of an insurance company or a corporation who is actually quite practised in litigation at the magistrates court level. When parliament undertook to keep lawyers out of the magistrates court where the sum of money involved was less than $5 000, I think that this factor was not recognised sufficiently.

I can understand that we should keep the principle of lawyer-free representation in minor civil actions when the matter is before a magistrate, but when one of those litigants has taken the step of taking the matter to the District Court for review—although it may be a matter of sheer factual controversy that leads the litigant to do that—there is a good chance that it involves question of law. It seems to me that

everyone will be better off if lawyers are allowed, as of right. There should be an appropriate scale of costs applying to a District Court review, perhaps at least equivalent to the costs available on a magistrates court appeal to the Supreme Court before a single justice but, if that suggestion were taken up, then I think that everyone—the litigants and the court—would be better off.

I for one am sorry to see those amendments to the Magistrates Courts Act. I cannot understand the government's reasoning in allowing legal representation on interlocutory applications while barring lawyers from a much more serious and lengthy endeavour, that is, review in the District Court. I would invite the minister to comment on that particular problem before we move into committee. Of course, as is usual when these bills come into this place after having been dealt with by the Attorney-General in another place, the minister here generally has no knowledge of or interest in the matter, but I remain hopeful that he will be able to shed some light on my particular concern.

Mr LEWIS (Hammond): My remarks go to the substance of what is being proposed here, in particular the amendment from the member for Spence, and it is my judgment that the idiocy of the decision by Judge Brebner to award criminal compensation to someone engaged in committing a crime compels us as a Parliament to put beyond any doubt whatever it was that we intended when we passed the law originally and, in doing so, to address the problems that now exist.

I think the member for Spence is well intentioned, although I think that he goes a little too far, nonetheless. It is his proposition that if someone is found, in the opinion of a prosecutor, to be engaging in a criminal act—

Mr Atkinson: On the balance of probabilities.

Mr LEWIS: Yes; on the balance of probabilities—and that is a matter of opinion as the prosecutor sees the evidence. According to the member for Spence, if someone is found to be engaging in a criminal act, that person ought not to be eligible for compensation. It is my judgment, however, that, if the person concerned is ultimately found not guilty of any offence, they ought to be allowed to proceed with that claim for compensation and have it determined—not that it is automatic that they get paid but, rather, they proceed with their claim to have it determined, as does everyone else anyway.

However, I equally believe that, whilst there is some doubt, their claim ought not to be allowed to proceed: it ought to be adjourned until the matter of their criminality or otherwise has been determined in the courts. My reason for saying that is not only the feeling about a fair go that is abroad in the public but also the concern which some members of the general public have that police might decide to deny someone access to the Criminal Compensation Fund by claiming that they were in some way engaged in criminal activity themselves, and may make such a statement and leave it to the police prosecutor or public prosecutor then to say that they intend to take action in the belief that, on the balance of probabilities, this person was involved in a criminal act at the time they were injured.

Mischief could result, whereby the whole thing falls over and there is no evidence that the police officer who might have decided to have a go at the party that was involved had made any statement upon which it was possible to get redress against them. But, because they were involved in an incident in which they were injured and it was found to be an incident in which a crime was being committed—not by them or them alone—they are denied access to criminal compensation under the member for Spence's model if the prosecutor says that, on the balance of probabilities, he believes they may have a case to answer. That is not fair, especially in cases of Road Traffic Act infringements that are more serious than an expiable offence.

For example, if a driver who is doing, say, 200 km/h, runs a red light and smashes into someone who is then alleged to have been doing a right-hand turn where they were not supposed to be doing a right-hand turn, the person who was doing the right-hand turn cannot claim criminal injuries compensation. They are the sorts of circumstances I have in mind, and I hope members understand my anxieties about that. If it is alleged that, for example, the person was doing a right-hand turn and should not have been, they lose the opportunity to obtain criminal injuries compensation because that was what was alleged at the time; whereas later it may be found that in fact they were not doing a right-hand turn at all but were perhaps doing another manoeuvre perhaps to avoid a collision.

On one occasion I was prosecuted by police for an offence which I had not committed, simply because I swerved across a lane line to avoid colliding with someone who was trying to steal a car and who was being chased by an off-duty policeman who ran out onto the road. I collided with another motor car that was travelling in the right-hand lane (I was in the inside lane) in consequence of my attempt to avoid the greater harm (I thought) of serious injury to the two pedestrians who were running around the motor cars on the left-hand side of the road. A policeman in a patrol car behind me stopped me. I did not know the reason why the two people on foot were running around motor cars on the left-hand side of the road, but when one of them darted out onto the road I moved out. I believed that the car that was travelling immediately to my rear had space to avoid a collision with me. I was travelling at 60 km/h, and the car coming from my rear on the right-hand side of the lane ran into me. I did not brake. That car was travelling at a speed greater than 60 km/h, which was against the law on that part of Brighton Road at that time, on a Sunday afternoon. Notwithstanding my protestations, I was still prosecuted. In the circumstances, if I had been injured I could not have claimed anything, because I was involved in a crime.

Members interjecting:

Mr LEWIS: There may be other instances where someone is alleged to have committed an offence against the Road Traffic Act when in fact they had not done so but they were denied criminal injuries compensation in consequence of the allegation that was made and the prosecutor's prospective belief that it could be brought against them successfully, so they would be denied access for all time. It is pretty small beer, so the member for Spence may say, and other members may agree with him, but there are frequent instances such as that in Road Traffic Act offences. Notwithstanding my concerns about it, I believe it will be possible in subsequent events to address the matters to which I have drawn attention. On balance I am inclined to support this amendment, and will do so.

The ACTING SPEAKER: I call the member for Stuart.

An honourable member interjecting:

The Hon. G.M. GUNN (Stuart): Let me make it clear that I do not need counselling from the member for Spence on this or other any other matter. I am pleased that in this

statutes amendment bill the Attorney has addressed some of my concerns in relation to the improper issuing of on-the-spot fines. I am finding that course of action more and more annoying every day, because I believe that the issuing of these expiation notices has gone far beyond the original intention, even though the member for Spence and his colleagues were the architects of this revenue-raising measure. I understand that the member for Spence as a lawyer sat idly by and allowed previous ministers to impose these draconian measures on the long-suffering people of South Australia.

I look around my constituency and see various criminal activity taking place, but unfortunately the police seem more intent on issuing on-the-spot fines for what I consider to be trifling matters. Their time would be better spent if they were attempting to stop villains from breaking into elderly people's homes or climbing on their roofs in the middle of the night and other antisocial activities.

I had brought to my attention a case which gave rise to these changes which I have managed to convince the Attorney to put on the statute book. I am pleased that he has gone this far; it is not quite as far as I would like, but I am grateful for small mercies.

The member for Spence referred to a matter in the bill of which I gave notice today. I must say to that honourable member that I have tried to be a very reasonable person. I have laid this bill on the table of the parliament so that the House can be fully aware of it and its consequences; and it is my intention to bring the bill back to the parliament in the next session and have it progress through all its stages, as I believe it is a step that is long overdue.

I have circulated a number of drafts of this measure amongst my colleagues, and the public is aware of my desire and the reasons why I want to see this legislation put on the statute books. So, I just want to make that very clear. The member for Spence will have the opportunity to support me in this measure to give the police power to take young people off the streets and have them put in secure care so that they will not transgress the law and start off on a life of criminal activity which will be of no benefit to them and which will be a great cost to the taxpayers.

In relation to the amendment that the honourable member has circulated in his name, the first question I want to ask is: exactly how many people have benefited by the current law—that is, people who have engaged in criminal activity, injured themselves, then gone to the—

Mr Atkinson: You had better ask the government.

The Hon. G.M. GUNN: I am asking the minister whether he can provide information to the House about how many people have benefited from that division—who have been paid criminal compensation for the allegedly illegal activities?

Mr Atkinson: At least three.

The Hon. G.M. GUNN: Over what period of time? Judging by the comments made by the member for Spence, one would have thought that it is a weekly occurrence. I certainly—

Mr Clarke: One is too many.

The Hon. G.M. GUNN: I agree with the honourable member that one is too many. But on the other hand, I was somewhat interested in the comments of the member for Hammond, who raised some questions which I think ought to be answered. I would not want to deny anyone the right to be compensated if they had been injured. However, if they fell through the roof of the home of one of my elderly constituents—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: No. Unfortunately, it has been common practice for villains in the middle of the night to run across their roofs. If they fell through because there were faulty tiles or the iron was somewhat rusty—

Mr Atkinson: That is a different issue.

The Hon. G.M. GUNN: I do not know whether it is a different issue.

Mr Atkinson: It is an occupier's liability issue; it is a different issue. We are talking about criminal injuries compensation here.

The Hon. G.M. GUNN: The honourable member obviously has become quite confused. My understanding of what the honourable member was saying is that if someone, allegedly in the act of committing an offence, injured themselves—

Mr Atkinson: No.

The Hon. G.M. GUNN: The honourable member is quite unclear in his own mind, and he has then set out to chastise members on this side of the House who have legitimately raised some questions in relation to this matter. My view on the matter is this: if it can be proven in the next few months—

Mr Atkinson: Proved.

The Hon. G.M. GUNN: The honourable member obviously went to a school where he was fortunate enough to have received a better education than myself. That is his luck. But I want to make the point that my understanding is that the government is to bring a measure back to the parliament before Christmas which will deal with this and all related matters, so—

Mr Atkinson: Griffin said that three years ago.

The Hon. G.M. GUNN: Let me assure the honourable member that the matter will be brought back to this—

Mr Atkinson: It won't, unless you—

The Hon. G.M. GUNN: Let me assure the House that the matter will be addressed, and it will be through no action of the honourable member. That being the case, I am prepared to give the benefit of the doubt to the Attorney's bill. But I make it very clear that I—

Mr Atkinson: Where have you been the last three years?

The Hon. G.M. GUNN: A number of important measures have passed through this House in which I have had a little involvement. They might not have been measures in which the honourable member is either interested or understands. I understand that his main occupation is stacking branches and getting rid of his parliamentary colleagues. That in itself will probably be quite—

Mr Clarke: And interfering with a couple of local councillors as well.

The Hon. G.M. GUNN: I understand he didn't do too well on the Charles Sturt council; he didn't get—

Mr Atkinson: Eleven out of 21.

The Hon. G.M. GUNN: He didn't get the mayor—and I understand he tried very hard. However, I understand his embarrassment, because he will have to pull out every shot when he is dealing with the former deputy leader. I suggest that he will have more of a fight on his hands, and he will need more than the member for Playford and the member for Peake to assist him in this matter, because they will be so busy looking after their own colleagues. I understand that Mr Cameron is paying a bit of attention to the honourable member and also one or two of his colleagues, and I am told

that there have been some interesting reactions. Anyway, that is for another day, even though it is a very interesting story—

Mr Atkinson: Keep going—

The Hon. G.M. GUNN: I am fully aware that the member for Playford is feeling a little nervous. I understand that.

Mr Atkinson: When you get 73 per cent of the vote, come and see me.

The Hon. G.M. GUNN: I have done it in the past plenty of times—and I look forward to any challenge organised by the honourable member. He cannot come up there because he cannot drive; he cannot get up there. If he wants to visit people at Oodnadatta, it will take him a day or two at least to get there—and I understand he has not been noted for buying a drink, anyway. But that is another issue.

I do not favour people being paid if they are engaged in criminal activity, and I look forward to the Attorney's addressing the whole issue by bringing a comprehensive measure to the House which the House will be able to debate and have plenty of time to consider. This amendment is not something which is contained in this bill; this bill deals with a number of other issues. I understand that the honourable member was unsuccessful in the other place and therefore knows that this measure will not be placed on the statute books this session; this is only a try on. I suggest that he engage in useful discussion with the Attorney so that we can have a measure which will pass both Houses and which will protect the public. I look forward to the Attorney's coming forward in the relatively near future with another measure relating to this matter.

Mr Atkinson interjecting:

Mr CLARKE (Ross Smith): In answer to the member for Spence's query whether I would leave the party over an issue such as this, I say: not on your life. I know how much the member for Spence is attached to me, and we could not be divorced on such a minor issue. In response to the member for Stuart's contribution I ask him: why does he play into the member for Spence's hands so easily? It is like shooting fish in a barrel. I can well understand why the amendment moved by the member for Spence through his proxy in the Legislative Council failed, because legislative councillors do not deal with constituents as does the member for Stuart and every member in this House. They deal in the more ethereal world and do not have to deal on a day-to-day basis with real people and their problems and, in particular, the outrage that they feel that people, in the act of trying to perpetrate a crime or having perpetrated a crime, suffer an injury which they then can claim from the criminal injuries compensation fund. As the member for Spence quite rightly has pointed out, at the very minimum, member for Stuart, three such people have been able to receive compensation payments. And, by way of interjection from me to the member for Stuart, he also agreed that one case is one case too many. The member for Spence has proved that there are three such cases where compensation was paid to people who were injured in the course of perpetrating a crime against another citizen.

This Attorney-General is so parsimonious and mean in respect of the Criminal Injuries Compensation Fund. Deserving, genuine and innocent victims of a crime do not get paid, because the Attorney exercises his absolute discretion under the act not to pay. Despite recommendations from his own department to pay compensation, he claims it would mean that the fund would go broke (there is insufficient funding for it), yet continues to allow a situation to exist where persons who get injured while committing a criminal act, get smart about it and seek money from the Criminal Injuries Compensation Fund, succeed in getting it.

A few years ago one of my constituents from Sefton Park had been held up twice while working on his own in a service station. A sawn-off shotgun was shoved up his nose and he was threatened with having his head blown off. When he was awarded the maximum of $50 000 under the Criminal Injuries Compensation Fund, the Attorney, exercising his discretion, refused to pay him that $50 000 on the spurious grounds that because he had been awarded a section 43 lump sum under the Workers' Compensation Act that was sufficient compensation. This man had lost his livelihood. At night he was having nightmares over the fact that on two occasions he had been held up by someone who pointed a sawn-off shotgun in his face and threatened to blow his head off.

There have been other such cases where the Attorney, in a very mean-spirited manner—unlike the former Attorney-General (Chris Sumner) who accepted almost without fail recommendations from his department on these matters—has overturned his department's recommendations, yet he is prepared to tolerate a circumstance where my constituent, his life ruined, cannot get a brass razoo out of the fund. He will tolerate a circumstance where three criminals, injured while committing a criminal act, receive criminal injuries compensation and he does nothing to plug the gap.

The member for Stuart says that he will await the Attorney-General's introducing a more omnibus bill on this matter. I hate having to agree with the member for Spence and I hate the Liberals putting me in the position of agreeing with the member Spence. It does my blood pressure no good to agree with the member for Spence, but he is right on this matter. It is like extracting teeth for me to say that, but he is right on this matter and I am prepared to stand up manfully and say that. Notwithstanding some of my differences with the member for Spence, he is right on this issue.

Politically, I cannot understand how the member for Stuart and members opposite in lower house seats can be led by the nose by an Attorney-General who has been in the upper house safe haven, sort of sleepy hollow environment, since 1978 and who has never had to kiss babies, shake hands or deal with real life constituents like the rest of us. He has not had to deal with people unfairly dealt with by the system or people unfairly not being given money through the Criminal Injuries Compensation Fund. The Attorney will not pay available increased moneys to lawyers to act for these victims.

The amount of money the Attorney allows lawyers to claim is so paltry that only a handful of lawyers are prepared to do the work; and they can afford to do the work only if they operate from their own homes and if they have the volume of work to make a living out of it rather than adopting any other measure. The member for Stuart thinks that the Attorney-General, after his failure to do anything on this matter for the past three years, suddenly in December will redress those wrongs. I simply say to the member for Stuart—and particularly the Independent members in this House—that, when a government bill is before us and when we have an opportunity to do some good through an amendment such as that moved by the member for Spence, we should seize that opportunity.

If the whole bill does not go as far as members would like, by all means, pressure the Attorney at a later stage. It is rare for a government bill to be before the House in government time, when backbench members can move amendments and do a little bit of good, without having to wait for government

ministers and government departments to get off their tail and do something about it as a result of political pressure. We do not get much activity from Legislative Council members on these matters because, quite frankly, they are inured from the day-to-day problems because they do not strike constituents. That is not attacking the Legislative Council: it is just a fact of life.

Legislative Council members do not deal with people on a day-to-day basis. Any constituent who comes into this place looking for a Legislative Council member basically does so by accident. If they happen to stagger up one flight of stairs to find government Legislative Council members, or a second flight of stairs to find Labor Party Legislative Council members, they are more likely than not to find a door shut and no-one at home. Perhaps the lights are on but certainly no-one is at home to deal with their problems. The member for Stuart is just giving the member for Spence a golden opportunity with which to beat marginal government MPs.

The last thing the member for Spence wants the member for Stuart to do is vote for this amendment because that would deny him the opportunity to appear on the Pilko and McClusky and Bob Francis shows and, more particularly, the radio stations up north, and the member for Playford would be able to do likewise. As a student of politics, the member for Stuart would well recall the words of Richard Nixon. When he was President and had to think about government policy and government decisions, Richard Nixon would say to his cabinet ministers or his advisers, 'How will it play in Peoria?'—small town Illinois. If Peoria would swallow it, it was good politics, as far the Republican President was concerned. If it did not play well there he was not interested in it. Let me assure the member for Stuart that the proposition moved by the member for Spence plays well in South Australia's Peoria. For the member for Stuart or any other government backbencher and the Independents to stand up and say no to a very logical proposition by the member for Spence is absolute political stupidity, putting it at its best.

I also want to mention the amendments to part 13 of the Magistrates Court Act and to follow up the remarks made by the member for Mitchell. I, too, cannot fathom how in the magistrates court on minor civil matters lawyers are not able to represent the plaintiff or the defendant, yet under this amendment lawyers will be able to be involved in interlocutory proceedings, discovery matters, and so on. Lawyers will not be allowed to represent any of the parties if the matter goes through to the district court. It just seems illogical. I will not speculate on it because I cannot fathom it. Like the member for Mitchell, I trust that we will be given a rational explanation, or at least some explanation—'rational' might be too strong a term—so that we can pursue those matters more closely in committee.

As I have explained privately to the member for Mitchell, I know that lawyer bashing is a popular pastime by all members of this parliament and this chamber and the other.

Mr Hanna interjecting:

Mr CLARKE: I agree with the member for Mitchell; I should not say 'all'—a significant number.

Mr Hanna: A clear majority.

Mr CLARKE: A clear majority, as the member for Mitchell points out. I have never been a lawyer basher. I have worked assiduously and very closely with lawyers since I started my working life in a union office at the age of 22. I know the value of skilled lawyers and the work that they are able to do, particularly in the past 12 months.

Mr Atkinson interjecting:

Mr CLARKE: I assure the member for Spence that it will not be just in the next 12 months but for possibly a lot longer on the schedule of events which I have currently worked out and which I am prepared to add to, if necessary, on a daily basis. The only complaint I have relates not to the lawyers but to our legal aid system, which denies basic natural justice to so many people because, despite the overwhelming right on their side in a number of cases, they simply cannot afford legal representation. Indeed, legal aid has been gutted not only in this state but throughout Australia. Not just poor people but people on medium and even above medium income levels find that they cannot enforce their rights, because insufficient funding is provided for them to be able to take on particularly large corporations and the government—and, for that matter, large media organisations. In any event, that is something else I will get on to at another time. With those few comments, I support the opposition's position on this legislation.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank members for their contributions. I did not interject on the member for Ross Smith, who spent some time debating the amendments, even though the amendments were not before the House. He might as well have made his contribution then as when the amendments were before the chamber; at least we understand the honourable member's position.

In relation to the comments of the members for Mitchell and Ross Smith regarding minor civil actions, it has always been the intention that people have the opportunity to represent themselves in relation to those actions. That is why they are inquisitorial and the rules of evidence generally do not apply. The process is meant to make it easier for litigants in small matters to get justice and not be deterred from taking on someone they might perceive to be richer or more powerful in the scheme of things.

I agree to the point that the litigants, when representing themselves—and I have done this myself in small claims courts—may take up more of the court's time than a lawyer would. However, the government is of the view that this is outweighed by the benefit of the increased access to justice for those individuals.

A comment was made by a number of members on the incidents to which the member for Spence's amendments may apply—

Mr Atkinson interjecting:

The Hon. I.F. EVANS: No, I can't help you, unfortunately. My advice is that it is virtually impossible to know how many persons who have themselves been offenders at that time have received criminal injuries compensation. So, unfortunately, we can try to source that information, but the advice to me is that it is not available at this time.

Bill read a second time.

Mr ATKINSON (Spence): I move:

That it be an instruction to the committee of the whole House on the bill that it have power to consider new clauses relating to criminal injuries compensation.

Motion carried.

In committee.

Clauses 1 to 10 passed.

New clause 10A.

Mr ATKINSON: I move:

Page 5, after line 16—Insert new clause as follows:
Amendment of section 7—Application for compensation

10A. Section 7 of the principal Act is amended by inserting after subsection (9) the following subsection:

(9aa) The court must not, however, make an order for compensation in favour of a victim if the injury to the victim occurred while the victim was engaged in behaviour constituting an offence against a person or property (or both) or was trespassing on land or premises with the intention of committing such an offence.

The amendment is self-explanatory. It has been canvassed at some length in the second reading debate.

The Hon. I.F. EVANS: As the member for Spence rightly points out, there has been a wide-ranging debate during the second reading debate on this issue. It is important that the committee understands that, while the government is sympathetic to the concerns which have been promoted by the member for Spence to move this amendment, the government does not intend to support it for three main reasons: first, it is unduly harsh in its operation; secondly, there are practical legal difficulties with it; and, thirdly, it is not a small or uncontroversial amendment which can properly be dealt with in a portfolio bill. Indeed, it is a significant change to policy which the government believes deserves wider debate and, most particularly, consultation with victims of crime.

This clause would prohibit a court from ordering compensation in favour of a victim of crime where the victim was injured while engaged in certain criminal behaviour. The crimes that would disqualify the victim are any offences against a person or against property and trespassing with the intention to commit such crimes.

As a matter of general principle, the government has no difficulty with the concept that criminal behaviour of the victim should be taken into account. The act seeks to compensate primarily innocent victims of violence, not criminals who are hurt by others in the course of the crime. Indeed, this is reflected in present section 7(9) which requires the court to take into account any conduct of the victim contributing to the offence or to the victim's injury. That section presently provides:

In determining an application for and the quantum of compensation, the court must have regard to:

(a) any conduct on the part of the victim whether or not forming part of the circumstances immediately surrounding the offence or injury that contribute directly or indirectly to the commission of the offence or to the injury of the victim; and

(b) such other circumstances as it considers relevant.

The present provision is not a disqualification. Rather, the court looks at all the circumstances to determine whether compensation should be reduced. Certainly, it can reduce the compensation, for example, where the claimant is a trespasser who is assaulted by the householder or a robber who is injured by a confederate in the course of a robbery. The proposed amendment takes a less flexible approach, disqualifying the injured person altogether in such cases. But while in many situations total disqualification may very well be appropriate, perhaps there are some where it is not. In this respect, this amendment may be too draconian.

In the other place the Attorney-General cited a number of examples that demonstrated the potential for this amendment to have an unduly harsh effect. However, I intend to provide one example, which should suffice to demonstrate the potentially harsh effect of the amendment. Consider the situation of spouses who have separated after a marriage marred by domestic violence.

Mr ATKINSON: On a point of order, sir, the minister is quoting from an example given by the Attorney-General in debate in another place and his citation of this example is contrary to standing orders. It was heard in another place last week.

The CHAIRMAN: The chair does not uphold the point of order.

Mr Atkinson: Why not, other than the fact that it is an opposition member taking a point of order?

The CHAIRMAN: Order! The member for Spence will take his seat. The chair is of the opinion that the minister is not referring particularly to a debate that has taken place in another place.

The Hon. I.F. EVANS: Consider the situation of spouses who have separated after a marriage marred by domestic violence. Suppose that the wife decides to enter the husband's home when he is out, by force if necessary, in order to search for items of property which she thinks he may have kept. If she enters his property without permission it may well be that she commits the offence of being unlawfully on the premises. If she has in mind to break into the home, clearly she falls within the scope of the amendment. Suppose her former husband is unexpectedly at home, surprises her as and she enters the front gate and violently assaults her, fracturing several bones. It appears under the amendment she will have no claim.

Mr ATKINSON: On a point of order, sir, that precise example was given by the Attorney-General in another place and can be found in *Hansard*. I am wondering why you are wilfully refusing to apply standing orders, as you normally apply them to the opposition if we do an equivalent thing.

The CHAIRMAN: Order! The fact of the matter is that the two ministers—the minister in this place and the minister from another place—may have the same information provided to them by the same source. It does not necessarily relate to a debate that has taken place in another place.

The Hon. I.F. EVANS: Apart from the problem that the amendment constitutes a significant and far-reaching reduction of the present rights of the victim, the government believes it also raises technical legal problems.

Mr ATKINSON: On a point of order, sir, I refer to page 1398 of *Hansard*—a record of a debate in another place in a previous sitting of this session—where the Attorney-General has used precisely the same words that the minister is giving us now.

The CHAIRMAN: The chair repeats that the same information may be provided to each minister by the same source. There are many occasions, the chair would suggest, when matters are raised in both Houses according to advice that is provided by a particular source. The chair is not aware that the minister is quoting from *Hansard*.

Mr Atkinson: He is plagiarising.

The CHAIRMAN: Order! The minister.

The Hon. I.F. EVANS: Members may or may not realise—

Mr Clarke: At least quote your source at the end.

The Hon. I.F. EVANS: The member for Ross Smith was heard in silence, even though he was totally out of order and not complying with standing orders—a matter that was brought to the attention of the government by his own members and, in politeness, ignored. Members may or may not realise that criminal injuries compensation cases are commonly brought after prosecution of the offender when a certificate of conviction is available. This may mean that no detailed evidence is required to be presented in the criminal injuries case about the circumstances of the offence. Under the Evidence Act the certificate of conviction is sufficient

proof. Hence the court hearing the criminal injuries case may know nothing about the relevant criminal behaviour of the victim where the victim himself or herself was not prosecuted.

As the law presently stands, it is up to the crown or the second defendant to allege any conduct contributing and therefore prove it. There is no obligation on the victim to raise the issue or testify about it; however, under the amendment it seems that this may be a matter into which the court may inquire of its own motion in every case. The amendment provides that the court must not make an order if the injury occurred in the course of the offence. It must be said that it is far from clear how the provision will be applied by the court in practice. However, depending on how it is interpreted it may be that in every application for criminal injuries compensation the victim will themselves in effect be on trial for any possible criminal conduct concurrent with the offence.

The provision appears to require the court to be satisfied that he or she was not at the time trespassing on the premises with the intention of committing an offence and was not engaged in the committing of an offence. Unless it is so satisfied, there can be no compensation. Moreover, it appears possible that the burden of proof may be reversed. It could be that proving that one was not engaged in the commission of an offence will be a prerequisite to compensation. As far as I am aware, such a provision will be unique and I believe many people, including victim support groups as well as legal practitioners, may consider it alarming. I do not know whether the honourable member in formulating the amendments has consulted with the Law Society or victims' groups, but I suspect that the society and the courts would view the amendment with grave concern.

The wording in the amendment, 'The court must not make an order if the injury to the victim occurred while the victim was engaged in behaviour constituting an offence,' is to be contrasted with the wording of the present section 79A which states, 'The court must not make an order if it appears to the court that the claimant. . . ' and so on. In the latter case it is only where the disqualifying circumstances become apparent to the court in the evidence presented to it that the obligation to refuse compensation arises. This is not the case with the current amendment. I have illustrated some of the more technical legal issues that arise and point out to the House that the government—as I stated right from the outset in my contribution in response to the honourable member's amendment—has some sympathy with the concerns raised by the member for Spence.

It is well known, as stated by the member for Stuart in his contribution, that the Attorney is and has been for some years reviewing this scheme. It is intended that this scheme and the result of that review come before the House in the next session of parliament. The government argues that this is a complex policy debate. This debate should be part of the overall debate of the whole scheme and not simply singled out during what is a less than controversial portfolio bill amendment. The proper place for this debate—and we have some sympathy for it—is part of the overall debate on the review of the scheme. For those reasons, although we have some sympathy for the position of the member for Spence, the government opposes the amendment at this time.

Mr HANNA: I simply wish to make a point that hard cases make bad law. I understand fully that there is absolutely no public sympathy for the situation that has been described today of the notorious case where three people went to a property to steal something and one of them was shot while retreating. One can think of many other cases where the degree of criminality of the victim of an injury makes it a nonsense and an injustice for compensation to be paid to the victim. All I say to that is that our current system provides a discretion to the judge in that situation for there to be absolutely no compensation paid to a criminal in those circumstances.

At the same time one can think of very different cases and one example has been provided by the minister in this place (apparently by coincidence exactly the same example given by the Attorney-General in another place). There are many such examples. Take, for example, an 18 year old who says to a 15 year old one Friday night, 'Let's go into the school and have a look around.' The two of them go on to the school property and smash a window and, after they have both engaged in the offence of damaging property (but in the whole scheme of things smashing one window is not particularly serious), the older of the two might say, 'Right, let's start a fire.' The younger one says, 'No, I don't want to do that: that's not what I came here to do,' and the older one punches the younger one in the face and perhaps imposes serious injuries on him. What I mean to do is draw an example where the level of criminality is trivial compared to the harm that can be done to that person in the context of being a victim. We must be very careful in this place not to make judgments on the notorious cases and enact legislation accordingly, but to consider the full gamut of scenarios when dealing with issues such as this.

Mr CLARKE: In reference to the example that the minister used to justify the government's position in opposing the member for Spence's amendment, it seems to me that the government has an easy remedy. If such a scenario did occur and an injustice occurred to the victim as the minister described, you bring a bill into this House and make an amendment to the act and, if necessary, you make it retrospective so that justice is done to that person. It does not close the door on that person for all time.

What the minister is doing by not agreeing to the member for Spence's amendment is nonetheless allowing the circumstance that has already factually proved the case, that there are three persons who received compensation moneys whilst engaging in criminal activities. We know of at least three such cases: we know of no such case occurring in actuality from the minister's description and, as I say, if it were to be the case, this parliament has an easy remedy, as the Attorney-General of the day would have an easy remedy: bring in another amendment and make it retrospective if necessary to ensure that justice is done.

Mr ATKINSON: I also wanted to reply to the minister and, if I forget anything in my contribution, I hope that you will help me, sir, like you helped the minister when he forgot an item of his speech.

The CHAIRMAN: I might remind the member for Spence that I did remind him where to actually move his amendment.

Mr ATKINSON: The Criminal Injuries Compensation Fund has limited resources: money is scarce. The examples given by the minister, the plagiarised example of the estranged wife, and the member for Mitchell's example of boys in the school yard after hours, may sound deserving in the abstract, but in the context of a Criminal Injuries Compensation Fund that has only so much money they are not deserving. There is only so much money to go around and, if people who become victims while committing crimes make claims

on the fund, that means that there is less money for people who have become victims while they are not engaged in criminal conduct.

So, this issue must be seen in context. The minister, quite deliberately, ripped it right out of context and talked about a series of legal abstractions. In fact, he just talked guff and gobbledegook for five minutes in his contribution. There is another answer to the problem raised by the minister and the member for Mitchell; that is, that, if the victim who has become a victim in the course of criminal conduct is so deserving of access to the fund or to consolidated revenue, there is already provision in the act for an ex gratia payment to be made.

I could understand the minister accepting this amendment and then opposing the ex gratia amendment I am proposing: that would be logical; but the minister cannot have two bites at the cherry. This amendment is just, it is workable, it is sensible and it has the support of 99 per cent of South Australians.

New clause inserted.

Clause 11 passed.

New clause 11A.

Members interjecting:

The CHAIRMAN: Does the member for Spence have another amendment?

Mr ATKINSON: I do, actually. I move:

Amendment of section 11—Payment of compensation, etc., by the Attorney-General

11A. Section 11 of the principal act is amended by inserting after subsection (3) the following subsection:

(3a) However, the Attorney-General must not make an ex gratia payment to a victim if the injury to the victim occurred while the victim was engaged in behaviour constituting an offence against a person or property (or both) or was trespassing on land or premises with the intention of committing such an offence.

My case for this is not as compelling as my case for the previous clause, because on the previous clause we were dealing with a limited fund. We are now dealing with consolidated revenue at large and, of course, there is more of that than there is in the Criminal Injuries Compensation Fund. However, I do think that South Australians would regard it as contrary to their values that their taxes could be used to compensate someone injured in the course of committing a criminal act.

Secondly, there are many deserving victims of crime who have committed no criminal offence in the course of becoming a victim but who are denied ex gratia payments by our current Attorney-General. In fact, it is notorious that in respect of ex gratia payments our Attorney-General is the meanest Attorney-General we have ever had since criminal injuries compensation was introduced, and it is extraordinary that in parliament our Attorney-General is willing to defend giving ex gratia payments to criminals but is not prepared to give them to people who became victims while they were not engaged in criminal conduct.

The Hon. I.F. EVANS: That last comment unfairly reflects on the Attorney. The Attorney has said that he has some sympathy for the member for Spence's amendment and is bringing back a review of this particular fund in the next session of parliament so that the debate can be held properly at that time. I know that the member for Spence is desperately trying to get up a radio story for tonight, to paint a picture of the Attorney that is unfair and unjust.

The government recognises that it lost the last amendment and that it will lose this amendment but, for similar reasons that the government opposed the last amendment, we oppose this one. We believe that this debate is more properly held in a review of the whole fund and not just plucked out of midair as it has been for the crass political purpose of the member for Spence.

Mr CLARKE: I support the member for Spence's amendment. I note that the minister is seeking to defend the Attorney-General, but the Attorney-General has been exceptionally mean. I have had a couple of occasions on which to seek ex gratia payments for genuine victims, with absolutely no doubt whatsoever as to the impact of an assault on them. I gave that explanation during my second reading contribution on this bill: I will not go through it again. It happened on more than one occasion, and the Attorney-General has been exceptionally mean and mean-spirited in the exercise of his discretion; therefore, the amendment put forward by the member for Spence, for the reasons he has advanced, ought to be supported.

I would also like to compliment you, Mr Chairman of Committees, on having the wisdom of Solomon in the way that you have called the votes. I remember in the last parliament—and I am not sure whether you were Chairman of Committees or acting in that capacity at that time—that, during the course of events, when I won an amendment with a very lusty 'aye' on our side of the House and the government did not put up a 'no,' you called 'yes' in our favour. Then the government had to call another vote on the issue because it was opposing my amendment. On this occasion, when not one aye was uttered you were able to define the will of the House. In that process of osmosis or extra terrestrial knowledge—whatever it is—you have excelled yourself and do credit to the office.

The Hon. I.F. EVANS: The government recognises that it will lose this amendment. The Independents have indicated already to the government that they are supporting the member for Spence's amendment on this occasion, as they had indicated to the government and others that they were supporting the previous amendment.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: No; I am letting the member for Ross Smith know the view of the Independents who have not made a contribution today.

New clause inserted.

Clauses 12 to 22 passed.

Clause 23.

Mr ATKINSON: This is an amendment to the Evidence Act which allows locally engaged staff of commonwealth offices overseas, such as embassies and the Australian Trade Commission, to take affidavits for use in Australian courts. My concern about this provision is that people who are not Australian citizens, who are not Australian permanent residents and who are not subject to the jurisdiction of Australian courts will be preparing affidavits (sworn evidence) for Australian courts. I am concerned about that because, if locally engaged staff do not do the right thing, and that leads to, if you like, perversion of the course of justice in an Australian court or contempt of an Australian court, it seems to me that there is no remedy to bring these offenders to book.

Locally engaged staff of Australian embassies who are not Australian citizens, who are not Australian permanent residents and who are outside the jurisdiction of Australian courts should not in my view be preparing affidavits for Australian courts. Could I ask the minister how the government would propose to handle locally engaged embassy staff bodgying affidavits?

The Hon. I.F. EVANS: The government sees this as simply a matter of practice. The commonwealth will tend to engage local staff. This amendment is a matter of practicality and convenience and there are sometimes circumstances where it will be necessary for the benefit of South Australians to enable local staff to be engaged to take affidavits. The commonwealth has assured the Attorney-General that staff who take affidavits would obviously be subject to the appropriate criminal checks, etc. If one of them is found not to be doing the right thing, the options available to the commonwealth government are to remove them from the position and, depending on the jurisdiction (and I do not have this knowledge before me; but every jurisdiction would have a different set of rules that apply to its own area), there may be some areas where the local jurisdiction does bring some penalty to those local people who are engaged in the taking of affidavits.

I also make the point that, as a justice of the peace, I quite often sign forms on behalf of people. For instance, I know that people from Holland have to get matters signed by a justice of the peace in South Australia. In the case of one of my local residents, I signed documents as a justice of peace to indicate that they were still alive so that they could, therefore, receive some pension payment. I am not a citizen of Holland, so the same criteria apply to me. However, I do take and sign that information on behalf of other countries in that respect. It is not dissimilar in principle. If I was found to be somehow not doing the right thing, I am not sure what penalties might apply against me. I guess it is an example of where, for practical reasons, there are some benefits in trying to engage local staff to undertake some of that role.

Mr ATKINSON: The minister makes a good point about Australian justices of the peace witnessing documents for use with bureaucracies overseas, outside the Australian jurisdiction. I take his point, but I would argue that in this case the swearing of an affidavit for use as evidence before a court is a rather more serious matter than witnessing a document as a JP for the purpose of accessing a pension entitlement or a rebate from a foreign government.

The other point I make is that this work has been done previously in Australian missions overseas by staff who are Australian citizens—by the second secretary, the third secretary or the immigration officer of an embassy. What is being put to us from the commonwealth is that these people are too busy to do affidavits for Australian courts. I do not accept that at all. I think second secretaries and third secretaries have a pretty good life in Australian missions overseas. A lot of students would kill to get into the foreign service to get these types of jobs. It seems to me that to take away this duty from them is exceedingly generous to them and then risky to give it to local staff who have no responsibility to the Australian jurisdiction. I do not think we should go along with this.

Clause passed.

Remaining clauses (24 to 31) and title passed.

Bill read a third time and passed.

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 July. Page 1688.)

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That standing orders be so far suspended to enable consideration of the Gaming Machines (Freeze On Gaming Machines) Amendment Bill set down for Thursday next to be considered forthwith.

A quorum having been formed:

Motion carried.

Mr De LAINE (Price): I support the bill as introduced in this place by the member for Gordon. I support the immediate freeze to prevent further growth in the number of poker machines in South Australia. Eight years ago, in 1992, I and three others from the Labor side crossed the floor and voted against the introduction of poker machines, in response to a private member's bill that was introduced by the Hon. Frank Blevins at the time. Unfortunately, the bill passed. The Labor people who crossed the floor and voted against it were me, the Hon. Lynn Arnold, the Hon. Don Hopgood and the current member for Spence, Michael Atkinson. It was not a government bill; members will recall that poker machines were introduced by the parliament as a conscience issue on both sides and not as a bill of the government of the day. At the time the bill was introduced the estimated tax take by the government was estimated to be up to $50 million a year. Over the years since its introduction that has now escalated to about $200 million a year. This has proved to be a major social problem. The machines being so addictive, people who are not normally addicted to other forms of gambling such as horses and blackjack and so on are addicted to gambling machines.

There are pluses and minuses to the poker machines. Some of the pluses are that many people enjoy poker machines. Elderly people and pensioners in particular go along to hotels and not only enjoy the poker machines but also access cheap meals and other benefits from the hotels that sponsor the machines. Hotels have been given a new lease of life; some were in dire straits financially, and poker machines have enabled them to continue and upgrade their premises and provide other services, meals and so forth for people. The introduction of the machines and their associated benefits have provided much needed jobs in the hospitality industry that were not there before. Another plus is the extra income for government, and this has gone from about $50 million a year to $200 million a year in the eight years since the machines were introduced.

Some of the minuses of poker machines are their devastating impact on many individuals and their families, and their impact on small businesses whose profits have gone down. There is only so much money in the community to go around, and small business in particular has borne the brunt of much of the money that has gone into poker machines. There have been job losses, and I do not know whether any research has been undertaken to establish whether those job losses are commensurate with the job opportunities that have occurred in the hospitality industry because of the introduction of poker machines, but there may be some offset in that area. Another minus is the impact on charitable organisations, where a lot of income potential has been cut off through people spending their money on poker machines rather than on charities, as traditionally happened previously.

I mentioned the extra tax that the government took from poker machines from $50 million up to $200 million, and that tax take has been mostly at the expense of poorer people in the community and those who are less able to afford it. Whether or not we cap poker machines, people will lose. Whether they be ordinary people who enjoy the benefits with poker machines and have cheaper meals at hotels, whether it

be the hoteliers or whoever it is, some people will win and some will lose, but as far as I am concerned the ordinary working class people in the community are less able to afford the losses. That is the main reason why I support the cap, apart from having crossed the floor in the early stages and opposed the introduction of these mindless machines.

Members have mentioned various issues, and one was harm minimisation, which the member for Kaurna mentioned. Harm minimisation is usually in the form of money but, as far as I am concerned, if you throw money at a problem such as poker machines it is very hard to target and difficult to get that money and assistance to the victims of poker machine gambling. I support the cap on poker machines, but I see it only as a first step. On top of that I would favour a gradual reduction in the number of these machines. I liken this situation to an oil spill, where oil is spilling out of a container or ship and damaging the environment. The first thing you have to do is to prevent more oil from coming out of the breach; the second thing is to stop the flow and the third thing is to set about fixing the problems to the environment that have been caused by the spill. This is a similar situation, as I see it. If we try to fix the problems by harm management or minimisation, we get nowhere. We are trying to fix the problem while the problem is still going on. I think that we have to tackle it, put a cap on, and perhaps gradually reduce the number of machines and overcome the problem that way. We can then set about fixing the damage that has been caused by these machines.

I will not speak for very long, because a lot of this has already been said. It has been said in a couple of the speeches in support of not having the cap that approximately 2 per cent of people are poker machine addicts: that means that 98 per cent are not. That is no reason not to have a cap on the industry, because we all know that this parliament passes laws and determines penalties to cover the minority, not the majority. I doubt whether even 2 per cent of the community are criminals: the rest of society (perhaps 98 or 99 per cent) are not. We have to pass legislation in this place to protect the majority and ping the minority. So, I think that the argument that 98 per cent of people are not addicted and only 2 per cent are is fairly hollow in that respect. I strongly support the bill introduced by the member for Gordon.

Ms BEDFORD (Florey): This is a very important bill. I was happy to support the Hon. Nick Xenophon's bill earlier when the cap was proposed, and I support this bill. Poker machines have been a very important issue in my electorate, because of a development proposed for the central business area of Modbury which was considered inappropriate on several grounds, one of which—and perhaps the most important, as far as my constituents were concerned—was that it incorporated gaming. It would be true to say that a great majority of my residents and constituents mobilised over the issue of gaming. We had rallies, we organised petitions, I received telephone calls and letters and a great many people made personal representations to me. It was a very hot issue in my electorate. There were many issues which made the development inappropriate but the most important by far was that gaming and its effects were considered to be a problem in the community, and there was absolutely no desire by my constituents to see further gaming introduced.

As a general rule, I am a person who is pro choice, and I firmly believe that prohibition does not work. Gaming is a legitimate form of entertainment for many people in my electorate who do not have an addictive behavioural problem and who enjoy their time in the hotels. Of course, there has been the effect of providing cheaper meals, upon which I am afraid pensioners and other low income people are now reliant. So, the effects of gaming, unfortunately, have spin-offs that are desirable. However, many people do have a behavioural problem with respect to gaming, and, because so many of my constituents have felt so strongly about the harm caused by the proliferation of gaming machines in this state and the dependency of the government on the revenue produced by gaming, I will be supporting this bill, because I see it as the only way in which to force some sort of action by the parliament to address the entire question of poker machines and what they are doing to this state. No-one will be served by no action of any kind or by a deferral of action—and I do not consider a cap for a period of 12 months to be desirable. I would like to see this bill put in place as a measure to force our hand to truly seek a satisfactory outcome for all regarding the problems of gambling.

Mr LEWIS (Hammond): I support the principle of the cap. It is a fact that, at the time the poker machine legislation was introduced in this House, I opposed it. The argument that has been put by those who supported it, in the main, was that there was so much money going out of South Australia to the eastern states (particularly then New South Wales and Queensland) that had gaming machines of one kind or another. That argument was that all this money could stay in South Australia not only to create jobs here but also to provide revenue from the tax that would be raised from the wagering on gaming machines. I said at the time that I did not see that such would be the case. There may be some money staying in South Australia where the licences and the ownership of the machines were held by South Australian interests. However, the fact is that the majority of the more lucrative machines and the licensed premises in which they have been installed are not owned by South Australians. So, the profits from the gambling go interstate. It is true that the gambling revenue comes to the South Australian government but that is at a price, and that price is considerable misery to the families that are affected by it.

It is also a fact that those people who understand how money moves in society know that the jobs that the hotels association claims have been created as a consequence of the introduction of these machines are jobs that are falsely created, in that the dollars now being spent on gaming machines—wagering—are dollars that were being spent in other ways in the South Australian economy. You cannot spend it twice. The individual people who have those dollars take it from their pocket or from their bank account and spend it on gaming devices. They do not then have it to spend on the other consumer goods that they were buying; they do not go into shops and procure those things. So, the jobs that have been created in hotels and clubs to look after the patrons who go there to gamble on the machines are jobs which have been taken from other parts of the economy, and there has been no increase in the velocity of circulation of money in consequence of the introduction of gaming machines.

Federal Treasury figures show (it is not research: it is data that is already on the record) that there has been no increase in the velocity of circulation and, in consequence, there cannot be any increase in the number of jobs. Indeed, in all probability, the total number of jobs in the economy is probably now less in consequence of the introduction of gaming devices.

It is also true that the demands now being made on charities in consequence of the expenditure of consumer dollars by those who have put their money through gaming machines rather than into the consumer goods they should have been buying to look after their children and other dependants they may have is now so much greater in consequence of the introduction of gaming machines that we find those charities really stretched beyond the limit. Earlier this decade, when we introduced gaming machines, we had unemployment rates much higher than we have now, and charitable organisations are coping nowhere near as well these days as they were then. As a consequence of the introduction of gaming machines in South Australia, we now have an increased demand in total on welfare agencies, particularly the charitable welfare agencies, greater than we had at the time the machines were introduced, even though unemployment at that time (in the early 1990s) was higher than it is now.

There has also been an increase in crime in consequence of people who find themselves attracted to play gaming machines and, being so attracted, become addicted to the belief that lady luck will smile on them the next round with the next handful of dollars that they put into the machine. They simply do not understand that gaming machines can be addictive to them and, at that point, they are hooked. They will not be able to get away because they have lost money. They think that they can get it all back and, once they get it all back and get a big payout, if they ever do, they say, 'Well, chances are that I will get another one,' so they continue until they have lost everything.

They fail to keep up payments on their homes and the other goods that they are buying on time payment. They lose those goods, then their home and then their marriage, and throughout all this time those who depend on them for proper sustenance and care are missing out and the end result is disaster for everyone. The victims are not just those who become addicted to gambling, as I tried to explain to the House at the time the debate was being held on whether to introduce the infernal machines. No-one believed me—well, those who opposed the machines did, I guess, in some measure, but those who supported them were twee, libertine in their values and unwilling to accept the fact that there would be victims in greater number in consequence of the introduction and that there would be an increase in crime.

So, the victims are not only those who missed out on getting proper support from the people who were otherwise distracted and became addicted to spend the money on machines but also those who are the victims of the crimes they committed—those of them addicted to gambling—when they sought to steal the money, either from their employers or from others, by simply going into the premises of other people and stealing things from them. If it was not cash, they would steal property and sell that to pawnbrokers or to trash and treasure markets, in the same way as drug addicts do (addiction is addiction, and it has the same consequence), and the victims there were often the weakest members of society.

I set aside the employer because you destroy the capacity of the individual, incidentally, to get gainful employment because they have been guilty of theft from their employer, misappropriation, or whatever. We see this being reported in the newspapers time and again. Also, and more importantly, it involves the weaker members of society, such as bag snatchers, because it becomes a predatorial activity where the person addicted to gambling, or anything else (but we are looking at gambling in this instance), looks for the simplest and easiest mark, and they seek out the opportunity to steal. I am saying that to cap these infernal machines is one way of our saying to the electors at large that there are sufficient of them and sufficient opportunity for people to gamble.

I know that is an attractive argument and that I hear other members saying, 'Leave it at that,' but I am not satisfied with that. I believe that the number of machines in society needs to be rolled back. To introduce the cap is one thing. I see that my time has almost expired. I will move some amendments that will tenure the length of time over which these things can be owned. Not only are they capped then but also it will create value, such as there is in taxi licence plates, in terms of transferring from one premises to another in due course. I want tenure restricted to eight years and to compel the people who own them to buy them back from the state every eight years in open competition with anyone who wants to own them who has licensed premises and who gets, or who already has, approval to install them. The state can thereby reduce the number of gaming machine licences that are on issue.

Mr KOUTSANTONIS (Peake): I do not believe that a cap will help problem gamblers, although I am supporting the cap on poker machines. Realistically, this is merely cosmetics, but I commend the honourable member for introducing this bill. It is a brave new initiative and I will support it. Problem gambling occurs in South Australia in all sorts of forms. Problem gamblers exist in the racing industry, in casinos and in hotels in the people who play poker machines.

I would like to see real reform in the gambling industry in South Australia. It is an important message that we send to the community of South Australia that we are serious about reforming gambling. The member for Hammond is correct: there are adequate facilities for people, if they wish, to play poker machines.

What concerns me is the constant changing of the rules for people who have invested in South Australia. We are always talking about giving companies a form of stability in this state. We want companies to invest money here. We legalised poker machines and, unfortunately, I was not in the House when poker machines were made legal. I would not have voted to legalise poker machines. I would have voted with the minority not to allow them in hotels.

What concerns me is that hoteliers have invested large amounts of money in their premises, as is their right. It is the law of the land now. Hoteliers have installed their 40 poker machines and upgraded their premises. There are some quite spectacular hotels, such as the Lockleys Hotel in my electorate, which is a wonderful example of a hotelier investing money back into his community. What I do not like about that hotel is the number of poker machines and the focus on gambling.

The sense of community in local pubs has gone. A good example of a local pub that does not have poker machines is the Exeter in Rundle Street, which has a very good sense of community. You can go into the front bar of that pub, have a drink, have a talk to your friends after work and there is no emphasis on gambling. Also, the Wheatsheaf Hotel in Thebarton is a wonderful pub, which I frequent as often as I can. It is a very good pub, and it has no poker machines. The hotelier does not want poker machines in his pub. Will we now have two kinds of hotels? Is the front bar a long gone Aussie tradition? Is it dead; is it finished?

Mr Clarke interjecting:

Mr KOUTSANTONIS: I will not repeat what the member for Ross Smith just told me. Is that tradition gone? I have real concerns about poker machines. I believe that the amount of money we can bet on one spin of a 5¢ machine is far too high. It is about $4.80, and I am sure that I will be corrected if I am wrong. For a 10¢ machine that figure nearly doubles to about $9.60. I believe that is far too much to spend per spin on a poker machine. The number of spins per minute is far too high. I think that it is the highest rate in the world.

Mrs Geraghty interjecting:

Mr KOUTSANTONIS: I am a little experienced with poker machines. The unfortunate fact is that many of my friends are blue-collar workers. They are people with whom I went to school and with whom I grew up. After work they go to the pub, as is their wont, their tradition, and they have been spending more and more money on pokies. Some of my close, personal friends whom I have known since I was 12 years old, when I started high school, are losing quite a bit of money on poker machines, and it is quite concerning. I am not sure whether that is because they have a generic gambling problem. Is it the availability of the poker machines within their local area, or are they predisposed to be gamblers? I am not sure what the answer is—

An honourable member interjecting:

Mr KOUTSANTONIS: It probably is a combination, but I believe that a cap is a very sensible idea. Some people have said to me that I should vote against a cap because it would make hoteliers very wealthy—wealthier than they are already. I do not begrudge hoteliers becoming wealthy. I encourage wealth creation within South Australia. I have no problem with entrepreneurs. I have no problem with developers who make money—good luck to them. My father, who migrated to Australia from Greece, was basically destitute when he came to this country and he made a substantial living from being entrepreneurial in small business.

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

Mr KOUTSANTONIS: After dinner, it is always difficult to remember where we are at. I am just trying to work out where I am in my speech.

Mr Venning interjecting:

Mr KOUTSANTONIS: If I were the member for Schubert, I would not be talking about being coherent in this House; I would be very quiet about it. But that is another point altogether. Before the dinner break, I was talking about entrepreneurial flair amongst hoteliers. I do not want to discourage that. I encourage any small business owner or entrepreneur to try to thrive in South Australia. I have no problem with wealth creation or personal wealth creation, because it creates jobs in South Australia. Of course, I have a problem with gambling.

When the gaming machine legislation was first introduced into this House the machines should have been put into clubs rather than hotels. That is a decision former parliaments have made, and it is not up to me to try to alter that now. I will say this: I do not think that a cap will have any great effect upon gamblers in South Australia. However, it is important that we send to the community a message that this parliament is concerned about the level of gambling that is going on in South Australia and about the number of people participating in the use of poker machines. I would like to see the rate of gambling on poker machines in South Australia slowed. Poker machines in South Australia are functioning at probably the fastest rate of anywhere in the world, and I stand to be corrected on that if that is wrong. We can find scope to lower the amount of money you can spend per spin in gambling in hotels. I like the idea of what they have in Great Britain where it takes longer for a machine to spin and to put money into machines. I see no reason why we cannot tinker with hotels and gambling parlours to make them more user-friendly to help with the problem of gambling addiction; for example, we could introduce into gaming venues things such as natural light, clocks, etc. I am not quite sure how far we go. I do not believe that, after introducing legislation all those years ago allowing them to have poker machines, in good faith we can suddenly say, 'Now you can't' and change the rules on them. That is entirely unfair on hoteliers.

Rightly or wrongly, this parliament introduced legislation governing poker machines and hotels. These hoteliers have spend large amounts of their personal money upgrading hotels—not only on their gaming parlours but on their front bars, entertainment areas and restaurants. They do quite a good job. A lot of families simply enjoy the hospitality of hotels. They go along and have a beer with the family or have a quiet meal. Some might sit down and watch a game of football or soccer when it is broadcast in hotels. It is not all about gambling. As I said earlier, I do not want to see the rules changed unfairly so that hoteliers are disadvantaged, but I do not see how a cap—and I have not heard any arguments about this from anyone—will adversely affect current licence holders of poker machines in hotels. I have heard arguments that would say that it might hurt people who are thinking of investing in them in South Australia. I say this to them: there has been ample time to invest in poker machines in South Australia. A number of pubs have chosen to not go with poker machines, and I congratulate them. The South Australian community should support these pubs that do not have poker machines.

I do not think there is a developing new area anywhere in South Australia where there are no poker machines. I can think of no new suburb in South Australia where there is not a hotel within five kilometres which has poker machines. Responsible government is trying to stop urban sprawl and growing distribution of people living in outer suburbs. We want to encourage people to move even closer to the city because we cannot afford the transport infrastructure. That argument does not work, either. The cap is a first step. The next step is to help problem gamblers. Problem gambling is not the fault of hoteliers or poker machines. Something else is forcing people to gamble or making them gamble in excess. It is not hoteliers but something else. We have to look at this matter properly. We have to look at a way of remedying this situation to make sure that more South Australians are not disadvantaged.

Mr VENNING (Schubert): I support the member for Gordon's bill and the principle of capping further poker machines licences in South Australia. In 1993, I voted against the introduction of poker machines, so I never supported the introduction of these machines to every pub and club in South Australia. I have always believed that, if we had to have them, they should have been only in certain designated clubs, strategically placed in tourism and sporting regions in our state. Everybody hates the 'I told you so' attitude but I ask members to check the *Hansard* record of that time. There are alarming similarities between the feeling at the time of the introduction of the poker machines and the feeling regarding the legislation dealing with prostitution which is before the House at present. The perception now, as it was then, is that

change is inevitable so we as politicians and as legislators may as well give into public opinion and give them what they want. We got it wrong then, and I also believe we have got it wrong now. We did not get the message from the community right, just as we have not got it right on prostitution.

Why do we not ask the people these difficult questions, which concern large cultural changes, by vote, referenda or even by people's initiated referenda. These are big issues, and they effect people long after governments come and go. It is almost impossible to reverse decisions such as this. It is always easy to be wise in hindsight. I support this motion for the cap on gaming machines. I also know of the harm it has done to the many charitable organisations in South Australia. Those organisations do marvellous work, and their workload has increased massively since the introduction of poker machines. I know of the public hurt in the community, caused by the people who have been displaced and the families destroyed because of the ruin brought on by poker machines in many cases.

Of course, for charities it is a double loss, because not only have we increased the demand on our charities but also we have taken away their ability to raise funds. We know what happened to the raffle tickets that these groups used to leave in the bars in order to acquire funding. All the other methods used by charities to collect funds have dried up because the pokies have taken the whole lot. It is very difficult to wind back the clock. This morning, I heard on the radio that pokies have effectively been abolished in Arizona. I am curious to know how they did it. I will try to find some more detail. It should be a subject of study for us all.

I acknowledge that poker machines have been of benefit to many areas of our state, particularly in areas of employment, whether that be in the refurbishing and upgrading of our hotels and clubs but also the employment of people running these venues. I am not so naive that I cannot see the advantages that have accrued because of poker machines. In my own electorate, the Vine Inn at Nuriootpa and the Tanunda club are both wonderful venues, and both have benefited because of poker machines. I acknowledge my vested interest as being a member of Tanunda club. There have been some positives, and the hospitality industry has boomed in the wining and dining part of the industry.

I always appreciate hearing from some of our senior citizens, who can go into these venues and have a lovely meal for $3.50 or $4. That is one of pluses of poker machines. We have to weigh up these positives against the costs—the costs to those who are addicted to them and those who are ruined by them. A lot of money is serviced in and around these poker machines. We have to assess where that money has come from. As I said earlier, it has come from the charity area. It has also come from the other codes in which gambling is involved, that is, horse racing, dogs, X-Lotto—the whole lot—all of which have suffered to differing degrees because of the introduction of poker machines.

I oppose any attempt to stop the transferring of licences because, once individuals or companies have a licence and have built up a business, they should be able to sell or transfer that licence and should not be penalised because of our changing the rules. It is wrong to come in now and make it difficult for these people, because they have set their course and invested their money, and many of them will look to realise their asset and go on to other things. There may be an argument for a reduction of, say, 10 per cent of the number of licences on transfer, and some sort of taxing arrangement should be placed on the value of licences, because the cost of these licences would escalate rapidly. Whatever we did, it would certainly have an effect on the cost of licences. If people build up these businesses they should have the ability to realise on them.

More money should be spent on victims of poker machine gambling. Gambling has many victims who need rehabilitation. We should have an education program targeted particularly at our young people as well as the general population on the addiction of gambling. We have had education programs on alcoholism and in many other areas. We should boost the government priority in relation to the publicity program on gambling addiction. This is a timely bill, and I support the member for Gordon in introducing a cap on the introduction of any further poker machine licences in South Australia.

Mr CLARKE (Ross Smith): I rise to oppose the bill for a number of reasons. I, like every member in this place and in another place, recognise that there are unfortunately a number of people in our community who have a gambling addiction when it comes to poker machines and they do cause grave social harm and family dislocation. There is much more that governments and we as a society can and should do to help ameliorate those difficulties. Simply imposing a cap is not the answer. It is a bit like saying that you are a little bit pregnant. If this parliament is serious when it comes to poker machines, if we are of the view that they are so evil, so destructive of our society, we should make them illegal and compulsorily remove them, without compensation. But the reality is that we will not do that. There is a lot of pious claptrap on this issue.

I understand and accept the very genuine sentiments expressed by a large number of MPs, particularly those in the parliament before the last who opposed the introduction of poker machines—they did not want them here in the first place. I do not doubt the sincerity of any member in terms of their concerns about the anti-social effects poker machines cause. They have been legalised for several years now and are an integral part of our budget and, whether or not we like it, it is such a sum of money that for us to pretend that we could abolish them outright is to say that we will no longer provide essential services to our community, whether by way of hospitals, schools, police or justice systems generally.

So we do not do that and hoteliers have gone about their lawful business after parliament voted to bring in poker machines and they have legally invested millions of dollars. We do not have the right to take that away from them. I do not believe that all hoteliers are bad people because they make money out of poker machines. Do we criticise the share market, the share brokers on the Posiedon adventures of 20-odd years ago for making a quid or other entrepreneurs who make money quite legitimately in accordance with the laws? We do not. Some may warrant more criticism than they get, but why blame the hoteliers?

I remember in 1993 that the hotels in my area, in Port Adelaide and so on, you could not sell for love nor money. They were not economically viable until poker machines came into place. Many people in my electorate do not abuse poker machines but enjoy the social outings, enjoy the fact that the hotels in the area have been upgraded so that they, particularly a number of elderly pensioner women and the like, can go to the Blair Athol and Enfield Hotels, for instance, and enjoy a cheap lunch in good surroundings and enjoy playing the poker machines to the extent they are able to afford. Why should we deny them that right? Why are

poker machines more evil than horse racing, dog racing, scratchies, Keno or whatever else?

The Hon. R.B. Such: Preselection.

Mr CLARKE: Preselection is all a bit of a lottery. We do not have the right to tell people how to spend their money. We allow people to buy cigarettes and smoke them in huge quantities. Assuredly they are killing themselves, shortening their life span by smoking cigarettes. But do we ban cigarettes? No! We try to educate people not to smoke them and put a significant tax on them to raise revenue to help cover the cost. We say that we should not abuse alcohol and nor should we. But do we ban alcohol and say that because some people are addicted to alcohol or cigarettes we will outlaw those addictive substances? No, we do not. We tax them and try to educate people to use them in moderation.

Do we allow people to buy cars that exceed any recognised speed limits in Australia? Yes we do, and we let 16 year olds take charge of those cars and say, 'You will break the law if you go over X speed limit.' But they do, and they are fined. How many deaths are caused on the roads because of high powered vehicles driven by people who are not familiar enough with the dangers of driving those vehicles or who are impacted upon by too much alcohol or drug abuse? Members have been reading the *Sunday Mail* and the *Advertiser*, which piously tell us that we should ban poker machines or put a cap on them, and they think it is a good idea simply because it will appease some of our media proprietors. I did not notice the media proprietors, when it was legal to advertise cigarettes, refraining from advertising them and collecting the advertising revenue. Does the *Sunday Mail* not produce the racing form guide? When you, sir, as Minister for Racing were to stop the printing of the form guide in the *Advertiser* and put it in the TAB publication, the *Advertiser* waged a merciless war on the government of the day for taking away that valuable bit of advertising and circulation generator that it had.

So, it is a lot of sanctimonious claptrap by the media interests in this state as well. If they allowed cigarette advertising tomorrow the print media would be out tapping on the door of W&HO Wills asking how many full page advertisements they would like to take out. It does not matter how many deaths it will cause: the media wants the revenue. It is sanctimonious claptrap picking on the poker machines. If members in this place support a cap on poker machines, when we get into committee I will be moving an amendment that we put a surcharge, an extra tax, on those organisations that have poker machines already.

I do not want those hoteliers who already have the poker machines turning into wealthier people than the Sultan of Brunei because they have exclusive coverage of a commodity that we tell anyone else they can no longer have. I ask all those members opposite and on my own side who want a cap on poker machines: will you support me in the committee stage to put a super tax on the profits and capital gains that those existing licence holders will have to pay the public of South Australia?

When I hear also that the pubs should not have poker machines and that only the clubs should have them, let us put it in perspective. You could not flog a pub in this state seven years ago and, if we had just given them to the clubs, even though they are community clubs, they would have caused a whole range of hotels to close, along with the facilities that they provide. I happen to be a strong supporter of hotels: I think they are a good place to meet, to enjoy the company of your fellow citizens, your mates, your girlfriends or whatever: they are a good social mixing place.

It is a question of how you use them—whether or not it is in moderation. Let us not be too wowserish about it. We in this place are saying—this is what the argument is—that adults do not have the right to spend their hard-earned cash the way they want to. Obviously, there are problem gamblers, just as there are problem gamblers in every other form of gambling. Let us try to help deal with that, but we will not deal with it effectively simply by putting a cap on poker machines.

Mr CONDOUS (Colton): I endorse everything that the member for Ross Smith has said.

The Hon. R.B. Such interjecting:

Mr CONDOUS: No, just on this particular thing. If there was a move in this House tomorrow to ban all poker machines from South Australia, not only would I vote with my hands but also I would vote with my feet to ban them, because of the sad cases that you see all round you of ordinary families and their children suffering because of the effects of gambling. It is all right for the industry to put the child cancer foundation on to say what a wonderful job they do in getting these moneys from the hoteliers to fund their organisations, but what the charities are getting collectively compared to what is made on poker machines in this state is less than peanuts, and they are treating like monkeys the people who are listening to the ads, because you would have to be a monkey to believe some of that garbage.

My gambling habits amount to zilch a year: I do not buy a scratch ticket or a lottery ticket; I do not bet on a horse; I do not bet on the football; and I do not use the poker machines. The money that I would gamble with is far better used on taking my family to some part of Australia to enjoy a holiday; to take them out to dinner on a Saturday night; to take them to the movies; and to buy my daughter a decent bit of clothing that will give her satisfaction—not sitting like a moron in front of a piece of glass and chrome with twinkling lights and bells in the hope that you will become instantaneously wealthy.

Yet, there are many people who honestly believe that. I have seen friends of mine who lost their money—not on pokies but in casinos. They lost not only thousands of dollars but also lost houses and businesses and went from being very wealthy people to nothing. But the worst tragedy was losing their wives and children. That was the greatest tragedy. To those who support putting a cap on pokies, let me tell them that they are making those who already have them wealthier than they are now.

Mr Koutsantonis interjecting:

Mr CONDOUS: As I said to you before, member for Peake, if all the poker machines were situated on one side of the city, the people on the other side would not go without. They would get in their cars and travel to get there. It is a disease. Ask the people who come out of those hotels, 'How much did you lose?' I have done it on many occasions. I have asked, 'How much did you lose?' and they said $50, $60 or $70. When I asked them, 'Can you afford to lose $70?', their reply was, 'I can't, but unfortunately I can't control it.' That is a sad indictment of what humanity is all about. I feel sorry for those people, because they could have taken home that $70 to give to their wives, who would have put it to far better use having something better on the table for a nightly meal because there was a little more money in the household.

Years ago, when I was only young and in Sydney for 12 months, I can remember going to the Wayside Chapel, which was then run by the Reverend Ted Noffs, and seeing parcels by the hundreds being put together for families who they knew would come after the weekend and ask for food parcels to be able to feed the family, because someone in the household had done it all on the poker machines.

In capping, what you are doing is making multimillionaires out of existing millionaires. I put the entire blame, first for introducing them into South Australia, on every person on both sides of the parliament who voted to put them into hotels. If they were going to come in—and I do not support that, anyway—they should have gone into clubs where at least players would have been paid money. They would have spent it on their families and the money would have circulated in the community.

What you have today is tens of millions of dollars of profit made by hoteliers out of poker machines which is sitting in fat bank accounts accumulating or which has gone into investments to make them even wealthier than they are. I do not mind any businessman being successful: that is why you are in business. But for it to be at the expense of human beings who suffer because of the losses incurred, I cannot accept at all.

If we are serious tonight, we should be saying that you cannot have multiples on the machines. I did not know anything about multiples until I started asking a few of the old ladies, because I thought that they could not do too much damage if they were playing only 5¢ at a time. Fool me, not knowing the machine, I thought that they could spend an hour there and not lose more than $5, until one lady told me that she actually backed multiples, has all the lines across, down and diagonally as well. In fact, she can lose $4.80 on one push of a button on a 5¢ machine and $9 on multiple betting on a 10¢ machine.

Why not make it so that there is only one line at a time and one can play only a 5¢, 10¢ or 20¢ piece? Then at least they are in there having a bit of fun and it is not costing them an arm and a leg. I also listened to the industry saying that it has created thousands of jobs, put so many young people in the hospitality industry and given them a chance in life. That is not true, and I will tell you why.

If you budget, as 90 per cent of South Australian families do, after you spend your money on your mortgage, electricity, rates and taxes and all the things you have to pay, you have only a certain amount of money. If it goes into pokies, it cannot be spent on something else. Believe me, if we just had a moratorium and said, 'No poker machine operations for the next 90 days,' do you know what you would find? All of a sudden there would be a surge of new jobs in another area because, instead of people putting money into the poker machine and leaving it there, a lot more people would be out dining; a lot more people would be going to the movies; a lot more people would be buying clothes; and a lot more people would be doing things around the house with their family. But you cannot do that and put money into the poker machines as well.

What do they do to get them in? They have the 'Monday special' and the 'Tuesday special': 'Come in and have roast lamb and three vegetables for $3. While you are here, we will get you near the tinkerbells and you can watch the lights flashing on and off and listen to the bells ringing, and that will get you to sit like a moron in front of these machines and feed your money into them.' If I were a hotelier watching my clients feeding those machines and I knew they were battling and struggling, I would have to go home at night and bloody well scrub myself down because I would feel that I was a parasite on the back of the community. That is how strongly I feel about it. They are parasites because they are exploiting the community; they are giving incentives to people so that they will leave their money in the machine. I am appalled. I will vote against capping because it is only making wealthier people even wealthier by prohibiting the competition that is out there. That is all I have to say.

Mrs GERAGHTY (Torrens): I agree with some of the comments made by the member for Colton, and perhaps not agree with others that he has made. I grew up with poker machines in my early youth. I saw the damage that was done to families. I admit it was not to very many families, but it is something that has always stuck in my mind. In fact, my Uncle Wally, dear old soul, blew his whole pension package in one of his stints at the poker machines and I remember my aunt giving him hell and giving us all a great lecture, so I have had no love of poker machines.

I will support the cap on poker machines, although I do have little faith that it will resolve any of the problems for those who are addicted to gambling and it certainly will not resolve the family difficulties they are facing. I think the other issue which was also raised and with which I have concern is that it will unrealistically inflate the value of the existing poker machines and, as a result, create further problems within the industry itself. I agree that only a few people within our communities are addicted to poker machines. Unlike the member for Colton, I do not believe that every person who plays the poker machines becomes a gambling addict. But even for the small few who are addicted, in both dollar terms and the cost to their family, the impact is enormous.

I accept that we have benefited from the introduction of poker machines. We have got cheaper meals and the hotels give donations to our sporting clubs, and those benefits have certainly been a bonus for people, in particular those on low income. We have paid a high price for those benefits through the call on both our public and charitable agencies. I think it is time that we had a step back and examined the matter in greater depth, and I would like to commend the Hotels Association for its efforts to deal with people who are addicted to poker machines. I have a friend who was manager of a couple of hotels; I believe that the systems he put in place were very proper and very workable and did assist people who had an addiction but, unfortunately, it did not cure their problem—they just went somewhere else.

This bill is before us and parliament has the responsibility to deal with the problem. As I say, reluctantly I will support the cap. To reiterate that point, as I have said, I am not convinced that this way is the answer but given that gambling addiction is a growing problem within our community—and I think we all acknowledge that—the time has come for us to evaluate the real impact of poker machines and perhaps seek out a method of dealing with the impact on our community. I guess we will have to look at this moratorium for a while and the way in which we will really deal with this problem. We all have different views about it and we all can give opinions either way in the argument, but if we put on the cap for a short period perhaps we will resolve this problem in a way that is best for our community.

The Hon. R.B. SUCH (Fisher): I would like to make a brief contribution. It will be during the committee stage that

I will make up my mind finally on this issue, but I do favour the cap—not because I believe it will achieve a lot but because I believe it will send a signal. I say that as someone who voted for poker machines originally—and I do not apologise for that.

Mr Condous: You ought to be ashamed of yourself.

The Hon. R.B. SUCH: No, I went into the issue very thoroughly—

Mr Condous: You should hang your head in shame.

The Hon. R.B. SUCH: I canvassed the issue thoroughly in terms of looking at the Street royal commission and every other piece of evidence I could obtain. I am not a great gambler on any form of betting. In a democratic society, one has to have a good reason to deny people the opportunity when there is no strong evidence that it is overwhelmingly undesirable. There will always be a percentage of people, sadly, whether in motor cars or whatever, who cannot abide by the rules and who will get into strife—and that is certainly true in relation to poker machines. But having been part of the Social Development Committee when it took evidence over a long time on this issue, I realise that there is a small percentage of so-called problem gamblers, so we need to keep it in perspective.

A lot of people get pleasure out of poker machines. I have played them occasionally—sometimes I have won: most times I have lost. My concern is in terms of how the machines operate and to that end I agree with the member for Colton. When I supported poker machines, I did not support the system we have now. I did not support a system where people can lose money so quickly. Indeed, the old system that operated for many years—and still does in New South Wales, although modified in terms of technology—was that people could play for hours; they could play all night; they could win $5 or lose $5. What we have now is something very different. The issue is not really the number of machines, because that will not change much at all. The horse is already well down the straight, if not coming up to the finish line in terms of the number of machines. There will be a windfall gain for some operators, but the real issue that must be addressed—and I have always argued this from day one—is that the system under which these machines operate, the modus operandi, needs to be altered so we have in place an arrangement where people can play for a designated time and not win much or lose much.

As the member for Colton pointed out, at present we have multiple play and automatic play. One does not even have to play the machine: the machine will play on its own. Having said that I voted for them, I reiterate that I did not vote for the system we have. People might say, 'Why did you not argue that when you were a minister in cabinet?' Well, I did, but to no avail. I tried when Stephen Baker was the minister and I have argued subsequently; and that was indicated through the Social Development Committee. It is not the machines per se: it is the way in which they are structured and in which they operate with all the razzamatazz that goes with them; the way in which the rules, in effect, of those machines ensure people will lose sums of money very quickly.

This measure or cap or freeze is tokenistic. It will not do much. Coming from a philosophical position which says that we should not be imposing on people a nanny state type arrangement, but yet always trying to protect, as far as possible, those who may get into harm, I believe that we cannot run a community on the basis that there will be a small percentage in any field who may not be able to control themselves or who may do the wrong thing. If we took that approach we would not do anything. So, I am likely to support a cap or freeze—I will listen to the answers in committee—but the question we and the government really have to face up to is how these machines are operated and coordinated.

We must recognise that what we have today are rapacious machines that suck money out of people's pockets—not the type of machine we could have, which is a fun machine where you can play for hours, win a few dollars and lose a few. If members were concerned about numbers, the Social Development Committee recommended about 18 months ago a cap on poker machines at a much lower level than is possible now, but no-one in this chamber jumped up and down at that time and argued for a cap, so we have probably added another 2 500 or 3 000 machines since then. It is fine to cap, but when the horse is almost at the finishing line it is a symbolic, tokenistic approach.

Ms THOMPSON (Reynell): I will not be supporting the bill for a cap, simply because I cannot see that it does anything to address the problem of gambling in our community. It might make some of us feel good, but it does not do anything about addressing the huge proportion of revenue that comes from gaming machines and it does not do anything about our lack of financial counselling services or treatment for any form of addictive behaviours. From my point of view, gambling is just one form of addictive behaviour, whether it be gambling on horses, the TAB, Lotto, bingo or pokies. The member for Kaurna eloquently outlined some of the main points that have informed my decision on this matter and pointed to the way that the heads of Christian churches also recognise that what we need to do is address harm minimisation. Some people might argue that a cap does exactly this; I cannot see how that is possible. What I do see is that gambling is one of those difficult areas in society such as alcohol, nicotine and other drugs, where emotions run high when people are trying to decide how best to deal with them and how best to regulate our society.

The people with the loudest voices seem to oppose all these substances or products completely. They would rather a world where there was no alcohol, no gambling and probably no prostitution either; but most of us use some of these products responsibly as part of the richness of life, even if some of us do indulge a little too much on occasions. The occasional improper behaviour does not constitute a long-term problem. With all these substances, as with other behaviours, however, there is a major problem. The member for Fisher mentioned poor driving; we would think when we see them that some people are almost addicted to bad driving. What we need to do is to look at the behaviours and what we can do to stop abuse of self and others in our community and, in particular, to stop abuse by using these products that are difficult to manage.

I recognise that, whatever the form of gambling, all these products cause problems for individuals, their families and the community, which has to pick up the damage. But, in general, Australian society has chosen to regulate and educate, rather than ban substances that are difficult. That education and harm minimisation approach was taken in relation to the HIV/AIDS debate, and we have demonstrated on an international level how outstandingly successful we have been by taking this approach. Yet, with respect to gambling, we seem to be completely disregarding it. In relation to the consumption of alcohol and nicotine, through education and some regulation about where one can and

cannot smoke, who can and cannot be sold nicotine and who can and cannot be sold alcohol, we have adopted a harm minimisation approach, and this has helped to minimise the dangers.

The member for Kaurna referred to some useful information reported recently which indicates that on average Australians are smoking 700 fewer cigarettes each a year. That is an important drop in cigarette smoking which we hope will soon be reflected in a declining health bill. That was achieved through regulation but mainly through education; the regulation applies only to where one can smoke. We have indicated as a community that we do not find smoking a very acceptable thing to do, and we support people who are trying to give up smoking. We have advertising campaigns to support people who are giving up smoking. Within our family and among our friends we are individually very supportive of people who are trying to give up smoking. As a community we have taken on the issue of nicotine addiction.

We have not done that at all with gambling. We have done it to some extent with alcohol and, again, the same newspaper report indicates that Australians' consumption of pure alcohol per person has plunged more than two litres, from 9.7 litres in 1981 to 7.5 litres in 1997. Again, education, the establishment of community norms and measures such as appointing a designated driver have resulted in an improvement of behaviour in relation to the use of alcohol. We need to look at such a community approach to the use and abuse of gambling in whatever form. It is too easy to blame a particular form of gambling and say that poker machines are evil, while we have advertising of X-Lotto and TAB on television on a regular basis.

In this place we argue long and strong about how to support the racing industry, yet gambling on the races has long been a source of ruination for many families. Many films and novels indicate just how powerful gambling on the horses can be in ruining families, yet we come in here and support the importance of the racing industry. We are not dealing with it sensibly. We are saying it is an important industry, but we are not even talking about, let alone addressing, those people in our community whose lives are severely affected by abusive gambling on racehorses. So, instead of approaching the issue of problem gambling, particularly in relation to pokies, with an education and development of community norms campaign, we just blame the machines. Whether it be the car, the pokie machine or anything else, the machine is not the problem: it is the person you put in charge of the wheel that is the problem.

Some people have found benefits as a result of the availability of poker machines. When I have been doorknocking I have been interested to hear two reactions to poker machines and the talk about banning or capping them. Both have been from older people in our community, particularly older women. One reaction is: 'Are they going to put up my tax to cover the pokies revenue? I can't afford that.' One woman in particular was eloquent in saying she now has somewhere she can go and feel safe. She used to spend her little bit of discretionary funding from her pension on a new frock but, frankly, at 80 she said she had plenty of frocks. She did not buy the frocks any more: she spent the money on the pokies instead.

The action that I support in this area is the implementation of a progressive tax system to reduce the community's reliance on gambling—because the community is relying on gambling to fund our schools, hospitals and police force. I support research into addiction and the different forms that addiction takes, whatever the product or substance it is that is being abused. I support an immediate thrust into education campaigns. We know enough now about how to undertake community education campaigns. We can do something useful immediately, and then later, with more debate and discussion about the nature of addiction, we can refine those campaigns using that research.

We need to devote greater resources to organisations that are working with problem gamblers. I recognise that the hotel industry, and hotels in general, see that they have a responsibility in this area, but so does the community, which is benefiting so much from the money that these people freely put into our coffers.

I have previously called for greater support for financial counsellors, some of the grassroots people who assist those who have been afflicted by gambling, to whatever extent—whether it is addictive or just more than they can deal with at the time, or whether their problems arise from a number of issues. We need to look at the community that we are developing and the rewards that exist and not the problems which people encounter and from which they want to escape.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I will not take up the time of the House for long. However, I want to contribute to a debate on what is obviously a vexed issue. When the issue of whether we would or would not have poker machines was first debated, interestingly, my electorate was particularly vocal. I am interested to report that to the House because I have not had much reaction at all to the subject of tonight's debate.

I am aware that poker machines cause problems. However, as I have said before on a number of occasions, with respect to the issue of problem gambling (depending upon how one defines problem gambling—and I am a person who tends to define it down rather than more broadly), the percentage of problems caused by poker machines is quite small. However, I am obviously aware that there is a considerable interest in this subject in the community.

I would contend that, despite that interest, and despite the small percentage of people who have problems with gambling on poker machines, putting a cap on the number of the poker machines will not cure one problem gambler: in fact, I contend that it will not stop any problem gamblers from becoming problem gamblers. The problem gamblers of today, whatever their number, have managed to become problem gamblers with the number of poker machines that are there now. As I indicated before, I do not necessarily think that there will be a reduction in the number of problem gamblers or, indeed, that a single problem gambler at present will, in fact, be cured.

I am also aware that the hotels and clubs have invested a lot of money in renovations, and so on, since the poker machines were first installed, and I am aware of a number of campaigns which have been waged by hotels and clubs to indicate the input into the community, both in dollar terms and other benefits, which have accrued to the community from those plans. In particular, I would like to read a letter which I received recently from a friend of mine, a Mr Fred Phillis, the Managing Director of Phillis & Associates Architects. I asked Mr Phillis if I could read this letter into *Hansard*, and he readily agreed. The letter reads as follows:

Dear sir, I am involved as architect and director of Mawson Investments Pty Ltd which has won the right to develop the Mawson Lakes Tavern based on Delfin Real Estate's Mawson Lakes Town Centre brief and the Mawson Lakes Town Centre/University campus

master plan prepared by the Denton Corker Marshall Group. As part of the design brief the following have been addressed:

- The tavern/hotel is a key and signature 'landmark' building.
- The operation needs to function as a community meeting place such as the 'corner pub' where students, residents and the working population can interact.
- Sidewalk drinking.
- Facades that open onto the sidewalk.
- Balconies over the footpaths.
- Building to be a minimum of two storeys.
- Gaming to be addressed tastefully and sensitively.
- External signage kept to a minimum.
- Access to [the] university should be addressed, site can act as an interface with the uni.
- Preferred—motel accommodation.

The estimated cost of work is $9 million. The number of personnel for new jobs created by the establishment of this facility is approximately 50 full and part-time males and females, trainees and apprentices. Workers to be employed during construction could total approximately 120.

As a gaming room was always an intention of the brief and an integral part of the entertainment facilities offered by this community-based development, we have submitted a gaming and liquor licence application and in addition a development application to the City of Salisbury. Should we be unsuccessful in obtaining a gaming licence, we have an option to walk away from the total development of this site.

As the current private member's bill seeks to freeze further issue of gaming licences, I would ask your support for amendments to the bill facilitating development of greenfields developments such as Mawson Lakes, which is fundamental in the sustained development of this state.

The letter continues, but I will not quote any further. The point I make is that the attraction of this community facility with a gaming option will result in $9 million being spent in the community and it will create approximately 50 full-time and part-time male and female employees, with 120 people to be employed during the construction phase.

Certainly, some people would automatically say that it is bad. I do not agree with that. I know that there are people who do benefit from the cheap meals which are often offered as an attraction in the pubs and clubs. I know that a very good friend of mine routinely goes into the pubs and the clubs, eats a meal and goes out without even using the free 20 gaming tickets, or whatever it is, that this person receives. He and his wife think that the poker machines have been one of the great saviours of their going out and enjoying a meal.

Certainly, too, no-one who is in favour of a cap, or of even decreasing the number of poker machines, has said to me as a minister, 'Please stop the pokies increasing in number, or even decrease them—and, by the way, make sure that you diminish the service levels which are provided in society as well.' No-one has said that. If there are more jobs (which the letter from Mr Phillis and other experiences would indicate), there is certainly a greater opportunity for people to be gainfully employed and, hopefully, to be able to have other things to do with their time rather than perhaps mindlessly use poker machines.

I think if we address the issue of what a cap will do we may find some interesting answers. Certainly, when I was Minister for Health, I knew that there was a cap on the number of bed licences. That did not really achieve anything for the health of the community. All it meant was that the people who held the bed licences had a licence to own a property that was increasing in value on a regular basis. Every time people wanted to build another hospital with private beds in it, they had to go and buy the beds and, with the supply being limited, the value of the product increased—and I believe that the same applies with respect to taxi licences. In my view, if a cap is enacted, we will, in fact, make some people who are already pretty wealthy even more wealthy, and I think we would do that without stopping the small percentage of problem gamblers.

For that reason and for that reason only, I intend to vote against a cap on the number of poker machines. I am aware of the problems, as I have indicated in my contribution to the debate. I think, however, that there are far more cogent ways of dealing with any small percentage of problems, or, indeed, even a larger percentage of problems if one takes a broader definition of 'problem gambling' to be the one upon which you operate than enacting a cap. I realise that, having listened to the contributions from other members, my position may not be the one that prevails. However, I intend to vote that way. I further identify to the House that if a cap is enacted by parliament and in fact makes some already wealthy people wealthier, I intend to revisit the taxation regime.

Ms STEVENS (Elizabeth): There is no doubt that the advent of gaming machines has led to an increase in gambling in our community. The Productivity Commission reported that gaming machines accounted for 52 per cent of expenditure in 1997-98 outside casinos compared with 29 per cent in 1987-88. The commission's national survey, consistent with earlier state-based surveys, found widespread community concern about the expansion of gambling despite the equally widespread community involvement in the activity. In the commission's Community Attitudes to Gambling survey, 70 per cent of Australians, including a majority of regular gamblers, considered that gambling does more harm than good.

In answer to the question 'Should numbers of gaming machines be increased, decreased or stay the same,' a whopping 91 per cent either wanted them to stay the same or decrease. However, many people enjoy gambling and playing the pokies and many pokie venues now provide accessible, comfortable and safe social environments for people and, certainly, I have seen that in the pubs and clubs in my electorate.

However, the downside for the individual and the community is problem gambling. Again, the Productivity Commission estimated that 1 per cent of Australia's adult population has severe problems with gambling with another 1.1 per cent having moderate problems. Interestingly, among public health concerns this prevalence rate is lower than the rates of excessive smoking or alcohol consumption but greater than that for the use of illicit drugs. Agencies dealing with problem gamblers estimate that five to 10 people are affected to varying degrees for every problem gambler. More sobering is the finding that problem gamblers are estimated to account for approximately one-third of total expenditure on gambling in Australia, and with respect to gaming machines 42.3 per cent of expenditure comes from problem gamblers.

We all know that for those who are problem gamblers and for those associated with them the consequences are devastating and include loss of income, criminal activity, family breakdown and suicide—truly a very devastating situation. Gambling and poker machines provide benefits for the majority and serious costs to the small minority for whom the consequences of the activity are devastating. How do we balance the issues? It seems to me that we must approach gambling and gaming machines from a consumer protection harm minimisation perspective, and we need to provide the services and support required to assist those who, for

whatever reason, are not able to participate without dire negative consequences.

When approached by the *Advertiser* some months ago in relation to my position on a cap on gaming machine numbers in South Australia, I said that at that stage I would vote no; that I had concerns about the negative effects of gambling, not only from pokies; that the genie was out of the bottle; and that capping would not solve the current problems and would create others. I still believe that capping will not fix the current problems. South Australia is already at saturation point in relation to gaming machines. Certainly, that is the case in my own electorate and, of course, all these establishments will be unaffected by this legislation as will be the problem gamblers within them.

Other consequences of the original bill are concerning. For example, if the bill were passed it would, in the words of the Premier, 'drive up the value of existing licences, further enriching those who currently hold them'. That point has just been made by previous speakers. Other unintended consequences include transfer of licences and, of course, retrospectivity. Some of those consequences are now addressed in amendments. We really need a comprehensive policy and strategy to address seriously all the issues related to gambling, including the other forms of gambling—anything less than this is window dressing that will not solve anything.

We do not have this now: we have a piecemeal approach on a topic that is used and has been used for political grandstanding with, it appears to me, no commitment to address seriously the complex policy issues involved. I was pleased to be involved with the member for Kaurna and other colleagues in discussions about a way forward with the AHA and social welfare organisations working together. Throughout those discussions a genuine commitment to the approaches of harm minimisation, consumer protection and adequate help for victims were consistently raised as was the spectre of internet gambling, which will open a whole new ball game with exponential potential to expand access to gambling activities.

My own position in April was to vote against the bill. However, consultations in my own community have caused me to rethink my position. In visits to community groups and through many discussions with my constituents I have received a strong message that people want a cap. Some people say that they want a cap simply because they believe that there are enough pokies already. Many people feel that we should use a pause to examine the situation and introduce a range of new policy measures to curb harm.

I followed up those discussions and organised a survey of shoppers in the Elizabeth City Centre in June. In a sample of 120 shoppers, I discovered that 87 per cent either wanted a cap or to ban poker machines altogether. Interestingly, that figure of 87 per cent is very similar to the percentage in the Productivity Commission's own survey. The people surveyed covered all age groups, men and women. We found that young people were more likely to say no. There was no observable survey difference between men and women, and most of those who commented and who voted yes to a cap cited the damage to families as their reason.

I will therefore support this bill with amendments that can alleviate some of the problems caused by the cap. I will be looking at supporting amendments that should require some evaluation of the gambling legislation and the efforts to address wider issues which should be achieved during the time of the cap. I will do this knowing that the cap on its own will do nothing to help problem gamblers or solve any of the issues related to problem gambling. However, I believe that it can provide the impetus for a serious look at all facets of gambling policy and allow the development by the government of comprehensive initiatives covering consumer protection, harm minimisation and adequate help and support for problem gamblers.

To me this is the only value in imposing a cap: it could create that window, that pause, to enable those issues to be examined. I have noted the very well publicised support of both the Premier and the Minister for Human Services for a cap, so I am hoping that this can be a unifying force for the government and that the government, working with other stakeholders and the community, will look seriously at all the issues and, once and for all, develop a comprehensive policy which we have not previously seen and which will provide a range of measures that can make a difference in the community. I look forward with interest as the process unfolds.

The Hon. DEAN BROWN (Minister for Human Services): I support the bill together with the amendments. My views on poker machines are well known. I have spoken publicly on this matter. I spoke at the gambling addiction conference, and I will not go into the detail I gave to the conference on that occasion. First, let me deal with the argument that has been put forward that imposing a cap will not suddenly solve gambling addiction. No-one has argued that that is the case at all. In fact, anyone who tries to sustain that argument is, I think, looking at it from a very shallow point of view.

However, by putting a cap on the number of gaming machines, at least you are drawing a line in the sand and creating a starting point at which you can address the very issues that many people in this House tonight have talked about—the need to do something about gambling addiction. The members in question have not put forward any solutions, or even a starting point to implement any solutions, to the problem at hand.

I will deal firstly with the issue of the serious impact of gambling addiction and problem gambling. I come back to a gambling problem, because those who are absolute addicts come within one category. Many people have a serious gambling problem but are not addicted to gambling. They cannot restrict their use of poker machines, and the consequences on themselves, their families and friends is enormous indeed. I had a classic example of this only on Sunday morning. A constituent telephoned me seeking help for others with a gambling addiction. She was concerned at the inadequate services available to provide effective help; she said that she had a problem but that her problem was nowhere near as great as that of her friends. She could not afford the money that she was putting through the poker machines and, as a consequence, her family was suffering. However, the extent of the suffering was minimal compared to that of many of her friends.

You probably could not class that person as an addict in any way whatsoever, but it was causing significant social problems. As members would appreciate, as Minister for Human Services I have a fairly close overview of some of the social problems within our community at present. In the past six to eight weeks, I have been amazed at the extent to which reports coming in have indicated an enormous blowout in the demand for people within our community who are wanting a meal, some clothing, some food and some self-dignity. They are people who are invariably thrown out with little or

no assets and who for a range of reasons find that they are struggling even to get the basic essentials of life. I have been questioned and interviewed on this matter from Mount Barker to the city, and I have been to a number of the centres of the welfare agencies that are out there trying to combat these problems on a daily basis.

First, they talk about an increase this year of between 30 and 50 per cent in the number of people within the community desperately seeking help. They give a range of reasons why there has been such a significant increase. One of the reasons they give is the continuing growth in use of poker machines in the community, although I stress that that is only one of the reasons. Anyone who tries to put the blame entirely onto poker machines is wrong, and anyone who tries to take it off poker machines is equally wrong. It is a serious contributing factor to the significant poverty within the community and the number of people seeking welfare. That has been substantiated by a whole range of studies, probably the most comprehensive national one being the Productivity Commission study itself.

This parliament has a responsibility to provide both moral and social leadership to the broader community. The community itself has spoken in no uncertain terms of the need for a restriction in terms of the amount of gambling that is occurring within our community. I put that in the broadest sense, and people are fearful of internet gambling. They have been amazed at the extent to which the use of poker machines has increased. The member for Elizabeth said that she thought the market for poker machines was currently saturated. When I was Premier I can recall sitting down with Stephen Baker, the then Treasurer, and thinking that saturation point had been reached when about $140 million of government revenue was coming out of poker machines a year.

Since then that figure has escalated considerably; it is growing by 10 per cent a year and is now $220 million. That is an alarming increase over and above what we thought was the saturation point at $140 million a year. There has been no evidence whatsoever that the amount of money going through poker machines within our community is decreasing; in fact, the indications are that it is being maintained at about a 10 per cent growth rate per year. It is certainly not saturation point, and this parliament is being fooled if it has been led to believe that it is.

The analogy has been made between the excessive use of alcohol, the use of tobacco and the use of poker machines. Firstly, there is clear evidence that the excessive use of alcohol is a serious health risk and social problem, and it costs Australia dearly. We all know that considerable effort has been made to try to reduce the excessive use of alcohol, particularly in terms of drink driving. As a community, we have invested hundreds of millions of dollars in that type of program. Again, tobacco causes this nation billions of dollars of loss in the health area in particular. There is no doubting of the consequences of tobacco smoking in terms of the increased incidence of cancers, heart disease, light birth weight of children and a range of other problems. Tobacco is related more to the health area. The clear evidence is that poker machines are more a social problem than a specific problem, although a significant health problem is involved. I am not trying to downplay the health aspects, but the consequences are greater in the social area than they are in the health area. However, invariably a significant health factor comes in as gambling addiction increases. As gambling increases—in whatever form, but particularly with poker machines—we are finding increases in a whole range of health issues, one of which is brought about by an inadequate diet as a consequence of gambling. Social and relationship problems develop in conjunction with this as well, and all these problems slowly compound. So, you have a social, health, family and financial problem, and the lives of those people and invariably the people around them, particularly the children who are the innocent victims in this, are very adversely affected indeed.

The parliament needs to look at this matter not just as a health problem and try to relate to health in the same way as you would with tobacco but also as a more complex problem including social and relationship problems. I have talked to a range of organisations with which I have to deal as minister. They talk about the serious implications of a gambling addiction—or even excessive gambling without addiction—on marital relationships in particular, involving also the children and perhaps even the broader social relationship that the individual in question would have.

I support the cap. However, I want to stress this point: this cap is only one step. It is drawing a line, but much more will be needed. Tonight, I was concerned to hear a lot of members talk about how we as a community and we as a state government in South Australia need to do much more about gambling addiction or problem gambling. We have heard a lot of speeches about this. What concerns me is the question of where the dollars may be to do something about it. They are not there. We get $1.5 million a year from the hotels and clubs, and I want to publicly acknowledge my thanks for the contribution they make. It is a drop in the bucket. We have an industry that is pouring $220 million into government. It is taking home as profit an immense amount of money. It is very important that this parliament starts to come to grips with the problem that currently fronts our community.

The Hon. M.D. RANN (Leader of the Opposition): I support this bill and the cap. I have thought about this matter considerably. I will track back over some of the progress and lack of it over recent years. In 1986, when I was a backbencher, new to the parliament, I and a group of other MPs supported the idea of poker machines as a regional development tool in areas such as the Riverland (in particular) and the South-East because so many buses were leaving our electorate every weekend, driving through the Riverland on their way to cross the borders to Broken Hill and Wentworth. Each weekend from my electorate in Salisbury there was coachload after coachload of pensioners and others enjoying a flutter and a day or two across the border, spending money in those states. It seemed that this was a way of achieving some regeneration in terms of the tourist industry in regional parts of South Australia. Needless to say we got a real battering by suggesting the provision of poker machines in some areas of the state. Indeed, I remember delegations to my office in Salisbury saying that to even contemplate such a thing would be the end of civilisation.

Later, when there was a move towards the introduction of a private member's bill on poker machines, again we heard that the public would not accept it. I consulted my electorate and did an opinion poll which showed that about 73 per cent of people in the electorate of Salisbury supported the introduction of poker machines. It was seen as a way of regenerating local clubs to enable them to reinvest in community assets. It was seen also as a way of reviving an ailing hotel industry and as a way of providing jobs. Finally, it was seen as a way of providing recreational opportunities for local people.

The vast bulk of people in my electorate enjoy the occasional flutter on poker machines, just as they used to buy bingo or beer tickets or go to the TAB or the races. So many mature adults in South Australia said to me, 'We do like a flutter; we go interstate and have a flutter. We do not intend to do it all the time, but we would like to have the option of having a cheap meal in the pub or the local club and having a bit of fun.' For the vast bulk—so many tens of thousands—of South Australians, this is something that they do without any problem. So many people have told me when I have visited these people using poker machines that they do not like being stigmatised as having some kind of social problem.

I remember going to a pub in the southern suburbs and being told by people playing the machines that they set themselves a limit of $20 a week or whatever and that they enjoyed a flutter and greatly objected to people in politics or the media trying to stigmatise them as having some kind of problem. They said, 'What is the difference between what we are doing and going to the casino or the TAB?'

However, there is absolutely no doubt whatsoever that there is a problem among some gamblers. There has also been a real impact on small business in South Australia with the introduction of poker machines. Certainly a combination of the emergency services tax, the GST and the exponential growth in expenditure on poker machines is having a big impact on small businesses, particularly those which that tend to sell the more luxury items. But, it is really important today to recognise that the vast majority of people playing the pokies do not have a problem, do so maturely, enjoy themselves, are adults and are entitled to enjoy themselves.

It strikes me as a certain degree of hypocrisy that this government announced during the last state election campaign—and got front page headlines, as they tend to do—a freeze on poker machines. That was announced a month or so before the 1997 election campaign. The Premier got three cheers from some commentators for having the courage to step in and freeze the number of poker machines. Since then many hundreds of poker machines have continued to be put into pubs and clubs in South Australia. It was a hollow announcement designed for public relations purposes, and it has taken the government three years to get around to introducing this cap.

I support the cap, but I am not convinced that it will have a major impact in terms of dealing with problem gambling. I support the cap because I have again consulted with people in the community, and the message is that there is a concern about the impact of poker machines on problem gamblers. They want to see their legislators doing something about it. To pretend that the cap by itself will have a major impact on problem gambling would have to be particularly hollow.

We all know, no matter which way we vote today, that if the cap gets the support of a majority in both houses of this parliament it will have a small impact. One of those impacts we do not want to see is to turn hotel owners into more of the rich sheikhs that some tend to be. It would be a great tragedy if there were substantial windfall gains from providing a cap at this stage.

However, it needs to be recognised that legislating is about balance. We recognise that poker machines provide jobs—hundreds if not thousands of jobs—in South Australia, and have helped regenerate the hotel and club industries in this state. I support the cap, but I want to see perhaps a greater sense of vision on how we approach problem gambling, whether through education as mentioned by other speakers or by a more concerted effort in dealing with a serious problem.

The Minister for Human Services is correct in saying that the growth of interest in poker machines is far more than previously anticipated. There was a general feeling from both sides of politics that $140 million or $150 million was likely to be the ceiling in terms of the tax take from pokies, and the exponential rise has shown that the market has not been saturated.

This bill is three years late. I am sorry to have seen, since the announcement by the Government, so many more poker machines installed in clubs and pubs in this state. Certainly I will support the legislation and the cap, and I will watch quite closely the effectiveness of that action before considering the next step.

Mr HAMILTON-SMITH (Waite): I rise to make some observations and advise the House of how I intend to vote. I entered this debate fairly convinced that the right thing to do would be to support the bill to ensure that there was a cap on poker machines in order to send a message to people that enough is enough. I agree with many of the points raised by members on both sides of the chamber that considerable damage has been done to some people as a consequence of the introduction of poker machines. I lived for some time during my life in the eastern states where poker machines have been around for a very long time and saw first hand the damage done to a small group within the community who tend to become addicted to the use of the machines in the same way that there is a group of people in the community who become addicted to alcohol and a range of things.

There is generally a percentage of people who lose control and who, through no fault of their own, find themselves drawn into the quicksand of repetitive addiction with all its concurrent family, social and financial problems. It is quite clear from the debate that a large number of South Australians have such problems, and quite clear that we need to spend quite a lot of money helping these people. I have seen it at first hand: even within my own extended family there are people who have a difficulty with the machines. We need to provide help for those who have a problem with addictive gambling and, in particular, with poker machines. We also need to ensure that the big players in this industry do not finish up making absolutely excessive profits.

There is nothing wrong with profit: in fact, the profit motive in business is what has made OECD countries and this country great. There is nothing wrong with free enterprise, with people going out and, through hard work, making a dollar in a fair, open and honest way, and I congratulate the many hard working hoteliers who have established a vibrant industry in this state. Having said that, I would not want to create a situation where there was an orgy of profit taking as a consequence of any decision made here on the restriction on the number of poker machines. That has also been an issue for me.

The third object I would want to see from any bill in this place is that the taxpayers and ordinary citizens of South Australia at the end of the day get some benefit as a result of our introduction of poker machines into the community. It is those three things that I am really looking for: help for those who are addicted; ensuring that ridiculous profit levels are not reached by the few; and, finally, that there is a benefit to all South Australians from poker machines.

Our taxation regime in regard to poker machines distributes some of that benefit back to people. We have all seen

evidence of that through the Active Club Grants program and a range of other programs. It is my view that the amount that comes back to people should be lifted. It is certainly my view that not enough finds its way back to people but, in an altruistic way, all of it goes into general revenue in one way or another, and all of it goes into the budget for South Australians to enjoy one way or the other. So, that tax revenue is finding its way back to people.

However, after hearing contributions from all sides of the House, I think that I should change my view. I noted that I came into this debate convinced that I should support the bill. Having now heard the arguments put by my colleagues on all sides of the House, I will be voting against it, because I am convinced that what will happen if the cap is imposed is that a few wealthy people who own a lot of poker machines will make even more money and become even wealthier as a consequence of the effect a cap on poker machines will have on the licences; that there will be a trading market in machines; and that we will finish up with a situation where we still have plenty of pokie gambling going on but the profits continue to be directed into the hands of fewer and fewer people.

As well as that, I have formed the view that we will not help the people most in need. It is a little bit like an alcoholic: you could put a cap on the number of hotel licences in this state and say that we will have no more hotels as the population grew, but if a person is an alcoholic they will still find their way to a hotel and to liquor; they will just travel farther to get it. The effect will be the same if we cap poker machines. We may restrict the number of machines and venues, but those truly addicted to pokie gambling will simply travel farther in order to get access to the machines. They will not be helped in a genuine way.

Over the past three years, I have listened to the pontifications from the Independent No Pokies member Nick Xenophon in another place and, although some of what he attempts to do is well intended, I have lost confidence in him as a consequence of his actions in respect of the sale of ETSA whereby, presented with an opportunity to do a lot for those people who have problems with gambling addiction, he chose to completely abandon them in pursuit of his self-confessed goal of blocking the sale of ETSA. There was an opportunity for him to really achieve something for his cause, but it was a failed opportunity.

I also give credit to the many hoteliers who have turned the profits they have made back into creating jobs and promoting our tourist and entertainment industries in this state by expanding their operations, building onto their hotels, conducting new operations and reinvigorating the economy. They have done a fantastic job, and I have seen plenty of evidence of that in my own constituency.

There is a good and a bad side to the poker machines. I would like to see an outcome whereby the majority of South Australians who have their gambling under control, who are not addicted to poker machines and who go out on a Saturday night, throw a few dollars into the poker machines, have a cheap meal and a jolly good night with their friends, do not have to suffer on behalf of a very small group of 2, 2½ or 3 per cent, depending on who you listen to, who do have a problem with pokies.

In fact, having listened to the contributions of members on my side of the House but also of members opposite, in particular the member for Kaurna, but many others also, I would like to see a number of other things done, positive initiatives to help those people who have difficulties. One suggested by my colleague the member for Flinders was some sort of free tokens operating in machines at certain venues, where people who have an addiction could still play the pokies on a free-tokens basis. A whole range of other methods have been suggested by members and ought to be looked at by the government.

In particular, I would like to see a bigger slice of the revenue returned to help people who are addicted. I would go so far as to say that all pokie revenue should be tied into human services and health, so that people get the message that all the revenue achieved is going into human services, health and rehabilitation programs, rather than into general revenue.

In summary, I will not now be supporting the bill. This is a good example of where I as a member have been informed by all my colleagues as they have progressed through the debate. I have learned a lot from everyone on all sides of the House. I think that there is a better way to send the right message to people, and I do not think that we will achieve a better result for South Australians by supporting the bill. There is a more workable way of going about helping those who have a problem. It is a far more complex issue than the relatively simple solution that has been put forward in the bill, although I commend the member for Gordon for his intent.

Ms RANKINE (Wright): Like so many members of this House who have spoken on this bill, I have faced a real dilemma when considering how to vote on the legislation. I believe that this legislation in itself will be ineffectual in dealing with the issue of problem gambling and the effects that it is having on many people's lives. On the other hand, there is an expectation in the community that something needs to be done.

We heard the member for Ramsay (the Leader of the Opposition) speak a short while ago about the decisions that were made when poker machines were introduced. At that time I was actually working for the honourable member and he can verify that I was very strong in my view that poker machines should not have been introduced. Sadly, all my fears in relation to their introduction have been fulfilled. The adverse social impact has been realised.

Many families have been devastated, and the lives of many individuals have been devastated, as a result of the introduction of poker machines. At the same time, their introduction has made some individuals very wealthy, with very limited benefits coming back to our community. A minuscule amount of the takings comes back to our community. As we just heard the member for Waite say, the money comes back in relation to sport and recreation funds, but that is a very small amount. Some money comes back through the Community Benefits Fund, to a large degree targeting some of the ills of problem gambling, but that area is very much underfunded.

The introduction of poker machines has highlighted, I think, an enormous problem in our community, that is, loneliness. I think the introduction of poker machines, particularly for older people, has given them a legitimate social outlet where they are doing something they see as being normal, particularly involving older women. Older women are now accessing hotels for social activity whereas not so long ago people would be looking somewhat curiously at their going into a hotel. These women can now go in, have a cup of tea or coffee, meet with other people in the community and have a bit of a flutter on the poker machines.

They feel that they are doing something normal. That is probably an upside to the introduction of poker machines: it has legitimised, to a large degree, women on their own going into hotels without being frowned upon.

It has also reinvigorated the hotel industry, which was struggling at the time. I put to the House that it would have reinvigorated any industry. It certainly would have been much better targeted at sporting or community organisations. The introduction of poker machines has increased the number of jobs in the hospitality industry, with many young people now having jobs although, sadly, most of those would be casual or part-time jobs. As I said, I would not have supported the introduction of poker machines, but this measure is trying to shut the door after the horse has bolted.

I agree with the principle of individual freedoms as much as possible. Adults have the right to choose their own form of entertainment and the right to determine the direction of their life with as little interference as possible. Poker machines are now a part of our society, but the fact is that people do become addicted to a range of things. Parliaments have a responsibility. People become drug addicts and others alcoholics, and we have problem gamblers. Drugs are illegal but that has not stopped their use; prohibition did not work in relation to alcohol; and I do not believe that on its own a cap on poker machines will work either. If people want to gamble, if people want to use poker machines, they are available. If they are determined to try for that elusive jackpot, that rainbow in the sky that will change their life, they will seek it out no matter where they are. Poker machines will not be closeted away; they will still be freely available.

So nothing will change for those people. There are lots of forms of gambling including horse and dog racing, X-Lotto, scratchy tickets, bingo, and the list goes on. It is a legitimate form of entertainment, as I said, and I am sure that there are not too many people in this House who have not had the odd tipple or the odd bet on a horse. A small number of people do become addicted, but lots of people are affected by that addiction. It is not just the addicts: as we have heard, it is their family, including their children. Addicts lose their job; their family breaks up and the effect is devastating. Only last Sunday, I was in one of my local hotels with my family and a woman was playing a poker machine. She had 3 000 credits on a 5¢ machine. She had $150 in the machine yet within half an hour that was gone. I do not believe that anyone can afford to lose money at that rate—and she was still playing strongly when we left.

There is another argument in relation to the cap; that is, it will affect investment in this state, although I do not believe it will: it certainly should not. If the only reason a company invests in our state is that it can install poker machines, we have a shaky economy and we will be building our economy on a house of cards that will fall over very easily. A cap on poker machines without a proper strategy and support measures in place will not work. It is clear that our community is concerned about what is happening, and it is clear that the community is saying, 'We've had enough. We are desperate to see that there is recognition of this problem and that some positive action is essential.'

Our community has been overwhelmed, I think, as a result of problems involving poker machines. I do not think anyone truly envisaged the depth of the impact they would have. I think the introduction of this legislation was a case of the member for Gordon's locking onto that view. He very often comes into this place and preaches about the principles and practices of this House and how they can be improved, but he so very often says one thing and does another. We only have to look at how many times he has stood up here and delivered his sermon but then voted against debate occurring. His intentions in relation to this matter do not hold a great deal of sway with me.

The big question with this legislation, the big test, will be, if it passes, what then? Are the member for Gordon, this parliament and this government serious about addressing the impacts of problem gambling or is this just a political stunt? What will the government do, once this cap is in place, to rectify the damage that has occurred to people's lives? As the Leader of the Opposition said, the announcement of a freeze on poker machines was made at the last election. Yet what have we seen? We have seen an increase in machines. Where do we go from here? The cap in itself is not enough. The cap may provide, as the member for Elizabeth said, a pause in which the situation can be assessed properly. It will give the parliament and the government time to develop and put in place effective measures to appropriately address issues involving problem gamblers and those affected by the disruption caused as a result of it. It is for these reasons that I will be voting for the cap, but I will also be watching very closely what the government does from here.

The Hon. D.C. WOTTON (Heysen): I think most people would be aware of my attitude towards poker machines. I like many others in this place voted against their introduction. When the legislation was introduced, I indicated, in particular, my opposition to poker machines in hotels. Poker machines are here and there is very little we can do about that. Some considerable gains have come out of the introduction of poker machines, but there have been a lot of losses as well, I would suggest.

I have received a considerable amount of representation from my electorate on this matter, and I have to say that most of the representation I have received has been in support of the freeze. At this hour of the night, and knowing how many more members have to speak and what else we have on the agenda, it is not my intention to go over everything that has been said in this debate tonight. Some excellent points have been made and I think the debate, I guess both for the freeze and against, has been very good indeed.

Having said that the vast majority of people in Heysen have come to me in support of the freeze, to be fair I have to say that I am aware of those people in my electorate and outside my electorate who enjoy the facilities that have been provided around poker machines. As a previous Minister for the Ageing, I was made very much aware of that. I met many older people who prior to the introduction of poker machines had been lonely; had not been eating properly; were desperately in need of people to whom they could talk; friends on whom they could lean, etc. To a large extent, those people have been assisted by the introduction of poker machines, and that has been mentioned by many other speakers tonight.

Many older people have enjoyed the cheaper meals and companionship in hotels and clubs as a result of the facilities being upgraded, etc. As other members who have spoken in this debate have indicated, I know of people who have actually gone into hotels and clubs and spent very little on poker machines but have taken advantage of the facilities, warmth and friendship and have gained from that.

Most of the people from both sides who have spoken on this bill tonight have said something along the lines that they did not believe that the freeze would necessarily solve the

problems associated with the problem gamblers or those who are addicted to gambling. I must say that I also support that. A lot more needs to be done; we do need to look at the whole issue of gambling. As the member for Wright has just said, it would be foolish to concentrate just on poker machines: there are lots of other forms of gambling. People who have been very close to me in my life have been hooked on gambling of one sort or another, and I know well the trials and concerns that are felt by those who are close to those people.

I also must say that I have received some representation (not a lot) from some hotel proprietors. Obviously when you go into a pub with poker machines and they know you are there, the proprietors or management usually have a bit of a yarn to you about the concerns they would have with a freeze being introduced. I was walking down the main street of Hahndorf the other day and met one of the proprietors of a hotel there who has made the decision not to go with poker machines. He was saying how they were gaining as a result of that—people were coming and patronising their hotel because it did not have poker machines—so that is a difficult one.

I also recognise the funds which have been raised and which have gone into the upgrading of hotels, as well as the jobs that have come with that, and that is another issue that has been referred to by the majority of people who have spoken in this place tonight. I am also aware of and commend the industry for the responsible attitude the majority have taken in this whole area. They have recognised the issue of problem gambling and addiction and have come up with some very good programs to assist, including the good that has come out of the Gamblers Rehabilitation Fund. As a former Minister for Family and Community Services, I had a part to play in setting up that fund and the committee that administers it and makes the decisions on which organisations are successful. I certainly commend those people on the committee and those who have been involved through that fund, because they have shown a considerable amount of commitment, and I am very much aware of those early discussions that took place in the establishment of that fund.

I believe that whatever happens we really do need a breather. We do need this legislation; we do need to put a cap on poker machines so that we can sort through some of these issues. The current minister has also indicated concerns of which, as a previous Minister for Community Welfare, I also became aware, regarding the heartbreak associated with those who are close to addicted gamblers and who would urge this parliament to do more about that problem.

I will be watching very closely the amendments that are to be introduced—and there is a significant number of them—and I will support the second reading. If the legislation proceeds to the committee stage, I will seriously consider the amendments that come before the House. At this second reading stage, I certainly support the legislation.

Ms CICCARELLO (Norwood): I will take the member for Heysen's lead and indicate that I will speak very briefly to this bill, because many of the points to which I intended to refer have already been canvassed by other speakers. I am already on the public record as saying on a number of occasions that I cannot support a cap on poker machines, because in my opinion it will not have any impact on the current situation. Given that in my electorate I think we have more licensed premises than anywhere else in the state (there are at least 17 licensed premises, all having the maximum number of poker machines), I would say that we have pretty much reached saturation point.

The last hotel in my electorate to get poker machines was the Maylands Hotel, and that introduction provoked some consternation in the local community. But, on speaking to many people in the community, I am not sure whether the issue was with poker machines per se or whether people did not want them in their local hotel. It is a little like the 'NIMBY' argument: that it is okay somewhere else, but not in my patch.

I have found an enormous amount of hypocrisy in the argument with regard to poker machines and gambling. As has been pointed out by other speakers, we have many other forms of gambling in this state which have caused problems and which are probably not quite as obvious as poker machines, because the media have chosen to highlight only problems with regard to those people addicted to gambling on the poker machines. I must say that I am not a gambler myself and, had I been in the House when the legislation to introduce poker machines was put forward, I probably would not have supported it. However, I do think that the horse has bolted and that we need to look at other measures to address the issue of problem gamblers, whether they comprise 1 per cent, 1.5 per cent or 2 per cent of the population. I think we are addressing the wrong area. We should be looking not just at the issue of gambling but also at putting money into addressing the issue of problem gamblers.

In relation to other forms of gambling, I was quite shocked some time ago when I went to Football Park. I had not been there for some time, and the new electronic scoreboard had just been installed. This is supposed to be a family venue, providing family entertainment. What astounded me was that during the whole match the only form of advertising on the scoreboard was for Powerball, Lotto and Keno, so I wonder where our priorities are. If gambling is so bad, why do we advertise it so much?

We have many other things in our community which are harmful, yet they have not been banned, such as the issue of smoking. I occasionally smoke and I can read on the cigarette packet that smoking kills. Does that stop me or anyone else from doing it? Have we banned smoking because it is considered to be bad for society? No, we have not. What about alcohol and drugs? Has the prohibition of drugs solved the problem? No, it has not; we have an ever increasing drug problem. I think that, as always, we do not look at the proper solution for some of these community ills.

I would also like to mention the hypocrisy of the media which, in its editorials, constantly highlights the problems caused by poker machines. I sometimes wonder if it is doing this just to take our thoughts away from the other ills of the state. If gambling is so bad, why do the editorials or the feature articles publicise it when people win large jackpots? If gambling is bad, perhaps it would be wise of the media not to highlight it when people win and give the idea that it is wonderful and that everyone can be a winner. When we look at our television, what do we see? We see someone in a bus with lots of money, saying that you can be irresponsible: do not worry about working, just buy some lottery tickets and you will be a winner.

I recognise that there is a small percentage of people in our community who do have a problem. However, last week the member for Lee spent three hours talking about the racing industry and how we need to put money into it because it is dying; that the racing industry provides jobs and security to many people in our community. Is that not a form of

gambling? Could we not consider that to be bad also? As a child, I remember many times hearing the story of Mrs Bloggs down the road and how she and her children were out on the street because dad had gone off to the races and gambled away all his money. Have we banned racing? No, we have not.

I believe that gambling is a problem, and I think that we need to do something about it. I think it behoves the government to put more money into a rehabilitation fund to assist those problem gamblers. Again, I will not highlight what already has been highlighted by other speakers: that the hospitality industry is very important within our community. It provides many jobs and opportunities, and it is also an environment which many people enjoy. The staff of one of the local nursing homes in my electorate have told me that on a regular basis they take the residents down to the local pub, because they can enjoy a good cheap meal in good social surroundings. So, it is not all evil.

The Hon. M.K. Brindal: So, you are voting against it, are you?

Ms CICCARELLO: I am voting against a cap.

The Hon. M.K. Brindal interjecting:

Ms CICCARELLO: Yes, I am.

The Hon. M.K. Brindal interjecting:

The ACTING SPEAKER (Mr Scalzi): Order!

Ms CICCARELLO: It is interesting that the minister is surprised at that. I received only one phone call in my office after the media had rung us all to see what our stand was on the issue of the capping of poker machines, and I said what I have said tonight: I do not think that capping will change anything now the horse has bolted. The person who rang me was surprised, because he thought that it must have been a mistake and that I had been misquoted.

I also take exception to the radio media, where a particular journalist indicated on a radio program one morning and several times later during the day and that week that people should contact their local members and ask them if they supported a cap on poker machines and, if not, they should ask why not. The indication there was that, obviously, those of us who did not support a cap on poker machines were on the take and that we had been offered some sort of a bribe for our stance. I take great exception to that, because I have thought about this issue very carefully and I have canvassed many people in my community. In fact, I think people are sick and tired of me on this issue. As soon as I meet someone I ask them two questions: first, their opinion on the capping of poker machines and, secondly, their opinion on the issue of prostitution. Fortunately, we will put both these issues to bed, so to speak, in this parliamentary session. I know that it has been a very emotive debate. However, I think that we should look at it seriously and not just be driven by emotion but consider the facts carefully. As I have indicated, I will not support a cap.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. M.K. BRINDAL (Minister for Water Resources): I have been following this debate, and it has been a very interesting debate. I acknowledge the genuine commitment of members on all sides of the House and on all sides of the debate to this matter. It is always interesting in this place that when there are conscience votes the standard of the debate seems to be somewhat higher than it is on matters that involve simply policy, and tonight is no exception.

The question before the House is a vexed one, and it will give me great pleasure to sit with the member for Norwood. She often tries to encourage me to vote with her, and this is one occasion on which I will be voting with her. So, she should be very pleased. I did not ever vote for the introduction of poker machines, but I think the member for Price may recall that, when I spoke in the House about poker machines, my objection to them was not so much that it was gambling, but related to how many forms of gambling this state needed. The government, which I am proud to represent, was not in power, and I believed at the time there was a danger that poker machines would become simply a revenue raising measure for the government of the day.

Mr Clarke: They certainly have been.

The Hon. M.K. BRINDAL: No, quite frankly, that is wrong. They are a revenue raising measure for the government of the day, undoubtedly, but they have not been a revenue raising measure solely for the government. A number of industry sectors have profited, and profited well, from poker machines, including hotel employees—and there are a lot of people, I suspect, in the member for Ross Smith's own electorate who now have part-time and full-time employment because they are in an industry which is allied to poker machines.

The fact is that, when poker machines were introduced into this place, the hotel industry was ailing. It had been through a traditional boom period but, with the loss of 6 o'clock closing and with the advent of lower blood alcohol content when driving—which are good measures—the hotel industry was rather reeling. I think that the advent of poker machines has seen the revitalisation of that industry.

The Leader of the Opposition, I think, in his contribution pointed out that in his electorate there are people who play the poker machines with no great harm—as there are in my electorate. There are undoubtedly problems with some people who become addicted to this form of gambling. But I have heard no-one in this House say that it is much more than 3, 4 or 5 per cent of the population. That means that 95 per cent of the population—

An honourable member interjecting:

The Hon. M.K. BRINDAL: The member for MacKillop says 98 per cent. But what it means is that many people in our community pursue this as a legitimate pastime and, in fact, enjoy it, with no real harm to themselves.

Members interjecting:

The Hon. M.K. BRINDAL: The minister says that 5 per cent may be a lot of people—and it may well be—but the problem for this House is for which group of people we have a right and a duty to legislate. I would remind the House that I stood here and opposed what was then a government measure to stop young people from buying scratchies. The government, on its own admission, said that there were about five young people in this state who were addicted to buying scratchies and we introduced the law that stopped any young person buying a scratchie—and, incidentally, we placed the penalty on the small shop keeper, not on the child or the child's parents, for the protection of five children. I would argue that it is not the role of a government to protect a very small group of people. I would argue passionately that we should try to help people who have problems—problem gamblers, alcoholics, and people, indeed, who have become

compulsive on the stock market, horse racing or any other addictive form of human behaviour.

As a government and as a people we have a right and, indeed, a responsibility to help, but do we help them by passing legislation and compelling morality? Do we compel people? Is it good enough to compel people into action? I would argue that it is not. I would argue that a compulsion, if forced on people on behalf of a very small percentage of the population, is to deny a very large percentage of the law-abiding population a right of access to a pastime which they clearly enjoy. I did not vote for poker machines, but I do stand here and acknowledge that they are an exceptional revenue source for the government and a legitimate revenue source.

If we were not to derive the revenue which we currently derive from poker machines, I am at a loss to work out how we will introduce another subtle tax that collects several hundred million dollars without the people of South Australia becoming very upset in the process. The fact is—

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: I am sure that the member for Ross Smith would encourage us to introduce it. The fact is that poker machines raise a lot of money which the government can put to a lot of good, whether it is in hospitals, schools or rehabilitation programs for people with problems, not only poker machine problems but gambling problems, alcohol problems and addictions to substances. The money can be used for good and profitable purposes and is generally garnished quite painlessly from people who do not particularly mind that piece of taxation going in the government's direction. Even were that not the case, and that is why I am voting against the cap, I fail to see what a cap will now do.

There are so many poker machines in this state now that to impose a cap tomorrow would merely be tokenism and would merely provide a situation similar to that which I understood existed with hospital beds, whereby once you close the market you actually have a trade.

The Hon. Dean Brown interjecting:

The Hon. M.K. BRINDAL: They used to trade the hospital beds.

An honourable member interjecting:

The Hon. M.K. BRINDAL: Yes. The fact is that if you cap poker machines you create then a closed market. Anyone else wanting to open a facility with poker machines would be forced to buy the poker machines from another establishment and the price of the poker machines would increase. So, having already made a legitimate profit from poker machines, those who own the licences would get an added windfall simply by the fact that, as they go out of the business or as the licence increases and someone else wants the licence, the government has applied the cap on poker machines.

If we had capped poker machines in the beginning or limited them to the Casino as, I think, originally they were—if we had done a number of things in the beginning—this measure might have made some sense. As it is, what point is there now in saying, 'Well, isn't it good! We have had enough of poker machines, we want to cap them'? If there are those in this House who have had enough of poker machines, let them ban poker machines. Let them introduce legislation and deprive the government of the revenue and develop an alternative source of revenue, if they wish; or simply deprive the government of the revenue. Let them go out and tell the 95 per cent of people who use poker machines, who enjoy them and who get some social pleasure from them—I am not one who does but some people do—that they have no right to that enjoyment because we want to save 5 per cent of the population from themselves. If that is what people in this place want let them vote for that; that is what we were elected to do. Just imposing a cap for the sake of saying, 'We have done something', is doing nothing. It is, I think, a form of betrayal of the people who put us here.

If we believe in something let us do it. If we do not believe in it we should not do it. This is a classic case of pretending that you are doing something when, in fact, you are doing nothing. Let me say to this House: if this legislation is passed I have some very good friends who own hotels and I am quite sure that they will rejoice all the way to the bank. While I do not intend to enrich them any more, I acknowledge that if the House chooses to pass the legislation they will indeed be very happy. They are my friends but I do not choose to enrich them, so I will not vote for tokenism.

Mr SNELLING (Playford): It pains me to have to agree with the members for Unley and Ross Smith but, in the next few minutes, that is what I propose to do.

Mr Clarke interjecting:

Mr SNELLING: Might have lost a vote. If I could be convinced that this bill would have a significant effect or, indeed, any effect on problem gambling I would happily support it. However, I am yet to hear one argument as to how a cap on poker machines might prevent anyone becoming a addicted. The fact is that we have already reached a point at which to limit poker machines at the current number will do only one thing: enrich current poker machine owners at the expense of any new owners who want to enter the industry. A cap at the current level will not make poker machines any less accessible.

History tells us that caps do nothing to stem an undesirable activity: it allows only the enrichment of the few at the expense of the many. I am not convinced by the Minister for Human Services' argument that a cap represents a symbolic step towards a more restrictive regime with regard to poker machines and that this alone makes a cap worthy of our support. I admit that, had I been a member of this place at the time of the original debate to allow poker machines, I would have voted against them. However, I point out to members that poker machines have brought a massive turnaround in the industry and the patronage of hotels.

I am now quite happy to take my young family into the pubs in my electorate—something I would not have been willing to do before 1993. There is no doubt that a small number of people become addicted to poker machines. However, does the fact that a fraction of the population become addicted to poker machines justify taking them away from the vast majority of people in my electorate who play poker machines and who are able to do so responsibly? Do we seek to protect the few by restricting the freedom of the majority?

I draw a parallel with alcohol. We know that a fraction of the community becomes addicted to alcohol. Is our response to ban alcohol? No; rather, we seek to assist those who become addicted and try to minimise the possibility of addiction, and the same approach must be adopted with poker machines, otherwise we just become a nanny state: deciding for people what we think is good for them. I have heard members tonight quote surveys reporting the large majorities in favour of abolishing poker machines, but I do wonder what majorities would be willing to pay the extra taxes that would be required to replace the resultant loss of revenue. It is all

too easy for us as a parliament to seek easy solutions to complex problems.

This bill, I believe, is purely an exercise in political expediency, to make it look as though the parliament and the government are doing something about problem gambling when, in fact, they are not, and I refuse to go along with this. The government should come back with some real reforms to gambling on poker machines and I would be happy to give those proposed reforms my consideration.

The Hon. DEAN BROWN (Minister for Human Services): On behalf of the mover of this bill, I thank honourable members for their contributions to the debate. A variety of views have been expressed during the second reading debate. Of course, it is a conscience vote on behalf of all honourable members. I will not add anything further, because members on both sides have covered everything.

Tonight I am speaking on behalf of the member for Gordon, who cannot be in the House for very personal reasons, as he is at a family funeral. I am sure the honourable member would simply request that I plead with as many members as possible to support this bill so that the clear majority view of the public will come out in support of it. I urge members to support the second reading of the bill.

The House divided on the second reading:

AYES (26)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
De Laine, M. R.	Evans, I. F.
Geraghty, R. K.	Hanna, K.
Hurley, A. K.	Kotz, D. C.
Koutsantonis, T.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A. (teller)
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Scalzi, G.
Stevens, L.	Such, R. B.
Venning, I. H.	Wotton, D. C.

NOES (15)

Armitage, M. H.	Brindal, M. K.
Ciccarello, V.	Clarke, R. D.
Condous, S. G.	Conlon, P. F.
Foley, K. O. (teller)	Hamilton-Smith, M. L.
Hill, J. D.	Ingerson, G. A.
Key, S. W.	Snelling, J. J.
Thompson, M. G.	White, P. L.
Williams, M. R.	

PAIR(S)

Gunn, G. M.	Kerin, R. G.
McEwen, R. J.	Wright, M. J.

Majority of 11 for the Ayes.

Second reading thus carried.

In committee.

Clause 1.

Mrs MAYWALD: The member for Gordon has been unavoidably detained due to personal circumstances, and in his absence he has asked me to take charge of the bill.

Mr FOLEY: I rise on a point of order, Mr Chairman. Standing orders stipulate that the member for Chaffey, not being a minister of the Crown, is unable to have an adviser sitting with her. I ask that the Minister for Health take carriage of the bill.

The CHAIRMAN: I suggest to the member for Hart that we deal with one matter at a time. The chair is very much aware of the matter the member for Hart referred to. The member for Chaffey is seeking the indulgence of the committee for her to act as member in charge of the bill. Do I have any opposition? There being no opposition to that proposal, the member for Chaffey will act as member in charge of the bill.

As to the matter that the member for Hart has raised, it is appropriate that a minister seek guidance from an adviser and it has been recommended that the Minister for Human Services act in that position. Is there any opposition to that proposal? It may be appropriate under the circumstances if the minister sits next to the adviser.

Clause passed.

Mr LEWIS: I move:

That the committee report progress.

I do so because I wish to have the committee—

The CHAIRMAN: Order! The member for Hammond is moving that progress be reported. There is no opportunity for debate.

Progress reported; committee to sit again.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That consideration of the bill be resumed.

Motion carried.

Mr LEWIS (Hammond): I move:

That standing orders be so far suspended as to enable me to move a motion that the committee have power to consider a new clause relating to review of the Act by the Minister.

I am uncertain of the extent to which I can explain the purpose for my seeking support for this proposition. However, I will be guided by you. My desire is to have the House consider a new clause after clause 2, which would require the minister to review the operation of this act and in the process of doing so to examine the factors to which all members have drawn attention in the course of their second reading speeches, both today and in earlier debate, about ways of avoiding problem gambling.

Mr FOLEY: On a point of order, sir, I am having great difficulty following what is actually occurring. Can you explain what just happened? Has he moved an amendment or what?

The DEPUTY SPEAKER: The member for Hammond is currently moving a suspension motion to enable him to introduce a new clause into the legislation. That will happen when we get into committee. At this stage it is a matter of the suspension of standing orders.

Motion carried.

In committee.

Clause 2.

Mrs MAYWALD: The member for Gordon's amendments are now being moved in my name. I move:

Page 3, line 12—after 'machines' insert 'to be'.

Mr CLARKE: It is in moments like these that I think the Legislative Council is the epitome of efficiency!

Members interjecting:

Mr CLARKE: I know: I always want to wash my mouth out. I have a question and I seek your guidance, Mr Chairman. I have a number of questions relating to clause 2 generally, not just about the words 'to be' but seeking some statistical information that can come only through the minister.

The CHAIRMAN: Then the chair would suggest that we deal with the amendments first and I will ensure that the clause is left open for further questions to be asked.

Mr HANNA: This is a technical amendment, as I understand it, because as originally drafted the clause referred to machines being operated under a licence but, of course, the purpose of the clause is to refer to machines that would be operated under a licence. It seems to me just a technical amendment, and I do not see why anyone should have a problem with that. There is no question of principle involved.

The Hon. DEAN BROWN: I support this amendment and in doing so pick up the point that has just been made. This is simply a technical amendment to make sure that what we are trying to achieve and what the House has just passed in the second reading of the bill makes sense when put into effect. I urge all members to understand that, unless this is changed and this amendment is passed, what was actually voted on in the second reading would not be effective. I urge members not to get too excited about this amendment: it is a technical amendment.

Amendment carried.

Mrs MAYWALD: I move:

Page 3, after line 14—insert new subsections as follows:

(1a) However, subsection (1) does not apply to any of the following applications for a gaming machine licence:

(a) an application made by a person referred to in section 15(1)(d), if the premises in question are (or were, immediately prior to the surrender or revocation of the relevant liquor licence) the subject of a gaming machine licence;

(b) an application made by the holder of a gaming machine licence who surrenders that licence so that a new one may be granted to the applicant following—

(i) removal of his or her liquor licence to new premises; or

(ii) the surrender of his or her liquor licence for the grant of another liquor licence of a different class, pursuant to the Liquor Licensing Act 1997;

(c) where a gaming machine licence (but not the relevant liquor licence) has been surrendered absolutely, an application made within 30 days, or such longer period as the commissioner may allow, of the surrender by a person (e.g. a landlord or mortgagee) who satisfies the commissioner that he or she stands to suffer loss in consequence of the surrender and that it is viable to maintain a gaming machine operation on the premises in question;

(d) an application made by any other person in prescribed circumstances.

(1b) A regulation made for the purposes of subsection (1a)(d) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either house of parliament.

Mr HANNA: My comment in relation to this amendment is that it guts the bill. It controverts the essential purpose of the bill in freezing the issuing of gaming machine licences. If you can have more licences for anyone who currently has a licence, or more licences in respect of premises that already have gaming machines that are licensed, then the effect of the bill is greatly reduced, in my opinion.

Mrs MAYWALD: This amendment actually does not gut the heart of the bill. It provides for the circumstances where there may be a death of a proprietor or a licensed holder to enable someone else to take over that licence or, in the event of a sale of a hotel, for there to be an opportunity for the transfer of the licence from one hotel owner to another hotel owner. It certainly does not provide for a reduction in the intent of the bill to freeze the number of poker machines. It simply deals with the problems associated with transfer, bankruptcy, death of a proprietor and other areas where there is a concern that the licence for the gaming machines does not transfer with the licence for the liquor licensing premises.

Mr HANNA: Would the member for Chaffey agree that if the amendment was not passed there would over time be a gradual diminution in the number of licensed gaming machines, because numbers of machines would gradually drop out of the market as the owner of the licence gave up the business?

Mrs MAYWALD: That is correct. However, this is not a bill to reduce the numbers of poker machines in the market place. It is simply a freeze at this time, to draw a line in the sand. It also provides for the opportunity in the case of a deceased estate to enable the licence to be transferred to a potential new owner. If that does not occur, the value of the premises of that licence holding is vastly reduced, if they are unable to then onsell it with that particular licence for poker machines. In effect, this is saying that we are capping the number of poker machines but we want to enable trade within the marketplace, as well as unforeseen circumstances, such as a mortgagee foreclosing on the premises, so that the premises could continue to operate.

The Hon. M.K. BRINDAL: What is the effect of proposed new subsection (1a)(c) where, for instance, I choose to surrender my licence (because I decide, suddenly, like this House, that I have a moral compunction to do so), but then the person who owns the premises says, 'Hang on. If Brindal surrenders his licence, I will suffer an economic loss'? While I held the licence—it was granted to me—I really do not have the right to surrender it, because this new subsection provides that the owner of the premises can come along and pick up that licence, simply because he will say that he has suffered economic loss. Am I correct in saying that it means that the licence simply transfers to another person who was never granted it? If this is a freeze on poker machines, and it is supposed to draw some moral line in the sand, what sort of moral line does it draw in the sand if it simply allows a third party to come in, claim an economic loss and grab the licence?

Mrs MAYWALD: The minister is correct. However, once again, this is not a bill to reduce the number of gaming machines. It is simply putting a freeze on gaming machines; it is drawing a line in the sand. This amendment does not deal with the reduction in the numbers of poker machines. Rather, it enables the industry to operate fairly and equitably without suffering substantial capital financial loss as a result of a surrender of the licence of a licensee, resulting, therefore, in an economic loss to the owner of the hotel.

The Hon. DEAN BROWN: I support this amendment. As most members know, I would be one in this House who would take a stronger stance in terms of poker machines. I support the amendment because I want to ensure that in applying this cap there is a commonsense approach in the way in which there is flexibility. There are three particular areas which need to be dealt with: one would be the case of a mortgagee possession of the property; another would be if new premises were built—it might be almost next door—and the person wanted to shift the venue from an existing premises into new premises next door; and the other, of course, might be if ownership of the facility changed.

I think members would agree that this is a commonsense, practical amendment to ensure that if a cap is imposed it is a workable cap, and that a whole series of anomalies do not arise as a result of the introduction of this legislation. As the member for Chaffey explained, without this amendment, on an arbitrary basis some numbers will drop off. However,

there probably will not be too much justice in where they drop off. This at least puts in a cap which allows some reasonable flexibility in the way that is administered and which, frankly, I support very strongly.

Mr CLARKE: The member for Mitchell and the member for Unley have clearly exposed the deficiencies in their own way with respect to this amendment. This comes about when legislators try to close the door after the horse has bolted with respect to gaming machines. On the one hand, when we were talking in the second reading speeches about drawing the line in the sand (and all the rest of it), the numbers were there for it. The member for Gordon who moved it was very righteous about it. But, of course, then the realisation comes in that, if you do put a cap without this amendment, over time the number of poker machines will be eroded, as the member for Mitchell pointed out. Then the very proponents of drawing the line in the sand say, 'Hell, that is a bit difficult. What happens to the hoteliers or club owners who might suffer a financial loss?' Not only are we going to legislate by putting a cap on poker machines, thereby giving a windfall profit to those who have the poker machines now, but also we are going to perpetuate it by this amendment.

I say to the committee that if those who are opposed to poker machines are dinkum about it, do not mess around with these sorts of amendments: get on and move a resolution to ban them completely. It must be one or the other, because all we are doing by this sort of social engineering in this amendment is acknowledging that the member for Gordon, through the member for Chaffey and the Minister for Human Services, has recognised that if this amendment is not in place over time poker machines will erode in number. That will affect the financial viability of a number of hoteliers who have invested their money in the first place. 'Oh horrors,' these paragons of virtue say: we must protect their rights. So, we bring in this amendment, and those who gain the most—those who hold the existing licences—get the windfall profits and are allowed to maintain it in perpetuity without additional taxation measures from the state. It is a nonsense, and it should have been seen as such. I thank the members for Mitchell and Unley for so lucidly putting the argument.

The CHAIRMAN: Order! I ask members to refrain from the conversation that is going on. It is very difficult to hear the speakers.

Mrs MAYWALD: The member for Ross Smith is again referring to another issue, that is, the reduction of poker machines in the community. This bill attempts merely to put on a freeze; to stop where we are; have a look around; get out the road map, and see where we want to go from here. Regarding the amendment which we are debating in relation to the potential for transfer, I am advised that banks give loans on the basis of value. If a bank must foreclose on a loan and is unable to onsell the licence, it is virtually lending money unsecured at this time.

So, this amendment is necessary to ensure the orderly transaction of business after the freeze is put in place. Later I will refer to an amendment which we will consider later and which proposes a review of the act to deal with the very issues you are talking about; to get out that road map and look at where we are going from here. This is simply a bite sized step to put a freeze, draw a line in the sand and then move forward from here.

Mr FOLEY: Clearly, my position was to oppose the cap. I still hope that this bill will not succeed in another place but, if such a bill does succeed—much to my opposition—it has to be a workable bill. It has to put in place some mechanisms to deal with what is in my opinion bad policy, but it then has to be made workable. Whilst I fully agree with the sentiment of the member for Ross Smith, the practicality is such that we need a workable bill. Some of the issues raised by the member for Chaffey are the real issues with which we must deal if we have a law that provides a cap; we have to deal with these fundamental issues. I have to say to the member for Chaffey, however, that this highlights the problems with the bill she is sponsoring tonight in conjunction with the member for Gordon. In my view, the intended and unintended consequences of the bill have not been sufficiently thought through.

This is a complex issue and, in dealing with it in an ad hoc and at times it would appear haphazard manner, we have the potential to make some errors that can have significant ramifications. I support this package of measures, because it deals with a number of unintended consequences or practicalities that will arise, but we could be here until the very early hours of the morning going through some of the consequences of what we are dealing with here. We are trying to take an emotive issue and put it into law, and that is creating and will create a lot of problems. My support for this amendment should not be read in any way as my endorsing the passage of this bill but, as someone who wants to be a minister administering this piece of legislation one day, I have to try to put something in place that in some way will make it a workable piece of law.

The Hon. M.K. BRINDAL: I am now getting totally confused, as is half this House. In the second reading we have voted for a bill that provides a cap, but it now has these qualifications. I need to ask the person acting for the mover of this measure: if I understand the proposed amendments in conjunction with the freeze on gaming machines, what is then the position of a person who holds a legitimate gaming machine licence and wishes to sell or trade that gaming machine licence with another person? Is that precluded or not? If it is not precluded, why then do we have all these provisions here?

Mr Lewis: It is excluded.

The Hon. M.K. BRINDAL: The member for Hammond says it is excluded. The whole of South Australia will need to know that. This was sold to us as a cap; if this cap actually precludes people from trading their gaming machine licences, I think the public needs to know and needs to be told now.

Mr SNELLING: I have a concern with this amendment. I understand the member for Chaffey's saying that this bill is really an interim measure to allow breathing space to look at where we want to go, but I know that in reality that is unlikely to be the case and that if it is successful this will be a fairly longstanding measure. My concern is that, if we have a cap on a certain number of poker machine licences and these licences are tradeable, the market will work and there will be profiteering in poker machine licences, much in the same way as we have seen profiteering in taxi plates. I understand why this amendment is being moved, but I am concerned that the effect of it will be profiteering in poker machine licences.

Mrs MAYWALD: In answer to the questions raised by the Minister for Water Resources and also the member for Playford, if you are selling your business this does enable you to sell on your poker machines; that is quite right. This does enable a transfer of a licence from one operator to another should they sell their business. This is about a cap, not a reduction. It is the first step in the process. As I mentioned a moment ago, a further amendment will be discussed at a

later time, providing that a review of the act will be undertaken. At that time the parliament will have the choice of introducing further amendments either to restructure the industry or reduce the number of poker machines. This is taking it one step at a time. This bill is intended to draw a line in the sand; it is not about reducing the number of poker machines.

Ms STEVENS: Paragraph (d) refers to 'an application made by any other person in prescribed circumstances'. Will the honourable member give some explanation about what these prescribed circumstances would be?

Mrs MAYWALD: I am advised that this is a clause to enable a prescribed circumstance to be brought before the parliament for consideration in regulations in relation to a new development that would otherwise not go ahead if it did not have a poker machine licence.

An honourable member interjecting:

Mrs MAYWALD: Yes, I agree; but it is under prescribed circumstances which must come before this parliament, so the parliament must agree on that regulation. If the parliament determines not to support it under regulation, then the licence will not be issued. They are prescribed circumstances that will be subject to the decision of this parliament.

Mr WILLIAMS: Will the member for Chaffey tell the committee what sort of prescribed circumstances she envisages? It seems to me that we have now gone from having a cap to having a line in the sand to making the parliament the arbiter of licences for poker machines. Will the member for Chaffey please explain?

Mrs MAYWALD: The Gaming Commissioner has advised me that he knows of several major developments that are applying for gaming licences that may not otherwise proceed without the gaming licence. So, by including this clause we allow the parliament to determine whether or not we go forward with those developments or stick with the freeze or cap. It must be under a prescribed circumstance that comes before the parliament. So, in answer to the honourable member's question, there are several developments on the books that the Gaming Commissioner has advised may not go ahead if they are unable to get a poker machine licence. So, this provision has been inserted in consultation with the Gaming Commissioner to allow the parliament to look at individual cases and decide whether or not it is prepared to support a licence for a new development.

Mr WILLIAMS: The explanation still does not give me any understanding of what sorts of things are envisaged; what sort of applicants would be considered favourably under these regulations and which would not be considered favourably. It astounds me that we have a cap that is not a cap—a Clayton's cap. I find it difficult, and I think other members will find it very difficult, to proceed with this amendment, which will be very open ended. It might mean that every time the House sits we will have a rash of applicants before the House to determine the matter. I am not too sure that that is really the role of this parliament.

Mrs MAYWALD: A specific example would be the situation where gaming licences are held under federal legislation—for example, airports and, potentially, Woomera—and the commonwealth decides that it wants to transfer those back to the new owner, being the state; therefore, this clause would be a prescribed circumstance that could be brought before the parliament to approve whether or not that transfer could occur.

The Hon. DEAN BROWN: I think I can clarify this issue, because I know from first-hand experience the sort of example that would occur with Woomera. There have been discussions with the state government (and they go back a number of years to when I was Premier) about the possible transfer back of Woomera to state government control. The poker machine licences in that case are currently issued under a federal power. If, in fact, Woomera was transferred back to a state responsibility that facility would have to close, unless, of course, that exceptional circumstance was dealt with to allow the facility to continue to operate poker machines. In that case, it would need the approval of this parliament, as the member for Chaffey has indicated. But I believe that is the sort of classic example of a transfer of powers, effectively, from the federal government to the state government.

Mr WILLIAMS: On the same theme (and certainly the example is a very good one, and I am now starting to understand where the member is coming from with respect to this clause), does the member for Chaffey envisage that a development such as Mawson Lakes Tavern would be considered under this clause?

Mrs MAYWALD: This clause certainly would not preclude it but the member must be aware that the prescribed circumstances (referred to in the next line of the amendment) relate to the following provision:

> A regulation made for the purposes of subsection (1a)(d) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either house of parliament.

As I said, it does not preclude a development such as the Mawson Lakes development going ahead so long as the House approves it.

Mr Williams: So, the answer is yes?

Mrs MAYWALD: The answer is yes.

Mr HANNA: I think the point that has just been raised in debate is probably the strongest point against this amendment, because it is not just a line in the sand: it is a line in the sand which we can move from time to time. And we will be asked to move it again and again by various parts of industry which will lobby for their particular greenfield site development, thus defeating the purpose of the cap altogether. So, it seems to me that every member who voted for the freeze should be voting against this clause, because it makes a joke of the bill; it makes a joke of the amendment. I cannot think of a more unwise course in this context than for parliament to take over the role of the licensing commissioner when it comes to greenfield site developments. If there are classes of developments, such as greenfield sites, ex-federal land, or whatever, those specific classes of development should be included in this bill; they should be included in the terms of the amendment.

If we are just being asked to take on a pig in a poke and, as parliament, come back again and again to deal with prescribed classes of developments, we might as well leave this whole amendment out, and if people want to come back and amend the bill let them do that. It has the same practical effect, because we are talking about resolutions of both houses of parliament. So, we might as well just forget this whole amendment and come back if amendments to the bill are required. We will still need the concurrence of both houses of parliament for that.

Mrs MAYWALD: I remind the member once again about the line in the sand being here on a temporary basis if the review clause is also passed. The review clause enables us to come back and revisit this but it does not restrict the industry from being able to get on with business. It also does not preclude new development. It is not a taking the power away

from the gaming commissioner: it is an additional power. The gaming commission will still be responsible for assessing any application before moving that a prescribed circumstance be called for in order for the parliament to consider it. This is only a temporary measure if the review clause is also accepted, in which case we come back and revisit where we are up to. What we are doing here is drawing a line in the sand and saying that we are lost: we want to move forward but we do not quite know how to. We cannot put a line in the sand and then expect the industry just to flounder. We have to be able to provide it with some sound structure in which to work. This gives it—

Mr Hanna interjecting:

The CHAIRMAN: Order!

Mrs MAYWALD: The review clause would address that, in that the parliament would be able to revisit the issue.

The Hon. M.K. BRINDAL: We have heard a lot from the member for Chaffey about drawing a line in the sand. Perhaps she can help me. This amendment provides—and I ask the member to follow what I am saying—

Mrs Maywald interjecting:

The Hon. M.K. BRINDAL: The member needs to follow this, because I need an answer. The amendment provides:

> However, subsection (1) [that is the cap] does not apply to any of the following applications. . .
>
> (a) an application made by a person referred to. . . if the premises in question are. . . the subject of a gaming machine licence.

If that means that proposed new subsection (1) does not apply to anyone who already holds a gaming machine licence, they can apply for additional machines, because there simply is no cap. If the person who holds a gaming machine licence then moves to new premises, and they have 20 machines and they want 40 (or whatever the relevant numbers are), they can apply for the additional number of machines, because the cap simply does not apply. Am I correct? If I am correct, it is no line in the sand: it is a mirage in the desert.

Mrs MAYWALD: I am advised that that is not the case. Proposed new subsection (1a)(a) provides that the premises in question are the subject of a gaming machine licence, which means that they must already hold a licence; they are not able to apply for additional licences. They have a licence which gives them a number of gaming machines: the licence specifies the number of machines. They are unable to apply for extra.

Mr CLARKE: My concern (in addition to a number of other things) is the point that the member for Mitchell has made, and that deals with proposed new subsection (1a)(d): an application made by any other person in prescribed circumstances. I did not support a cap, for reasons I have already explained. But, if we are to have a cap, let us not kid the public of South Australia: if the parliament is to pass a law, let it be what we say it is and not some subterfuge. As the member for Mitchell said, new subsection (1a)(d) allows any of the interest groups who want poker machines to put pressure on the government of the day, as long as they have the numbers in this House (being 24) to say that there are exceptional reasons why they should have a new development somewhere, and that that development will take place only if they have 40 machines, instead of it being dealt with by someone who cannot be got at by vested interest groups, namely, the responsible commissioner, a public servant, who is not subject to election every four years, and who is not out looking for campaign donations every couple of years to try to get themselves re-elected to office.

When gaming machines were allowed in 1992, or thereabouts, I was not in the parliament. However, there was a lot of heated debate, with people, particularly the proponents of poker machines, saying that we would allow poker machines only under very tight circumstances—at arm's length from executive government, where it would be dealt with by someone impartial and where corruption could not flourish.

I am afraid that the proposition put forward by the member for Gordon leaves a gaping hole with respect to proposed new subsection (1a)(d) because it means that not only the government of the day but whoever has the most numbers on a conscience vote would allow more poker machines than there are at present, and we, as parliamentarians, would have the direct say in who gets the licence to print gold, and when you do that you—

Ms Key: Or not.

Mr CLARKE: Or not—invite corruption. The 1989-93 parliament, when it passed the legislation on poker machines, was at pains to put those sorts of decisions beyond the executive arm of this parliament and beyond the reach of parliamentarians so that you would not have corruption. We are opening that up, member for Chaffey, because any regulation can be drawn up, and the regulation, once in, stays in as a result of the way in which this government operates with respect to regulations.

Even if it is disallowed in the Legislative Council or in either house that day, at midnight the executive government introduces a regulation reinstating what you just disallowed, and by the time you go through the disallowance motion another six months has gone. By that time, they are up and running, and earning money, and then the parliament is faced with the invidious position, if it does uphold the disallowance motion, of deciding whether it closes down the new operation without compensation.

Mr Lewis interjecting:

Mr CLARKE: No, the member for Hammond is wrong.

Mr Lewis: No, he's not.

The CHAIRMAN: Order!

Mr CLARKE: Well, it wouldn't be the first time the honourable member was wrong.

The CHAIRMAN: Order! The member for Hammond will have an opportunity to explain later.

Mr CLARKE: The position with respect to this regulation could be challenged under subordinate legislation. This lot of ministers could sign every one of their regulations so that they come into effect on the day (they do not wait the four months to see whether a notice of disallowance is lodged), saying that there are exceptional and appropriate circumstances warranting the regulation's coming into force then and there. Then it is law until it is disallowed. It is disallowed one day and then it is reintroduced at midnight with a new regulation. We have seen it happen time out of number in the fisheries and industrial relations areas in the past seven years. I can talk only about the past seven years—

Ms Key: And on school fees.

Mr CLARKE: And on school fees, as the member for Hanson points out. Proposed new subsection (1a)(d) is a Trojan Horse. It is just as easy for me to shut up and let it go through, as the member for Hart points out, but that becomes a sham. If we are going to say, 'We have got a cap,' let us not kid the people of South Australia. Let us do what we say, if we genuinely believe it, and not hide behind subterfuges; and, secondly, do not, for God's sake, allow an opportunity for corruption to get into this place with respect to the awarding

of licences, as proposed new subsection (1a)(d) would allow. I am surprised that the member for Gordon allowed himself to be used in this manner.

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

Mr LEWIS: I presume, Mr Chairman, that some measure of latitude is being allowed by the chair on these multiple amendments. This is procedural, sir. I do need your instruction on the matter because, as it stands, the member for MacKillop, for instance, has exhausted, under strict standing orders, any right to speak in this debate again in committee. I believe that each of the amendments might, in your opinion, be considered as a separate clause.

The CHAIRMAN: Each amendment will be dealt with separately.

Mr LEWIS: Thank you, sir. I want to help the members for Mitchell, Ross Smith and Unley and, indeed, any of the members who currently think that this is a Trojan Horse, particularly new paragraph (d). Those members are very much mistaken because nothing can proceed. If one looks at proposed new subsection (1b) one sees that, once the regulation is made, it cannot come into operation until the time for disallowing it in parliament has expired. So, if parliament disallows the regulation (and I want the member for Ross Smith to take this on board) and the government were to be so politically foolish as to reinstate it, the first thing that would happen is that a new period in which that regulation could be disallowed would begin.

So, nothing can change; nothing can come into operation; and no permission given under regulation can commence under this provision until the time for moving the disallowance and its being determined by the parliament has expired. So, if the parliament says, 'No, we disagree with the government's regulation here to allow these poker machines to be installed,' and then, immediately that vote has been taken, the government reinstates the regulation, parliament has the requisite number of sitting days in which to further move the disallowance before one sod can be turned and before one electronic gaming machine can be moved into premises—indeed, before anything can be done.

The clause clearly states that proposed new subsection (1a)(d) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either house of parliament. It is a cap, and what is more, it is a cap that is in the hands of the parliament, where it ought to be.

The CHAIRMAN: Order! As the chair has just explained to the member for Hammond, the chair is showing a considerable amount of flexibility, and each separate amendment will be dealt with separately. The member for Ross Smith has spoken three times, or more, I would suggest, on this amendment.

Mrs MAYWALD: The member for Hammond is quite correct with respect to proposed new subsection (1b), which does enable this parliament to have control over any prescribed circumstance. The content of the rest of this amendment is incredibly important, though. Members are being sidetracked by issues relating to new paragraph (d). We are looking at making the imposition of a cap workable in the poker machines industry. I give the committee an example: if the landlord of the Strathmont Hotel determined that he wanted to knock down that building, and that happened, the owners could not build another Strathmont Hotel 20 metres up the road and install poker machines under the current freeze situation.

Paragraphs (a), (b) and (c) of proposed new subsection (1a) enables that to occur. Proposed new paragraph (d) simply enables the parliament to determine whether any prescribed circumstances are valid. If the parliament chooses not to support proposed new paragraph (d), I urge the parliament to look closely at proposed new paragraphs (a), (b) and (c) and the importance of the industry's being able to function in the term of the freeze.

Mr SCALZI: Like the member for Ross Smith, I have difficulty in allowing the parliament to decide whether approvals should take place. The parliament should decide whether we have a cap and provide clear parameters, being specific in the legislation. As members would be aware, I wholeheartedly support the cap. However, we should not be directly involved with specifics, because in a way we would be making a farce of the separation of powers.

An honourable member interjecting:

Mr SCALZI: No, because a decision should not be directly attributed to a particular parliament. The parliament sets policies; the administration of those policies must be carried out by other bodies. As I have stated quite categorically, I support the cap, the community supports the cap, and the Social Development Committee supported the cap in its report. However, this amendment goes too far and just muddies the waters.

Mr CLARKE: I move:

To amend the amendment by striking out subclauses (1a)(d) and (1b).

I have already stated my reasons for this amendment.

Amendment negatived.

The committee divided on Mrs Maywald's amendment:

AYES (27)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Foley, K. O.	Hall, J. L.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A. (teller)	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rann, M. D.
Stevens, L.	Such, R. B.
Venning, I. H.	White, P. L.
Wright, M. J.	

NOES (16)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Clarke, R. D.
Condous, S. G.	De Laine, M. R.
Geraghty, R. K.	Hamilton-Smith, M. L.
Hanna, K. (teller)	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Scalzi, G.	Snelling, J. J.
Thompson, M. G.	Williams, M. R.

PAIR(S)

McEwen, R. J.	Kerin, R. G.

Majority of 11 for the Ayes.

Amendment thus carried.

The CHAIRMAN: There have been three amendments dealing with clause 2, page 3, after line 16, inserting a new circulated subsection. The chair understands that the member for Hammond has withdrawn his amendment, so there are now two amendments: one to be moved by the member for

MacKillop and another by the member for Hart. The amendment of the member for MacKillop would have the section expire on 30 June 2001. The member for Hart would have his amendment expire in June 2002, so the chair will ask that the member for MacKillop move his amendment.

Mr WILLIAMS: I move:

Page 3, after line 16—Insert new subsection as follows:
(3) This section expires on 30 June 2001.

I have just witnessed something quite amazing achieved by this committee over the recent period. This will make interesting reading in *Hansard* tomorrow in the cold light of day when we read what has transpired and look at the way various members voted. To go back to the second reading speeches, I understood from most members that they want to do something about the poker machine disaster in South Australia. They do not necessarily just want a cap, a line in the sand or even a mirage in the desert, as was so aptly put by the Minister for Water Resources: they actually want to do something about the problem. Yet in committee they have done a couple of amazing about faces. They have talked about a cap, a line in the sand, and then have turned the parliament into the administrator of this bill.

Mr LEWIS: On a point of order, sir, the member for MacKillop is now reflecting on the vote of the committee. He is reflecting on members of the parliament who have just voted in committee. I understand that that is highly disorderly.

The CHAIRMAN: If the honourable member was doing that, he would be out of order. I ask the member for MacKillop to stick to the amendment he is moving.

Mr WILLIAMS: Thank you for your guidance, sir. The point I make is that the second reading contributions of the majority of members as I heard them was that they wanted this parliament to do a lot more than draw a line in the sand. Where we have got to so far with this bill does not in fact achieve very much of what most members suggested in their second reading contributions. I am proposing a sunset on the bill, which will ensure that the parliament and those members who really want to do something positive and really want to achieve some changes will actually put their minds to achieving some changes rather than putting into the bill something that I suggest would be unworkable and not achieve the results that members have been seeking to achieve, certainly if we take their contributions into account.

That would mean that come 30 June 2001, just under 12 months away, all this becomes redundant. By putting this into the bill it gives those of us who wish to do something positive about the gambling menace 12 months to get down, develop some worthwhile policies, put them into practice and put them into the legislation via amendments before that date.

The CHAIRMAN: The chair invites the member for Hart to move his amendment to the amendment.

Mr FOLEY: My amendment depends on the outcome of the amendment of the member for MacKillop.

The CHAIRMAN: It does not work that way. The member for MacKillop has moved that the date be 30 June 2001; the member for Hart is moving that it be 30 June 2002. We will deal with it first. In other words, the member for Hart—

Mr FOLEY: I have tabled an amendment to the clause. The member for MacKillop's amendment is the one to be debated first and, depending on the outcome of that vote, I will either continue with my amendment or withdraw it.

The CHAIRMAN: The member for MacKillop has moved an amendment. I am inviting the member for Hart to seek to amend the amendment moved by the member for MacKillop. That is the normal procedure adopted with the working of the House. If the member for MacKillop moves his amendment and it is successful, there is no opportunity then for the member for Hart to move a further amendment. Is the member for Hart happy with that?

Mr FOLEY: If it is not successful?

The CHAIRMAN: If it is successful.

Mr FOLEY: I am happy with that; that is why I moved it.

The CHAIRMAN: The question is that the amendment moved by the member for MacKillop be agreed to.

Mr LEWIS: My belief is that the matters of substance in this legislation need to be dealt with fairly expeditiously. I have simply forgone the proposition that I had on the *Notice Paper* to have the section expire by 31 December this year in favour of the proposition put by the member for MacKillop, in the belief that that is at least before the next election. The public of South Australia expect us to do something about these problems, and the problems arise under the kinds of headings to which I have referred in the remainder of the proposals that I intend to put shortly.

I simply mention that by way of foreshadowing what is coming under proposed subsection (2). I will not say any more about it, because I know that is disorderly. But we must do something about it before the next election, or we will be seen to be gutless; incapable of making the decisions we were elected to make; incapable of accepting the responsibility we said that we wanted; and incapable of exercising the authority that was delegated to us by the electorate. That is what parliament is meant to be about: it is not about people saying, 'Too tough for me. Too hard, I can't. Someone else can do this,' and handing the responsibility elsewhere.

Already we have shown some guts, so let us get on with it: let us fix the date. The member for Unley likes to use these metaphors: let us draw a line in the sand. It is not a dust storm or a maelstrom. Let us put it down at June next year if that is what members think. It seems to me from the chatter that I heard around the chamber a little earlier that that is the date most likely to get up, so I am backing the member for MacKillop.

Mr SCALZI: I believe that the member for MacKillop's amendment is sensible. We must make it clear. Twelve months is a reasonable time, and I am pleased that the member for Hart can then put his amendment.

Mrs MAYWALD: I oppose the amendment moved by the member for MacKillop. This does not require the government to do anything. All it does is give an opportunity to lift the cap without any action having been taken in 12 months' time. It is not a provision for a new policy to be determined on the basis of putting a sunset clause in the act. All this will do is give the industry six, seven or eight months of a freeze, and then it will be open slather again. I do not support the amendment.

Mr WILLIAMS: I realise that the member for Chaffey has a further amendment that would cause a review to be carried out by the government and to be laid in both houses of parliament in April next year. Originally, I was going to have my amendment use the date of 30 March, and I have pushed that date out to 30 June so that the parliament can actually do something with the review that is tabled.

I have done this because so many members have said that they want to do more than just draw lines in the sand, and this

gives them the opportunity to do more than that. I deliberately moved this amendment because it compels those who have stood in this chamber and talked so vehemently about doing something actually to do something. And it compels them to do something within a time frame.

Mr FOLEY: I endorse completely the member for MacKillop's views. Let us remember that any cap moved in this parliament will have to be lifted at some point in the future. Some members may think that a cap can last forever, but that is not practicable. This is a sensible amendment and I urge all members to support it.

The committee divided on the amendment:

AYES (31)

Armitage, M. H.	Atkinson, M. J.
Bedford, F. E.	Breuer, L. R.
Brindal, M. K.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	Foley, K. O.
Geraghty, R. K.	Hamilton-Smith, M. L.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Ingerson, G. A.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Lewis, I. P.
Matthew, W. A.	Oswald, J. K. G.
Rankine, J. M.	Rann, M. D.
Scalzi, G.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Williams, M. R. (teller)
Wright, M. J.	

NOES (11)

Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	De Laine, M. R.
Evans, I. F.	Maywald, K. A. (teller)
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Such, R. B.
Venning, I. H.	

PAIR(S)

Kerin, R. G.	McEwen, R. J.

Majority of 20 for the Ayes.

Amendment thus carried; clause as amended passed.

New clause 2A.

Mrs MAYWALD: I move:

Page 3, after line 16—Insert new clause as follows:

Amendment of section 33—Surrender

2A. Section 33 of the principal act is amended by striking out from subsection (3) 'The Commissioner' and substituting 'Except where a fresh gaming machine licence is to be granted in respect of the premises, the Commissioner'.

Mr HANNA: As a result of the previous clause being passed, this amendment is consequential because it refers to the granting of licences in respect of fresh gaming machine licences. That can only happen pursuant to the clause which was earlier inserted, but I stand to be corrected if that is not the case. I have to say that the amendment looks consequential to me.

Mrs MAYWALD: This is actually a subsequential amendment in relation to a clause already passed, that is, proposed new subsection (1a)(c) where there is a surrender of a licence and it enables the new licence to be granted in respect to a surrender only which, in effect, is paragraph (c) in an earlier amendment.

New clause inserted.

New clause 3.

The CHAIRMAN: There are three amendments relating to the new clause on page 3. The first is from the member for Chaffey; the second is from the member for Hammond, which is the first part of the amendment that he has circulated as sheet 53(4) dealing with clause 3. The chair understands that the member for Hammond is prepared to give way to the member for Chaffey on the first part of his amendment, but will later move his amendment relating to subclause (2) as an amendment to the member for Chaffey's amendment.

Mrs MAYWALD: I move:

Page 3, after clause 2—Insert new clause as follows:

Insertion of section 88

3. The following section is inserted after section 87 of the principal act:

Review of Act

88. The minister must cause—

(a) this act and its operation to be reviewed, the results of which are to be embodied in a written report; and

(b) a copy of the report to be laid before both Houses of Parliament no later than 30 April 2001.

We now have a sunset clause on the cap. This amendment is necessary to ensure that there is some action taken before the sunset clause is lifted. This provision ensures that a review will be undertaken by 30 April and reported to the parliament no later than 30 April, which gives us opportunity in the parliament to address the sunset clause issue again by 30 June and the expiry date of 30 June. I believe that this review of the act is necessary to ensure we can offer to the industry some sense of security that we are prepared to put a structure in place for them to go forward and to determine whether or not the status quo should remain or whether or not we need to look at options of reducing numbers of poker machines and various other options that the community might be expecting from this parliament. I think it is an amendment that is necessary to ensure what the member for MacKillop suggested that his amendment was doing. I believe it is important that we do ensure that review is undertaken.

Mr LEWIS: Probably most, if not all, members, particularly the member for Bragg, for instance, who has spoken to me, understand what is happening here. I am strongly supporting the proposition being put by the member for Chaffey. The amendments which I propose simply add to what the member for Chaffey is saying. In adding to what the member for Chaffey has said, I am requiring what I know to be scientific fact about the adverse consequences for the seductive atmosphere that is created in most gambling rooms where electronic gaming devices are installed. It is well-known and well documented and it ought to be banned. It is like handing out free heroin to people who want to have what they call a 'social hit'.

The CHAIRMAN: Order! The chair is of the opinion that the member for Hammond may be referring to the amendment that he will move later to subsection (2).

Mr LEWIS: That is correct, sir. I move to amend the amendment by adding the following new subclause:

(2) The review is to include consideration of the following matters:

(a) measures that may be introduced for the avoidance of problem gambling, including—

(i) requiring warnings and information to be displayed on gaming machine screens, particularly when the machines are not in use and between every game played;

(ii) increasing the level of lighting in gaming areas to a level above that required for occupational health and safety purposes in offices where reading and writing are principal activities;

(iii) removing music and other aural inducements from gaming areas; and

(b) measures for creating a market in gaming machine authorisations, including by limiting the period for which

authorisations are granted and providing for transfer of authorisations.

(3) The minister must, for the purposes of the review, seek expert psychological and psychiatric advice relating to problem gambling.

I am simply saying that I want to add to what the member for Chaffey is moving to specify some of the particular matters which must be addressed in this report. The scientific evidence is there. I also want to make the point that the member for Florey will move a further, additional amendment which I also strongly support, because it is well known that those people who are addicted to smoking increase their level of intake during the excitement phase in gambling, and that further reinforces the hit—the kick—they get. I am not telling anybody who is a smoker that they are being wicked: I am simply saying that, if you are excited by gambling and you are also a smoker, then the heightened levels of the addictive substances in the cigarette smoke which you get from smoking further enhance the very problem that we are trying to address here. That is the bio-chemistry of the addiction being more strongly reinforced while you are gambling. Therefore, to my mind it ought to be put down in a report provided to the parliament by experts who have determined this through scientific study and thereby enable the public to come to the conclusion that it is unwise to allow people to smoke.

If I am mistaken and the scientific evidence that I have read is wrong, then of course the report will say so. Equally, in relation not only to smoking but also to the use of different coloured light to daylight and lower intensity light in the room, it is more seductive and causes a range of reactions to the surroundings, and their stimulus to gambling is enhanced. I am of the opinion that it is wise for us to strongly support the member for Chaffey, and the additional amendment I have moved needs to be made in company with the further additional amendment which the member for Florey will add. I commend the member for Florey for including it.

Mr ATKINSON: I support the member for Hammond's amendment. I was on the Social Development Committee's inquiry into gambling. We took evidence over a very long period, and I regard this as the most important amendment before the committee tonight. Evidence was given to our committee that some poker machines are successful by inducing addiction in patrons and others are not so successful and are removed and replaced by those that induce addiction. Indeed, a great deal of research goes into designing the poker machines so that they will be as addictive as possible, and this is achieved by noise and lights. It seems to me that, if poker machines are a bona fide ordinary form of gambling, they will not need lights or noise to sell that form of gambling; that form of gambling will be used on its own merits. This is the most important amendment before the House tonight; it is the most serious thing we can do as a parliament to limit the addictive effect of poker machines. I commend the amendment and say that the illumination and noise on poker machines tell the player absolutely nothing about the punt.

Ms BEDFORD: I move to amend the member for Hammond's amendment as follows:

Proposed section 88—after subsection (2)(a)(iii)—Insert proposed subparagraph as follows:

(iv) prohibiting smoking in gaming areas; and

As the member for Hammond has already spoken at length on this amendment I commend it to members. If we are talking about having some sort of impact on problem gambling, which is the whole point of this capping or freezing bill, this amendment will address that immediately by expecting people who want to smoke to move away from the machines for periods of time.

The CHAIRMAN: For the clarification of members, we have three amendments before us at the present time. The member for Florey seeks to amend the amendment moved by the member for Hammond, who in turn is seeking to amend the amendment moved by the member for Chaffey.

The Hon. DEAN BROWN: I support the amendment moved by the member for Chaffey, the further amendment moved by the member for Hammond and the further amendment moved by the member for Florey. That is backing the lot. I do that because, unless you support these amendments, frankly, tonight this House has made a mockery of what it has done. So far, it has introduced a cap that will apply until the end of June next year, and it is absolutely crucial that the least that this House can do now is to make sure that there is an in-depth inquiry into a whole range of specific issues related to gambling rooms. I support these amendments very strongly and, unless these amendments are passed, the South Australian public will quite rightly be able to mock and ridicule this parliament for what has been done here tonight.

Mr FOLEY: I do not want to be too hard on the minister, but he was the Premier of this state for 2½ years when perhaps some of the most significant growth in poker machines occurred. Perhaps when the honourable member had some leverage over government—

An honourable member interjecting:

Mr FOLEY: I do not think that is correct. The hardest thing from the Labor Party's point of view is that we continually get criticised for the legislation, but it was a private member's bill at the time; this government has had the benefit of the cash and also the luxury of the critique, but let us move on with this amendment. I will listen to the debate. My inclination is to oppose the amendment, I must say, but I am prepared to listen to the debate and the answers. What worries me about the member for Chaffey's amendment is what it does not say. It talks about a review. I would like the member for Chaffey to respond to some of these points. She is saying that this act and its operation are to be reviewed. What are the criteria of such a review?

What are the issues that the parliament considers to be significant? At the end of the day there are probably 47 opinions about what should be the topics of review. I have views; other members will have views. Will the review be conducted into the social impacts of gambling, planning law, whether or not 40 machines is an appropriate level per venue or whether that should be increased or decreased? Is it a review into the financial implications for the state if we have a cap, a reduction or an increase; is it a review into a whole range of issues? We have the member for Hammond putting his thoughts about what a review should embody by way of an amendment. We have my colleague the member for Florey making her contribution regarding what she would like reviewed. We could be here until 6 a.m. amending the review and then—

An honourable member interjecting:

Mr FOLEY: We may well end up being here until that time. My point is that we have a set of words that says the act must be reviewed. What is the intention of the review? The minister may say, 'I want it to attack social issues.' That is what the minister might like but, ultimately, if you want to have an objective review you must state what you are reviewing.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: The member for Unley wants dress standards looked at. I can understand that: he should start each day by looking in the mirror before he comes to work. But ultimately there are many issues that should or should not be included in a review. I would like to know what will be reviewed. My understanding of this review is different from that of the member for Mitchell, the member for MacKillop, the member for Bright, or whomever. Has the member thought through what should be in a review? If she has, why is it not in this amendment?

Mrs MAYWALD: It is highly unusual, when calling for a review of an act to be undertaken, that we be as prescriptive in the request for the review as the member for Hammond, and subsequently the member for Florey, have proposed in their amendments. However, I have no objection to what they are putting in, because I believe that they will be part of a review, anyway. The minister is being asked to cause this act and its operation to be reviewed, and I am sure that there will be many in the industry and in the community who will be putting forward to the minister of the day their position on what they think the review of the act should be, and it will be up to the minister of the day to present that information in a form to the parliament to enable it to make further decisions about the structure on which we should go forward. Without this review being undertaken, we simply lift the cap in 12 months' time and it will be business as usual, which I know is the position of the member for Hart. However, I do not believe that is the position of the majority of members of this committee, and I believe that this vote will identify that fact.

The Hon. M.K. BRINDAL: It is a very interesting proposition with which the committee is now confronted. I had thought that it was within the purview of any minister at any time to review an act and, if the minister in charge of this act does not like the act, it can be reviewed at any time. I think that it subverts, as is the parliament's right, the power of the executive government by seeking to impose on the executive government a clause that forces it to do anything. Parliament has a right to do it, but I just make that point.

I was not sure how to vote on this clause until I heard the member for Spence's contribution and, as it was eclectic, as always, and made very little sense, he crystallised my thinking. The member opposite moved an amendment to let us have a look at prohibiting smoking in gaming areas. If we want to prohibit smoking in gaming areas, let us just do it. Let us not have a review and consider the review and then think about doing it. If members in this House want to extend further the prohibition on smoking, let us just do it, not just have a review and then do it.

An honourable member interjecting:

The Hon. M.K. BRINDAL: I would read the poll there, if I were you. You might find it very interesting.With respect to the member for Hammond's amendments, why would we not, in terms of a supermarket or any other form of marketing, look at exactly the same provisions? What are we going to do about supermarkets that have a particular sort of lighting and put products at a various level? I think these—

Ms Bedford interjecting:

The Hon. M.K. BRINDAL: The member interjects that we are not getting $200 million a year off the supermarkets. That might be so. But supermarkets, I would argue, more profoundly affect the public of this state on a daily basis than do poker machines.

Ms Bedford interjecting:

The Hon. M.K. BRINDAL: You might be. But there is still an argument that, when you are swapping money for food in a supermarket, supermarkets connive to do it in a way that gets you to buy the products that they want you to buy rather than the products that you intended to buy. They deliberately place sweets on—

Ms Bedford interjecting:

The Hon. M.K. BRINDAL: I am making a point. The member interjects and asks me a question: I will answer the question. They put sweets at a certain level to entice children to buy them. You pay for space on a supermarket shelf so that the product is at exactly the right level so that people will buy that product. In other words, they manipulate the minds of the people who go into the supermarket. If we are going to need to review the way in which any operator of a gaming machine licence sets up his operation to sell what is still a legitimate product in the marketplace (how much lighting he can have, what music he can have and all the rest of it), if we are so much of a nanny state, let us be a nanny state completely: let us look at supermarkets and let us make some rules about how they can advertise, and what they can do and what they cannot do. Let us go through the whole lot. Let us not tell people that they have any free will at all—

Mr Koutsantonis: What about adult books?

The Hon. M.K. BRINDAL: I do not know about adult books. I will defer to the member for Peake: he is probably much more of an expert on adult books than I, but I simply—

An honourable member interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: I simply ask why, if we are to have a review that goes into this depth and looks at this number of matters in this sort of legislation, we do not do it in everything. Why do we not tell the people of South Australia, 'You are really not intelligent enough to make up your own minds. We have to look after you so much. We have to determine the music, the lighting; we have to do the lot for you'?

The Hon. DEAN BROWN (Minister for Human Services): I move:

That standing orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

Mr CONLON: I did not intend to join in this horrible hash of a debate until I heard the Minister for Human Services explaining that, if we did not support these amendments, which I think are ill thought out, the people of South Australia would not consider this parliament very well. Let me tell members that, if the people of South Australia had been here listening to this debate tonight, I do not think that they would think all that well of us, anyway. I have not seen a great deal tonight that convinces me that we are doing anything particularly intelligent.

However, I must say this in regard to the series of amendments in front of us, particularly the amendment for a review and what should be in that review. I would have thought that, if there was any merit in this bill in the first place (and I certainly have my reservations about that), it was that it did not attempt to do more than it had the wit to do: it sought to draw a line in the sand and put a cap on the growth of poker machines, because it offered very little argument beyond the fact that it thought there were too many.

I am not sure that that would work, and I spoke about that in my second reading contribution. I supported the amend-

ment of the member for MacKillop that the freeze would include a sunset clause of eight months so that if someone came up with a better idea in that time we could have a look at it. I thought that it was a sensible approach to a bill which I thought was not particularly sensible in the first place. Now we find that the bill and the act are to be reviewed and not upon any particular basis. We start with a bill that is relatively simple in its scope and discover that, at this point, we are going to introduce a review that apparently will look at a whole load of things but particularly the bents and prejudices of a couple of members.

I may agree that people should not smoke in gaming areas, but I would probably like to hear a little more about it. I might agree that there are problems with lights, whistles, and all sorts of things on machines, but I would like to hear a little more about it. If this bill has any merit it is that it has not sought to deal with matters beyond its purview and wit. A vote of this committee would impose a freeze on poker machines and it would have a sunset clause of eight months. I would have thought that, by necessity, there would be a review on the operation of this bill within that period because it has a sunset clause of eight months.

I therefore find a little otiose the notion that we should then oppose a review in the bill. If, in fact, the notion for review is a Trojan Horse for people who have other designs we should hear more about them than slipping them in at this stage of committee. I have some views about areas that should be reviewed. I believe that every poker machine should have a video screen wherein every time you bet the face of the Treasurer slowly crystallises, materialises, smiles, says, 'Thank you' and fades away. That may do a great deal to prevent people betting on poker machines because, certainly, it would annoy me to think of the Treasurer's getting my money every time I had a bet.

However, I am not sure that that idea is well thought out, just as I am not sure that banning smoking or consideration of smoking in gaming areas is well thought out, or that banning bells, whistles and noises on machines has been well thought out. I would have thought that banning lights on poker machines would make it very hard to find out what has happened at all, but perhaps I am being a little over simple. I would like to know whether this amendment has some science or some thought behind it or whether it is beyond the purview of this bill; otherwise I would have thought that these amendments were merely something that popped up at about a quarter to 12 and probably should have been left out.

The Hon. M.K. Brindal interjecting:

Mr CONLON: I was unsurprised by the member for Unley, who has decided to interject now, saying that the member for Spence did not make sense and that he had not crystallised his thought processes. I would have thought that not making sense would help to crystallise the member for Unley's thought processes because, certainly, listening to his debate they meandered down that sort of path. I find the amendments hard to understand. I do not see how they are addressed to anything we have been talking about tonight, not that anything we have been talking about tonight has been particularly edifying.

The Hon. G.A. INGERSON: I oppose this amendment for the simple reason that most of these issues have been covered in what has been the most extensive single study undertaken in this country by the Productivity Commission, and those who have read the Productivity Commission's report and put forward these amendments would know that. Having spent a lot of time reading the commission's report, I know that all these issues in relation to problem gambling, the reasons why we have problem gambling and the ways to treat it are covered in 200 to 300 pages of the Productivity Commission's report.

I suggest that much effort and time has been applied quite independent of this parliament. I understand that the Productivity Commission's report has been supported and recommended by all sides. Those who want an extension of gaming, and gambling in particular, and those who are opposed to it have had extensive opportunities to make their views clear. I suggest to this committee that there is no need for this because it has already been done. I understand that most of the issues that we have discussed this evening in terms of further alterations that need to be made—and I know that we are not allowed to debate it—are covered by a bill in another place.

Eventually, that bill may reach this place and all those matters will be discussed. The report of the Productivity Commission covers every issue that has been raised, particularly the amendment moved by the member for Hammond. The report also significantly covers the amendment and suggestion put forward by the member for Chaffey.

Mr KOUTSANTONIS: Initially, I was considering voting in favour of the member for Hammond's amendments. I never intended voting for the amendments moved by the member for Florey to ban smoking in gaming areas. The member for Kaurna gave me some wise advice earlier in relation to this bill. When we are looking at issues such as smoking and gambling we should look at smoking as an entirely separate issue rather than involving it in gambling. I am sure that pro or anti smoking members could mount all sorts of arguments in favour of banning smoking, or not, but I believe that that goes too far.

In terms of the review of the other issues about which the member for Hammond has referred, I do not see why members have a real concern in terms of there being a review. I do not see, whilst this sunset clause is in place, what the great disaster would be in having a review. What is the great disaster? What is the great trauma about there being another review? Sure, it might have been done already. I cannot see the problems. If we believe one side of the argument there are no problems: we do not require warnings on poker machines; we do not require that the lights on poker machines be changed. If that is all true the inquiry will show that. What is the problem?

We will do our own inquiry. We are an independent parliament; we can have whatever inquiry we like. We could have the minister reviewing whatever he or she pleases. I cannot see any reason to oppose a review but I do not believe there should be a review in the case of banning smoking.

Mr WILLIAMS: I will be brief. I thought that the effect of the amendment passed previous to this amendment would say to the committee and to those members who want to do something that we need to have a review. The amendments we are debating now say that the minister would have the review. I think that the member for Elder pointed out that this has been a conscience vote and a range of views have been expressed. Is it really the wish of the committee, via these few amendments, to have the government do the review or, indeed, the minister responsible do the review, or is it the wish of the committee to bring together the collective wisdom of the House, as expressed in the second reading contributions, to do the review? It is a very complicated matter but I will certainly be opposing all of these amendments.

Mr HANNA: I do not particularly have any great faith in the ministers of the government and it is entirely appropriate then for the parliament, this House of Assembly at least, to direct the appropriate minister to conduct a review into this social problem. It is for that reason that I think it is not only appropriate to direct the appropriate minister to conduct a review but to give some guidelines as to what that review might entail. That is why I will be voting for the amendments and the key amendment itself.

The Hon. W.A. MATTHEW: I rise briefly to support the member for Hammond's amendment and the member for Florey's consequential amendment. Indeed, we very much look forward to the review proposed by the member for Florey, because to my knowledge in the recent past this type of review has not been undertaken in this manner in South Australia. In relation to the principal amendments moved by the member for Hammond, it is fair to say that they become the crux of the whole bill. Tonight we initially started to debate a bill that placed a cap on the number of poker machines through the amendment moved by the member for MacKillop. Essentially, a sunset clause has been placed on the life of the bill. While I agree with the member for MacKillop that that implicitly pre-empted that a review would occur, it is important that this parliament explicitly detail how that review ought take place, particularly to satisfy concerns expressed by certain members such as the member for Hart. The member for Hammond's amendments do just that. They explicitly lay on the record through this piece of legislation the way in which this review is to be in part undertaken.

The member for Hammond has carefully focused on those aspects that are significantly important to be focused upon as we consider the damage that is being done by gaming machines within our community. In his contribution to the parliament, the member for Bragg correctly pointed out that the review that has already been undertaken by a federal body covers many if not all the aspects of the review considerations suggested by the member for Hammond. That will obviously be of significant advantage to any review work undertaken for this parliament, if there is recent work that can be usefully examined as part of that process. That will then make the sunset clause date an easier date to meet because, as members of this parliament know, a considerable amount of work has to be done after the passage of any legislation. The fact that there is information there ought be considered of assistance in meeting the date and not a reason for not so proceeding.

I endorse the remarks of the Minister for Human Services particularly when he pointed out to this place that, if we do not explicitly define the reason for the review in conjunction with the sunset clause, much of what has been debated here tonight by those who wish to see a review is wasted. For at the end of it, if we do not have these explicit clauses passed by this parliament, we will finish up with a bill that has a cap on poker machines and has a drop-dead date. Our constituents desire to see a direction placed by this parliament for the future reduction in poker machines, and the member for Hammond's amendment explicitly provides the guidance the parliament can follow for any such review.

Mr HILL: I indicate that I am opposed to all the amendments before us. At one stage I was thinking that I would support the member for Chaffey's amendment with regard to review until she explained what such a review might mean and the wide-ranging nature of that review. When she went through that exercise, I thought it might be an extensive exercise: submissions would be taken from all sides of the debate—those in favour, those against—and we could go through all the kinds of processes that have been gone through before, and the member for Bragg referred to the Productivity Commission's recent report. At the end of the day, after that review had been completed, there would be a report. It would still not be a government report. It would be a report that would perhaps go to the parliament, and there would be no government bill to back up the report.

It would still be a matter of conscience, and those of us who have one view about poker machines would feel one way about it, and those who had a different view would feel the other way, and we would go through the same sort of mishmash we are going through tonight. It would not really advance the issue at all. That really is a problem with this debate. At no stage will the government take up the issue and introduce a comprehensive set of laws that do something to promote harm minimisation. I favour a different approach. It would be better not to have a formal review. If the minister himself chooses to have one, so be it. I have more confidence that those in the community who are advocating harm minimisation—and I refer to Mr Stephen Richards from the Council of Churches and John Lewis from the AHA, and I have mentioned their names before in this context—have embarked on a process to work together to try to develop ways to minimise harm.

If outsiders involved in the industry from both sides can work together and come up with a set of policies which do something to minimise harm, we as a parliament would be foolish to ignore their advice. We would be sensible to support what they came up with and try to get it through on a consensus basis. However, if we allow a review to happen and then have another dogfight about it, we will end up in exactly the same position we are in now, and that is not a very satisfactory position. For those reasons, I reject the amendments before us.

Ms Bedford's amendment carried; Mr Lewis's amendment as amended carried.

The committee divided on Mrs Maywald's amendment as amended:

AYES (26)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	De Laine, M. R.
Evans, I. F.	Hanna, K.
Hurley, A. K.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A. (teller)	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Scalzi, G.
Snelling, J. J.	Stevens, L.
Such, R. B.	Venning, I. H.

NOES (16)

Armitage, M. H.	Brindal, M. K.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	Foley, K. O.
Geraghty, R. K.	Hamilton-Smith, M. L.
Hill, J. D.	Ingerson, G. A.
Key, S. W.	Koutsantonis, T.
Thompson, M. G.	White, P. L.
Williams, M. R. (teller)	Wright, M. J.

PAIR(S)

Gunn, G. M.	Kerin, R. G.
McEwen, R. J.	Hall, J. L.

Majority of 10 for the Ayes.

Amendment thus carried; new clause, as amended, inserted.

Title.

Mr CLARKE: You may recall, sir, some hours ago when we started that I wanted to get some statistical information through the minister under clause 2, and you said that you would return to clause 2 after all the amendments. I promise to be brief. I only want information.

The CHAIRMAN: We are well past that and the member for Ross Smith is aware of that. I suggest that the honourable member and the minister have a cup of coffee!

Title passed.

Mrs MAYWALD (Chaffey): I move:

That this bill be now read a third time.

Mr CLARKE (Ross Smith): My third reading contribution will be brief. As other members have observed tonight, I do not think this has been our finest hour in passing sensible legislation. The proponents of a cap would have the public at large believe that they now have a cap on poker machines. However, we have actually passed legislation that does not impose a cap because we now grant the government the right, in this so-called freeze period, to grant as many licences as it deems fit.

Through the amendments moved by the member for Chaffey on behalf of the member for Gordon, we have allowed the government of the day to increase directly the number of poker machines to whatever extent it wants. It is direct and not at arm's length, but by the will of this parliament, which is effectively by executive government, unless there is a motion of disallowance. At the same time we have imposed a sunset clause whereby the so-called freeze, which is not really a freeze if the executive arm of government chooses otherwise, drops off the perch on 30 June 2001. However, we do get a review on all and sundry by the Treasurer, who is really going to look hard at knocking $220 million out of his budget in an election year.

I simply put to you, sir, that if a casual observer walked in off the street and observed the debate tonight they would have thought that they were watching Alice in Wonderland or, at the very least, the final days of the Ugandan Parliament under Idi Amin before he took flight to Saudi Arabia. I would simply conclude that, if this is what we have done tonight with respect to a two clause bill, heaven help the people of South Australia when we deal with five bills on prostitution, ranging from A to Z, from 'clap 'em in irons' to 'let's make it free and available to everyone'.

I do not doubt at all our capacity later today to pass a law that will make cross-dressing obligatory but there will be a freeze and a time limit within which we can revert to our normal selves eight months after we pass the legislation. At that time, I suggest the amendment moved by the member for Hammond about the minister's getting expert psychiatric help will apply to all of us and the people of South Australia will want to know the results and want to know that they are made public, and well they might!

Bill read a third time and passed.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

In committee.

(Continued from 5 July. Page 1656.)

Clauses 2 and 3 passed.

Clause 4.

Mr HILL: I move:

Page 3—

Line 14—After 'nuclear waste' insert or 'Category S nuclear waste'.

Line 23—Leave out 'fuel,' and insert 'fuel; and'.

Line 24—Leave out 'but does not include Category A, Category B or Category C' and insert:

'(c) that is Category S'.

I have moved three amendments to this clause. I will speak to them all at once but will seek to have a vote on the first of them. The amendments are to do with definitions, but they are necessary in order for me to move a new clause 14. The essence of this set of amendments is to provide a trigger for the state parliament to have a referendum on the issue of waste being stored in South Australia. The effect would be that, if the commonwealth government identified a site in South Australia for the storage of long-lived intermediate waste, or what is known as category S waste, a referendum would be called and held in this state. The first three or four amendments under clause 4 are definitional, and are really to ensure that the question that can be asked in proposed clause 14 is:

Do you approve of the establishment of a facility in South Australia to store category S nuclear waste generated interstate or overseas?

Under the bill the government has introduced, the question would have been:

Do you approve of the establishment of a facility in South Australia to store nuclear waste that is not category A, B or C?

That was a rather clumsy way of wording it. Category S means not category A, B or C, and all those categories are defined in the report referred to in the original bill. That is what the amendments to clause 4 do, so they are technical in that way. I will briefly speak about the need for a referendum. I understand that the government will not support this proposal, and I indicate that we will have a division over the clause 4 amendments and then I will not take the time of the House on each of the others, so I seek your indulgence to speak briefly in favour of the referendum proposal because these all relate to that one issue.

The bill that the government has introduced, which is based on a bill that the opposition introduced, will go so far. It is a good measure to try to put pressure on the federal government but, in our hearts, we probably realise that the bill will be unsuccessful because the commonwealth will be able to use its own powers to overturn it. It will cause some resistance, will put some pressure on the federal government and we may even go to the High Court to argue our case but, in all likelihood, the bill would be defeated by a determined commonwealth.

Hopefully, it will see the good sense of the proposition and not go that far and will say, 'South Australia doesn't want waste stored in its state: we won't pursue it.' If it chose to do that and Senator Minchin has indicated pretty well that that is what the federal government chooses to do, what else can we do to try to stop them? The provision I suggest here is to have a referendum. That would give enormous political problems to a federal government, if it had to face a referendum in South Australia.

If Senator Minchin had to run the yes case in terms of the proposition in the amendments, it would make enormous political difficulties for a commonwealth government and I think it would be more likely to step back. In fact, I do not

think that we would ever have a referendum, because the political difficulties involved would be so great that the commonwealth government would not want to proceed. I understand that the government will not accept my proposition, and I am disappointed in that. I think that shows a certain amount of gutlessness on the part of the government.

No doubt, it does not want to get into a brawl with its federal colleagues, particularly in an election year, because that is when this referendum would probably be held. Nonetheless, I understand that is probably its motivation. I will not go into the detail of it—it is late at night—but I express in strong terms the opposition's support for a referendum. I express my great disappointment that the government is not supporting it, and indicate that we will argue the point only on this one measure.

The Hon. I.F. EVANS: The government adjourned the debate last week so that we could take the opposition's amendments to our party room and form a government view on them. As the opposition spokesman notes, the government will be opposing the referendum which, I understand, knocks out all amendments in relation to clause 4, and also new clauses 14 and 16. The government's view is that there is no need for a referendum.

The government's bill will be supported, we understand, by all parties, and we think that that vote sends a very strong message to Canberra. The Premier's and opposition leader's public comments will also continue to send strong messages to Canberra. The opposition has already admitted in *Hansard* that it knows the result of the referendum: that it will be a vote against the storage of high level nuclear waste in South Australia.

I understand that the cost of a referendum is somewhere around $5 million, and we believe that, if the state finds itself in the position of having a spare $5 million, there are better ways to spend it than sending a message to Canberra that can be sent quite strongly in other ways. For those reasons, the government does not support the need for a referendum at this time.

Mr LEWIS: I do not support the proposition for a referendum. In fact, as I said in my second reading contribution, I do not even support the bill. It is all feel-good crap. The fact is quite simply that, if there is a likelihood of any death or injury arising from the storing of radioactive waste, then the sensible place to store it is the safest place to store it. The safest place on this continent—certainly there is no place any safer—would be if the middle of the great Australian shield, somewhere in outback South Australia, exactly where the federal government proposes some sites at which it could be stored.

That is where all of us will be safest. The likelihood of a death arising from its storage is about one person in 30 000 years, whereas the likelihood of death on the roads is one person in this state every day. That is the difference between the odds. We are making a lot of fuss about nothing and wasting a lot of money printing paper that has been made from trees that have been cut down to make it, to record the words that are scientifically irrelevant.

The fact remains that none of us would want to be denied access to radio isotope material that is required for research, and medical research, at that. None of us would want to be denied access to X-rays for the purpose of detecting breast cancer, lung cancer, broken bones or anything at all. Yet as nimbys we stand in here and hypocritically say, 'We mustn't store it in South Australia.' All these definitions contained in this clause are dillberry stuff: they just do not stack up in attempting to achieve anything that is sensible.

They may make everyone feel good but, when all is said and done, the scientific fact is that just because you say the earth is flat does not make it flat. It is said that we should not store nuclear waste here because it might kill someone; the fact is that it is more likely to kill someone if you store it in some other places than in the sensible, stable place in which we have chosen to store it. No member denies that we have to have it: they would not want to be without it; yet everyone denies that it ought to be stored where it is going to be safest.

Mr HANNA: I support the amendments. The point that the minister misses in his response to the member for Kaurna is that many people, including members of the opposition, believe that this state Liberal government has the capacity to roll over when it comes to Senator Minchin and the federal Liberal government choosing a site in South Australia. That shameful process will be all that much more politically difficult if the people have spoken decisively and said, 'We don't want that in South Australia.'

It will be easy enough to ignore the state Liberal government's position even after a bill put through this parliament in a bipartisan spirit, because there will be a wink and a nod between John Olsen and Senator Minchin. So, it really needs a referendum to make the point most clearly to federal Liberal MPs and the federal Liberal government that this is unacceptable. Of course, the same applies for any future Labor government, for that matter.

The committee divided on the amendments:

AYES (18)

Atkinson, M. J.	Bedford, F. E.
Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D. (teller)
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Wright, M. J.

NOES (21)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F. (teller)	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Rann, M. D.	Olsen, J. W.
Breuer, L. R.	Gunn, G. M.
White, P. L.	McEwen, R. J.

Majority of 3 for the Noes.

Amendments thus negatived; clause passed.

Clause 5 passed.

Clause 6.

Mr HILL: This clause refers to nuclear waste lawfully stored in the state before the commencement of this act. Can the minister tell the committee what waste is currently stored in the state and how much of it is in the category S category?

The Hon. I.F. EVANS: I do not have the volumes here for the opposition spokesman, but I can try to source that detail for him. As the member is aware, there is a process through the Department of Human Services for waste to be registered—licensed, if you like—and some of that does fall into category S. That is mainly, of course, as the member for Hammond mentioned in his contribution previously, in relation to medical research and those sorts of issues. I will try to source the information for the honourable member.

Clause passed.

Clause 7.

Mr HANNA: What is the most authoritative advice the minister has in relation to the question of any conflict that might arise between this act and any commonwealth law, that is to say, a commonwealth law which authorises the construction of a nuclear facility? In other words, if there is an inconsistency what will be the effect of this bill?

The Hon. I.F. EVANS: My understanding is that this bill will suffer the same fate as the opposition's bill, and indeed the Democrat bill in another place, in that if there is an inconsistency then the commonwealth law would override state law which is a principle that is well understood throughout the parliaments of Australia.

Mr HANNA: Under what commonwealth power does the minister say that it is most likely that the commonwealth would establish a nuclear facility in South Australia?

The Hon. I.F. EVANS: I am not sure where the member is driving the question. It is a hypothetical question. The commonwealth—

Mr HANNA: It is a legal question.

The Hon. I.F. EVANS: My understanding is that it has powers under various commonwealth acts that would allow it, if any government so chooses the commonwealth to establish a facility. I do not have the names of the acts before me, but I can get the names of the acts for the honourable member.

Mr HANNA: Under which constitutional power?

The Hon. I.F. EVANS: I will source that information for the honourable member. My understanding is that, as does any federal government, the federal government has a constitutional power to make lawful decisions. My understanding is that legislation is in place that allows it to make a lawful decision to place a facility within Australia if that is the policy decision of the cabinet of the day.

Mr HANNA: Does the minister imply, then, that this bill is practically worthless should the commonwealth parliament decide to situate a nuclear facility in South Australia?

The Hon. I.F. EVANS: As I have mentioned in an earlier answer—and the member for Mitchell is well aware of this—my understanding is that the Labor, Democrat and government bills would all suffer a similar fate if a commonwealth government chose to attempt to override the state government policy position. I do not think that advice is anything the member for Mitchell did not already know.

Mr HILL: I understand the argument that the minister has put regarding the relative powers of the state and the commonwealth in relation to this issue, but my question is: how far would the state government be prepared to pursue its act (once it becomes law) through the court system? Have you taken advice on what process you might be able to go through and what arguments you might be able to put; and have you made a decision as a cabinet about how far you might be able to push the commonwealth through the court system in relation to protecting this law?

The Hon. I.F. EVANS: No, cabinet has not made a decision about how far we might be prepared to push a federal government through the court system in the future. We see that as a decision to be made in the future based on the evidence before cabinet at that time, if a decision is ever made.

Clause passed.

Clause 8.

Ms KEY: Bearing in mind what the member for Mitchell has just pointed out, how will the prohibition against the construction or operation of a nuclear waste storage facility be enforced?

The Hon. I.F. EVANS: If someone wishes to build a nuclear waste storage facility, assuming that it is on state government or private land, they would need to go through the planning and development process. It would be some form of structure and it would need the appropriate planning approvals. At that point the appropriate authorities would be notified; it would be brought to the government's attention; and it would be dealt with under the act.

Ms KEY: My understanding is that a number of sites have been looked at as possible nuclear storage dumps. How many of the sites that have been looked at are commonwealth land and how many come under the other category that the minister has just identified, that is, state, crown land or private land? In the case of crown land, is there any way in which the commonwealth could override our ability as a state to disallow the construction?

The Hon. I.F. EVANS: A site has not been selected for category S waste, as such. This clause relates to not constructing and operating a nuclear waste storage facility which, as the member for Kaurna quite rightly pointed out, refers, in effect, to category S waste. The advice to me is that a site has not been selected for category S waste, so I think the member's question is out of order.

Ms KEY: I do not think it is, sir, with all due respect. I want to know—

The Hon. I.F. EVANS: You asked if any of the sites are on crown land, but they have not been selected.

Ms KEY: Do we have any information at all?

The Hon. I.F. EVANS: No; the sites have not been selected, so I cannot tell the member whether they are on commonwealth or state land. They simply have not been selected for category S waste.

Mr LEWIS: A penalty will be now incurred by Western Mining and other people who are proposing not just to mine uranium but then to set about its concentration or enrichment. We have already passed a definition of 'nuclear waste' in clause 4. We have already stated in clause 7 that this act takes precedence of every other act, including the Mining Act, so the 're-elect the member for Davenport and elect a Liberal for Heysen bill', as this really is, will actually result in the government's being able to prosecute the Western Mining corporation under this clause for engaging in enrichment activity at Roxby Downs, in concentrating its yellow cake and disposing of the tailings, which are radioactive—they do not get it all—and having it fined $5 million every time. Whether or not this government would do it is beside the point; the fact is that the law is there. It relates not just to the carriage and storage of remnant material left over after creating radioisotopes for research purposes and the essential radioactive material for X-ray machines: it relates to everything. It does not discriminate against that.

So, it means that, as often as they want to charge Western Mining and as long as Western Mining continues to enhance

and enrich the level of uranium in the material which it produces and which it calls yellow cake, and disposes of the tailings into its tailings dams, it is committing an offence. I think it is sheer idiocy to put such a catch-all provision as this in law. I do not support the proposition. I will not divide on it, but I place on record what I see as the rank hypocrisy of the Liberal Party and the idiocy of what I have seen in process so far in support of this legislation. I will have more to say about it if it passes to the third reading.

Clause passed.

Clauses 9 to 13 passed.

New clause 14.

Mr HILL: I move:

Page 5, after line 36—Insert new clause as follows:

Referendum on location of nuclear waste storage facility

14. If the commonwealth government selects a site in this state for the establishment of a nuclear waste storage facility the following question mush be submitted to a referendum of electors of the House of Assembly:

> Do you approve of the establishment of a facility in South Australia to store Category S nuclear waste generated interstate or overseas?

I have already spoken in favour of this.

New clause negatived.

New clause 15.

Mr HILL: I move:

Insert new clause 15 as follows:

Public inquiry into environmental and socioeconomic impact of nuclear waste storage facility

15. If a licence, exemption or other authority to construct or operate a nuclear waste storage facility in this state is granted under a law of the commonwealth, the Environment, Resources and Development Committee of parliament must inquire into, consider and report on the likely impact of that facility on the environment and socioeconomic wellbeing of this state.

This clause is another mechanism which would come into play once the commonwealth government had indicated that it was planning to construct a nuclear waste storage facility in this state. This is a lower level provision than the referendum provision, but once again it is a mechanism that would happen and it is not something that the commonwealth could prevent. That mechanism is that the Environment, Resources and Development Committee of the parliament would be forced to inquire into the environmental and socioeconomic impact of a nuclear waste storage facility.

This is a useful provision because it would mean that, once the commonwealth makes such a decision, the ERD Committee could conduct an inquiry and take evidence from all over the state, and it would add to the publicity and help highlight the opposition to that issue in this state and, I would hope, come up with a report that would provide useful information which could perhaps affect the outcome of the commonwealth's plans.

New clause inserted.

New clause 16.

Mr HILL: I thank the minister for supporting the amendment to new clause 15. New clause 16 really relates to new clause 14, so I think that it is now redundant and I do not propose to move it.

Title passed.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That this bill be now read a third time.

Mr LEWIS (Hammond): I oppose the third reading for the reasons that I have given along the way and to simply point out that, whilst the members of the Liberal Party in this parliament have accused me of acting divisively, the Liberal government by sponsoring this legislation is clearly dividing the Liberal Party nationally. The national government has a different view, which is based on good science and public necessity. If every state passed this legislation, that would mean that we would simply have to close down all our x-ray facilities and all our radioactive isotope research activity undertaken in the name of science for purposes of improving health, improving agricultural production, identifying the locations of difficult to identify faults, and so on, in engineering and a whole range of other disciplines that depend upon the availability of radio isotopes.

For us as a parliament to say that we want the benefits but we are not prepared to accept responsibility for the disposal of the waste, when there is literally no measurable risk to anyone—none whatever—is to be utterly hypocritical: there is no other way to describe it. It is forever, then, eternally a shame on this House and this parliament if it passes such ridiculous legislation. There is not one ounce of scientific evidence from any quarter to back it up. There is no risk to human life anything like the risk that is posed by some of the idiot policies that I have seen advanced by the Premier and others in recent times, such as the oxymoron statement of safe injecting rooms, or other quaint assessments made by him and other ministers as to how to ameliorate the adverse consequences of the misbehaviour and, if you like, irresponsible behaviour of some members of society.

Why we make such a fuss about it is simply because the left internationally has succeeded in encouraging people to fear what are now well developed, highly valid scientific processes in handling and using radioactive substances compared to what they were 50 years ago, when the dangers were not widely known and not completely known. They are widely known now, and as complete as can be at this point in time, to the extent that we know how to handle the material safely. For us to have perpetuated the lie that the use of this material is the equivalent of a support for nuclear weapons, something to which I am strongly opposed (and that is what has happened in the wider society, and this legislation reinforces that mistaken view in the minds of the ignorant and the simple) is, to my mind, nothing short of criminal, apart from the fact that it is hypocritical. It is for that reason that I strongly oppose the third reading of this legislation and I oppose the legislation. It just does not stack up.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I should clarify for the member for Hammond that the Minister for Mines and Energy advised me while the member for Hammond was speaking that he had officers check the matter that the member for Hammond raised in relation to the effect on Western Mining, and my understanding of the advice from the Minister for Mines and Energy is that the bill before the House will not have the effect that the member for Hammond has outlined in his contribution.

The House divided on the third reading.

The SPEAKER: There being only one member for the noes, I declare that the question passes in the affirmative.

Third reading thus carried.

Bill passed.

STATUTES AMENDMENT AND REPEAL (SECURITY AND ORDER AT COURTS AND OTHER PLACES) BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1592.)

Mr ATKINSON (Spence): The bill is prompted by a court reporter's being taken hostage at knife point by a convict about to be sentenced in the District Court sitting in courtroom 2 of the Way building. The convict, Wayne Noel Maddeford, was a police officer who was in the dock to be sentenced by Judge David for an armed robbery in the city. Prior to the sentencing the convict had been remanded on bail. It was standard procedure to search a convict before his sentencing in these circumstances. Maddeford was asked to submit to a search but had declined to do so, and he had not been searched when Judge David entered the court at about 9.20 a.m.

At that moment, Maddeford put both hands firmly down on the bar of the dock and propelled himself over the top towards Judge David. Maddeford had a knife, which he had concealed when entering the Way building and courtroom 2. Upon landing, Maddeford stumbled and, failing to reach Judge David, took a court reporter, Mrs Jacynta Gillespie, hostage. Instead, Maddeford held Mrs Gillespie, brandished the knife and yelled, 'Back off, back off, or I will kill her.' Maddeford held Mrs Gillespie until 12.30 p.m. and then, at 1.45 p.m., he placed the knife on the bench and surrendered to police. I commend Mrs Gillespie for her bravery and also the policewoman who managed the hostage crisis.

The first thing to say about the incident is that if standard procedure had been followed Maddeford would not have been able to take Mrs Gillespie hostage. The second thing to say is that the courts have an inherent authority to tell the Sheriff and his officers to do anything necessary or reasonably incidental to court security. So, this legislation has been introduced out of an abundance of caution. The bill shall apply to courts listed and its provisions may, by regulation, be applied to other bodies such as royal commissions.

The bill allows the Sheriff and his officers to give reasonable directions to people entering the courts or on court premises. The bill permits an airport-style search, namely a non-contact search, by a scanning and a search of belongings by scanning, or otherwise. The Sheriff's officer can ask whether a person has an obligation to attend court. Obligations would include being a juror, a subpoenaed witness, an accused or a lawyer. Reasonable grounds for searching these people will not be necessary and the Sheriff's officers may frisk or search them more thoroughly for potentially harmful items but not remove their inner clothing or underwear.

A person who is obliged to attend court cannot escape that obligation by being removed from the court precinct by the Sheriff's officers or by being refused admission. I rather doubt that many lawyers will have to undergo anything more than scanning, and I think that this is sensible because their vocation sometimes requires them to move quickly between the courts in the Victoria Square precinct. I shall be disappointed if Sheriff's officers routinely require lawyers to remove clothing. In fact, the Hon. Angus Redford has suggested that lawyers may even be required to open their mouths for Sheriff's officers. If the person entering the court buildings is not obliged to attend court then reasonable grounds will be necessary for a search.

The consent of the person will be needed and, if it is not forthcoming, I would think that the Sheriff would be within his rights to refuse the person entry. Searches under the bill must be by a person of the same sex as the person being searched if it involves the removal of clothing, must be humane and must be conducted expeditiously and without humiliation. Any restricted item that is found may be maintained in the Sheriff's safekeeping. People aggrieved by searches at the courts may have their case reviewed by the Ombudsman. It is well known that, since these airport-style scannings have started at the court buildings in Adelaide, large numbers of prohibited and dangerous items have been detected and confiscated.

I would be interested if the minister could give us some details of this so that the member for Hammond could take that into consideration in deciding whether or not to support the bill. The opposition acquiesces in the bill.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the honourable member for his contribution.

Bill read a second time and taken through its remaining stages.

CREMATION BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 1645.)

Mr ATKINSON (Spence): On one of David McGowan's splendid candlelight tours of the West Terrace Cemetery, I learnt that Adelaide's first crematorium was in or near the West Terrace Cemetery. On a winter's morning the employees would struggle to get the fire going; smoke would billow over West Terrace; and, if there were a temperature inversion, smoke would blanket much of Grey ward. If other early crematoriums were like the one at West Terrace, it is no wonder the Cremation Act 1891 contained, in section 3, a right of any owner or occupier of land within 100 yards of the proposed crematorium to veto the proposal. The veto did not apply to a crematorium in a cemetery. The person promoting the crematorium proposal had to convince the Governor that he was the owner in fee simple of the site, that he had advertised the proposal in a local newspaper once a week for eight successive weeks before making application to the Governor, and that no objection had been lodged by any owner or occupier within 100 yards. Section 4 of the act deemed any cremation other than at a licensed crematorium illegal and a common nuisance. This is maintained by clause 5 of the bill and it is improved by a maximum penalty of two years imprisonment or a $10 000 fine being imposed. Section 4 of the 1891 act had no penalty provision, despite declaring unauthorised cremations illegal.

The bill before us abolishes the veto that an owner or occupier within 100 yards had been able to impose. Those who would have held a veto can now have their objections considered on their merits in accordance with the Development Act. The bill substitutes for the process under the old act an application under the Development Act which the Local Government Association regards as 'the most appropriate framework' and which would be a form of consultation that 'will adequately compensate for the current notification procedures undertaken by the government in relation to crematoria'. The government formed the opinion that competition policy also required this change.

The bill before us allows a putative spouse, like a spouse or children, to object to the cremation of the deceased, and this objection can be overcome only if the deceased left written and attested directions that his body be cremated. This clause leads me to ask the minister what the circumstances would be if the deceased had two surviving children, one being happy to go along with the deceased's oral but

unattested wish to be cremated, and the other child being horrified by cremation and wanted to ensure a burial. I am sure the minister would have an answer to that possibly quite common situation.

Under clause 8, the Attorney-General, a coroner or a magistrate may permit the cremation of the remains of a person absolutely or until the viscera have been removed into safe custody. The maximum penalty for breach of this clause will be four years imprisonment or a maximum fine of $15 000.

There is also an increased penalty for medical practitioners who allow a cremation where the cause of death is required by law to be notified to the Coroner or a police officer. The opposition supports the bill.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the honourable member for his contribution. In relation to his question, clause 7 makes clear that if a child objects it becomes a burial.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

Mr LEWIS: We in South Australia are now a multicultural society, and an increasing number of religious faiths are being practised in South Australia. Amongst certain religious faiths, particularly from the Indian subcontinent—and this is case with Muslims (and this involves not only the Indian subcontinent but also the Muslim faith)—some cultures observe, as part of their faith, the cremation of the body as quickly as possible after death. What consultation has the minister undertaken with any of those communities in the establishment of this bill? Can he also say how they are being accommodated, especially given that some of the practices of cremation in a crematorium are the anathema of what is practised by those cultures and peoples in their home surroundings?

The Hon. I.F. EVANS: I thank the member for Hammond for his question. I am advised, as the member for Spence quite rightly pointed out in his contribution, that this bill is a reflection of a result of a public consultation process, part of a national competition review. It was publicly advertised and people from all faiths and walks of life had the opportunity to make contributions. Whether anyone from the faith the member mentioned made a contribution, I do not have before me. This bill provides the opportunity for people of any faith who wish to apply through the normal development process to develop a crematoria to suit their particular religious needs. We do not foresee any issue as outlined by the member for Hammond coming to fruition under this bill. In essence it does not change the crematoria procedure in relation to the faith the honourable member mentioned from that which previously existed before this bill.

Mr HANNA: In some respects I follow on from the contribution just made by the member for Hammond. I am shocked to think that we have come up with a Cremation Bill for South Australia as a direct result of competition policy. That is macabre as far as I can see it. The thrust of my concern is that it is actually unnecessarily difficult to have a cremation, especially when one considers the sensitivity of people for whom cremation is natural and the first choice in terms of the disposal of human remains. We come from a culture where burial is the norm, but there is no scientific reason why it should be preferred. Indeed there are a lot of reasons to prefer cremation from the viewpoint of hygiene and so on. When one looks at clause 6 in particular, there are a couple of points of concern. One is the requirement for doctors' certificates, which as I understand it goes well beyond what happens for the average person who will simply be buried at their local cemetery. Why is that?

The Hon. I.F. EVANS: I will reply to a couple of issues the member for Mitchell raises. He raises the fact that we have a Cremation Bill. A Cremation Act has been in place since, from memory, 1891.

Mr Hanna interjecting:

The Hon. I.F. EVANS: The reason it arises from competition review is that running crematoria is an industry. Industries are subject to competition and as a government we have to undertake reviews of the Act in relation to national competition policy. This bill deals with the comments raised out of the public consultation process I referred to in answer to the member for Hammond.

In relation to the Member for Mitchell's comments about differences in procedure under clause 6 is a normal burial, I am advised that in the case of a cremation the body is destroyed and therefore cannot be exhumed for further examination, whereas in the case of a burial it can be exhumed. Therefore, stricter procedures need to be put in place. As the Member for Hammond rightly points out, religious considerations need to be considered. For that reason, we took the view that a different procedure needed to be put in place.

Mr HANNA: I draw attention to the requirement that there must be a certificate from a doctor who has completed a post-mortem examination of all the vital organs of the deceased. Is the minister aware how extensive an operation that is? It requires gross interference with the corpse. I understand how offensive that would be to many individuals and, possibly, to entire classes of people because of cultural practices. Is it possible for the government to consider an exemption from the requirement of a full post-mortem before allowing someone to be cremated? This concern has been raised in the public review process. Before we proceed we need to know more about concerns which have been raised by the public. At the moment we are not privy to that information in this place, and that is a concern.

The Hon. I.F. EVANS: My understanding is that this clause is similar to existing section 5(1a)(a)(ii) under the existing 1891 act, which provides:

> One medical practitioner who has completed a post-mortem examination of all the vital organs of the deceased.

I am not sure what point the member for Mitchell is driving at with his question.

Mr LEWIS: Hindus do not interfere with their corpses. They prefer to use a funeral pyre. I am not sure that modern technology allows it, although the minister has given us an assurance that it does. The point that has been made to me by many people who do not share Anglo Saxon, European or Caucasian cultural roots is that the act, as it was 110 years ago, is no longer appropriate. One of my questions is the same as that asked by the member for Mitchell. There are plenty of people, such as Hindus, who never go to a medical doctor. The definition provides:

> a person registered as a medical practitioner under the Medical Practitioners Act 1983.

Clause 6(2) provides:

> The registrar must not issue a permit under this section unless the application is accompanied by—
> (a)—

(i) certificates from two doctors (one of whom was responsible for the deceased's medical care immediately before death or examined the body of the deceased after death).

So the family has to get a western doctor, because our law says their medical treatment is inferior. That is an insult. The second thing required is a certificate from a doctor who has completed a post-mortem examination of all the vital organs. I do not know whether or not the Hindu community has been consulted, but I believe that it should have been and, if other things had not been distracting me in the past few days, I would have bothered to find out. Unlike some of the people on this side of the chamber, I do have a respect for members of the ethnic community and do not stand them up when they come to make explanations of what they are trying to do to enhance the South Australian economy and to improve trade relations between South Australian firms and the countries from which they may have come and of which they have explicit cultural knowledge.

Of course, we had quite a few people from different ethnic backgrounds here at dinner last Wednesday evening, all of whom were snubbed by the members of the Liberal Party who, to a member, simply did not bother to go. They reckoned that they had more important business to deal with at short notice. I am quite sure that it was deliberately designed to catch me at a time that was sensitive in this respect, so I repay the compliment to them right now in this manner for their insensitivity and their insult, not to me but to the people who came here to discuss those matters of great importance. Therefore, I am of the view that the Liberal Party is less than sensitive in its consideration of attitudes—

Mr Atkinson: What about Gunny and his anti-semitic remarks the other day?

Mr LEWIS: Yes, I know: some people have short arms and deep pockets, although I would not have thought that it was either appropriate or necessary to draw attention to it as though it were the peculiar characteristic of one ethnic or religious group. It does not help tolerance. Everyone talks about reconciliation, tolerance and multiculturalism and then turns around and smacks someone in the chops just because they come from a different ethnic background or different culture.

I am anxious that these provisions are still, as the minister is pointing out, simply a lift from the old act and do not really take into account what some of the differing religious groups from different cultural backgrounds might want to engage in and where their sensitivities lie, if you take the instance of two doctors having to examine a body to satisfy the law that no foul play has occurred.

There ought to be a means by which it is possible to establish a sufficient number of people, for instance, who are prepared to swear on oath that they have no reason to believe nor did they believe there was any foul play involved and that the deceased died of some pathogenesis, that is, natural causes, that the body just wore out and it was not an organism that attacked the individual. If that cannot be done, then it does not say much for our ability as law makers to demonstrate a sensitivity.

Mr Atkinson interjecting:

Mr LEWIS: People die. And some of them die just because the organs, such as the heart, wear out. Others die because they have some disease. A few die because they are murdered by one means or another, but I doubt that peoples from a different cultural background from yours and mine, I say to the member for Spence, and with different religious beliefs from yours and mine ought to be subjected to the kind of insult that the legislation puts to them in the manner in which the death of one of their loved ones has to be treated according to our law.

If there were reasonable grounds for suspicion I could understand it, but there ought to be a means by which it is possible for them to otherwise secure the right to cremate the body of their deceased family member without it having to be mutilated when there are really no grounds for suspicion and a sufficient number of people willing to testify to that fact. I therefore ask the minister why such provisions are not included in clause 6 and why clause 6 simply provides that there must be two doctors and that one doctor must complete a post mortem on all the vital organs of the deceased.

The Hon. I.F. EVANS: I understand the member for Hammond's point. The answer to his question is that the government does not view the requirement to have two doctors issue a certificate in relation to this matter as unfair on any particular group in society.

Mr Hanna: But they have to cut them up.

The Hon. I.F. EVANS: No, the provision states 'or'. It provides:

. . . certificates from two doctors (one of whom was responsible for the deceased's medical care immediately before death or examined the body of the deceased after death); or'

It does not say 'and'. So, we think there is some flexibility in the process to cater for all walks of life within society. I accept the fact that it is lifted from the current act. The fact that it has been through a public consultation process and this issue has not been raised to any great extent by various groups within the community I suggest to the member means that the flexibility in the current act, which is now reflected in the bill, provides an appropriate mechanism to deal with this issue.

Mr HANNA: The minister talks about flexibility. I am particularly concerned about clause 6(4) which appears to put an absolute bar on lawful cremation if the person has died in such a way that the death is required to be notified under the Coroners Act. Will the minister confirm that that is a reference to section 31 of the Coroners Act? I understand the situation where someone has apparently been murdered, but section 31(5) refers to a person who has been mentally ill and accommodated in an institution.

Under those circumstances, many people die but not necessarily because of malpractice. Under subsection (5a), occasionally, a person will die while flying or sailing on a ship to Adelaide. It seems that those people are the subject of mandatory notification under section 31. Does this mean that there is absolutely no way that such people can be lawfully cremated in this state? If that is so, I think that is of concern for people who, as I say and as the member for Hammond has pointed out, have selected cremation as their first choice after death.

The Hon. I.F. EVANS: The honourable member asked to which section of the Coroners Act the bill refers. It is section 31.

Mr LEWIS: I thought the minister might have referred to this, but perhaps it is the fact that there has been none. What was the response of the Office of Multicultural and International Affairs, and to what extent did it attempt to communicate with any ethnic minorities which have cremation as an accepted practice?

The Hon. I.F. EVANS: I do not have that information before me. I am happy to source that and provide advice to the member for Hammond.

Clause passed.

Clauses 7 and 8 passed.

Clause 9.

Mr LEWIS: What does the minister believe is likely to be contained in the regulations?

The Hon. I.F. EVANS: A guide to the type of regulation that might be contemplated under this bill, assuming it passes, would not be dissimilar to those which exist under the current cremation regulations of 1994. I will not read them all, but they are basically to do with things such as the nature of the certificates and the forms that are required; the tagging and marking of the body by the medical practitioner; the regulations in relation to coffins; the removal and disposal of name plate, etc., from the coffin before cremation; and disposal of cremated ashes. Those matters are currently in the cremation regulations, and it would not be dissimilar under this bill.

Clause passed.

Title passed.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That this Bill be now read a third time.

Mr LEWIS (Hammond): It is evident to me that the government has not widely consulted among the ethnic minorities and has really made no attempt to discover what the attitude of those people in the communities who, however small in number they may be, nonetheless have practised cremation as the means by which they dispose of their dead. The fact that the minister needed to consult with the adviser about those matters indicated to me that a simple and basic understanding of the legislation was not something that the minister had bothered to gain.

It strikes me, equally, that the government did not give much consideration to it in cabinet. It is quite clearly, then, an indication of the level of disdain which the government has for people who do not share cultural practices and ethnic origins with those who are likely to be affected by this legislation where they, as a matter of tradition and preference, practise cremation.

Mr HANNA (Mitchell): It may sound like I am echoing the sentiments and thoughts expressed by the member for Hammond, but it happens that my analysis of the bill is very much the same. I believe it is contemptuous of the minister to treat communities within South Australia that prefer cremation to physical burial of the body by coming into the House and dealing with this bill without being familiar with those wishes. It is not good enough for the minister to say that there has been a public consultation, yet not be able to supply us with any scrap of detail of that consultation. It makes a mockery of the process, and it is not good enough.

The Hon. I.F. EVANS (Minister for Environment and Heritage): In relation to the member for Mitchell, I have made an observation previously and I will make it again. No doubt the Labor Party went out and consulted on this bill, but the member for Mitchell has not presented one scrap of evidence to this House tonight—

Mr Hanna: It's your bill.

The Hon. I.F. EVANS: The Labor Party would have consulted. That is the very reason that debate on the bill was adjourned—so that it could consult.

Mr Hanna interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: The member for Mitchell has not brought any consultation evidence before this House in relation to the bill, nor has he chosen to move an amendment.

Bill read a third time and passed.

PETROLEUM BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

Schedule of the amendments made by the Legislative Council

No. 1. Page 9 (clause 4)—After line 5 insert the following:

'department' means the department of the Public Service assigned to assist the minister in the administration of this Act;

No. 2. Page 9 (clause 4)—After line 14 insert the following:

and

(e) the amenity values of an area;

No. 3. Page 9, line 18 (clause 4)—Leave out 'at a temperature exceeding 200 degrees Celsius' and insert:

which is extracted or released by a means other than as part of the production of a naturally occurring underground accumulation of a substance.

No. 4. Page 9 (clause 4)—After line 18 insert the following:

'GST' means the tax payable under the GST law;

'GST component' means a component attributable to a liability to GST;

'GST law' means—

(a) A new Tax System (Goods and Services Tax) Act 1999 (Cwth); and

(b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods and services;

No. 5. Page 26, lines 32 to 36 and page 27, lines 1 to 4 (clause 43)—Leave out subclauses 6 and 7 and insert new subclauses as follow:

(6) The value at the well head of a regulated substance is a value calculated by subtracting from the price (exclusive of any GST component) that could reasonably be realised on sale of the substance to a genuine purchaser at arms length from the producer all reasonable expenses (exclusive of any GST component) reasonably incurred by the producer—

(a) in treating processing or refining the substance; and

(b) in transporting the substance from the well head to the point of delivery; and

(7) The value at the well head of geothermal energy is a value calculated by subtracting from the price (exclusive of any GST component) that could reasonably be realised on sale of the energy to a genuine purchaser at arms length from the producer all reasonable expenses (exclusive of any GST component) reasonably incurred by the producer in getting the energy to the point of delivery to the purchaser.

No. 6. Page 37—After line 31 insert new clause as follows:

Mandatory condition about resources required for compliance with environmental obligations

74A. It is a mandatory condition of every licence that the licensee must have adequate technical and financial resources to ensure compliance with the licensee's environmental obligations (including the rehabilitation of land adversely affected by regulated activities carried out under the licence).

No. 7. Page 45 (clause 94)—After line 10 insert the following:

and

(c) ensure that land adversely affected by regulated activities is properly rehabilitated.

No. 8. Page 47 (clause 99)—After line 4 insert new subclause as follows:

(1A) One of the environmental objectives must be the rehabilitation of land adversely affected by regulated activities.

No. 9. Page 47, lines 6 to 8 (clause 99)—Leave out paragraph (a) and insert:

(a) may provide for and, for high impact activities, must provide for a report or periodic reports (to be obtained by the minister at the expense of the licensee) from an independent expert on the environmental consequences of the activities; and

No. 10. Page 49, lines 11 and 12 (clause 105)—Leave out paragraph (d) and insert:

(d) a copy of every current statement (or revised statement) of environmental objectives approved under this act and a copy of the environmental impact report on which the statement is based; and

No. 11. Page 49, lines 18 and 19 (clause 106)—Leave out ', on payment of the prescribed inspection fee,' and insert:

, without fee,

No. 12. Page 49 (clause 106)—After line 20 insert the following:

(2) The Minister must ensure that copies of material on the environmental register can be purchased for a reasonable fee at the public office, or public offices, at which the register is kept available for inspection.

(3) The Minister must ensure that the environmental register can be inspected at the department's website.

No. 13. Page 49 (clause 107)—After line 36 insert new subclause as follows:

(5) If a direction is given under this section, the Minister must review the adequacy of the relevant statement of environmental objectives and, if it appears on the review that a revised statement of environmental objectives is necessary to prevent continuation or recurrence of undue damage to the environment, the Minister must take the necessary steps to have a revised statement of environmental objectives for the relevant activities prepared and brought into force.

No. 14. Page 52, lines 11 and 12 (clause 115)—Leave out ', on payment of the prescribed inspection fee,' and insert:

, without fee,

No. 15. Page 52 (clause 115)—After line 13 insert the following:

(2) The Minister must ensure that copies of material on the public register can be purchased for a reasonable fee at the public office, or public offices, at which the register is kept available for inspection.

(3) The Minister must ensure that the public register can be inspected at the department's website (but is not required to have available for inspection on the website material that was included in the register before the commencement of this Act unless the Minister has the material in the form of electronic data).

No. 16. Page 54 (clause 122)—After line 23 insert new subclause as follows:

(3) As soon as practicable after the completion of an authorised investigation, the Minister must have a report on the results of the investigation prepared and laid before both Houses of Parliament.

No. 17. Page 56, line 1 (clause 125)—Leave out subclause (2) and insert:

(2) The advisory committee will consist of people with experience relevant to the questions the committee is to consider.

No. 18. Page 56 (clause 125)—After line 1 insert the following:

(2a) A person who is a member of the department, or who has a direct or indirect interest in a licence in force under this Act, is not eligible for appointment to an advisory committee.

No. 19. Page 57 (clause 133)—After line 34 insert new subclause as follows:

(3) A note of each decision to extend a time limit under this section must be included in the public register.

Consideration in committee.

The Hon. W.A. MATTHEW: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

ELECTRICITY (PRICING ORDER AND CROSS-OWNERSHIP) AMENDMENT BILL

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

The SPEAKER: As there is not an absolute majority of the whole number of the members of the House present, ring the bells.

A quorum having been formed:

The House divided on the motion.

The SPEAKER: There being only one vote for the noes, the motion is carried.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I move:

That the adjourned debate on the bill be now resumed.

Motion carried.

Mr FOLEY (Hart): I rise tonight to speak on the Electricity (Pricing Order and Cross-Ownership) Amendment Bill, a bill that is the result of bungling by government. I would like to be able to attack the government viciously now for trying to get this legislation through at 2 a.m. as some attempt by government to cover up its embarrassment, but to do so would be a little unfair, given what has occurred over the past six or seven hours in this place with other legislation. I have to say that I will not be able to live up to the high standard of my normal articulate, well considered and thoughtful speeches. I will try, but it is difficult for me to develop a theme for a vicious onslaught against the Treasurer.

Obviously, I have already spoken about this, but it is encouraging when the gallery fills with advisers; as the ministerial advisers come to hear me speak, it reminds me of the days when I used to sit up there, when I was told there were no problems with the State Bank. That was always the spin. Trust me: whenever the Premier's Office tells you that it is not really a problem, you know there is a big problem; that is just a spin. Tonight I want to touch briefly on why we are here.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Of course, my colleague the Hon. Paul Holloway in another place questioned the Treasurer at some length on this issue. I have also been the recipient of a degree of advice, and I have to say that Rob Lucas enjoys the spirit of political fights and stoushes and is always quick to get stuck into me and others with a tad of arrogance—but I mean that in the nicest possible way. But I have to say that it was with great pleasure that I sat in the Treasurer's office and he was ever so humble and ever so embarrassed by this enormous blunder that has shattered once and for all the aura that has hung over the Treasurer as the 'teflon kid', as many call him. The aura is gone: he is but a mere mortal minister prone to making blunders. So, he fits neatly in the front bench of this government as a minister more prone to blunder than to delivering good policy.

Members interjecting:

Mr FOLEY: The member for Unley, out of his seat, asks, 'Why are we here?' We are here because his colleague and his numbers man, Rob Lucas, made a serious error; a serious blunder. And, of course, when caught out by this blunder, he attempted to give the impression that there was some complicated formula and that an error had been made in that formula, and he paraded this great big sheet and all this algebra and formula, and whatever, trying to give us the spin that this was such a complicated formula that errors were quite obvious. But the reality is, when I had a look at the error, it came to me as easily as a snap of the fingers. I detect some scepticism from the other side, and a little bit behind me. I think that parliament should be encouraged that someone who aspires to be the Treasurer of our state could pick the error like that—and I did not have $90 million worth

of consultants backing me up. The error was that someone, on a simple calculation, forgot to put 'plus CPI' (for those opposite, that is inflation), and it was simply missed. As I said, it came quickly to me.

Members interjecting:

The SPEAKER: Order! The night is getting on.

Mr FOLEY: The member for MacKillop asks why did I not pick that up in the third reading. It is unfortunate that Switch Williams from—

An honourable member interjecting:

Mr FOLEY: The reality was, of course, that it was the electricity pricing audit that the error was in, not in the legislation itself. The error was so basic that I suspect the Minister for Education would be very disappointed if perhaps year 11 or year 12 students at high school were to have omitted such an obvious piece of important addition to the formula.

An honourable member interjecting:

Mr FOLEY: It was just a basic error; that is the point I am making. I do not want to go into too much technical detail, because I know that it would be above most in this chamber. I would be wasting my time trying to explain the error, because it would be simply too hard for most, if not all, members opposite. I do not intend to embarrass members opposite by talking in detail about the error only to see their eyes glaze over as they simply do not understand the issues. And it is not for me, at the end of the day, to educate the government. If the Treasurer is not prepared to educate his members, it should not be for me to educate them. Once the error was discovered by the government, it was very slow to correct it, and I understand—

Mr Venning interjecting:

Mr FOLEY: If rumours are correct, the Treasurer was very brief on detail to his caucus colleagues, and the reality is that he was very late in telling cabinet. We all saw the spectacle of ministers who were stunned and shocked at the revelations that the opposition delivered to this parliament last week, as they were clearly not aware of the magnitude of this problem. The government has attempted to say that this was but a small problem.

I did the right thing. I spoke to the companies involved and I had interesting conversations with AGL. It did not think it was a small error. Indeed, it was very annoyed by it, notwithstanding the fact that it would have benefited from the error. It was an error of some substance and the opposition quite rightly highlighted that, and the community of South Australia was dumbfounded that a government with such a high level of expertise on call could make such an obvious error.

The Hon. M.K. Brindal: You have got unlimited time.

Mr FOLEY: Exactly, and I am warming up. I am on a roll. My colleagues are enjoying and learning much from my contribution. As an opposition member who has copped many lectures from the government about errors that might have been made by former Labor governments, it was with some degree of amusement that I noted that this government made such an error. I could go on but my preference is not to go on. My preference is to take the advice of the Deputy Premier just a week ago when he suggested that we should not work too hard and that we should take it easy and get lots of sleep. If I do not finish soon, sleep could be but a memory.

I conclude with these few remarks. The government has to understand that an error was made, but the opposition was quick to assist the government in fixing the problem. Yet again in a display of absolute bipartisanship, in the interests of the state, we as an opposition acted swiftly, responsibly and diligently. We did not overstate the problem and we did not attempt to play politics with the issue. We acted in a responsible, controlled manner and we did not attempt to make political capital out of the government's error. We simply attempted to give the community the right perspective. That was our role.

The government buckled under serious pressure and convened a meeting of the parliamentary joint committee, of which I am a member, to hear from the Auditor-General. That is an in-house meeting. The Auditor-General felt that the bill did not go far enough and that we needed some further amendment to the bill to make sure there was no possibility of getting sued by any other parties. I am pleased that the government saw sense in supporting the opposition's view that we should support the Auditor-General. I was criticised—

The Hon. M.K. Brindal: Who would criticise you?

The SPEAKER: Order!

Mr FOLEY: The Treasurer seemed a tad miffed that some of the discussions in the joint committee became public very quickly and I think he was trying to suggest that I leaked some of those details. That was an outrageous suggestion. I did not leak the information: I walked straight out and told the media. I did not do it in an underhand manner because—

Mr Venning: Was that against standing orders?

Mr FOLEY: No, it was not against standing orders. The joint committee met so that, importantly, the opposition could hear the Auditor-General's views. Having heard his views and advice, we formulated our position. The advice of the Auditor-General quite appropriately needed to be in the public arena, and that is simply what I did. I said that it was a constructive meeting and that the Auditor-General felt that the legislation needed to go further. I thought that was a sound recommendation. Again in the spirit of true bipartisanship and not wanting any misrepresentation of that meeting to occur in the public arena, I simply told the media. What I have to say is that—

The Hon. M.K. Brindal interjecting:

Mr FOLEY: Of course, I was the first out of the meeting, but I do not shy away from that. I do not feel embarrassed by that, nor do I feel that was a breach of any trust: it was not. The Treasurer knew all along that we were going to make known the views of the Auditor-General, because that was going to be our position in this place. It should be noted from that meeting that much of what was said I have not made public. Much was said by the Treasurer in that meeting that would have been very juicy information for the media. I am a responsible member of that committee and I did not want to add to the Treasurer's woes: I did not want to delight in the difficulties facing the Treasurer, because that would not have been—

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert has had a fair go. It is 10 past 2 in the morning: I ask him to be silent.

Mr FOLEY: That just would not have been the right thing to do. I kept a number of things which were said in that committee confidential and I will continue to do so, because that is the sort of bloke I am. It needs to be put on the *Hansard* record for anyone reading this contribution that it is being made at 2.10 a.m.: just in case anyone is wondering why my speech is a little lighter than it might normally be, a little less aggressive and a little shorter, it is because we have important legislation to debate tomorrow. I do not want

members to be unduly frazzled in the morning, because we have to come back and battle tomorrow.

This has been a sorry chapter in the State's history. It is without doubt the beginning of the end of the Liberal government. The confidence of the community is shattered. It is a government no longer able to talk the talk or walk the walk when it comes to financial management and proper process within government. To the consultants who made the error, whoever they might have been—the highly paid consultants, be they from Sydney or wherever—no doubt they have copped a fair amount of criticism from the government: I certainly hope that has occurred. It is a pity that they have not been officially named publicly, although it is perhaps pretty obvious who they were.

Ultimately, it will be for the government to be judged by the electorate as to how well it has managed the issue. I only hope—and I mean this with all sincerity—that there are no other errors in the electricity pricing order, the contract or the final privatisation processes, because I really would not want to be in a position where I had to come back into this chamber or front the media, dissect the mistakes of government and have to put the issues in the right perspective in the public arena. I honestly hope I do not have to be put in that position but, should I find myself in that position, the government can be rest assured that I will fulfil that role in my normal diligent, balanced way.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: The poles are turning, yes: you can but wish, member for Bragg. The opposition will support this piece of legislation. We do so because that is the right thing to do, but we should never have been debating this bill in this House. The government should hang its head in shame: and it was pretty poor form from the Treasurer. What it probably does mean is that the Governor of South Australia has many a late night as he wonders just when the Premier will come a knocking to tell him: 'Gov, it has all got too hard. I resign my commission.'

Mr LEWIS (Hammond): As all members know, this was the cock-up that cost me my membership of the Liberal Party because I dared to draw attention to what the Liberal Party has always said was its immutable commitment to the principle of Westminster ministerial accountability: that is, if a minister makes a mistake, the minister must resign, especially if it is a mistake of such material substance.

If the minister will not resign, then the chief minister, whether it is the Prime Minister or the Premier, should sack that minister and, if the Premier or Prime Minister does not sack the minister, then, quite properly, the Prime Minister or Premier should go. I note, of course, that my federal colleagues in the Liberal Party back in the late 1960s were not expelled from the parliamentary party room for drawing attention to the cronyism and incompetence of John Gorton. I know that Edward St John was vilified, but Malcolm Fraser went on to become a Liberal Prime Minister, and he had quite a substantial hand in removing John Gorton.

I have read the speeches made at the time on several occasions in the intervening 30-odd years, so that I have understood exactly what was argued, and I have argued nothing other than that. The legislation that we have before us would not be necessary if the minister, the Treasurer (Hon. Rob Lucas), had not been a duffer.

Mr Foley: If he had not been what?

Mr LEWIS: A duffer.

Mr Foley: A duffer?

Mr LEWIS: Yes; that is what we call kids who cannot get their arithmetic right.

Mr Foley interjecting:

Mr LEWIS: That's what my primary school teacher used to call me.

Mr Foley interjecting:

Mr LEWIS: Well, I have heard the member for Florey talk about his mosquito-catching techniques and seen him demonstrate them in this place.

Mr Foley: The member for Hart.

Mr LEWIS: The member for Hart, yes.

Mr Foley interjecting:

Mr LEWIS: That is what I have always thought was the mosquito catch. In any case, quite clearly, the Treasurer was not alone. He had $90 million worth of company, or some such, in getting this measure right the first time around, but he did not do so. Notwithstanding the geese that he has got on ERSU, as we discovered they were when we were trying to get information from them over the Pelican Point power station—

An honourable member interjecting:

Mr LEWIS: They are good at honking but not much else.

Mr Foley: They are good at what?

Mr LEWIS: Honking—long necks and loud noises that do not make sense to anyone, not even those who speak in tongues. But also that bunch of highly paid, incompetent people called consultants, Morgan Stanley—

Mr Foley interjecting:

Mr LEWIS: Alex and Geoff Anderson are part of ERSU; I have already dealt with them.

An honourable member: They were honking together.

Mr LEWIS: They were honking together but they were sterile: they could not lay anything, leave alone a golden egg. They just were not in the same world as we were. They did not care about being accountable for their decisions, and they did not have any respect whatever for parliament. Indeed, Ms Kennedy claimed that she spoke for the minister on all matters, so I do not know whether he speaks for her. But one or other or both of them had a finger in making the mess that we have here, and neither of them has had the guts to own up to it in any realistic context.

Mr Foley interjecting:

Mr LEWIS: I reckon that she ought to repay the lot that she has been given, and so should everyone who was involved in it. You would not have any financial institution anywhere allowing its senior management executives, or the CEO himself, make a $20 million blunder in a contract arrangement formula and get away with it. He would be out the door without his car keys before his feet could touch the ground. He would not have time to wet his pants.

Mr Hanna: This mob got a bonus instead.

Mr LEWIS: Indeed, for being so successful, and what a success we have got. I am amazed that the Premier sees it so light-heartedly when I know for a fact that the international financial community took it very seriously and very hard. These are their words and not mine, and that is where I got the expression 'a bunch of cowboys'; 'What are you?' When an international banker is telling you that, you begin to wonder about the reputation you have as an entity, particularly as a state, in the international community where for so long the mistake was known. What they tried to do was hide it by writing it out in contractual forms in some way or other only to finally decide that was not going to be possible and so it would be necessary for the House of Assembly on 13 July to be sitting in continuous session for over 12 hours. It is now

12 hours and 20 minutes since we began question time yesterday—21 minutes. It does not augur well for us.

I have heard members on both sides of this place talk about the stupidity of trying to pass legislation and understand what it means after midnight. I have always been willing to work after midnight as much as I am willing to work before midnight. I am equally willing to listen to the level of insight and understanding that the member for Hart seems capable of demonstrating. I will leave it to others to interpret precisely what that is subjectively member by member. I do not know that his mosquito catching technique is really the means by which insight can come to his mind as to what it is this legislation really means.

The main concern I have with the legislation in particular, not only the reason why we are here debating it, is that I have always said it is wrong because it leaves the substance of the measure to regulations to be published in the *Government Gazette*. So members do not get to scrutinise that. They do not have time to do so. Consequently they delegate the authority to a minister who, in turn, delegates it to someone else—in this case there is no doubt about the fact that there were consultants involved—and they are not accountable. Given that the minister chose the consultants, and given that the minister and the cabinet arranged the contract and signed off on the contract, then the buck stops there.

Mr Foley: The whole lot should resign.

Mr LEWIS: Yes, its a bloody disgrace. In any case my former colleagues are all very happy to be wrapped up in the same bundle with that and forever shame themselves and the rest of the lay party members in the Liberal Party organisation as a result of the decision they took by simply saying, 'You've got it wrong, Peter. It's your fault that we are in trouble, not the Treasurer's fault. It is your fault that we are in trouble, not some other minister's fault.' I will not stray from the substance of the bill to refer to the other numerous occasions there have been on which ministers have screwed up and been allowed to simply go on being ministers.

The Hon. M.K. Brindal interjecting:

Mr LEWIS: I do not know. I would say to the member for Unley if I was Minister for Water Resources and releasing hundreds of millions of litres of water to flush sand out of the mouth of the Murray I would know how much it was I had allowed to be released from the storages to try to do that.

The SPEAKER: Order! Could I ask the member to come back to the bill please.

Mr LEWIS: I certainly can sir, quite happily. I was only helping the member for Unley understand what I meant. In any case in this instance what we have done is put the substance of the legislation into regulations and we do not get to debate them. They are meant to be examined by the Subordinate Legislation Committee. That, however, missed the mistake presumably.

I want to draw to the attention of the member for Hart and other members who may be interested in clause 10A(b). Section 35 (10) of the Electricity Act provides:

(10) The Treasurer must-

(a) send a copy of an electricity pricing order to each licensed entity to which the order applies; and

(b) ensure that copies of the order are available for inspection and purchase by members of the public.

That is a direct restatement in clause 10(ab)(i) and (ii). I wonder whether or not that is tautological. Why was clause 10 left there along with clause 10(a)? Is it only to include the provision that the minister is drawing attention to—and I am talking about the Treasurer and not the minister at the bench, although he has the ignominious responsibility of dealing with it—because it says pricing order at page 147 of the *Gazette* of 11 October 1999. Paragraph (a) provides:

Despite subsection (7), the order is varied as proposed by the Treasurer by notice published in the *Gazette* of 28 June last, on page 3 397.

That is varied by saying the same thing as clause 10 provides. I cannot understand why it is necessary to put clause 10(a) in there. Why did we not simply incorporate that into clause 10 itself by repealing clause 10 and reinserting it? Anyway, I guess that might have been out of fear that, having repealed clause 10, the committee might decide not to insert a new clause 10 and, therefore, would end up with another mess in the legislation.

I am again distressed to find that there is no reasonable explanation of why the wording is a duplicate of a clause that is already there when we are proposing to amend it by including that again. I hope the minister can give me an explanation to that. I am sure he can; he is normally a fairly well informed fellow. He certainly has the brains to do it. I would be interested to hear his explanation of it. I also do not know why it is necessary for us in this legislation to redefine 'the Crown' when in fact that has already been defined elsewhere in legislation. The Acts Interpretation Act contains a definition of 'the Crown', and that is what is relied upon elsewhere in the principal act as to be found in clause 5 where it points out that the act binds the Crown.

I am particularly interested to make that observation in clause 5 because, whilst it binds the Crown, it does not impose a penalty on the Crown. Of course, it never does, because if anything goes wrong with the Crown the penalty that is usually paid is that the minister resigns. That is why there is no penalty for the Crown; the state Treasury cannot fine itself. Under the Westminster convention the penalty is that, if there is some blunder—that is, an offence against the provision—the minister resigns, or he or she is sacked by the Premier or the Prime Minister in the case of the federal parliament. That did not happen.

So offences against the provisions of the legislation and against the convention have already been committed, and that is what takes us the time here tonight after a lot of angst. It was not I who made the cock up or caused the embarrassment to the Liberal Party, yet I am seen to be the person who has to go as the sacrificial lamb, regardless of the fact that I have only restated what has been the Liberal Party's long-held and publicly stated opinion of its values. I know the Labor Party has long since deserted those. Several ministers in Labor governments from 1982 to the present time were guilty of no less serious offences than this and some of them more serious. However, I thought that we stood for something, 'we' including me as a member of the Liberal Party, as I was at that time. I know that the Liberal Party does not, but I still do.

Mr WRIGHT (Lee): This is a very sad state of affairs and the members for Hart and Hammond have explained it very clearly. It is a major disappointment when we have a bill of this significance having to come into the House after all that the government has told us about its privatisation. Is it not sad that after $90 million or thereabouts was spent on consultancies they still could not get it right? The member for Hart not only got it just like that when he went through it, but after he explained it to us at caucus, we got it like that as well. It was a very simple mathematical solution that was

there for all to see and the member for Hart certainly explained it in great detail when he took it through caucus.

It is most disappointing that the government, with all the time, resources and money it has spent on consultancies, has wasted so much money as a result of the process it has put in place. I will echo a few comments for the member for Hammond, who undoubtedly can speak for himself—and I am sure he will continue to do so in a very fulsome manner. The Liberal Party espouses how its members can speak freely and can do as they like; how so much different it is from the Labor Party in allowing its members to speak on issues, to do certain things, to be open and frank; and how great this gulf is—this great difference that exists—between the two major parties when it comes to Liberal members being able to speak openly, freely and honestly. Yet, of course when the member for Hammond made a few sobering comments about the government's and the Treasurer's performance in this area they turn around and sack him from the party of which he has been a member in this parliamentary—

The SPEAKER: Order! I ask the honourable member to come back to the bill.

Mr WRIGHT: —forum for 21 years. This government has failed the state once again. It has failed the taxpayers once again. It is another example of this government being sloppy in its delivery, sloppy in its presentation and sloppy in the work it brings into this chamber. This government has for so long tried to promote its ability in this chamber to run things economically, saying that they are great business managers. All of that is now well and truly out the window. Their reputation has been shredded as a result of this. It is a glaring example of a government not being able to get its legislation correct, of not being able to get a simple mathematical formula right. Its whole ethos on privatisation, on being able to get it right, has been shot down in flames. If that is not bad enough, what we have compounding all of that—

The Hon. D.C. Wotton: Very good.

Mr WRIGHT: Thank you—the more you interrupt the longer I will speak. We have that compounded by a government that has spent some $90 million on consultancies. That is a major disappointment. It clearly has been a waste of money and this government stands condemned for it.

Mr HANNA (Mitchell): Here we are doing the graveyard shift, having just debated the Cremation Bill, about which I expressed grave concerns—and the minister certainly got burnt on that one! I also have grave concerns about the government's handling of this issue. Having discovered the shocking mistake in the electricity contract, we find out that the consultants who are responsible, together with a minister of the Crown, have made a terribly bad mistake and we are left with the mess which this bill seeks to correct.

I highlight clause 4 of the bill because that expression of total exclusion of Crown liability in relation to the mistake is really the signed confession of the minister and of the Premier that they have made such a bad mistake. We did not hear it properly in the parliament or in the media. Neither the Premier nor the Treasurer was man enough to say, 'This is a bad mistake. We are going to do what we can to claw money back from those people that we gave performance bonuses to.' This clause, excluding Crown liability totally, is the confession of guilt. As the member for Hammond has already clearly pointed out, it is the Treasurer who must take it on his chin; but he has not resigned in accordance with Westminster traditions. Therefore, it is the Premier who also stands condemned, as does his whole government, for the handling of this mistake. Given that it is nearly 20 to 3 in the morning—and like many others here I started work at 8 o'clock the morning of the previous day—I think that will do as far as criticism goes. It is probably better to be brief at this hour of the morning, Mr Speaker.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): The Treasurer in another place has admitted that he takes full responsibility for the mistake that was made. This bill corrects those mistakes and I thank the opposition for its support of this bill.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT

At 2.39 a.m. the House adjourned until Wednesday 12 July at 2 p.m.